United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *114th* CONGRESS, FIRST SESSION

Vol. 161 WASHINGTON, TUESDAY, NOVEMBER 3, 2015 *No. 163*

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. KELLY of Mississippi).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 3, 2015.

I hereby appoint the Honorable TRENT KELLY to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2015, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

ADA EDUCATION AND REFORM ACT OF 2015

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, Doughnuts to Go is a small, family-owned shop in California managed by Lee Ky. Like any small business, its success depends on the hard work and grit of the folks who own it.

Lee's success was threatened in 2012 when Doughnuts to Go was sued by ADA trolls for alleged violations of the Americans with Disabilities Act. The lawsuit alleged minute violations, including—get this—a mislabeled table, door handles that were off by a few centimeters, and the trash can in the bathroom was in the wrong place.

Lee was surprised by this lawsuit, especially because she is disabled herself. Lee is confined to a wheelchair and runs her store that she believes is ADA compliant. Lee was targeted by a serial plaintiff who never set foot in the store and who also sued nearly 80 other businesses in the area.

Unfortunately, Lee's not alone. Mr. Speaker, there is a whole industry made up of people who prey on and strong-arm small businesses in order to make money off of ADA lawsuits. To these trolls, it is about making money, not helping the disabled get access to businesses.

In 1990, the Americans with Disabilities Act was signed into law. Now, after 25 years of progress and advancement, the integrity of this landmark legislation is being threatened by a handful of lawyers and plaintiffs.

The vast majority of businesses strive to serve their customers to the best of their ability, relying on the ADA as another tool to help ensure that customers with disabilities can enjoy the services they provide. Most of these businessowners believe they are compliant with the ADA. Their businesses have even passed local and State inspections. However, despite their best attempts, certain attorneys and their pool of serial plaintiffs look for minor, easily correctible ADA infractions so they can file a lawsuit and make some cash off, I believe, the disabled.

Faced with the threat of a lawsuit for minor infractions, small-business owners find themselves in a dilemma. They have few choices: settle out of court or spend time and money to go through the legal process. This becomes a lose-lose situation.

At face value, these drive-by lawsuits are an easy way for both greedy plaintiffs and attorneys to make a quick buck. In many cases, a single plaintiff signs onto multiple cases, alleging violations at businesses and properties where the plaintiff has never set foot. In California, for example, one serial plaintiff filed over 250 separate lawsuits. Another individual filed more than 800, and a third nearly 1,000. Some of these lawsuits are filed by plaintiffs that never have been in the business or even live in the State. The abuse is obvious.

Unfortunately, these lawsuits are on the rise nationwide. In 2014 alone, there was a 63 percent increase in ADA lawsuits for businesses open to the public, with more than 4,000 individual cases making their way to Federal courts.

What's more is that local and State courts across the country are finding themselves inundated by these drive-by lawsuits, and some have created special rules to deal with the sheer volume of these cases. Because of this, State legislatures have begun to take action.

The Texas State Legislature has already filed steps to curtail these practices. The ADA, however, is Federal law, and as such, Congress must remedy this harmful practice of drive-by lawsuits targeting small businesses.

This is why I am introducing the ADA Education and Reform Act of 2015, H.R. 3765. This legislation will provide businessowners with an opportunity to remedy the alleged ADA infractions before being saddled with legal fees. Businessowners will have a 120-day window when given notice by the plaintiff to make any necessary public accommodation corrections and update their business. If the businessowner fails to correct the infractions, the plaintiff retains all of their rights to pursue legal action under ADA. This legislation restores the purpose of the ADA, which is to provide access and accommodation to disabled Americans, not to fatten the wallets of ADA trolls.

So I recommend to the House of Representatives that they sign onto this

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legislation, because the goal of this legislation is to make all businesses comply with the ADA, Mr. Speaker, not to be a cash cow for litigants that have never set foot in a Doughnuts to Go.

And that is just the way it is.

TRANSPORTATION BILL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, I started last week in Dallas, Texas, working with people across the country, but especially from Texas, dealing with transportation needs and their requirements for balanced transportation by pedestrians, streetcar, and especially light rail. Dallas has the most extensive light-rail system in the country. I ended my week in New York City, in Brooklyn, where this vast sprawling economic engine, home to 20 million people in the metropolitan area, was dealing with their transportation needs.

Virtually all of these people, whether from Brooklyn, Texas, or around the country, are in agreement with what they need going forward, an important part of which is a renewal and strengthening of the Federal transportation partnership.

I was pleased to see that we are moving ahead with discussion of the basic framework produced by our friends on the Transportation and Infrastructure Committee. I commend Mr. SHUSTER and Mr. DEFAZIO for producing a bill that is quite strong under these difficult circumstances. It does preserve the basic framework and continue to make improvements not just around the edges. There are potential breakthrough provisions in technology in transportation that could truly be transformational.

It is disappointing, however, that the bill flatlines important bike and pedestrian funding, something that is vitally needed in Houston, Indianapolis, Seattle, here in our Nation's Capital, in suburban Maryland, and communities all across the country.

The lack of balance in this transportation funding is unfortunate. But I am hoping, through the amendment process and the work between the two Chambers, if it proceeds, that we will be able to correct it.

The basic problem is, of course, we continue to tiptoe around the obvious solution to our transportation funding crisis. Our transportation partnership is compromised with our State, local, and private sector partners because we pretend that we can meet 2015 transportation needs with 1993 dollars, the last time we raised the gas tax. The refusal to do what Ronald Reagan did in 1982 and the refusal to do what six red Republican States have already done this year—Idaho, Utah, Nebraska, Iowa, South Dakota, Georgia—raising the gas tax, creates unnecessary difficulties.

The majority of States have raised their revenues over the last 4 years for transportation, and a review of the politicians involved with making these decisions found that those who voted for the revenue increases were actually reelected at a higher percentage than those who voted ''no.''

This bill is a well-intended statement with good structure and innovation; but until we have meaningful, long-term, predictable funding, it is only a well-intended statement. We continue the uncertainty that bedevils people at the State and local levels; and the big projects—multistate, multimodal, multiyear projects—need certainty.

The minor cost increase of a few cents per day for families would be offset by the dramatic plunge in gasoline prices and offset even more through the cost to families for damage to their vehicles of over $500 a year now because of poor road conditions and almost $1,000 a year lost due to congestion. These are real costs that we are inflicting on American families every day unnecessarily.

Raising the gas tax and providing stable, meaningful funding for transportation will create millions of family-wage jobs all across the country while we get America unstuck and strengthen communities large and small.

Mr. Speaker, one of the positive elements in this bill that we are discussing is Vision Zero, which asks us to plan for a world where there are no traffic fatalities, a goal that is so important to strive for as we continue to kill 32,000 people a year on our highways and countless more who are injured.

Setting our goal high with Vision Zero is the sort of bold step we need, but we should not have a Vision Zero for new revenue. That is not bold. That is not courageous. That doesn't get the job done.

I look forward to this debate over the next couple of days. I look forward to having Members of Congress consider their alternatives. What are they going to do to make sure we can rebuild and renew this great country?

This used to be an area of tremendous bipartisan cooperation, leadership, and accomplishment for Congress. I hope it can be so again as we turn to transportation this week. The American public would welcome such a development, and certainly they deserve it.

WASTE OF TAXPAYER MONEY

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, I continue to be amazed and disappointed that the Republican Party wants to keep putting money in a black hole. The black hole is known as Afghanistan.

The story broke yesterday that the Pentagon spent $43 million on a single natural gas station in Afghanistan when it should have cost no more than $300,000. The Pentagon spent over $30 million in overhead costs to build this one gas station, and the gas station was set up to service a kind of car that a huge majority of Afghans cannot afford. The Pentagon also will not answer any questions about this ridiculous waste of money.

The $43 million gas station is one of the hundreds of examples of the waste of the taxpayers' money in Afghanistan. John Sopko has repeatedly written about the waste in Afghanistan. I don't know why Congress has continued to fund the waste and fraud in Afghanistan.

Instead, last week, Congress passed a budget deal that increased defense spending over the next 2 years by over $80 billion a year. I did not vote for this bill. We already have a national debt of over $18 trillion, and I cannot, in good conscience, vote to add $1.5 trillion to the debt.

The budget deal also puts $59 million into the Overseas Contingency Operation fund, which is a slush fund for spending money in unauthorized wars in the Middle East. I am for rebuilding our military, but I am not in favor of the waste in Afghanistan.

Mr. Speaker, enough is enough. President Obama signed us up for 9 more years in Afghanistan when he signed the bilateral security agreement last year. On Friday, he announced that he is putting American troops on the ground in Syria in an open-ended mission. This is a waste of money and a waste of lives. It needs to stop, and Congress has the power to stop it; but we will not use our constitutional authority to even debate what he is doing in the Middle East.

Mr. Speaker, I bring with me posters from time to time. I look at the deaths of so many men and women in Iraq and Afghanistan who serve our Nation, and it breaks my heart.

So to make my point before I close, Mr. Speaker, we still have Americans dying in Afghanistan, but it doesn't make the papers anymore. We had a soldier from Fort Bragg—which is not in my district, but it is in North Carolina—who was killed in Iraq last week.

Mr. Speaker, I bring this poster today because it tells the story much better than my words could ever tell the story about war. It is a lady holding her little girl's hand. The little girl has her finger in her mouth, and she is wondering why her daddy is in a flag-draped coffin. I don't know what to tell that little girl. All I can tell that little girl is that Congress is indifferent to sending our young men and women to die in the Middle East.

It is time for Congress to meet its constitutional responsibility and have a debate and a vote on the floor of the House.

□ 1015

HONDURAS MUST END CORRUPTION AND IMPUNITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, in September I visited Honduras as part of a delegation organized by the Washington Office on Latin America. Last month I spoke about the violence and extreme poverty that force families and young people to flee the country. Today I want to focus on another urgent issue, namely, how to confront the pervasive corruption in Honduras.

We heard about the problem of corruption everywhere, from the U.N., the President of Honduras, and the U.S. Ambassador, to community leaders and NGOs with expertise in justice and human rights. Everyone wanted to talk about the seemingly intractable problem of endemic corruption in Honduras.

The roots of corruption in Honduras are deep and longstanding. They encompass state actors, criminal networks, and powerful political and economic interests. But after a scandal revealed that government officials had stolen more than $350 million from the country's Social Security fund, which provides public health services as well as old age pensions, and that some of the money had gone to the electoral campaign of the President's political party, there has been a huge public outcry, demanding action to end widespread corruption.

Tens of thousands of Hondurans have marched in the streets over the past months, calling for an international independent commission to investigate corruption and impunity, based on the model of the CICIG in Guatemala, but tailored to Honduran reality. This unprecedented movement is led by young people, organized on social media, and called the Indignados.

Our delegation met with some of these young leaders. They are thoughtful, politically diverse, and united in their desire to see their country rid of corruption. They now face threats for what they are doing, and I hope that the Honduran Government is doing all it can to ensure their safety and their freedom of association and not turning a blind eye to the threats targeting them and their families.

When we met with President Hernandez, he argued that he had taken significant steps to go after corruption. I take the President seriously, and I look forward to seeing concrete results from the actions he has already announced. I also met with NGOs, including the Association of Judges for Democracy, that work on judicial, legal, and transparency issues, who unanimously felt much more must be done.

At the height of the protest movement, President Hernandez called for a national dialogue on how to address the problem of corruption, asking the United Nations and the Organization of American States to help facilitate the process and develop a consensus of what needed to be done.

So I was disappointed to learn that the dialogue process was not as inclusive as it could have been. The U.N. was sidelined, while the OAS carried out a quick series of discussions before developing a proposal for the President. Many were concerned not only that the OAS hadn't consulted widely enough, but that its actions fell short of the thoughtful and impartial mediation needed to generate confidence in any forthcoming proposal.

On September 28, the OAS presented its proposal to President Hernandez. After studying this proposal, I have concluded that it is woefully inadequate to addressing corruption and impunity, and reforming the weak judicial institutions of Honduras. This is not just my opinion.

Last week, on October 28, a broad coalition of Honduran civil society, the Coalition Against Impunity, issued a statement declaring that the mission proposed by the OAS and the government is, itself, an obstacle to creating a genuine independent commission that can truly tackle the rampant corruption and impunity in Honduras.

Earlier, on October 4, the Indignados issued a similar critique, pointing out the weaknesses of the OAS proposal to independently investigate crimes of corruption and ensure their prosecution.

It is clear from my discussions in Honduras and recent statements by Honduran civil society that any such commission must be wholly independent from the government politically and financially, that it must have the mandate and staffing to carry out investigations of crimes of corruption and impunity and the freedom to pursue those investigations wherever the evidence warrants. It must also have the mandate and ability to work independently with state prosecutors and investigators to bring such crimes to justice.

Honduras does not need one more round of judicial studies and technical assistance or a board of international mentors, as proposed by the OAS. Such a limited proposal not only lacks the broad support and confidence of Honduran civil society, but it also falls far short of what is required to break the culture of impunity in Honduras.

I hope the OAS proposal can be modified and strengthened and its mandate expanded to establish an effective and truly independent mechanism that can fully investigate corruption and have a role in prosecutions or an alternative advanced that can meet these requirements. I hope that a new proposal includes close cooperation with the U.N.

I further believe that U.S. and international aid needs to be carefully calibrated to link assistance to progress on human rights and ending corruption, including a truly independent commission with the full power of investigation into corruption and impunity and the ability to be part of the prosecution of those charged with such crimes.

RELIGIOUS LIBERTIES

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia (Mr. MOONEY) for 5 minutes.

Mr. MOONEY of West Virginia. Mr. Speaker, I rise today to share a growing concern in our country, which is that one of our founding principles, our freedom of religion, is being taken away.

I have here a beautiful picture of the Constitutional Convention, the signing of the Constitution at Independence Hall in Philadelphia on September 17, 1787. The very First Amendment to that Constitution, the very first one, our Founding Fathers solidified our citizens' right to freedom of religion.

The amendment says: ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.''

Despite this freedom being explicitly laid out in our Constitution, we have seen Federal, State, and local governments continue to violate our founding principles.

One of the most notorious violations of religious liberty was recently rehighlighted by His Eminence Pope Francis. The Little Sisters of the Poor have been fighting an ongoing battle against ObamaCare's contraception mandate. These Catholic nuns are forced under ObamaCare to provide contraception to their employees, even though their faith tells them that this is morally wrong.

It is outrageous and offensive to force these nuns to violate their religious liberties to comply with the will of the President and his allies. These are Catholic nuns trying to take care of poor people, and the government is getting in their way and imposing on their religious values.

Another example is Kelvin Cochran, a resident of the city of Atlanta. Chief Cochran was appointed by President Obama in 2009 as the U.S. Fire Administrator for the United States Fire Administration before returning to become the fire chief of Atlanta. He came under attack for his Christian beliefs.

Chief Cochran is also a deacon at Elizabeth Baptist Church, where he leads a men's Bible study. His faith inspired him to write the book called ''Who Told You That You Were Naked?'', a book that explains and examines the state of man since the fall of Adam.

In his book, Chief Cochran briefly discusses the clear biblical teaching that sex is reserved for marriage between a man and a woman. Kelvin had 30 years of distinguished service, including under the Obama administration, when he was fired for sharing his faith.

Sadly, these types of religious freedom violations are happening in my own district in the State of West Virginia.

Almost a year ago, a high school student who is a Christian, in Buckhannon, West Virginia, was forced by his teachers in his public high school to attend a lesbian, gay, bisexual, transgender club, and then he was punished for expressing that he did not want to attend the club on the grounds that it went against his religious beliefs.

The hypocrisy of those who claim to promote tolerance, yet display such an intolerance towards those with traditional religious values, is stunning. These are just a few examples. These attacks know no boundaries. They are not based on political party, race, sex, or ethnicity. These attacks go after everyone in America.

Mr. Speaker, we need to let the citizens of our great country know that we disapprove of these continued infringements on our religious freedom.

I strongly urge my colleagues to join me in signing on to my resolution, which I plan to introduce tomorrow, to express the sense of the House of Representatives that Federal, State, and local governments should not infringe on the ability of citizens to act in accordance with their sincerely held religious beliefs.

CELEBRATING VETERANS DAY AND VETERANS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. COSTA) for 5 minutes.

Mr. COSTA. Mr. Speaker, next week Americans throughout the country will celebrate Veterans Day. In cities and towns and hamlets, which all of us come from, we will take the time to thank and to honor those men and women who have served our Nation so nobly, to protect our freedoms and to keep this country safe, safe from all harm, foreign and domestic.

Americans take a great deal of pride in their service to our country, and we must also remember those men and women who are today serving in Active Duty in harm's way throughout the world.

I want to take this opportunity to honor two veterans who passed away this last September, who I worked with closely and who were community leaders, Charlie Waters and Earl Watson, both gentlemen who exemplified what is the best and the brightest our Nation has to offer.

Earl Watson, or as many like to call him, ''Earl, the Pearl,'' was a World War II veteran. After the war, he moved to Los Angeles, where he worked as a doorman in the famous Hotel Knickerbocker. During a difficult time in our Nation's history, during World War II, when segregation was still in many places the law of the land, Earl was most proud that he could serve his Nation. He wrote a biography titled ''Earl 'The Pearl' Watson: Doorman to the Stars.'' But what he was most proud of was his service to our Nation.

Earl loved people. He had a big smile, a friendly demeanor, and an eagerness to help those in need. Anytime a veteran ever came to him or a veterans organization had a problem, he was there to be helpful. Earl told me, when we were able to retrieve his medals that he had earned during his service to our country, that the proudest moment of all the many things he had done in his life was his service to our country.

Earl is survived by his wife of 71 years, Melba; his children, Alan and Coleen; and grandchildren, Eric, Ashley, and Jonathan, who he was so, so very proud of.

Another veterans' advocate who we all miss in the San Joaquin Valley is Charlie Waters, who served in the United States Marine Corps during the Korean war. Charlie, as he was affectionately known by all, never ever stopped fighting on behalf of veterans. I worked closely with him for many years, from working to get recognition for Hmong veterans to advocating for the funding of the opening of the veterans home that we successfully did that provides residence to those who deserve it. As a matter of fact, in Charlie's last days, he was able to stay there.

He was a true champion of veterans not only throughout the Valley, but the Nation. But he did not stop there: supporting the Veterans Administration Hospital in Fresno and providing support for their efforts; organizing and helping continue the Veterans Day parade, which is one of the largest veterans parades in the entire nation that is shown on Armed Services Television; and individuals. No problem was too big or too small, as long as a veteran was there who needed Charlie's help.

Therefore, we miss both Charlie and Earl very much for all that they have done and all that they exemplified in terms of honor, duty, and service to country. Charlie is survived by his wife, Cathy; and children, Charlie Waters, III, Karen, and Jennifer.

Mr. Speaker, we want to take this time to recognize those leaders, those leaders who made a difference during their lives in serving our country. They are both shining examples of those who always—always—cared first and foremost for our Nation.

As we celebrate Veterans Day next week around the country, in towns and hamlets and cities throughout the Nation, we should think about all these veterans. We should think about the men and women who have served our Nation today in Active Duty. Never ever forget to say thank you for their service to a grateful Nation.

□ 1030

COOPERATIVE MANAGEMENT OF MINERAL RIGHTS ACT OF 2015

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, since first being elected to serve the citizens of Pennsylvania's Fifth Congressional District, I have had the honor to represent both the Allegheny National Forest and Pennsylvania's historic Oil Region, where the commercial oil industry began in 1859. This region of north central Pennsylvania was built on our natural resources, and this legacy remains a deep part of our heritage.

The Oil Region designation came about because of the city of Titusville, which has been aptly nicknamed ''the valley that changed the world.'' It was there in 1859 that Colonel Edwin Drake drilled the world's first commercial oil well, which set the wheels in motion for the worldwide commercial use of petroleum. Some 60 years following Colonel Drake's historic well, the Allegheny National Forest was created in nearby Warren, Elk, Forest, and McKean Counties.

Like so many areas of the West, this national forest is intrinsically connected to the prosperity of our communities. A mixed use of oil and gas production, timbering, hardwood research, recreation, and tourism make the Allegheny National Forest unique to the East Coast and truly a treasure for the mid-Atlantic region.

In the Allegheny, more than 90 percent of the mineral rights are owned by the private sector. With the long history in oil and gas development in the region, private landowners had the foresight to reserve their mineral rights when the Federal Government acquired these surface lands.

You see, Mr. Speaker, there is not a national government-run oil company. There has long been an understanding in our great country that, when it comes to resources, and specifically energy development, the private sector does it better. For generations, this arrangement successfully operated with oil and gas development taking place in the Allegheny National Forest.

Unfortunately, over the past decade, some opponents of production made attempts to mandate new regulations or limit access to the private mineral rights through numerous lawsuits. After years of litigation, a Federal court rightfully ruled in favor of the private landowners maintaining reasonable access to their property.

Federal courts have consistently ruled that the United States Forest Service lacks regulatory authority over these private mineral rights. Similar rulings and new regulations that would seek to limit production have also been issued.

Today, I am introducing the Cooperative Management of Mineral Rights Act of 2015, and I ask my colleagues who believe in the importance of private property and private property rights to join me as cosponsors. We need to provide clarity and continue to respect the longstanding importance of

private property rights in our country. This legislation will set the tone for addressing other cases dealing with these rights.

I urge my colleagues to join me in protecting private property and private property rights by cosponsoring the Cooperative Management of Mineral Rights Act of 2015.

LONG RANGE STRIKE BOMBER

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. KNIGHT) for 5 minutes.

Mr. KNIGHT. Mr. Speaker, today, I would like to address an issue of critical importance to our Nation's security: the Long Range Strike Bomber.

Since World War II, our defense has relied on the ability to respond quickly to any threats to our national security anywhere in the world. The bedrock of this strategy has always been the strategic bomber.

This past week, it was announced that Northrop Grumman would be producing our next strategic bomber for future generations. Potential adversaries are deterred because only the United States possesses the capability to strike any target in the world with precision weapons within 24 hours.

Last week, the Secretary of Defense and the Secretary of the Air Force made the announcement that Northrop Grumman won the contract to build the Long Range Strike Bomber. This bomber will be produced in my district. The B–1, the B–2, and now the Long Range Strike Bomber will all follow in the same role of being built in the Antelope Valley in southern California.

Congratulations to the Air Force and the men and women of Northrop Grumman on this contract. I have seen firsthand the work that Northrop Grumman employees do in support of our men and women in uniform at Plant 42 in my district. I am here to congratulate them on the opportunity to bring the expertise and commitment to the Long Range Strike Bomber.

This means thousands of jobs to this country. It means thousands of jobs to southern California, in a much-needed area in my district where jobs are very scarce. Both Plant 42 and the many surrounding small businesses Northrop Grumman will have a contract with will have support in this area.

The road that led to Tuesday's announcement was a long one paved with hard work by many people in our community and State. The Antelope Valley has long since been the home to the aerospace industry and has built B–1s, B–2s, all of the space shuttles, and currently builds the F–35. Naturally, it would be a good selection for the next bomber being built there.

On any given day, the F–22, F–35, the F–16, B–1, or B–2 will be flying over the Antelope Valley in their test missions. I am confident that the Long Range Strike Bomber will help us continue this legacy, and I thank everyone who has helped bring its production to our community.

The Air Force has called the Long Range Strike Bomber a top modernization priority, and there are sobering facts behind that. Today, only 10 percent of our Nation's bomber force is capable of penetrating sophisticated adversary air defense systems. The average age of our bomber fleet is 32 years old, with most of our bombers more than 45 years old. Only the B–2 stealth bomber, proudly built, maintained, and modernized in my district, can penetrate advanced air defenses; however, we only have 20 B–2s.

Given Northrop Grumman's 35 years of expertise designing, building, delivering, and modernizing the B–2 stealth bomber at Plant 42, I know the men and women who work there are incredibly qualified to build our Nation's next long-range strike aircraft.

WATERS OF THE UNITED STATES

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. LAMALFA) for 5 minutes.

Mr. LAMALFA. Mr. Speaker, after a wave of strong bipartisan opposition, after being stayed by two Federal courts, the administration is still pushing its flawed waters of the United States regulatory expansion. However, this week, the Senate will finally consider rejecting this regulatory overreach.

While the administration describes their plan as a minor clarification, it is, in fact, the most sweeping expansion of Federal regulatory authority in our Nation's history.

Mr. Speaker, this map of my home State of California demonstrates exactly how far the EPA's proposal would reach. Fully 95 percent of California, depicted in black, would fall under EPA's jurisdiction, though you will notice that the city of San Francisco, in white, does not. That is because San Francisco, the source of so much of this excessive regulatory mindset, long ago paved over every waterway in the city, and who knows what is in the runoff rainwater flowing off the streets of that city.

It isn't just farms that would be hurt by the EPA's plan. Virtually every business and homeowner in the State would be faced with regulation at the whim of Federal bureaucrats under a rule written to ensure that the EPA has any jurisdiction anytime it wants.

Do we really believe the Federal Government should play a role in local land use decisions, even down to whether individual homes could be expanded? This is exactly the power the EPA claims that it needs. Dry streambeds, manmade ditches, even temporary puddles which exist only during rainstorms are all locations over which the EPA wishes to claim jurisdiction. Even Imperial County, a desert with virtually no natural waterways, would fall under the EPA's control with this plan.

Perhaps the most concerning isn't just that the EPA is seeking to expand its authority. That is the nature of any bureaucracy, and it is to be expected from this administration. Most concerning is that we can't even trust the EPA with authority to regulate navigable waterways it already has or to respect exemptions included in the Clean Water Act.

In my northern California district, residents have experienced regulatory actions so ludicrous that we can't make them up. In Tehama County, a farmer was fined for planting wheat in a manner that the government claimed damaged so-called navigable waters, which begs the question anyway: What is or what should be determined to be a navigable waterway? Is it a puddle or is it something you can actually run a boat up and down?

Never mind that the farm I mentioned has been recognized as a wheat allotment by the USDA for decades or that the farmer had simply been continuing to farm the land exactly as it has been farmed for generations. Instead, government bureaucrats wanted this activity stopped, and they used their power to prevent this farming activity.

In another instance, the government used the Clean Water Act to attack a family farm for shifting to a more efficient irrigation system—yes, for shifting to more efficient irrigation system. One might think that is a laudable goal, especially during a drought period in California in the West, but the government claimed this activity would negatively impact the Sacramento River, which is a full 7 miles away from this farm and unconnected to that farm by any waterway.

Of course, in both of these instances, the government sanctioned farmers for activities that are clearly exempt under the Clean Water Act as specified by Congress, who makes the laws. Even in the EPA's only early draft, they exempted mud puddles, but they just couldn't quite leave them out. They had to include them as well in their regulation.

The ongoing efforts of the administration to ignore exemptions for normal farming activities like planting crops and maintaining irrigation systems are in clear violation of the Clean Water Act, as written by Congress. In fact, language I sponsored to defund this sort of regulation of exempt activities was passed by both Houses last year and signed into law in December, yet the EPA persists in its illegal activities.

Mr. Speaker, when Congress can't trust Federal agencies to judiciously use authority they already hold, when we can't trust agencies to follow clear congressional direction, how can we possibly consider granting or allowing them even more power?

It is time the Senate joined the House in rolling back this proposal and remind this administration that Congress writes the law, not bureaucrats.

HONORING MAJOR JUSTIN FITCH

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. DUFFY) for 5 minutes.

Mr. DUFFY. Mr. Speaker, today, I rise to remember Major Justin Fitch.

A son of Hayward, Wisconsin, and a decorated Army officer, colon cancer took Justin's life far too soon, but not before he made an incredible mark on his community and his fellow veterans.

While serving in Iraq in 2007, Justin suffered thoughts of suicide. He actually went so far as to put an M–4 rifle in his mouth. But, thank God, he never pulled the trigger.

When he returned home, he claimed victory over his suicidal thoughts, but another battle was just beginning for Justin. He was diagnosed with colon cancer. He waged a 3-year battle fighting that disease. Despite a grim prognosis, he used his attention to shed light on a mounting issue that he knew all too well. At the time, on average, 22 veterans were committing suicide a day. That is about 8,000 a year.

Justin knew that something had to be done. And so in between his chemotherapy treatments and surgeries, he took part in long ruck marches. He teamed up with veteran prevention organizations and freely gave out his number to any soldier who approached him who also had thoughts of suicide. Major Fitch, fighting the battle of his life with cancer, was also giving his time to help save other veterans who were suffering with suicidal thoughts.

Major Fitch passed away in his hometown of Pleasant Prairie, Wisconsin, on October 3. He was 33 years old. His personal battle may be over, but his fight marches on. As Justin would say: ''It's okay to seek help. You can get help. Look at me.''

And so, to Major Fitch, on behalf of a grateful Nation, we are thankful for your service and your sacrifice and your commitment to our veterans. May God bless you.

GREATER MIAMI JEWISH FEDERATION KRISTALLNACHT EVENT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, this Monday, November 9, marks the 77th anniversary of Kristallnacht, the Night of Broken Glass.

The Greater Miami Jewish Federation will be commemorating this tragic and horrible event with a community rally on Sunday, November 15, at 4 p.m., at the Holocaust Memorial Miami Beach.

Kristallnacht marked the beginning of one of humanity's darkest periods: the Holocaust. It serves as a solemn reminder of what can happen when people allow anti-Semitism, incitement to violence, and hatred to carry on unabated.

□ 1045

What happened on Kristallnacht, the Night of Broken Glass? 267 synagogues were destroyed. 7,500 Jewish-opened businesses were looted and were vandalized. Up to 30,000 Jews were arrested. Almost 100 Jews were killed, not to mention the untold number of violent attacks that took place that night.

And the brutality and inhumanity only got worse from there, as Nazis would go on to murder 6 million Jews over the next few years because they were members of the Jewish faith.

I plan on joining the Greater Miami Jewish Federation on Sunday, November 15, to stand united with our community to vow never again.

HONORING THE DEPRESSION AND BIPOLAR SUPPORT ALLIANCE OF KENDALL AND CORAL GABLES

Ms. ROS-LEHTINEN. Mr. Speaker, today I would like to honor the Depression and Bipolar Support Alliance of Kendall and Coral Gables for supporting individuals who are suffering from these diseases in South Florida.

The stigma that surrounds depression and bipolar disorder is not only unfair, but it discourages people from seeking the help that they so desperately need.

In the United States alone, depression impacts 21 million adults. It costs $23 billion in lost work productivity. Depression impacts our families, our coworkers, our neighbors, our friends.

The Depression and Bipolar Support Alliance of Kendall and Coral Gables is a unique, peer-directed organization that pairs those afflicted with depression with role models who have been down that road before to help them regain stability and focus.

I want to thank everyone involved with the Depression and Bipolar Support Alliance of Kendall and Coral Gables for being valuable members of our community and for the important and inspiring work that each staff member and professional does.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 47 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Loving God, we give You thanks for giving us another day.

We thank You for Your ongoing presence and sustaining grace in us all, and Your concern for our Nation. Continue to bless and inspire the men and women who serve in the people's House.

May they be encouraged by any movement that has occurred, and may the hopes and prayers of the American people, and indeed the world, for healthy and productive legislation be met with results inspired by Your spirit.

Forgive our failures, our lack of faith. May the good intentions of all acting in this Chamber be rewarded by solutions to our struggles that benefit our Nation.

May all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. SAM JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. SAM JOHNSON of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

CONGRESSIONAL VETERANS COMMENDATION CEREMONY

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, as Veterans Day approaches, it is my privilege to announce that, on Saturday, November 14, I will be hosting my annual Congressional Veterans Commendation Ceremony.

At this special event, 12 Collin County veterans will be recognized for their wartime sacrifices and peacetime community involvement. These veterans were nominated by their peers and chosen by a selection board. Their stories will be passed on to future generations.

The event starts around 1 p.m., and our keynote speaker is Major Heather Penney. She is one of two Air Force pilots who took to the skies on September 11, 2001, on orders to take down Flight 93 with her own aircraft before the terrorism reached Washington, D.C.

I encourage folks to come out and show all our veterans how much we care in a tangible and personal way. I

hope to see you all there. God bless America.

EX-IM BANK REAUTHORIZATION

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, last week the House finally came to its senses and overwhelmingly passed the reauthorization of the Export-Import Bank. I am encouraged to see that it has been included in the long-term highway bill we will be considering this week.

We know the Ex-Im Bank helps American businesses gain access to critical markets overseas and is a vital piece of our export strategy. But thanks to the vocal minority, the Bank's charter expired for the first time in its history on July 1.

This doesn't just hurt the likes of Boeing or GE. It hurts small businesses, many of which are minority- and women-owned.

Last year nearly 90 percent of the Ex-Im transactions directly supported small businesses without costing taxpayers a penny. That is why I urge all 313 Members who voted for Ex-Im reauthorization to oppose any attempts in the highway bill that significantly weaken or eliminate the Bank.

Now is the time for supporters to stop standing on the sidelines and start standing up for American workers and exporters.

NOVEMBER IS DIABETES AWARENESS MONTH

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Mr. Speaker, I rise today as a member of the Diabetes Caucus to recognize November as Diabetes Awareness Month.

Approximately 29 million Americans suffer from diabetes. This disease is the seventh-leading cause of death in the United States.

It is critically important that we help educate people to understand their risk factors and that we educate people on how to prevent the disease by living healthier lives.

Although there are many treatments for diabetes, there is no cure. I was proud to help introduce the 21st Century Cures Act, which provides critical funding to the National Institutes of Health so that they can continue their innovative research into diabetes and other diseases. Mr. Speaker, we spend $330 billion each and every year treating diabetes. We need to find a cure.

I am also proud to be a cosponsor of the Treat and Reduce Obesity Act, which will help seniors manage obesity, one of the leading causes of type 2 diabetes. I look forward to working with my colleagues on both sides of the aisle and advocates across the country to continue helping patients fight this disease.

VETERANS AND CONSUMER PROTECTIONS

(Ms. BONAMICI asked and was given permission to address the House for 1 minute.)

Ms. BONAMICI. Mr. Speaker, next Wednesday is Veterans Day, and we will recognize and thank the millions of men and women who have put their lives on the line for our freedom.

One way to honor those who have served is to make certain that our veterans—and all Americans—are protected from predatory payday lenders, who leave them saddled with insurmountable debt. That is why I am speaking out today to urge the Consumer Financial Protection Bureau to pass strong rules that protect veterans and all Americans from these harmful practices.

In Oregon and around the country, predatory lenders prey on consumers who have fallen on hard times. When consumers cannot pay back the loans, with fees and interest rates that can dwarf the amount of the underlying loan, they find themselves in financial ruin.

The CFPB must act quickly to develop rules to protect veterans and all Americans.

THANK YOU TO THE FRANKLIN FAMILY

(Mr. ABRAHAM asked and was given permission to address the House for 1 minute.)

Mr. ABRAHAM. Mr. Speaker, I rise today to thank an incredible American family in my district. The Franklin family of Richland Parish made a generous donation to our Nation's heroes. The family has given 50 acres of land to develop the Northeast Louisiana Veterans Cemetery.

George Franklin, the patriarch of the family, was a veteran himself, a member of the Greatest Generation. In World War II, George served in the Eighth Air Force, European Theater. He was a tail gunner. He flew over 35 missions in a B–17. He earned six air medals, four battle stars, and a Presidential citation.

The Franklin family represents a true American commitment to serve, and this gift from their family to the veterans is yet just another example of that service. The cemetery will officially open next week—on time—with the first internment on Veterans Day.

The Franklin family has given so much to Louisiana. I commend them for this honorable contribution to those who gave so much for us.

CHILD ABUSE IN MILITARY FAMILIES

(Ms. GABBARD asked and was given permission to address the House for 1 minute.)

Ms. GABBARD. Mr. Speaker, Talia Williams was just 5 years old when she was beaten to death by her own father after suffering months of abuse at home. Despite multiple reports to officials at the Army base in Hawaii where Talia and her father lived, the system failed to protect her.

Talia's tragic story is just one of over 29,000 cases of child abuse and neglect in military homes over the last decade. This is a problem that demands better protections for our children in military families who are being abused and better support for military families facing the stresses of war, multiple deployments, and economic hardship.

I have introduced Talia's Law today, joined by Representative MARK TAKAI, which requires military officials to immediately report suspected cases of abuse to State child protective services. We owe it to our servicemembers, their families, and thousands of children like Talia to disrupt the status quo and stop another decade of preventable child abuse.

CONGRATULATIONS TO THE NEWNAN-COWETA CHAMBER OF COMMERCE

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTMORELAND. Mr. Speaker, I come today to honor the Newnan-Coweta Chamber of Commerce on being named the Nation's Chamber of the Year by the Association of Chamber of Commerce Executives.

The members, volunteers, leaders, and friends of this chamber are what makes this organization so successful and, in turn, allow our small businesses to continue to be successful.

Because of this partnership, Coweta County is fortunate to have many businessowners who have achieved the American Dream by opening their own business.

Our businesses are also examples of how investing in our local community and economy can have great impact throughout the area. And I mean not just the store owners, but the loyal customers who buy and source local goods and services. Healthy small businesses mean a healthy local economy and stable jobs for our community.

I thank the Newnan-Coweta Chamber for providing guidance, advocacy, and encouragement to our businesses as we fight our way out of a struggling economy and back onto a path for prosperity.

So, again, congratulations to the Newnan-Coweta Chamber on being the number one chamber of commerce as named by the ACCE's Chamber of the Year, and I wish you the best for continued success.

U.N. CLIMATE CHANGE CONFERENCE

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise today to express my support and optimism for the U.N. Climate Change Conference, or COP 21, which will be held in Paris next month.

In advance of the negotiations, 146 parties submitted Intended Nationally Determined Contributions, laying out the actions they intend to take to reduce greenhouse gas emissions. These pledges cover 86 percent of global emissions.

We have seen major commitments from the United States, the European Union, China, and other major developing nations. We have also seen incredible support from the private sector.

Many companies, including dozens of Fortune 500 companies, have made commitments to the American Business Act on Climate Pledge. Many businesses recognize that acting on climate change is not only the morally right thing to do, but the economically right thing to do, also.

An agreement in Paris would be an incredible first step that could be built upon with even more ambitious goals in the coming years because the bottom line in climate change is too big to tackle alone.

We need global cooperation from governments and businesses, and the United States must be a leader, demanding bold action to take on the very real threats we face.

An agreement in Paris is good for our national security, our economy, and our environment. I wish good luck to our negotiating team.

CONGRATULATIONS TO THE MASON HIGH SCHOOL MARCHING BAND

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, I rise today to congratulate the Mason High School marching band, which was selected to participate in the Rose Bowl parade on New Year's Day. Only 20 high school bands are selected from across the country each year to participate in this highly prestigious event.

The Mason High School band has won four consecutive titles as the top high school band in all of Ohio. They also finished fifth in the national competition, becoming only the second band from southwest Ohio to ever play in the Rose Bowl parade.

I know that the students in the band have put in a lot of hard work for this once-in-a-lifetime opportunity, and I have no doubt that they will perform magnificently.

The Rose Bowl parade is televised around the world in 115 countries. So this is a great opportunity to show the world the talented students from southwest Ohio.

Mr. Speaker, I want to wish the students, the parents, the teachers, and all of Mason High School the best as they travel and perform and make our community proud. Go, Comets.

CELEBRATING DIWALI

(Mr. BERA asked and was given permission to address the House for 1 minute.)

Mr. BERA. Mr. Speaker, next week is Diwali. The annual festival of lights is celebrated by more than 2 million Indian Americans and more than 1 billion people worldwide.

Tomorrow more than a thousand Indian Americans will descend on Capitol Hill to celebrate Diwali. It is an opportunity to celebrate the accomplishments of the South Asian community, accomplishments in business, technology, health care, and academics.

All across this Nation, in communities small and large, you will see those small-business owners, those academics, those doctors. It is a chance to give back to a country that has provided so much opportunity to immigrants over the generations, including the Indian American community.

For a community that has benefited so much, it is great to see them participating in the political process, celebrating those accomplishments, and giving back to a country that means so much to us.

Mr. Speaker, let's celebrate. Let's celebrate who we are as Americans. Let's celebrate a dynasty of immigrants, one successive generation after another, moving this country forward.

□ 1215

CONGRATULATIONS TO EDINA GIRLS TENNIS

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, if it is fall, it means it is time for another Edina High School girls tennis State title. For the 19th year in a row, the Hornets won the Minnesota State championship. This year concluded with a very hard-fought victory over Prior Lake.

Despite Edina's previous success, this year's title was never a sure thing, as the team needed to rebound from an early season loss. Led by strong performances in singles by Sophia Reddy and in doubles by Katie Engelking and Nicole Copeland, the Hornets came out with a 5–2 victory.

Mr. Speaker, it is exciting to see the commitment from these athletes as they compete at a high level year in and year out while still excelling in school and setting aside time for family and other commitments. The parents, family members, friends, fans, and coaches are all very proud of what they have accomplished.

Congratulations, again, to the Edina High School girls tennis team for winning the State championship.

HONORING THE LIFE OF ROBERT E. STARR

(Mr. VEASEY asked and was given permission to address the House for 1 minute.)

Mr. VEASEY. Mr. Speaker, I rise today to honor the life of a beloved Fort Worth educator, veteran, and civil rights activist, Mr. Robert E. Starr.

Mr. Starr attended I.M. Terrell High School and was the first in his family to attend college. While he was in college, he was drafted into the military and served as a medic during World War II, a time when the Army was still segregated. There were two Armies: one Black and one White. Mr. Starr saw some things that he shared with us that I will never forget.

After he completed his education at Texas College in Tyler, he got his master's degree at Texas Southern University. He worked in the Fort Worth schools. He became known as a civil rights activist that was passionate about issues in the community. Mr. Starr was also employed at the FAA as a diversity manager, worked for the City of Fort Worth as an affirmative action manager, and worked as an investigator for the Equal Employment Opportunity Commission. Mr. Starr was also dedicated to the NAACP.

Mr. Starr was a proud member of the Shiloh Missionary Baptist Church on the north side of Fort Worth. He was also a very proud resident of the north side of Fort Worth.

Mr. Starr was preceded in death by his wife and daughter. He and his wife had a daughter that was severely disabled, and they were 100 percent dedicated to her. She died a few years ago.

Mr. Starr will be sorely missed in the community. He was at every event and did so much for everyone. He was literally a friend to everybody that he ever met.

HONORING WOODY WOODSIDE

(Mr. CARTER of Georgia asked and was given permission to address the House for 1 minute.)

Mr. CARTER of Georgia. Mr. Speaker, I rise today to recognize Woody Woodside for his outstanding service with the Brunswick-Golden Isles Chamber of Commerce.

Over the last 30 years as president of the chamber of commerce, Woody has dedicated his life to the success of Brunswick and the Golden Iles, making countless trips to Washington, D.C., for the benefit of southeast Georgia. But his service and leadership go far beyond his chamber presidency.

Woody graduated from The Citadel in 1970 and is a retired officer with 23 years of service to the Georgia National Guard. In addition, he served as a congressional staff member for 14 years to two of my predecessors, Congressman ''Bo'' Ginn and Congressman Lindsay Thomas.

Woody has devoted his life to serving his country and his community. I am very lucky to call him a constituent, but I am luckier to call him a friend.

I would like to thank Woody for his service to the Golden Isles, the First Congressional District of Georgia, the great State of Georgia, and our country.

VETERANS DAY AND MERCHANT MARINERS

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, next week, Americans will celebrate Veterans Day and honor the sacrifices of the men and women who have served this Nation, but one group of veterans has gone unrecognized far too long.

In World War II, more than 200,000 merchant mariners braved troubled seas to deliver supplies to the battlefields of Europe and the Pacific. They faced enemy attack and suffered a casualty rate higher than any other uniformed service.

Unfortunately, the World War II Merchant Marine veterans were never eligible for benefits under the GI Bill and were long excluded even from Veterans Day celebrations. Many of these merchant mariners are now well into their eighties and nineties and have yet to receive the honor and appreciation they deserve.

As Veterans Day approaches, I am calling once again on my colleagues to pass H.R. 563, legislation that will provide the fewer than 5,000 surviving World War II Merchant Marine veterans with a one-time $25,000 payment as a token of this Nation's appreciation.

When my colleagues are home in their districts celebrating Veterans Day, I hope that what I have said today will prick their conscience. Despite their sacrifice, despite their patriotism, one group of veterans has not been celebrated. Our merchant mariners deserve so much more. It is time to pass H.R. 563.

HONORING THE LIFE OF FRED THOMPSON

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, today, I stand to remember a much-loved Tennesseean.

Though Fred Thompson's roots were in Tennessee, his service spanned far past the borders of our State and into the lives and homes of all Americans. To my family and to many in middle Tennessee, Fred Thompson was a neighbor, a friend, and a trusted political voice.

His passing brings great sadness to all, especially those in his hometown of Lawrenceburg, Tennessee, a town he never forgot, a town and her people that he credited with teaching him life lessons and giving him the perspective he carried with him throughout life. Those small-town Tennessee lessons helped mold him into the incredible man that he was, with a legacy that will never be forgotten. I appreciate all he did on behalf of our State, our Nation, and the cause of freedom.

My thoughts and prayers are with his wife, Jeri, and all the Thompson family. He will be missed.

VETERANS SMALL BUSINESS WEEK

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, yesterday, I joined Lackawanna Mayor Geoff Szymanski, a United States Navy veteran, to recognize Veterans Small Business Week and promote startup workshops for veterans, hosted by the Small Business Administration.

Every year, more than 200,000 servicemembers transition to the civilian workforce, and our Nation must make that transition as smooth as possible, not only out of gratitude, but because our veterans are some of the most industrious and determined citizens, which gives them the ability to make an outsized contribution to our economy.

That is why I support Helmets to Hardhats, which connects veterans with apprenticeships in the building and construction trades; and that is why Congress must remove the expiration dates for GI Bill education benefits so that veterans can receive the career training they earned and deserve.

BREAST CANCER AWARENESS MONTH

(Mr. GUINTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUINTA. Mr. Speaker, October was Breast Cancer Awareness Month, and millions of Americans joined our fight against a disease that strikes one out of every eight women in our country.

This issue is personal to me and the thousands of Granite Staters who have family and friends suffering from breast cancer, or who suffer from it themselves. My mother is a breast cancer survivor. Her courageous battle is my inspiration in Congress.

I joined more than 180 Members to cosponsor legislation that would encourage the government and private sector to work together to find a cure. Thanks to the hard work of Nancy Ryan and the New Hampshire Breast Cancer Coalition, which recently marked its 20th anniversary, that cure is even closer today.

Breast cancer is the second leading cause of death among women in the United States. Every October, we honor and remember those who have died and those who are living with breast cancer. We acknowledge the hard work of the medical professionals and caregivers, and we recommit ourselves to finding a solution that will save lives.

APPRENTICESHIP WEEK

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, I am pleased to speak in recognition of the first National Apprenticeship Week. As always, it is an honor to join my good friend and colleague, Representative G.T. THOMPSON from Pennsylvania, who will be speaking next. I want to thank him for his bipartisan leadership on career and technical education issues. As co-chairs of the bipartisan Career and Technical Education Caucus, G.T. and I are committed to expanding apprenticeships so that every American has the skills necessary to succeed in their chosen career.

While apprenticeships have been slow to grow in the United States, Germany and Switzerland have long been recognized as global leaders in this field. Last month, I convened a CTE Caucus field hearing in Rhode Island, bringing experts from German industry and education to help spread the best practices of a robust apprenticeship model.

I look forward to working with my colleague from Pennsylvania and all of my colleagues in the House to expand these options for all students, not just in my home State, but across the entire country.

NATIONAL APPRENTICESHIP WEEK

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I would like to thank my good friend, co-chair of the Career and Technical Education Caucus, Mr. LANGEVIN from Rhode Island, for his leadership and his remarks. I also rise in recognition of National Apprenticeship Week, which runs through this Saturday.

Training and support for those looking to enter vocational fields is something that is very important to me, as co-chairman of the bipartisan Career and Technical Education Caucus. It is essential that we give our workers the training and resources that they need to secure family-supporting jobs.

Apprenticeships are a vital part of this effort to help workers prepare for the jobs of tomorrow, along with the in-demand positions that are currently going unfilled. According to the Bureau of Labor Statistics, the industries which rely on apprenticeship training are in demand, including a huge need for certified electricians, construction workers, and those in the health technology fields. More than 430,000 Americans are currently participating in an apprenticeship program, gaining the knowledge to rise to the demands of today's workforce.

Mr. Speaker, these programs give workers hands-on experience and lead to much higher lifetime earnings for those that participate.

VOTING RIGHTS ADVANCEMENT ACT

(Mr. CLYBURN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, the right to cast an unfettered vote is central to our democracy.

When the United States Supreme Court invalidated key provisions of the 1965 Voting Rights Act, it invited Congress to update the formula that determines which jurisdictions should be covered. Unfortunately, while Congress has failed to act, we have seen jurisdiction after jurisdiction all across this country attempting to erect impediments to the right to vote.

The Voting Rights Advancement Act, introduced in this body and the body across the Hall, responds to the Supreme Court's invitation. That is why we have labeled our legislative outreach strategy #restorethevote; and because elections are held on Tuesdays, today we are launching #restorationtuesday to organize Member activities online, on the House floor, and throughout our communities.

□ 1230

HONORING OUR NATION'S VETERANS

(Mr. MARCHANT asked and was given permission to address the House for 1 minute.)

Mr. MARCHANT. Mr. Speaker, in advance of Veterans Day, I rise to honor all of those who have served in the defense of our great Nation.

The 24th District of Texas is home to over 38,000 veterans. They come from many walks of life, but they all have one thing in common, they answered the call to serve when our Nation was in need.

As part of my office's commitment to serving north Texas veterans and their families, we will host our Fourth Annual Veterans Fair this Saturday in Grapevine, Texas.

This event is dedicated to informing veterans about the programs and services that are available to assist them and their families. It is also an opportunity for our community to come together and honor our Nation's heroes.

Thank you to all of our veterans and active military who have put the safety of this Nation before their own. We are forever grateful for your service and sacrifice.

HONORING OUR VETERANS ON VETERANS DAY

(Ms. ADAMS asked and was given permission to address the House for 1 minute.)

Ms. ADAMS. Mr. Speaker, next Wednesday is Veterans Day, a day when we honor the brave men and women who served our great Nation.

North Carolina is home to more than 800,000 veterans, and I have the privilege of representing more than 37,000 of them who live in the 12th Congressional District.

I am the proud daughter, granddaughter, niece, and sister of veterans, so I understand the sacrifices that our veterans and their families make.

No veteran should have to jump unnecessary hurdles to receive the benefits promised to them. That is why I introduced the Veterans Benefits Network Act. In the coming days, I will also be introducing legislation to help veterans get closer to achieving the American Dream of entrepreneurship.

Our veterans risk their lives to protect our freedom and our democracy, and we must all remain committed to make sure that they have the resources needed to make a successful transition into civilian life.

Access to quality health care, affordable education, and good-paying jobs should be guaranteed to all who serve honorably in our Armed Forces.

This Veterans Day and every day, we honor the selfless service and sacrifices made by our veterans. It is my honor to be a voice for veterans in this Congress.

NATIONAL FARM TO SCHOOL MONTH

(Ms. STEFANIK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. STEFANIK. Mr. Speaker, I rise today to celebrate and recognize National Farm to School Month.

The USDA Farm to School Program fosters lifelong learning and community building, while providing school children with fresh, healthy foods from local food producers.

Just this year Watertown City School District and the Saranac Lake Central School District in the North Country were awarded grants for their Farm to School projects. These projects will encourage investment during the academic year on locally sourced foods, which will, in turn, support our North Country farmers. I trust their projects will be a success, like so many others across Upstate New York and the country.

We need to empower our Nation's children and their families to make healthy food choices through education that not only introduces fresh produce, but also teaches children about the importance of our agricultural communities.

WEAR RED WEDNESDAY

(Ms. WILSON of Florida asked and was given permission to address the House for 1 minute.)

Ms. WILSON of Florida. Mr. Speaker, tomorrow is Wear Red Wednesday to bring back our girls.

Boko Haram, notorious for kidnapping nearly 300 Chibok girls almost 570 days ago, has used heinous tactics to displace 2.2 million Nigerians and kill 15,000 people in the region.

While our government has condemned these acts and offered noncombat support to the multinational joint tasks force fighting Boko Haram, we must do more.

Mr. Speaker, that is why I have introduced H.R. 3833, to require the U.S. Government to develop a regional strategy to assist the multinational joint task force and address security issues for Nigerian school children, especially girls.

I urge my colleagues to join me as cosponsors to this important legislation.

Mr. Speaker, this bill was already passed in the Senate by Senator COLLINS, S. 1632, and we now need to pass it in the House.

Until these precious Chibok girls are returned, we will continue to wear red on Wednesdays, continue to tweet, tweet, tweet, #bringbackourgirls, #joinrepwilson.

CONGRATULATING PARK MAGNET SCHOOL

(Mr. WESTERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTERMAN. Mr. Speaker, I rise today to congratulate Park Magnet School of Hot Springs, Arkansas, for being named by the U.S. Department of Education as a 2015 National Blue Ribbon School.

This highest of educational honors is awarded yearly to both private and public elementary, middle, and high schools demonstrating overall academic excellence or progress in closing students achievement gaps.

Park Magnet School is 1 of only 5 schools in Arkansas and only 335 in the Nation to be selected this year. Receipt of this award marks the second time that Park Magnet has been named a National Blue Ribbon School, the first time being in 2009.

These achievements acknowledge and validate the hard work of students like Grace Shelor, faculty like Mrs. Carmen Binns, as well as families and communities in creating a culture of excellence wherein students may reach their full, God-given potential.

It is with great pride that I congratulate Park Magnet School on their success today.

OBAMACARE MUST BE REPEALED AND REPLACED

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, this week I read a story in the Houston Chronicle about Martha Gardenier. Martha is 59. She is a CPA. Two years ago, her bone marrow disease became leukemia. Her doctor said she should start end-of-life care.

The best cancer center in our world, M.D. Anderson, put her into an experimental trial. Her cancer regressed to grade 1. Her drug cocktail costs $10,000

per month. In September, she was told that her insurance plan was dropping her because of ObamaCare.

President Obama told every American that ''if you like your healthcare plan, you can keep it.'' Martha liked her healthcare plan, and she may die because she can't keep it, another example of why ObamaCare must be repealed and replaced without broken promises and putting patients likes Martha first.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 22, HIRE MORE HEROES ACT OF 2015; PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM NOVEMBER 6, 2015, THROUGH NOVEMBER 13, 2015; AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. WOODALL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 507 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 507

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the Senate amendment to the text of the bill (H.R. 22) to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act. All points of order against consideration of the Senate amendment are waived. General debate shall be confined to the Senate amendment and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate, the Senate amendment shall be considered for amendment under the five-minute rule. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole.

SEC. 2. (a) No further amendment to the Senate amendment, as amended, shall be in order except for an amendment consisting of the text of Rules Committee Print 114-32, which shall be considered as pending, shall be considered as read, shall not be debatable, shall not be subject to amendment except as specified in subsection (b), and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(b) No amendment to the further amendment referred to in subsection (a) shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

(c) All points of order against amendments referred to in subsections (a) and (b) are waived.

SEC. 3. At the conclusion of consideration of the amendments referred to in section 2(b) of this resolution, the Committee of the Whole shall rise without motion. No further consideration of the Senate amendment, as amended, shall be in order except pursuant to a subsequent order of the House.

SEC. 4. On any legislative day during the period from November 6, 2015, through November 13, 2015—

(a) the Journal of the proceedings of the previous day shall be considered as approved; and

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 5. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 4 of this resolution as though under clause 8(a) of rule I.

SEC. 6. It shall be in order at any time on the legislative day of November 5, 2015, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV, relating to a measure authorizing appropriations for fiscal year 2016 for the Department of Defense.

The SPEAKER pro tempore (Mr. DUNCAN of Tennessee). The gentleman from Georgia is recognized for 1 hour.

Mr. WOODALL. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. WOODALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WOODALL. Mr. Speaker, House Resolution 507 is a structured rule for the consideration of H.R. 22. It provides an hour of general debate, and it makes in order 29 amendments.

Now, you might say, Mr. Speaker, that 29 amendments seems like that ought to be the end of the conversation. But my friend from Massachusetts and I are not done with 29 amendments. There have been well over 250 amendments submitted for this legislation. We have included 29 in this base text, and we are going to come back and include more.

This is the very first rule to come out of PAUL RYAN, Speaker, U.S. House of Representatives.

When Speaker RYAN was speaking to the House last week, when he took the Speaker's gavel into his hands, he said, ''We need to let every Member contribute—not once they have earned their stripes, but right now.''

He said, ''I come at this job as a two-time committee chair. The committees should retake the lead in drafting all major legislation. If you know the issue, you should write the bill. We must open up the process. Let people participate. In other words, we need to return to regular order.''

Mr. Speaker, I won't tell it to you any way but straight. I am not sure what folks mean when they say a return to regular order in this House.

I love a free and spirited debate process. We are going to go deep into the night tonight, deep into the night tomorrow night, and well into the late hours on Thursday. I hope my colleagues are still going to be as enthusiastic about regular order when we are done as they are before we get started.

But regular order doesn't necessarily mean that you can use dilatory tactics to slow the House down. It doesn't necessarily mean we need to see the same amendment 25 different times.

What my friend from Massachusetts and I are doing in the Rules Committee, Mr. Speaker, is going through those amendments to make sure that the ideas and the recommendations brought by individual Members of this House have a chance to be heard, but heard once, not heard six different times.

We are going to have a robust debate in the spirit of regular order over these next 3 days. But that will be from a pot of more than 260 amendments winnowed down into those issues that need to be discussed, have an opportunity to be discussed, on the floor of this House.

□ 1245

Mr. Speaker, the transportation system in this country is over 4 million miles, 600,000 bridges, and 270,000 public transit route miles. The scope of the transportation system in this country is vast, and its importance is even more so. There is not a mayor in this country, Mr. Speaker, who doesn't know that as goes their education infrastructure and as goes their transportation infrastructure, so goes the economy of their community.

Now, we are working on the Elementary and Secondary Education Reauthorization Act, Mr. Speaker, but that is not for today. Today is not education day. Today is transportation day, where we are bringing forward the first 6-year transportation reauthorization that this country has seen in more than a decade. We have been trying. It is not from a lack of trying, Mr. Speaker.

The ranking member, Mr. DEFAZIO, on the Transportation Committee and the chairman, Mr. SHUSTER, on the Transportation Committee have been working diligently not for days, not for weeks, and not for months, but for years to try to bring this piece of legislation to the floor. This rule today gives us that opportunity.

Mr. Speaker, there are those items in the U.S. Constitution that are put upon the United States Government as responsibilities that we must achieve together. Postal roads are among those responsibilities. There are those who say that Republicans are the party of

no government. I say nonsense. I say Republicans are the party of good government. In fact, I don't even think that should be a partisan issue. I think that should be a nonpartisan issue, something that we can all agree on, as Americans, as this body.

This bill doesn't just allocate the necessary dollars to the projects; it changes the process that allocates those dollars so that we get more value out of each and every one.

I will tell you a story from back home, Mr. Speaker. In fact, it is going on this week. This week a year ago would have been election week. I represent only two counties in the great State of Georgia. One of them is the single most conservative county in the State.

They turned out on election day last year, Mr. Speaker; and while they had rejected Federal tax increases in the past and while they had rejected State tax increases in the past, they got together a year ago this week and voted to tax themselves—this small county in the great State of Georgia—to the tune of $200 million so they could expand the major highway going through that county. They didn't trust the government here in Washington to get a dollar's worth of value out of a dollar's worth of taxes. They didn't trust the State government to get a dollar's worth of value out of a dollar's worth of taxes. They trusted the locality to get a dollar's worth of value out of a dollar's worth of taxes. And here, this week, it will have been 1 year from election day and groundbreaking begins.

Groundbreaking begins this week, just 1 year after the decision to move forward on a project. That is unheard of in Federal circles, Mr. Speaker, but this bill takes not bipartisan steps, but nonpartisan steps to improve upon that process.

Mr. Speaker, I happen to serve on both the Rules Committee and the Transportation Committee. I am very proud of the base product that the Transportation Committee in this House reported. We didn't just consider that bill for a day or for a week. We worked on that bill for months as well. We passed it out of committee on a voice vote, Mr. Speaker. We passed it out of committee unanimously. In fact, we passed the rule out of the Rules Committee last night on a voice vote to bring this resolution to the floor.

This is an opportunity, Mr. Speaker, to show the American people what is best about this House. What is best about this House is not that we all agree on everything, because we don't. What is best about this House is not that we all represent the same kinds of values and constituencies back home, because we don't. What is best about this House is that we have an opportunity to come together, express all of those issues, and let the chips fall where they may.

If you look in these 29 amendments, Mr. Speaker, you will see most of them are bipartisan or nonpartisan amendments. But we have amendments made in order that are just brought by Republicans, and we have amendments made in order that are just brought by Democrats. The Rules Committee has the power to do whatever the Rules Committee would like to do. We are not using that power today to shut the voices out, Mr. Speaker. We are using the power today to bring the voices together.

I am very proud to bring this rule. I think it is worthy of all the Members' support.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Georgia (Mr. WOODALL) for the customary 30 minutes.

I yield myself such time as I may consume.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, before I get into the subject matter that we are here to discuss, I do want to respond to my friend from Georgia about Speaker RYAN's call for regular order, which I think many on our side welcome. But we are not going to get too excited yet because that same pledge was made when Speaker Boehner became Speaker of the House, and that pledge was broken over and over and over again. In fact, he presided over the most closed Congress in the history of our country, more closed rules than any other Congress in history.

When my friend asked the question, ''What does regular order mean?'' well, it means that we don't bypass committees of jurisdiction. We let them do their work, and then we bring that bill to the Rules Committee, as opposed to having some committee staff write a bill in the back room someplace in the Capitol, present it, and then have the Rules Committee give it a closed rule. It means allowing for all sides to be heard.

The Rules Committee has routinely blocked out amendments on legitimate issues because the Republican leadership didn't want to deal with it. They didn't want to have that debate.

So it means a more open and transparent process. It means a process that is more fair and more respectful of all Members, not just Democrats, but to Republicans as well. I hope that when Speaker RYAN made that pledge, it is more than just words; that we will see, in the coming weeks and months, something different around here.

I would also just say that I don't mean to pick on Speaker Boehner because we do have people on the Rules Committee on the Republican side who have routinely voted to shut this process down. I hope that there is a change of attitude in the Rules Committee, as well, for a more open and a more transparent process.

So having said that, Mr. Speaker, today's rule provides for the consideration of the Surface Transportation Reauthorization and Reform Act, a 6-year highway bill. After 35 short-term extensions—35 short-term extensions—this is a welcome step to providing the kind of certainty that our State and our local officials need. In fact, they have been clamoring for this for a very, very long time.

Of the 284 amendments submitted to the Rules Committee for consideration, the rule we are talking about right now makes in order 29. We expect the committee to meet later today to consider the remaining amendments.

I want to thank Chairman SHUSTER, Ranking Member DEFAZIO, and Subcommittee on Highways and Transit Chairman SAM GRAVES and Ranking Member ELEANOR HOLMES NORTON for all of their hard work to get us to this point.

This isn't the highway bill that I would have written, but the bottom line is that we need a long-term surface transportation authorization bill. States need to be able to count on Federal funding for more than a month at a time. Large-scale infrastructure projects take years to complete. States need certainty, and this bill is a step forward in that direction.

Mr. Speaker, our roads and our bridges are already in need of massive repairs. I tell my colleagues all the time that we have bridges in Massachusetts that are older than most of your States. The underlying bill provides $325 billion in contract authority from the highway trust fund over 6 years for highway, transit, and safety programs. It would allow for automatic adjustments if more money comes into the highway trust fund.

I am pleased to see that among the provisions in this bill is a reauthorization of the Export-Import Bank, which is the same language that the House passed with strong bipartisan support last week, notwithstanding the fact that we had to use a discharge petition because the way this place operates, the will of the majority was not respected. But we should vote against any amendments—any and all amendments—that would jeopardize this provision.

Not only will a long-term highway bill help our economy, but it will create and sustain thousands of American jobs, particularly in the construction and manufacturing industries that were hardest hit by the Great Recession.

In all candor, I can't say that I am enamored with everything in this bill. I wish that it provided more robust funding levels. I am sorry to see that we are continuing to use guarantee fees as a pay-for on an unrelated transportation bill. G-fees should be used to protect taxpayers from mortgage losses, not as an offset on a highway bill.

I also have serious concerns about the use of private debt collection as an offset in this bill. Instead of raising money, if history is any indication, it

is likely the use of private debt collection agencies would result in the Federal Government losing revenue. We know that because that has happened in the past.

Moving forward, I would strongly, strongly caution against loading this bill up with controversial provisions. This rule makes in order an amendment by Congressman RIBBLE of Wisconsin to permit States to allow bigger and heavier trucks on our interstate highways, and I understand that several other amendments have been offered to increase truck size and truck weights. I think passing these kinds of amendments is one of the most dangerous things that we can do, and I believe it would seriously threaten this carefully crafted compromise.

Despite what some in the trucking industry might have you believe, bigger trucks have never resulted in fewer trucks on our road. Since 1982, when Congress last increased the gross vehicle weight limit, truck registrations have increased 90 percent.

Now, some say if we allow bigger and heavier trucks on our Federal Interstate Highway System, we can somehow alleviate their presence on local roads. That is a false argument because trucks still need to make deliveries and pickups at warehouses and businesses, and local roads are the way they get there. So all the Ribble amendment would do is make more of our roads less safe.

By the way, on the Interstate Highway System, these bigger and heavier trucks can drive faster, thereby endangering more and more of the others who are driving on these highways. Bigger truck crashes kill nearly 4,000 people every year, and the reality is that most of those fatalities are those in passenger vehicles, not the trucker. Big trucks pay only a fraction of the true cost of the wear and tear they cause on our roads and bridges. State budgets are stretched to the brink as it is and can't afford to make up for the multibillion-dollar underpayments.

Mr. Speaker, Americans have said loud and clear over and over again that they don't want bigger trucks. A January 2015 nationwide survey by Harper Polling found that 76 percent of respondents oppose longer, heavier trucks, and a May 2013 public opinion poll by Lake Research Partners found that 68 percent of Americans opposed heavier trucks. That should be enough to give people who want to put bigger and heavier trucks on our roads some pause. But as I have learned serving in this Congress, usually this place does the opposite of what the American people want.

Let me remind my colleagues that in MAP–21, the most recent long-term highway bill, Congress directed the Department of Transportation to conduct a comprehensive study on truck size and weight laws. After 2 years of careful study, DOT concluded that the current data limitations were so profound that no changes in truck size and weight laws in regulations should be considered until these data limitations could be overcome. So we asked DOT to do a study, and that is their recommendation. Yet there are all these amendments to try to get around that.

I would just say to my friends who are thinking of voting for some of these amendments to allow bigger, heavier, and more dangerous trucks on the road and on our Interstate Highway System to talk to some of the families of the victims. I have, on a regular basis, talked to people who have lost their husbands, their wives, their kids, and their best friends to these senseless crashes. Think about them before you just go along with whatever particular special interest asks you to do.

By the way, those who drive these trucks are opposed to this. They are opposed to this. Yet here we are with an attempt to try to kind of make our roads less safe.

So loading this bill up with all kinds of exemptions to truck size and weight laws I think would be a huge mistake and would jeopardize the passage of the underlying bill. I urge my colleagues to reject the Ribble amendment and all these other amendments that may be made in order to put bigger, heavier, and more dangerous trucks on the road.

Mr. Speaker, I reserve the balance of my time.

□ 1300

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when we talk about the return to regular order and all of the amendments that we are going to consider today, it is not lost on me that just here in the Rules Committee debate, my friend from Massachusetts was able to talk about truck size and weight for longer than regular order would have allowed the proponent of an amendment to talk about that. Under the 5-minute rule, which is what we have here to conduct these issues, it is hard to grapple with some of these big issues in an amendment process.

Some of these issues, as my friend from Massachusetts suggested, should be hashed out in committee, where there is no time limit, where we can work on these, where we can consider all of the studies, where we can go through all of the work.

There is a role for the Rules Committee to pick and choose amendments, those that have been considered enough, those that can be considered in a short period of time, and those that need to remain in committee and be hashed out there.

As we grapple with what regular order means, I hope my colleagues will come down on the side of reserving the biggest of these issues for committee work and the more minor changes for here on the floor of the House.

While I prefer to agree with my friend from Massachusetts, Mr. Speaker, I have to disagree with him about the track record we put together in this body over the last 4½ years.

I came to Congress at the exact same time that John Boehner became Speaker of the House. My first experience here in this Chamber, Mr. Speaker, was when John Boehner brought H.R. 1 to the floor. It turns out the Democratic Congress had not finished the budgeting process the year before.

So here we were. We were in the middle of the fiscal year. No budget had been passed. No appropriations bills had been passed. This brand-new Congress comes in, the biggest freshman class in American history. It was an exciting, exciting time, Mr. Speaker, as you will recall.

One of the first bills out of the gate was a bill to fund $3.5 trillion worth of Federal Government. All these new Members here have all been sent with a mandate from their constituents back home.

While history would have suggested that a Speaker would have closed down that process, said this is too important to put before the entire House, what Speaker John Boehner said is: Bring the bill to the floor and we will debate it for as long as it takes.

Mr. Speaker, do you remember that? It was all night long, day in, day out, until we finished the job. Every Member on this floor had their voice.

We can't always do that, Mr. Speaker. There is not enough daylight or darkness in the year to do that with every bill that comes to the floor of the House. But I cannot let it be said that Speaker Boehner presided over the most closed Congress in history. In fact, the opposite is true.

If you track down my Democratic friends, they will tell you they offered more amendments in a John Boehner Speakership than they ever had a chance to offer in a Speaker PELOSI Speakership. I am not faulting the previous Speaker, Mr. Speaker. I am only saying that openness is something you have to believe because it is hard. It is complicated.

I listened to my friend from Massachusetts. He said: I want an open process. I just want to defeat all the amendments I don't like that come to the floor of the House.

Sometimes that is just the way it is. Sometimes you have to come down here to the floor of the House, you have to have the difficult debate, and you have to win on the merits.

Mr. Speaker, we did ask the Department of Transportation to consider truck weights. We absolutely did. And we passed it in a bipartisan way. It was signed by the President of the United States. The date the report was due back to this Congress was last year.

Last year is when this body spoke and said: You have to have this study back to us by the winter of 2014.

The Department of Transportation said: Whatever. Whatever. We are working on it. It is really hard. I know Congress told us to. I know they are the boss. But whatever. We will get there.

Here we are a year later and we still don't have the report, Mr. Speaker.

Don't let it be said that we are succeeding here at the Federal level.

What does my friend from Wisconsin (Mr. RIBBLE) do? This is radical. I want to redescribe the radical amendment that my friend from Massachusetts just spoke about. The radical idea that my friend from Wisconsin has is: Let's let the State governments decide for themselves about what the truck weights should be on Federal highways in their system.

I don't dispute for a moment that there are going to be States that say: This is too dangerous. We don't want heavier trucks on our road. I don't doubt that for a minute.

But don't you doubt for a minute, Mr. Speaker, that there will be States that say: Today we allow those heavier trucks on our small two-lane curvy roads through north Georgia.

If you really care about families that have been harmed by truck accidents, then you want those trucks off of those dangerous two-lane roads and you want them on the finest highway system known to man: the United States interstate system.

I trust States to make those decisions, Mr. Speaker. Don't think for a moment—don't think for a moment—that the collective wisdom of 435 people in this body is a good substitute for folks who sit back home in the great State of Georgia. I promise you, our judgment, the way we love on one another in Georgia is superior to anything this body could craft.

That is the radical idea from my friend from Wisconsin (Mr. RIBBLE). Let States decide. Let the local people who have to deal with the consequences of action or inaction—let them decide.

It feels right to me, Mr. Speaker. That is what is wonderful about this body. We are going to make these amendments in order. We are going to bring them to the floor of the House. We are going to have the debate. And then, lo and behold, at the end of the process, you are going to have to stick your card in the slot and vote ''yes'' or ''no.''

Mr. Speaker, this is the way it is supposed to be. I don't want a body where we all agree on everything all the time. I want a body where we are able to talk about those things that divide us and where we are able to unite around those things that unite us.

One of those things, Mr. Speaker, is what my friend from Massachusetts said. We have been in a short-term extension process for far too long. It has been a short-term extension process that has gone through both Republican and Democratic leaderships, Mr. Speaker. This is not a partisan problem. This is an American problem.

Today the Transportation Committee has crafted an American solution that, if we pass this rule, we will be able to consider.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am now really worried about what Speaker RYAN meant when he said that we were going to return to regular order, based on what my colleague, Mr. WOODALL, just said as he defended the Boehner Congress, which, by the way, is the most closed Congress in the history of our Congress—more closed rules, over 180 closed rules. If you want to defend that process, fine.

Not only the closed rules, but on major amendments, important issues were not even allowed to be brought up. We tried to debate the war—we are at war—and the Rules Committee, with the blessing of the leadership, wouldn't even allow us to bring that to the House floor. Important issues are routinely denied here.

If your idea of regular order is still ''your way or the highway,'' then I don't think that much is going to be changed, just maybe the same menu, a different waiter, I guess. That is about what we can expect. I hope that is not the case.

I think the record, not only how the Republicans have treated the minority with regard to important bills, but also to a lot of people on your own side, has been lousy. It has been a bad record.

I am hoping that the new Speaker understands that and believes that this place could be better served if we have a more inclusive process, more regular order, and we respected our committees.

By the way, speaking of committees, the Transportation Committee didn't see fit to put in a provision for bigger truck sizes and heavier trucks. That is the committee of jurisdiction. They didn't do that.

Mr. RIBBLE has the right to bring his amendment. These other people have the right to bring their amendment. Members will have a whole 10 minutes to debate this.

I would also say that not all amendments are created equally. Some are more important than others. I think this is an amendment that is more important than some of the sense of Congress language that we are going to be debating in terms of amendments later.

But a whole 10 minutes and we are going to let the States decide. That is the retort from my colleague from Georgia. I get it.

There are people in this House, especially on the Republican side, who think the States should control everything; that when it comes to civil rights or voting rights, let the States decide, and the Federal Government should have no role in guaranteeing that everybody in this country has their voting rights protected or their civil rights protected. I disagree with that.

On this issue, it is an issue of safety. When the gentleman says that we are just trying to take these big trucks off these side roads, that is not true. These trucks still have to go on those small roads to do their deliveries.

That is not going to change. They will still have to utilize those roads. On those side roads, I wish there weren't these big trucks, but at least they are going slower than they will on an interstate highway.

Mr. Speaker, I include in the RECORD a letter from Andrew Matthews, chairman of the National Troopers Coalition, representing 45,000 members, asking us to oppose any amendment forcing States to allow heavier and longer trucks on our Nation's highway.

Every one of us here is saying please don't do this, please don't do this. We will have a whole 5 minutes to make the case against that amendment.

NATIONAL TROOPERS COALITION,
September 23, 2015.

Hon. BILL SHUSTER,
House of Representatives,
Washington, DC.
Hon. PETER DEFAZIO,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN SHUSTER AND RANKING MEMBER DEFAZIO: On behalf of the National Troopers Coalition's 45,000 members, we ask that you oppose any amendment forcing states to allow heavier and longer trucks on our nation's highways when you consider the transportation reauthorization. Specifically, we urge you to vote against any amendments allowing the operation of 91,000 pound single tractor-trailers or double 33-foot tractor-trailers, replacing the twin 28-foot trailers in operation today.

Troopers, every day, see the dangers these longer and heavier rigs pose to the motoring public and our officers. With heavier trucks, stopping distances increase threatening the motoring public and our Trooper members. And if ''Twin 33s'' become legal, this could ultimately replace 53-foot singles as one of the most commonly used configurations, adding a dangerous 17 feet in length to our already crowded highways.

The transportation reauthorization bill should not include such a far-reaching policy change, especially following the release of the long-awaited USDOT truck size and weight study, which largely concluded that not enough data exists to make a clear recommendation on changing any existing truck size and weight laws.

The bottom line is bigger and heavier trucks make our roads and highways are unsafe due to, among other things, greater stopping distances and higher risk of rollover. The National Troopers Coalition opposes any changes to current truck size and weight laws and urges you to do the same. Should you have any questions or need any additional information, I can be reached.

Thank you for your consideration.

Sincerely,

ANDREW MATTHEWS, ESQ.,
Chairman.

Mr. MCGOVERN. Mr. Speaker, the Teamsters Union, which most of these truck drivers are Teamsters, sent us a letter strongly urging us to oppose the Ribble amendment. Law enforcement, the drivers, all these safety coalitions say no; but a special interest comes in here and says they would like an exemption, and everybody Clambers to try to help them out. Know what you are voting for before you vote for this.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, I rise to call attention to an important safety provision in the

Senate-passed DRIVE Act being considered by the House this week.

I am pleased the House is working in a bipartisan manner to fix our Nation's critical highway infrastructure needs. I want to bring attention to a key provision which is included in the DRIVE Act that passed the Senate earlier this year.

In 2004, two young sisters, Raechel and Jacqueline Houck, were killed just outside my district when their rented Chrysler PT Cruiser caught fire and crashed due to a defective steering component. The vehicle was not grounded or fixed before it was rented to the Houck sisters, despite having a safety recall notice issued a month before the tragic accident.

While today Federal law prohibits car dealers from selling new cars subject to a recall, there is no similar law prohibiting rental car companies from renting out vehicles under a safety recall.

That is why I am so pleased the Senate included the text of my bill, H.R. 2198, the Raechel and Jacqueline Houck Safe Rental Car Act, into the DRIVE Act.

This legislation is nothing more than a commonsense fix. It modifies existing law to prohibit rental car companies from renting a vehicle under recall until it has been fixed. Pure and simple, consumers must be protected from renting cars that are subject to a safety recall.

This key provision does not only have bipartisan support in the House, but it is also supported by the rental car industry, consumer safety groups, the National Highway Traffic Safety Administration, General Motors, and Honda.

Furthermore, a change.org petition calling for passage of this bill was started by Raechel and Jacqueline's mother, Cally Houck. It has received signatures from over 180,000 consumers nationwide.

I am disappointed that there may be attempts to strike this critical vehicle safety language from this final highway bill. I believe such actions are misguided and would seriously undermine the tireless effort by Cally Houck and the families who have lost loved ones due to this clear defect in our safety laws.

Therefore, as the House debates the highway bill this week, I urge my colleagues to oppose any amendments to weaken or undermine this important bipartisan language.

Let us honor the lives of Raechel and Jacqueline Houck by working together to enact a simple, yet meaningful solution that will surely save lives in the future.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

I certainly agree with my friend from Massachusetts that folks ought to know what they are talking about before they come and vote on amendments. In fact, I think folks ought to know what they talk about when they even come down and talk about amendments. I think that ought to be part of the thing. There is no point of order to stipulate that, but I believe it is an important provision.

I serve on the Transportation Committee, Mr. Speaker. So I have a vested interest in this. I have kind of a pride of authorship. We worked very hard on this.

In my friend from Massachusetts' opening statement, he thanked the chairman and the ranking member of the full committee and of the subcommittee. They call them the Big Four on that committee, Mr. Speaker, the Big Four.

If you can get the Big Four to have an agreement, then you feel like you can get your amendment across the finish line because being a committee chairman means something.

□ 1315

Among the many amendments that we considered in committee were truck weight amendments, Mr. Speaker. I know this because I serve on that committee.

Did you know, today, Mr. Speaker, that we have first responder vehicles—fire trucks, for example—that are prohibited from getting on Federal highways because of this system? If you are in a crisis—if you are in a first responder crisis—because of the wisdom of the Federal Government, the wisdom of this body, we have said: Do you know what? You probably shouldn't get on the fastest and most direct route to respond to the crisis. We really need you to stay on the local roads. No interstate travel for you.

That is just nonsense. That is absolute nonsense.

Good news, Mr. Speaker. We have folks here in this body who care about ferreting out the nonsense and putting a stop to it. So we considered that amendment in committee, and we passed that amendment in committee. If we pass this rule today, Mr. Speaker, we can change the law of the land to make that difference for people.

This is a new day in terms of House leadership, Mr. Speaker. It is a new day. I am going to be interested to see whether we spend more time litigating the past or planning for the future. I am about looking forward. I am optimistic about tomorrow. I know it is going to be better than yesterday no matter how good yesterday was. This is the opportunity we have here together.

Unanimous out of committee. Voiced out of the Rules Committee. This is the bill. I don't want anybody to be confused. There is no civil rights legislation in this bill today. This is a transportation bill. I don't want anybody to be confused. We are not rolling back anything for anyone here today. This is a bipartisan—even better, nonpartisan—transportation funding bill. I don't want anybody to be confused today. This is something that Democrats failed to get done when they ran the show, and it is something Republicans failed to get done when they ran the show. Now we are all here together, getting it done. I think that is worth celebrating.

I urge all of my colleagues to pass this rule so we can get to it and then support the underlying bill as well.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I am going to urge that we defeat the previous question. If we do, I will offer an amendment to the rule to bring up legislation that will restore and strengthen the Voting Rights Act of 1965.

We need to recommit ourselves to voter equality. This legislation would require Federal approval in some States for changes to voting practices that could be discriminatory.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, you will notice many of us are wearing ''Restore the Vote'' pins here today because we are, quite frankly, appalled by what is going on in certain States in terms of taking away people's right to vote. We find that offensive, and we think that there is a Federal obligation to guarantee that right, that we just can't leave it up to the States. All of us in this country should have equal protections under the law when it comes to voting.

Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Alabama (Ms. SEWELL).

Ms. SEWELL of Alabama. Mr. Speaker, I rise today in support of voting rights for all Americans. I was proud to stand alongside my fellow colleagues this morning to launch the Restore the Vote legislative strategy.

This national effort will help mobilize support for H.R. 2867, the Voting Rights Advancement Act of 2015, a bill that I sponsored with Representatives JUDY CHU and LINDA SÁNCHEZ in order to restore critical Federal oversight to jurisdictions which have a recent history of voter discrimination.

Since elections are held on Tuesdays, every Tuesday that Congress is in session, we will declare it to be ''Restoration Tuesday.'' Members of Congress will wear a ''Restore the Vote'' ribbon pin and will speak on the House floor about the importance of restoring and protecting voting rights for all Americans. Today is the first Restoration Tuesday, and I am honored to speak on behalf of H.R. 2867, the Voting Rights Advancement Act.

Two years ago, Mr. Speaker, the Supreme Court in the Shelby case struck down the Federal preclearance. The Supreme Court issued a challenge to Congress to develop a modern-day coverage

formula that looks at current discriminatory acts by States and political jurisdiction. The Voting Rights Advancement Act answers that challenge.

The bill restores and advances the Voting Rights Act of 1965 by looking at recent voter discrimination practices since 1990. An entire State can be covered by preclearance if 15 or more voting violations occur in a State in the most recent 25-year period. This updated coverage formula ensures that 13 States, including my home State of Alabama, are required to obtain preclearance for changes in voting practices and laws. The 13 States that will be covered under this new formula include Alabama, Mississippi, Louisiana, Georgia, Florida, South Carolina, North Carolina, Arkansas, Arizona, Texas, New York, California, and Virginia. The bill also provides greater transparency in Federal elections by ensuring that voters get notice of changes in locations and of changes in voting practices.

Put simply, the Voting Rights Advancement Act offers more voter protection to more people in more States.

Mr. Speaker, old battles have become new again. Since the Shelby decision, 33 States across this Nation have issued photo I.D. laws that have made it harder for vulnerable communities to vote, like our senior citizens, our young people, and the disabled.

As a daughter of Selma, I am painfully aware that the injustices suffered on the Edmund Pettus Bridge 50 years ago have not been fully vindicated. Just recently, my constituents were dealt a very devastating blow when Alabama closed 31 DMVs—that's right, driver's license offices—a State that had recently adopted one of the Nation's harsher photo I.D. laws. This decision is completely unacceptable. These closures render it almost impossible for so many of my constituents to get the most popular form of photo I.D., which is a driver's license.

This DMV closure decision is just one example of modern-day barriers to voting. While we no longer have to count marbles in a jar or recite the names of all of the counties, there are still laws and decisions that make it harder for people to vote. ''Injustice anywhere is a threat to justice everywhere,'' Martin Luther King once said.

On March 7, 2015, I welcomed President and Mrs. Obama as well as President Bush and Mrs. Bush, along with 100 Members of the House and the Senate, to my hometown of Selma, Alabama, to commemorate the 50th anniversary of the voting rights march from Selma to Montgomery. Mr. Speaker, it was a ''kumbaya'' moment when Republicans and Democrats gathered together in recognition of how far our Nation had come in living up to its ideals of justice and equality for all.

The 50th commemoration of the marches from Selma to Montgomery must be so much more than just one day of reflection, Mr. Speaker. A single moment filled with colorful language and wonderful speeches is nice, and walking hand in hand across the Edmund Pettus Bridge is nice; but gone should be the days of ''feel good'' moments that, in and of themselves, lead to no clear path to action. The Voting Rights Advancement Act is that action.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentlewoman an additional 1 minute.

Ms. SEWELL of Alabama. Mr. Speaker, we are asking our colleagues, Democrats and Republicans, to join with us in supporting the Voting Rights Advancement Act as Congress must act now to protect the rights of all Americans.

The fate of our democracy depends upon its citizens having the unfettered right to vote. Our vote is our voice, and no voices should be silenced. We are asking everyone to join us in our efforts to make sure that we restore the vote to the voices of the excluded. To restrict the ability of any American to vote is an assault on all Americans' rights to participate equally in the electoral process.

I ask my colleagues to support H.R. 2867, the Voting Rights Advancement Act.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

It is easy on a big bill like this to get confused about what is in it and what is not in it. I would refer folks to transport.house.gov. That is not just for Members of Congress, Mr. Speaker. Anybody across the country can access that.

What you are going to find—and, again, what is an extraordinary success story that we have on the floor today—are all of these national priorities that we share. The bill refocuses funding on national priorities. It gets us back to the core of the original highway trust fund. It reforms the program, again, in a bipartisan—even nonpartisan—way to get the dollars on the ground faster to make a difference in people's lives.

Time is money, Mr. Speaker, whether you are shipping goods or whether you are sitting in traffic. It promotes innovation to bring some new ideas into the transportation infrastructure. We are getting ready for next generation roads, and that language is here: roads and bridges, public transportation, driver safety, truck and bus safety, hazardous materials. It is all in here.

There are those bills in Congress where the more you read them, the more you think: ''Man, what were those guys thinking?'' This is one of those bills where the more you read it, you think: ''How in the world did those guys get it done?'' This is a success story, Mr. Speaker. It is worthy of all of my colleagues' support.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

We need to pursue this in the manner we are doing it because, again, important issues like this don't ever see the light of day in this House. We can't talk about voting rights or vote on a bill to protect voting rights. We can't vote on immigration reform because my friends are slaves to this majority rule on their side of the aisle. These are important issues, and we shouldn't just leave them to the States in which people's voting rights are being denied.

Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Ms. ADAMS).

Ms. ADAMS. Mr. Speaker, August 6 marked the 50th anniversary of the passage of the bipartisan Voting Rights Act of 1965, historic legislation that prevented State and local governments from denying any citizen the right to vote based on his race, ensuring equal voting rights for all.

In 2013, the Supreme Court struck down a major provision of this law, severely limiting the Federal oversight of State voting laws. My home State of North Carolina passed the most egregious voting law in the Nation immediately after that decision, which slashed early voting, implemented strict voter I.D. requirements, and ended pre voter registration programs. Other States across the country followed suit and also implemented election laws that disenfranchised voters.

All voters should be able to make their voices heard and elect leaders of their choice, and I am proud to join my colleagues today in renewing our call to repair America's broken election system.

I cosponsored the Voting Rights Advancement Act to help restore Federal oversight to jurisdictions which have a recent history of voter discrimination. This bill updates the coverage formula to ensure that States like North Carolina are required to obtain preclearance for changes to voting practices and procedures. It reaffirms our commitment to voter equality, and it creates additional pathways for voter access. Simply put, this bill protects the right to vote.

I urge my colleagues to support this important piece of legislation because every American deserves to have his voice heard. Every American deserves equal access to the ballot box, and every American deserves the right to vote.

Mr. WOODALL. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. BEATTY).

Mrs. BEATTY. I thank the gentleman for yielding.

Mr. Speaker, it is election day in Ohio. Right now, my constituents are casting ballots to decide their next local, State, and judicial elected officials. Participating in our democratic process is not only a right, but it is a duty. Unfortunately, again, for many Americans, voting recently became more difficult in 2013.

As you have heard my colleagues mention, Mr. Speaker, that is when the Supreme Court struck down key provisions of the Voting Rights Act of 1965

in its Shelby v. Holder decision, making it easier for States and localities to disenfranchise voters in areas that have a history of voter suppression.

We shouldn't roll back voting rights protections. Instead, we should honor the progress our country has made to ensure equal rights and equal treatment.

Congress should immediately bring H.R. 2867, the Voting Rights Advancement Act of 2015, to the floor so all Americans may cast ballots to choose their leaders and their public servants. I am a cosponsor—no. Let me say I am a proud cosponsor of this bill, and it enjoys bipartisan support and leadership support in both the House and the Senate.

Mr. Speaker, voting rights restoration should happen now. On Tuesdays, I will proudly wear my pin for restoring the vote. Mr. Speaker, again, that is restoring the vote.

□ 1330

Mr. WOODALL. Mr. Speaker, I would ask my colleague if he has any further speakers remaining.

Mr. MCGOVERN. I am ready to close for our side.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in a few moments, I am going to offer an amendment to the rule. It has been worked out collaboratively with the minority. I said when I began that we were making almost 30 amendments in order, but we were nowhere close to done. In fact, this amendment wants to make another 16 amendments in order right now.

We are still going to go back to the Rules Committee and meet at 3 p.m. We are still going to make even more amendments in order, but this amendment will make an additional 16 amendments in order under this rule. It will make more time available for debate, Mr. Speaker.

We want to make a technical fix to dispense with the reading of the Senate bill so that we can get directly into amendments. That is a standard procedure, but it was not in the base rule.

Mr. Speaker, this is only going to make this rule better. I look forward to offering that amendment here in just a few moments.

I reserve the balance of my time.

Mr. MCGOVERN. How much time do I have left, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Massachusetts has 3½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by reiterating our call for Members to vote ''no'' on the previous question so that we can restore the vote.

Only in this Republican-controlled House of Representatives is the notion of protecting everybody's right to vote a radical idea. We see voter suppression efforts all across this country, and it is a Federal responsibility. It is a Federal responsibility, and we have got to live up to that responsibility. So I hope that my colleagues will vote ''no,'' so we can have this debate and we can have an up-or-down vote on this.

Quite frankly, the committees of jurisdiction should have ruled this bill to the floor, and we should be having that debate. But I guess for political reasons my colleagues don't see the benefit in moving this important legislation to the floor. We have an opportunity to do that today.

Secondly, Mr. Speaker, I again want to commend Chairman SHUSTER, Ranking Member DEFAZIO, and their entire team for bringing us here today with a carefully crafted compromise, 6-year highway bill, which, I think, is absolutely imperative. Our States, our cities, and our towns have been demanding this for a long, long time, and we are very close to making some progress.

I would urge, like I did in my opening statement, we ought not to screw it up with a whole bunch of controversial amendments because some special interest PAC thinks it is a good idea.

I will again reiterate my strong opposition, not only to the Ribble amendment, but to a whole bunch of other amendments that will allow bigger and heavier trucks on our Federal Interstate Highway System. These are Federal highways. Yes, it is a Federal responsibility. It is a Federal responsibility.

I would just remind my colleagues that the people who agree with me on this include the National Troopers Association, the National Sheriffs' Association, the International Association of Chiefs of Police, the National Association of Police Organizations, AAA, the National League of Cities, the National Association of Towns and Townships, the American Public Works Association, The U.S. Conference of Mayors, Citizens for Reliable and Safe Highways, Road Safe America, Brain Injury Association of America, Parents Against Tired Truckers, Advocates for Auto Safety, Trucking Alliance, the Teamsters, and the AFL–CIO. I can go on and on and on.

The overwhelming opinion on this is that we should not go down the road of bigger and heavier trucks; yet we have got a special interest out there that says we should do it, and so all of a sudden Members are clamoring to do it. It would be a mistake. It would make our roads more dangerous. It will threaten the safety of passengers on our highways. It is a bad idea.

Certainly, people ought to pay attention to what they are voting on before they come here and vote for this. Unfortunately, we are not going to have the time to debate it because it is going to be 5 minutes on each side. I think it would be a threat to this bill, and I think that would be a huge mistake.

Let us respect the great work that has been done by the Transportation Committee. Let's not load it up with a bunch of controversial provisions. This is about safety on our highways, first and foremost. If my colleagues don't believe that, they ought to talk to the families who have lost loved ones in accidents due to bigger and heavier trucks. They ought to talk to the drivers. They ought to talk to people who know what they are talking about and not rely on a particular special interest.

Mr. Speaker, again, I urge my colleagues to vote ''no'' on the previous question so we can have this debate and a vote on protecting voting rights in this country to restore the vote.

Let's respect the work that the committee of jurisdiction has done here, but let's vote ''no'' on these efforts to allow bigger and heavier trucks on our roads. For the sake of our constituents, for their safety, let us do the right thing and vote ''no'' on those amendments.

I yield back the balance of my time.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is one of those days where I don't think it is a rare moment of agreement; I think it is a typical moment of agreement. There are issues that divide us, and there are issues that unite us. Focusing on America's infrastructure is one of those issues that unites us.

I agreed with my friend from Massachusetts, Mr. Speaker, when he said he hoped in the new administration here in this House that we focused on fairness and respect. I think that is absolutely right. I think that is what the American people ask of us back home.

I don't particularly think that suggesting that there are folks in this body who are moving amendments to the floor based on the bidding of special interests moves us in the direction of respect. In fact, I think it moves us in the opposite direction, Mr. Speaker. I don't think suggesting there are those in this body who care about the individual safety of families in our district and those who don't moves us in the direction of fairness or respect, Mr. Speaker. I think it moves us in the opposite direction. That is the challenge that our new Speaker has. We are trying to get to regular order, trying to have all the voices heard, Mr. Speaker, but you have seen the complexity of that just here today.

On the one hand, you have heard a passionate speech for why we shouldn't be considering trucking amendments in a trucking bill; that there couldn't possibly be enough time to discuss trucking while dealing with trucks, why we shouldn't possibly have an opportunity to bring experts together who have just passed a trucking bill to deal with more trucking issues. On the other hand, you heard a very passionate plea of why we should bring a Judiciary Committee legislative bill into the transportation bill.

This bipartisan bill, this bill that has been worked out, this bill that has succeeded where Congress after Congress after Congress has failed, you have

heard a very passionate pitch to say, you know what, let's take that transportation bill and let's drop in a giant judiciary issue on top of it because that is regular order. It is not regular order.

I don't dispute that there is frustration in this body for the pace at which legislation moves. I share it. Mr. Speaker, I instigate it for Pete's sake. I came here in the class of 2010. I want to get things done. As soon as we come together and get this done, by golly, we can go back to poking or kicking or talking or whatever it is that folks need to get done, but that is not this bill.

This bill is a success. This process is a success. The openness of this process is something that we can all be proud of. It doesn't just happen because Chairman SESSIONS and Ranking Member SLAUGHTER come together in the Rules Committee, Mr. Speaker. It happens because Chairman SHUSTER and Ranking Member DEFAZIO came together in the Transportation Committee. This is one of those moments that brings us together, not as a body, but as a nation, getting about the business that our constituents sent us here to do.

AMENDMENT OFFERED BY MR. WOODALL

Mr. WOODALL. Mr. Speaker, I would like to offer an amendment to the resolution.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 11, insert after the period: ''The first reading of the Senate amendment shall be dispensed with.''.

At the end of the first section, add the following: ''The Senate amendment, as amended, shall be considered as read.''.

At the end of the resolution, add the following:

''SEC. 7. The amendments specified in Rules Committee Print 114–33 shall be considered as though printed in part B of House Report 114–325.''.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia.

Mr. WOODALL. Mr. Speaker, that is 35 amendments now. There are 35 amendments made in order by this rule. We will still go back at 3 o'clock this afternoon to find even more. That is the collaborative process that I am representing on the floor here today.

With that, Mr. Speaker, I urge strong support for the amendment, I urge strong support for the rule, and I urge strong support for the underlying resolution.

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 507 OFFERED BY MR. MCGOVERN OF MASSACHUSETTS

At the end of the resolution, add the following new sections:

SEC. 7. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2867) to amend the Voting Rights Act of 1965 to revise the criteria for determining which States and political subdivisions are subject to section 4 of the Act, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 8. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 2867.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WOODALL. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment and on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on:

Adoption of the amendment to House Resolution 507, if ordered;

Adoption of House Resolution 507, if ordered; and

The motion to suspend the rules on House Resolution 354.

The vote was taken by electronic device, and there were—yeas 241, nays 178, not voting 14, as follows:

[Roll No. 583]

YEAS—241

Abraham	Carter (GA)	Emmer (MN)
Aderholt	Carter (TX)	Farenthold
Allen	Chabot	Fincher
Amash	Chaffetz	Fitzpatrick
Amodei	Clawson (FL)	Fleischmann
Babin	Coffman	Fleming
Barletta	Cole	Flores
Barr	Collins (GA)	Forbes
Barton	Collins (NY)	Fortenberry
Benishek	Comstock	Foxx
Bilirakis	Conaway	Franks (AZ)
Bishop (MI)	Cook	Frelinghuysen
Bishop (UT)	Costello (PA)	Garrett
Black	Cramer	Gibbs
Blackburn	Crawford	Gibson
Blum	Crenshaw	Goodlatte
Bost	Culberson	Gosar
Boustany	Curbelo (FL)	Gowdy
Brady (TX)	Davis, Rodney	Granger
Brat	Denham	Graves (GA)
Bridenstine	Dent	Graves (LA)
Brooks (AL)	DeSantis	Graves (MO)
Brooks (IN)	DesJarlais	Griffith
Buchanan	Diaz-Balart	Grothman
Buck	Dold	Guinta
Bucshon	Donovan	Guthrie
Burgess	Duffy	Hanna
Byrne	Duncan (SC)	Hardy
Calvert	Duncan (TN)	Harper

Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—178

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)

NOT VOTING—14

Brady (PA)
Conyers
Ellmers (NC)
Fattah
Gohmert
Jackson Lee
Jones
Larson (CT)
Meeks
Richmond
Speier
Takai
Yarmuth
Yoder

□ 1410

Mrs. TORRES changed her vote from ''yea'' to ''nay.''

Messrs. LAMALFA and JODY B. HICE of Georgia changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WOODALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 248, nays 171, not voting 14, as follows:

[Roll No. 584]

YEAS—248

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Chu, Judy
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cooper
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Gene
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Maloney, Carolyn
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Ruiz
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Waters, Maxine
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—171

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)

Scott, David
Serrano
Sewell (AL)
Sherman
Sires
Slaughter
Smith (WA)
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson Coleman
Welch
Wilson (FL)

NOT VOTING—14

Brady (PA)
Ellmers (NC)
Fattah
Gohmert
Jackson Lee
Jones
Larson (CT)
Meeks
Neugebauer
Richmond
Speier
Takai
Yarmuth
Yoder

□ 1419

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF THE HOUSE REGARDING SAFETY AND SECURITY OF EUROPEAN JEWISH COMMUNITIES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 354) expressing the sense of the House of Representatives regarding the safety and security of Jewish communities in Europe, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 585]

YEAS—418

Abraham
Adams
Aderholt
Aguilar
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Buck
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Farr
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garrett
Gibbs
Gibson
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Guinta
Guthrie
Gutiérrez
Hahn
Hanna
Hardy
Harper
Harris
Hartzler
Hastings
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins
Hill
Himes
Hinojosa
Holding
Honda
Hoyer
Hudson
Huelskamp
Huffman
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Kuster
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Latta
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Massie
Matsui
McCarthy
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
O'Rourke
Olson
Palazzo
Pallone
Palmer
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Pitts
Pocan
Poe (TX)
Poliquin
Polis
Pompeo
Posey
Price (NC)
Price, Tom
Quigley
Rangel
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce
Ruiz
Ruppersberger
Rush
Russell
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NJ)
Smith (TX)
Smith (WA)
Stefanik
Stewart
Stivers
Stutzman
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—15

Brady (PA)
Ellmers (NC)
Fattah
Gohmert
Huizenga (MI)
Jackson Lee
Larson (CT)
Meeks
Neugebauer
Richmond
Smith (NE)
Speier
Takai
Yarmuth
Yoder

□ 1427

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HIRE MORE HEROES ACT OF 2015

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the House amendment to the Senate amendment to H.R. 22.

The SPEAKER pro tempore (Mr. HARDY). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 507 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 22.

The Chair appoints the gentleman from Idaho (Mr. SIMPSON) to preside over the Committee of the Whole.

□ 1429

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the Senate amendments to the bill (H.R. 22) to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the Senate amendment is considered read the first time.

The gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Oregon (Mr. DEFAZIO) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

□ 1430

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Today is an exciting day for me because when I became chairman almost

3 years ago of the Transportation and Infrastructure Committee, one of my highest priorities was passing a multiyear bill to improve our Nation's road, bridges, and transit systems. So I am very pleased that today the House is considering the Surface Transportation Reauthorization and Reform Act of 2015, the STRR Act.

I want to thank Chairman SAM GRAVES and our Democratic counterparts, Ranking Members DEFAZIO and NORTON, for helping to develop this bipartisan bill. Thanks in part to their hard work and willingness to work together, our committee unanimously approved the STRR Act 2 weeks ago.

This bill is absolutely critical to America and our economy. Transportation, in particular our surface transportation system, has a direct impact on our day-to-day quality of life. It affects how we get to work, how we get our kids home from school, and how much time we can spend with our families and friends instead of sitting in traffic. Transportation allows our country and our businesses to be competitive. Transportation is about supply chain, raw materials getting to the factories, products getting to markets, and what we pay for goods; and it is fundamentally what the STRR Act is all about.

To help put this legislation together, Mr. Chairman, our committee traveled to communities across this country and talked to transportation and business leaders about the need for this bill. What we heard is that our States and communities all have a variety of needs and that certainty over multiple years is necessary to address those needs. The STRR Act is a multiyear bill that provides that certainty for States and local governments. This bill helps improve our Nation's infrastructure and maintains a strong commitment to safety, but it also provides important reforms that will help us continue to do the job more effectively.

Key provisions in this bill will refocus—and that is important—our transportation programs on national priorities, promote innovation to make our surface transportation system and programs work better, provide greater flexibility for State and local governments to address their needs, streamline the Federal bureaucracy, accelerate the project approval process, and facilitate the flow of freight and commerce. The STRR Act continues the Federal role in providing a strong national transportation system, enables our country to remain economically competitive, and helps ensure our quality of life.

This bill has widespread support. We have received nearly 300 letters of support from throughout the stakeholder community, including Governors, mayors, cities, counties, AASHTO, Chamber of Commerce, National Association of Manufacturers, agriculture, construction industry, shippers, and many, many others.

Mr. Chairman, I strongly urge my colleagues to support this legislation and look forward to working with the Senate to get a final measure to the President.

Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Well, this has been a long time coming, and I congratulate the full committee chairman, the subcommittee chair, my ranking member, ELEANOR HOLMES NORTON, and all the members of the committee for moving forward a good, bipartisan product. None of us got everything we wanted in that bill, but there is a lot of good policy in there. The funding still leaves a lot to be desired.

It will begin to address the infrastructure crisis in America. Mr. Chairman, 140,000 bridges need substantial repair or replacement, and 40 percent of the road surface on the National Highway System has deteriorated to the point where you have to dig up the roadbed and rebuild the road, not just resurface it, and on our major transit systems, our legacy transit systems, $84 billion to bring them up to a state of good repair—$84 billion. It is so bad that they are actually killing people here in Washington, D.C., because of the decrepit nature of the mass transit system.

Mr. Chairman, this bill will begin to deal with those issues. It will give the States a 6-year planning horizon so they can plan longer term projects. Longer term projects mean more bang for the buck and more jobs will be created.

The bill also increases the percentage for Buy America so we will create more jobs here in America in the area of transit. In fact, the strongest Buy America requirements for all Federal procurement—much stronger than the Pentagon—are in transportation. So these dollars recirculate in our economy. They employ Americans, and they subcontract with American small businesses. Those moneys recirculate in our communities and can create real growth and wealth.

But as I mentioned earlier, we are still not certain whether there will be amendments allowed, and a number of Members have contributed to the Rules Committee proposals to increase funding with one form or another of user fee. User fee has been the tradition since Dwight David Eisenhower said that this will be a self-funded program funded by gas tax. The Federal gas tax hasn't gone up since 1993—18.3 cents a gallon. There are many meritorious proposals to change that in different ways, to index it, to have a temporary increase with a commission, a barrel tax, and a straight-up increase in the gas tax to have it catch up with inflation. There is a myriad of them out there, and I hope that some are allowed and that this body is allowed to work its will.

Eight all-red States have raised their gas tax in the last year, and not a single State representative or senator has been recalled or lost their election because of it. The American people get it. If they don't want to blow out their tires and break their rims in potholes, we need to invest. If they don't want to be detoured around closed or weight-limited bridges, we need to invest. If they wonder whether they are going to get there alive or get there at all when they get on a mass transit system, we need to invest at every level.

The investment is not what it should be in this bill, but there are many good policies. There are new, national, first-time-ever major freight and highway projects of national and regional importance. We need a focus on moving our freight more efficiently in this country. As I mentioned earlier, we are getting an increase in Buy America. We also reform the workforce retraining programs which will create career pathways for minorities, women, veterans, individuals with disabilities, and low-income workers.

It boosts funding for railway-highway grade crossings to save lives and improve safety, motor carrier safety grants, and National Highway Traffic Safety Administration grants. It ensures higher standards for transit safety, protects bus driver safety, and encourages States to provide mental health and substance abuse treatment for DUI offenders.

It improves safety for the transport of hazardous materials and provides critical protections for crude-by-rail shipments. It will provide more information for State emergency responders, and it will require comprehensive—it is amazing we don't have that now—oil spill response plans, and it will increase the safety of oil tank cars by requiring thermal blankets and other improvements.

All in all, there is much, much to commend in this bill. It also looks to the future, and it would put in $115 million to allow States to test new ways of raising the money necessary to rebuild, maintain, and improve the efficiency of our national transportation system, whether it would be vehicle miles traveled or other, new innovative ideas, and that is what we have got to look toward in the future. We cannot continue just on a gas and diesel tax forever.

So I, again, applaud the chairman, the subcommittee chairman, and my colleagues on the committee. I look forward to a long, robust, and open debate over amendments. Hopefully the bill will come out of that process improved and not damaged and will get broad support here on the floor of the House.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DENHAM), the subcommittee chairman on Railroads, Pipelines, and Hazardous Materials.

Mr. DENHAM. Mr. Chairman, I thank Mr. DEFAZIO and Mr. CAPUANO for working with us on title VII of this

bill, the Hazardous Materials Transportation Safety Improvement Act of 2015.

Hazardous materials are the backbone of our industrial society, and these products are transported by all modes, used in every State, and distributed worldwide. This title will significantly enhance the safety of moving these products.

First, the title will significantly strengthen the safety of crude-by-rail shipments. After pushing DOT for years to update their regulations to make these train movements safer, DOT finally issued final regulations in May. However, the rule fell short in several areas, and, therefore, we have included several provisions to fix their shortcomings.

We require all new tank cars carrying flammable liquids to have a thermal blanket, something DOT failed to do, something that is new in this bill. We also require the railroads to create oil spill emergency response plans similar to what pipeline operators are required to do. Additionally, we ensure that railroads continue to provide States and local emergency responders with information on crude-by-rail shipments within their States.

Further, we included a provision at markup that fixes a loophole that would allow more than 35,000 legacy DOT–111 tank cars to remain in service in perpetuity. This provision will require those cars be upgraded to increase the safety of our railroads. I believe it will significantly improve the safety of hazardous materials transportation, particularly the crude-by-rail shipments.

Improving safety of crude-by-rail has been one of my top priorities as chairman of the Railroads, Pipelines, and Hazardous Materials Subcommittee, and I am pleased to be moving these provisions forward.

We also make significant improvements to DOT's hazardous materials safety and grant programs. We streamline and speed up the special permits and approvals process to give industry more certainty. We also reform an underutilized grant program to help States train more emergency responders and better plan for incidents.

Separately, this bill includes reforms that I have long championed and is based on legislation I authored, the NEPA Reciprocity Act.

Local governments in States with environmental laws equal to or more stringent than NEPA will have the ability to complete one comprehensive environmental review. This will eliminate duplicative environmental reviews and save millions of dollars and years in project delivery time while still ensuring appropriate steps are taken to mitigate the environmental impact. This reform is bipartisan and supported by the National Association of Counties.

Finally, an amendment I offered in committee is included in this. It encourages the development of pollinator habitat along roadsides and rights-of-way. Pollinators are essential to a vibrant and productive farm industry and for the health and welfare of our Nation's food supply.

Mr. Chairman, I appreciate the good, bipartisan reforms in this legislation. Again, I want to thank Chairman SHUSTER, Ranking Member DEFAZIO, and Ranking Member CAPUANO for the many improvements to this bill.

Mr. DEFAZIO. Mr. Chairman, I yield 4 minutes to the gentlewoman from the District of Columbia, ELEANOR HOLMES NORTON, the ranking member.

Ms. NORTON. Mr. Chairman, I thank my good friend and—in this enterprise—my partner, along with the informal partnership we made with our Republican chairs. And that is what it has been: an informal partnership with Members and also with staff.

I want to recognize the countless hours of staff time that went into what is really, in many ways, a complicated bill. The four of us are cosponsors, original cosponsors, of this bill, indicating its bipartisan nature.

Because Ranking Member DEFAZIO has gone down many of the important parts of the bill, I want to speak to three or four that I think are of particular significance.

Let's start with funding. We understand that funding is at the core of any transportation, transit, and infrastructure bill. We also understand that there may be barely enough funding to get through 2½ years and that this is a 6-year bill in name and intent only, but it does amount to a 6-year promise, and we must keep that promise.

I appreciate that this bill is on the floor this week because States have so little money that they have virtually ceased beginning major projects, and those are the projects that they most need. The States will be disappointed that the funding is essentially the same as it was in the prior bill, MAP–21, except for inflation, which, of course, has been virtually nonexistent. But they will be grateful for what this bill provides for the immediate future, unlike our short-term reauthorizations.

□ 1445

The shortcomings of this bill should not obscure what makes this bill unique. It is genuinely bipartisan. It was approved unanimously in committee. When does that happen in this Congress? Democrats and Republicans put aside their many differences, giving up much of what they believe they need. I hope this bill will be a model for how to proceed in the future.

Let me say a word about major projects. The administration had a ''Projects of National Significance'' section in its bill. We have a different major projects section, but it is somewhat comparable. It is meant for transformational investments of the kind that are solely needed throughout the United States: megaprojects. Now States will compete for the funding.

What is also important in this program of national significance is that it includes freight. For the first time, I think, this bill recognizes that whatever we do with transportation and infrastructure, we should have in mind its intermodal connections, and freight is a very important part of those connections.

I want to mention a 21st-century approach to the highway trust fund, a provision I especially pressed for. I regard this provision as a provision of overriding importance. When I say a 21st-century highway trust fund, I mean a trust fund that lasts or can last for 6 years. We are still in the throes of a 1950s highway trust fund. In the last authorization bill, we did nothing to move forward to update the trust fund.

The CHAIR. The time of the gentlewoman has expired.

Mr. DeFAZIO. I yield the gentlewoman an additional 2 minutes.

Ms. NORTON. I thank my good friend for yielding.

The States have done spade work, however, Oregon, Washington, California. So there is $20 million to encourage them to do more. We know what some of these experiments are, vehicle miles, et cetera. Think of new ways. We need to encourage this experiment if we are to fund the trust fund in the future.

Another one of my priorities which is relevant to every State is in this bill, and that is the takeover of the DC–MD–VA Metrorail by the Department of Transportation. That was envisioned in MAP–21. It is not very unusual.

In addition, this bill authorizes the so-called minority business contract DBE Program, which is available to racial and ethnic minorities, women and service-disabled veterans. They are the only groups which under the Constitution may obtain this special recognition. The bill enhances Buy America. It has workforce development. It enhances the safety of bus riders and of bus drivers.

There is $40 million here to encourage State-based efforts to combat racial profiling and we have seen people in the streets for that one. I am so pleased that there was bipartisan support for that and other provisions.

I look forward to the continuation of the bipartisan partnership we have had as we go forward to the Senate to produce a comprehensive bipartisan, bicameral bill.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN), the vice chairman of the full committee and the chair of two critical panels, the P3 panel and the freight movement panel, that developed a lot of what is in this bill. I appreciate his work on that.

Mr. DUNCAN of Tennessee. Mr. Chairman, I thank the chairman for yielding me this time. I want to congratulate and thank Chairman SHUSTER for his great leadership of our committee and especially his hard work on this legislation. I also want to thank my friend, Ranking Member DEFAZIO, for his great work on this bill.

I rise, Mr. Chairman, in strong support of this very important legislation, this major legislation, that will reauthorize our highway and transit programs.

We have spent megabillions rebuilding the Middle East over the last 15 years, and I am so pleased that we are now doing major legislation to help rebuild America.

I want to thank the chairman and ranking member for including a number of provisions in this bill that I have requested and I think are very important.

First, I want to thank them for the environmental streamlining provisions that we have worked on for so long on our committee to try to speed up major projects and bring down their costs so that we can do more good things for this country.

Secondly, I am very pleased that many of the recommendations from the special panels on freight transportation and on public-private partnerships, the panels that the chairman just mentioned that he gave me the privilege of chairing, were included in this bill.

Third, I am pleased that this bill extends the current provisions of law that prevent the use of Federal funds for red light cameras. Many local governments have used these cameras simply as revenue measures without actually making any improvements in safety.

Fourth, this bill directs the Federal Motor Carrier Safety Administration to conduct a study on the waiting times for skills testing for truck drivers after going through truck driving courses.

In some States, these wait times have become very long, and most graduates cannot afford to wait a long time to take these tests. We already have a shortage of truck drivers.

This part of the legislation will help improve or do something about that shortage that the trucking companies have so much difficulty with at this time finding adequate personnel.

Finally, this bill includes provisions of legislation that I have introduced that clarifies hiring standards for freight brokers. I will have a technical amendment to this section later to make sure that small trucking companies are not hurt and that they also will be helped by this provision.

I simply want to close by saying that I support this legislation which will improve the safety of our highways, create thousands of jobs in this country, and help reduce congestion all across this Nation.

Mr. DEFAZIO. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Surface Transportation Reauthorization bill.

I want to thank Chairman SHUSTER and Ranking Member DEFAZIO for developing a bipartisan bill that is generally balanced and makes significant improvements in some key areas.

I am concerned that the funding levels in the bill are simply not high enough. We have an almost $1 trillion backlog on our highways, bridges, rail, and transit system, yet this bill provides flat funding of just $325 billion over 6 years. Finding bipartisan consensus on revenue is challenging, but I am confident that a majority in Congress would support funding higher-than-baseline levels with small increases for inflation.

Despite the funding challenges, the bill makes a major improvement by creating the Nationally Significant Freight and Highway Projects program, which will provide guaranteed dedicated funding for large-scale multimodal projects critical to our regional and national economy.

This was a key recommendation of the freight panel on which I was ranking member with Mr. DUNCAN as chairman. It is essential that we assist projects that are too big or complex for States to address on their own.

We made some progress in SAFETEA–LU and MAP–21, but this bill finally gets it right and corrects decades of neglect by providing guaranteed funding for multimodal freight projects.

There is an aggregate cap of $500 million on non-highway projects, which equals about 11 percent of the program. This seems arbitrarily low, given that 25 to 30 percent of the bill is funded through general revenue.

We should let all projects compete and not dilute the selection process with caps and set-asides. But the freight program created in this bill is a groundbreaking achievement. I thank Chairman SHUSTER and Ranking Member DEFAZIO for their commitment.

On transit, there are good provisions in the bill on transit worker safety and workforce development. I oppose dropping the New Starts Federal share from 80 percent to 50 percent. There is a similar provision dropping the Federal share to 50 percent in the freight grant program.

This is a developing trend that is shifting the burden to States and localities and punishing them for our failure to adequately invest in infrastructure. There are provisions restricting the use for various transportation programs for transit projects, which we hope to correct through the amendment process later today.

There are some objectionable provisions regarding environmental streamlining and motor carrier safety, but I am pleased that the bill does not broadly increase truck size or weights. I will oppose any amendments to add such dangerous poison pills.

Overall, this bill is balanced, and I support moving it forward. I thank Chairman SHUSTER and Ranking Member DEFAZIO for working with us to defend and improve the bill as it moves through the process.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. GRAVES), the subcommittee chairman on Highways and Transit.

Mr. GRAVES of Missouri. Mr. Chairman, I want to commend the chairman and ranking member for their ability and, for that matter, all my colleagues on the committee for our ability to be able to work together and come up with what I think is a truly good bill.

I rise in support of the Surface Transportation Reauthorization and Reform Act.

The bill reauthorizes programs within the Federal Highway Administration and provides much-needed investments in our Nation's highways and bridges.

It also focuses existing funding to create a Nationally Significant Freight and Highway Projects program for large-scale projects while making a large number of reforms that will ensure our transportation dollars are put to good use.

These include streamlining the environmental review and permitting process, converting the Surface Transportation Program to a block grant program, maximizing the flexibility for States and local governments, increasing the amount of funding that is distributed to local governments, expanding funding for rural bridges or those bridges that are off the National Highway System, increasing transparency regarding how Federal highway dollars are being spent, increasing the focus on safety programs particularly of rural roads, and encouraging the installation of vehicle-to-infrastructure equipment designed to reduce congestion and improve safety on our roads.

This legislation also reauthorizes Federal public transportation programs and implements reforms that are going to ensure transit systems are safer and more efficient.

The safety of our transportation system must always be at the top of our priority list. By giving States the flexibility to focus on the safety needs unique to each community, we can allow them to take advantage of new technologies that are going to reduce accidents and roadway fatalities across this country. We can maintain a focus on safety without imposing undue and duplicative regulatory burdens on States.

This bill requires the Federal Motor Carrier Safety Administration to review regulations every 5 years to ensure they are current, consistent, and uniformly enforced, allowing us to focus on policies that save lives and abandon those that do not. It also requires FMCSA to look into the effects of raising minimum insurance standards for truck and bus drivers.

I am proud to have been a part of the development of this bipartisan bill. I look forward to moving forward and going to conference with the Senate.

Mr. DEFAZIO. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, first of all, I want to thank the

committee leadership for developing a fair bill that addresses many of the most pressing needs of our country. Particularly, I want to thank Mr. SHUSTER and Mr. DEFAZIO.

This important legislation includes a critical freight grant program, but we need to ensure that all modes of transportation are treated equally in the program and should remove any caps on funding for these entities.

It also continues the Transportation Alternatives Program, TAP, and creates a new non-motorized safety grant program, which is critical to my home State of Florida, where several cities have the highest pedestrian fatality rates in the Nation.

Transportation is the backbone of our country. Unfortunately, without critically needed additional funding, we are robbing Peter to pay Paul and forcing our State and local transportation agencies to pay more.

Like most Members and stakeholders, I miss the past when our committee developed long-term bills with dedicated funding that gave States, local governments, and other transportation stakeholders some stability to plan for future transportation needs and make the investment in equipment and manpower needed to implement these projects.

Transportation and infrastructure funding is absolutely critical to our Nation and, if properly funded, serves as a tremendous economic boost and job creator. In fact, Department of Transportation statistics show that for every billion dollars invested in transportation, it generates 44,000 permanent jobs and $6.2 billion in economic activity.

We are no longer competing, as States; we are competing with China, Japan, and the European Union, all of whom are spending much more on transportation and infrastructure than the United States. We are the caboose, and they don't even use cabooses anymore.

Sadly, the Republican leadership lacks real vision. Without vision, the people perish. The traveling public is pleading with Congress to make transportation and infrastructure a priority. When this happens, we can put millions of hardworking Americans back to work fixing our Nation's crumbling infrastructure and preparing our country for the future.

□ 1500

Mr. SHUSTER. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. HANNA), who, I believe, still has his CDL or Operating Engineering License.

Mr. HANNA. I thank the chairman.

And I still have my union card.

Mr. Chairman, this long-term bill represents years of work from the Transportation and Infrastructure Committee, and it is a credit to the leadership of both Chairman SHUSTER and Ranking Member DEFAZIO.

Mr. Chairman, I would like to highlight two provisions:

First, this bill restores the ability of States to use up to 10 percent of their funds to capitalize State Infrastructure Banks. These banks free up capital to invest in projects in smaller communities where funding and resources are otherwise unavailable;

Second, it authorizes a pilot program to allow younger CDL holders to drive across State lines.

Every State but Hawaii allows 18-year-olds to obtain a CDL and drive a truck, but Federal law prevents them from crossing State borders. In New York, an 18-year-old can drive nearly 500 miles from Buffalo to Long Island, yet cannot drive the 15 miles across the border from Binghamton to Pennsylvania.

This provision will create opportunities for good-paying jobs, and it supports local economies while keeping our roads safe.

I urge my colleagues to support this bill.

Mr. DEFAZIO. Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 1½ minutes to the gentleman from Nevada (Mr. HARDY).

Mr. HARDY. Mr. Chairman, I stand to address the importance of long-term funding within the transportation sector of our economy.

As a former general contractor who built roads, bridges, and dams, I understand how uncertainty can derail the ability to plan and design.

Transportation planning decisions are not made that cover the timeframe of a month, and transportation planning decisions are not made for the timeframe that cover a year. Transportation and infrastructure planning decisions are made to stretch out over years. I am talking about master planning. These are decisions that reach out to 5, 10, and even 15 years.

This bill addresses the long-term needs of our country. It speaks to the multiyear planners—the States that are planning years in advance for major infrastructure projects. We can't operate on short-term fixes. We can't continue to kick these important decisions down the road. We can't operate on short-term patches. Jobs are not created through interim and stopgap bills. Our country needs this certainty. Our citizens deserve this certainty.

This bill does just that: it plans for the future, and it provides for certainty. It contains many great provisions: from the crucial extension of Interstate 11 from the city of Las Vegas north to I–80 in northern Nevada, to returning flexibility to all States.

This bill demonstrates the bipartisan nature of this body in Congress. This committee worked across the aisle to form solid language on issues that are, in nature, bipartisan. I hope we can continue this momentum well beyond the debate and bring certainty to this House, to our States, and to our country.

Mr. DEFAZIO. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate my colleague's courtesy in permitting me to speak on this.

Mr. Chairman, I do appreciate what the Transportation and Infrastructure Committee is doing. I feel a bit empty in no longer being on the committee. That is why I try and show up as often as I can when you have things on the floor. There is a soft spot in my heart for the committee, and it is nice to see a SHUSTER again chairing the committee.

I appreciate your moving forward to try and call the question. Yours has been a difficult task because the committee on which I sit, the Ways and Means Committee, has yet to address, in a comprehensive way, the long-term funding. Your job is made much more difficult because you are forced to deal with paying for 2015 infrastructure through 2021 with 1993 dollars, and it doesn't much work.

In a few minutes, I will be offering to the Rules Committee legislation that I have introduced that is supported by the AFL–CIO, the U.S. Chamber of Commerce, truckers, AAA, bicyclists, engineers, local government—the widest array of alliances supporting a major piece of legislation here on Capitol Hill. I am not extremely confident that it will be made in order, but I think it is something that should.

Unless and until we deal with adjusting the user fee, we are going to continue dealing with cats and dogs, short-term fixes, having uncertainty, and destroying the principle of user pays, which has been undergirding transportation finance in this country since Oregon gave you the first gas tax dedicated to transportation in 1919.

I must say that I appreciate the committee looking at transportation for the future. At a time when the number one area of employment for American men is as drivers, we are about to see dramatic changes in technology, in utilization that is going to change the landscape.

I appreciate the committee exploring areas of technological innovation. These are areas in which we must accelerate our work lest we be overcome by circumstances. It is a tremendous opportunity for us to get more value out of the transportation system with more safety, to get more efficient, and to be able to open up a whole array of economic opportunities. If we don't get ahead of it, it is going to be very disruptive.

I must say I am a little dismayed that the bill proposes flat funding for something near and dear, I think, to the hearts of a number of us in dealing with pedestrian and cycling activities. We can do better than that, and I hope, through the amendment process and the give-and-take between the House and the Senate, particularly if we are able to give you the funding you need, we can remedy that.

The CHAIR. The time of the gentleman has expired.

Mr. DEFAZIO. I yield the gentleman an additional 1 minute.

Mr. BLUMENAUER. In the meantime, I appreciate what has been done, the manner in which it has been approached, and the effort to try and bring people together.

Historically, infrastructure was something that was bipartisan in nature, that made people feel good about the process; and it is, of course, the fastest way to put millions of Americans to work at family-wage jobs while they improve communities from coast to coast. I look forward to working with the committee as it works its way through the process to make it the best that we can for the multiple objectives that we all share.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from upstate New York (Mr. KATKO), a new member of the committee and one of our hardest working members.

Mr. KATKO. I thank the gentleman for yielding.

Mr. Chairman, I am proud to support the Surface Transportation Reform and Reauthorization Act.

This legislation is a product of hard work, done in a bipartisan manner, and it will give State and local governments some funding certainty for the first time in a long time.

The bill makes important reforms that will speed up planning and permitting, that will give State and local governments increased control over transportation funds, that will help deal with freight bottlenecks, and that will provide new avenues to finance projects. After 35 short-term extensions to transportation programs since 2009, this long-term bill is exactly what we need.

I want to thank Chairman SHUSTER and Ranking Member DEFAZIO for the hard work they have put in to building a bipartisan consensus around this bill on the Transportation and Infrastructure Committee, and I hope the full House will join with us today to move this very important legislation forward.

Mr. DEFAZIO. Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentlewoman from southern California (Mrs. MIMI WALTERS), another new and hardworking Member.

Mrs. MIMI WALTERS of California. Mr. Chairman, I rise today in support of H.R. 22.

As a member of the House Transportation and Infrastructure Committee, I have had the pleasure of working with Chairman SHUSTER to put forth a fiscally responsible, long-term bill that will fund our Nation's transportation and infrastructure needs.

This bill includes provisions which would make our highway system more efficient, direct more power and flexibility to States and local governments, cut through bureaucratic red tape, and maintain a strong commitment to safety.

The importance of our surface transportation system cannot be overstated. It is an integral part of our economic engine, and it is vital to our Nation's movement of goods. In fact, a significant number of consumer goods move through my congressional district, which provides transportation connectivity between the Ports of Los Angeles and Long Beach and other cities throughout the region. This bill will ensure the safe and efficient movement of freight throughout southern California and the rest of the country.

I am pleased to stand before you today in support of this bill, which will ultimately improve the overall quality of life for all Americans.

Mr. DEFAZIO. Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentlewoman from northern Virginia (Mrs. COMSTOCK).

Mrs. COMSTOCK. I thank the chairman.

I would like to reiterate my thanks to the chairman and to everyone on the committee for working with so many Members on this bipartisan surface transportation reauthorization, which is very important legislation.

Mr. Chairman, included in this bill is a provision that is vital not only to the entire national capital region but also to my district. It contains the text of the Protect Riders of Metrorail Public Transportation Act, which is the product of collaborative efforts between Ms. NORTON, Ms. EDWARDS of Maryland, and me.

The language facilitates a necessary change to the safety oversight structure of the Washington Metrorail system in the wake of recent accidents and incidents, safety problems, and problems in the reliability of the system. It does so by reinforcing and expanding the authority of the Secretary to use the Federal Transit Administration to directly oversee Metro and to provide safety and reliability to our commuters.

Our Metro is the second busiest transit system in the country, and it must be the gold standard in safety as well as in reliability because it serves our entire Federal workforce as well as our many visitors to this important national capital region.

The CHAIR. The time of the gentlewoman has expired.

Mr. SHUSTER. I yield the gentlewoman an additional 30 seconds.

Mrs. COMSTOCK. Again, I thank the chairman, and I thank everyone involved in this important legislation, of which I am happy to rise in support.

Mr. DEFAZIO. Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. I thank Chairman SHUSTER, Ranking Member DEFAZIO, and the chairmen and ranking members of the subcommittees for their excellent work on this.

Mr. Chairman, I appreciate the certainty, flexibility, and power this legislation gives back to our States, and I look forward to supporting it.

I would like to focus on a voluntary, multiple-use program that is in this bill. It is an innovative way to give States more flexibility that is commensurate with the design of this bill.

Critical commerce corridors, otherwise known as CCCs, use our existing interstate system to provide for the physical separation of passenger vehicles from commercial motor vehicles, dedicated on-and-off ramps, and freight exchange centers for the movement of freight between and among modes of transportation. These lanes are constructed with a physical separation of passenger and commercial motor freight, and they would be structurally enhanced to handle dedicated freight traffic. This promotes a greater level of safety while making the movement of freight traffic more efficient.

Unfortunately, this very definition of ''CCC'' isn't in the bill's language, although committee staff have been working on it in a very bipartisan manner, and I thank them for it.

Mr. Chairman, you have heard on multiple occasions what CCCs are. Is this program something that you and other leaders who have worked on this bill can support?

I yield to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I look forward to working with the gentleman on this language and moving it to conference.

It sounds to me like you have put a lot of work into it, and I look forward to continuing that work in Congress.

Mr. ROKITA. Reclaiming my time, I appreciate that, Mr. Chairman.

It is important for Congress to give the term ''critical commerce corridor'' meaning. We have seen the dangers of leaving terms undefined and of relying on the agency to create a definition that could be nowhere near what Congress intended.

Again, I thank the chairman and the ranking member for all of their hard work.

Indiana is known as the Crossroads of America, and the CCC concept actually comes from Indiana and, in part, Purdue Universities. I thank the chairman for his commitment that the critical commerce corridor concept is defined appropriately in the legislation as we go through the process.

Mr. DEFAZIO. Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. HULTGREN).

Mr. HULTGREN. I thank the chairman.

Mr. Chairman, first, I would like to acknowledge the difficult and challenging job Chairman SHUSTER and the committee have had in crafting this bill. I commend his leadership and hard work on this critically important bill.

This bill dedicates grant funding to freight and highway projects of national significance. Though this program is of vital importance to projects in our districts, there appears to be a bias on how the vast majority of funds

have been awarded by the U.S. Department of Transportation, and suburban projects appear to often be ignored.

For instance, H.R. 3763 converts the Surface Transportation Program, or STP, to a grant program with the intention of allowing States added flexibility in receiving funding for local projects. I ask the chairman to be mindful of the distribution of such funding levels as it pertains to suburban projects.

Understanding the difficult choices the chairman has had to make to get this bill through the House, I would ask that, as this bill moves to conference, we work together to find some level of equitable distribution of Federal funds to suburban areas.

I yield to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I will continue to work with the gentleman on this issue as it moves to conference.

Mr. HULTGREN. Reclaiming my time, I thank the chairman for his response and for his leadership on the committee, and I look forward to working with him on this important issue.

□ 1515

Mr. DEFAZIO. I reserve the balance of my time.

Mr. SHUSTER. Mr. Chair, I don't believe we have any more speakers left.

How many minutes do we each have?

The CHAIR. The gentleman from Pennsylvania has 9 minutes remaining. The gentleman from Oregon has 10½ minutes remaining.

Mr. SHUSTER. I am ready to close. So I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chair, as I said earlier, this bill at this point is an excellent product policy-wise. We will vigorously debate improvements and potentially problematic amendments over the next 2 days and, hopefully, have a similar or an improved product in the end. Whether or not we will be allowed to attempt to augment the funding remains to be seen.

With that, we are off to a good start. I look forward to the coming debate.

I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I am sure I can count on the gentleman from Oregon to continue his vigorous debate on the issues we have had for months.

Again, the STRR Act is absolutely critical to America and to our economy. It is a good bipartisan bill that has widespread support.

Mr. Chairman, I encourage all Members to support this bill.

I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the Senate amendment shall be considered for amendment under the 5-minute rule.

The amendment printed in part A of House Report 114–325 is adopted. The Senate amendment, as amended, shall be considered as read.

The text of the Senate amendment, as amended, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

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

(a) DIVISIONS.—This Act is organized into 9 divisions as follows:

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

(2) Division B–Public Transportation.

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

(4) Division D–Freight and Major Projects.

(5) Division E–Finance.

(6) Division F–Miscellaneous.

(7) Division G–Surface Transportation Extension.

(8) Division H–Budgetary Effects.

(9) Division I–Export-Import Bank of the United States.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Definitions.
Sec. 4. Effective date.

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

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

Sec. 11001. Authorization of appropriations.
Sec. 11002. Obligation ceiling.
Sec. 11003. Apportionment.
Sec. 11004. Surface transportation program.
Sec. 11005. Metropolitan transportation planning.
Sec. 11006. Statewide and nonmetropolitan transportation planning.
Sec. 11007. Highway use tax evasion projects.
Sec. 11008. Bundling of bridge projects.
Sec. 11009. Flexibility for certain rural road and bridge projects.
Sec. 11010. Construction of ferry boats and ferry terminal facilities.
Sec. 11011. Highway safety improvement program.
Sec. 11012. Data collection on unpaved public roads.
Sec. 11013. Congestion mitigation and air quality improvement program.
Sec. 11014. Transportation alternatives.
Sec. 11015. Consolidation of programs.
Sec. 11016. State flexibility for National Highway System modifications.
Sec. 11017. Toll roads, bridges, tunnels, and ferries.
Sec. 11018. HOV facilities.
Sec. 11019. Interstate system reconstruction and rehabilitation pilot program.
Sec. 11020. Emergency relief for federally owned roads.
Sec. 11021. Bridges requiring closure or load restrictions.
Sec. 11022. National electric vehicle charging and natural gas fueling corridors.
Sec. 11023. Asset management.
Sec. 11024. Tribal transportation program amendment.
Sec. 11025. Nationally significant Federal lands and Tribal projects program.
Sec. 11026. Federal lands programmatic activities.
Sec. 11027. Federal lands transportation program.
Sec. 11028. Innovative project delivery.
Sec. 11029. Obligation and release of funds.

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SEC. 3. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of Transportation.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 4. EFFECTIVE DATE.

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

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

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

SEC. 11001. AUTHORIZATION OF APPROPRIATIONS.

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

(1) FEDERAL-AID HIGHWAY PROGRAM.—For the national highway performance program under section 119 of title 23, United States Code, the surface transportation program under section 133 of that title, the highway safety improvement program under section 148 of that title, the congestion mitigation and air quality improvement program under section 149 of that title, the national freight program under section 167 of that title, the transportation alternatives program under section 213 of that title, and to carry out section 134 of that title—

(A) $39,579,500,000 for fiscal year 2016;
(B) $40,771,300,000 for fiscal year 2017;
(C) $42,127,100,000 for fiscal year 2018;
(D) $43,476,400,000 for fiscal year 2019;
(E) $44,570,700,000 for fiscal year 2020; and
(F) $45,691,900,000 for fiscal year 2021.

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

(3) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—

(A) TRIBAL TRANSPORTATION PROGRAM.—For the tribal transportation program under section 202 of title 23, United States Code—

(i) $465,000,000 for fiscal year 2016;
(ii) $475,000,000 for fiscal year 2017;
(iii) $485,000,000 for fiscal year 2018;
(iv) $495,000,000 for fiscal year 2019;
(v) $505,000,000 for fiscal year 2020; and
(vi) $515,000,000 for fiscal year 2021.

(B) FEDERAL LANDS TRANSPORTATION PROGRAM.—

(i) AUTHORIZATION.—For the Federal lands transportation program under section 203 of title 23, United States Code—

(I) $305,000,000 for fiscal year 2016;
(II) $310,000,000 for fiscal year 2017;
(III) $315,000,000 for fiscal year 2018;
(IV) $320,000,000 for fiscal year 2019;
(V) $325,000,000 for fiscal year 2020; and
(VI) $330,000,000 for fiscal year 2021.

(ii) SPECIAL RULE.—

(I) $240,000,000 of the amount made available for each fiscal year shall be the amount for the National Park Service; and

(II) $30,000,000 of the amount made available for each fiscal year shall be the amount for the United States Fish and Wildlife Service.

(C) FEDERAL LANDS ACCESS PROGRAM.—For the Federal lands access program under section 204 of title 23, United States Code—

(i) $250,000,000 for fiscal year 2016;
(ii) $255,000,000 for fiscal year 2017;
(iii) $260,000,000 for fiscal year 2018;
(iv) $265,000,000 for fiscal year 2019;
(v) $270,000,000 for fiscal year 2020; and
(vi) $275,000,000 for fiscal year 2021.

(4) TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.—For the territorial and Puerto Rico highway program under section 165 of title 23, United States Code, $190,000,000 for each of fiscal years 2016 through 2021.

(5) ASSISTANCE FOR MAJOR PROJECTS PROGRAM.—For the assistance for major projects program under section 171 of title 23, United States Code—

(A) $250,000,000 for fiscal year 2016;
(B) $300,000,000 for fiscal year 2017;
(C) $350,000,000 for fiscal year 2018;
(D) $400,000,000 for fiscal year 2019;
(E) $400,000,000 for fiscal year 2020; and
(F) $400,000,000 for fiscal year 2021.

(b) RESEARCH, TECHNOLOGY, AND EDUCATION AUTHORIZATIONS.—

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

(A) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—To carry out the highway research and development program under section 503(b) of title 23, United States Code, $130,000,000 for each of fiscal years 2016 through 2021.

(B) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—To carry out the technology and innovation deployment program under section 503(c) of title 23, United States Code, $62,500,000 for each of fiscal years 2016 through 2021.

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

(D) INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.—To carry out the intelligent transportation systems program under sections 512 through 518 of title 23, United States Code, $100,000,000 for each of fiscal years 2016 through 2021.

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

(2) BUREAU OF TRANSPORTATION STATISTICS.—There are authorized to be appropriated out of the general fund of the Treasury to carry out chapter 63 of title 49, United States Code, $26,000,000 for each of fiscal years 2016 through 2021.

(3) ADMINISTRATION.—The Federal Highway Administration shall administer the programs described in subparagraphs (D) and (E) of paragraph (1).

(4) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by paragraph (1) shall—

(A) be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code;

(B) remain available until expended; and

(C) not be transferable.

(c) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) FINDINGS.—Congress finds that—

(A) while significant progress has occurred due to the establishment of the disadvantaged business enterprise program, discrimination and related barriers continue to pose significant obstacles for minority- and women-owned businesses seeking to do business in federally assisted surface transportation markets across the United States;

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

(C) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits, which show that race- and gender-neutral efforts alone are insufficient to address the problem;

(D) the testimony and documentation described in subparagraph (C) demonstrate that discrimination across the United States poses a barrier to full and fair participation in surface transportation-related businesses of women business owners and minority business owners and has impacted firm development and many aspects of surface transportation-related business in the public and private markets; and

(E) the testimony and documentation described in subparagraph (C) provide a strong basis that there is a compelling need for the continuation of the disadvantaged business enterprise program to address race and gender discrimination in surface transportation-related business.

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

(A) SMALL BUSINESS CONCERN.—

(i) IN GENERAL.—The term ''small business concern'' means a small business concern (as the term is used in section 3 of the Small Business Act (15 U.S.C. 632)).

(ii) EXCLUSIONS.—The term ''small business concern'' does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals that have average annual gross receipts during the preceding 3 fiscal years in excess of $23,980,000, as adjusted annually by the Secretary for inflation.

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term ''socially and economically disadvantaged individuals'' has the meaning given the term in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to that Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

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

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

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

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

(i) women;

(ii) socially and economically disadvantaged individuals (other than women); and

(iii) individuals who are women and are otherwise socially and economically disadvantaged individuals.

(5) UNIFORM CERTIFICATION.—

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

(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

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

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

(d) CONFORMING AMENDMENT.—Section 1101(b) of MAP–21 (Public Law 112–141; 126 Stat. 414) is repealed.

SEC. 11002. OBLIGATION CEILING.

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

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

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

(3) $44,331,100,000 for fiscal year 2018;

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

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

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

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

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

(2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

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

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

(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);

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

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

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

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

(10) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;

(11) section 1603 of SAFETEA–LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation;

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

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

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

(1) not distribute obligation authority provided by subsection (a) for the fiscal year for—

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

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

(2) 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) determine the proportion that—

(A) an amount equal to the difference between—

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

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

(B) an amount equal to the difference between—

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

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

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

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

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

(5) distribute the obligation authority provided by subsection (a), less the aggregate amount not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code, (other than the amounts apportioned for the national highway performance program under section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(13) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—

(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for the fiscal year; bears to

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

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

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

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

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

(1) IN GENERAL.—Except as provided in paragraph (2), obligation limitations imposed by subsection (a) shall apply to contract authority for transportation research programs carried out under chapter 5 of title 23, United States Code.

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

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

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

(f) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation authority under subsection (c) for each of fiscal years 2016 through 2021, the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that—

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

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

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

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

SEC. 11003. APPORTIONMENT.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended—

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

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

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

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

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

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

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

(2) in subsection (b)—

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

(B) in each of paragraphs (1), (2), and (3) by striking ''paragraphs (4) and (5)'' each place it

appears and inserting ''paragraphs (4), (5), and (6), and section 213(a)'';

(C) in paragraph (1), by striking ''63.7 percent'' and inserting ''65 percent'';

(D) in paragraph (2), by striking ''29.3 percent'' and inserting ''29 percent'';

(E) in paragraph (3), by striking ''7 percent'' and inserting ''6 percent'';

(F) in paragraph (4), in the matter preceding subparagraph (A), by striking ''determined for the State under subsection (c)'' and inserting ''remaining under subsection (c) after making the set-asides in accordance with paragraph (5) and section 213(a)'';

(G) by redesignating paragraph (5) as paragraph (6);

(H) by inserting after paragraph (4) the following:

''(5) NATIONAL FREIGHT PROGRAM.—

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

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

''(i) $1,000,000,000 for fiscal year 2016;

''(ii) $1,450,000,000 for fiscal year 2017;

''(iii) $2,000,000,000 for fiscal year 2018;

''(iv) $2,300,000,000 for fiscal year 2019;

''(v) $2,400,000,000 for fiscal year 2020; and

''(vi) $2,500,000,000 for fiscal year 2021.

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

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

''(ii) the total apportionments for all States.

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

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

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

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

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

''(3) FOR FISCAL YEARS 2016 THROUGH 2021.—

''(A) STATE SHARE.—For each of fiscal years 2016 through 2021, the amount for each State of combined apportionments for the national highway performance program under section 119, the surface transportation program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, the national freight program under section 167, the transportation alternatives program under section 213, and to carry out section 134, shall be determined as follows:

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

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

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

''(ii) ADJUSTMENTS TO AMOUNTS.—The initial amounts resulting from the calculation under clause (i) shall be adjusted to ensure that, for each State, the amount of combined apportionments for the programs shall not be less than 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available.

''(B) STATE APPORTIONMENT.—For each of fiscal years 2016 through 2021, on October 1, the Secretary shall apportion the sum authorized to be appropriated for expenditure on the national highway performance program under section 119, the surface transportation program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, the national freight program under section 167, the transportation alternatives program under section 213, and to carry out section 134 in accordance with subparagraph (A).''.

(b) CONFORMING AMENDMENTS.—

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

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

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

(B) in subparagraph (C)(i), by striking ''and (5)'' and inserting ''(5)(D), and (6)''.

(3) Section 135(i) of title 23, United States Code, is amended by striking ''section 104(b)(5)'' and inserting ''paragraphs (5)(D) and (6) of section 104(b)''.

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

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

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

SEC. 11004. SURFACE TRANSPORTATION PROGRAM.

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

(1) in subsection (b)—

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

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

(2) in subsection (c)—

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

(B) by striking paragraph (2); and

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

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''50 percent'' and inserting ''55 percent''; and

(II) in clause (ii), by striking ''greater than 5,000'' and inserting ''of 5,000 or more''; and

(ii) in subparagraph (B), by striking ''50 percent'' and inserting ''45 percent''; and

(B) in paragraph (3)—

(i) by striking ''paragraph (1)(A)(ii)'' and inserting ''paragraph (1)(A)(iii)''; and

(ii) by striking ''greater than 5,000 and less than 200,000'' and inserting ''of 5,000 to 200,000'';

(4) in subsection (f)(1)—

(A) by striking ''104(b)(3)'' and inserting ''104(b)(2)''; and

(B) by striking ''the period of fiscal years 2011 through 2014'' and inserting ''each fiscal year'';

(5) by redesignating subsection (h) as subsection (i);

(6) in subsection (g)—

(A) by striking the subsection designation and heading and all that follows through paragraph (1) and inserting the following:

''(g) BRIDGES OFF THE NATIONAL HIGHWAY SYSTEM.—

''(1) DEFINITION OF OFF-NHS BRIDGE.—In this subsection, the term 'off-NHS bridge' means a highway bridge located on a public road, other than a bridge on the National Highway System.''; and

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

''(A) SET-ASIDE.—Each State shall obligate for replacement (including replacement with fill material), rehabilitation, preservation, and protection (including scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) for off-NHS bridges an amount equal to the greater of—

''(i) 15 percent of the amount apportioned to the State under section 104(b)(2); and

''(ii) an amount equal to at least 110 percent of the amount of funds set aside for bridges not on Federal-aid highways in the State for fiscal year 2014.'';

(ii) in subparagraph (B), by striking ''off-system'' and inserting ''off-NHS''; and

(iii) by adding at the end the following:

''(C) SET-ASIDE FOR CERTAIN OFF-NHS BRIDGES.—Each State shall obligate an amount equal to not less than 50 percent of the amount set aside under subparagraph (A) for off-NHS bridges located on public roads that are not Federal-aid highways.''; and

(C) by redesignating paragraph (3) as subsection (h);

(7) in subsection (h) (as so redesignated)—

(A) by striking the heading and inserting ''CREDIT FOR BRIDGES NOT ON THE NATIONAL HIGHWAY SYSTEM.—'';

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately; and

(C) in the matter preceding paragraph (1) (as so redesignated)—

(i) by striking ''the replacement of a bridge or rehabilitation of''; and

(ii) by striking '', and is determined by the Secretary upon completion to be no longer a deficient bridge'';

(8) in subsection (i)(1) (as redesignated by paragraph (5)), by striking ''under subsection (d)(1)(A)(iii) for each of fiscal years 2013 through 2014'' and inserting ''under subsection (d)(1)(A)(ii) for each fiscal year''; and

(9) by adding at the end the following:

''(j) BORDER STATES.—

''(1) IN GENERAL.—After consultation with relevant transportation planning organizations, the Governor of a State that shares a land border with Canada or Mexico may designate for each fiscal year not more than 5 percent of funds made available to the State under subsection (d)(1)(B) for border infrastructure projects eligible under section 1303 of SAFETEA–LU (23 U.S.C. 101 note; Public Law 109–59).

''(2) USE OF FUNDS.—Funds designated under this subsection shall be available under the requirements of section 1303 of SAFETEA–LU (23 U.S.C. 101 note; Public Law 109–59).

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

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

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

''(6) DEADLINE FOR DESIGNATION.—A designation under paragraph (1) shall—

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

''(B) remain in effect for the funds designated under paragraph (1) for a fiscal year until the Governor of the State notifies the Secretary of the termination of the designation.

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

SEC. 11005. METROPOLITAN TRANSPORTATION PLANNING.

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

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

(2) in subsection (c)(2), by striking ''and bicycle transportation facilities'' and inserting '', bicycle transportation facilities, intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities, and commuter vanpool providers'';

(3) in subsection (d)—

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

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

''(3) REPRESENTATION.—

''(A) IN GENERAL.—Designation or selection of officials or representatives under paragraph (2) shall be determined by the metropolitan planning organization according to the bylaws or enabling statute of the organization.

''(B) PUBLIC TRANSPORTATION REPRESENTATIVE.—Subject to the bylaws or enabling statute of the metropolitan planning organization, a representative of a provider of public transportation may also serve as a representative of a local municipality.

''(C) POWERS OF CERTAIN OFFICIALS.—An official described in paragraph (2)(B) shall have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials described in paragraph (2)(B).''; and

(C) in paragraph (5) (as redesignated by subparagraph (A)), by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(4) in subsection (e)(4)(B), by striking ''subsection (d)(5)'' and inserting ''subsection (d)(6)'';

(5) in subsection (g)(3)(A), by inserting ''natural disaster risk reduction,'' after ''environmental protection,'';

(6) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (G), by striking ''and'' at the end;

(ii) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(I) improve the resilience and reliability of the transportation system.''; and

(B) in paragraph (2)(A), by striking ''and in section 5301(c) of title 49'' and inserting ''and the general purposes described in section 5301 of title 49'';

(7) in subsection (i)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i), by striking ''transit'' and inserting ''public transportation facilities, intercity bus facilities'';

(ii) in subparagraph (G)—

(I) by striking ''and provide'' and inserting '', provide''; and

(II) by inserting '', and reduce vulnerability due to natural disasters of the existing transportation infrastructure'' before the period at the end; and

(iii) in subparagraph (H), by inserting '', including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated'' before the period at the end;

(B) in paragraph (6)(A)—

(i) by inserting ''public ports,'' before ''freight shippers,''; and

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

(C) in paragraph (8), by striking ''(2)(C)'' each place it appears and inserting ''(2)(E)'';

(8) in subsection (j)(5)(A), by striking ''subsection (k)(4)'' and inserting ''subsection (k)(3)'';

(9) in subsection (k)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(10) in subsection (l)—

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

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

(11) by striking subsection (n);

(12) by redesignating subsections (o) through (q) as subsections (n) through (p), respectively;

(13) in subsection (o) (as so redesignated), by striking ''set aside under section 104(f)'' and inserting ''apportioned under paragraphs (5)(D) and (6) of section 104(b)'' ; and

(14) by adding at the end the following:

''(q) TREATMENT OF LAKE TAHOE REGION.—

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

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

''(A) a metropolitan planning organization;

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

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

''(3) SUBALLOCATED FUNDING.—

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

''(i) calculate the population under each of those clauses;

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

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

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

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

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

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

SEC. 11006. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

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

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

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (G), by striking ''and'' at the end;

(ii) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(I) improve the resilience and reliability of the transportation system.''; and

(B) in paragraph (2)(A), by striking ''and in section 5301(c) of title 49'' and inserting ''and the general purposes described in section 5301 of title 49'';

(3) in subsection (e)(1), by striking ''subsection (m)'' and inserting ''subsection (l)'';

(4) in subsection (f)—

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

(B) in paragraph (3)(A)—

(i) in clause (i), by striking ''subsection (m)'' and inserting ''subsection (l)''; and

(ii) in clause (ii), by inserting ''(including intercity bus operators and commuter vanpool providers)'' after ''private providers of transportation'';

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

(D) in paragraph (8), by inserting '', including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated'' before the period at the end;

(5) in subsection (g)—

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

(B) in paragraph (3)—

(i) by inserting ''public ports,'' before ''freight shippers''; and

(ii) by inserting ''(including intercity bus operators),'' after ''private providers of transportation''; and

(C) in paragraph (6)(A), by striking ''subsection (m)'' and inserting ''subsection (l)'';

(6) by striking subsection (j); and

(7) by redesignating subsections (k) through (m) as subsections (j) through (l), respectively.

(b) CONFORMING AMENDMENTS.—Section 134(b)(5) of title 23, United States Code, is amended by striking ''section 135(m)'' and inserting ''section 135(l)''.

SEC. 11007. HIGHWAY USE TAX EVASION PROJECTS.

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

''(A) IN GENERAL.—From administrative funds made available under section 104(a), the Secretary shall deduct such sums as are necessary, not to exceed $4,000,000 for each fiscal year, to carry out this section.''.

SEC. 11008. BUNDLING OF BRIDGE PROJECTS.

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

(1) in subsection (c)(2)(A), by striking ''the natural condition of the bridge'' and inserting ''the natural condition of the water'';

(2) by redesignating subsection (j) as subsection (k);

(3) by inserting after subsection (i) the following:

''(j) BUNDLING OF BRIDGE PROJECTS.—

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

''(2) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means an entity eligible to carry out a bridge project under section 119 or 133.

''(3) BUNDLING OF BRIDGE PROJECTS.—An eligible entity may bundle 2 or more similar bridge projects that are—

''(A) eligible projects under section 119 or 133;

''(B) included as a bundled project in a transportation improvement program under section 134(j) or a statewide transportation improvement program under section 135, as applicable; and

''(C) awarded to a single contractor or consultant pursuant to a contract for engineering and design or construction between the contractor and an eligible entity.

''(4) ITEMIZATION.—Notwithstanding any other provision of law (including regulations), an eligible bridge project included in a bundle under this subsection may be listed as—

''(A) 1 project for purposes of sections 134 and 135; and

''(B) a single project within the applicable bundle.

''(5) FINANCIAL CHARACTERISTICS.—Projects bundled under this subsection shall have the same financial characteristics, including—

''(A) the same funding category or subcategory; and

''(B) the same Federal share.''; and

(4) in subsection (k)(2) (as redesignated by paragraph (2)), by striking ''104(b)(3)'' and inserting ''104(b)(2)''.

SEC. 11009. FLEXIBILITY FOR CERTAIN RURAL ROAD AND BRIDGE PROJECTS.

(a) AUTHORITY.—With respect to rural road and rural bridge projects eligible for funding under title 23, United States Code, subject to the provisions of this section and on request by a State, the Secretary may—

(1) exercise all existing flexibilities under and exceptions to—

(A) the requirements of title 23, United States Code; and

(B) other requirements administered by the Secretary, in whole or part; and

(2) otherwise provide additional flexibility or expedited processing with respect to the requirements described in paragraph (1).

(b) TYPES OF PROJECTS.—A rural road or rural bridge project under this section shall—

(1) be located in a county that, based on the most recent decennial census—

(A) has a population density of 80 or fewer persons per square mile of land area; or

(B) is the county that has the lowest population density of all counties in the State;

(2) be located within the operational right-of-way (as defined in section 1316(b) of MAP–21 (23 U.S.C. 109 note; 126 Stat. 549)) of an existing road or bridge; and

(3)(A) receive less than $5,000,000 of Federal funds; or

(B) have a total estimated cost of not more than $30,000,000 and Federal funds comprising less than 15 percent of the total estimated project cost.

(c) PROCESS TO ASSIST RURAL PROJECTS.—

(1) ASSISTANCE WITH FEDERAL REQUIREMENTS.—

(A) IN GENERAL.—For projects under this section, the Secretary shall seek to provide, to the maximum extent practicable, regulatory relief and flexibility consistent with this section.

(B) EXCEPTIONS, EXEMPTIONS, AND ADDITIONAL FLEXIBILITY.—Exceptions, exemptions, and additional flexibility from regulatory requirements may be granted if, in the opinion of the Secretary—

(i) the project is not expected to have a significant adverse impact on the environment;

(ii) the project is not expected to have an adverse impact on safety; and

(iii) the assistance would be in the public interest for 1 or more reasons, including—

(I) reduced project costs;

(II) expedited construction, particularly in an area where the construction season is relatively short and not granting the waiver or additional flexibility could delay the project to a later construction season; or

(III) improved safety.

(2) MAINTAINING PROTECTIONS.—Nothing in this subsection—

(A) waives the requirements of section 113 or 138 of title 23, United States Code;

(B) supersedes, amends, or modifies—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental law; or

(ii) any requirement of title 23, United States Code; or

(C) affects the responsibility of any Federal officer to comply with or enforce any law or requirement described in this paragraph.

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

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

(1) in subsection (a), by striking ''IN GENERAL'' and inserting ''PROGRAM'';

(2) by striking subsections (d) through (g) and inserting the following:

''(d) FORMULA.—Of the amounts allocated under subsection (c)—

''(1) 35 percent shall be allocated among eligible entities in the proportion that—

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

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

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

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

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

''(3) 30 percent shall be allocated among eligible entities in the proportion that—

''(A) the total route nautical miles serviced by each ferry system in the most recent calendar year for which data is available; bears to

''(B) the total route nautical miles serviced by all ferry systems in the most recent calendar year for which data is available.

''(e) REDISTRIBUTION OF UNOBLIGATED AMOUNTS.—The Secretary shall—

''(1) withdraw amounts allocated to an eligible entity under subsection (c) that remain unobligated by the end of the third fiscal year following the fiscal year for which the amounts were allocated; and

''(2) in the subsequent fiscal year, redistribute the funds referred to in paragraph (1) in accordance with the formula under subsection (d) among eligible entities for which no amounts were withdrawn under paragraph (1).

''(f) MINIMUM AMOUNT.—Notwithstanding subsection (c), a State with an eligible entity that meets the requirements of this section shall receive not less than $100,000 under this section for a fiscal year.

''(g) IMPLEMENTATION.—

''(1) DATA COLLECTION.—

''(A) NATIONAL FERRY DATABASE.—Amounts made available for a fiscal year under this section shall be allocated using the most recent data available, as collected and imputed in accordance with the national ferry database established under section 1801(e) of SAFETEA–LU (23 U.S.C. 129 note; 119 Stat. 1456).

''(B) ELIGIBILITY FOR FUNDING.—To be eligible to receive funds under subsection (c), data shall have been submitted in the most recent collection of data for the national ferry database under section 1801(e) of SAFETEA–LU (23 U.S.C. 129 note; 119 Stat. 1456) for at least 1 ferry service within the State.

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

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $80,000,000 for each of fiscal years 2016 through 2021.

''(i) PERIOD OF AVAILABILITY.—Notwithstanding section 118(b), funds made available to carry out this section shall remain available until expended.

''(j) APPLICABILITY.—All provisions of this chapter that are applicable to the National Highway System, other than provisions relating to apportionment formula and Federal share, shall apply to funds made available to carry out this section, except as determined by the Secretary to be inconsistent with this section.''.

(b) NATIONAL FERRY DATABASE.—Section 1801(e)(4) of SAFETEA–LU (23 U.S.C. 129 note; 119 Stat. 1456) is amended by striking subparagraph (D) and inserting the following:

''(D) make available, from the amounts made available for each fiscal year to carry out chapter 63 of title 49, not more than $500,000 to maintain the database.''.

(c) CONFORMING AMENDMENTS.—Section 129(c) of title 23, United States Code, is amended—

(1) in paragraph (2), in the first sentence, by inserting '', or on a public transit ferry eligible under chapter 53 of title 49'' after ''Interstate System'';

(2) in paragraph (3)—

(A) by striking ''(3) Such ferry'' and inserting ''(3)(A) The ferry''; and

(B) by adding at the end the following:

''(B) Any Federal participation shall not involve the construction or purchase, for private ownership, of a ferry boat, ferry terminal facility, or other eligible project under this section.'';

(3) in paragraph (4), by striking ''and repair,'' and inserting ''repair,''; and

(4) by striking paragraph (6) and inserting the following:

''(6) The ferry service shall be maintained in accordance with section 116.

''(7)(A) No ferry boat or ferry terminal with Federal participation under this title may be sold, leased, or otherwise disposed of, except in accordance with part 18 of title 49, Code of Federal Regulations (as in effect on December 18, 2014).

''(B) The Federal share of any proceeds from a disposition referred to in subparagraph (A) shall be used for eligible purposes under this title.''.

SEC. 11011. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

Section 148 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (4)(B)—

(i) in the matter preceding clause (i), by striking ''includes, but is not limited to,'' and inserting ''only includes''; and

(ii) by adding at the end the following:

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

''(xxvi) Pedestrian hybrid beacons.

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

''(xxviii) An infrastructure safety project not described in clauses (i) through (xxvii).''; and

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

(2) in subsection (c)(1)(A), by striking ''subsection (a)(12)'' and inserting ''subsection (a)(11)'';

(3) in subsection (d)(2)(B)(i), by striking ''subsection (a)(12)'' and inserting ''subsection (a)(11)''; and

(4) in subsection (g)(1)—

(A) by striking ''increases'' and inserting ''does not decrease''; and

(B) by inserting ''and exceeds the national fatality rate on rural roads,'' after ''available,''.

SEC. 11012. DATA COLLECTION ON UNPAVED PUBLIC ROADS.

Section 148 of title 23, United States Code, is amended by adding at the end the following:

''(k) DATA COLLECTION ON UNPAVED PUBLIC ROADS.—

''(1) IN GENERAL.—A State may elect not to collect fundamental data elements for the model inventory of roadway elements on public roads that are gravel roads or otherwise unpaved if—

''(A)(i) more than 45 percent of the public roads in the State are gravel roads or otherwise unpaved; and

''(ii) less than 10 percent of fatalities in the State occur on those unpaved public roads; or

''(B)(i) more than 70 percent of the public roads in the State are gravel roads or otherwise unpaved; and

''(ii) less than 25 percent of fatalities in the State occur on those unpaved public roads.

''(2) CALCULATION.—The percentages described in paragraph (1) shall be based on the average for the 5 most recent years for which relevant data is available.

''(3) USE OF FUNDS.—If a State elects not to collect data on a road described in paragraph (1), the State shall not use funds provided to carry out this section for a project on that road until the State completes a collection of the required model inventory of roadway elements for the road.''.

SEC. 11013. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

Section 149 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(i)(I), by inserting ''in the designated nonattainment area'' after ''air quality standard'';

(B) in paragraph (3), by inserting ''or maintenance'' after ''likely to contribute to the attainment'';

(C) in paragraph (4), by striking ''attainment of'' and inserting ''attainment or maintenance of the area of''; and

(D) in paragraph (8)(A)(ii)—

(i) in the matter preceding subclause (I), by inserting ''or port-related freight operations'' after ''construction projects''; and

(ii) in subclause (II), by inserting ''or chapter 53 of title 49'' after ''this title'';

(2) in subsection (c)(2), by inserting ''(giving priority to corridors designated under section 151)'' after ''at any location in the State'';

(3) in subsection (d)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting ''would otherwise be eligible under subsection (b) if the project were carried out in a nonattainment or maintenance area or'' after ''may use for any project that''; and

(II) in clause (i), by striking ''(excluding the amount of funds reserved under paragraph (1))''; and

(ii) in subparagraph (B)(i), by striking ''MAP–21t'' and inserting ''MAP–21''; and

(B) in paragraph (3), by inserting '', in a manner consistent with the approach that was in effect on the day before the date of enactment of MAP–21,'' after ''the Secretary shall modify'';

(4) in subsection (g)—

(A) in paragraph (2)(B), by striking ''not later that'' and inserting ''not later than'';

(B) in paragraph (3)—

(i) by striking ''States and metropolitan'' and inserting the following:

''(A) IN GENERAL.—States and metropolitan'';

(ii) by striking ''are proven to reduce'' and inserting ''reduce directly emitted''; and

(iii) by adding at the end the following:

''(B) USE OF PRIORITY FUNDING.—To the maximum extent practicable, PM2.5 priority funding shall be used on the most cost-effective projects and programs that are proven to reduce directly emitted fine particulate matter.'';

(5) in subsection (k)—

(A) in paragraph (1)—

(i) by striking ''that has a nonattainment or maintenance area'' and inserting ''that has 1 or more nonattainment or maintenance areas'';

(ii) by striking ''a nonattainment or maintenance area that are'' and inserting ''the nonattainment or maintenance areas that are'';

(iii) by striking ''such area'' both places it appears and inserting ''such areas''; and

(iv) by striking ''such fine particulate'' and inserting ''directly-emitted fine particulate'';

(B) in paragraph (2), by striking ''highway construction'' and inserting ''transportation construction''; and

(C) by adding at the end the following:

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

''(A) EXCEPTION.—In any State with a population density of 80 or fewer persons per square mile of land area, based on the most recent decennial census, the requirements under subsection (g)(3) and paragraphs (1) and (2) of this subsection shall not apply to a nonattainment or maintenance area in the State if—

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

''(ii) regional motor vehicle emissions are an insignificant contributor to the air quality problem for PM2.5 in the nonattainment or maintenance area.

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

''(4) PORT-RELATED EQUIPMENT AND VEHICLES.—To meet the requirements under paragraph (1), a State or metropolitan planning organization may elect to obligate funds to the most cost-effective projects to reduce emissions from port-related landside nonroad or on-road equipment that is operated within the boundaries of a PM2.5 nonattainment or maintenance area.'';

(6) in subsection (l)(1)(B), by inserting ''air quality and traffic congestion'' before ''performance targets''; and

(7) in subsection (m), by striking ''section 104(b)(2)'' and inserting ''section 104(b)(4)''.

SEC. 11014. TRANSPORTATION ALTERNATIVES.

(a) IN GENERAL.—Section 213 of title 23, United States Code, is amended—

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

''(a) RESERVATION OF FUNDS.—

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

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

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

''(A) the amount apportioned to the State for the transportation enhancements program for fiscal year 2009 under section 133(d)(2), as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141; 126 Stat. 405); bears to

''(B) the total amount of funds apportioned to all States for that fiscal year for the transportation enhancements program for fiscal year 2009.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''Of the funds'' and all that follows through ''shall be obligated under this section'' in subparagraph (A) and inserting ''Funds reserved in a State under this section shall be obligated'';

(ii) by striking subparagraph (B);

(iii) by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively;

(iv) in subparagraph (B) (as so redesignated), by striking ''greater than 5,000'' and inserting ''of 5,000 or more''; and

(v) in subparagraph (C) (as so redesignated), by striking ''; and'' and inserting a period;

(B) in paragraph (2), by striking ''paragraph (1)(A)(i)'' and inserting ''paragraph (1)(A)'';

(C) in paragraph (3)(A)—

(i) by striking ''Except as provided in paragraph (1)(B), the'' and inserting ''The''; and

(ii) by striking ''paragraph (1)(A)(i)'' both places it appears and inserting ''paragraph (1)(A)'';

(D) in paragraph (4)(B)—

(i) in clause (vi), by striking ''and'' at the end;

(ii) by redesignating clause (vii) as clause (viii); and

(iii) by inserting after clause (vi) the following:

''(vii) a nonprofit entity responsible for the administration of local transportation safety programs; and''; and

(E) in paragraph (5)—

(i) by striking ''For funds reserved'' and inserting the following:

''(A) IN GENERAL.—For funds reserved'';

(ii) by striking ''paragraph (1)(A)(i)'' and inserting ''paragraph (1)(A)''; and

(iii) by adding at the end the following:

''(B) NO RESTRICTION ON SUBALLOCATION.—Nothing in this section prevents a metropolitan planning organization from further suballocating funds within the boundaries of the metropolitan planning area if a competitive process is implemented for the award of the suballocated funds.''; and

(3) by adding at the end the following:

''(h) ANNUAL REPORTS.—

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

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

''(i) the aggregate cost of the projects for which applications are received; and

''(ii) the types of project to be carried out (as described in subsection (b)), expressed as percentages of the total apportionment of the State under subsection (a); and

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

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

''(i) EXPEDITING INFRASTRUCTURE PROJECTS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall develop regulations or guidance relating to the implementation of this section that encourages the use of the programmatic approaches to environmental reviews, expedited procurement techniques, and other best practices to facilitate productive and timely expenditure for projects that are small, low-impact, and constructed within an existing built environment.

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

(b) CONFORMING AMENDMENT.—Section 126(b) of title 23, United States Code, is amended—

(1) by striking ''SET-ASIDES.—'' and all that follows through ''Funds that'' in paragraph (1) and inserting ''SET-ASIDES.—Funds that'';

(2) by striking ''sections 104(d) and 133(d)'' and inserting ''sections 104(d), 133(d), and 213(c)''; and

(3) by striking paragraph (2).

SEC. 11015. CONSOLIDATION OF PROGRAMS.

Section 1519(a) of MAP–21 (Public Law 112–141; 126 Stat. 574) is amended in the matter preceding paragraph (1) by striking ''fiscal years 2013 and 2014'' and inserting ''fiscal years 2013 through 2021''.

SEC. 11016. STATE FLEXIBILITY FOR NATIONAL HIGHWAY SYSTEM MODIFICATIONS.

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

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

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

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

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

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

(3) in the case of a State that requests the withdrawal of reclassified roads from the National Highway System under section 103(b)(3) of title 23, United States Code, to carry out that withdrawal if the inclusion of the reclassified road in the National Highway System is not consistent with the needs and priorities of the community or region in which the reclassified road is located.

(c) NATIONAL HIGHWAY SYSTEM MODIFICATION REGULATIONS.—The Secretary shall—

(1) review the National Highway System modification process described in appendix D of part 470 of title 23, Code of Federal Regulations (or successor regulations); and

(2) take any action necessary to ensure that a State may submit to the Secretary a request to modify the National Highway System by withdrawing a road from the National Highway System.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes a description of—

(1) each request for reclassification of National Highway System roads;

(2) the status of each request; and

(3) if applicable, the justification for the denial by the Secretary of a request.

(e) MODIFICATIONS TO THE NATIONAL HIGHWAY SYSTEM.—Section 103(b)(3)(A) of title 23, United States Code, is amended—

(1) in the matter preceding clause (i)—

(A) by striking '', including any modification consisting of a connector to a major intermodal terminal,''; and

(B) by inserting '', including any modification consisting of a connector to a major intermodal terminal or the withdrawal of a road from that system,'' after ''the National Highway System''; and

(2) in clause (ii)—

(A) by striking ''(ii) enhances'' and inserting ''(ii)(I) enhances'';

(B) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(II) in the case of the withdrawal of a road, is reasonable and appropriate.''.

SEC. 11017. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.

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

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by striking ''(other than a highway on the Interstate System)''; and

(ii) by inserting ''non-HOV'' after ''toll-free'' each place it appears;

(B) by striking subparagraph (C); and

(C) by redesignating subparagraphs (D) through (I) as subparagraphs (C) through (H), respectively;

(2) by striking paragraph (4) and paragraph (6);

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

(4) in paragraph (4)(B) (as so redesignated), by striking ''the Federal-aid system'' and inserting ''Federal-aid highways''; and

(5) by inserting after paragraph (7) (as so redesignated) the following:

''(8) EQUAL ACCESS FOR MOTORCOACHES.—A private motorcoach that serves the public shall be provided access to a toll facility under the same rates, terms, and conditions as public transportation buses in the State.''.

SEC. 11018. HOV FACILITIES.

Section 166 of title 23, United States Code, is amended—

(1) in subsection (b)—

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

''(4) HIGH OCCUPANCY TOLL VEHICLES.—

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

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

''(ii) in the case of a high occupancy vehicle facility that affects a metropolitan area, submits to the Secretary a written statement that the metropolitan planning organization designated under section 134 for the area has been consulted concerning the placement and amount of tolls on the converted facility;

''(iii) develops, manages, and maintains a system that will automatically collect the toll; and

''(iv) establishes policies and procedures—

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

''(II) to enforce violations of the use of the facility; and

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

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

''(i) designate classes of vehicles that are exempt from the toll; and

''(ii) charge different toll rates for different classes of vehicles.'';

(B) in paragraph (5), by striking subparagraph (A) and inserting the following:

''(A) INHERENTLY LOW EMISSION VEHICLE.—If a State agency establishes procedures for enforcing the restrictions on the use of a HOV facility by vehicles described in clauses (i) and (ii), the State agency may allow the use of the HOV facility by—

''(i) alternative fuel vehicles; and

''(ii) any motor vehicle described in section 30D(d)(1) of the Internal Revenue Code of 1986.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''Tolls'' and inserting ''Notwithstanding section 301, tolls''; and

(ii) by striking ''notwithstanding section 301 and, except as provided in paragraphs (2) and (3)'';

(B) by striking paragraph (2); and

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

(3) in subsection (d)(1), by striking subparagraphs (D) and (E) and inserting the following:

''(D) MAINTENANCE OF OPERATING PERFORMANCE.—

''(i) SUBMISSION OF PLAN.—Not later than 180 days after the date on which a facility is degraded under paragraph (2), the State agency with jurisdiction over the facility shall submit to the Secretary for approval a plan that details the actions the State agency will take to bring the facility into compliance with the minimum average operating speed performance standard through changes to operation of the facility, including—

''(I) increasing the occupancy requirement for HOV lanes;

''(II) varying the toll charged to vehicles allowed under subsection (b) to reduce demand;

''(III) discontinuing allowing non-HOV vehicles to use HOV lanes under subsection (b); or

''(IV) increasing the available capacity of the HOV facility.

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

''(iii) BIANNUAL PROGRESS UPDATES.—Until the date on which the Secretary determines that the State agency has brought the HOV facility into compliance with this subsection, the State agency shall submit biannual updates that describe—

''(I) the actions taken to bring the HOV facility into compliance; and

''(II) the progress made by those actions.

''(E) COMPLIANCE.—The Secretary shall subject the State to appropriate program sanctions under section 1.36 of title 23, Code of Federal Regulations (or successor regulations), until the performance is no longer degraded, if—

''(i) the State agency fails to submit an approved action plan under subparagraph (D) to bring a degraded facility into compliance; or

''(ii) after the State submits and the Secretary approves an action plan under subparagraph (D), the Secretary determines that, on a date that is not earlier than 1 year after the approval of the action plan, the State agency is not making significant progress toward bringing the HOV facility into compliance with the minimum average operating speed performance standard.''; and

(4) in subsection (f)(1), in the matter preceding subparagraph (A), by inserting ''solely'' before ''operating''.

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

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

(1) in paragraph (3)—

(A) in subparagraph (A), by striking ''the age, condition, and intensity of use of the facility'' and inserting ''an analysis demonstrating that the facility has a significant age, condition, or intensity of use to require expedited reconstruction or rehabilitation'';

(B) in subparagraph (D)(iii), by inserting '', and that demonstrates the capability of that agency to perform or oversee the building, operation, and maintenance of a toll expressway system meeting criteria for the Interstate System'' before the semicolon at the end; and

(C) by adding at the end the following:

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

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

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

''(H) Approved documentation that the project—

''(i) has received a categorical exclusion, a finding of no significant impact, or a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(ii) complies with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).'';

(2) by striking paragraphs (4) and (6);

(3) by redesignating paragraph (5) as paragraph (4);

(4) in paragraph (4)(as so redesignated)—

(A) in the matter preceding subparagraph (A), by striking ''Before the Secretary may permit'' and inserting ''As a condition of permitting'';

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''for—'' and inserting ''for permissible uses described in section 129(a)(3) of title 23, United States Code; and''; and

(ii) by striking clauses (i) through (iii);

(5) by inserting after paragraph (4) (as so redesignated) the following:

''(5) APPLICATION PROCESSING PROCEDURE.—

''(A) IN GENERAL.—Not later than 60 days after receipt of an application under this subsection, the Secretary shall provide to the applicant a written notice informing the applicant whether—

''(i) the application is complete and meets all requirements under this subsection; or

''(ii) additional information or materials are needed—

''(I) to complete the application; or

''(II) to meet the eligibility requirements under paragraph (3).

''(B) ADDITIONAL INFORMATION OR MATERIALS.—

''(i) IN GENERAL.—Not later than 60 days after receipt of an application, the Secretary shall—

''(I) identify any additional information or materials that are needed under subparagraph (A)(ii); and

''(II) provide to the applicant written notice specifying the details of the additional required information or materials.

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

''(C) TECHNICAL ASSISTANCE.—On the request of a State, the Secretary shall provide technical assistance to facilitate the development of a complete application under this paragraph that is likely to satisfy the eligibility criteria under paragraph (3).

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

''(E) LIMITATION ON APPROVED APPLICATION.—

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

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

''(II) not later than 2 years after the date on which the application is approved, execute a contract for the reconstruction or rehabilitation of the facility.

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

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

''(II) not later than 2 years after the date of enactment of the DRIVE Act, execute a contract for the reconstruction or rehabilitation of the facility.

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

''(I) cancel the application approval; or

''(II) grant an extension of not more than 1 year for the applicable deadline, on the condition that—

''(aa) there has been demonstrable progress toward meeting the applicable requirements; and

''(bb) the requirements are likely to be met within 1 year.

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

(6) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

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

''(7) WITHDRAWAL.—A State may elect to withdraw participation of the State in the pilot program at any time.''; and

(8) in paragraph (8) (as redesignated by paragraph (6)), by inserting ''after the date of enactment of the DRIVE Act'' after ''10 years''.

SEC. 11020. EMERGENCY RELIEF FOR FEDERALLY OWNED ROADS.

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

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

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

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

''(1) DEFINITIONS.—In this subsection:

''(A) OPEN TO PUBLIC TRAVEL.—The term 'open to public travel' means, with respect to a road, that, except during scheduled periods, extreme weather conditions, or emergencies, the road—

''(i) is maintained;

''(ii) is open to the general public; and

''(iii) can accommodate travel by a standard passenger vehicle, without restrictive gates or prohibitive signs or regulations, other than for general traffic control or restrictions based on size, weight, or class of registration.

''(B) STANDARD PASSENGER VEHICLE.—The term 'standard passenger vehicle' means a vehicle with 6 inches of clearance from the lowest point of the frame, body, suspension, or differential to the ground.''.

SEC. 11021. BRIDGES REQUIRING CLOSURE OR LOAD RESTRICTIONS.

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

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(2) by inserting after paragraph (5) the following:

''(6) BRIDGES REQUIRING CLOSURE OR LOAD RESTRICTIONS.—

''(A) BRIDGES OWNED BY FEDERAL AGENCIES OR TRIBAL GOVERNMENTS.—If a Federal agency or tribal government fails to ensure that any highway bridge that is open to public travel and located in the jurisdiction of the Federal agency or tribal government is properly closed or restricted to loads that the bridge can carry safely, the Secretary—

''(i) shall, on learning of the need to close or restrict loads on the bridge, require the Federal agency or tribal government to take action necessary—

''(I) to close the bridge within 48 hours; or

''(II) within 30 days, to restrict public travel on the bridge to loads that the bridge can carry safely; and

''(ii) may, if the Federal agency or tribal government fails to take action required under clause (i), withhold all funding authorized under this title for the Federal agency or tribal government.''.

''(B) OTHER BRIDGES.—If a State fails to ensure that any highway bridge, other than a bridge described in subparagraph (A), that is open to public travel and is located within the boundaries of the State is properly closed or restricted to loads the bridge can carry safely, the Secretary—

''(i) shall, on learning of the need to close or restrict loads on the bridge, require the State to take action necessary—

''(I) to close the bridge within 48 hours; or

''(II) within 30 days, to restrict public travel on the bridge to loads that the bridge can carry safely; and

''(ii) may, if the State fails to take action required under clause (i), withhold approval for Federal-aid projects in that State.''; and

(3) in paragraph (8) (as redesignated by paragraph (1)), by striking ''(6)'' and inserting ''(7)''.

SEC. 11022. NATIONAL ELECTRIC VEHICLE CHARGING AND NATURAL GAS FUELING CORRIDORS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 150 the following:

''§ 151. National electric vehicle charging and natural gas fueling corridors

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the DRIVE Act, the Secretary shall designate national electric vehicle charging and natural gas fueling corridors that identify the near- and long-term need for, and location of, electric vehicle charging infrastructure and natural gas fueling infrastructure at strategic locations along major national highways to improve the mobility of passenger and commercial vehicles that employ electric and natural gas fueling technologies across the United States.

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

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

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

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

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

''(1) the heads of other Federal agencies;

''(2) State and local officials;

''(3) representatives of—

''(A) energy utilities;

''(B) the electric and natural gas vehicle industries;

''(C) the freight and shipping industry;

''(D) clean technology firms;

''(E) the hospitality industry;
''(F) the restaurant industry; and
''(G) highway rest stop vendors; and
''(4) such other stakeholders as the Secretary determines to be necessary.

''(d) REDESIGNATION.—Not later than 5 years after the date of establishment of the corridors under subsection (a), and every 5 years thereafter, the Secretary shall update and redesignate the corridors.

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

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

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

(b) CONFORMING AMENDMENT.—The analysis of chapter 1 of title 23, United States Code, is amended by striking the item relating to section 151 and inserting the following:

''151. National Electric Vehicle Charging and Natural Gas Fueling Corridors.''.

SEC. 11023. ASSET MANAGEMENT.

(a) Section 119 of title 23, United States Code, is amended—

(1) in subsection (f)(2)—

(A) in subparagraph (A), by striking ''structurally deficient'' and inserting ''being in poor condition''; and

(B) in subparagraph (B), by striking ''structurally deficient'' and inserting ''being in poor condition''; and

(2) by adding at the end the following:

''(h) CRITICAL INFRASTRUCTURE.—

''(1) DEFINITION OF CRITICAL INFRASTRUCTURE.—In this subsection, the term 'critical infrastructure' means those facilities the incapacity or failure of which would have a debilitating impact on national or regional economic security, national or regional energy security, national or regional public health or safety, or any combination of those matters.

''(2) DESIGNATION.—The asset management plan of a State developed pursuant to subsection (e) may include a designation of a critical infrastructure network of facilities from among those facilities in the State that are eligible under subsection (c).

''(3) RISK REDUCTION.—A State may use funds apportioned under this section for projects intended to reduce the risk of failure of facilities designated as being on the critical infrastructure network of the State.''.

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

(1) in subsection (a)(1)(B), by striking ''deficient''; and

(2) in subsection (b)(5), by striking ''each structurally deficient bridge'' and inserting ''each bridge in poor condition''.

(c) Section 202(d) of title 23, United States Code, is amended—

(1) in paragraph (1), by striking ''deficient'';

(2) in paragraph (2)(B), by striking ''deficient''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking the semicolon at the end and inserting ''; and'';

(B) in subparagraph (B), by striking ''; and'' at the end and inserting a period; and

(C) by striking subparagraph (C).

SEC. 11024. TRIBAL TRANSPORTATION PROGRAM AMENDMENT.

Section 202 of title 23, United States Code, is amended—

(1) in subsection (a)(6), by striking ''6 percent'' and inserting ''5 percent''; and

(2) in subsection (d)(2), in the matter preceding subparagraph (A) by striking ''2 percent'' and inserting ''3 percent''.

SEC. 11025. NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM.

(a) PURPOSE.—The Secretary shall establish a nationally significant Federal lands and tribal projects program (referred to in this section as the ''program'') to provide funding to construct, reconstruct, or rehabilitate nationally significant Federal lands and tribal transportation projects.

(b) ELIGIBLE APPLICANTS.—

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

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

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

(1) on a Federal lands transportation facility, a Federal lands access transportation facility, or a Tribal transportation facility (as those terms are defined in section 101 of title 23, United States Code), except that such facility is not required to be included on an inventory described in sections 202 or 203 of title 23, United States Code;

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

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

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

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

(3) having an estimated cost, based on the results of preliminary engineering, equal to or exceeding $25,000,0000, with priority consideration given to projects with an estimated cost equal to or exceeding $50,000,000.

(d) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Subject to paragraph (2), an eligible applicant receiving funds under the program may only use the funds for construction, reconstruction, and rehabilitation activities.

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

(e) APPLICATIONS.—Eligible applicants shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require.

(f) SELECTION CRITERIA.—In selecting a project to receive funds under the program, the Secretary shall consider the extent to which the project—

(1) furthers the goals of the Department, including state of good repair, environmental sustainability, economic competitiveness, quality of life, and safety;

(2) improves the condition of critical multimodal transportation facilities;

(3) needs construction, reconstruction, or rehabilitation;

(4) is included in or eligible for inclusion in the National Register of Historic Places;

(5) enhances environmental ecosystems;

(6) uses new technologies and innovations that enhance the efficiency of the project;

(7) is supported by funds, other than the funds received under the program, to construct, maintain, and operate the facility;

(8) spans 2 or more States; and

(9) serves land owned by multiple Federal agencies or Indian tribes.

(g) FEDERAL SHARE.—The Federal share of the cost of a project shall be 95 percent.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $150,000,000 for each of fiscal years 2016 through 2021, to remain available for a period of 3 fiscal years following the fiscal year for which the amounts were appropriated.

SEC. 11026. FEDERAL LANDS PROGRAMMATIC ACTIVITIES.

Section 201(c) of title 23, United States Code, is amended—

(1) in paragraph (6)(A)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(B) in the matter preceding subclause (I) (as so redesignated), by striking ''The Secretaries'' and inserting the following:

''(i) IN GENERAL.—The Secretaries'';

(C) by inserting a period after ''tribal transportation program''; and

(D) by striking ''in accordance with'' and all that follows through ''including—'' and inserting the following:

''(ii) REQUIREMENT.—Data collected to implement the tribal transportation program shall be in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(iii) INCLUSIONS.—Data collected under this paragraph includes—''; and

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

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

''(8) FUNDING.—

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

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

''(i) bridge inspections on any federally owned bridge even if that bridge is not included on the inventory described under section 203; and

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

SEC. 11027. FEDERAL LANDS TRANSPORTATION PROGRAM.

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

(1) in subsection (a)(1)—

(A) in subparagraph (B), by striking ''operation'' and inserting ''capital, operations,''; and

(B) in subparagraph (D), by striking ''subparagraph (A)(iv)'' and inserting ''subparagraph (A)(iv)(I)'';

(2) in subsection (b)—

(A) in paragraph (1)(B)—

(i) in clause (iv), by striking ''and'' at the end;

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

(iii) by adding at the end the following:

''(vi) the Bureau of Reclamation; and

''(vii) independent Federal agencies with natural resource and land management responsibilities.''; and

(B) in paragraph (2)(B), in the matter preceding clause (i), by inserting ''performance management, including'' after ''support''; and

(3) in subsection (c)(2)(B), by adding at the end the following:

''(vi) The Bureau of Reclamation.''.

SEC. 11028. INNOVATIVE PROJECT DELIVERY.

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

(1) in subparagraph (A)(ii)—

(A) by inserting ''engineering or design approaches,'' after ''technologies,''; and

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

(2) in subparagraph (B)(iii), by inserting ''and alternative bidding'' before the semicolon at the end.

SEC. 11029. OBLIGATION AND RELEASE OF FUNDS.

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

(1) in the matter preceding subparagraph (A), by striking ''Any funds'' and inserting the following:

''(A) IN GENERAL.—Any funds'';

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately; and

(3) by adding at the end the following:

''(B) SAME CLASS OF FUNDS NO LONGER AUTHORIZED.—If the same class of funds described in subparagraph (A)(i) is no longer authorized in the most recent authorizing law, the funds may be credited to a similar class of funds, as determined by the Secretary.''.

Subtitle B—Acceleration of Project Delivery

SEC. 11101. CATEGORICAL EXCLUSION FOR PROJECTS OF LIMITED FEDERAL ASSISTANCE.

Section 1317 of MAP–21 (23 U.S.C. 109 note; Public Law 112–141) is amended—

(1) in the matter preceding paragraph (1), by striking ''Not later than'' and inserting the following:

''(a) IN GENERAL.—Not later than''; and

(2) by adding at the end the following:

''(b) INFLATIONARY ADJUSTMENT.—The dollar amounts described in subsection (a) shall be adjusted for inflation—

''(1) effective October 1, 2015, to reflect changes since July 1, 2012, in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor; and

''(2) effective October 1, 2016, and each succeeding October 1, to reflect changes for the preceding 12-month period in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''.

SEC. 11102. PROGRAMMATIC AGREEMENT TEMPLATE.

(a) IN GENERAL.—Section 1318 of MAP–21 (23 U.S.C. 109 note; Public Law 112–141) is amended by adding at the end the following:

''(e) PROGRAMMATIC AGREEMENT TEMPLATE.—

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

''(2) USE OF TEMPLATE.—The Secretary—

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

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

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

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

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

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

SEC. 11103. AGENCY COORDINATION.

(a) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—Section 139(c)(6) of title 23, United States Code, is amended—

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

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

(3) by adding at the end the following:

''(C) to consider and respond to comments received from participating agencies on matters within the special expertise or jurisdiction of the participating agencies.''.

(b) PARTICIPATING AGENCY RESPONSIBILITIES.—Section 139(d) of title 23, United States Code, is amended by adding at the end the following:

''(8) PARTICIPATING AGENCY RESPONSIBILITIES.—An agency participating in the collaborative environmental review process under this section shall—

''(A) provide comments, responses, studies, or methodologies on those areas within the special expertise or jurisdiction of the Federal participating or cooperating agency; and

''(B) use the process to address any environmental issues of concern to the participating or cooperating agency.''.

SEC. 11104. INITIATION OF ENVIRONMENTAL REVIEW PROCESS.

Section 139 of title 23, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and inserting the following:

''(6) PROJECT.—

''(A) IN GENERAL.—The term 'project' means any highway project, public transportation capital project, or multimodal project that, if implemented as proposed by the project sponsor, would require approval by any operating administration or secretarial office within the Department.

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

(2) in subsection (e)—

(A) in paragraph (1), by inserting ''(including any additional information that the project sponsor considers to be important to initiate the process for the proposed project)'' after ''location of the proposed project''; and

(B) by adding at the end the following:

''(3) REVIEW OF APPLICATION.—Not later than 45 days after the date on which an application is received by the Secretary under this subsection, the Secretary shall provide to the project sponsor a written response that, as applicable—

''(A) describes the determination of the Secretary—

''(i) to initiate the environmental review process, including a timeline and an expected date for the publication in the Federal Register of the relevant notice of intent; or

''(ii) to decline the application, including an explanation of the reasons for that decision; or

''(B) requests additional information, and provides to the project sponsor an accounting, regarding what is necessary to initiate the environmental review process.

''(4) REQUEST TO DESIGNATE A LEAD AGENCY.—

''(A) IN GENERAL.—Any project sponsor may submit a request to the Secretary to designate a specific operating administration or secretarial office within the Department of Transportation to serve as the Federal lead agency for a project.

''(B) PROPOSED SCHEDULE.—A request under subparagraph (A) may include a proposed schedule for completing the environmental review process.

''(C) SECRETARIAL ACTION.—

''(i) IN GENERAL.—If a request under subparagraph (A) is received, the Secretary shall respond to the request not later than 45 days after the date of receipt.

''(ii) REQUIREMENTS.—The response shall—

''(I) approve the request;

''(II) deny the request, with an explanation of the reasons; or

''(III) require the submission of additional information.

''(iii) ADDITIONAL INFORMATION.—If additional information is submitted in accordance with clause (ii)(III), the Secretary shall respond to that submission not later than 45 days after the date of receipt.''; and

(3) in subsection (f)(4), by adding at the end the following:

''(E) REDUCTION OF DUPLICATION.—

''(i) IN GENERAL.—In carrying out this paragraph, the lead agency shall reduce duplication, to the maximum extent practicable, between—

''(I) the evaluation of alternatives under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(II) the evaluation of alternatives in the metropolitan transportation planning process under section 134 of title 23, United States Code, or an environmental review process carried out under State law (referred to in this subparagraph as a 'State environmental review process').

''(ii) CONSIDERATION OF ALTERNATIVES.—The lead agency may eliminate from detailed consideration an alternative proposed in an environmental impact statement regarding a project if, as determined by the lead agency—

''(I) the alternative was considered in a metropolitan planning process or a State environmental review process by a metropolitan planning organization or a State or local transportation agency, as applicable;

''(II) the lead agency provided guidance to the metropolitan planning organization or State or local transportation agency, as applicable, regarding analysis of alternatives in the metropolitan planning process or State environmental review process, including guidance on the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other requirements of Federal law necessary for approval of the project;

''(III) the applicable metropolitan planning process or State environmental review process included an opportunity for public review and comment;

''(IV) the applicable metropolitan planning organization or State or local transportation agency rejected the alternative after considering public comments;

''(V) the Federal lead agency independently reviewed the alternative evaluation approved by the applicable metropolitan planning organization or State or local transportation agency; and

''(VI) the Federal lead agency has determined—

''(aa) in consultation with Federal participating or cooperating agencies, that the alternative to be eliminated from consideration is not necessary for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

''(bb) with the concurrence of Federal agencies with jurisdiction over a permit or approval required for a project, that the alternative to be eliminated from consideration is not necessary for any permit or approval under any other Federal law.''.

SEC. 11105. IMPROVING COLLABORATION FOR ACCELERATED DECISION MAKING.

(a) COORDINATION AND SCHEDULING.—Section 139(g)(1)(B)(i) of title 23, United States Code, is amended—

(1) by striking ''The lead agency'' and inserting ''For a project requiring an environmental impact statement or environmental assessment, the lead agency''; and

(2) by striking ''may'' and inserting ''shall''.

(b) ISSUE IDENTIFICATION AND RESOLUTION.—Section 139(h) of title 23, United States Code, is amended—

(1) in paragraph (4)(C), by striking ''paragraph (5) and'' and inserting ''paragraph (5)'';

(2) in paragraph (5)(A)(ii)(I), by inserting '', including modifications to the project schedule'' after ''review process''; and

(3) in paragraph (6)(B), by striking clause (ii) and inserting the following:

''(ii) DESCRIPTION OF DATE.—The date referred to in clause (i) is 1 of the following:

''(I) The date that is 30 days after the date for rendering a decision as described in the project schedule established pursuant to subsection (g)(1)(B).

''(II) If no schedule exists, the later of—

''(aa) the date that is 180 days after the date on which an application for the permit, license or approval is complete; or

''(bb) the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(III) A modified date consistent with subsection (g)(1)(D).''.

SEC. 11106. ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Section 139 of title 23, United States Code, is amended by adding at the end the following:

''(n) ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.—

''(1) IN GENERAL.—In preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the lead agency modifies the statement in response to comments that are minor and are confined to factual corrections or explanations regarding why the comments do not warrant additional agency response, the lead agency may write on errata sheets attached to the statement instead of rewriting the draft statement, subject to the condition that the errata sheets shall—

''(A) cite the sources, authorities, or reasons that support the position of the lead agency; and

''(B) if appropriate, indicate the circumstances that would trigger agency reappraisal or further response.

''(2) INCORPORATION.—To the maximum extent practicable, the lead agency shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, unless—

''(A) the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or

''(B) there are significant new circumstances or information that—

''(i) are relevant to environmental concerns; and

''(ii) bear on the proposed action or the impacts of the proposed action.''.

(b) REPEAL.—Section 1319 of MAP–21 (42 U.S.C. 4332a) is repealed.

SEC. 11107. IMPROVING TRANSPARENCY IN ENVIRONMENTAL REVIEWS.

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

''(o) REVIEWS, APPROVALS, AND PERMITTING PLATFORM.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall establish an online platform and, in coordination with agencies described in paragraph (2), issue reporting standards to make publicly available the status of reviews, approvals, and permits required for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other applicable Federal laws for projects and activities requiring an environmental assessment or an environmental impact statement.

''(2) FEDERAL AGENCY PARTICIPATION.—A Federal agency of jurisdiction over a review, approval, or permit described in paragraph (1) shall provide status information in accordance with the standards established by the Secretary under paragraph (1).

''(3) STATE RESPONSIBILITIES.—A State that is assigned and assumes responsibilities under section 326 or 327 shall provide applicable status information in accordance with standards established by the Secretary under paragraph (1).''.

SEC. 11108. INTEGRATION OF PLANNING AND ENVIRONMENTAL REVIEW.

Section 168 of title 23, United States Code, is amended to read as follows:

''§ 168. Integration of planning and environmental review

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

''(1) ENVIRONMENTAL REVIEW PROCESS.—The term 'environmental review process' means the process for preparing for a project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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

''(3) PLANNING PRODUCT.—The term 'planning product' means a decision, analysis, study, or other documented information that is the result of an evaluation or decisionmaking process carried out by a metropolitan planning organization or a State, as appropriate, during metropolitan or statewide transportation planning under section 134 or 135, respectively.

''(4) PROJECT.—The term 'project' has the meaning given the term in section 139(a).

''(b) ADOPTION OF PLANNING PRODUCTS FOR USE IN NEPA PROCEEDINGS.—

''(1) IN GENERAL.—Subject to subsection (d), the Federal lead agency for a project may adopt and use a planning product in proceedings relating to any class of action in the environmental review process of the project.

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

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

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

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

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

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

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

''(c) APPLICABILITY.—

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

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

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

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

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

''(E) a basic description of the environmental setting;

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

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

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

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

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

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

''(A) travel demands;

''(B) regional development and growth;

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

''(D) population and employment;

''(E) natural and built environmental conditions;

''(F) environmental resources and environmentally sensitive areas;

''(G) potential environmental effects, including the identification of resources of concern and potential indirect and cumulative effects on those resources; and

''(H) mitigation needs for a proposed action, or for programmatic level mitigation, for potential effects that the Federal lead agency determines are most effectively addressed at a regional or national program level.

''(d) CONDITIONS.—The lead agency in the environmental review process may adopt and use a planning product under this section if the lead agency determines, with the concurrence of other participating agencies with relevant expertise and project sponsors, as appropriate, that the following conditions have been met:

''(1) The planning product was developed through a planning process conducted pursuant to applicable Federal law.

''(2) The planning product was developed in consultation with appropriate Federal and State resource agencies and Indian tribes.

''(3) The planning process included broad multidisciplinary consideration of systems-level or corridor-wide transportation needs and potential effects, including effects on the human and natural environment.

''(4) The planning process included public notice that the planning products produced in the planning process may be adopted during a subsequent environmental review process in accordance with this section.

''(5) During the environmental review process, the lead agency has—

''(A) made the planning documents available for public review and comment;

''(B) provided notice of the intention of the lead agency to adopt the planning product; and

''(C) considered any resulting comments.

''(6) There is no significant new information or new circumstance that has a reasonable likelihood of affecting the continued validity or appropriateness of the planning product.

''(7) The planning product has a rational basis and is based on reliable and reasonably current data and reasonable and scientifically acceptable methodologies.

''(8) The planning product is documented in sufficient detail to support the decision or the results of the analysis and to meet requirements for use of the information in the environmental review process.

''(9) The planning product is appropriate for adoption and use in the environmental review process for the project and is incorporated in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 1502.21 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the DRIVE Act).

''(e) EFFECT OF ADOPTION.—Any planning product adopted by the Federal lead agency in accordance with this section may be—

''(1) incorporated directly into an environmental review process document or other environmental document; and

''(2) relied on and used by other Federal agencies in carrying out reviews of the project.

''(f) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—This section does not make the environmental review process applicable to

the transportation planning process conducted under this title and chapter 53 of title 49.

''(2) TRANSPORTATION PLANNING ACTIVITIES.—Initiation of the environmental review process as a part of, or concurrently with, transportation planning activities does not subject transportation plans and programs to the environmental review process.

''(3) PLANNING PRODUCTS.—This section does not affect the use of planning products in the environmental review process pursuant to other authorities under any other provision of law or restrict the initiation of the environmental review process during planning.''.

SEC. 11109. USE OF PROGRAMMATIC MITIGATION PLANS.

Section 169(f) of title 23, United States Code, is amended—

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

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

SEC. 11110. ADOPTION OF DEPARTMENTAL ENVIRONMENTAL DOCUMENTS.

(a) IN GENERAL.—Title 49, United States Code, is amended by inserting after section 306 the following:

''§ 307. Adoption of Departmental environmental documents

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

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

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

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

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by striking the item relating to section 307 and inserting the following:

''Sec. 307. Adoption of Departmental environmental documents.''.

SEC. 11111. TECHNICAL ASSISTANCE FOR STATES.

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

(1) in subsection (c)—

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

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

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

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

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

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

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

''(1) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of any State in the program, if—

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

''(B) the Secretary provides to the State—

''(i) a notification of the determination of noncompliance;

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

''(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

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

SEC. 11112. SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM.

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

''(1) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of any State in the program if—

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

''(B) the Secretary provides to the State—

''(i) a notification of the determination of noncompliance;

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

''(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

''(C) the State, after the notification and period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by the Secretary.''.

SEC. 11113. CATEGORICAL EXCLUSIONS FOR MULTIMODAL PROJECTS.

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

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

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

(1) in subsection (a)—

(A) in paragraph (1), by striking ''operating authority that is not the lead authority with respect to a project'' and inserting ''operating administration or secretarial office that has expertise but is not the lead authority with respect to a proposed multimodal project''; and

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

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

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

(3) in subsection (c)—

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

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

(ii) by striking ''other components of the'' and inserting ''a proposed multimodal''; and

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

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

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

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

''(4) the lead authority determines that—

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

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

(4) by striking subsection (d) and inserting the following:

''(d) COOPERATIVE AUTHORITY EXPERTISE.—A cooperating authority shall provide expertise to the lead authority on aspects of the multimodal project in which the cooperating authority has expertise.''.

SEC. 11114. MODERNIZATION OF THE ENVIRONMENTAL REVIEW PROCESS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall examine ways to modernize, simplify, and improve the implementation of the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.) by the Department.

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

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

(A) searchable databases;

(B) geographic information system mapping tools;

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

(D) other innovative technologies;

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

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

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

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the review carried out under subsection (a).

SEC. 11115. SERVICE CLUB, CHARITABLE ASSOCIATION, OR RELIGIOUS SERVICE SIGNS.

Notwithstanding section 131 of title 23, United States Code, and part 750 of title 23, Code of Federal Regulations (or successor regulations), a State may allow the maintenance of a sign of a service club, charitable association, or religious service that was erected as of the date of enactment of this Act, the area of which is less than or equal to 32 square feet, if the State notifies the Federal Highway Administration.

SEC. 11116. SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES.

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

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

''(1) IN GENERAL.—The Secretary shall—

''(A) align, to the maximum extent practicable, with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4231

et seq.) and section 306108 of title 54, including implementing regulations; and

''(B) not later than 90 days after the date of enactment of this subsection, coordinate with the Secretary of the Interior and the Executive Director of the Advisory Council on Historic Preservation (referred to in this subsection as the 'Council') to establish procedures to satisfy the requirements described in subparagraph (A) (including regulations).

''(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

''(A) IN GENERAL.—If, in an analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.), the Secretary determines that there is no feasible or prudent alternative to avoid use of an historic site, the Secretary may—

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

''(ii) provide a notice of the determination to—

''(I) each applicable State historic preservation officer and tribal historic preservation officer;

''(II) the Council, if the Council is participating in the consultation process under section 306108 of title 54; and

''(III) the Secretary of the Interior; and

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

''(B) CONCURRENCE.—If the applicable preservation officer, the Council, and the Secretary 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 website 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 of subsection (a)(2) through the consultation requirements of section 306108 of title 54.

''(B) SATISFACTION OF CONDITIONS.—To satisfy the requirements of subsection (a)(2), each individual described in paragraph (2)(A)(ii) shall concur in the treatment of the applicable historic site described in the memorandum of agreement or programmatic agreement developed under section 306108 of title 54.''.

(b) PUBLIC TRANSPORTATION.—Section 303 of title 49, United States Code, is amended—

(1) in subsection (c), in the matter preceding paragraph (1), by striking ''subsection (d)'' and inserting ''subsections (d) and (e)''; and

(2) by adding at the end the following:

''(e) SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES.—

''(1) IN GENERAL.—The Secretary shall—

''(A) align, to the maximum extent practicable, the requirements of this section with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.) and section 306108 of title 54, including implementing regulations; and

''(B) not later than 90 days after the date of enactment of this subsection, coordinate with the Secretary of the Interior and the Executive Director of the Advisory Council on Historic Preservation (referred to in this subsection as the 'Council') to establish procedures to satisfy the requirements described in subparagraph (A) (including regulations).

''(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

''(A) IN GENERAL.—If, in an analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.), the Secretary determines that there is no feasible or prudent alternative to avoid use of an historic site, the Secretary may—

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

''(ii) provide a notice of the determination to—

''(I) each applicable State historic preservation officer and tribal historic preservation officer;

''(II) the Council, if the Council is participating in the consultation process under section 306108 of title 54; and

''(III) the Secretary of the Interior; and

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

''(B) CONCURRENCE.—If the applicable preservation officer, the Council, and the Secretary 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 website 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 of subsection (c)(2) through the consultation requirements of section 306108 of title 54.

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

SEC. 11117. BRIDGE EXEMPTION FROM CONSIDERATION UNDER CERTAIN PROVISIONS.

(a) PRESERVATION OF PARKLANDS.—Section 138 of title 23, United States Code, as amended by section 11116, is amended by adding at the end the following:

''(d) BRIDGE EXEMPTION FROM CONSIDERATION.—A common post-1945 concrete or steel bridge or culvert (as described in 77 Fed. Reg. 68790) that is exempt from individual review under section 306108 of title 54, United States Code, shall be exempt from consideration under this section.''.

(b) POLICY ON LANDS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORIC SITES.—Section 303 of title 49, United States Code, as amended by section 11116, is amended by adding at the end the following:

''(f) BRIDGE EXEMPTION FROM CONSIDERATION.—A common post-1945 concrete or steel bridge or culvert (as described in 77 Fed. Reg. 68790) that is exempt from individual review under section 306108 of title 54, United States Code, shall be exempt from consideration under this section.''.

SEC. 11118. ELIMINATION OF BARRIERS TO IMPROVE AT-RISK BRIDGES.

(a) TEMPORARY AUTHORIZATION.—

(1) IN GENERAL.—Until the Secretary of the Interior takes the action described in subsection (b), the take of nesting swallows to facilitate a construction project on a bridge eligible for funding under title 23, United States Code, with any component condition rating of 3 or less (as defined by the National Bridge Inventory General Condition Guidance issued by the Federal Highway Administration) is authorized under the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) between April 1 and August 31.

(2) MEASURES TO MINIMIZE IMPACTS.—

(A) NOTIFICATION BEFORE TAKING.—Prior to the taking of nesting swallows authorized under paragraph (1), any person taking that action shall submit to the Secretary of the Interior a document that contains—

(i) the name of the person acting under the authority of paragraph (1) to take nesting swallows;

(ii) a list of practicable measures that will be undertaken to minimize or mitigate significant adverse impacts on the population of that species;

(iii) the time period during which activities will be carried out that will result in the taking of that species; and

(iv) an estimate of the number of birds, by species, to be taken in the proposed action.

(B) NOTIFICATION AFTER TAKING.—Not later than 60 days after the taking of nesting swallows authorized under paragraph (1), any person taking that action shall submit to the Secretary of the Interior a document that contains the number of birds, by species, taken in the action.

(b) AUTHORIZATION OF TAKE.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary, shall promulgate a regulation under the authority of section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) authorizing the take of nesting swallows to facilitate bridge repair, maintenance, or construction—

(A) without individual permit requirements; and

(B) under terms and conditions determined to be consistent with treaties relating to migratory birds that protect swallow species occurring in the United States.

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

(c) SUSPENSION OR WITHDRAWAL OF TAKE AUTHORIZATION.—If the Secretary of the Interior, in consultation with the Secretary, determines that taking of nesting swallows carried out under the authority provided in subsection (a)(1) is having a significant adverse impact on swallow populations, the Secretary of the Interior may suspend that authority through publication in the Federal Register.

SEC. 11119. AT-RISK PROJECT PREAGREEMENT AUTHORITY.

(a) DEFINITION OF PRELIMINARY ENGINEERING.—In this section, the term ''preliminary engineering'' means allowable preconstruction project development and engineering costs.

(b) AT-RISK PROJECT PREAGREEMENT AUTHORITY.—A recipient or subrecipient of Federal-aid funds under title 23, United States Code, may—

(1) incur preliminary engineering costs for an eligible project under title 23, United States Code, before receiving project authorization from the State, in the case of a subrecipient, and the Secretary to proceed with the project; and

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

(c) ELIGIBILITY.—The Secretary may reimburse preliminary engineering costs incurred by a recipient or subrecipient under subsection (b)—

(1) if the costs meet all applicable requirements under title 23, United States Code, at the time the costs are incurred and the Secretary concurs that the requirements have been met;

(2) in the case of a project located within a designated nonattainment or maintenance area for air quality, if the conformity requirements of the Clean Air Act (42 U.S.C. 7401 et seq.) have been met; and

(3) if the costs would have been allowable if incurred after the date of the project authorization by the Department.

(d) AT-RISK.—A recipient or subrecipient that elects to use the authority provided under this section shall—

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

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

(e) RESTRICTIONS.—Nothing in this section—

(1) allows a recipient or subrecipient to use the authority under this section to advance a project beyond preliminary engineering prior to the completion of the environmental review process;

(2) waives the applicability of Federal requirements to a project other than the reimbursement of preliminary engineering costs incurred prior to an authorization to proceed in accordance with this section; or

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

Subtitle C—Miscellaneous

SEC. 11201. CREDITS FOR UNTAXED TRANSPORTATION FUELS.

(a) DEFINITION OF QUALIFIED REVENUES.—In this section, the term ''qualified revenues'' means any amounts—

(1) collected by a State—

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

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

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

(b) CREDIT.—

(1) IN GENERAL.—Subject to paragraph (2), if a State contributes qualified revenues to cover not less than 5 percent of the total cost of a project eligible for assistance under this title, the Federal share payable for the project under this section may be increased by an amount that is—

(A) equal to the percent of the total cost of the project from contributed qualified revenues; but

(B) not more than 5 percent of the total cost of the project.

(2) EXPIRATION.—The authorization of an increased Federal share for a project pursuant to paragraph (1) expires on September 30, 2023.

(c) STUDY.—

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

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

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

Section 111(e) of title 23, United States Code, is amended by inserting ''(including new or modified freeway-to-crossroad interchanges inside a transportation management area)'' after ''the Interstate System''.

SEC. 11203. EXEMPTIONS.

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

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

''(1) the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle; and

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

''(n) EMERGENCY VEHICLES.—

''(1) DEFINITION OF EMERGENCY VEHICLE.—In this subsection, the term 'emergency vehicle' means a vehicle designed to be used under emergency conditions—

''(A) to transport personnel and equipment; and

''(B) to support the suppression of fires and mitigation of other hazardous situations.

''(2) EMERGENCY VEHICLE WEIGHT LIMIT.—Notwithstanding subsection (a), a State shall not enforce against an emergency vehicle a vehicle weight limit (up to a maximum gross vehicle weight of 86,000 pounds) of less than—

''(A) 24,000 pounds on a single steering axle;

''(B) 33,500 pounds on a single drive axle;

''(C) 62,000 pounds on a tandem axle; or

''(D) 52,000 pounds on a tandem rear drive steer axle.

''(o) OPERATION OF CERTAIN SPECIALIZED VEHICLES ON CERTAIN HIGHWAYS IN THE STATE OF ARKANSAS.—If any segment of United States Route 63 between the exits for highways 14 and 75 in the State of Arkansas is designated as part of the Interstate System—

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

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

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

Section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031) is amended—

(1) in subsection (c) (105 Stat. 2032; 112 Stat. 190; 119 Stat. 1213)—

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

''(13) Raleigh-Norfolk Corridor from Raleigh, North Carolina, through Rocky Mount, Williamston and Elizabeth City, North Carolina, to Norfolk, Virginia.'';

(B) in paragraph (18)(D)—

(i) in clause (ii), by striking ''and'' at the end;

(ii) in clause (iii), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(iv) include Texas State Highway 44 from United States Route 59 at Freer, Texas, to Texas State Highway 358.''; and

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

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

''(A) in the case of the Washoe County Corridor, along Interstate Route 580/United States Route 95/United States Route 95A, from Reno, Nevada, to Las Vegas, Nevada; and

''(B) in the case of the Intermountain West Corridor, from the vicinity of Las Vegas extending north along United States Route 95, terminating at Interstate Route 80.''; and

(D) by adding at the end the following:

''(81) United States Route 117/Interstate Route 795 from United States Route 70 in Goldsboro, Wayne County, North Carolina, to Interstate Route 40 west of Faison, Sampson County, North Carolina.

''(82) United States Route 70 from its intersection with Interstate Route 40 in Garner, Wake County, North Carolina, to the Port at Morehead City, Carteret County, North Carolina.

''(83) The Central Texas Corridor commencing at the logical terminus of Interstate 10, and generally following portions of United States Route 190 eastward passing in the vicinity Fort Hood, Killeen, Belton, Temple, Bryan, College Station, Huntsville, Livingston, Woodville, and to the logical terminus of Texas Highway 63 at the Sabine River Bridge at Burrs Crossing.'';

(2) in subsection (e)(5)—

(A) in subparagraph (A) (109 Stat. 597; 118 Stat. 293; 119 Stat. 1213), in the first sentence—

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

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

(iii) by striking ''and subsection (c)(57)'' and inserting ''subsection (c)(57), subsection (c)(68)(B), subsection (c)(81), and subsection (c)(82)''; and

(B) in subparagraph (C)(i) (109 Stat. 598; 126 Stat. 427), by striking the last sentence and inserting ''The routes referred to in subparagraphs (A) and (B)(i) of subsection (c)(26) and in subsection (c)(68)(B) are designated as Interstate Route I–11.''.

SEC. 11205. REPEAT INTOXICATED DRIVER LAW.

Section 164(a)(4) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by inserting ''or combination of laws'' after ''means a State law''.

SEC. 11206. VEHICLE-TO-INFRASTRUCTURE EQUIPMENT.

(a) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—Section 119(d)(2)(L) of title 23, United States Code, is amended by inserting '', including the installation of interoperable vehicle-to-infrastructure communication equipment'' after ''capital improvements''.

(b) SURFACE TRANSPORTATION PROGRAM.—Section 133(b)(16) of title 23, United States Code, by inserting '', including the installation of interoperable vehicle-to-infrastructure communication equipment'' after ''capital improvements''.

SEC. 11207. RELINQUISHMENT.

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

SEC. 11208. TRANSFER AND SALE OF TOLL CREDITS.

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

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

(A) is eligible to use a credit under section 120(i) of title 23, United States Code; and

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

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

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

(c) PURPOSES.—The purposes of the pilot program established under subsection (b) are—

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

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

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

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

(d) SELECTION OF ELIGIBLE STATES.—

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

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

(e) TRANSFER OR SALE OF CREDITS.—

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

(2) USE OF CREDITS BY TRANSFEREE OR PURCHASER.—A recipient State may use a credit received under paragraph (1) toward the non-Federal share requirement for any funds made available to carry out title 23 or chapter 53 of title 49, United States Code.

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

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

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

(h) NOTIFICATION.—Not later than 30 days after the date on which a credit is transferred or sold under subsection (e)(1), the eligible State shall submit to the Secretary in writing a notification of the transfer or sale.

(i) REPORTING REQUIREMENTS.—

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

(2) STATE REPORT.—

(A) REPORT BY ELIGIBLE STATE.—Not later than 30 days after a purchase or sale under subsection (e)(1), an eligible State shall submit to the Secretary a report that describes—

(i) information on the transaction;

(ii) the amount of cash received and the value of toll credits sold;

(iii) the intended use of the cash; and

(iv) an update on the remaining toll credit balance of the State.

(B) REPORT BY RECIPIENT STATE.—Not later than 30 days after a purchase or sale under subsection (e)(1), a recipient State shall submit to the Secretary a report that describes—

(i) the value of toll credits purchased;

(ii) the anticipated use of the toll credits; and

(iii) plans for maintaining maintenance of effort for spending on Federal-aid highways projects.

(3) ANNUAL REPORT.—Not later than 1 year after the date on which the pilot program under subsection (b) is established and each year thereafter that the pilot program is in effect, the Secretary shall—

(A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(i) determines whether a toll credit marketplace is viable;

(ii) describes the buying and selling activities of the pilot program;

(iii) describes the monetary value of toll credits;

(iv) determines whether the pilot program could be expanded to more States or all States; and

(v) provides updated information on the toll credit balance accumulated by each State; and

(B) make the report described in subparagraph (A) publicly available on the website of the Department.

(j) TERMINATION.—The Secretary may terminate the program established under this section or the participation of any State in the program if the Secretary determines that the program is not serving a public benefit.

SEC. 11209. REGIONAL INFRASTRUCTURE ACCELERATOR DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a regional infrastructure demonstration program (referred to in this section as the ''program'') to assist entities in developing improved infrastructure priorities and financing strategies for the accelerated development of a project that is eligible for funding under the TIFIA program under chapter 6 of title 23, United States Code.

(b) DESIGNATION OF REGIONAL INFRASTRUCTURE ACCELERATORS.—In carrying out the program, the Secretary may designate regional infrastructure accelerators that will—

(1) serve a defined geographic area; and

(2) act as a resource in the geographic area to qualified entities in accordance with this section.

(c) APPLICATION.—To be eligible for a designation under subsection (b), a proposed regional infrastructure accelerator shall submit to the Secretary a proposal at such time, in such manner, and containing such information as the Secretary may require.

(d) CRITERIA.—In evaluating a proposal submitted under subsection (c), the Secretary shall consider—

(1) the need for geographic diversity among regional infrastructure accelerators; and

(2) the ability of the proposal to promote investment in covered infrastructure projects, which shall include a plan—

(A) to evaluate and promote innovative financing methods for local projects, including the use of the TIFIA program under chapter 6 of title 23, United States Code;

(B) to build capacity of State, local, and tribal governments to evaluate and structure projects involving the investment of private capital;

(C) to provide technical assistance and information on best practices with respect to financing the projects;

(D) to increase transparency with respect to infrastructure project analysis and using innovative financing for public infrastructure projects;

(E) to deploy predevelopment capital programs designed to facilitate the creation of a pipeline of infrastructure projects available for investment;

(F) to bundle smaller-scale and rural projects into larger proposals that may be more attractive for investment; and

(G) to reduce transaction costs for public project sponsors.

(e) ANNUAL REPORT.—Not less frequently than once each year, the Secretary shall submit to Congress a report that describes the findings and effectiveness of the program.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $12,000,000, of which the Secretary shall use—

(1) $11,750,000 for initial grants to regional infrastructure accelerators under subsection (b); and

(2) $250,000 for administrative costs of carrying out the program.

SEC. 11210. SONORAN CORRIDOR INTERSTATE DEVELOPMENT.

(a) FINDINGS.—Congress finds that the designation of the Sonoran Corridor Interstate connecting Interstate 19 to Interstate 10 south of the Tucson International Airport as a future part of the Interstate System would—

(1) enhance direct linkage between major trading routes connecting growing ports, agricultural regions, infrastructure and manufacturing centers, and existing high priority corridors of the National Highway System; and

(2) significantly improve connectivity on the future Interstate 11 and the CANAMEX Corridor, a route directly linking the United States with Mexico and Canada.

(b) HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1210) (as amended by section 11204) is amended by adding at the end the following:

''(84) State Route 410, the Sonoran Corridor connecting Interstate 19 to Interstate 10 south of the Tucson International Airport.''.

(c) FUTURE PARTS OF INTERSTATE SYSTEM.—Section 1105(e)(5)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033; 119 Stat. 1213) (as amended by section 11204) is amended in the first sentence by striking ''and subsection (c)(82)'' and inserting ''subsection (c)(82), and subsection (c)(84)''.

TITLE II—TRANSPORTATION INNOVATION

Subtitle A—Research

SEC. 12001. RESEARCH, TECHNOLOGY, AND EDUCATION.

(a) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—Section 503(b)(3) of title 23, United States Code, is amended—

(1) in subparagraph (C)—

(A) in clause (xviii), by striking ''and'' at the end;

(B) in clause (xix), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(xx) accelerated mobile, highway-speed, bridge inspection methods that provide quantitative data-driven decisionmaking capabilities without requiring lane closures; and

''(xxi) innovative segmental wall technology for soil bank stabilization and roadway sound attenuation, and articulated technology for hydraulic sheer-resistant erosion control.''; and

(2) in subparagraph (D)(i), by inserting ''and section 119(e)'' after ''this subparagraph''.

(b) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—Section 503(c) of title 23, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''carry out'' and inserting ''establish and implement'';

(2) in paragraph (2)—

(A) in subparagraph (B), by striking clause (i) and inserting the following:

''(i) use not less than 50 percent of the funds authorized to carry out this subsection to make grants to, and enter into cooperative agreements and contracts with, States, other Federal agencies, local governments, metropolitan planning organizations, institutions of higher education, private sector entities, and nonprofit organizations to carry out demonstration programs that will accelerate the deployment and adoption of transportation research activities;'';

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

''(C) INNOVATION GRANTS.—

''(i) IN GENERAL.—In carrying out the program established under subparagraph (B)(i), the Secretary shall establish a transparent competitive

process in which entities described in subparagraph (B)(i) may submit an application to receive a grant under this subsection.

''(ii) PUBLICATION OF APPLICATION PROCESS.—A description of the application process established by the Secretary shall—

''(I) be posted on a public website;

''(II) identify the information required to be included in the application; and

''(III) identify the criteria by which the Secretary shall select grant recipients.

''(iii) SUBMISSION OF APPLICATION.—To receive a grant under this paragraph, an entity described in subparagraph (B)(i) shall submit an application to the Secretary.

''(iv) SELECTION AND APPROVAL.—The Secretary shall select and approve an application submitted under clause (iii) based on whether the project described in the application meets the goals of the program described in paragraph (1).''; and

(3) in paragraph (3)(C), by striking ''each of fiscal years 2013 through 2014'' and inserting ''each fiscal year''.

(c) CONFORMING AMENDMENT.—Section 505(c)(1) of title 23, United States Code, is amended by striking ''section 503(c)(2)(C)'' and inserting ''section 503 (c)(2)(D)''.

SEC. 12002. INTELLIGENT TRANSPORTATION SYSTEMS.

(a) INTELLIGENT TRANSPORTATION SYSTEMS DEPLOYMENT.—Section 513 of title 23, United States Code, is amended by adding at the end the following:

''(d) SYSTEM OPERATIONS AND ITS DEPLOYMENT GRANT PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a competitive grant program to accelerate the deployment, operation, systems management, intermodal integration, and interoperability of the ITS program and ITS-enabled operational strategies—

''(A) to measure and improve the performance of the surface transportation system;

''(B) to reduce traffic congestion and the economic and environmental impacts of traffic congestion;

''(C) to minimize fatalities and injuries;

''(D) to enhance mobility of people and goods;

''(E) to improve traveler information and services; and

''(F) to optimize existing roadway capacity.

''(2) APPLICATION.—To be eligible for a grant under this subsection, an eligible entity shall submit an application to the Secretary that includes—

''(A) a plan to deploy and provide for the long-term operation and maintenance of intelligent transportation systems to improve safety, efficiency, system performance, and return on investment, such as—

''(i) autonomous vehicle communication technologies;

''(ii) vehicle-to-vehicle or vehicle-to-infrastructure communication technologies;

''(iii) real-time integrated traffic, transit, and multimodal transportation information;

''(iv) advanced traffic, freight, parking, and incident management systems;

''(v) advanced technologies to improve transit and commercial vehicle operations;

''(vi) synchronized, adaptive, and transit preferential traffic signals;

''(vii) advanced infrastructure condition assessment technologies; and

''(viii) other technologies to improve system operations, including ITS applications necessary for multimodal systems integration and for achieving performance goals;

''(B) quantifiable system performance improvements, including—

''(i) reductions in traffic-related crashes, congestion, and costs;

''(ii) optimization of system efficiency; and

''(iii) improvement of access to transportation services;

''(C) quantifiable safety, mobility, and environmental benefit projections, including data-driven estimates of the manner in which the project will improve the efficiency of the transportation system and reduce traffic congestion in the region;

''(D) a plan for partnering with the private sector, including telecommunications industries and public service utilities, public agencies (including multimodal and multijurisdictional entities), research institutions, organizations representing transportation and technology leaders, and other transportation stakeholders;

''(E) a plan to leverage and optimize existing local and regional ITS investments; and

''(F) a plan to ensure interoperability of deployed technologies with other tolling, traffic management, and intelligent transportation systems.

''(3) SELECTION.—

''(A) IN GENERAL.—Effective beginning not later than 1 year after the date of enactment of the DRIVE Act, the Secretary may provide grants to eligible entities under this subsection.

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

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

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

''(A) the deployment of autonomous vehicle communication technologies;

''(B) the deployment of vehicle-to-vehicle or vehicle-to-infrastructure communication technologies;

''(C) the establishment and implementation of ITS and ITS-enabled operations strategies that improve performance in the areas of—

''(i) traffic operations;

''(ii) emergency response to surface transportation incidents;

''(iii) incident management;

''(iv) transit and commercial vehicle operations improvements;

''(v) weather event response management by State and local authorities;

''(vi) surface transportation network and facility management;

''(vii) construction and work zone management;

''(viii) traffic flow information;

''(ix) freight management; and

''(x) congestion management;

''(D) carrying out activities that support the creation of networks that link metropolitan and rural surface transportation systems into an integrated data network, capable of collecting, sharing, and archiving transportation system traffic condition and performance information;

''(E) the implementation of intelligent transportation systems and technologies that improve highway safety through information and communications systems linking vehicles, infrastructure, mobile devices, transportation users, and emergency responders;

''(F) the provision of services necessary to ensure the efficient operation and management of ITS infrastructure, including costs associated with communications, utilities, rent, hardware, software, labor, administrative costs, training, and technical services;

''(G) the provision of support for the establishment and maintenance of institutional relationships between transportation agencies, police, emergency medical services, private emergency operators, freight operators, shippers, public service utilities, and telecommunications providers;

''(H) carrying out multimodal and cross-jurisdictional planning and deployment of regional transportation systems operations and management approaches; and

''(I) performing project evaluations to determine the costs, benefits, lessons learned, and future deployment strategies associated with the deployment of intelligent transportation systems.

''(5) REPORT TO SECRETARY.—For each fiscal year that an eligible entity receives a grant under this subsection, not later than 1 year after receiving the grant, each recipient shall submit to the Secretary a report that describes how the project has met the expectations projected in the deployment plan submitted with the application, including information on—

''(A) how the program has helped reduce traffic crashes, congestion, costs, and other benefits of the deployed systems;

''(B) the effect of measuring and improving transportation system performance through the deployment of advanced technologies;

''(C) the effectiveness of providing real-time integrated traffic, transit, and multimodal transportation information to the public that allows the public to make informed travel decisions; and

''(D) lessons learned and recommendations for future deployment strategies to optimize transportation efficiency and multimodal system performance.

''(6) REPORT TO CONGRESS.—Not later than 2 years after the date on which the first grant is awarded under this subsection and annually thereafter for each fiscal year for which grants are awarded under this subsection, the Secretary shall submit to Congress a report that describes the effectiveness of the grant recipients in meeting the projected deployment plan goals, including data on how the grant program has—

''(A) reduced traffic-related fatalities and injuries;

''(B) reduced traffic congestion and improved travel-time reliability;

''(C) reduced transportation-related emissions;

''(D) optimized multimodal system performance;

''(E) improved access to transportation alternatives;

''(F) provided the public with access to real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions;

''(G) provided cost savings to transportation agencies, businesses, and the traveling public; and

''(H) provided other benefits to transportation users and the general public.

''(7) ADDITIONAL GRANTS.—If the Secretary determines, based on a report submitted under paragraph (5), that a grant recipient is not complying with the established grant criteria, the Secretary may—

''(A) cease payment to the recipient of any remaining grant amounts; and

''(B) redistribute any remaining amounts to other eligible entities under this section.

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

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

(b) INTELLIGENT TRANSPORTATION SYSTEMS GOALS AND PURPOSES.—Section 514(a) of title 23, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end; and

(2) by striking paragraph (5) and inserting the following:

''(5) improvement of the ability of the United States to respond to security-related or other manmade emergencies and natural disasters; and

''(6) enhancement of the freight system of the United States and support to freight policy goals by conducting heavy duty vehicle demonstration activities and accelerating adoption of ITS applications in freight operations.''.

(c) ITS ADVISORY COMMITTEE REPORT.—Section 515(h)(4) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by striking ''February 1 of each year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012'' and inserting ''May 1 of each year''.

SEC. 12003. FUTURE INTERSTATE STUDY.

(a) FINDINGS.—Congress finds that—

(1) a well-developed system of transportation infrastructure is critical to the economic well-being, health, and welfare of the people of the United States;

(2) the 47,000-mile national Interstate System is the backbone to that transportation infrastructure system; and

(3) as of the date of enactment of this Act—

(A) many segments of the approximately 60-year-old Interstate System are well beyond the 50-year design life of the System and yet these aging facilities are central to the transportation infrastructure system, carrying 25 percent of the vehicle traffic of the United States on just 1 percent of the total public roadway mileage;

(B) the need for ongoing maintenance, preservation, and reconstruction of the Interstate System has grown due to increasing and changing travel demands; and

(C) simple maintenance of the current condition and configuration of the Interstate System is insufficient for the System to fully serve the transportation needs of the United States for the next 50 years.

(b) FUTURE INTERSTATE SYSTEM STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the Transportation Research Board of the National Academies to conduct a study on the actions needed to upgrade and restore the Dwight D. Eisenhower National System of Interstate and Defense Highways to its role as a premier system network that meets the growing and shifting demands of the 21st century and for the next 50 years (referred to in this section as the ''study'').

(c) METHODOLOGIES.—In conducting the study, the Transportation Research Board shall build on the methodologies examined and recommended in the report prepared for the American Association of State Highway and Transportation Officials entitled ''National Cooperative Highway Research Program Project 20–24(79): Specifications for a National Study of the Future 3R, 4R, and Capacity Needs of the Interstate System'' and dated December 2013.

(d) RECOMMENDATIONS.—The study—

(1) shall include specific recommendations regarding the features, standards, capacity needs, application of technologies, and intergovernmental roles to upgrade the Interstate System, including any revisions to law (including regulations) that the Transportation Research Board determines appropriate to achieve the goals; and

(2) is encouraged to build on the robust institutional knowledge in the highway industry in applying the techniques involved in implementing the study.

(e) CONSIDERATIONS.—In carrying out the study, the Transportation Research Board shall determine the need for reconstruction and improvement of the Interstate System by considering—

(1) future demands on transportation infrastructure determined for national planning purposes, including commercial and private traffic flows to serve future economic activity and growth;

(2) the expected condition of the current Interstate System over the next 50 years, including long-term deterioration and reconstruction needs;

(3) those National Highway System routes that should be added to the existing Interstate System to more efficiently serve national traffic flows;

(4) features that would take advantage of technological capabilities to address modern standards of construction, maintenance, and operations, for purposes of safety, and system management, taking into further consideration system performance and cost; and

(5) the resources necessary to maintain and improve the Interstate System, including the resources required to upgrade those National Highway System routes identified in paragraph (3) to Interstate standards.

(f) CONSULTATION.—In carrying out the study, the Transportation Research Board—

(1) shall convene and consult with a panel of national experts including current and future owners, operators, and users of the Interstate System and private sector stakeholders; and

(2) is encouraged to consult with—

(A) the Federal Highway Administration;

(B) States;

(C) planning agencies at the metropolitan, State, and regional levels;

(D) the motor carrier industry;

(E) freight shippers;

(F) highway safety groups; and

(G) other appropriate entities.

(g) REPORT.—Not later than 3 years after the date of enactment of this Act, the Transportation Research Board shall submit to the Secretary, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study conducted under this section.

(h) FUNDING.—From amounts authorized to carry out the Highway Research and Development Program, the Secretary shall use up to $5,000,000 for fiscal year 2016 to carry out this section.

SEC. 12004. RESEARCHING SURFACE TRANSPORTATION SYSTEM FUNDING ALTERNATIVES.

(a) IN GENERAL.—The Secretary shall promote the research of user-based alternative revenue mechanisms that preserve a user fee structure to maintain the long-term solvency of the Highway Trust Fund.

(b) OBJECTIVES.—The objectives of the research described in subsection (a) shall be—

(1) to study uncertainties relating to the design, acceptance, and implementation of 2 or more future user-based alternative revenue mechanisms;

(2) to define the functionality of those user-based alternative revenue mechanisms;

(3) to conduct or promote research activities to demonstrate and test those user-based alternative revenue mechanisms, including by conducting field trials, by partnering with individual States, groups of States, or other appropriate entities to conduct the research activities;

(4) to conduct outreach to increase public awareness regarding the need for alternative funding sources for surface transportation programs and provide information on possible approaches;

(5) to provide recommendations regarding adoption and implementation of those user-based alternative revenue mechanisms; and

(6) to minimize the administrative cost of any potential user-based alternative revenue mechanisms.

(c) GRANTS.—The Secretary shall provide grants to individual States, groups of States, or other appropriate entities to conduct research that addresses—

(1) the implementation, interoperability, public acceptance, and other potential hurdles to the adoption of a user-based alternative revenue mechanism;

(2) the protection of personal privacy;

(3) the use of independent and private third-party vendors to collect fees and operate the user-based alternative revenue mechanism;

(4) equity concerns, including the impacts of the user-based alternative revenue mechanism on differing income groups, various geographic areas, and the relative burdens on rural and urban drivers;

(5) ease of compliance for different users of the transportation system;

(6) the reliability and security of technology used to implement the user-based alternative revenue mechanism;

(7) the flexibility and choices of user-based alternative revenue mechanisms, including the ability of users to select from various technology and payment options;

(8) the cost of administering the user-based alternative revenue mechanism; and

(9) the ability of the administering entity to audit and enforce user compliance.

(d) ADVISORY COUNCIL.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury, shall establish and lead a Surface Transportation Revenue Alternatives Advisory Council (referred to in this subsection as the ''Council'') to inform the selection and evaluation of user-based alternative revenue mechanisms.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The members of the Council shall—

(i) be appointed by the Secretary; and

(ii) include, at a minimum—

(I) representatives with experience in user-based alternative revenue mechanisms, of which—

(aa) not fewer than 1 shall be from the Department;

(bb) not fewer than 1 shall be from the Department of the Treasury; and

(cc) not fewer than 2 shall be from State departments of transportation;

(II) representatives from applicable users of the surface transportation system; and

(III) appropriate technology and public privacy experts.

(B) GEOGRAPHIC CONSIDERATIONS.—The Secretary shall consider geographic diversity when selecting members under this paragraph.

(3) FUNCTIONS.—Not later than 1 year after the date on which the Council is established, the Council shall, at a minimum—

(A) define the functionality of 2 or more user-based alternative revenue mechanisms;

(B) identify technological, administrative, institutional, privacy, and other issues that—

(i) are associated with the user-based alternative revenue mechanisms; and

(ii) may be researched through research activities;

(C) conduct public outreach to identify and assess questions and concerns about the user-based alternative revenue mechanisms for future evaluation through research activities; and

(D) provide recommendations to the Secretary on the process and criteria used for selecting research activities under subsection (c).

(4) EVALUATIONS.—The Council shall conduct periodic evaluations of the research activities that have received assistance from the Secretary under this section.

(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Council shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) BIENNIAL REPORTS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until the completion of the research activities under this section, the Secretary shall submit to the Secretary of the Treasury, the Committee on Finance and the Committee on Environment and Public Works of the Senate, and the Committee on Ways and Means and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the progress of the research activities.

(f) FINAL REPORT.—On the completion of the research activities under this section, the Secretary and the Secretary of the Treasury, acting jointly, shall submit to the Committee on Finance and the Committee on Environment and Public Works of the Senate and the Committee on Ways and Means and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results

of the research activities and any recommendations.

(g) FUNDING.—Of the funds authorized to carry out section 503(b) of title 23, United States Code—

(1) $15,000,000 shall be used to carry out this section in fiscal year 2016; and

(2) $20,000,000 shall be used to carry out this section in each of fiscal years 2017 through 2021.

Subtitle B—Data

SEC. 12101. TRIBAL DATA COLLECTION.

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

''(C) TRIBAL DATA COLLECTION.—In addition to the data to be collected under subparagraph (A), not later than 90 days after the end of each fiscal year, any entity carrying out a project under the tribal transportation program under section 202 shall submit to the Secretary and the Secretary of Interior, based on obligations and expenditures under the tribal transportation program during the preceding fiscal year, the following data:

''(i) The names of projects or activities carried out by the entity under the tribal transportation program during the preceding fiscal year.

''(ii) A description of the projects or activities identified under clause (i).

''(iii) The current status of the projects or activities identified under clause (i).

''(iv) An estimate of the number of jobs created and the number of jobs retained by the projects or activities identified under clause (i).''.

SEC. 12102. PERFORMANCE MANAGEMENT DATA SUPPORT PROGRAM.

(a) PERFORMANCE MANAGEMENT DATA SUPPORT.—The Administrator of the Federal Highway Administration shall develop, use, and maintain data sets and data analysis tools to assist metropolitan planning organizations, States, and the Federal Highway Administration in carrying out performance management analyses (including the performance management requirements under section 150 of title 23, United States Code).

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

(1) collecting and distributing vehicle probe data describing traffic on Federal-aid highways;

(2) collecting household travel behavior data to assess local and cross-jurisdictional travel, including to accommodate external and through travel;

(3) enhancing existing data collection and analysis tools to accommodate performance measures, targets, and related data, so as to better understand trip origin and destination, trip time, and mode;

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

(5) developing tools—

(A) to improve performance analysis; and

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

(c) FUNDING.—From amounts authorized to carry out the Highway Research and Development Program, the Administrator may use up to $10,000,000 for each of fiscal years 2016 through 2021 to carry out this section.

Subtitle C—Transparency and Best Practices

SEC. 12201. EVERY DAY COUNTS INITIATIVE.

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

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

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

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

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

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

(1) accelerate innovation deployment;

(2) shorten the project delivery process;

(3) improve environmental sustainability;

(4) enhance roadway safety; and

(5) reduce congestion.

(c) INNOVATION DEPLOYMENT.—

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

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

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

SEC. 12202. DEPARTMENT OF TRANSPORTATION PERFORMANCE MEASURES.

(a) PERFORMANCE MEASURES.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the heads of other Federal agencies with responsibility for the review and approval of projects funded under title 23, United States Code, shall measure and report on—

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

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

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

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

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

(a) DEFINITIONS.—In this section:

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

(A) a State;

(B) a unit of local government;

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

(D) a metropolitan planning organization.

(2) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory (as defined in section 165(c)(1) of title 23, United States Code).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a competitive grant program to reward—

(1) achievement in transportation performance management; and

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

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

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

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

(d) APPLICATION.—

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

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

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

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

(C) employing transportation planning tools and procedures that improve transparency and the development of transportation investment strategies within the jurisdiction of the eligible entity.

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

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

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

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

(1) title 23, United States Code; or

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

(g) LIMITATION.—The amount of a grant under this section shall be not more than $15,000,000.

(h) AUTHORIZATION OF APPROPRIATIONS.—

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

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

(i) APPLICABILITY OF REQUIREMENTS.—Amounts made available under this section shall be administered as if the funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 12204. HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY.

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

''(g) HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY REPORT.—

''(1) PUBLICLY AVAILABLE REPORT.—Not later than 180 days after the date of enactment of the DRIVE Act and quarterly thereafter, the Secretary shall compile data in accordance with this subsection on the use of Federal-aid highway program funds made available under this title.

''(2) REQUIREMENTS.—The Secretary shall ensure that the reports required under this subsection are made available in a user-friendly

manner on the public website of the Department of Transportation and can be searched and downloaded by users of the website.

''(3) CONTENTS OF REPORT.—

''(A) APPORTIONED AND ALLOCATED PROGRAMS.—For each fiscal year, the report shall include comprehensive data for each program, organized by State, that includes—

''(i) the total amount of funds available for obligation, identifying the unobligated balance of funds available at the end of the preceding fiscal year and new funding available for the current fiscal year;

''(ii) the total amount of funding obligated during the current fiscal year;

''(iii) the remaining amount of funds available for obligation;

''(iv) changes in the obligated, unexpended balance during the current fiscal year, including the obligated, unexpended balance at the end of the preceding fiscal year and current fiscal year expenditures; and

''(v) the percentage of the total amount of obligations for the current fiscal year used for construction and the total amount obligated during the current fiscal year for rehabilitation.

''(B) PROJECT DATA.—To the maximum extent practicable, the report shall include project-specific data, including data describing—

''(i) the specific location of a project;

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

''(I) less than 5,000 individuals;

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

''(III) 50,000 or more individuals;

''(iii) the total cost of the project;

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

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

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

''(I) a road reconstruction project;

''(II) a new road construction project;

''(III) a new bridge construction project;

''(IV) a bridge rehabilitation project; or

''(V) a bridge replacement project; and

''(vii) the ownership of the highway or bridge.

''(C) TRANSFERS BETWEEN PROGRAMS.—The report shall include a description of the amount of funds transferred between programs by each State under section 126.''.

(b) CONFORMING AMENDMENT.—Section 1503 of MAP–21 (23 U.S.C. 104 note; Public Law 112–141) is amended by striking subsection (c).

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

(a) INITIAL REPORT.—Not later than 150 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the administrative expenses of the Federal Highway Administration funded from the Highway Trust Fund during the 3 most recent fiscal years.

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

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

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

(2) tracking and monitoring of administrative expenses;

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

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

SEC. 12206. AVAILABILITY OF REPORTS.

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

(b) DEADLINE.—Each report described in subsection (a) shall be made available on the website not later than 30 days after the report is submitted to Congress.

SEC. 12207. PERFORMANCE PERIOD ADJUSTMENT.

(a) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—Section 119 of title 23, United States Code, is amended—

(1) in subsection (e)(7), by striking ''for 2 consecutive reports submitted under this paragraph shall include in the next report submitted'' and inserting ''shall include as part of the performance target report under section 150(e)''; and

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

(b) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—Section 148(i) of title 23, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''performance targets of the State established under section 150(d) by the date that is 2 years after the date of the establishment of the performance targets'' and inserting ''safety performance targets of the State established under section 150(d)''; and

(2) in paragraphs (1) and (2), by inserting ''safety'' before ''performance targets'' each place it appears.

SEC. 12208. DESIGN STANDARDS.

(a) IN GENERAL.—Section 109 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''may take into account'' and inserting ''shall consider''; and

(ii) in subparagraph (C), by striking ''access for'' and inserting ''access and safety for''; and

(B) in paragraph (2)—

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

(ii) by redesignating subparagraph (D) as subparagraph (F); and

(iii) by inserting after subparagraph (C) the following:

''(D) the publication entitled 'Highway Safety Manual' of the American Association of State Highway and Transportation Officials;

''(E) the publication entitled 'Urban Street Design Guide' of the National Association of City Transportation Officials; and'';

(2) in subsection (f), by inserting ''pedestrian walkways,'' after ''bikeways,''; and

(3) by adding at the end the following:

''(s) SAFETY FOR MOTORIZED AND NONMOTORIZED USERS.—

''(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this subsection, the Secretary shall establish standards to ensure that the design of Federal surface transportation projects provides for the safe and adequate accommodation (as determined by the State or other direct recipient of funds), in all phases of project planning, development, and operation, of all users of the transportation network, including motorized and nonmotorized users.

''(2) WAIVER FOR STATE LAW OR POLICY.—The Secretary may waive the application of standards established under paragraph (1) to a State that has adopted a law or policy that provides for the safe and adequate accommodation (as determined by the State or other direct recipient of funds), in all phases of project planning and development, of users of the transportation network on federally funded surface transportation projects.

''(3) COMPLIANCE.—

''(A) IN GENERAL.—Each State department of transportation shall submit a report to the Secretary, at such time, in such manner, and containing such information as the Secretary shall require, that describes measures implemented by the State to comply with this subsection.

''(B) DETERMINATION BY SECRETARY.—Upon the receipt of a report from a State under subparagraph (A), the Secretary shall determine whether the State is in compliance with this section.''.

(b) DESIGN STANDARD FLEXIBILITY.—Notwithstanding section 109(o) of title 23, United States Code, a local jurisdiction may use a roadway design guide that is different from the roadway design guide used by the State in which the local jurisdiction is located for the design of projects on all roadways under the ownership of the local jurisdiction (other than a highway on the Interstate System) if—

(1) the local jurisdiction is the project sponsor;

(2) the roadway design guide—

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

(B) is adopted by the local jurisdiction; and

(3) the design complies with all other applicable Federal laws.

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

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

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

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

(A) by striking ''In this chapter, the'' and inserting ''The''; and

(B) by inserting ''to sections 601 through 609'' after ''apply'';

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''and'' at the end;

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

(C) by adding at the end the following:

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

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

(4) in paragraph (10)—

(A) in the matter preceding subparagraph (A)—

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

(ii) by striking ''(which shall receive an investment grade rating from a rating agency)'';

(B) in subparagraph (A), by striking ''subject to the availability of future funds being made available to carry out this chapter;'' and inserting ''subject to—

''(i) the availability of future funds being made available to carry out the TIFIA program; and

''(ii) the satisfaction of all of the conditions for the provision of credit assistance under the TIFIA program, including section 603(b)(1);''; and

(C) in subparagraph (D)—

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

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

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

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

(iv) in clause (iv) (as so redesignated), by striking ''this chapter'' and inserting ''the TIFIA program'';

(5) in paragraph (12)—

(A) in subparagraph (D)(iv), by striking the period at the end and inserting ''; and''; and

(B) by adding at the end the following:

''(E) a project to improve or construct public infrastructure that is located within walking distance of, and accessible to, a fixed guideway transit facility, passenger rail station, intercity bus station, or intermodal facility, including a transportation, public utility, and capital project described in section 5302(3)(G)(v) of title 49, and related infrastructure;

''(F) a project for the acquisition of plant and wildlife habitat pursuant to a conservation plan that—

''(i) has been approved by the Secretary of the Interior pursuant to section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539); and

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

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

(6) in paragraph (15), by striking ''means'' and all that follows through the period at the end and inserting ''means a surface transportation infrastructure project located in an area that is outside of an urbanized area with a population greater than 150,000 individuals, as determined by the Bureau of the Census.'';

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

(8) by inserting after paragraph (15) the following:

''(16) RURAL PROJECTS FUND.—The term 'rural projects fund' means a fund—

''(A) established by a State infrastructure bank in accordance with section 610(d)(4);

''(B) capitalized with the proceeds of a secured loan made to the bank in accordance with sections 602 and 603; and

''(C) for the purpose of making loans to sponsors of rural infrastructure projects in accordance with section 610.'';

(9) by inserting after paragraph (18) (as redesignated) the following:

''(19) STATE INFRASTRUCTURE BANK.—The term 'State infrastructure bank' means an infrastructure bank established under section 610.''; and

(10) in paragraph (22) (as redesignated), by inserting ''established under sections 602 through 609'' after ''Department''.

(b) DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.—Section 602 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''this chapter'' and inserting ''the TIFIA program'';

(B) in paragraph (2)(A), by striking ''this chapter'' and inserting ''the TIFIA program'';

(C) in paragraph (3), by striking ''this chapter'' and inserting ''the TIFIA program'';

(D) in paragraph (5)—

(i) by striking the heading and inserting ''ELIGIBLE PROJECT COST PARAMETERS.—'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''subparagraph (B), to be eligible for assistance under this chapter, a project'' and inserting ''subparagraphs (B) and (C), a project under the TIFIA program'';

(II) by striking clause (i) and inserting the following:

''(i) $50,000,000; and''; and

(III) in clause (ii), by striking ''assistance''; and

(iii) in subparagraph (B)—

(I) by striking the subparagraph designation and heading and all that follows through ''In the case'' and inserting the following:

''(B) EXCEPTIONS.—

''(i) INTELLIGENT TRANSPORTATION SYSTEMS.—In the case''; and

(II) by adding at the end the following:

''(ii) TRANSIT-ORIENTED DEVELOPMENT PROJECTS.—In the case of a project described in section 601(a)(12)(E), eligible project costs shall be reasonably anticipated to equal or exceed $10,000,000.

''(iii) RURAL PROJECTS.—In the case of a rural infrastructure project or a project capitalizing a rural projects fund, eligible project costs shall be reasonably anticipated to equal or exceed $10,000,000, but not to exceed $100,000,000.

''(iv) LOCAL INFRASTRUCTURE PROJECTS.—Eligible project costs shall be reasonably anticipated to equal or exceed $10,000,000 in the case of projects or programs of projects—

''(I) in which the applicant is a local government, public authority, or instrumentality of local government;

''(II) located on a facility owned by a local government; or

''(III) for which the Secretary determines that a local government is substantially involved in the development of the project.'';

(E) in paragraph (9), in the matter preceding subparagraph (A), by striking ''this chapter'' and inserting ''the TIFIA program''; and

(F) in paragraph (10)—

(i) by striking ''To be eligible'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible'';

(ii) by striking ''this chapter'' each place it appears and inserting ''the TIFIA program'';

(iii) by striking ''not later than'' and inserting ''no later than''; and

(iv) by adding at the end the following:

''(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the State infrastructure bank shall demonstrate, not later than 2 years after the date on which a secured loan is obligated for the project under the TIFIA program, that the bank has executed a loan agreement with a borrower for a rural infrastructure project in accordance with section 610. After the demonstration is made, the bank may draw upon the secured loan. At the end of the 2-year period, to the extent the bank has not used the loan commitment, the Secretary may extend the term of the loan or withdraw the loan commitment.'';

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

''(2) MASTER CREDIT AGREEMENTS.—

''(A) PROGRAM OF RELATED PROJECTS.—The Secretary may enter into a master credit agreement for a program of related projects secured by a common security pledge on terms acceptable to the Secretary.

''(B) ADEQUATE FUNDING NOT AVAILABLE.—If the Secretary fully obligates funding to eligible projects for a fiscal year and adequate funding is not available to fund a credit instrument, a project sponsor of an eligible project may elect to enter into a master credit agreement and wait to execute a credit instrument until the fiscal year for which additional funds are available to receive credit assistance.'';

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

(4) in subsection (e), by striking ''this chapter'' and inserting ''the TIFIA program''.

(c) SECURED LOAN TERMS AND LIMITATIONS.—Section 603(b) of title 23, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking ''The amount of'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of''; and

(B) by adding at the end the following:

''(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the maximum amount of a secured loan made to a State infrastructure bank shall be determined in accordance with section 602(a)(5)(B)(iii).'';

(2) in paragraph (3)(A)(i)—

(A) in subclause (III), by striking ''or'' at the end;

(B) in subclause (IV), by striking ''and'' at the end and inserting ''or''; and

(C) by adding at the end the following:

''(V) in the case of a secured loan for a project capitalizing a rural projects fund, any other dedicated revenue sources available to a State infrastructure bank, including repayments from loans made by the bank for rural infrastructure projects; and'';

(3) in paragraph (4)(B)—

(A) in clause (i), by striking ''under this chapter'' and inserting ''or a rural projects fund under the TIFIA program''; and

(B) in clause (ii), by inserting ''and rural project funds'' after ''rural infrastructure projects'';

(4) in paragraph (5)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(B) in the matter preceding subparagraph (A), by striking ''The final'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), the final''; and

(C) by adding at the end the following:

''(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the final maturity date of the secured loan shall not exceed 35 years after the date on which the secured loan is obligated.'';

(5) in paragraph (8), by striking ''this chapter'' and inserting ''the TIFIA program''; and

(6) in paragraph (9)—

(A) by striking ''The total Federal assistance provided on a project receiving a loan under this chapter'' and inserting the following:

''(A) IN GENERAL.—The total Federal assistance provided for a project receiving a loan under the TIFIA program''; and

(B) by adding at the end the following:

''(B) RURAL PROJECTS FUND.—A project capitalizing a rural projects fund shall satisfy clause (i) through compliance with the Federal share requirement described in section 610(e)(3)(B).''.

(d) PROGRAM ADMINISTRATION.—Section 605 of title 23, United States Code, is amended—

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

(2) by adding at the end the following:

''(f) ASSISTANCE TO SMALL PROJECTS.—

''(1) RESERVATION OF FUNDS.—Of the funds made available to carry out the TIFIA program for each fiscal year, and after the set-aside under section 608(a)(6), not less than $2,000,000 shall be made available for the Secretary to use in lieu of fees collected under subsection (b) for projects under the TIFIA program having eligible project costs that are reasonably anticipated not to equal or exceed $75,000,000.

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

(e) STATE AND LOCAL PERMITS.—Section 606 of title 23, United States Code, is amended in the matter preceding paragraph (1) by striking ''this chapter'' and inserting ''the TIFIA program''.

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

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

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

(2) in subsection (a)—

(A) in paragraph (2), by inserting ''of'' after ''504(f)'';

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting ''or rural projects funds'' after ''rural infrastructure projects''; and

(ii) in subparagraph (B), by inserting ''or rural projects funds'' after ''rural infrastructure projects'';

(C) by striking paragraph (4) and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively; and

(D) in paragraph (5) (as so redesignated), by striking ''0.50 percent'' and inserting ''1.5 percent''.

(h) REPORTS TO CONGRESS.—Section 609 of title 23, United States Code, is amended by striking ''this chapter (other than section 610)'' each place it appears and inserting ''the TIFIA program''.

(i) STATE INFRASTRUCTURE BANK PROGRAM.—Section 610 of title 23, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

''(11) RURAL INFRASTRUCTURE PROJECT.—The term 'rural infrastructure project' has the meaning given the term in section 601.

''(12) RURAL PROJECTS FUND.—The term 'rural projects fund' has the meaning given the term in section 601.'';

(2) in subsection (d)—

(A) in paragraph (1)(A), by striking ''each of fiscal years'' and all that follows through the end of subparagraph (A) and inserting ''each fiscal year under each of paragraphs (1), (2), and (5) of section 104(b); and'';

(B) in paragraph (2), by striking ''in each of fiscal years 2005 through 2009'' and inserting ''in each fiscal year'';

(C) in paragraph (3), by striking ''in each of fiscal years 2005 through 2009'' and inserting ''in each fiscal year'';

(D) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively;

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

''(4) RURAL PROJECTS FUND.—Subject to subsection (j), the Secretary may permit a State entering into a cooperative agreement under this section to establish a State infrastructure bank to deposit into the rural projects fund of the bank the proceeds of a secured loan made to the bank in accordance with section 602 and 603.''; and

(F) in paragraph (6) (as redesignated), by striking ''section 133(d)(3)'' and inserting ''section 133(d)(1)(A)(i)'';

(3) by striking subsection (e) and inserting the following:

''(e) FORMS OF ASSISTANCE FROM STATE INFRASTRUCTURE BANKS.—

''(1) IN GENERAL.—A State infrastructure bank established under this section may—

''(A) with funds deposited into the highway account, transit account, or rail account of the bank, make loans or provide other forms of credit assistance to a public or private entity to carry out a project eligible for assistance under this section; and

''(B) with funds deposited into the rural projects fund, make loans to a public or private entity to carry out a rural infrastructure project.

''(2) SUBORDINATION OF LOAN.—The amount of a loan or other form of credit assistance provided for a project described in paragraph (1) may be subordinated to any other debt financing for the project.

''(3) MAXIMUM AMOUNT OF ASSISTANCE.—A State infrastructure bank established under this section may—

''(A) with funds deposited into the highway account, transit account, or rail account, make loans or provide other forms of credit assistance to a public or private entity in an amount up to 100 percent of the cost of carrying out a project eligible for assistance under this section; and

''(B) with funds deposited into the rural projects fund, make loans to a public or private entity in an amount not to exceed 80 percent of the cost of carrying out a rural infrastructure project.

''(4) INITIAL ASSISTANCE.—Initial assistance provided with respect to a project from Federal funds deposited into a State infrastructure bank under this section may not be made in the form of a grant.'';

(4) in subsection (g)—

(A) in paragraph (1), by striking ''each account'' and inserting ''the highway account, the transit account, and the rail account''; and

(B) in paragraph (4), by inserting '', except that any loan funded from the rural projects fund of the bank shall bear interest at or below the interest rate charged for the TIFIA loan provided to the bank under section 603'' after ''feasible''; and

(5) in subsection (k), by striking ''For each of fiscal years 2005 through 2009'' and inserting ''For each fiscal year''.

TITLE IV—TECHNICAL CORRECTIONS

SEC. 14001. TECHNICAL CORRECTIONS.

(a) Section 101(a)(29) of title 23, United States Code, is amended—

(1) in subparagraph (B), by inserting a comma after ''disabilities''; and

(2) in subparagraph (F)(i), by striking ''133(b)(11)'' and inserting ''133(b)(14)''.

(b) Section 119(d)(1)(A) of title 23, United States Code, is amended by striking ''mobility,'' and inserting ''congestion reduction, system reliability,''.

(c) Section 126(b) of title 23, United States Code (as amended by section 11014(b)), is amended by striking ''133(d)'' and inserting ''133(d)(1)(A)''.

(d) Section 127(a)(3) of title 23, United States Code, is amended by striking ''118(b)(2) of this title'' and inserting ''118(b)''.

(e) Section 150(c)(3)(B) of title 23, United States Code, is amended by striking the semicolon at the end and inserting a period.

(f) Section 153(h)(2) of title 23, United States Code, is amended by striking ''paragraphs (1) through (3)'' and inserting ''paragraphs (1), (2), and (4)''.

(g) Section 163(f)(2) of title 23, United States Code, is amended by striking ''118(b)(2)'' and inserting ''118(b)''.

(h) Section 165(c)(7) of title 23, United States Code, is amended by striking ''paragraphs (2), (4), (7), (8), (14), and (19)'' and inserting ''paragraphs (2), (4), (6), (7), and (14)''.

(i) Section 202(b)(3) of title 23, United States Code, is amended—

(1) in subparagraph (A)(i), in the matter preceding subclause (I), by inserting ''(a)(6),'' after ''subsections''; and

(2) in subparagraph (C)(ii)(IV), by striking ''(III).]'' and inserting ''(III).''.

(j) Section 217(a) of title 23, United States Code, is amended by striking ''104(b)(3)'' and inserting ''104(b)(4)''.

(k) Section 327(a)(2)(B)(iii) of title 23, United States Code, is amended by striking ''(42 U.S.C. 13 4321 et seq.)'' and inserting ''(42 U.S.C. 4321 et seq.)''.

(l) Section 504(a)(4) of title 23, United States Code, is amended by striking ''104(b)(3)'' and inserting ''104(b)(2)''.

(m) Section 515 of title 23, United States Code, is amended by striking ''this chapter'' each place it appears and inserting ''sections 512 through 518''.

(n) Section 518(a) of title 23, United States Code, is amended by inserting ''a report'' after ''House of Representatives''.

(o) Section 6302(b)(3)(B)(vi)(III) of title 49, United States Code, is amended by striking ''6310'' and inserting ''6309''.

(p) Section 1301(l)(3) of SAFETEA–LU (23 U.S.C. 101 note; Public Law 109–59) is amended—

(1) in subparagraph (A)(i), by striking ''complied'' and inserting ''compiled''; and

(2) in subparagraph (B), by striking ''paragraph (1)'' and inserting ''subparagraph (A)''.

(q) Section 4407 of SAFETEA–LU (Public Law 109–59; 119 Stat. 1777), is amended by striking ''hereby enacted into law'' and inserting ''granted''.

(r) Section 51001(a)(1) of the Transportation Research and Innovative Technology Act of 2012 (126 Stat. 864) is amended by striking ''sections 503(b), 503(d), and 509'' and inserting ''section 503(b)''.

TITLE V—MISCELLANEOUS

SEC. 15001. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

Section 1528 of MAP–21 (40 U.S.C. 14501 note; Public Law 112–141) is amended—

(1) by striking ''2021'' each place it appears and inserting ''2050''; and

(2) by striking ''shall be 100 percent'' each place it appears and inserting ''shall be up to 100 percent, as determined by the State''.

SEC. 15002. APPALACHIAN REGIONAL DEVELOPMENT PROGRAM.

(a) HIGH-SPEED BROADBAND DEVELOPMENT INITIATIVE.—

(1) IN GENERAL.—Subchapter I of chapter 145 of subtitle IV of title 40, United States Code, is amended by adding at the end the following:

''§ 14509. High-speed broadband deployment initiative

''(a) IN GENERAL.—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to individuals or entities in the Appalachian region for projects and activities—

''(1) to increase affordable access to broadband networks throughout the Appalachian region;

''(2) to conduct research, analysis, and training to increase broadband adoption efforts in the Appalachian region;

''(3) to provide technology assets, including computers, smartboards, and video projectors to educational systems throughout the Appalachian region;

''(4) to increase distance learning opportunities throughout the Appalachian region;

''(5) to increase the use of telehealth technologies in the Appalachian region; and

''(6) to promote e-commerce applications in the Appalachian region.

''(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section—

''(1) not more than 50 percent may be provided from amounts appropriated to carry out this section; and

''(2) notwithstanding paragraph (1)—

''(A) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, not more than 80 percent may be provided from amounts appropriated to carry out this section; and

''(B) in the case of a project to be carried out in a county for which an at-risk designation is in effect under section 14526, not more than 70 percent may be provided from amounts appropriated to carry out this section.

''(c) SOURCES OF ASSISTANCE.—Subject to subsection (b), a grant provided under this section may be provided from amounts made available to carry out this section in combination with amounts made available—

''(1) under any other Federal program; or

''(2) from any other source.

''(d) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Appalachian Regional Commission determines to be appropriate.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 145 of title 40, United States Code, is amended by inserting after the item relating to section 14508 the following:

''14509. High-speed broadband deployment initiative.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 14703 of title 40, United States Code, is amended—

(1) in subsection (a)(5), by striking ''fiscal year 2012'' and inserting ''each of fiscal years 2012 through 2021'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

''(c) HIGH-SPEED BROADBAND DEPLOYMENT INITIATIVE.—Of the amounts made available under subsection (a), $10,000,000 shall be used to carry out section 14509 for each of fiscal years 2016 through 2021.''.

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

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

SEC. 15003. WATER INFRASTRUCTURE FINANCE AND INNOVATION.

Section 3907(a) of title 33, United States Code, is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

SEC. 15004. ADMINISTRATIVE PROVISIONS TO ENCOURAGE POLLINATOR HABITAT AND FORAGE ON TRANSPORTATION RIGHTS-OF-WAY.

(a) IN GENERAL.—Section 319 of title 23, United States Code, is amended—

(1) in subsection (a), by inserting ''(including the enhancement of habitat and forage for pollinators)'' before ''adjacent''; and

(2) by adding at the end the following:

''(c) ENCOURAGEMENT OF POLLINATOR HABITAT AND FORAGE DEVELOPMENT AND PROTECTION ON TRANSPORTATION RIGHTS-OF-WAY.—In carrying out any program administered by the Secretary under this title, the Secretary shall, in conjunction with willing States, as appropriate—

''(1) encourage integrated vegetation management practices on roadsides and other transportation rights-of-way, including reduced mowing; and

''(2) encourage the development of habitat and forage for Monarch butterflies, other native pollinators, and honey bees through plantings of native forbs and grasses, including noninvasive, native milkweed species that can serve as migratory way stations for butterflies and facilitate migrations of other pollinators.''.

(b) PROVISION OF HABITAT, FORAGE, AND MIGRATORY WAY STATIONS FOR MONARCH BUTTERFLIES, OTHER NATIVE POLLINATORS, AND HONEY BEES.—Section 329(a)(1) of title 23, United States Code, is amended by inserting ''provision of habitat, forage, and migratory way stations for Monarch butterflies, other native pollinators, and honey bees,'' before ''and aesthetic enhancement''.

SEC. 15005. STUDY ON PERFORMANCE OF BRIDGES.

(a) IN GENERAL.—Subject to subsection (c), the Administrator of the Federal Highway Administration (referred to in this section as the ''Administrator'') shall commission the Transportation Research Board of the National Academy of Sciences to conduct a study on the performance of bridges that received funding under the innovative bridge research and construction program (referred to in this section as the ''program'') under section 503(b) of title 23, United States Code (as in effect on the day before the date of enactment of SAFETEA–LU (Public Law 109–59; 119 Stat. 1144)) in meeting the goals of that program, which included—

(1) the development of new, cost-effective innovative material highway bridge applications;

(2) the reduction of maintenance costs and lifecycle costs of bridges, including the costs of new construction, replacement, or rehabilitation of deficient bridges;

(3) the development of construction techniques to increase safety and reduce construction time and traffic congestion;

(4) the development of engineering design criteria for innovative products and materials for use in highway bridges and structures;

(5) the development of cost-effective and innovative techniques to separate vehicle and pedestrian traffic from railroad traffic;

(6) the development of highway bridges and structures that will withstand natural disasters, including alternative processes for the seismic retrofit of bridges; and

(7) the development of new nondestructive bridge evaluation technologies and techniques.

(b) CONTENTS.—The study commissioned under subsection (a) shall include—

(1) an analysis of the performance of bridges that received funding under the program in meeting the goals described in paragraphs (1) through (7) of subsection (a);

(2) an analysis of the utility, compared to conventional materials and technologies, of each of the innovative materials and technologies used in projects for bridges under the program in meeting the needs of the United States in 2015 and in the future for a sustainable and low lifecycle cost transportation system;

(3) recommendations to Congress on how the installed and lifecycle costs of bridges could be reduced through the use of innovative materials and technologies, including, as appropriate, any changes in the design and construction of bridges needed to maximize the cost reductions; and

(4) a summary of any additional research that may be needed to further evaluate innovative approaches to reducing the installed and lifecycle costs of highway bridges.

(c) PUBLIC COMMENT.—Before commissioning the study under subsection (a), the Administrator shall provide an opportunity for public comment on the study proposal.

(d) DATA FROM STATES.—Each State that received funds under the program shall provide to the Transportation Research Board any relevant data needed to carry out the study commissioned under subsection (a).

(e) DEADLINE.—The Administrator shall submit to Congress the study commissioned under subsection (a) not later than 3 years after the date of enactment of this Act.

SEC. 15006. SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY.

Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c), as amended by section 73103, is amended—

(1) in subsection (a), in the matter preceding paragraph (1) by striking ''2015'' and inserting ''2021''; and

(2) in subsection (b)(1)(A) by striking ''2015'' and inserting ''2021''.

DIVISION B—PUBLIC TRANSPORTATION

TITLE XXI—FEDERAL PUBLIC TRANSPORTATION ACT

SEC. 21001. SHORT TITLE.

This title may be cited as the ''Federal Public Transportation Act of 2015''.

SEC. 21002. DEFINITIONS.

Section 5302 of title 49, United States Code, is amended—

(1) in paragraph (1)(E), by striking ''bicycle storage facilities and installing equipment'' and inserting ''bicycle storage shelters and parking facilities and the installation of equipment'';

(2) in paragraph (3)—

(A) by striking subparagraph (F) and inserting the following:

''(F) leasing equipment or a facility for use in public transportation;'';

(B) in subparagraph (G)—

(i) in clause (iv), by adding ''and'' at the end;

(ii) in clause (v), by striking ''and'' at the end; and

(iii) by striking clause (vi);

(C) in subparagraph (K), by striking ''or'' at the end;

(D) in subparagraph (L), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

''(M) associated transit improvements; or

''(N) technological changes or innovations to modify low or no emission vehicles (as defined in section 5339(c)) or facilities.''; and

(3) by adding at the end the following:

''(24) VALUE CAPTURE.—The term 'value capture' means recovering the increased value to property located near public transportation resulting from investments in public transportation.''.

SEC. 21003. METROPOLITAN TRANSPORTATION PLANNING.

Section 5303 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by inserting ''resilient'' after ''development of'';

(2) in subsection (c)(2), by striking ''and bicycle transportation facilities'' and inserting '', bicycle transportation facilities, intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities, and commuter vanpool providers'';

(3) in subsection (d)—

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

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

''(3) REPRESENTATION.—

''(A) IN GENERAL.—Designation or selection of officials or representatives under paragraph (2) shall be determined by the metropolitan planning organization according to the bylaws or enabling statute of the organization.

''(B) PUBLIC TRANSPORTATION REPRESENTATIVE.—Subject to the bylaws or enabling statute of the metropolitan planning organization, a representative of a provider of public transportation may also serve as a representative of a local municipality.

''(C) POWERS OF CERTAIN OFFICIALS.—An official described in paragraph (2)(B) shall have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials described in paragraph (2)(B).''; and

(C) in paragraph (5), as so redesignated, by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(4) in subsection (e)(4)(B), by striking ''subsection (d)(5)'' and inserting ''subsection (d)(6)'';

(5) in subsection (g)(3)(A), by inserting ''natural disaster risk reduction,'' after ''environmental protection,'';

(6) in subsection (h)(1)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(I) improve the resilience and reliability of the transportation system.'';

(7) in subsection (i)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i), by striking ''transit'' and inserting ''public transportation facilities, intercity bus facilities'';

(ii) in subparagraph (G)—

(I) by striking ''and provide'' and inserting '', provide''; and

(II) by inserting before the period at the end the following: '', and reduce vulnerability due to natural disasters of the existing transportation infrastructure''; and

(iii) in subparagraph (H), by inserting before the period at the end the following: '', including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated'';

(B) in paragraph (6)(A)—

(i) by inserting ''public ports,'' before ''freight shippers''; and

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

(C) in paragraph (8), by striking ''paragraph (2)(C)'' each place that term appears and inserting ''paragraph (2)(E)'';

(8) in subsection (j)(5)(A), by striking ''subsection (k)(4)'' and inserting ''subsection (k)(3)'';

(9) in subsection (k)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(10) in subsection (l)—

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

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

(11) by striking subsection (n);

(12) by redesignating subsections (o), (p), and (q) as subsections (n), (o), and (p), respectively;

(13) in subsection (o), as so redesignated, by striking ''set aside under section 104(f) of title 23'' and inserting ''apportioned under paragraphs (5)(D) and (6) of section 104(b) of title 23''; and

(14) by adding at the end the following:

''(q) TREATMENT OF LAKE TAHOE REGION.—

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

''(2) TREATMENT.—For purposes of this title, the Lake Tahoe Region shall be treated as—

''(A) a metropolitan planning organization;

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

''(C) an urbanized area, which is comprised of—

''(i) a population of 145,000 and 25 square miles of land area in the State of California; and

''(ii) a population of 65,000 and 12 square miles of land area in the State of Nevada.''.

SEC. 21004. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

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

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

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (G), by striking ''and'' at the end;

(ii) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(I) improve the resilience and reliability of the transportation system.''; and

(B) in paragraph (2)—

(i) in subparagraph (B)(ii), by striking ''urbanized areas with a population of fewer than 200,000 individuals, as calculated according to the most recent decennial census, and'' and inserting ''areas''; and

(ii) in subparagraph (C)—

(I) by striking ''title 23'' and inserting ''this chapter''; and

(II) by striking ''urbanized areas with a population of fewer than 200,000 individuals, as calculated according to the most recent decennial census, and'' and inserting ''areas'';

(3) in subsection (e)(1)—

(A) by striking '''In'' and inserting ''In''; and

(B) by striking ''subsection (l)'' and inserting ''subsection (k)'';

(4) in subsection (f)—

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

(B) in paragraph (3)(A)—

(i) in clause (i), by striking ''subsection (l)'' and inserting ''subsection (k)''; and

(ii) in clause (ii), by inserting ''(including intercity bus operators and commuter vanpool providers)'' after ''private providers of transportation'';

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

(D) in paragraph (8), by inserting '', including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated'' before the period at the end;

(5) in subsection (g)—

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

(B) in paragraph (3)—

(i) by inserting ''public ports,'' before ''freight shippers''; and

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

(C) in paragraph (6)(A), by striking ''subsection (l)'' and inserting ''subsection (k)'';

(6) by striking subsection (i); and

(7) by redesignating subsections (j), (k), and (l) as subsections (i), (j), and (k), respectively.

(b) CONFORMING AMENDMENT.—Section 5303(b)(5) of title 49, United States Code, is amended by striking ''section 5304(l)'' and inserting ''section 5304(k)''.

SEC. 21005. URBANIZED AREA FORMULA GRANTS.

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

(1) in subsection (a)—

(A) in paragraph (2), by inserting ''or general public demand response service'' before ''during'' each place that term appears; and

(B) by adding at the end the following:

''(3) EXCEPTION TO SPECIAL RULE.—Notwithstanding paragraph (2), if a public transportation system described in that paragraph executes a written agreement with 1 or more other public transportation systems within the urbanized area to allocate funds for the purposes described in that paragraph by a method other than by measuring vehicle revenue hours, each public transportation system that is a party to the written agreement may follow the terms of the written agreement without regard to measured vehicle revenue hours referred to in that paragraph.

''(4) TEMPORARY AND TARGETED ASSISTANCE.—

''(A) ELIGIBILITY.—The Secretary may make a grant under this section to finance the operating cost of equipment and facilities to a recipient for use in public transportation in an area that the Secretary determines has—

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

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

''(I) greater than 7 percent; and

''(II) at least 2 percentage points greater than the lowest 3-month unemployment rate for the area during the 5-year period preceding the date of the determination.

''(B) AWARD OF GRANT.—

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

''(ii) ADDITIONAL YEAR.—If, at the end of the second fiscal year following the date on which the Secretary makes a determination under subparagraph (A) with respect to an area, the Secretary determines that the 3-month unemployment rate for the area is at least 2 percentage points greater than the unemployment rate for the area at the time the Secretary made the determination under subparagraph (A), the Secretary may make a grant to a recipient in the area for 1 additional consecutive fiscal year.

''(iii) EXCLUSION PERIOD.—Beginning on the last day of the last consecutive fiscal year for which a recipient receives a grant under this paragraph, the Secretary may not make a subsequent grant under this paragraph to the recipient for a number of fiscal years equal to the number of consecutive fiscal years in which the recipient received a grant under this paragraph.

''(C) LIMITATION.—

''(i) FIRST FISCAL YEAR.—For the first fiscal year following the date on which the Secretary makes a determination under subparagraph (A) with respect to an area, not more than 25 percent of the amount apportioned to a designated recipient under section 5336 for the fiscal year shall be available for operating assistance for the area.

''(ii) SECOND AND THIRD FISCAL YEARS.—For the second and third fiscal years following the date on which the Secretary makes a determination under subparagraph (A) with respect to an area, not more than 20 percent of the amount apportioned to a designated recipient under section 5336 for the fiscal year shall be available for operating assistance for the area.

''(D) PERIOD OF AVAILABILITY FOR OPERATING ASSISTANCE.—Operating assistance awarded under this paragraph shall be available for expenditure to a recipient in an area until the end of the second fiscal year following the date on which the Secretary makes a determination under subparagraph (A) with respect to the area, after which time any unexpended funds shall be available to the recipient for other eligible activities under this section.

''(E) CERTIFICATION.—The Secretary may make a grant for operating assistance under this paragraph for a fiscal year only if the recipient certifies that—

''(i) the recipient will maintain public transportation service levels at or above the current service level, which shall be demonstrated by providing an equal or greater number of vehicle hours of service in the fiscal year than the number of vehicle hours of service provided in the preceding fiscal year;

''(ii) any non-Federal entity that provides funding to the recipient, including a State or local governmental entity, will maintain the tax rate or rate of allocations dedicated to public transportation at or above the rate for the preceding fiscal year;

''(iii) the recipient has allocated the maximum amount of funding under this section for preventive maintenance costs eligible as a capital expense necessary to maintain the level and quality of service provided in the preceding fiscal year; and

''(iv) the recipient will not use funding under this section for new capital assets except as necessary for the existing system to maintain or achieve a state of good repair, assure safety, or replace obsolete technology.''; and

(2) in subsection (c)(1)—

(A) in subparagraph (C), by inserting ''in a state of good repair'' after ''equipment and facilities'';

(B) in subparagraph (J), by adding ''and'' at the end;

(C) by striking subparagraph (K); and

(D) by redesignating subparagraph (L) as subparagraph (K).

SEC. 21006. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.

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

(1) in subsection (a)—

(A) in paragraph (3), by striking ''and weekend days'';

(B) in paragraph (6)—

(i) in subparagraph (A), by inserting '', small start projects,'' after ''new fixed guideway capital projects''; and

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

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

(C) in paragraph (7)—

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

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

(2) in subsection (d)—

(A) in paragraph (1)(B), by striking '', policies and land use patterns that promote public transportation,''; and

(B) in paragraph (2)(A)—

(i) in clause (iii), by adding ''and'' at the end;

(ii) by striking clause (iv); and

(iii) by redesignating clause (v) as clause (iv);

(3) in subsection (g)(2)(A)(i), by striking '', the policies and land use patterns that support public transportation,'';

(4) 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 capital project or core capacity improvement'' after ''federally funded'';

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

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

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

''(I) new fixed guideway capital projects;

''(II) core capacity improvement projects; or

''(III) small start projects; or

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

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

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

''(A) PROJECT ADVANCEMENT.—A project receiving a grant under this section that is part of a program of interrelated projects may not advance—

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

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

(5) by adding at the end the following:

''(p) JOINT PUBLIC TRANSPORTATION AND INTERCITY PASSENGER RAIL PROJECTS.—

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

''(2) ELIGIBLE COSTS.—Eligible costs for a project under this subsection shall be limited to the net capital costs of the public transportation costs attributable to the project based on projected use of the new segment or expanded capacity of the project corridor, not including project elements designed to achieve or maintain a state of good repair, as determined by the Secretary under paragraph (4).

''(3) PROJECT JUSTIFICATION AND LOCAL FINANCIAL COMMITMENT.—A project under this subsection shall be evaluated for project justification and local financial commitment under subsections (d), (e), (f), and (h), as applicable to the project, based on—

''(A) the net capital costs of the public transportation costs attributable to the project as determined under paragraph (4); and

''(B) the share of funds dedicated to the project from sources other than this section included in the unified finance plan for the project.

''(4) CALCULATION OF NET CAPITAL PROJECT COST.—The Secretary shall estimate the net capital costs of a project under this subsection based on—

''(A) engineering studies;

''(B) studies of economic feasibility;

''(C) the expected use of equipment or facilities; and

''(D) the public transportation costs attributable to the project.

''(5) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.—

''(A) GOVERNMENT SHARE.—The Government share shall not exceed 80 percent of the net capital cost attributable to the public transportation costs of a project under this subsection as determined under paragraph (4).

''(B) NON-GOVERNMENT SHARE.—The remainder of the net capital cost attributable to the public transportation costs of a project under this subsection shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.''.

(b) EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM.—

(1) DEFINITIONS.—In this subsection, the following definitions shall apply:

(A) APPLICANT.—The term ''applicant'' means a State or local governmental authority that applies for a grant under this subsection.

(B) CAPITAL PROJECT; FIXED GUIDEWAY; LOCAL GOVERNMENTAL AUTHORITY; PUBLIC TRANSPORTATION; STATE; STATE OF GOOD REPAIR.—The terms ''capital project'', ''fixed guideway'', ''local governmental authority'', ''public transportation'', ''State'', and ''state of good repair'' have the meanings given those terms in section 5302 of title 49, United States Code.

(C) CORE CAPACITY IMPROVEMENT PROJECT.—The term ''core capacity improvement project''—

(i) means a substantial corridor-based capital investment in an existing fixed guideway system that increases the capacity of a corridor by not less than 10 percent; and

(ii) may include project elements designed to aid the existing fixed guideway system in making substantial progress towards achieving a state of good repair.

(D) CORRIDOR-BASED BUS RAPID TRANSIT PROJECT.—The term ''corridor-based bus rapid transit project'' means a small start project utilizing buses in which the project represents a substantial investment in a defined corridor as demonstrated by features that emulate the services provided by rail fixed guideway public transportation systems—

(i) including—

(I) defined stations;

(II) traffic signal priority for public transportation vehicles;

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

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

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

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

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

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

(ii) that represents a substantial investment in a single route in a defined corridor or subarea; and

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

(I) defined stations;

(II) traffic signal priority for public transportation vehicles;

(III) short headway bidirectional services for a substantial part of weekdays and weekend days; and

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

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

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

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

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

(I) SMALL START PROJECT.—The term ''small start project'' means a new fixed guideway capital project, a fixed guideway bus rapid transit project, or a corridor-based bus rapid transit project for which—

(i) the Federal assistance provided or to be provided under this subsection is less than $75,000,000; and

(ii) the total estimated net capital cost is less than $300,000,000.

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

(A) new fixed guideway capital projects or small start projects, including the acquisition of real property, the initial acquisition of rolling stock for the system, the acquisition of rights-of-way, and relocation, for projects in the advanced stages of planning and design; and

(B) core capacity improvement projects, including the acquisition of real property, the acquisition of rights-of-way, double tracking, signalization improvements, electrification, expanding system platforms, acquisition of rolling stock associated with corridor improvements increasing capacity, construction of infill stations, and such other capacity improvement projects as the Secretary determines are appropriate to increase the capacity of an existing fixed guideway system corridor by not less than 10 percent. Core capacity improvement projects do not include elements to improve general station facilities or parking, or acquisition of rolling stock alone.

(3) GRANT REQUIREMENTS.—

(A) IN GENERAL.—The Secretary may make not more than 10 grants under this subsection for an eligible project if the Secretary determines that—

(i) the eligible project is part of an approved transportation plan required under sections 5303 and 5304 of title 49, United States Code;

(ii) the applicant has, or will have—

(I) the legal, financial, and technical capacity to carry out the eligible project, including the safety and security aspects of the eligible project;

(II) satisfactory continuing control over the use of the equipment or facilities;

(III) the technical and financial capacity to maintain new and existing equipment and facilities; and

(IV) advisors providing guidance to the applicant on the terms and structure of the project that are independent from investors in the project;

(iii) the eligible project is supported, or will be supported, in part, through a public-private partnership, provided such support is determined by local policies, criteria, and decision-making under section 5306(a) of title 49, United States Code;

(iv) the eligible project is justified based on findings presented by the project sponsor to the Secretary, including—

(I) mobility improvements attributable to the project;

(II) environmental benefits associated with the project;

(III) congestion relief associated with the project;

(IV) economic development effects derived as a result of the project; and

(V) estimated ridership projections; and

(v) the eligible project is supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources).

(B) CERTIFICATION.—An applicant that has submitted the certifications required under subparagraphs (A), (B), (C), and (H) of section 5307(c)(1) of title 49, United States Code, shall be deemed to have provided sufficient information upon which the Secretary may make the determinations required under this paragraph.

(C) TECHNICAL CAPACITY.—The Secretary shall use an expedited technical capacity review process for applicants that have recently and successfully completed not less than 1 new fixed guideway capital project, small start project, or core capacity improvement project, if—

(i) the applicant achieved budget, cost, and ridership outcomes for the project that are consistent with or better than projections; and

(ii) the applicant demonstrates that the applicant continues to have the staff expertise and other resources necessary to implement a new project.

(D) FINANCIAL COMMITMENT.—

(i) REQUIREMENTS.—In determining whether an eligible project is supported by an acceptable degree of local financial commitment and shows evidence of stable and dependable financing sources for purposes of subparagraph (A)(v), the Secretary shall require that—

(I) each proposed source of capital and operating financing is stable, reliable, and available within the proposed eligible project timetable; and

(II) resources are available to recapitalize, maintain, and operate the overall existing and proposed public transportation system, including essential feeder bus and other services necessary, without degradation to the existing level of public transportation services.

(ii) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of financing under clause (i), the Secretary shall consider—

(I) the reliability of the forecasting methods used to estimate costs and revenues made by the applicant and the contractors to the applicant;

(II) existing grant commitments;

(III) the degree to which financing sources are dedicated to the proposed eligible project;

(IV) any debt obligation that exists or is proposed by the applicant, for the proposed eligible project or other public transportation purpose; and

(V) private contributions to the eligible project, including cost-effective project delivery, management or transfer of project risks, expedited project schedule, financial partnering, and other public-private partnership strategies.

(E) LABOR STANDARDS.—The requirements under section 5333 of title 49, United States Code, shall apply to each recipient of a grant under this subsection.

(4) PROJECT ADVANCEMENT.—An applicant that desires a grant under this subsection and meets the requirements of paragraph (3) shall submit to the Secretary, and the Secretary shall approve for advancement, a grant request that contains—

(A) identification of an eligible project;

(B) a schedule and finance plan for the construction and operation of the eligible project;

(C) an analysis of the efficiencies of the proposed eligible project development and delivery methods and innovative financing arrangement for the eligible project, including any documents related to the—

(i) public-private partnership required under paragraph (3)(A)(iii); and

(ii) project justification required under paragraph (3)(A)(iv); and

(D) a certification that the existing public transportation system of the applicant or, in the event that the applicant does not operate a public transportation system, the public transportation system to which the proposed project will be attached, is in a state of good repair.

(5) WRITTEN NOTICE FROM THE SECRETARY.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Secretary receives a grant request of an applicant under paragraph (4), the Secretary shall provide written notice to the applicant—

(i) of approval of the grant request; or

(ii) if the grant request does not meet the requirements under paragraph (4), of disapproval of the grant request, including a detailed explanation of the reasons for the disapproval.

(B) CONCURRENT NOTICE.—The Secretary shall provide concurrent notice of an approval or disapproval of a grant request under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(6) WAIVER.—The Secretary may grant a waiver to an applicant that does not comply with paragraph (4)(D) if—

(A) the eligible project meets the definition of a core capacity improvement project; and

(B) the Secretary certifies that the eligible project will allow the applicant to make substantial progress in achieving a state of good repair.

(7) SELECTION CRITERIA.—The Secretary may enter into a full funding grant agreement with an applicant under this subsection for an eligible project for which an application has been submitted and approved for advancement by the Secretary under paragraph (4), only if the applicant has completed the planning and activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(8) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—

(A) LETTERS OF INTENT.—

(i) AMOUNTS INTENDED TO BE OBLIGATED.—The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for an eligible project under this subsection, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the eligible project. When a letter is issued for an eligible project under this subsection, the amount shall be sufficient to complete at least an operable segment.

(ii) TREATMENT.—The issuance of a letter under clause (i) is deemed not to be an obligation under section 1108(c), 1501, or 1502(a) of title 31, United States Code, or an administrative commitment.

(B) FULL FUNDING GRANT AGREEMENTS.—

(i) IN GENERAL.—Except as provided in clause (v), an eligible project shall be carried out under this subsection through a full funding grant agreement.

(ii) CRITERIA.—The Secretary shall enter into a full funding grant agreement, based the requirements of this subparagraph, with each applicant receiving assistance for an eligible project that has received a written notice of approval under paragraph (5)(A)(i).

(iii) TERMS.—A full funding grant agreement shall—

(I) establish the terms of participation by the Federal Government in the eligible project;

(II) establish the maximum amount of Federal financial assistance for the eligible project;

(III) include the period of time for completing construction of the eligible project, consistent with the terms of the public-private partnership agreement, even if that period extends beyond the period of an authorization; and

(IV) make timely and efficient management of the eligible project easier according to the law of the United States.

(iv) SPECIAL FINANCIAL RULES.—

(I) IN GENERAL.—A full funding grant agreement under this subparagraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this subparagraph, to obligate an additional amount from future available budget authority specified in law.

(II) STATEMENT OF CONTINGENT COMMITMENT.—A full funding grant agreement shall state that the contingent commitment is not an obligation of the Federal Government.

(III) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out a part of the eligible project within a reasonable time are a cost of carrying out the eligible project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the eligible project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

(IV) COMPLETION OF OPERABLE SEGMENT.—The amount stipulated in an agreement under this subparagraph for a new fixed guideway capital project, core capacity improvement project, or small start project shall be sufficient to complete at least an operable segment.

(v) EXCEPTION.—

(I) IN GENERAL.—The Secretary, to the maximum extent practicable, shall provide Federal assistance under this subsection for a small start project in a single grant. If the Secretary cannot provide such a single grant, the Secretary may execute an expedited grant agreement in order to include a commitment on the part of the Secretary to provide funding for the project in future fiscal years.

(II) TERMS OF EXPEDITED GRANT AGREEMENTS.—In executing an expedited grant agreement under this clause, the Secretary may include in the agreement terms similar to those established under clause (iii).

(C) LIMITATION ON AMOUNTS.—

(i) IN GENERAL.—The Secretary may enter into full funding grant agreements under this paragraph for eligible projects that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.

(ii) APPROPRIATION REQUIRED.—An obligation may be made under this paragraph only when amounts are appropriated for obligation.

(D) NOTIFICATION TO CONGRESS.—

(i) IN GENERAL.—Not later than 30 days before the date on which the Secretary issues a letter of intent or enters into a full funding grant agreement for an eligible project under this paragraph, the Secretary shall notify, in writing, the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives of the proposed letter of intent or full funding grant agreement.

(ii) CONTENTS.—The written notification under clause (i) shall include a copy of the proposed letter of intent or full funding grant agreement for the eligible project.

(9) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.—

(A) IN GENERAL.—A grant for an eligible project shall not exceed 25 percent of the net capital project cost.

(B) REMAINDER OF NET CAPITAL PROJECT COST.—The remainder of the net capital project cost shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

(C) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as authorizing the Secretary to require a non-Federal financial commitment for a project that is more than 75 percent of the net capital project cost.

(D) SPECIAL RULE FOR ROLLING STOCK COSTS.—In addition to amounts allowed pursuant to subparagraph (A), a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant satisfies the Secretary that only amounts other than amounts provided by the Federal Government were used and that the purchase was made for use on the extension. A refund or reduction of the remainder may be made only if a refund of a proportional amount of the grant of the Federal Government is made at the same time.

(E) FAILURE TO CARRY OUT PROJECT.—If an applicant does not carry out an eligible project for reasons within the control of the applicant, the applicant shall repay all Federal funds awarded for the eligible project from all Federal funding sources, for all eligible project activities, facilities, and equipment, plus reasonable interest and penalty charges allowable by law.

(F) CREDITING OF FUNDS RECEIVED.—Any funds received by the Federal Government under this paragraph, other than interest and penalty charges, shall be credited to the appropriation account from which the funds were originally derived.

(10) AVAILABILITY OF AMOUNTS.—

(A) IN GENERAL.—An amount made available for an eligible project shall remain available to that eligible project for 5 fiscal years, including the fiscal year in which the amount is made available. Any amounts that are unobligated to the eligible project at the end of the 5-fiscal-year period may be used by the Secretary for any purpose under this subsection.

(B) USE OF DEOBLIGATED AMOUNTS.—An amount available under this subsection that is deobligated may be used for any purpose under this subsection.

(11) ANNUAL REPORT ON EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that includes a proposed amount to be available to finance grants for anticipated projects under this subsection.

(12) BEFORE AND AFTER STUDY AND REPORT.—

(A) STUDY REQUIRED.—Each recipient shall conduct a study that—

(i) describes and analyzes the impacts of the eligible project on public transportation services and public transportation ridership;

(ii) describes and analyzes the consistency of predicted and actual benefits and costs of the innovative project development and delivery methods or innovative financing for the eligible project; and

(iii) identifies reasons for any differences between predicted and actual outcomes for the eligible project.

(B) SUBMISSION OF REPORT.—Not later than 2 years after an eligible project that is selected under this subsection begins revenue operations, the recipient shall submit to the Secretary a report on the results of the study conducted under subparagraph (A).

(13) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) require the privatization of the operation or maintenance of any project for which an applicant seeks funding under this subsection;

(B) revise the determinations by local policies, criteria, and decisionmaking under section 5306(a) of title 49, United States Code;

(C) alter the requirements for locally developed, coordinated, and implemented transportation plans under sections 5303 and 5304 of title 49, United States Code; or

(D) alter the eligibilities or priorities for assistance under this subsection or section 5309 of title 49, United States Code.

SEC. 21007. MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES.

(a) COORDINATION OF PUBLIC TRANSPORTATION SERVICES WITH OTHER FEDERALLY ASSISTED LOCAL TRANSPORTATION SERVICES.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''allocated cost model'' means a method of determining the cost of trips by allocating the cost to each trip purpose served by a transportation provider in a manner that is proportional to the level of transportation service that the transportation provider delivers for each trip purpose, to the extent permitted by applicable Federal requirements; and

(B) the term ''Council'' means the Interagency Transportation Coordinating Council on Access and Mobility established under Executive Order 13330 (49 U.S.C. 101 note).

(2) COORDINATING COUNCIL ON ACCESS AND MOBILITY STRATEGIC PLAN.—Not later than 2 years after the date of enactment of this Act, the Council shall publish a strategic plan for the Council that—

(A) outlines the role and responsibilities of each Federal agency with respect to local transportation coordination, including non-emergency medical transportation;

(B) identifies a strategy to strengthen interagency collaboration;

(C) addresses any outstanding recommendations made by the Council in the 2005 Report to the President relating to the implementation of Executive Order 13330, including—

(i) a cost-sharing policy endorsed by the Council; and

(ii) recommendations to increase participation by recipients of Federal grants in locally developed, coordinated planning processes; and

(D) to the extent feasible, addresses recommendations by the Comptroller General of the United States concerning local coordination of transportation services.

(3) DEVELOPMENT OF COST-SHARING POLICY IN COMPLIANCE WITH APPLICABLE FEDERAL REQUIREMENTS.—In establishing the cost-sharing policy required under paragraph (2), the Council may consider, to the extent practicable—

(A) the development of recommended strategies for grantees of programs funded by members of the Council, including strategies for grantees of programs that fund non-emergency medical transportation, to use the cost-sharing policy in a manner that does not violate applicable Federal requirements; and

(B) optional incorporation of an allocated cost model to facilitate local coordination efforts that comply with applicable requirements of programs funded by members of the Council, such as—

(i) eligibility requirements;

(ii) service delivery requirements; and

(iii) reimbursement requirements.

(b) PILOT PROGRAM FOR INNOVATIVE COORDINATED ACCESS AND MOBILITY.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''eligible project'' has the meaning given the term ''capital project'' in section 5302 of title 49, United States Code; and

(B) the term ''eligible recipient'' means a recipient or subrecipient, as those terms are defined in section 5310 of title 49, United States Code.

(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to eligible recipients to assist in financing innovative projects for the transportation disadvantaged that improve the coordination of transportation services and non-emergency medical transportation services, including—

(A) the deployment of coordination technology;

(B) projects that create or increase access to community One-Call/One-Click Centers; and

(C) such other projects as determined by the Secretary.

(3) APPLICATION.—An eligible recipient shall submit to the Secretary an application that, at a minimum, contains—

(A) a detailed description of the eligible project;

(B) an identification of all eligible project partners and their specific role in the eligible project, including—

(i) private entities engaged in the coordination of non-emergency medical transportation services for the transportation disadvantaged; or

(ii) nonprofit entities engaged in the coordination of non-emergency medical transportation services for the transportation disadvantaged;

(C) a description of how the eligible project would—

(i) improve local coordination or access to coordinated transportation services;

(ii) reduce duplication of service, if applicable; and

(iii) provide innovative solutions in the State or community; and

(D) specific performance measures the eligible project will use to quantify actual outcomes against expected outcomes.

(4) GOVERNMENT SHARE OF COSTS.—

(A) IN GENERAL.—The Government share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

(B) NON-GOVERNMENT SHARE.—The non-Government share of the cost of an eligible project carried out under this subsection may be derived from in-kind contributions.

(5) RULE OF CONSTRUCTION.—For purposes of this subsection, non-emergency medical transportation services shall be limited to services eligible under Federal programs other than programs authorized under chapter 53 of title 49, United States Code.

(c) TECHNICAL CORRECTION.—Section 5310(a) of title 49, United States Code, is amended by striking paragraph (1) and inserting the following:

''(1) RECIPIENT.—The term 'recipient' means—

''(A) a designated recipient or a State that receives a grant under this section directly; or

''(B) a State or local governmental entity that operates a public transportation service.''.

SEC. 21008. FORMULA GRANTS FOR RURAL AREAS.

Section 5311 of title 49, United States Code, is amended—

(1) in subsection (c)(1), as amended by division G, by striking subparagraphs (A) and (B) and inserting the following:

''(A) $5,000,000 for each fiscal year shall be distributed on a competitive basis by the Secretary.

''(B) $30,000,000 for each fiscal year shall be apportioned as formula grants, as provided in subsection (j).''; and

(2) in subsection (j)(1)—

(A) in subparagraph (A)(iii), by striking ''(as defined by the Bureau of the Census)'' and inserting ''(American Indian Areas, Alaska Native Areas, and Hawaiian Home Lands, as defined by the Bureau of the Census)''; and

(B) by adding at the end the following:

''(E) ALLOCATION BETWEEN MULTIPLE INDIAN TRIBES.—If more than 1 Indian tribe provides public transportation service on tribal lands in a single Tribal Statistical Area, and the Indian tribes do not determine how to allocate the funds apportioned under clause (iii) of subparagraph (A) between the Indian tribes, the Secretary shall allocate the funds such that each Indian tribe shall receive an amount equal to the total amount apportioned under such clause (iii) multiplied by the ratio of the number of annual unlinked passenger trips provided by each Indian tribe, as reported to the National Transit Database, to the total unlinked passenger trips provided by all the Indian tribes in the Tribal Statistical Area.''.

SEC. 21009. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROGRAM.

(a) IN GENERAL.—Section 5312 of title 49, United States Code, is amended—

*(1) in the section heading, by striking ''**projects**'' and inserting ''**program**'';*

(2) in subsection (a), in the subsection heading, by striking ''PROJECTS'' and inserting ''PROGRAM'';

(3) in subsection (d)—

(A) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by inserting ''demonstration, deployment, or evaluation'' before ''project that'';

(ii) in subparagraph (A), by striking ''and'' at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(iv) by adding at the end the following:

''(C) the deployment of low or no emission vehicles, zero emission vehicles, or associated advanced technology.''; and

(B) by striking paragraph (5) and inserting the following:

''(5) PROHIBITION.—The Secretary may not make grants under this subsection for the demonstration, deployment, or evaluation of a vehicle that is in revenue service unless the Secretary determines that the project makes significant technological advancements in the vehicle.

''(6) DEFINITIONS.—In this subsection—

''(A) the term 'direct carbon emissions' means the quantity of direct greenhouse gas emissions from a vehicle, as determined by the Administrator of the Environmental Protection Agency;

''(B) the term 'low or no emission vehicle' means—

''(i) a passenger vehicle used to provide public transportation that the Secretary determines sufficiently reduces energy consumption or harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle; or

''(ii) a zero emission vehicle used to provide public transportation; and

''(C) the term 'zero emission vehicle' means a low or no emission vehicle that produces no carbon or particulate matter.'';

(4) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(5) by inserting after subsection (d) the following:

''(e) LOW OR NO EMISSION VEHICLE COMPONENT ASSESSMENT.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'covered institution of higher education' means an institution of higher education with which the Secretary enters into a contract or cooperative agreement, or to which the Secretary makes a grant, under paragraph (2)(B) to operate a facility designated under paragraph (2)(A);

''(B) the terms 'direct carbon emissions' and 'low or no emission vehicle' have the meanings given those terms in subsection (d)(6);

''(C) the term 'institution of higher education' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and

''(D) the term 'low or no emission vehicle component' means an item that is separately installed in and removable from a low or no emission vehicle.

''(2) ASSESSING LOW OR NO EMISSION VEHICLE COMPONENTS.—

''(A) IN GENERAL.—The Secretary shall designate not more than 2 facilities to conduct testing, evaluation, and analysis of low or no emission vehicle components intended for use in low or no emission vehicles.

''(B) OPERATION AND MAINTENANCE.—

''(i) IN GENERAL.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to, not more than 2 institutions of higher education to each operate and maintain a facility designated under subparagraph (A).

''(ii) REQUIREMENTS.—An institution of higher education described in clause (i) shall have—

''(I) previous experience with transportation-related advanced component and vehicle evaluation;

''(II) laboratories capable of testing and evaluation;

''(III) direct access to or a partnership with a testing facility capable of emulating real-world circumstances in order to test low or no emission vehicle components installed on the intended vehicle;

''(IV) extensive knowledge of public-private partnerships in the transportation sector, with emphasis on development and evaluation of materials, products, and components;

''(V) the ability to reduce costs to partners by leveraging existing programs to provide complementary research, development, testing, and evaluation; and

''(VI) the means to conduct performance assessments on low or no emission vehicle components based on industry standards.

''(C) FEES.—A covered institution of higher education shall establish and collect fees, which shall be approved by the Secretary, for the assessment of low or no emission components at the applicable facility designated under subparagraph (A).

''(D) AVAILABILITY OF AMOUNTS TO PAY FOR ASSESSMENT.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to, each covered institution of higher education under which—

''(i) the Secretary shall pay 50 percent of the cost of assessing a low or no emission vehicle component at the applicable facility designated under subparagraph (A) from amounts made available to carry out this section; and

''(ii) the remaining 50 percent of such cost shall be paid from amounts recovered through the fees established and collected pursuant to subparagraph (C).

''(E) VOLUNTARY TESTING.—A manufacturer of a low or no emission vehicle component is not required to assess the low or no emission vehicle component at a facility designated under subparagraph (A).

''(F) COMPLIANCE WITH SECTION 5318.—Notwithstanding whether a low or no emission vehicle component is assessed at a facility designated under subparagraph (A), each new bus model shall comply with the requirements under section 5318.

''(G) SEPARATE FACILITY.—Each facility designated under subparagraph (A) shall be separate and distinct from the facility operated and maintained under section 5318.

''(3) LOW OR NO EMISSION VEHICLE COMPONENT PERFORMANCE REPORTS.—Not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2015, and annually thereafter, the Secretary shall issue a report on low or no emission vehicle component assessments conducted at each facility designated under paragraph (2)(A), which shall include information related to the maintainability, reliability, performance, structural integrity, efficiency, and noise of those low or no emission vehicle components.

''(4) PUBLIC AVAILABILITY OF ASSESSMENTS.—Each assessment conducted at a facility designated under paragraph (2)(A) shall be made publically available, including to affected industries.

''(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require—

''(A) a low or no emission vehicle component to be tested at a facility designated under paragraph (2)(A); or

''(B) the development or disclosure of a privately funded component assessment.'';

(6) in subsection (f), as so redesignated—

(A) in paragraph (2), by striking ''and'' at the end;

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

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

''(3) a list of any projects that returned negative results in the preceding fiscal year and an analysis of such results; and''; and

(D) in paragraph (4), as so redesignated, by inserting before the period at the end the following: ''based on projects in the pipeline, ongoing projects, and anticipated research efforts necessary to advance certain projects to a subsequent research phase''; and

(7) by adding at the end the following:

''(h) COOPERATIVE RESEARCH PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish—

''(A) a public transportation cooperative research program under this subsection; and

''(B) an independent governing board for the program, which shall recommend public transportation research, development, and technology transfer activities the Secretary considers appropriate.

''(2) FEDERAL ASSISTANCE.—The Secretary may make grants to, and cooperative agreements with, the National Academy of Sciences to carry out activities under this subsection that the Secretary determines appropriate.

''(3) GOVERNMENT SHARE.—If there would be a clear and direct financial benefit to an entity under a grant or contract financed under this section, the Secretary shall establish a Government share consistent with that benefit.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 49.—Chapter 53 of title 49, United States Code, is amended by striking section 5313.

(2) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 53 of title 49, United States Code, is amended by striking the items relating to sections 5312 and 5313 and inserting the following:

''5312. Research, development, demonstration, and deployment program.

''[5313. Repealed.]''.

SEC. 21010. PRIVATE SECTOR PARTICIPATION.

(a) IN GENERAL.—Section 5315 of title 49, United States Code, is amended by adding at the end the following:

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter—

''(1) the eligibilities, requirements, or priority for assistance provided under this chapter; or

''(2) the requirements of section 5306(a).''.

(b) MAP–21 TECHNICAL CORRECTION.—Section 20013(d) of the Moving Ahead for Progress in the 21st Century Act (Public Law 112–141; 126 Stat. 694) is amended by striking ''5307(c)'' and inserting ''5307(b)''.

SEC. 21011. INNOVATIVE PROCUREMENT.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5315 the following:

''§ 5316. Innovative procurement

''(a) DEFINITION.—In this section, the term 'grantee' means a recipient or subrecipient of assistance under this chapter.

''(b) COOPERATIVE PROCUREMENT.—

''(1) DEFINITIONS; GENERAL RULES.—

''(A) DEFINITIONS.—In this subsection—

''(i) the term 'cooperative procurement contract' means a contract—

''(I) entered into between a State government or eligible nonprofit and 1 or more vendors; and

''(II) under which the vendors agree to provide an option to purchase rolling stock and related equipment to multiple participants;

''(ii) the term 'eligible nonprofit entity' means—

''(I) a nonprofit entity that is not a grantee; or

''(II) a consortium of entities described in subclause (I);

''(iii) the terms 'lead nonprofit entity' and 'lead procurement agency' mean an eligible nonprofit entity or a State government, respectively, that acts in an administrative capacity on behalf of each participant in a cooperative procurement contract;

''(iv) the term 'participant' means a grantee that participates in a cooperative procurement contract; and

''(v) the term 'participate' means to purchase rolling stock and related equipment under a cooperative procurement contract using assistance provided under this chapter.

''(B) GENERAL RULES.—

''(i) PROCUREMENT NOT LIMITED TO INTRASTATE PARTICIPANTS.—A grantee may participate in a cooperative procurement contract without regard to whether the grantee is located in the same State as the parties to the contract.

''(ii) VOLUNTARY PARTICIPATION.—Participation by grantees in a cooperative procurement contract shall be voluntary.

''(iii) CONTRACT TERMS.—The lead procurement agency or lead nonprofit entity for a cooperative procurement contract shall develop the terms of the contract.

''(iv) DURATION.—A cooperative procurement contract—

''(I) subject to subclauses (II) and (III), may be for an initial term of not more than 2 years;

''(II) may include not more than 3 optional extensions for terms of not more than 1 year each; and

''(III) may be in effect for a total period of not more than 5 years, including each extension authorized under subclause (II).

''(v) ADMINISTRATIVE EXPENSES.—A lead procurement agency or lead nonprofit entity, as applicable, that enters into a cooperative procurement contract—

''(I) may charge the participants in the contract for the cost of administering, planning, and providing technical assistance for the contract in an amount that is not more than 1 percent of the total value of the contract; and

''(II) with respect to the cost described in subclause (I), may incorporate the cost into the price of the contract or directly charge the participants for the cost, but not both.

''(2) STATE COOPERATIVE PROCUREMENT SCHEDULES.—

''(A) AUTHORITY.—A State government may enter into a cooperative procurement contract with 1 or more vendors if—

''(i) the vendors agree to provide an option to purchase rolling stock and related equipment to the State government and any other participant; and

''(ii) the State government acts throughout the term of the contract as the lead procurement agency.

''(B) APPLICABILITY OF POLICIES AND PROCEDURES.—In procuring rolling stock and related equipment under a cooperative procurement contract under this subsection, a State government shall comply with the policies and procedures that apply to procurement by the State government when using non-Federal funds, to the extent that the policies and procedures are in conformance with applicable Federal law.

''(3) PILOT PROGRAM FOR NONPROFIT COOPERATIVE PROCUREMENTS.—

''(A) ESTABLISHMENT.—The Secretary shall establish and carry out a pilot program to demonstrate the effectiveness of cooperative procurement contracts administered by nonprofit entities.

''(B) DESIGNATION.—In carrying out the program under this paragraph, the Secretary shall designate not less than 1 eligible nonprofit entity to enter into a cooperative procurement contract under which the nonprofit entity acts throughout the term of the contract as the lead nonprofit entity.

''(C) NUMBER OF ENTITIES.—The Secretary may designate not more than 3 geographically diverse eligible nonprofit entities under subparagraph (B).

''(D) NOTICE OF INTENT TO PARTICIPATE.—At a time determined appropriate by the lead nonprofit entity, each participant in a cooperative procurement contract under this paragraph shall submit to the lead nonprofit entity a nonbinding notice of intent to participate.

''(c) LEASING ARRANGEMENTS.—

''(1) CAPITAL LEASE DEFINED.—

''(A) IN GENERAL.—In this subsection, the term 'capital lease' means any agreement under which a grantee acquires the right to use rolling stock or related equipment for a specified period of time, in exchange for a periodic payment.

''(B) MAINTENANCE.—A capital lease may require that the lessor provide maintenance of the rolling stock or related equipment covered by the lease.

''(2) PROGRAM TO SUPPORT INNOVATIVE LEASING ARRANGEMENTS.—

''(A) AUTHORITY.—A grantee may use assistance provided under this chapter to enter into a capital lease if—

''(i) the rolling stock or related equipment covered under the lease is eligible for capital assistance under this chapter; and

''(ii) there is or will be no Federal interest in the rolling stock or related equipment covered under the lease as of the date on which the lease takes effect.

''(B) GRANTEE REQUIREMENTS.—A grantee that enters into a capital lease shall—

''(i) maintain an inventory of the rolling stock or related equipment acquired under the lease; and

''(ii) maintain on the accounting records of the grantee the liability of the grantee under the lease.

''(C) ELIGIBLE LEASE COSTS.—The costs for which a grantee may use assistance under this chapter, with respect to a capital lease, include—

''(i) the cost of the rolling stock or related equipment;

''(ii) associated financing costs, including interest, legal fees, and financial advisor fees;

''(iii) ancillary costs such as delivery and installation charges; and

''(iv) maintenance costs.

''(D) TERMS.—A grantee shall negotiate the terms of any lease agreement that the grantee enters into.

''(E) APPLICABILITY OF PROCUREMENT REQUIREMENTS.—

''(i) LEASE REQUIREMENTS.—Part 639 of title 49, Code of Federal Regulations, or any successor regulation, and implementing guidance applicable to leasing shall not apply to a capital lease.

''(ii) BUY AMERICA.—The requirements under section 5323(j) shall apply to a capital lease.

''(3) INCENTIVE PROGRAM FOR CAPITAL LEASING OF ROLLING STOCK.—

''(A) AUTHORITY.—The Secretary shall carry out an incentive program for capital leasing of rolling stock (referred to in this paragraph as the 'program').

''(B) SELECTION OF PARTICIPANTS.—

''(i) IN GENERAL.—The Secretary shall select not less than 6 grantees to participate in the program, which shall be—

''(I) geographically diverse; and

''(II) evenly distributed among grantees in accordance with clause (ii).

''(ii) POPULATION SIZE.—In selecting an even distribution of grantees under clause (i)(II), the Secretary shall select not less than—

''(I) 2 grantees that serve rural areas;

''(II) 2 grantees that serve urbanized areas with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census; and

''(III) 2 grantees that serve urbanized areas with a population of 200,000 or more individuals, as determined by the Bureau of the Census.

''(iii) WAIVER.—The Secretary may waive a requirement under clause (ii) if an insufficient number of eligible grantees of a particular population size apply to participate in the program.

''(C) PARTICIPANT REQUIREMENTS.—

''(i) IN GENERAL.—A grantee that participates in the program shall—

''(I) enter into a capital lease for a period of not less than 5 years; and

''(II) replace not less than ¼ of the grantee's fleet through the capital lease.

''(ii) VEHICLE REQUIREMENTS.—The vehicles replaced under clause (i)(II), with respect to the fleet as constituted on the day before the date on which the capital lease is entered into, shall—

''(I) be the oldest vehicles in the fleet; or

''(II) produce the highest quantity of direct greenhouse gas emissions relative to the other vehicles in the fleet, as determined by the Administrator of the Environmental Protection Agency.

''(iii) WAIVER OF FEDERAL INTEREST REQUIREMENTS.—If a grantee participating in the program seeks to replace vehicles that have a remaining Federal interest, the Secretary shall—

''(I) evaluate the economic and environmental benefits of waiving the Federal interest, as demonstrated by the grantee;

''(II) if the grantee demonstrates a net economic or environmental benefit, grant an early disposition of the vehicles; and

''(III) publish each evaluation and final determination of the Secretary under this clause in a conspicuous location on the website of the Federal Transit Administration.

''(D) PARTICIPANT BENEFIT.—During the period during which a capital lease described in subparagraph (C)(i)(I), entered into by a grantee participating in the program, is in effect, the limit on the Government share of operating expenses under subsection (d)(2) of section 5307, subsection (d)(2) of section 5310, or subsection (g)(2) of section 5311 shall not apply with respect to any grant awarded to the grantee under the applicable section.

''(E) REPORTING REQUIREMENT.—Not later than 3 years after the date on which a grantee enters into a capital lease under the program, the grantee shall submit to the Secretary a report that contains—

''(i) an evaluation of the overall costs and benefits of leasing rolling stock;

''(ii) a cost comparison of leasing versus buying rolling stock;

''(iii) a comparison of the expected short-term and long-term maintenance costs of leasing versus buying rolling stock; and

''(iv) a projected budget showing the changes in overall operating and capital expenses due to the capital lease that the grantee entered into under the program.

''(4) INCENTIVE PROGRAM FOR CAPITAL LEASING OF CERTAIN ZERO EMISSION VEHICLE COMPONENTS.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'removable power source'—

''(I) means a power source that is separately installed in, and removable from, a zero emission vehicle; and

''(II) may include a battery, a fuel cell, an ultra-capacitor, or other advanced power source used in a zero emission vehicle; and

''(ii) the term 'zero emission vehicle' has the meaning given the term in section 5339(c).

''(B) LEASED POWER SOURCES.—Notwithstanding any other provision of law, for purposes of this subsection, the cost of a removable power source that is necessary for the operation of a zero emission vehicle shall not be treated as part of the cost of the vehicle if the removable power source is acquired using a capital lease.

''(C) ELIGIBLE CAPITAL LEASE.—A grantee may acquire a removable power source by itself through a capital lease.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5315 the following:

''5316. Innovative procurement.''.

(2) CONFORMING AMENDMENT.—Section 5325(e)(2) of title 49, United States Code, is amended by inserting after ''this subsection'' the following: '', section 5316,''.

SEC. 21012. HUMAN RESOURCES AND TRAINING.

Section 5322 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), in the paragraph heading, by striking ''PROGRAM ESTABLISHED'' and inserting ''IN GENERAL'';

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

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

''(2) PROGRAMS.—A program eligible for assistance under subsection (a) shall—

''(A) provide skills training, on-the-job training, and work-based learning;

''(B) offer career pathways that support the movement from initial or short-term employment opportunities to sustainable careers;

''(C) address current or projected workforce shortages;

''(D) replicate successful workforce development models; or

''(E) respond to such other workforce needs as the Secretary determines appropriate.'';

(D) in paragraph (3), as so redesignated—

(i) in subparagraph (G), by striking ''and'' at the end;

(ii) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(I) give priority to minorities, women, individuals with disabilities, veterans, low-income populations, and other underserved populations.''; and

(E) by adding at the end the following:

''(4) COORDINATION.—A recipient of assistance under this subsection shall—

''(A) identify the workforce needs and commensurate training needs at the local level in coordination with entities such as local employers, local public transportation operators, labor union organizations, workforce development boards, State workforce agencies, State apprenticeship agencies (where applicable), university transportation centers, community colleges, and community-based organizations representing minorities, women, disabled individuals, veterans, and low-income populations; and

''(B) to the extent practicable, conduct local training programs in coordination with existing local training programs supported by the Secretary, the Department of Labor (including registered apprenticeship programs), and the Department of Education.

''(5) PROGRAM OUTCOMES.—A recipient of assistance under this subsection shall demonstrate outcomes for any program that includes skills training, on-the-job training, and work-based learning, including—

''(A) the impact on reducing public transportation workforce shortages in the area served;

''(B) the diversity of training participants;

''(C) the number of participants obtaining certifications or credentials required for specific types of employment;

''(D) employment outcomes, including job placement, job retention, and wages, using performance metrics established in consultation with the Secretary and the Secretary of Labor and consistent with metrics used by programs under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.); and

''(E) to the extent practical, evidence that the program did not preclude workers who are participating in skills training, on-the-job training, and work-based learning from being referred to, or hired on, projects funded under this chapter without regard to the length of time of their participation in the program.''; and

(2) in subsection (d), by striking paragraph (4) and inserting the following:

''(4) USE FOR TECHNICAL ASSISTANCE.—The Secretary may use not more than 1 percent of the amounts made available to carry out this section to provide technical assistance for activities and programs developed, conducted, and overseen under this subsection.

''(5) AVAILABILITY OF AMOUNTS.—

''(A) IN GENERAL.—Not more than 0.5 percent of the amounts made available to a recipient under sections 5307, 5337, and 5339 is available for expenditure by the recipient, with the approval of the Secretary, to pay not more than 80 percent of the cost of eligible activities under this subsection.

''(B) EXISTING PROGRAMS.—A recipient may use amounts made available under paragraph (A) to carry out existing local education and training programs for public transportation employees supported by the Secretary, the Department of Labor, or the Department of Education.''.

SEC. 21013. GENERAL PROVISIONS.

Section 5323 of title 49, United States Code, is amended—

(1) in subsection (j)—

(A) in paragraph (2), by striking subparagraph (C) and inserting the following:

''(C) when procuring rolling stock (including train control, communication, and traction power equipment, and rolling stock prototypes) under this chapter—

''(i) the cost of components and subcomponents produced in the United States—

''(I) for fiscal years 2016 and 2017, is more than 60 percent of the cost of all components of the rolling stock;

''(II) for fiscal years 2018 and 2019, is more than 65 percent of the cost of all components of the rolling stock; and

''(III) for fiscal year 2020 and each fiscal year thereafter, is more than 70 percent of the cost of all components of the rolling stock; and

''(ii) final assembly of the rolling stock has occurred in the United States; or'';

(B) by redesignating paragraphs (5) through (9) as paragraphs (7) through (11), respectively;

(C) by inserting after paragraph (4) the following:

''(5) ROLLING STOCK FRAMES OR CAR SHELLS.—In carrying out paragraph (2)(C) in the case of a rolling stock procurement receiving assistance under this chapter in which the average cost of a rolling stock vehicle in the procurement is more than $300,000, if rolling stock frames or car shells are not produced in the United States, the Secretary shall include in the calculation of the domestic content of the rolling stock the cost of steel or iron used in the rolling stock frames or car shells if—

''(A) all manufacturing processes for the steel or iron occur in the United States; and

''(B) the amount of steel or iron used in the rolling stock frames or car shells is significant.

''(6) CERTIFICATION OF DOMESTIC SUPPLY AND DISCLOSURE.—

''(A) CERTIFICATION OF DOMESTIC SUPPLY.—If the Secretary denies an application for a waiver under paragraph (2), the Secretary shall provide to the applicant a written certification that—

''(i) the steel, iron, or manufactured goods, as applicable, (referred to in this subparagraph as the 'item') is produced in the United States in a sufficient and reasonably available amount;

''(ii) the item produced in the United States is of a satisfactory quality; and

''(iii) includes a list of known manufacturers in the United States from which the item can be obtained.

''(B) DISCLOSURE.—The Secretary shall disclose the waiver denial and the written certification to the public in an easily identifiable location on the website of the Department of Transportation.'';

(D) in paragraph (8), as so redesignated, by striking ''Federal Public Transportation Act of 2012'' and inserting ''Federal Public Transportation Act of 2015''; and

(E) by inserting after paragraph (11), as so redesignated, the following:

''(12) PRODUCTION IN UNITED STATES.—For purposes of this subsection, steel and iron may be considered produced in the United States if all the manufacturing processes, except metallurgical processes involving refinement of steel additives, took place in the United States.

''(13) DEFINITION OF SMALL PURCHASE.—For purposes of determining whether a purchase qualifies for a general public interest waiver under paragraph (2)(A) of this subsection, including under any regulation promulgated under that paragraph, the term 'small purchase' means a purchase of not more than $150,000.'';

(2) in subsection (q)(1), by striking the second sentence; and

(3) by adding at the end the following:

''(s) VALUE CAPTURE REVENUE ELIGIBLE FOR LOCAL SHARE.—Notwithstanding any other provision of law, a recipient of assistance under this chapter may use the revenue generated from value capture financing mechanisms as local matching funds for capital projects and operating costs eligible under this chapter.

''(t) VALUE ENGINEERING.—Nothing in this chapter shall be construed to authorize the Secretary to mandate the use of value engineering in projects funded under this chapter.''.

SEC. 21014. PROJECT MANAGEMENT OVERSIGHT.

Section 5327 of title 49, United States Code, is amended—

(1) in subsection (c), by striking ''section 5338(i)'' and inserting ''section 5338(h)''; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''section 5338(i)'' and inserting ''section 5338(h)''; and

(ii) by striking ''and'' at the end; and

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

''(2) a requirement that oversight—

''(A) begin during the project development phase of a project, unless the Secretary finds it more appropriate to begin the oversight during another phase of the project, to maximize the transportation benefits and cost savings associated with project management oversight; and

''(B) be limited to quarterly reviews of compliance by the recipient with the project management plan approved under subsection (b) unless the Secretary finds that the recipient requires more frequent oversight because the recipient has, for 2 consecutive quarterly reviews, failed to meet the requirements of such plan and the project is at risk of going over budget or becoming behind schedule; and

''(3) a process for recipients that the Secretary has found require more frequent oversight to return to quarterly reviews for purposes of paragraph (2)(B).''.

SEC. 21015. PUBLIC TRANSPORTATION SAFETY PROGRAM.

(a) IN GENERAL.—Section 5329 of title 49, United States Code, is amended—

(1) in subsection (b)(2)—

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

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

''(D) minimum safety standards to ensure the safe operation of public transportation systems that—

''(i) are not related to performance standards for public transportation vehicles developed under subparagraph (C); and

''(ii) to the extent practicable, take into consideration—

''(I) relevant recommendations of the National Transportation Safety Board;

''(II) best practices standards developed by the public transportation industry;

''(III) any minimum safety standards or performance criteria being implemented across the public transportation industry; and

''(IV) any additional information that the Secretary determines necessary and appropriate; and'';

(2) in subsection (f)(2), by inserting after ''public transportation system of a recipient'' the following: ''or the public transportation industry generally''; and

(3) in subsection (g)(1), in the matter preceding subparagraph (A), by striking ''an eligible State, as defined in subsection (e),'' and inserting ''a recipient''.

(b) REVIEW OF PUBLIC TRANSPORTATION SAFETY STANDARDS.—

(1) REVIEW REQUIRED.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary

shall commence a review of the safety standards and protocols used in rail fixed guideway 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 with local emergency responders having jurisdiction over a rail fixed guideway public transportation system, including—

(aa) emergency preparedness training, drills, and familiarization programs for those first responders; and

(bb) the scheduling of regular field exercises to ensure appropriate response and effective radio and public safety communications;

(IV) maintenance, testing, and inspection programs to ensure the proper functioning of—

(aa) tunnel, station, and vehicle ventilation systems;

(bb) signal and train control systems, track, mechanical systems, and other infrastructure; and

(cc) other systems as necessary;

(V) certification requirements for train and bus operators and control center employees;

(VI) consensus-based standards, practices, or protocols available to the public transportation industry; and

(VII) any other standards, practices, or protocols the Secretary determines appropriate; and

(iii) vehicle safety standards, practices, or protocols in use by public transportation systems, concerning—

(I) bus design and the workstation of bus operators, as it relates to—

(aa) the reduction of blindspots that contribute to accidents involving pedestrians; and

(bb) protecting bus operators from the risk of assault; and

(II) scheduling fixed route bus service with adequate time and access for operators to use restroom facilities.

(2) EVALUATION.—After conducting the review under paragraph (1), the Secretary shall, in consultation with representatives of the public transportation industry, evaluate the need to establish Federal minimum public transportation safety standards, including—

(A) standards governing worker safety;

(B) standards for the operation of signals, track, on-track equipment, mechanical systems, and control systems; and

(C) any other areas the Secretary, in consultation with the public transportation industry, determines require further evaluation.

(3) REPORT.—Upon completing the review and evaluation required under paragraphs (1) and (2), respectively, and not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the of House of Representatives a report that includes—

(A) findings based on the review conducted under paragraph (1);

(B) the outcome of the evaluation conducted under paragraph (2);

(C) a comprehensive set of recommendations to improve the safety of the public transportation industry, including recommendations for legislative changes where applicable; and

(D) actions that the Secretary will take to address the recommendations provided under subparagraph (C), including, if necessary, the establishment of Federal minimum public transportation safety standards.

SEC. 21016. STATE OF GOOD REPAIR GRANTS.

Section 5337 of title 49, United States Code, is amended—

(1) in subsection (c)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Of the amount authorized or made available for a fiscal year under section 5338(a)(2)(L)—

''(A) $100,000,000 shall be made available in accordance with this subsection; and

''(B) 97.15 percent of the remainder shall be apportioned to recipients in accordance with this subsection.''; and

(B) in paragraph (2)(B), by inserting ''the provisions of'' before ''section 5336(b)(1)'';

(2) in subsection (d)—

(A) in paragraph (2), by striking ''section 5338(a)(2)(I), 2.85 percent'' and inserting ''section 5338(a)(2)(L), the remainder after the application of subsection (c)(1)''; and

(B) by adding at the end the following:

''(5) USE OF FUNDS.—Amounts apportioned under this subsection may be used for any project that is an eligible project under subsection (b)(1).''; and

(3) 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 costs shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.''.

SEC. 21017. AUTHORIZATIONS.

Section 5338 of title 49, United States Code, as amended by division G, is amended to read as follows:

''§ 5338. Authorizations

''(a) GRANTS.—

''(1) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5322(b), 5322(d), 5335, 5337, 5339, and 5340, section 20005(b) of the Federal Public Transportation Act of 2012, and section 21007(b) of the Federal Public Transportation Act of 2015—

''(A) $9,184,747,400 for fiscal year 2016;

''(B) $9,380,039,349 for fiscal year 2017;

''(C) $9,685,745,744 for fiscal year 2018;

''(D) $10,101,051,238 for fiscal year 2019;

''(E) $10,351,763,806 for fiscal year 2020; and

''(F) $10,609,442,553 for fiscal year 2021.

''(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

''(A) $132,020,000 for fiscal year 2016, $134,934,342 for fiscal year 2017, $138,004,098 for fiscal year 2018, $141,328,616 for fiscal year 2019, $144,893,631 for fiscal year 2020, and $148,557,701 for fiscal year 2021 shall be available to carry out section 5305;

''(B) $10,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 20005(b) of the Federal Public Transportation Act of 2012;

''(C) $4,538,905,700 for fiscal year 2016, $4,639,102,043 for fiscal year 2017, $4,794,641,615 for fiscal year 2018, $4,975,879,158 for fiscal year 2019, $5,101,395,710 for fiscal year 2020, and $5,230,399,804 for fiscal year 2021 shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307;

''(D) $263,466,000 for fiscal year 2016, $269,282,012 for fiscal year 2017, $275,408,178 for fiscal year 2018, $288,264,292 for fiscal year 2019, $295,535,759 for fiscal year 2020, and $303,009,267 for fiscal year 2021 shall be available to provide financial assistance for services for the enhanced mobility of seniors and individuals with disabilities under section 5310;

''(E) $2,000,000 for each of fiscal years 2016 through 2021 shall be available for the pilot program for innovative coordinated access and mobility under section 21007(b) of the Federal Public Transportation Act of 2015;

''(F) $619,956,000 for fiscal year 2016, $633,641,529 for fiscal year 2017, $648,056,873 for fiscal year 2018, $678,308,311 for fiscal year 2019, $695,418,638 for fiscal year 2020, and $713,004,385 for fiscal year 2021 shall be available to provide financial assistance for rural areas under section 5311, of which not less than—

''(i) $35,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5311(c)(1); and

''(ii) $20,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5311(c)(2);

''(G) $30,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5312, of which—

''(i) $5,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5312(e); and

''(ii) $5,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5312(h);

''(H) $4,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5314;

''(I) $3,000,000 for each of fiscal years 2016 through 2021 shall be available for bus testing under section 5318;

''(J) $5,000,000 for each of fiscal years 2016 through 2021 shall be available for the national transit institute under section 5322(d);

''(K) $4,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5335;

''(L) $2,428,342,500 for fiscal year 2016, $2,479,740,661 for fiscal year 2017, $2,533,879,761 for fiscal year 2018, $2,592,511,924 for fiscal year 2019, $2,655,385,537 for fiscal year 2020, and $2,720,006,127 for fiscal year 2021 shall be available to carry out section 5337;

''(M) $430,794,600 for fiscal year 2016, $440,304,391 for fiscal year 2017, $495,321,316 for fiscal year 2018, $585,851,498 for fiscal year 2019, $605,422,352 for fiscal year 2020, and $625,536,993 for fiscal year 2021 shall be available for the bus and bus facilities program under section 5339(a);

''(N) $180,000,000 for each of fiscal years 2016 and 2017, $185,000,000 for fiscal year 2018, and $190,000,000 for each of fiscal years 2019 through 2021 shall be available for bus and bus facilities competitive grants under section 5339(b) and no or low emission grants under section 5339(c), of which $55,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5339(c);

''(O) $533,262,600 for fiscal year 2016, $545,034,372 for fiscal year 2017, $557,433,904 for fiscal year 2018, $586,907,438 for fiscal year 2019, $601,712,178 for fiscal year 2020, and $616,928,276 for fiscal year 2021 shall be allocated in accordance with section 5340 to provide financial assistance for urbanized areas under section 5307 and rural areas under section 5311; and

''(P) $4,000,000 for each of fiscal years 2019 through 2021 shall be available to carry out section 5322(b).

''(b) RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROGRAM.—There are authorized to be appropriated to carry out section 5312, other than subsections (e) and (h) of that section, $20,000,000 for each of fiscal years 2016 through 2021.

''(c) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—There are authorized to be appropriated to carry out section 5314, $7,000,000 for each of fiscal years 2016 through 2021.

''(d) HUMAN RESOURCES AND TRAINING.—There are authorized to be appropriated to carry out subsections (a), (b), (c), and (e) of section 5322, $5,000,000 for each of fiscal years 2016 through 2021.

''(e) EMERGENCY RELIEF PROGRAM.—There are authorized to be appropriated such sums as are necessary to carry out section 5324.

''(f) CAPITAL INVESTMENT GRANTS.—There are authorized to be appropriated to carry out section 5309 of this title and section 21006(b) of the Federal Public Transportation Act of 2015, $2,301,785,760 for fiscal year 2016, $2,352,597,681 for fiscal year 2017, $2,406,119,278 for fiscal year 2018, $2,464,082,691 for fiscal year 2019, $2,526,239,177 for fiscal year 2020, and $2,590,122,713 for fiscal year 2021, of which $276,214,291 for fiscal year 2016, $282,311,722 for fiscal year 2017, $288,734,313 for fiscal year 2018, $295,689,923 for fiscal year 2019, $303,148,701 for fiscal year 2020, and $310,814,726 for fiscal year 2021 shall be available to carry out section 21006(b) of the Federal Public Transportation Act of 2015.

''(g) ADMINISTRATION.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out section 5334, $115,016,543 for fiscal year 2016, $117,555,533 for fiscal year 2017, $120,229,921 for fiscal year 2018, $123,126,260 for fiscal year 2019, $126,232,120 for fiscal year 2020, and $129,424,278 for fiscal year 2021.

''(2) SECTION 5329.—Of the amounts authorized to be appropriated under paragraph (1), not less than $8,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5329.

''(3) SECTION 5326.—Of the amounts made available under paragraph (2), not less than $2,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5326.

''(h) OVERSIGHT.—

''(1) IN GENERAL.—Of the amounts made available to carry out this chapter for a fiscal year, the Secretary may use not more than the following amounts for the activities described in paragraph (2):

''(A) 0.5 percent of amounts made available to carry out section 5305.

''(B) 0.75 percent of amounts made available to carry out section 5307.

''(C) 1 percent of amounts made available to carry out section 5309.

''(D) 1 percent of amounts made available to carry out section 601 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432; 126 Stat. 4968).

''(E) 0.5 percent of amounts made available to carry out section 5310.

''(F) 0.5 percent of amounts made available to carry out section 5311.

''(G) 1 percent of amounts made available to carry out section 5337, of which not less than 0.25 percent shall be available to carry out section 5329.

''(H) 0.75 percent of amounts made available to carry out section 5339.

''(2) ACTIVITIES.—The activities described in this paragraph are as follows:

''(A) Activities to oversee the construction of a major capital project.

''(B) Activities to review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under this chapter.

''(C) Activities to provide technical assistance generally, and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

''(3) GOVERNMENT SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection.

''(4) AVAILABILITY OF CERTAIN FUNDS.—Funds made available under paragraph (1)(C) shall be made available to the Secretary before allocating the funds appropriated to carry out any project under a full funding grant agreement.

''(i) GRANTS AS CONTRACTUAL OBLIGATIONS.—

''(1) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant or contract that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

''(2) GRANTS FINANCED FROM GENERAL FUND.—A grant or contract that is approved by the Secretary and financed with amounts appropriated in advance from the General Fund of the Treasury pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project only to the extent that amounts are appropriated for such purpose by an Act of Congress.

''(j) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under this section shall remain available until expended.''.

SEC. 21018. GRANTS FOR BUS AND BUS FACILITIES.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, as amended by division G, is amended by striking section 5339 and inserting the following:

''§ 5339. Grants for bus and bus facilities

''(a) FORMULA GRANTS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'low or no emission vehicle' has the meaning given that term in subsection (c)(1);

''(B) the term 'State' means a State of the United States; and

''(C) the term 'territory' means the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands.

''(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to assist eligible recipients described in paragraph (4)(A) in financing capital projects—

''(A) to replace, rehabilitate, and purchase buses and related equipment, including technological changes or innovations to modify low or no emissions vehicles or facilities; and

''(B) to construct bus-related facilities.

''(3) GRANT REQUIREMENTS.—The requirements of—

''(A) section 5307 shall apply to recipients of grants made in urbanized areas under this subsection; and

''(B) section 5311 shall apply to recipients of grants made in rural areas under this subsection.

''(4) ELIGIBLE RECIPIENTS AND SUBRECIPIENTS.—

''(A) RECIPIENTS.—Eligible recipients under this subsection are—

''(i) designated recipients that allocate funds to fixed route bus operators; or

''(ii) State or local governmental entities that operate fixed route bus service.

''(B) SUBRECIPIENTS.—A recipient that receives a grant under this subsection may allocate amounts of the grant to subrecipients that are public agencies or private nonprofit organizations engaged in public transportation.

''(5) DISTRIBUTION OF GRANT FUNDS.—Funds allocated under section 5338(a)(2)(M) shall be distributed as follows:

''(A) NATIONAL DISTRIBUTION.—$103,000,000 for each of fiscal years 2016 through 2021 shall be allocated to all States and territories, with each State receiving $2,000,000 for each such fiscal year and each territory receiving $500,000 for each such fiscal year.

''(B) DISTRIBUTION USING POPULATION AND SERVICE FACTORS.—The remainder of the funds not otherwise distributed under subparagraph (A) shall be allocated pursuant to the formula set forth in section 5336 other than subsection (b).

''(6) TRANSFERS OF APPORTIONMENTS.—

''(A) TRANSFER FLEXIBILITY FOR NATIONAL DISTRIBUTION FUNDS.—The Governor of a State may transfer any part of the State's apportionment under paragraph (5)(A) to supplement amounts apportioned to the State under section 5311(c) of this title or amounts apportioned to urbanized areas under subsections (a) and (c) of section 5336 of this title.

''(B) TRANSFER FLEXIBILITY FOR POPULATION AND SERVICE FACTORS FUNDS.—The Governor of a State may expend in an urbanized area with a population of less than 200,000 any amounts apportioned under paragraph (5)(B) that are not allocated to designated recipients in urbanized areas with a population of 200,000 or more.

''(7) GOVERNMENT SHARE OF COSTS.—

''(A) CAPITAL PROJECTS.—A grant for a capital project under this subsection shall be for 80 percent of the net capital costs of the project. A recipient of a grant under this subsection may provide additional local matching amounts.

''(B) REMAINING COSTS.—The remainder of the net project cost shall be provided—

''(i) in cash from non-Government sources other than revenues from providing public transportation services;

''(ii) from revenues derived from the sale of advertising and concessions;

''(iii) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital;

''(iv) from amounts received under a service agreement with a State or local social service agency or private social service organization; or

''(v) from revenues generated from value capture financing mechanisms.

''(8) PERIOD OF AVAILABILITY TO RECIPIENTS.—Amounts made available under this subsection may be obligated by a recipient for 3 fiscal years after the fiscal year in which the amount is apportioned. Not later than 30 days after the end of the 3-fiscal-year period described in the preceding sentence, any amount that is not obligated on the last day of that period shall be added to the amount that may be apportioned under this subsection in the next fiscal year.

''(b) BUS AND BUS FACILITIES COMPETITIVE GRANTS.—

''(1) IN GENERAL.—The Secretary may make grants under this subsection to designated recipients to assist in the financing of bus and bus facilities capital projects, including—

''(A) replacing, rehabilitating, purchasing, or leasing buses or related equipment; and

''(B) rehabilitating, purchasing, constructing, or leasing bus-related facilities.

''(2) GRANT CONSIDERATIONS.—In making grants under this subsection, the Secretary shall consider the age and condition of buses, bus fleets, related equipment, and bus-related facilities.

''(3) STATEWIDE APPLICATIONS.—A State may submit a statewide application on behalf of a public agency or private nonprofit organization engaged in public transportation in rural areas or other areas for which the State allocates funds. The submission of a statewide application shall not preclude the submission and consideration of any application under this subsection from other eligible recipients in an urbanized area in a State.

''(4) REQUIREMENTS FOR THE SECRETARY.—The Secretary shall—

''(A) disclose all metrics and evaluation procedures to be used in considering grant applications under this subsection upon issuance of the notice of funding availability in the Federal Register; and

''(B) publish a summary of final scores for selected projects, metrics, and other evaluations used in awarding grants under this subsection in the Federal Register.

''(5) RURAL PROJECTS.—Not less 10 percent of the amounts made available under this subsection in a fiscal year shall be distributed to projects in rural areas.

''(6) GRANT REQUIREMENTS.—

''(A) IN GENERAL.—A grant under this subsection shall be subject to the requirements of—

''(i) section 5307 for recipients of grants made in urbanized areas; and

''(ii) section 5311 for recipients of grants made in rural areas.

''(B) GOVERNMENT SHARE OF COSTS.—The Government share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

''(7) AVAILABILITY OF FUNDS.—Any amounts made available to carry out this subsection—

''(A) shall remain available for 2 fiscal years after the fiscal year for which the amount is made available; and

''(B) that remain unobligated at the end of the period described in subparagraph (A) shall be added to the amount made available to an eligible project in the following fiscal year.

''(8) LIMITATION.—Of the amounts made available under this subsection, not more than 15 percent may be awarded to a single grantee.

''(c) LOW OR NO EMISSION GRANTS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'direct carbon emissions' means the quantity of direct greenhouse gas emissions from a vehicle, as determined by the Administrator of the Environmental Protection Agency;

''(B) the term 'eligible project' means a project or program of projects in an eligible area for—

''(i) acquiring low or no emission vehicles;

''(ii) leasing low or no emission vehicles;

''(iii) acquiring low or no emission vehicles with a leased power source;

''(iv) constructing facilities and related equipment for low or no emission vehicles;

''(v) leasing facilities and related equipment for low or no emission vehicles;

''(vi) constructing new public transportation facilities to accommodate low or no emission vehicles; or

''(vii) rehabilitating or improving existing public transportation facilities to accommodate low or no emission vehicles;

''(C) the term 'leased power source' means a removable power source, as defined in paragraph (4)(A) of section 5316(c), that is made available through a capital lease under that section;

''(D) the term 'low or no emission bus' means a bus that is a low or no emission vehicle;

''(E) the term 'low or no emission vehicle' means—

''(i) a passenger vehicle used to provide public transportation that the Secretary determines sufficiently reduces energy consumption or harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle; or

''(ii) a zero emission vehicle used to provide public transportation;

''(F) the term 'recipient' means a designated recipient, a local governmental authority, or a State that receives a grant under this subsection for an eligible project; and

''(G) the term 'zero emission vehicle' means a low or no emission vehicle that produces no carbon or particulate matter.

''(2) GENERAL AUTHORITY.—The Secretary may make grants to recipients to finance eligible projects under this subsection.

''(3) GRANT REQUIREMENTS.—

''(A) IN GENERAL.—A grant under this subsection shall be subject to the requirements of section 5307.

''(B) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—Section 5323(i) applies to eligible projects carried out under this subsection, unless the recipient requests a lower grant percentage.

''(C) COMBINATION OF FUNDING SOURCES.—

''(i) COMBINATION PERMITTED.—An eligible project carried out under this subsection may receive funding under section 5307 or any other provision of law.

''(ii) GOVERNMENT SHARE.—Nothing in this subparagraph shall be construed to alter the Government share required under paragraph (7), section 5307, or any other provision of law.

''(4) COMPETITIVE PROCESS.—The Secretary shall—

''(A) not later than 30 days after the date on which amounts are made available for obligation under this subsection for a full fiscal year, solicit grant applications for eligible projects on a competitive basis; and

''(B) award a grant under this subsection based on the solicitation under subparagraph (A) not later than the earlier of—

''(i) 75 days after the date on which the solicitation expires; or

''(ii) the end of the fiscal year in which the Secretary solicited the grant applications.

''(5) CONSIDERATION.—In awarding grants under this subsection, the Secretary shall only consider eligible projects relating to the acquisition or leasing of low or no emission buses that—

''(A) make greater reductions in energy consumption and harmful emissions, including direct carbon emissions, than comparable standard buses or other low or no emission buses; and

''(B) are part of a long-term integrated fleet management plan for the recipient.

''(6) AVAILABILITY OF FUNDS.—Any amounts made available to carry out this subsection—

''(A) shall remain available to an eligible project for 2 fiscal years after the fiscal year for which the amount is made available; and

''(B) that remain unobligated at the end of the period described in subparagraph (A) shall be added to the amount made available to an eligible project in the following fiscal year.

''(7) GOVERNMENT SHARE OF COSTS.—

''(A) IN GENERAL.—The Federal share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

''(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of an eligible project carried out under this subsection may be derived from in-kind contributions.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 53 of title 49, United States Code, is amended by striking the item relating to section 5339 and inserting the following:

''5339. Grants for bus and bus facilities.''.

SEC. 21019. SALARY OF FEDERAL TRANSIT ADMINISTRATOR.

(a) IN GENERAL.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Federal Transit Administrator.''.

(b) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by striking ''Federal Transit Administrator.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first pay period beginning on or after the first day of the first fiscal year beginning after the date of enactment of this Act.

SEC. 21020. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CHAPTER 53 OF TITLE 49, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended—

(A) by striking section 5319;

(B) in section 5325—

(i) in subsection (e)(2), by striking ''at least two''; and

(ii) in subsection (h), by striking ''Federal Public Transportation Act of 2012'' and inserting ''Federal Public Transportation Act of 2015'';

(C) in section 5336—

(i) in subsection (a), by striking ''subsection (h)(4)'' and inserting ''subsection (h)(5)''; and

(ii) in subsection (h), as amended by division G—

(I) by striking paragraph (1) and inserting the following:

''(1) $30,000,000 for each fiscal year shall be set aside to carry out section 5307(h);''; and

(II) in paragraph (3), by striking ''1.5 percent'' and inserting ''2 percent''; and

(D) in section 5340(b), by striking ''section 5338(b)(2)(M)'' and inserting ''section 5338(a)(2)(O)''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 49, United States Code, is amended by striking the item relating to section 5319 and inserting the following:

''[5319. Repealed.]''.

(b) CHAPTER 105 OF TITLE 49, UNITED STATES CODE.—Section 10501(c) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(i), by striking ''section 5302(a)'' and inserting ''section 5302''; and

(B) in subparagraph (B)—

(i) by striking ''mass transportation'' and inserting ''public transportation''; and

(ii) by striking ''section 5302(a)'' and inserting ''section 5302''; and

(2) in paragraph (2)(A), by striking ''mass transportation'' and inserting ''public transportation''.

DIVISION C—COMPREHENSIVE TRANSPORTATION AND CONSUMER PROTECTION ACT OF 2015

SEC. 31001. SHORT TITLE.

This division may be cited as the ''Comprehensive Transportation and Consumer Protection Act of 2015.''

SEC. 31002. REFERENCES TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, wherever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 31003. EFFECTIVE DATE.

Subtitle A of title XXXII, sections 33103, 34101(g), 34105, 34106, 34107, 34133, 34141, 34202, 34203, 34204, 34205, 34206, 34207, 34208, 34211, 34212, 34213, 34214, 34215, subtitles C and D of title XXXIV, and title XXXV take effect on the date of enactment of this Act.

TITLE XXXI—OFFICE OF THE SECRETARY

Subtitle A—Accelerating Project Delivery

SEC. 31101. DELEGATION OF AUTHORITY.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

''§ 116. Administrations; acting officers

''No person designated to serve as the acting head of an administration in the department of transportation under section 3345 of title 5 may continue to perform the functions and duties of the office if the time limitations in section 3346 of that title would prevent the person from continuing to serve in a formal acting capacity.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 1 is amended by inserting after the item relating to section 115 the following:

''116. Administrations; acting officers.''.

(c) APPLICATION.—The amendment under subsection (a) shall apply to any applicable office with a position designated for a Senate confirmed official.

SEC. 31102. INFRASTRUCTURE PERMITTING IMPROVEMENT CENTER.

(a) IN GENERAL.—Subchapter I of chapter 3, as amended by sections 31104 and 31106 of this Act, is further amended by adding after section 311 the following:

''§ 312. Interagency Infrastructure Permitting Improvement Center

''(a) IN GENERAL.—There is established in the Office of the Secretary an Interagency Infrastructure Permitting Improvement Center (referred to in this section as the 'Center').

''(b) ROLES AND RESPONSIBILITIES.—

''(1) GOVERNANCE.—The Center shall report to the chair of the Steering Committee described in paragraph (2) to ensure that the perspectives of all member agencies are represented.

''(2) INFRASTRUCTURE PERMITTING STEERING COMMITTEE.—An Infrastructure Permitting Steering Committee (referred to in this section as the 'Steering Committee') is established to oversee the work of the Center. The Steering Committee shall be chaired by the Federal Chief Performance Officer in consultation with the Chair of the Council on Environmental Quality and shall be comprised of Deputy-level representatives from the following departments and agencies:

''(A) The Department of Defense.

''(B) The Department of the Interior.

''(C) The Department of Agriculture.

''(D) The Department of Commerce.
''(E) The Department of Transportation.
''(F) The Department of Energy.
''(G) The Department of Homeland Security.
''(H) The Environmental Protection Agency.
''(I) The Advisory Council on Historic Preservation.
''(J) The Department of the Army.
''(K) The Department of Housing and Urban Development.
''(L) Other agencies the Chair of the Steering Committee invites to participate.
''(3) ACTIVITIES.—The Center shall support the Chair of the Steering Committee and undertake the following:
''(A) Coordinate and support implementation of priority reform actions for Federal agency permitting and reviews for areas as defined and identified by the Steering Committee.
''(B) Support modernization efforts at Federal agencies and interagency pilots for innovative approaches to the permitting and review of infrastructure projects.
''(C) Provide technical assistance and training to field and headquarters staff of Federal agencies on policy changes, innovative approaches to project delivery, and other topics as appropriate.
''(D) Identify, develop, and track metrics for timeliness of permit reviews, permit decisions, and project outcomes.
''(E) Administer and expand the use of online transparency tools providing for—
''(i) tracking and reporting of metrics;
''(ii) development and posting of schedules for permit reviews and permit decisions; and
''(iii) sharing of best practices related to efficient project permitting and reviews.
''(F) Provide reporting to the President on progress toward achieving greater efficiency in permitting decisions and review of infrastructure projects and progress toward achieving better outcomes for communities and the environment.
''(G) Meet not less frequently than annually with groups or individuals representing State, Tribal, and local governments that are engaged in the infrastructure permitting process.
''(4) INFRASTRUCTURE SECTORS COVERED.—The Center shall support process improvements in the permitting and review of infrastructure projects in the following sectors:
''(A) Surface transportation.
''(B) Aviation.
''(C) Ports and waterways.
''(D) Water resource projects.
''(E) Renewable energy generation.
''(F) Electricity transmission.
''(G) Broadband.
''(H) Pipelines.
''(I) Other sectors, as determined by the Steering Committee.
''(c) PERFORMANCE MEASURES.—
''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Secretary, in coordination with the heads of other Federal agencies on the Steering Committee with responsibility for the review and approval of infrastructure projects sectors described in subsection (b)(4), shall evaluate and report on—
''(A) the progress made toward aligning Federal reviews of such projects and the improvement of project delivery associated with those projects; and
''(B) the effectiveness of the Center in achieving reduction of permitting time and project delivery time.
''(2) PERFORMANCE TARGETS.—Not later than 180 days after the date on which the Secretary of Transportation establishes performance measures in accordance with paragraph (1), the Secretary shall establish performance targets relating to each of the measures and standards described in subparagraphs (A) and (B) of paragraph (1).
''(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015 and biennially thereafter, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—
''(A) the results of the evaluation conducted under paragraph (1); and
''(B) the progress towards achieving the targets established under paragraph (2).
''(4) INSPECTOR GENERAL REPORT.—Not later than 3 years after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Inspector General of the Department of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—
''(A) the results of the evaluation conducted under paragraph (1); and
''(B) the progress towards achieving the targets established under paragraph (2).''.

(b) CONFORMING AMENDMENT.—The table of contents of chapter 3, as amended by sections 31104 and 31106 of this Act, is further amended by inserting after the item relating to section 311 the following:

''312. Interagency Infrastructure Permitting Improvement Center.''.

SEC. 31103. ACCELERATED DECISION-MAKING IN ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Subchapter I of chapter 3 is amended by inserting after section 304 the following:

''§ 304a. Accelerated decision-making in environmental reviews

''(a) IN GENERAL.—In preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the Department of Transportation, when acting as lead agency, modifies the statement in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant additional Departmental response, the Department may write on errata sheets attached to the statement instead of rewriting the draft statement, subject to the condition that the errata sheets—
''(1) cite the sources, authorities, or reasons that support the position of the Department; and
''(2) if appropriate, indicate the circumstances that would trigger Departmental reappraisal or further response.
''(b) INCORPORATION.—To the maximum extent practicable, the Department shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, unless—
''(1) the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or
''(2) there are significant new circumstances or information relevant to environmental concerns and that bear on the proposed action or the impacts of the proposed action.''.

(b) CONFORMING AMENDMENT.—The table of contents of chapter 3 is amended by inserting after the item relating to section 304 the following:

''304a. Accelerated decision-making in environmental reviews.''.

SEC. 31104. ENVIRONMENTAL REVIEW ALIGNMENT AND REFORM.

(a) IN GENERAL.—Subchapter I of chapter 3 is amended by inserting after section 309 the following:

''§ 310. Aligning Federal environmental reviews

''(a) COORDINATED AND CONCURRENT ENVIRONMENTAL REVIEWS.—Not later than 1 year after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Department of Transportation, in coordination with the Steering Committee described in section 312 of this title, shall develop a coordinated and concurrent environmental review and permitting process for transportation projects when initiating an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (referred to in this section as 'NEPA'). The coordinated and concurrent environmental review and permitting process shall—
''(1) ensure that the Department of Transportation and Federal agencies of jurisdiction possess sufficient information early in the review process to determine a statement of a transportation project's purpose and need and range of alternatives for analysis that the lead agency and agencies of jurisdiction will rely upon for concurrent environmental reviews and permitting decisions required for the proposed project;
''(2) achieve early concurrence or issue resolution during the NEPA scoping process on the Department of Transportation's statement of a project's purpose and need and during development of the environmental impact statement on the range of alternatives for analysis that the lead agency and agencies of jurisdiction will rely upon for concurrent environmental reviews and permitting decisions required for the proposed project absent circumstances that require reconsideration in order to meet an agency of jurisdiction's legal obligations; and
''(3) achieve concurrence or issue resolution in an expedited manner if circumstances arise that require a reconsideration of the purpose and need or range of alternatives considered during any Federal agency's environmental or permitting review in order to meet an agency of jurisdiction's legal obligations.
''(b) ENVIRONMENTAL CHECKLIST.—The Secretary of Transportation and Federal agencies of jurisdiction likely to have substantive review or approval responsibilities on transportation projects, not later than 90 days after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, shall jointly develop a checklist to help project sponsors identify potential natural, cultural, and historic resources in the area of a proposed project. The purpose of the checklist is—
''(1) to identify agencies of jurisdiction and cooperating agencies,
''(2) to develop the information needed for the purpose and need and alternatives for analysis; and
''(3) to improve interagency collaboration to help expedite the permitting process for the lead agency and Federal agencies of jurisdiction.
''(c) INTERAGENCY COLLABORATION.—Consistent with Federal environmental statutes and the priority reform actions for Federal agency permitting and reviews defined and identified by the Steering Committee established under section 312, the Secretary shall facilitate annual interagency collaboration sessions at the appropriate jurisdictional level to coordinate business plans and facilitate coordination of workload planning and workforce management. This engagement shall ensure agency staff is fully engaged and utilizing the flexibility of existing regulations, policies, and guidance and identifying additional actions to facilitate high quality, efficient, and targeted environmental reviews and permitting decisions. The sessions and the interagency collaborations they generate shall focus on how to work with State and local transportation entities to improve project planning, siting, and application quality and how to consult and coordinate with relevant stakeholders and Federal, tribal, State, and local representatives early in permitting processes.
''(d) PERFORMANCE MEASUREMENT.—Not later than 1 year after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Secretary of Transportation, in coordination with the Steering

Committee established under section 312 of this title, shall establish a program to measure and report on progress towards aligning Federal reviews as outlined in this section.''.

(b) CONFORMING AMENDMENT.—The table of contents of subchapter I of chapter 3 is amended by inserting after the item relating to section 309 the following:

''310. Aligning Federal environmental reviews.''.

SEC. 31105. MULTIMODAL CATEGORICAL EXCLUSIONS.

Section 304 is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''operating authority'' and inserting ''operating administration or secretarial office'';

(ii) by inserting ''has expertise but'' before ''is not the lead''; and

(iii) by inserting ''proposed multimodal'' before ''project'';

(B) by amending paragraph (2) to read as follows:

''(2) LEAD AUTHORITY.—The term 'lead authority' means a Department of Transportation operating administration or secretarial office that has the lead responsibility for a proposed multimodal project.''; and

(C) in paragraph (3), by striking ''has the meaning given the term in section 139(a) of title 23'' and inserting ''means an action by the Department of Transportation that involves expertise of 1 or more Department of Transportation operating administrations or secretarial offices'';

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

(3) in subsection (c)—

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

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

(ii) by striking ''other components of the'' and inserting ''a proposed multimodal'';

(B) by amending paragraphs (1) and (2) to read as follows:

''(1) the lead authority makes a preliminary determination on the applicability of a categorical exclusion to a proposed multimodal project and notifies the cooperating authority of its intent to apply the cooperating authority categorical exclusion;

''(2) the cooperating authority does not object to the lead authority's preliminary determination of its applicability;'';

(C) in paragraph (3)—

(i) by inserting ''the lead authority determines that'' before ''the component of''; and

(ii) by inserting ''proposed multimodal'' before ''project to be covered''; and

(D) by amending paragraph (4) to read as follows:

''(4) the lead authority, with the concurrence of the cooperating authority—

''(A) follows implementing regulations or procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(B) determines that the proposed multimodal project does not individually or cumulatively have a significant impact on the environment; and

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

(4) by amending subsection (d) to read as follows:

''(d) COOPERATING AUTHORITY EXPERTISE.—A cooperating authority shall provide expertise to the lead authority on aspects of the multimodal project in which the cooperating authority has expertise.''.

SEC. 31106. IMPROVING TRANSPARENCY IN ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Subchapter I of chapter 3, as amended by section 31104 of this Act, is further amended by inserting after section 310 the following:

''§311. Improving transparency in environmental reviews

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Secretary of Transportation shall establish an online platform and, in coordination with Federal agencies described in subsection (b), issue reporting standards to make publicly available the status and progress with respect to compliance with applicable requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal approval required under applicable laws for projects and activities requiring an environmental assessment or an environmental impact statement.

''(b) FEDERAL AGENCY PARTICIPATION.—A Federal agency of jurisdiction over an approval required for a project under applicable laws shall provide information regarding the status and progress of the approval to the online platform, consistent with the standards established under subsection (a).

''(c) ASSIGNMENT OF RESPONSIBILITIES.—An entity with assigned authority for responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), under section 326 or section 327 of title 23 shall be responsible for supplying project development and compliance status for all applicable projects.''.

(b) CONFORMING AMENDMENT.—The table of contents of subchapter I of chapter 3, as amended by section 31104 of this Act, is further amended by inserting after the item relating to section 310, the following:

''311. Improving transparency in environmental reviews.''.

SEC. 31107. LOCAL TRANSPORTATION INFRASTRUCTURE PROGRAM.

Section 610 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

''(A) 10 percent of the funds apportioned to the State for each of fiscal years 2016 through 2021 under each of sections 104(b)(1), 104(b)(2), and 144; and'';

(B) in paragraph (2), by striking ''2005 through 2009'' and inserting ''2016 through 2021'';

(C) in paragraph (3), by striking ''2005 through 2009'' and inserting ''2016 through 2021''; and

(D) in paragraph (5), by striking ''section 133(d)(3)'' and inserting ''section 133(d)(4)''; and

(2) in subsection (k), by striking ''2005 through 2009'' and inserting ''2016 through 2021''.

SEC. 31108. AUTHORIZATION OF GRANTS FOR POSITIVE TRAIN CONTROL.

(a) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out this section $199,000,000 for fiscal year 2016 to assist in financing the installation of positive train control systems.

(b) PROGRAMS.—The amounts made available under subsection (a) of this section may be used to assist in financing the installation of positive train control systems through—

(1) grants made under the rail safety technology grants program under section 20158 of title 49, United States Code;

(2) grants made under the consolidated rail infrastructure and safety improvements program under section 24408 of title 49, United States Code; and

(3) funding the cost, including the subsidy cost or cost of credit risk premiums, of direct loans and loan guarantees under sections 502 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.).

(c) ELIGIBLE RECIPIENTS.—The amounts made available under subsection (a) of this section may be used only to assist a recipient of funds under chapter 53 of title 49, United States Code, through the programs described in subsection (b).

(d) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1 percent from the amounts made available under subsection (a) of this section for the costs of project management oversight of grants authorized under that subsection.

(e) SAVINGS CLAUSE.—Nothing in this section may be construed as authorizing the amounts appropriated under subsection (a) to be used for any purpose other than financing the installation of positive train control systems.

(f) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant, contract, direct loan, or loan guarantee that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund under this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

(g) AVAILABILITY OF AMOUNTS.—Notwithstanding subsection (h), amounts made available under this section shall remain available until expended.

(h) SUNSET.—The Secretary of Transportation shall provide the grants, direct loans, and loan guarantees under subsection (b) by September 30, 2017.

Subtitle B—Research

SEC. 31201. FINDINGS.

Congress makes the followings findings:

(1) Federal transportation research planning and coordination—

(A) should occur within the Office of the Secretary; and

(B) should be, to the extent practicable, multimodal and not occur solely within the subagencies of the Department of Transportation.

(2) Managing a multi-modal research portfolio within the Office of the Secretary will—

(A) help identify opportunities where research could be applied across modes; and

(B) prevent duplication of efforts and waste of limited Federal resources.

(3) An ombudsman for research at the Department of Transportation will—

(A) give stakeholders a formal opportunity to address concerns;

(B) ensure unbiased research; and

(C) improve the overall research products of the Department.

(4) Increasing transparency of transportation research efforts will—

(A) build stakeholder confidence in the final product; and

(B) lead to the improved implementation of research findings.

SEC. 31202. MODAL RESEARCH PLANS.

(a) IN GENERAL.—Not later than June 15 of the year preceding the research fiscal year, the head of each modal administration and joint program office of the Department of Transportation shall submit a comprehensive annual modal research plan to the Assistant Secretary for Research and Technology of the Department of Transportation (referred to in this subtitle as the ''Assistant Secretary'').

(b) REVIEW.—

(1) IN GENERAL.—Not later than October 1 of each year, the Assistant Secretary, for each plan submitted pursuant to subsection (a), shall—

(A) review the scope of the research; and

(B)(i) approve the plan; or

(ii) request that the plan be revised.

(2) PUBLICATIONS.—Not later than January 30 of each year, the Secretary shall publish each plan that has been approved under paragraph (1)(B)(i) on a public website.

(3) REJECTION OF DUPLICATIVE RESEARCH EFFORTS.—The Assistant Secretary may not approve any plan submitted by the head of a modal administration or joint program office pursuant to subsection (a) if such plan duplicates the research efforts of any other modal administration.

(c) FUNDING LIMITATIONS.—No funds may be expended by the Department of Transportation on research that has not previously been approved as part of a modal research plan approved by the Assistant Secretary unless—

(1) such research is required by an Act of Congress;

(2) such research was part of a contract that was funded before the date of enactment of this Act; or

(3) the Secretary of Transportation certifies to Congress that such research is necessary before the approval of a modal research plan.

(d) DUPLICATIVE RESEARCH.—

(1) IN GENERAL.—Except as provided in paragraph (2), no funds may be expended by the Department of Transportation on research projects that the Secretary identifies as duplicative under subsection (b)(3).

(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

(A) updates to previously commissioned research;

(B) research commissioned to carry out an Act of Congress; or

(C) research commissioned before the date of enactment of this Act.

(e) CERTIFICATION.—

(1) IN GENERAL.—The Secretary shall annually certify to Congress that—

(A) each modal research plan has been reviewed; and

(B) there is no duplication of study for research directed, commissioned, or conducted by the Department of Transportation.

(2) CORRECTIVE ACTION PLAN.—If the Secretary, after submitting a certification under paragraph (1), identifies duplication of research within the Department of Transportation, the Secretary shall—

(A) notify Congress of the duplicative research; and

(B) submit a corrective action plan to Congress that will eliminate such duplicative research.

SEC. 31203. CONSOLIDATED RESEARCH PROSPECTUS AND STRATEGIC PLAN.

(a) PROSPECTUS.—

(1) IN GENERAL.—The Secretary shall annually publish, on a public website, a comprehensive prospectus on all research projects conducted by the Department of Transportation, including, to the extent practicable, research funded through University Transportation Centers.

(2) CONTENTS.—The prospectus published under paragraph (1) shall—

(A) include the consolidated modal research plans approved under section 1302;

(B) describe the research objectives, progress, and allocated funds for each research project;

(C) identify research projects with multimodal applications;

(D) specify how relevant modal administrations have assisted, will contribute to, or plan to use the findings from the research projects identified under paragraph (1);

(E) identify areas in which multiple modal administrations are conducting research projects on similar subjects or subjects which have bearing on multiple modes;

(F) describe the interagency and cross modal communication and coordination that has occurred to prevent duplication of research efforts within the Department of Transportation;

(G) indicate how research is being disseminated to improve the efficiency and safety of transportation systems;

(H) describe how agencies developed their research plans; and

(I) describe the opportunities for public and stakeholder input.

(b) FUNDING REPORT.—In conjunction with each of the President's annual budget requests under section 1105 of title 31, United States Code, the Secretary shall submit a report to appropriate committees of Congress that describes—

(1) the amount spent in the last completed fiscal year on transportation research and development; and

(2) the amount proposed in the current budget for transportation research and development.

(c) PERFORMANCE PLANS AND REPORTS.—In the plans and reports submitted under sections 1115 and 1116 of title 31, United States Code, the Secretary shall include—

(1) a summary of the Federal transportation research and development activities for the previous fiscal year in each topic area;

(2) the amount spent in each topic area;

(3) a description of the extent to which the research and development is meeting the expectations set forth in subsection (d)(3)(A); and

(4) any amendments to the strategic plan developed under subsection (d).

(d) TRANSPORTATION RESEARCH AND DEVELOPMENT STRATEGIC PLAN.—

(1) IN GENERAL.—The Secretary shall develop a 5-year transportation research and development strategic plan to guide future Federal transportation research and development activities.

(2) CONSISTENCY.—The strategic plan developed under paragraph (1) shall be consistent with—

(A) section 306 of title 5, United States Code;

(B) sections 1115 and 1116 of title 31, United States Code; and

(C) any other research and development plan within the Department of Transportation.

(3) CONTENTS.—The strategic plan developed under paragraph (1) shall—

(A) describe the primary purposes of the transportation research and development program, which shall include—

(i) promoting safety;

(ii) reducing congestion;

(iii) improving mobility;

(iv) preserving the existing transportation system;

(v) improving the durability and extending the life of transportation infrastructure; and

(vi) improving goods movement;

(B) for each of the purposes referred to in subparagraph (A), list the primary research and development topics that the Department of Transportation intends to pursue to accomplish that purpose, which may include—

(i) fundamental research in the physical and natural sciences;

(ii) applied research;

(iii) technology research; and

(iv) social science research intended for each topic; and

(C) for each research and development topic—

(i) identify the anticipated annual funding levels for the period covered by the strategic plan; and

(ii) include any additional information the Department of Transportation expects to discover at the end of the period covered by the strategic plan as a result of the research and development in that topic area.

(4) CONSIDERATIONS.—The Secretary shall ensure that the strategic plan developed under this section—

(A) reflects input from a wide range of stakeholders;

(B) includes and integrates the research and development programs of all the Department of Transportation's modal administrations, including aviation, transit, rail, and maritime; and

(C) takes into account how research and development by other Federal, State, private sector, and nonprofit institutions—

(i) contributes to the achievement of the purposes identified under paragraph (3)(A); and

(ii) avoids unnecessary duplication of such efforts.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER 5 OF TITLE 23.—Chapter 5 of title 23, United States Code, is amended—

(A) by striking section 508;

(B) in the table of contents, by striking the item relating to section 508;

(C) in section 502—

(i) in subsection (a)(9), by striking ''transportation research and technology development strategic plan developed under section 508'' and inserting ''transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015''; and

(ii) in subsection (b)(4), by striking ''transportation research and development strategic plan of the Secretary developed under section 508'' and inserting ''transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015''; and

(D) in section 512(b), by striking ''as part of the transportation research and development strategic plan developed under section 508''.

(2) INTELLIGENT TRANSPORTATION SYSTEMS.—Section 5205 of the Intelligent Transportation Systems Act of 1998 (23 U.S.C. 502 note) is amended—

(A) in subsection (b), by striking ''as part of the Surface Transportation Research and Development Strategic Plan developed under section 508 of title 23, United States Code'' and inserting ''as part of the transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015''; and

(B) in subsection (e)(2)(A), by striking ''or the Surface Transportation Research and Development Strategic Plan developed under section 508 of title 23, United States Code'' and inserting ''or the transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015''.

(3) INTELLIGENT TRANSPORTATION SYSTEM RESEARCH.—Subtitle C of title V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 512 note) is amended—

(A) in section 5305(h)(3)(A), by striking ''the strategic plan under section 508 of title 23, United States Code'' and inserting ''the 5-year transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015''; and

(B) in section 5307(c)(2)(A), by striking ''or the surface transportation research and development strategic plan developed under section 508 of title 23, United States Code'' and inserting ''or the 5-year transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015''.

SEC. 31204. RESEARCH OMBUDSMAN.

(a) IN GENERAL.—Subtitle III is amended by inserting after chapter 63 the following:

''CHAPTER 65—RESEARCH OMBUDSMAN

''Sec.
''6501. Research ombudsman.

''§ 6501. Research ombudsman

''(a) ESTABLISHMENT.—The Assistant Secretary for Research and Technology shall appoint a career Federal employee to serve as Research Ombudsman. This appointment shall not diminish the authority of peer review of research.

''(b) QUALIFICATIONS.—The Research Ombudsman appointed under subsection (a), to the extent practicable—

''(1) shall have a background in academic research and a strong understanding of sound study design;

''(2) shall develop a working knowledge of the stakeholder communities and research needs of the transportation field; and

''(3) shall not have served as a political appointee of the Department.

''(c) RESPONSIBILITIES.—

''(1) ADDRESSING COMPLAINTS AND QUESTIONS.—The Research Ombudsman shall—

''(A) receive complaints and questions about—

''(i) significant alleged omissions, improprieties, and systemic problems; and

''(ii) excessive delays of, or within, a specific research project; and

''(B) evaluate and address the complaints and questions described in subparagraph (A).

''(2) PETITIONS.—

''(A) REVIEW.—The Research Ombudsman shall review petitions relating to—

''(i) conflicts of interest;

''(ii) the study design and methodology;

''(iii) assumptions and potential bias;

''(iv) the length of the study; and

''(v) the composition of any data sampled.

''(B) RESPONSE TO PETITIONS.—The Research Ombudsman shall—

''(i) respond to relevant petitions within a reasonable period;

''(ii) identify deficiencies in the petition's study design; and

''(iii) propose a remedy for such deficiencies to the administrator of the modal administration responsible for completing the research project.

''(C) RESPONSE TO PROPOSED REMEDY.—The administrator of the modal administration charged with completing the research project shall respond to the proposed research remedy.

''(3) REQUIRED REVIEWS.—The Research Ombudsman shall evaluate the study plan for all statutorily required studies and reports before the commencement of such studies to ensure that the research plan has an appropriate sample size and composition to address the stated purpose of the study.

''(d) REPORTS.—

''(1) IN GENERAL.—Upon the completion of each review under subsection (c), the Research Ombudsman shall—

''(A) submit a report containing the results of such review to—

''(i) the Secretary;

''(ii) the head of the relevant modal administration; and

''(iii) the study or research leader; and

''(B) publish such results on a public website, with the modal administration response required under subsection (c)(2)(C).

''(2) INDEPENDENCE.—Each report required under this section shall be provided directly to the individuals described in paragraph (1) without any comment or amendment from the Secretary, the Deputy Secretary of Transportation, the head of any modal administration of the Department, or any other officer or employee of the Department or the Office of Management and Budget.

''(e) REPORT TO INSPECTOR GENERAL.—The Research Ombudsman shall submit any evidence of misfeasance, malfeasance, waste, fraud, or abuse uncovered during a review under this section to the Inspector General for further review.

''(f) REMOVAL.—The Research Ombudsman shall be subject to adverse employment action for misconduct or good cause in accordance with the procedures and grounds set forth in chapter 75 of title 5.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for subtitle III is amended by inserting after the item relating to chapter 63 the following:

''65. Research ombudsman ..... 6501''.

SEC. 31205. SMART CITIES TRANSPORTATION PLANNING STUDY.

(a) IN GENERAL.—The Secretary shall conduct a study of digital technologies and information technologies, including shared mobility, data, transportation network companies, and on-demand transportation services—

(1) to understand the degree to which cities are adopting these technologies;

(2) to assess future planning, infrastructure and investment needs; and

(3) to provide best practices to plan for smart cities in which information and technology are used—

(A) to improve city operations;

(B) to grow the local economy;

(C) to improve response in times of emergencies and natural disasters; and

(D) to improve the lives of city residents.

(b) COMPONENTS.—The study conducted under subsection (a) shall—

(1) identify broad issues that influence the ability of the United States to plan for and invest in smart cities, including barriers to collaboration and access to scientific information; and

(2) review how the expanded use of digital technologies, mobile devices, and information may—

(A) enhance the efficiency and effectiveness of existing transportation networks;

(B) optimize demand management services;

(C) impact low-income and other disadvantaged communities;

(D) assess opportunities to share, collect, and use data;

(E) change current planning and investment strategies; and

(F) provide opportunities for enhanced coordination and planning.

(c) REPORTING.—Not later than 18 months after the date of enactment of this Act, the Secretary shall publish the report containing the results of the study required under subsection (a) to a public website.

SEC. 31206. BUREAU OF TRANSPORTATION STATISTICS INDEPENDENCE.

Section 6302 is amended by adding at the end the following:

''(d) INDEPENDENCE OF BUREAU.—

''(1) IN GENERAL.—The Director shall not be required—

''(A) to obtain the approval of any other officer or employee of the Department with respect to the collection or analysis of any information; or

''(B) prior to publication, to obtain the approval of any other officer or employee of the United States Government with respect to the substance of any statistical technical reports or press releases lawfully prepared by the Director.

''(2) BUDGET AUTHORITY.—The Director shall have a significant role in the disposition and allocation of the Bureau's authorized budget, including—

''(A) all hiring, grants, cooperative agreements, and contracts awarded by the Bureau to carry out this section; and

''(B) the disposition and allocation of amounts paid to the Bureau for cost-reimbursable projects.

''(3) EXCEPTIONS.—The Secretary shall direct external support functions, such as the coordination of activities involving multiple modal administrations.

''(4) INFORMATION TECHNOLOGY.—The Department Chief Information Officer shall consult with the Director to ensure decisions related to information technology guarantee the protection of the confidentiality of information provided solely for statistical purposes, in accordance with the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note).''.

SEC. 31207. CONFORMING AMENDMENTS.

(a) TITLE 49 AMENDMENTS.—

(1) ASSISTANT SECRETARIES; GENERAL COUNSEL.—Section 102(e) is amended—

(A) in paragraph (1), by striking ''5'' and inserting ''6''; and

(B) in paragraph (1)(A), by inserting ''an Assistant Secretary for Research and Technology,'' before ''and an Assistant Secretary''.

(2) OFFICE OF THE ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY OF THE DEPARTMENT OF TRANSPORTATION.—Section 112 is repealed.

(3) TABLE OF CONTENTS.—The table of contents of chapter 1 is amended by striking the item relating to section 112.

(4) RESEARCH CONTRACTS.—Section 330 is amended—

(A) in the section heading, by striking ''***contracts***'' and inserting ''***activities***'';

(B) in subsection (a), by inserting ''IN GENERAL.—'' before ''The Secretary'';

(C) in subsection (b), by inserting ''RESPONSIBILITIES.—'' before ''In carrying out'';

(D) in subsection (c), by inserting ''PUBLICATIONS.—'' before ''The Secretary''; and

(E) by adding at the end the following:

''(d) DUTIES.—The Secretary shall provide for the following:

''(1) Coordination, facilitation, and review of the Department's research and development programs and activities.

''(2) Advancement, and research and development, of innovative technologies, including intelligent transportation systems.

''(3) Comprehensive transportation statistics research, analysis, and reporting.

''(4) Education and training in transportation and transportation-related fields.

''(5) Activities of the Volpe National Transportation Systems Center.

''(e) ADDITIONAL AUTHORITIES.—The Secretary may—

''(1) enter into grants and cooperative agreements with Federal agencies, State and local government agencies, other public entities, private organizations, and other persons—

''(A) to conduct research into transportation service and infrastructure assurance; and

''(B) to carry out other research activities of the Department;

''(2) carry out, on a cost-shared basis, collaborative research and development to encourage innovative solutions to multimodal transportation problems and stimulate the deployment of new technology with—

''(A) non-Federal entities, including State and local governments, foreign governments, institutions of higher education, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State;

''(B) Federal laboratories; and

''(C) other Federal agencies; and

''(3) directly initiate contracts, grants, cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)), and other agreements to fund, and accept funds from, the Transportation Research Board of the National Research Council of the National Academy of Sciences, State departments of transportation, cities, counties, institutions of higher education, associations, and the agents of those entities to carry out joint transportation research and technology efforts.

''(f) FEDERAL SHARE.—

''(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of an activity carried out under subsection (e)(3) shall not exceed 50 percent.

''(2) EXCEPTION.—If the Secretary determines that the activity is of substantial public interest or benefit, the Secretary may approve a greater Federal share.

''(3) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, facility, and hardware development costs, shall be credited toward the non-Federal share of the cost of an activity described in paragraph (1).

''(g) PROGRAM EVALUATION AND OVERSIGHT.—For fiscal years 2016 through 2021, the Secretary is authorized to expend not more than 1 and a half percent of the amounts authorized to be appropriated for necessary expenses for administration and operations of the Office of the Assistant Secretary for Research and Technology for the coordination, evaluation, and oversight of the programs administered under this section.

''(h) USE OF TECHNOLOGY.—The research, development, or use of a technology under a contract, grant, cooperative research and development agreement, or other agreement entered into

under this section, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

''(i) WAIVER OF ADVERTISING REQUIREMENTS.—Section 6101 of title 41 shall not apply to a contract, grant, or other agreement entered into under this section.''.

(5) TABLE OF CONTENTS.—The item relating to section 330 in the table of contents of chapter 3 is amended by striking ''Contracts'' and inserting ''Activities''.

(6) BUREAU OF TRANSPORTATION STATISTICS.—Section 6302(a) is amended to read as follows:

''(a) IN GENERAL.—There shall be within the Department the Bureau of Transportation Statistics.''.

(b) TITLE 5 AMENDMENTS.—

(1) POSITIONS AT LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking ''Under Secretary of Transportation for Security.''.

(2) POSITIONS AT LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking ''Administrator, Research and Innovative Technology Administration.''.

(3) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking ''(4)'' in the undesignated item relating to Assistant Secretaries of Transportation and inserting ''(5)''.

(4) POSITIONS AT LEVEL V.—Section 5316 is amended by striking ''Associate Deputy Secretary, Department of Transportation.''.

SEC. 31208. REPEAL OF OBSOLETE OFFICE.

(a) IN GENERAL.—Section 5503 is repealed.

(b) TABLE OF CONTENTS.—The table of contents of chapter 55 is amended by striking the item relating to section 5503.

Subtitle C—Port Performance Act

SEC. 31301. SHORT TITLE.

This subtitle may be cited as the ''Port Performance Act''.

SEC. 31302. FINDINGS.

Congress finds the following:

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

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

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

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

(A) to identify freight bottlenecks;

(B) to indicate performance and trends over time; and

(C) to inform investment decisions.

SEC. 31303. PORT PERFORMANCE FREIGHT STATISTICS PROGRAM.

(a) IN GENERAL.—Chapter 63 is amended by adding at the end the following:

''§ 6314. Port performance freight statistics program

''(a) IN GENERAL.—The Director shall establish, on behalf of the Secretary, a port performance statistics program to provide nationally consistent measures of performance of, at a minimum—

''(1) the Nation's top 25 ports by tonnage;

''(2) the Nation's top 25 ports by 20-foot equivalent unit; and

''(3) the Nation's top 25 ports by dry bulk.

''(b) ANNUAL REPORTS.—

''(1) PORT CAPACITY AND THROUGHPUT.—Not later than January 15 of each year, the Director shall submit an annual report to Congress that includes statistics on capacity and throughput at the ports described in subsection (a).

''(2) PORT PERFORMANCE MEASURES.—The Director shall collect monthly port performance measures for each of the United States ports referred to in subsection (a) that receives Federal assistance or is subject to Federal regulation to submit an annual report to the Bureau of Transportation Statistics that includes monthly statistics on capacity and throughput as applicable to the specific configuration of the port.

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

''(i) the average number of lifts per hour of containers by crane;

''(ii) the average vessel turn time by vessel type;

''(iii) the average cargo or container dwell time;

''(iv) the average truck time at ports;

''(v) the average rail time at ports; and

''(vi) any additional metrics, as determined by the Director after receiving recommendations from the working group established under subsection (c).

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

''(c) RECOMMENDATIONS.—

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

''(A) specifications and data measurements for the port performance measures listed in subsection (b)(2);

''(B) additionally needed data elements for measuring port performance; and

''(C) a process for the Department of Transportation to collect timely and consistent data, including identifying safeguards to protect proprietary information described in subsection (b)(2).

''(2) WORKING GROUP.—Not later than 60 days after the date of the enactment of the Port Performance Act, the Director shall commission a working group composed of—

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

''(B) the Coast Guard;

''(C) the Federal Maritime Commission;

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

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

''(F) the Army Corps of Engineers;

''(G) the Saint Lawrence Seaway Development Corporation;

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

''(I) 1 representative from the rail industry;

''(J) 1 representative from the trucking industry;

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

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

''(M) 1 representative from a port authority;

''(N) 1 representative from a terminal operator;

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

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

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

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

(b) PROHIBITION ON CERTAIN DISCLOSURES.—Section 6307(b)(1) is amended by inserting ''or section 6314(b)'' after ''section 6302(b)(3)(B)'' each place it appears.

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

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

''6314. Port performance freight statistics program.''.

TITLE XXXII—COMMERCIAL MOTOR VEHICLE AND DRIVER PROGRAMS

Subtitle A—Compliance, Safety, and Accountability Reform

SEC. 32001. CORRELATION STUDY.

(a) IN GENERAL.—The Administrator of the Federal Motor Carrier Safety Administration (referred to in this subtitle as the ''Administrator'') shall commission the National Research Council of the National Academies to conduct a study of—

(1) the Safety Measurement System (referred to in this subtitle as ''SMS''); and

(2) the Compliance, Safety, Accountability program (referred to in this subtitle as the ''CSA program'').

(b) SCOPE OF STUDY.—In carrying out the study commissioned pursuant to subsection (a), the National Research Council—

(1) shall analyze—

(A) the accuracy with which the Behavior Analysis and Safety Improvement Categories (referred to in this subtitle as ''BASIC'') safety measures used by SMS—

(i) identify high risk drivers and carriers; and

(ii) predict or be correlated with future crash risk, crash severity, or other safety indicators for individual drivers, motor carriers, and the highest risk carriers;

(B) the methodology used to calculate BASIC percentiles and identify carriers for enforcement, including the weights assigned to particular violations, and the tie between crash risk and specific regulatory violations, in order to accurately identify and predict future crash risk for motor carriers;

(C) the relative value of inspection information and roadside enforcement data;

(D) any data collection gaps or data sufficiency problems that may exist and the impact of those data gaps and insufficiencies on the efficacy of the CSA program; and

(E) the accuracy of data processing; and

(2) should consider—

(A) whether the current SMS provides comparable precision and confidence for SMS alerts and percentiles for the relative crash risk of individual large and small motor carriers;

(B) whether alternative systems would identify high risk carriers or identify high risk drivers and motor carriers more accurately; and

(C) the recommendations and findings of the Comptroller General of the United States and the Inspector General, and independent review team reports issued before the date of the enactment of this Act.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit a report containing the results of the completed study to—

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

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

(3) the Inspector General of the Department of Transportation; and

(4) the Comptroller General of the United States.

(d) CORRECTIVE ACTION PLAN.—

(1) IN GENERAL.—Not later than 120 days after the Administrator submits a report under subsection (c) that identifies a deficiency or opportunity for improvement in the CSA program or in any element of SMS, the Administrator shall submit a corrective action plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

(A) responds to the concerns highlighted by the report;

(B) identifies how the Federal Motor Carrier Safety Administration will address such concerns; and

(C) provides an estimate of the cost, including changes in staffing, enforcement, and data collection necessary to implement the recommendations.

(2) PROGRAM REFORMS.—The corrective action plan submitted under paragraph (1) shall include an implementation plan that—

(A) includes benchmarks;

(B) includes programmatic reforms, revisions to regulations, or proposals for legislation; and

(C) shall be considered in any rulemaking by the Department of Transportation that relates to the CSA program, including the SMS data sets or analysis.

(e) INSPECTOR GENERAL REVIEW.—Not later than 120 days after the Administrator issues a corrective action plan under subsection (d), the Inspector General of the Department of Transportation shall—

(1) review the extent to which such plan implements—

(A) recommendations contained in the report submitted under subsection (c); and

(B) recommendations issued by the Comptroller General or the Inspector General before the date of enactment of this Act; and

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the responsiveness of the corrective action plan to the recommendations described in paragraph (1).

(f) FISCAL LIMITATION.—The Administrator shall carry out the study required under this section using amounts appropriated to the Federal Motor Carrier Safety Administration and available for obligation and expenditure as of the date of the enactment of this Act.

SEC. 32002. SAFETY IMPROVEMENT METRICS.

(a) IN GENERAL.—The Administrator shall incorporate a methodology into the CSA program or establish a third-party process to allow recognition, including credit, improved score, or by establishing a safety BASIC in SMS for safety technology, tools, programs, and systems approved by the Administrator through the qualification process developed under subsection (b) that exceed regulatory requirements or are used to enhance safety performance, including—

(1) the installation of qualifying advanced safety equipment, such as—

(A) collision mitigation systems;

(B) lane departure warnings;

(C) speed limiters;

(D) electronic logging devices;

(E) electronic stability control;

(F) critical event recorders; and

(G) strengthening rear guards and sideguards for underride protection;

(2) the use of enhanced driver fitness measures that exceed current regulatory requirements, such as—

(A) additional new driver training;

(B) enhanced and ongoing driver training; and

(C) remedial driver training to address specific deficiencies as identified in roadside inspection or enforcement reports;

(3) the adoption of qualifying administrative fleet safety management tools technologies, driver performance and behavior management technologies, and programs; and

(4) technologies and measures identified through the process described in subsection (c).

(b) QUALIFICATION.—The Administrator, through a notice and comment process, shall develop technical or other performance standards for technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems used by motor carriers that will qualify for credit under this section.

(c) ADDITIONAL REQUIREMENTS.—In modifying the CSA program under subsection (a), the Administrator, through notice and comment, shall develop a process for identifying and reviewing other technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems used by motor carriers to improve safety performance that—

(1) provides for a petition for reviewing technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems;

(2) seeks input and participation from industry stakeholders, including drivers, technology manufacturers, vehicle manufacturers, motor carriers, enforcement communities, and safety advocates, and the Motor Carrier Safety Advisory Committee; and

(3) includes technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems with a date certain for future statutory or regulatory implementation.

(d) SAFETY IMPROVEMENT METRICS USE AND VERIFICATION.—The Administrator, through notice and comment process, shall develop a process for—

(1) providing recognition or credit within a motor carrier's SMS score for the installation and use of measures in paragraphs (1) through (4) of subsection (a);

(2) ensuring that the safety improvement metrics developed under this section are presented with other SMS data;

(3) verifying the installation or use of such technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems;

(4) modifying or removing recognition or credit upon verification of noncompliance with this section;

(5) ensuring that the credits or recognition referred to in paragraph (1) reflect the safety improvement anticipated as a result of the installation or use of the specific technology, advanced safety equipment, enhanced driver fitness measure, tool, program, or system;

(6) verifying the deployment and use of qualifying equipment or management systems by a motor carrier through a certification from the vehicle manufacturer, the system or service provider, the insurance carrier, or through documents submitted by the motor carrier to the Department of Transportation;

(7) annually reviewing the list of qualifying safety technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems; and

(8) removing systems mandated by law or regulation, or if such systems demonstrate a lack of efficacy, from the list of qualifying technologies, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems eligible for credit under the CSA program.

(e) DISSEMINATION OF INFORMATION.—The Administrator shall maintain a public website that contains information regarding—

(1) the technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems eligible for credit and improved scores;

(2) any petitions for study of the technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems; and

(3) statistics and information relating to the use of such technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems.

(f) PUBLIC REPORT.—Not later than 1 year after the establishment of the Safety Improvement Metrics System (referred to in this section as ''SIMS'') under this section, and annually thereafter, the Administrator shall publish, on a public website, a report that identifies—

(1) the types of technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems that are eligible for credit;

(2) the number of instances in which each technology, advanced safety equipment, enhanced driver fitness measure, tool, program, or system is used;

(3) the number of motor carriers, and a description of the carrier's fleet size, that received recognition or credit under the modified CSA program; and

(4) the pre- and post-adoption safety performance of the motor carriers described in paragraph (3).

(g) IMPLEMENTATION AND OVERSIGHT RESPONSIBILITY.—The Administrator shall ensure that the activities described in subsections (a) through (f) of this section are not required under section 31102 of title 49, United States Code, as amended by this Act.

(h) EVALUATION.—

(1) IN GENERAL.—Not later than 2 years after the implementation of SIMS under this section, the Administrator shall conduct an evaluation of the effectiveness of SIMS by reviewing the impacts of SIMS on—

(A) law enforcement, commercial drivers and motor carriers, and motor carrier safety; and

(B) safety and adoption of new technologies.

(2) REPORT.—Not later than 30 months after the implementation of the program, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(A) the results of the evaluation conducted under paragraph (1); and

(B) the actions the Federal Motor Carrier Safety Administration plans to take to modify the demonstration program based on such results.

(i) USE OF ESTIMATES OF SAFETY EFFECTS.—In conducting regulatory impact analyses for rulemakings relating to the technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems selected for credit under the CSA program, the Administrator, to the extent practicable, shall use the data gathered under this section and appropriate statistical methodology, including sufficient sample sizes, composition, and appropriate comparison groups, including representative motor carriers of all sizes, to estimate the effects on safety performance and reduction in the number and severity of accidents with qualifying technology, advanced safety equipment, tools, programs, and systems.

(j) SAVINGS PROVISION.—Nothing in this section may be construed to provide the Administrator with additional authority to change the requirements for the operation of a commercial motor vehicle.

SEC. 32003. DATA CERTIFICATION.

(a) LIMITATION.—Beginning not later than 1 day after the date of enactment of this Act, none of the analysis of violation information, enforcement prioritization, not-at-fault crashes, alerts, or the relative percentile for each Behavioral Analysis and Safety Improvement Category developed through the CSA program may be made available to the general public, but violation and inspection information submitted by the States may be presented, until the Inspector General of the Department of Transportation certifies that—

(1) any deficiencies identified in the correlation study required under section 32001 have been addressed;

(2) the corrective action plan has been implemented and the concerns raised by the correlation study under section 32001 have been addressed;

(3) the Administrator has fully implemented or satisfactorily addressed the issues raised in the February 2014 GAO report entitled ''Modifying the Compliance, Safety, Accountability Program Would Improve the Ability to Identify High Risk Carriers'' (GAO–14–114), which called into question the accuracy and completeness of safety performance calculations;

(4) the study required under section 32001 has been published on a public website; and

(5) the CSA program has been modified in accordance with section 32002.

(b) LIMITATION ON USE OF CSA ANALYSIS.—The enforcement prioritization, alerts, or the relative percentile for each Behavioral Analysis and Safety Improvement Category developed through the CSA program within the SMS system may not be used for safety fitness determinations until the requirements under subsection (a) have been satisfied.

(c) CONTINUED PUBLIC AVAILABILITY OF DATA.—Inspection and violation information submitted to the Federal Motor Carrier Safety Administration by commercial motor vehicle inspectors and qualified law enforcement officials shall remain available for public viewing.

(d) EXCEPTIONS.—

(1) IN GENERAL.—Notwithstanding the limitations set forth in subsections (a) and (b)—

(A) the Federal Motor Carrier Safety Administration and State and local commercial motor vehicle enforcement agencies may only use the information referred to in subsection (a) for purposes of investigation and enforcement prioritization;

(B) motor carriers and commercial motor vehicle drivers may access information referred to in subsection (a) that relates directly to the motor carrier or driver, respectively; and

(C) the data analysis of motorcoach operators may be provided online, with a notation indicating that the ratings or alerts listed are not intended to imply any Federal safety rating of the carrier.

(2) NOTATION.—The notation described under paragraph (1)(C) shall include: ''Readers should not draw conclusions about a carrier's overall safety condition simply based on the data displayed in this system. Unless a motor carrier has received an UNSATISFACTORY safety rating under part 385 of title 49, Code of Federal Regulations, or has otherwise been ordered to discontinue operations by the Federal Motor Carrier Safety Administration, it is authorized to operate on the Nation's roadways.''.

(3) LIMITATION.—Nothing in subparagraphs (A) and (B) of paragraph (1) may be construed to restrict the official use by State enforcement agencies of the data collected by State enforcement personnel.

(e) CERTIFICATION.—The certification process described in subsection (a) shall occur concurrently with the implementation of SIMS under section 32002.

(f) COMPLETION.—The Secretary shall modify the CSA program in accordance with section 32002 not later than 1 year after the date of completion of the report described in section 32001(c).

SEC. 32004. DATA IMPROVEMENT.

(a) FUNCTIONAL SPECIFICATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop functional specifications to ensure the consistent and accurate input of data into systems and databases relating to the CSA program.

(b) FUNCTIONALITY.—The specifications developed pursuant to subsection (a)—

(1) shall provide for the hardcoding and smart logic functionality for roadside inspection data collection systems and databases; and

(2) shall be made available to public and private sector developers.

(c) EFFECTIVE DATA MANAGEMENT.—The Administrator shall ensure that internal systems and databases accept and effectively manage data using uniform standards.

(d) CONSULTATION WITH THE STATES.—Before implementing the functional specifications described in subsection (a) or the standards described in subsection (c), the Administrator shall seek input from the State agencies responsible for enforcing section 31102 of title 49, United States Code.

SEC. 32005. ACCIDENT REPORT INFORMATION.

(a) REVIEW.—The Administrator shall initiate a demonstration program that allows motor carriers and drivers to request a review of crashes, and the removal of crash data for use in the Federal Motor Carrier Safety Administration's safety measurement system of crashes, and removal from any weighting, or carrier safety analysis, if the commercial motor vehicle was operated legally and another motorist in connection with the crash is found—

(1) to have been driving under the influence;

(2) to have been driving the wrong direction on a roadway;

(3) to have struck the commercial motor vehicle in the rear;

(4) to have struck the commercial motor vehicle which was legally stopped;

(5) by the investigating officer or agency to have been responsible for the crash; or

(6) to have committed other violations determined by the Administrator.

(b) DOCUMENTS.—As part of a request for review under subsection (a), the motor carrier or driver shall submit a copy of available police reports, crash investigations, judicial actions, insurance claim information, and any related court actions submitted by each party involved in the accident.

(c) SOLICITATION OF OTHER INFORMATION.—Following a notice and comment period, the Administrator may solicit other types of information to be collected under subsection (b) to facilitate appropriate reviews under this section.

(d) EVALUATION.—The Federal Motor Carrier Safety Administration shall review the information submitted under subsections (b) and (c).

(e) RESULTS.—Subject to subsection (h)(2), the results of the review under subsection (a)—

(1) shall be used to recalculate the motor carrier's crash BASIC percentile;

(2) if the carrier is determined not to be responsible for the crash incident, such information, shall be reflected on the website of the Federal Motor Carrier Safety Administration; and

(3) shall not be admitted as evidence or otherwise used in a civil action.

(f) FEE SYSTEM.—

(1) ESTABLISHMENT.—The Administrator may establish a fee system, in accordance with section 9701 of title 31, United States Code, in which a motor carrier is charged a fee for each review of a crash requested by such motor carrier under this section.

(2) DISPOSITION OF FEES.—Fees collected under this section—

(A) may be credited to the Department of Transportation appropriations account for purpose of carrying out this section; and

(B) shall be used to fully fund the operation of the review program authorized under this section.

(g) REVIEW AND REPORT.—Not earlier than 2 years after the establishment of the demonstration program under this section, the Administrator shall—

(1) conduct a review of the internal crash review program to determine if other crash types should be included; and

(2) submit a report to Congress that describes—

(A) the number of crashes reviewed;

(B) the number of crashes for which the commercial motor vehicle operator was determined not to be at fault; and

(C) relevant information relating to the program, including the cost to operate the program and the fee structure established.

(h) IMPLEMENTATION AND OVERSIGHT RESPONSIBILITY.—

(1) IN GENERAL.—The Administrator shall ensure that the activities described in subsections (a) through (d) of this section are not required under section 31102 of title 49, United States Code, as amended by this Act.

(2) REVIEWS INVOLVING FATALITIES.—If a review under subsection (a) involves a fatality, the Inspector General of the Department of Transportation shall audit and certify the review prior to making any changes under subsection (e).

SEC. 32006. POST-ACCIDENT REPORT REVIEW.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall convene a working group—

(1) to review the data elements of post-accident reports, for tow-away accidents involving commercial motor vehicles, that are reported to the Federal Government; and

(2) to report to the Secretary its findings and any recommendations, including best practices for State post-accident reports to achieve the data elements described in subsection (c).

(b) COMPOSITION.—Not less than 51 percent of the working group should be composed of individuals representing the States or State law enforcement officials. The remaining members of the working group shall represent industry, labor, safety advocates, and other interested parties.

(c) CONSIDERATIONS.—The working group shall consider requiring additional data elements, including—

(1) the primary cause of the accident, if the primary cause can be determined;

(2) the physical characteristics of the commercial motor vehicle and any other vehicle involved in the accident, including—

(A) the vehicle configuration;

(B) the gross vehicle weight if the weight can be readily determined;

(C) the number of axles; and

(D) the distance between axles, if the distance can be readily determined; and

(3) any data elements that could contribute to the appropriate consideration of requests under section 32005.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) review the findings of the working group;

(2) identify the best practices for State post-accident reports that are reported to the Federal Government, including identifying the data elements that should be collected following a tow-away commercial motor vehicle accident; and

(3) recommend to the States the adoption of new data elements to be collected following reportable commercial motor vehicle accidents.

SEC. 32007. RECOGNIZING EXCELLENCE IN SAFETY.

(a) IN GENERAL.—The Administrator shall establish a program to publicly recognize motor carriers and drivers whose safety records and programs exceed compliance with the Federal Motor Carrier Safety Administration's safety regulations and demonstrate clear and outstanding safety practices.

(b) RESTRICTION.—The program established under subsection (a) may not be deemed to be an endorsement of, or a preference for, motor carriers or drivers recognized under the program.

SEC. 32008. HIGH RISK CARRIER REVIEWS.

(a) IN GENERAL.—After the completion of the certification under section 32003 of this Act, and the establishment of the Safety Fitness Determination program, the Secretary shall ensure that a review is completed on each motor carrier that demonstrates through performance data that it poses the highest safety risk. At a minimum, a review shall be conducted whenever a motor carrier is among the highest risk carriers for 4 consecutive months.

(b) REPORT.—Not later than 180 days after the completion of the certification under section 32003 of this Act and the establishment of the Safety Fitness Determination program, the Secretary shall post on a public website a report on the actions the Secretary has taken to comply with this section, including the number of high risk carriers identified and the high risk carriers reviewed.

(c) CONFORMING AMENDMENT.—Section 4138 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (49 U.S.C. 31144 note) is repealed.

Subtitle B—Transparency and Accountability

SEC. 32201. PETITIONS FOR REGULATORY RELIEF.

(a) APPLICATIONS FOR REGULATORY RELIEF.—Notwithstanding subpart C of part 381 of title 49, Code of Federal Regulations, the Secretary shall allow an applicant representing a class or group of motor carriers to apply for a specific exemption from any provision of the regulations under part 395 of title 49, Code of Federal Regulations, for commercial motor vehicle drivers.

(b) REVIEW PROCESS.—

(1) IN GENERAL.—The Secretary shall establish the procedures for the application for and the review of an exemption under subsection (a).

(2) PUBLICATION.—Not later than 30 days after the date of receipt of an application for an exemption, the Secretary shall publish the application in the Federal Register and provide the public with an opportunity to comment.

(3) PUBLIC COMMENT.—

(A) IN GENERAL.—Each application shall be available for public comment for a 30-day period, but the Secretary may extend the opportunity for public comment for up to 60 days if it is a significant or complex request.

(B) REVIEW.—Beginning on the date that the public comment period under subparagraph (A) ends, the Secretary shall have 60 days to review all of the comments received.

(4) DETERMINATION.—At the end of the 60-day period under paragraph (3)(B), the Secretary shall publish a determination in the Federal Register, including—

(A) the reason for granting or denying the application; and

(B) if the application is granted—

(i) the specific class of persons eligible for the exemption;

(ii) each provision of the regulations to which the exemption applies; and

(iii) any conditions or limitations applied to the exemption.

(5) CONSIDERATIONS.—In making a determination whether to grant or deny an application for an exemption, the Secretary shall consider the safety impacts of the request and may provide appropriate conditions or limitations on the use of the exemption.

(c) OPPORTUNITY FOR RESUBMISSION.—If an application is denied and the applicant can reasonably address the reason for the denial, the Secretary may allow the applicant to resubmit the application.

(d) PERIOD OF APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and subsection (f), each exemption granted under this section shall be valid for a period of 5 years unless the Secretary identifies a compelling reason for a shorter exemption period.

(2) RENEWAL.—At the end of the 5-year period under paragraph (1)—

(A) the Secretary, at the Secretary's discretion, may renew the exemption for an additional 5-year period; or

(B) an applicant may apply under subsection (a) for a permanent exemption from each applicable provision of the regulations.

(e) LIMITATION.—No exemption under this section may be granted to or used by any motor carrier that has an unsatisfactory or conditional safety fitness determination.

(f) PERMANENT EXEMPTIONS.—

(1) IN GENERAL.—The Secretary shall make permanent the following limited exceptions:

(A) Department of Defense Military Surface Deployment and Distribution Command transport of weapons, munitions, and sensitive classified cargo as published in the Federal Register Volume 80 on April 16, 2015 (80 Fed. Reg. 20556).

(B) Department of Energy transport of security-sensitive radioactive materials as published in the Federal Register Volume 80 on June 22, 2015 (80 Fed. Reg. 35703).

(C) Motor carriers that transport hazardous materials shipments requiring security plans under regulations of the Pipeline and Hazardous Materials Safety Administration as published in the Federal Register Volume 80 on May 1, 2015 (80 Fed. Reg. 25004).

(D) Perishable construction products as published in the Federal Register Volume 80 on April 2, 2015 (80 Fed. Reg. 17819).

(E) Passenger vehicle record of duty status change as published in the Federal Register Volume 80 on June 4, 2015 (80 Fed. Reg. 31961).

(F) Transport of commercial bee hives as published in the Federal Register Volume 80 on June 19, 2018. (80 Fed. Reg. 35425).

(G) Specialized carriers and drivers responsible for transporting loads requiring special permits as published in the Federal Register Volume 80 on June 18, 2015 (80 Fed. Reg. 34957).

(H) Safe transport of livestock as published in the Federal Register Volume 80 on June 12, 2015 (80 Fed. Reg. 33584).

(2) ADDITIONAL EXEMPTIONS.—The Secretary may make any temporary exemption from any provision of the regulations under part 395 of title 49, Code of Federal Regulations, for commercial motor vehicle drivers that is in effect on the date of enactment of this Act permanent if the Secretary determines that the permanent exemption will not degrade safety. The Secretary shall provide public notice and comment on a list of the additional temporary exemptions to be made permanent under this paragraph.

(3) REVOCATION OF EXEMPTIONS.—The Secretary may revoke an exemption issued under this section if the Secretary can demonstrate that the exemption has had a negative impact on safety.

SEC. 32202. INSPECTOR STANDARDS.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Motor Carrier Safety Administration shall revise the regulations under part 385 of title 49, Code of Federal Regulations, as necessary, to incorporate by reference the certification standards for roadside inspectors issued by the Commercial Vehicle Safety Alliance.

SEC. 32203. TECHNOLOGY IMPROVEMENTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Government Accountability Office shall conduct a comprehensive analysis on the Federal Motor Carrier Safety Administration's information technology and data collection and management systems.

(b) REQUIREMENTS.—The study conducted under subsection (a) shall—

(1) evaluate the efficacy of the existing information technology, data collection, processing systems, and data management systems and programs, including their interaction with each other and their efficacy in meeting user needs;

(2) identify any redundancies among the systems and programs described in paragraph (1);

(3) explore the feasibility of consolidating data collection and processing systems;

(4) evaluate the ability of the systems and programs described in paragraph (1) to meet the needs of—

(A) the Federal Motor Carrier Safety Administration, at both the headquarters and State level;

(B) the State agencies that implement the Motor Carrier Safety Assistance Program under section 31102 of title 49, United States Code; and

(C) other users;

(5) evaluate the adaptability of the systems and programs described in paragraph (1), in order to make necessary future changes to ensure user needs are met in an easier, timely, and more cost efficient manner;

(6) investigate and make recommendations regarding—

(A) deficiencies in existing data sets impacting program effectiveness; and

(B) methods to improve any and all user interfaces; and

(7) evaluate the appropriate role the Federal Motor Carrier Safety Administration should take with respect to software and information systems design, development, and maintenance for the purpose of improving the efficacy of the systems and programs described in paragraph (1).

Subtitle C—Trucking Rules Updated by Comprehensive and Key Safety Reform

SEC. 32301. UPDATE ON STATUTORY REQUIREMENTS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until a final rule has been issued for each of the requirements described under paragraphs (1) through (5), the Administrator of the Federal Motor Carrier Safety Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of a final rule for—

(1) the minimum entry-level training requirements for an individual operating a commercial motor vehicle under section 31305(c) of title 49, United States Code;

(2) motor carrier safety fitness determinations;

(3) visibility of agricultural equipment under section 31601 of division C of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30111 note);

(4) regulations to require commercial motor vehicles in interstate commerce and operated by a driver subject to the hours of service and record of duty status requirements under part 395 of title 49, Code of Federal Regulations, be equipped with an electronic control module capable of limiting the maximum speed of the vehicle; and

(5) any outstanding commercial motor vehicle safety regulation required by law and incomplete for more than 2 years.

(b) CONTENTS.—Each report under subsection (a) shall include a description of the work plan, an updated rulemaking timeline, current staff allocations, any resource constraints, and any other details associated with the development of the rulemaking.

SEC. 32302. STATUTORY RULEMAKING.

The Administrator of the Federal Motor Carrier Safety Administration shall prioritize the use of Federal Motor Carrier Safety Administration resources for the completion of each outstanding statutory requirement for a rulemaking before beginning any new rulemaking unless the Secretary certifies to Congress that there is a significant need to move forward with a new rulemaking.

SEC. 32303. GUIDANCE REFORM.

(a) GUIDANCE.—

(1) POINT OF CONTACT.—Each guidance document, other than a regulatory action, issued by the Federal Motor Carrier Safety Administration shall have a date of publication or a date of revision, as applicable, and the name and contact information of a point of contact at the Federal Motor Carrier Safety Administration who can respond to questions regarding the general applicability of the guidance.

(2) PUBLIC ACCESSIBILITY.—

(A) IN GENERAL.—Each guidance document and interpretation issued by the Federal Motor Carrier Safety Administration shall be published on the Department of Transportation's public website on the date of issuance.

(B) REDACTION.—The Administrator of the Federal Motor Carrier Safety Administration may redact from a guidance document or interpretation under subparagraph (A) any information that would reveal investigative techniques that would compromise Federal Motor Carrier Safety Administration enforcement efforts.

(3) RULEMAKING.—Not later than 5 years after the date that a guidance document is published under paragraph (2) or during the comprehensive review under subsection (c), whichever is earlier, the Secretary, in consultation with the Administrator, shall revise the applicable regulations to incorporate the guidance document to the extent practicable.

(4) REISSUANCE.—If a guidance document is not incorporated into the applicable regulations under paragraph (3), the Secretary shall—

(A) reissue an updated guidance document; and

(B) review and reissue an updated guidance document every 5 years during the comprehensive review process under subsection (c) until the date that the guidance document is removed or incorporated into the applicable regulations under paragraph (3) of this subsection.

(b) UPDATE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall review regulations, guidance, and enforcement policies published on the Department of Transportation's public website to ensure the

regulations, guidance, and enforcement policies are current, readily accessible to the public, and meet the standards under subsection (c)(1).

(c) REVIEW.—

(1) IN GENERAL.—Subject to paragraph (2), not less than once every 5 years, the Administrator of the Federal Motor Carrier Safety Administration shall conduct a comprehensive review of its guidance and enforcement policies to determine whether—

(A) the guidance and enforcement policies are consistent and clear;

(B) the guidance is uniformly and consistently enforceable; and

(C) the guidance is still necessary.

(2) NOTICE AND COMMENT.—Prior to beginning the review, the Administrator shall publish in the Federal Register a notice and request for comment soliciting input from stakeholders on which regulations should be updated or eliminated.

(3) PRIORITIZATION OF OUTSTANDING PETITIONS.—As part of the review under paragraph (1), the Administrator shall prioritize consideration of each outstanding petition (as defined in section 32304(b) of this Act) submitted by a stakeholder for rulemaking.

(4) REPORT.—

(A) IN GENERAL.—Not later than 60 days after the date that a review under paragraph (1) is complete, the Administrator shall publish on the Department of Transportation's public website a report detailing the review and a full inventory of guidance and enforcement policies.

(B) INCLUSIONS.—The report under subparagraph (A) of this paragraph shall include a summary of the response of the Federal Motor Carrier Safety Administration to each comment received under paragraph (2) indicating each request the Federal Motor Carrier Safety Administration is granting.

SEC. 32304. PETITIONS.

(a) IN GENERAL.—The Administrator of the Federal Motor Carrier Safety Administration shall—

(1) publish on the Department of Transportation's public website all petitions for regulatory action submitted;

(2) prioritize stakeholder petitions based on the likelihood of providing safety improvements;

(3) formally respond to each petition by indicating whether the Administrator will accept, deny, or further review, the petition not later than 180 days after the date the petition is published under paragraph (1);

(4) prioritize resulting actions consistent with an action's potential to reduce crashes, improve enforcement, and reduce unnecessary burdens; and

(5) not later than 60 days after the date of receipt, publish, and update as necessary, on the Department of Transportation's public website an inventory of the petitions described in paragraph (1), including any applicable disposition information for that petition.

(b) DEFINITION OF PETITION.—In this section, the term ''petition'' means a request for new regulations, regulatory interpretations or clarifications, or retrospective review of regulations to eliminate or modify obsolete, ineffective, or overly-burdensome rules.

SEC. 32305. REGULATORY REFORM.

(a) REGULATORY IMPACT ANALYSIS.—

(1) IN GENERAL.—Within each regulatory impact analysis of a proposed or final rule issued by the Federal Motor Carrier Safety Administration, the Secretary shall whenever practicable—

(A) consider effects of the proposed or final rule on a carrier with differing characteristics; and

(B) formulate estimates and findings on the best available science.

(2) SCOPE.—To the extent feasible and appropriate, and consistent with law, the analysis described in paragraph (1) shall—

(A) use data generated from a representative sample of commercial vehicle operators, motor carriers, or both, that will be covered under the proposed or final rule; and

(B) consider effects on commercial truck and bus carriers of various sizes and types.

(b) PUBLIC PARTICIPATION.—

(1) IN GENERAL.—Before promulgating a proposed rule under part B of subtitle VI of title 49, United States Code, if the proposed rule is likely to lead to the promulgation of a major rule the Secretary shall—

(A) issue an advance notice of proposed rulemaking; or

(B) determine to proceed with a negotiated rulemaking.

(2) REQUIREMENTS.—Each advance notice of proposed rulemaking issued under paragraph (1) shall—

(A) identify the compelling public concern for a potential regulatory action, such as failures of private markets to protect or improve the safety of the public, the environment, or the well-being of the American people;

(B) identify and request public comment on the best available science or technical information on the need for regulatory action and on the potential regulatory alternatives;

(C) request public comment on the benefits and costs of potential regulatory alternatives reasonably likely to be included or analyzed as part of the notice of proposed rulemaking; and

(D) request public comment on the available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior.

(3) WAIVER.—This subsection shall not apply when the Secretary, for good cause, finds (and incorporates the finding and a brief statement of reasons for such finding in the proposed or final rule) an advance notice of proposed rulemaking impracticable, unnecessary, or contrary to the public interest.

(c) SAVINGS CLAUSE.—Nothing in this section may be construed to limit the contents of any Advance Notice of Proposed Rulemaking.

Subtitle D—State Authorities

SEC. 32401. EMERGENCY ROUTE WORKING GROUP.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a working group to determine best practices for expeditious State approval of special permits for vehicles involved in emergency response and recovery.

(2) MEMBERS.—The working group shall include representatives from—

(A) State highway transportation departments or agencies;

(B) relevant modal agencies within the Department of Transportation;

(C) emergency response or recovery experts;

(D) relevant safety groups; and

(E) persons affected by special permit restrictions during emergency response and recovery efforts.

(b) CONSIDERATIONS.—In determining best practices under subsection (a), the working group shall consider whether—

(1) hurdles currently exist that prevent the expeditious State approval for special permits for vehicles involved in emergency response and recovery;

(2) it is possible to pre-identify and establish emergency routes between States through which infrastructure repair materials could be delivered following a natural disaster or an emergency;

(3) a State could pre-designate an emergency route identified under paragraph (1) as a certified emergency route if a motor vehicle that exceeds the otherwise applicable Federal and State truck length or width limits may safely operate along such route during period of emergency recovery; and

(4) an online map could be created to identify each pre-designated emergency route under paragraph (2), including information on specific limitations, obligations, and notification requirements along that route.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the working group shall submit to the Secretary a report of its findings under this section and any recommendations for the implementation of the best practices for expeditious State approval of special permits for vehicles involved in emergency recovery. Upon receipt, the Secretary shall publish the report on a public website.

(d) FEDERAL ADVISORY COMMITTEE ACT EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this section.

SEC. 32402. ADDITIONAL STATE AUTHORITY.

Notwithstanding any other provision of law, not later than 180 days after the date of enactment of this Act, any State impacted by section 4006 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2148) shall be provided the option to update the routes listed in the final list as long as the update shifts routes to divided highways or does not increase centerline miles by more than 5 percent and the change is expected to increase safety performance.

SEC. 32403. COMMERCIAL DRIVER ACCESS.

(a) INTERSTATE COMPACT PILOT PROGRAM.—

(1) IN GENERAL.—The Administrator of the Federal Motor Carrier Safety Administration may establish a 6-year pilot program to study the feasibility, benefits, and safety impacts of allowing a licensed driver between the ages of 18 and 21 to operate a commercial motor vehicle in interstate commerce.

(2) INTERSTATE COMPACTS.—The Secretary shall allow States, including the District of Columbia, to enter into an interstate compact with contiguous States to allow a licensed driver between the ages of 18 and 21 to operate a motor vehicle across the applicable State lines. The Secretary shall approve as many as 3 interstate compacts, with no more than 4 States per compact participating in each interstate compact.

(3) MUTUAL RECOGNITION OF LICENSES.—A valid intrastate commercial driver's licenses issued by a State participating in an interstate compact under paragraph (2) shall be recognized as valid not more than 100 air miles from the border of the driver's State of licensure in each State that is participating in that interstate compact.

(4) STANDARDS.—In developing an interstate compact under this subsection, participating States shall provide for minimum licensure standards acceptable for interstate travel under this section, which may include, for a licensed driver between the ages of 18 and 21 participating in the pilot program—

(A) age restrictions;

(B) distance from origin (measured in air miles);

(C) reporting requirements; or

(D) additional hours of service restrictions.

(5) LIMITATIONS.—An interstate compact under paragraph (2) may not permit special configuration or hazardous cargo operations to be transported by a licensed driver under the age of 21.

(6) ADDITIONAL REQUIREMENTS.—The Secretary may—

(A) prescribe such additional requirements, including training, for a licensed driver between the ages of 18 and 21 participating in the pilot program as the Secretary considers necessary; and

(B) provide risk mitigation restrictions and limitations.

(b) APPROVAL.—An interstate compact under subsection (a)(2) may not go into effect until it has been approved by the governor of each State (or the Mayor of the District of Columbia, if applicable) that is a party to the interstate compact, after consultation with the Secretary of Transportation and the Administrator of the Federal Motor Carrier Safety Administration.

(c) DATA COLLECTION.—The Secretary shall collect and analyze data relating to accidents (as defined in section 390.5 of title 49, Code of Federal Regulations) in which a driver under the age of 21 participating in the pilot program is involved.

(d) REPORT.—Beginning 3 years after the date the first compact is established and approved, the Secretary shall submit to Congress a report containing the data collection and findings of the pilot program, a determination of whether a licensed driver between the ages of 18 and 21 can operate a commercial motor vehicle in interstate commerce with an equivalent level of safety, and the reasons for that determination. The Secretary may extend the air mileage requirements under subsection (a)(3) to expand operation areas and gather additional data for analysis.

(e) TERMINATION.—The Secretary may terminate the pilot program if the data collected under subsection (c) indicates that drivers under the age of 21 do not operate in interstate commerce with an equivalent level of safety of those drivers age 21 and over.

Subtitle E—Motor Carrier Safety Grant Consolidation

SEC. 32501. DEFINITIONS.

(a) IN GENERAL.—Section 31101 is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

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

''(4) 'Secretary' means the Secretary of Transportation.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 31101, as amended by subsection (a), is amended—

(1) in paragraph (1)(B), by inserting a comma after ''passengers''; and

(2) in paragraph (1)(C), by striking ''of Transportation''.

SEC. 32502. GRANTS TO STATES.

(a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31102 is amended to read as follows:

''§ 31102. Motor Carrier Safety Assistance Program

''(a) IN GENERAL.—The Secretary shall administer a motor carrier safety assistance program funded under section 31104.

''(b) GOAL.—The goal of the program is to ensure that the Secretary, States, local governments, other political jurisdictions, federally-recognized Indian tribes, and other persons work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient surface transportation system—

''(1) by making targeted investments to promote safe commercial motor vehicle transportation, including the transportation of passengers and hazardous materials;

''(2) by investing in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes and fatalities resulting from such crashes;

''(3) by adopting and enforcing effective motor carrier, commercial motor vehicle, and driver safety regulations and practices consistent with Federal requirements; and

''(4) by assessing and improving statewide performance by setting program goals and meeting performance standards, measures, and benchmarks.

''(c) STATE PLANS.—

''(1) IN GENERAL.—The Secretary shall prescribe procedures for a State to submit a multiple-year plan, and annual updates thereto, under which the State agrees to assume responsibility for improving motor carrier safety, adopting and enforcing compatible regulations, standards, and orders of the Federal Government on commercial motor vehicle safety and hazardous materials transportation safety.

''(2) CONTENTS.—The Secretary shall approve a plan if the Secretary determines that the plan is adequate to comply with the requirements of this section, and the plan—

''(A) implements performance-based activities, including deployment and maintenance of technology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs;

''(B) designates a lead State commercial motor vehicle safety agency responsible for administering the plan throughout the State;

''(C) contains satisfactory assurances that the lead State commercial motor vehicle safety agency has or will have the legal authority, resources, and qualified personnel necessary to enforce the regulations, standards, and orders;

''(D) contains satisfactory assurances that the State will devote adequate resources to the administration of the plan and enforcement of the regulations, standards, and orders;

''(E) provides a right of entry and inspection to carry out the plan;

''(F) provides that all reports required under this section be available to the Secretary on request;

''(G) provides that the lead State commercial motor vehicle safety agency will adopt the reporting requirements and use the forms for recordkeeping, inspections, and investigations that the Secretary prescribes;

''(H) requires all registrants of commercial motor vehicles to demonstrate knowledge of applicable safety regulations, standards, and orders of the Federal Government and the State;

''(I) provides that the State will grant maximum reciprocity for inspections conducted under the North American Inspection Standards through the use of a nationally-accepted system that allows ready identification of previously inspected commercial motor vehicles;

''(J) ensures that activities described in subsection (h), if financed through grants to the State made under this section, will not diminish the effectiveness of the development and implementation of the programs to improve motor carrier, commercial motor vehicle, and driver safety as described in subsection (b);

''(K) ensures that the lead State commercial motor vehicle safety agency will coordinate the plan, data collection, and information systems with the State highway safety improvement program required under section 148(c) of title 23;

''(L) ensures participation in appropriate Federal Motor Carrier Safety Administration information technology and data systems and other information systems by all appropriate jurisdictions receiving Motor Carrier Safety Assistance Program funding;

''(M) ensures that information is exchanged among the States in a timely manner;

''(N) provides satisfactory assurances that the State will undertake efforts that will emphasize and improve enforcement of State and local traffic safety laws and regulations related to commercial motor vehicle safety;

''(O) provides satisfactory assurances in the plan that the State will address national priorities and performance goals, including—

''(i) activities aimed at removing impaired commercial motor vehicle drivers from the highways of the United States through adequate enforcement of regulations on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment;

''(ii) activities aimed at providing an appropriate level of training to State motor carrier safety assistance program officers and employees on recognizing drivers impaired by alcohol or controlled substances; and

''(iii) when conducted with an appropriate commercial motor vehicle inspection, criminal interdiction activities, and appropriate strategies for carrying out those interdiction activities, including interdiction activities that affect the transportation of controlled substances (as defined under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) and listed in part 1308 of title 21, Code of Federal Regulations, as updated and republished from time to time) by any occupant of a commercial motor vehicle;

''(P) provides that the State has established and dedicated sufficient resources to a program to ensure that—

''(i) the State collects and reports to the Secretary accurate, complete, and timely motor carrier safety data; and

''(ii) the State participates in a national motor carrier safety data correction system prescribed by the Secretary;

''(Q) ensures that the State will cooperate in the enforcement of financial responsibility requirements under sections 13906, 31138, and 31139 of this title, and regulations issued under these sections;

''(R) ensures consistent, effective, and reasonable sanctions;

''(S) ensures that roadside inspections will be conducted at locations that are adequate to protect the safety of drivers and enforcement personnel;

''(T) provides that the State will include in the training manuals for the licensing examination to drive both noncommercial motor vehicles and commercial motor vehicles information on best practices for driving safely in the vicinity of noncommercial and commercial motor vehicles;

''(U) provides that the State will enforce the registration requirements of sections 13902 and 31134 of this title by prohibiting the operation of any vehicle discovered to be operated by a motor carrier without a registration issued under those sections or to be operated beyond the scope of the motor carrier's registration;

''(V) provides that the State will conduct comprehensive and highly visible traffic enforcement and commercial motor vehicle safety inspection programs in high-risk locations and corridors;

''(W) except in the case of an imminent hazard or obvious safety hazard, ensures that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a station, terminal, border crossing, maintenance facility, destination, or other location where adequate food, shelter, and sanitation facilities are available for passengers, and reasonable accommodations are available for passengers with disabilities;

''(X) ensures that the State will transmit to its roadside inspectors the notice of each Federal exemption granted under section 31315(b) of this title and sections 390.23 and 390.25 of title 49 of the Code of Federal Regulations and provided to the State by the Secretary, including the name of the person granted the exemption and any terms and conditions that apply to the exemption;

''(Y) except as provided in subsection (d), provides that the State—

''(i) will conduct safety audits of interstate and, at the State's discretion, intrastate new entrant motor carriers under section 31144(g) of this title; and

''(ii) if the State authorizes a third party to conduct safety audits under section 31144(g) on its behalf, the State verifies the quality of the work conducted and remains solely responsible for the management and oversight of the activities;

''(Z) provides that the State agrees to fully participate in the performance and registration information system management under section 31106(b) not later than October 1, 2020, by complying with the conditions for participation under paragraph (3) of that section;

''(AA) provides that a State that shares a land border with another country—

''(i) will conduct a border commercial motor vehicle safety program focusing on international commerce that includes enforcement and related projects; or

''(ii) will forfeit all funds calculated by the Secretary based on border-related activities if the State declines to conduct the program described in clause (i) in its plan; and

''(BB) provides that a State that meets the other requirements of this section and agrees to comply with the requirements established in subsection (l)(3) may fund operation and maintenance costs associated with innovative technology deployment under subsection (l)(3) with Motor Carrier Safety Assistance Program funds authorized under section 31104(a)(1).

''(3) PUBLICATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall publish each approved State multiple-year plan, and each annual update thereto, on the Department of Transportation's public website not later than 30 days after the date the Secretary approves the plan or update.

''(B) LIMITATION.—Before posting an approved State multiple-year plan or annual update under subparagraph (A), the Secretary shall redact any information identified by the State that, if disclosed—

''(i) would reasonably be expected to interfere with enforcement proceedings; or

''(ii) would reveal enforcement techniques or procedures that would reasonably be expected to risk circumvention of the law.

''(d) EXCLUSION OF U.S. TERRITORIES.—The requirement that a State conduct safety audits of new entrant motor carriers under subsection (c)(2)(Y) does not apply to a territory of the United States unless required by the Secretary.

''(e) INTRASTATE COMPATIBILITY.—The Secretary shall prescribe regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws, including regulations, with Federal motor carrier safety regulations to be enforced under subsections (b) and (c). To the extent practicable, the guidelines and standards shall allow for maximum flexibility while ensuring a degree of uniformity that will not diminish motor vehicle safety.

''(f) MAINTENANCE OF EFFORT.—

''(1) BASELINE.—Except as provided under paragraphs (2) and (3) and in accordance with section 32508 of the Comprehensive Transportation and Consumer Protection Act of 2015, a State plan under subsection (c) shall provide that the total expenditure of amounts of the lead State commercial motor vehicle safety agency responsible for administering the plan will be maintained at a level each fiscal year at least equal to—

''(A) the average level of that expenditure for fiscal years 2004 and 2005; or

''(B) the level of that expenditure for the year in which the Secretary implements a new allocation formula under section 32508 of the Comprehensive Transportation and Consumer Protection Act of 2015.

''(2) ADJUSTED BASELINE AFTER FISCAL YEAR 2017.—At the request of a State, the Secretary may evaluate additional documentation related to the maintenance of effort and may make reasonable adjustments to the maintenance of effort baseline after the year in which the Secretary implements a new allocation formula under section 32508 of the Comprehensive Transportation and Consumer Protection Act of 2015, and this adjusted baseline will replace the maintenance of effort requirement under paragraph (1).

''(3) WAIVERS.—At the request of a State, the Secretary may waive or modify the requirements of this subsection for 1 fiscal year if the Secretary determines that a waiver or modification is reasonable, based on circumstances described by the State, to ensure the continuation of commercial motor vehicle enforcement activities in the State.

''(4) LEVEL OF STATE EXPENDITURES.—In estimating the average level of State expenditure under paragraph (1), the Secretary—

''(A) may allow the State to exclude State expenditures for Federally-sponsored demonstration and pilot programs and strike forces;

''(B) may allow the State to exclude expenditures for activities related to border enforcement and new entrant safety audits; and

''(C) shall require the State to exclude State matching amounts used to receive Federal financing under section 31104.

''(g) USE OF UNIFIED CARRIER REGISTRATION FEES AGREEMENT.—Amounts generated under section 14504a of this title and received by a State and used for motor carrier safety purposes may be included as part of the State's match required under section 31104 of this title or maintenance of effort required by subsection (f) of this section.

''(h) USE OF GRANTS TO ENFORCE OTHER LAWS.—When approved in the States' plan under subsection (c), a State may use Motor Carrier Safety Assistance Program funds received under this section—

''(1) if the activities are carried out in conjunction with an appropriate inspection of a commercial motor vehicle to enforce Federal or State commercial motor vehicle safety regulations, for—

''(A) enforcement of commercial motor vehicle size and weight limitations at locations, excluding fixed weight facilities, such as near steep grades or mountainous terrains, where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States; and

''(B) detection of and enforcement actions taken as a result of criminal activity, including the trafficking of human beings, in a commercial motor vehicle or by any occupant, including the operator, of the commercial motor vehicle;

''(2) for documented enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles, including documented enforcement of such laws and regulations relating to noncommercial motor vehicles when necessary to promote the safe operation of commercial motor vehicles, if—

''(A) the number of motor carrier safety activities, including roadside safety inspections, conducted in the State is maintained at a level at least equal to the average level of such activities conducted in the State in fiscal years 2004 and 2005; and

''(B) the State does not use more than 10 percent of the basic amount the State receives under a grant awarded under section 31104(a)(1) for enforcement activities relating to noncommercial motor vehicles necessary to promote the safe operation of commercial motor vehicles unless the Secretary determines that a higher percentage will result in significant increases in commercial motor vehicle safety; and

''(3) for the enforcement of household goods regulations on intrastate and interstate carriers if the State has adopted laws or regulations compatible with the Federal household goods regulations.

''(i) EVALUATION OF PLANS AND AWARD OF GRANTS.—

''(1) AWARDS.—The Secretary shall establish criteria for the application, evaluation, and approval of State plans under this section. Subject to subsection (j), the Secretary may allocate the amounts made available under section 31104(a)(1) among the States.

''(2) OPPORTUNITY TO CURE.—If the Secretary disapproves a plan under this section, the Secretary shall give the State a written explanation of the reasons for disapproval and allow the State to modify and resubmit the plan for approval.

''(j) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—The Secretary, by regulation, shall prescribe allocation criteria for funds made available under section 31104(a)(1).

''(2) ANNUAL ALLOCATIONS.—On October 1 of each fiscal year, or as soon as practicable thereafter, and after making a deduction under section 31104(c), the Secretary shall allocate amounts made available in section 31104(a)(1) to carry out this section for the fiscal year among the States with plans approved under this section in accordance with the criteria under paragraph (1).

''(3) ELECTIVE ADJUSTMENTS.—Subject to the availability of funding and notwithstanding fluctuations in the data elements used by the Secretary to calculate the annual allocation amounts, after the creation of a new allocation formula under section 32508 of the Comprehensive Transportation and Consumer Protection Act of 2015 the Secretary may not make elective adjustments to the allocation formula that decrease a State's Federal funding levels by more than 3 percent in a fiscal year. The 3 percent limit shall not apply to the withholding provisions of subsection (k).

''(k) PLAN MONITORING.—

''(1) IN GENERAL.—On the basis of reports submitted by the lead State agency responsible for administering an approved State plan and an investigation by the Secretary, the Secretary shall periodically evaluate State implementation of and compliance with the State plan.

''(2) WITHHOLDING OF FUNDS.—

''(A) DISAPPROVAL.—If, after notice and an opportunity to be heard, the Secretary finds that the State plan previously approved is not being followed or has become inadequate to ensure enforcement of the regulations, standards, or orders, or the State is otherwise not in compliance with the requirements of this section, the Secretary may withdraw approval of the plan and notify the State. The plan is no longer in effect once the State receives notice, and the Secretary shall withhold all funding under this section.

''(B) NONCOMPLIANCE WITHHOLDING.—In lieu of withdrawing approval of the plan, the Secretary may, after providing notice and an opportunity to be heard, withhold funding from the State to which the State would otherwise be entitled under this section for the period of the State's noncompliance. In exercising this option, the Secretary may withhold—

''(i) up to 5 percent of funds during the fiscal year that the Secretary notifies the State of its noncompliance;

''(ii) up to 10 percent of funds for the first full fiscal year of noncompliance;

''(iii) up to 25 percent of funds for the second full fiscal year of noncompliance; and

''(iv) not more than 50 percent of funds for the third and any subsequent full fiscal year of noncompliance.

''(3) JUDICIAL REVIEW.—A State adversely affected by a determination under paragraph (2) may seek judicial review under chapter 7 of title 5. Notwithstanding the disapproval of a State plan under paragraph (2)(A) or the withholding under paragraph (2)(B), the State may retain jurisdiction in an administrative or a judicial proceeding that commenced before the notice of disapproval or withholding if the issues involved are not related directly to the reasons for the disapproval or withholding.

''(l) HIGH PRIORITY FINANCIAL ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—The Secretary shall administer a high priority financial assistance program funded under section 31104 for the purposes described in paragraphs (2) and (3).

''(2) ACTIVITIES RELATED TO MOTOR CARRIER SAFETY.—The purpose of this paragraph is to make discretionary grants to and cooperative agreements with States, local governments, federally-recognized Indian tribes, other political jurisdictions as necessary, and any person to carry out high priority activities and projects that augment motor carrier safety activities and projects planned in accordance with subsections (b) and (c), including activities and projects that—

''(A) increase public awareness and education on commercial motor vehicle safety;

''(B) target unsafe driving of commercial motor vehicles and non-commercial motor vehicles in areas identified as high risk crash corridors;

''(C) support the enforcement of State household goods regulations on intrastate and interstate carriers if the State has adopted laws or

regulations compatible with the Federal household good laws;

''(D) improve the safe and secure movement of hazardous materials;

''(E) improve safe transportation of goods and persons in foreign commerce;

''(F) demonstrate new technologies to improve commercial motor vehicle safety;

''(G) support participation in performance and registration information systems management under section 31106(b)—

''(i) for entities not responsible for submitting the plan under subsection (c); or

''(ii) for entities responsible for submitting the plan under subsection (c)—

''(I) before October 1, 2020, to achieve compliance with the requirements of participation; and

''(II) beginning on October 1, 2020, or once compliance is achieved, whichever is sooner, for special initiatives or projects that exceed routine operations required for participation;

''(H) conduct safety data improvement projects—

''(i) that complete or exceed the requirements under subsection (c)(2)(P) for entities not responsible for submitting the plan under subsection (c); or

''(ii) that exceed the requirements under subsection (c)(2)(P) for entities responsible for submitting the plan under subsection (c); and

''(I) otherwise improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations.

''(3) INNOVATIVE TECHNOLOGY DEPLOYMENT GRANT PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish an innovative technology deployment grant program to make discretionary grants funded under section 31104(a)(2) to eligible States for the innovative technology deployment of commercial motor vehicle information systems and networks.

''(B) PURPOSES.—The purposes of the program shall be—

''(i) to advance the technological capability and promote the deployment of intelligent transportation system applications for commercial motor vehicle operations, including commercial motor vehicle, commercial driver, and carrier-specific information systems and networks; and

''(ii) to support and maintain commercial motor vehicle information systems and networks—

''(I) to link Federal motor carrier safety information systems with State commercial motor vehicle systems;

''(II) to improve the safety and productivity of commercial motor vehicles and drivers; and

''(III) to reduce costs associated with commercial motor vehicle operations and Federal and State commercial vehicle regulatory requirements.

''(C) ELIGIBILITY.—To be eligible for a grant under this paragraph, a State shall—

''(i) have a commercial motor vehicle information systems and networks program plan approved by the Secretary that describes the various systems and networks at the State level that need to be refined, revised, upgraded, or built to accomplish deployment of commercial motor vehicle information systems and networks capabilities;

''(ii) certify to the Secretary that its commercial motor vehicle information systems and networks deployment activities, including hardware procurement, software and system development, and infrastructure modifications—

''(I) are consistent with the national intelligent transportation systems and commercial motor vehicle information systems and networks architectures and available standards; and

''(II) promote interoperability and efficiency to the extent practicable; and

''(iii) agree to execute interoperability tests developed by the Federal Motor Carrier Safety Administration to verify that its systems conform with the national intelligent transportation systems architecture, applicable standards, and protocols for commercial motor vehicle information systems and networks.

''(D) USE OF FUNDS.—Grant funds may be used—

''(i) for deployment activities and activities to develop new and innovative advanced technology solutions that support commercial motor vehicle information systems and networks;

''(ii) for planning activities, including the development or updating of program or top level design plans in order to become eligible or maintain eligibility under subparagraph (C); and

''(iii) for the operation and maintenance costs associated with innovative technology.

''(E) SECRETARY AUTHORIZATION.—The Secretary is authorized to award a State funding for the operation, and maintenance costs associated with innovative technology deployment with funds made available under both sections 31104(a)(1) and 31104(a)(2) of this title.''.

(b) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.—Section 31103 is amended to read as follows:

''§ 31103. Commercial Motor Vehicle Operators Grant Program

''(a) IN GENERAL.—The Secretary shall administer a commercial motor vehicle operators grant program funded under section 31104.

''(b) PURPOSE.—The purpose of the grant program is to train individuals in the safe operation of commercial motor vehicles (as defined in section 31301).''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 31104 is amended to read as follows:

''§ 31104. Authorization of appropriations

''(a) FINANCIAL ASSISTANCE PROGRAMS.—The following sums are authorized to be appropriated from the Highway Trust Fund for the following Federal Motor Carrier Safety Administration Financial Assistance Programs:

''(1) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Subject to paragraph (2) of this subsection and subsection (c) of this section, to carry out section 31102—

''(A) $295,636,000 for fiscal year 2017;

''(B) $301,845,000 for fiscal year 2018;

''(C) $308,183,000 for fiscal year 2019;

''(D) $314,655,000 for fiscal year 2020; and

''(E) $321,263,000 for fiscal year 2021.

''(2) HIGH PRIORITY ACTIVITIES FINANCIAL ASSISTANCE PROGRAM.—Subject to subsection (c), to make grants and cooperative agreements under section 31102(l) of this title, the Secretary may set aside from amounts made available under paragraph (1) of this subsection up to—

''(A) $42,323,000 for fiscal year 2017;

''(B) $43,212,000 for fiscal year 2018;

''(C) $44,119,000 for fiscal year 2019;

''(D) $45,046,000 for fiscal year 2020; and

''(E) $45,992,000 for fiscal year 2021.

''(3) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.—To carry out section 31103—

''(A) $1,000,000 for fiscal year 2017;

''(B) $1,000,000 for fiscal year 2018;

''(C) $1,000,000 for fiscal year 2019;

''(D) $1,000,000 for fiscal year 2020; and

''(E) $1,000,000 for fiscal year 2021.

''(4) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION FINANCIAL ASSISTANCE PROGRAM.—Subject to subsection (c), to carry out section 31313—

''(A) $31,273,000 for fiscal year 2017;

''(B) $31,930,000 for fiscal year 2018;

''(C) $32,600,000 for fiscal year 2019;

''(D) $33,285,000 for fiscal year 2020; and

''(E) $33,984,000 for fiscal year 2021.

''(b) REIMBURSEMENT AND PAYMENT TO RECIPIENTS FOR GOVERNMENT SHARE OF COSTS.—

''(1) IN GENERAL.—Amounts made available under subsection (a) shall be used to reimburse financial assistance recipients proportionally for the Federal Government's share of the costs incurred.

''(2) REIMBURSEMENT AMOUNTS.—The Secretary shall reimburse a recipient, in accordance with a financial assistance agreement made under section 31102, 31103, or 31313, an amount that is at least 85 percent of the costs incurred by the recipient in a fiscal year in developing and implementing programs under these sections. The Secretary shall pay the recipient an amount not more than the Federal Government share of the total costs approved by the Federal Government in the financial assistance agreement. The Secretary shall include a recipient's in-kind contributions in determining the reimbursement.

''(3) VOUCHERS.—Each recipient shall submit vouchers at least quarterly for costs the recipient incurs in developing and implementing programs under section 31102, 31103, or 31313.

''(c) DEDUCTIONS FOR PARTNER TRAINING AND PROGRAM SUPPORT.—On October 1 of each fiscal year, or as soon after that date as practicable, the Secretary may deduct from amounts made available under paragraphs (1), (2), and (4) of subsection (a) for that fiscal year not more than 1.50 percent of those amounts for partner training and program support in that fiscal year. The Secretary shall use at least 75 percent of those deducted amounts to train non-Federal Government employees and to develop related training materials in carrying out these programs.

''(d) GRANTS AND COOPERATIVE AGREEMENTS AS CONTRACTUAL OBLIGATIONS.—The approval of a financial assistance agreement by the Secretary under section 31102, 31103, or 31313 is a contractual obligation of the Federal Government for payment of the Federal Government's share of costs in carrying out the provisions of the grant or cooperative agreement.

''(e) ELIGIBLE ACTIVITIES.—The Secretary shall establish criteria for eligible activities to be funded with financial assistance agreements under this section and publish those criteria in a notice of funding availability before the financial assistance program application period.

''(f) PERIOD OF AVAILABILITY OF FINANCIAL ASSISTANCE AGREEMENT FUNDS FOR RECIPIENT EXPENDITURES.—

''(1) IN GENERAL.—The period of availability for a recipient to expend a grant or cooperative agreement authorized under subsection (a) is as follows:

''(A) For grants made for carrying out section 31102, other than section 31102(l), for the fiscal year in which it is obligated and for the next fiscal year.

''(B) For grants or cooperative agreements made for carrying out section 31102(l)(2), for the fiscal year in which it is obligated and for the next 2 fiscal years.

''(C) For grants made for carrying out section 31102(l)(3), for the fiscal year in which it is obligated and for the next 4 fiscal years.

''(D) For grants made for carrying out section 31103, for the fiscal year in which it is obligated and for the next fiscal year.

''(E) For grants or cooperative agreements made for carrying out 31313, for the fiscal year in which it is obligated and for the next 4 fiscal years.

''(2) REOBLIGATION.—Amounts not expended by a recipient during the period of availability shall be released back to the Secretary for reobligation for any purpose under sections 31102, 31103, 31104, and 31313 in accordance with subsection (i) of this section.

''(g) CONTRACT AUTHORITY; INITIAL DATE OF AVAILABILITY.—Amounts authorized from the Highway Trust Fund by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

''(h) AVAILABILITY OF FUNDING.—Amounts made available under this section shall remain available until expended.

''(i) TRANSFER OF OBLIGATION AUTHORITY.—

''(1) IN GENERAL.—Of the contract authority authorized for motor carrier safety grants, the Secretary shall have authority to transfer available unobligated contract authority and associated liquidating cash within or between Federal

financial assistance programs authorized under this section and make new Federal financial assistance awards under this section.

''(2) COST ESTIMATES.—Of the funds transferred, the contract authority and associated liquidating cash or obligations and expenditures stemming from Federal financial assistance awards made with this contract authority shall not be scored as new obligations by the Office of Management and Budget or by the Secretary.

''(3) NO LIMITATION ON TOTAL OF OBLIGATIONS.—Notwithstanding any other provision of law, no limitation on the total of obligations for Federal financial assistance programs carried out by the Federal Motor Carrier Safety Administration under this section shall apply to unobligated funds transferred under this subsection.''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SAFETY FITNESS OF OWNERS AND OPERATOR; SAFETY REVIEWS OF NEW OPERATORS.—Section 31144(g) is amended by striking paragraph (5).

(2) INFORMATION SYSTEMS; PERFORMANCE AND REGISTRATION INFORMATION PROGRAM.—Section 31106(b) is amended by striking paragraph (4).

(3) BORDER ENFORCEMENT GRANTS.—Section 31107 is repealed.

(4) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT.—Section 31109 is repealed.

(5) TABLE OF CONTENTS.—The table of contents of chapter 311 is amended—

(A) by striking the items relating to 31107 and 31109; and

(B) by striking the items relating to sections 31102, 31103, and 31104 and inserting the following:

''31102. Motor Carrier Safety Assistance Program.
''31103. Commercial Motor Vehicle Operators Grant Program.
''31104. Authorization of appropriations.''.

(6) GRANTS FOR COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION.—Section 31313(a), as amended by section 32506 of this Act, is further amended by striking ''The Secretary of Transportation shall administer a financial assistance program for commercial driver's license program implementation for the purposes described in paragraphs (1) and (2)'' and inserting ''The Secretary of Transportation shall administer a financial assistance program for commercial driver's license program implementation funded under section 31104 of this title for the purposes described in paragraphs (1) and (2)''.

(7) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—Section 4126 of SAFETEA–LU (49 U.S.C. 31106 note) is repealed.

(8) SAFETY DATA IMPROVEMENT PROGRAM.—Section 4128 of SAFETEA–LU (49 U.S.C. 31100 note) is repealed.

(9) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134 of SAFETEA–LU (49 U.S.C. 31301 note) is repealed.

(10) WINTER HOME HEATING OIL DELIVERY STATE FLEXIBILITY PROGRAM.—Section 346 of National Highway System Designation Act of 1995 (49 U.S.C. 31166 note) is repealed.

(11) MAINTENANCE OF EFFORT AS CONDITION ON GRANTS TO STATES.—Section 103(c) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31102 note) is repealed.

(12) STATE COMPLIANCE WITH CDL REQUIREMENTS.—Section 103(e) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31102 note) is repealed.

(13) BORDER STAFFING STANDARDS.—Section 218(d) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31133 note) is amended—

(A) in paragraph (1), by striking ''under section 31104(f)(2)(B) of title 49, United States Code'' and inserting ''section 31104(a)(1) of title 49, United States Code''; and

(B) by striking paragraph (3).

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

(f) TRANSITION.—Notwithstanding the amendments made by this section, the Secretary shall carry out sections 31102, 31103, 31104 of title 49, United States Code, and any sections repealed under subsection (d) of this section, as necessary, as those sections were in effect on the day before October 1, 2016, with respect to applications for grants, cooperative agreements, or contracts under those sections submitted before October 1, 2016.

SEC. 32503. NEW ENTRANT SAFETY REVIEW PROGRAM STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Office of Inspector General of the Department of Transportation shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure in the House of Representatives on its assessment of the new operator safety review program, required under section 31144(g) of title 49, United States Code, including the program's effectiveness in reducing commercial motor vehicles involved in crashes, fatalities, and injuries, and in improving commercial motor vehicle safety.

(b) REPORT.—Not later than 90 days after completion of the report under subsection (a), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure in the House of Representatives a report on the actions the Secretary will take to address any recommendations included in the study under subsection (a).

(c) PAPERWORK REDUCTION ACT OF 1995; EXCEPTION.—The study and the Office of the Inspector General assessment shall not be subject to section 3506 or section 3507 of title 44, United States Code.

SEC. 32504. PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT.

Section 31106(b) is amended in the heading by striking ''PROGRAM'' and inserting ''SYSTEMS MANAGEMENT''.

SEC. 32505. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subchapter I of chapter 311 is amended by adding at the end the following:

''§ 31110. Authorization of appropriations

''(a) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

''(1) $264,439,000 for fiscal year 2016;
''(2) $269,992,000 for fiscal year 2017;
''(3) $275,662,000 for fiscal year 2018;
''(4) $281,451,000 for fiscal year 2019;
''(5) $287,361,000 for fiscal year 2020; and
''(6) $293,396,000 for fiscal year 2021.

''(b) USE OF FUNDS.—The funds authorized by this section shall be used—

''(1) for personnel costs;
''(2) for administrative infrastructure;
''(3) for rent;
''(4) for information technology;
''(5) for programs for research and technology, information management, regulatory development, the administration of the performance and registration information systems management;
''(6) for programs for outreach and education under subsection (d);
''(7) to fund the motor carrier safety facility working capital fund established under subsection (c);
''(8) for other operating expenses;
''(9) to conduct safety reviews of new operators; and
''(10) for such other expenses as may from time to time become necessary to implement statutory mandates of the Federal Motor Carrier Safety Administration not funded from other sources.

''(c) MOTOR CARRIER SAFETY FACILITY WORKING CAPITAL FUND.—

''(1) IN GENERAL.—The Secretary may establish a motor carrier safety facility working capital fund.

''(2) PURPOSE.—Amounts in the fund shall be available for modernization, construction, leases, and expenses related to vacating, occupying, maintaining, and expanding motor carrier safety facilities, and associated activities.

''(3) AVAILABILITY.—Amounts in the fund shall be available without regard to fiscal year limitation.

''(4) FUNDING.—Amounts may be appropriated to the fund from the amounts made available in subsection (a).

''(5) FUND TRANSFERS.—The Secretary may transfer funds to the working capital fund from the amounts made available in subsection (a) or from other funds as identified by the Secretary.

''(d) OUTREACH AND EDUCATION PROGRAM.—

''(1) IN GENERAL.—The Secretary may conduct, through any combination of grants, contracts, cooperative agreements, or other activities, an internal and external outreach and education program to be administered by the Administrator of the Federal Motor Carrier Safety Administration.

''(2) FEDERAL SHARE.—The Federal share of an outreach and education program for which a grant, contract, or cooperative agreement is made under this subsection may be up to 100 percent of the cost of the grant, contract, or cooperative agreement.

''(3) FUNDING.—From amounts made available in subsection (a), the Secretary shall make available such sums as are necessary to carry out this subsection each fiscal year.

''(e) CONTRACT AUTHORITY; INITIAL DATE OF AVAILABILITY.—Amounts authorized from the Highway Trust Fund by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

''(f) FUNDING AVAILABILITY.—Amounts made available under this section shall remain available until expended.

''(g) CONTRACTUAL OBLIGATION.—The approval of funds by the Secretary under this section is a contractual obligation of the Federal Government for payment of the Federal Government's share of costs.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ADMINISTRATIVE EXPENSES; AUTHORIZATION OF APPROPRIATIONS.—Section 31104 is amended—

(A) by striking subsection (i); and

(B) by redesignating subsections (j) and (k) and subsections (i) and (j), respectively.

(2) USE OF AMOUNTS MADE AVAILABLE UNDER SUBSECTION (I).—Section 4116(d) of SAFETEA–LU (49 U.S.C. 31104 note) is amended by striking ''section 31104(i)'' and inserting ''section 31110''.

(3) INTERNAL COOPERATION.—Section 31161 is amended by striking ''31104(i)'' and inserting ''31110''.

(4) SAFETEA–LU; OUTREACH AND EDUCATION.—Section 4127 of SAFETEA–LU (119 Stat. 1741; Public Law 109–59) is repealed.

(5) TABLE OF CONTENTS.—The table of contents of subchapter I of chapter 311 is amended by adding at the end the following:

''31110. Authorization of appropriations.''.

SEC. 32506. COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION.

(a) IN GENERAL.—Section 31313 is amended to read as follows:

''§ 31313. Commercial driver's license program implementation financial assistance program

''(a) IN GENERAL.—The Secretary of Transportation shall administer a financial assistance program for commercial driver's license program implementation for the purposes described in paragraphs (1) and (2).

''(1) STATE COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION GRANTS.—The Secretary of Transportation may make a grant to a State agency in a fiscal year—

''(A) to comply with the requirements of section 31311;

''(B) in the case of a State that is making a good faith effort toward substantial compliance with the requirements of section 31311, to improve its implementation of its commercial driver's license program, including expenses—

''(i) for computer hardware and software;

''(ii) for publications, testing, personnel, training, and quality control;

''(iii) for commercial driver's license program coordinators; and

''(iv) to implement or maintain a system to notify an employer of an operator of a commercial motor vehicle of the suspension or revocation of the operator's commercial driver's license consistent with the standards developed under section 32303(b) of the Commercial Motor Vehicle Safety Enhancement Act of 2012 (49 U.S.C. 31304 note).

''(2) PRIORITY ACTIVITIES.—The Secretary may make a grant or cooperative agreement in a fiscal year to a State agency, local government, or any person for research, development or testing, demonstration projects, public education, or other special activities and projects relating to commercial driver's licensing and motor vehicle safety that—

''(A) benefit all jurisdictions of the United States;

''(B) address national safety concerns and circumstances;

''(C) address emerging issues relating to commercial driver's license improvements;

''(D) support innovative ideas and solutions to commercial driver's license program issues; or

''(E) address other commercial driver's license issues, as determined by the Secretary.

''(b) PROHIBITIONS.—A recipient may not use financial assistance funds awarded under this section to rent, lease, or buy land or buildings.

''(c) REPORT.—The Secretary shall issue an annual report on the activities carried out under this section.

''(d) APPORTIONMENT.—All amounts made available to carry out this section for a fiscal year shall be apportioned to a State or recipient described in subsection (a)(2) according to criteria prescribed by the Secretary.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents of chapter 313 is amended by striking the item relating to section 31313 and inserting the following:

''31313. Commercial driver's license program implementation financial assistance program.''.

SEC. 32507. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY PROGRAMS FOR FISCAL YEAR 2016.

(a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM GRANT EXTENSION.—Section 31104(a) is amended—

(1) in the matter preceding paragraph (1), by inserting ''and, for fiscal year 2016, sections 31102, 31107, and 31109 of this title and section 4128 of SAFETEA–LU (49 U.S.C. 31100 note)'' after ''31102'';

(2) in paragraph (9), by striking ''and'' at the end; and

(3) by striking paragraph (10) and inserting the following:

''(10) $218,000,000 for fiscal year 2015; and

''(11) '$259,000,000 for fiscal year 2016.''.

(b) EXTENSION OF GRANT PROGRAMS.—Section 4101(c) SAFETEA–LU (119 Stat. 1715; Public Law 109–59), is amended to read as follows:

''(c) GRANT PROGRAMS FUNDING.—There are authorized to be appropriated from the Highway Trust Fund the following sums for the following Federal Motor Carrier Safety Administration programs:

''(1) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENT GRANTS.—For carrying out the commercial driver's license program improvement grants program under section 31313 of title 49, United States Code, $30,000,000 for fiscal year 2016.

''(2) BORDER ENFORCEMENT GRANTS.—From amounts made available under section 31104(a) of title 49, United States Code, for border enforcement grants under section 31107 of that title, $32,000,000 for fiscal year 2016.

''(3) PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT GRANT PROGRAMS.—From amounts made available under section 31104(a) of title 49, United States Code, for the performance and registration information systems management grant program under section 31109 of that title, $5,000,000 for fiscal year 2016.

''(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—For carrying out the commercial vehicle information systems and networks deployment program under section 4126 of this Act (the innovative technology deployment program), $25,000,000, for fiscal year 2016.

''(5) SAFETY DATA IMPROVEMENT GRANTS.—From amounts made available under section 31104(a) of title 49, United States Code, for safety data improvement grants under section 4128 of this Act, $3,000,000 for fiscal year 2016.''.

(c) HIGH-PRIORITY ACTIVITIES.—Section 31104(j)(2), as redesignated by section 32505 of this Act is amended by striking ''2015'' and inserting ''2016''.

(d) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) is amended to read as follows:

''(B) SET ASIDE.—The Secretary shall set aside from amounts made available by section 31104(a) up to $32,000,000 for fiscal year 2016 for audits of new entrant motor carriers conducted under this paragraph.''.

(e) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU (49 U.S.C. 31301 note) is amended to read as follows:

''(c) FUNDING.—From amounts made available under section 31110 of title 49, United States Code, the Secretary shall make available, $1,000,000 for fiscal year 2016 to carry out the commercial motor vehicle operators grant program.''.

(f) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—

(1) IN GENERAL.—Section 4126 of SAFETEA–LU (49 U.S.C. 31106 note; 119 Stat. 1738; Public Law 109–59) is amended—

(A) in subsection (c)—

(i) in paragraph (2), by adding at the end the following: ''Funds deobligated by the Secretary from previous year grants shall not be counted towards the $2,500,000 maximum aggregate amount for core deployment.''; and

(ii) in paragraph (3), by adding at the end the following: ''Funds may also be used for planning activities, including the development or updating of program or top level design plans.''; and

(B) in subsection (d)(4), by adding at the end the following: ''Funds may also be used for planning activities, including the development or updating of program or top level design plans.''.

(2) INNOVATIVE TECHNOLOGY DEPLOYMENT PROGRAM.—For fiscal year 2016, the commercial vehicle information systems and networks deployment program under section 4126 of SAFETEA–LU (119 Stat. 1738; Public Law 109–59) may also be referred to as the innovative technology deployment program.

SEC. 32508. MOTOR CARRIER SAFETY ASSISTANCE PROGRAM ALLOCATION.

(a) WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a motor carrier safety assistance program formula working group (referred to in this section as the ''working group''.

(2) MEMBERSHIP.—

(A) IN GENERAL.—Subject to subparagraph (B), the working group shall consist of representatives of the following:

(i) The Federal Motor Carrier Safety Administration.

(ii) The lead State commercial motor vehicle safety agencies responsible for administering the plan required by section 31102 of title 49, United States Code.

(iii) An organization representing State agencies responsible for enforcing a program for inspection of commercial motor vehicles.

(iv) Such other persons as the Secretary considers necessary.

(B) COMPOSITION.—Representatives of State commercial motor vehicle safety agencies shall comprise at least 51 percent of the membership.

(3) NEW ALLOCATION FORMULA.—The working group shall analyze requirements and factors for a new motor carrier safety assistance program allocation formula.

(4) RECOMMENDATION.—Not later than 1 year after the date the working group is established under paragraph (1), the working group shall make a recommendation to the Secretary regarding a new Motor Carrier Safety Assistance Program allocation formula.

(5) FACA EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this subsection.

(6) PUBLICATION.—The Administrator of the Federal Motor Carrier Safety Administration shall publish on a public website summaries of its meetings, and the final recommendation provided to the Secretary.

(b) NOTICE OF PROPOSED RULEMAKING.—After receiving the recommendation under subsection (a)(4), the Secretary shall publish in the Federal Register a notice seeking public comment on a new allocation formula for the motor carrier safety assistance program under section 31102 of title 49, United States Code.

(c) BASIS FOR FORMULA.—The Secretary shall ensure that the new allocation formula is based on factors that reflect, at a minimum—

(1) the relative needs of the States to comply with section 31102 of title 49, United States Code;

(2) the relative administrative capacities of and challenges faced by States in complying with section 31102 of title 49, United States Code;

(3) the average of each State's new entrant motor carrier inventory for the 3-year period prior to the date of enactment of this Act;

(4) the number of international border inspection facilities and border crossings by commercial vehicles in each State; and

(5) any other factors the Secretary considers appropriate.

(d) FUNDING AMOUNTS PRIOR TO DEVELOPMENT OF A NEW ALLOCATION FORMULA.—

(1) INTERIM FORMULA.—Prior to the development of the new allocation formula, the Secretary may calculate the interim funding amounts for the motor carrier safety assistance program in fiscal year 2017 (and later fiscal years, as necessary) under section 31104(a)(1) of title 49, United States Code, as amended by section 32502 of this Act, by the following methodology:

(A) The Secretary shall calculate the funding amount using the allocation formula the Secretary used to award motor carrier safety assistance program funding in fiscal year 2016 under section 2507 of this Act.

(B) The Secretary shall average the funding awarded or other equitable amounts to a State in fiscal years 2013, 2014, and 2015 for border enforcement grants awarded under section 32603(c) of MAP–21 (126 Stat. 807; Public Law 112–141) and new entrant audit grants awarded under that section, or other equitable amounts.

(C) The Secretary shall add the amounts calculated in subparagraphs (A) and (B).

(2) ADJUSTMENTS.—Subject to the availability of funding and notwithstanding fluctuations in the data elements used by the Secretary, the initial amounts resulting from the calculation described in paragraph (1) shall be adjusted to ensure that, for each State, the amount shall not

be less than 97 percent of the average amount of funding received or other equitable amounts in fiscal years 2013, 2014, and 2015 for—

(A) motor carrier safety assistance program funds awarded under section 32603(a) of MAP–21 (126 Stat. 807; Public Law 112–141);

(B) border enforcement grants awarded under section 32603(a) of MAP–21 (126 Stat. 807; Public Law 112–141); and

(C) new entrant audit grants awarded under section 32603(a) of MAP–21 (126 Stat. 807; Public Law 112–141).

(3) IMMEDIATE RELIEF.—In developing the new allocation formula, the Secretary shall provide immediate relief for at least 3 fiscal years to all States currently subject to the withholding provisions of Motor Carrier Safety Assistance Program funds for matters of noncompliance.

(4) FUTURE WITHHOLDINGS.—Beginning on the date that the new allocation formula is implemented, the Secretary shall impose all future withholdings in accordance with section 31102(k) of title 49, United States Code, as amended by section 32502 of this Act.

(e) TERMINATION OF EFFECTIVENESS.—This section expires upon the implementation of a new Motor Carrier Safety Assistance Program Allocation Formula.

SEC. 32509. MAINTENANCE OF EFFORT CALCULATION.

(a) BEFORE NEW ALLOCATION FORMULA.—

(1) FISCAL YEAR 2017.—If a new allocation formula has not been established for fiscal year 2017, then, for fiscal year 2017, the Secretary of Transportation shall calculate the maintenance of effort required under section 31102(f) of title 49, United States Code, as amended by section 32502 of this Act, by averaging the expenditures for fiscal years 2004 and 2005 required by section 32601(a)(5) of MAP–21 (Public Law 112–141), as that section was in effect on the day before the date of enactment of this Act.

(2) SUBSEQUENT FISCAL YEARS.—The Secretary may use the methodology for calculating the maintenance of effort for fiscal year 2017 and each fiscal year thereafter if a new allocation formula has not been established.

(b) BEGINNING WITH NEW ALLOCATION FORMATION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3)(B), beginning on the date that a new allocation formula is established under section 2508, upon the request of a State, the Secretary may modify the baseline maintenance of effort required by section 31102(e) of title 49, United States Code, as amended by section 32502 of this Act, for the purpose of establishing a new baseline maintenance of effort if the Secretary determines that a waiver or modification—

(A) is equitable due to reasonable circumstances;

(B) will ensure the continuation of commercial motor vehicle enforcement activities in the State; and

(C) is necessary to ensure that the total amount of State maintenance of effort and matching expenditures required under sections 31102 and 31104 of title 49, United States Code, as amended by section 32502 of this Act, does not exceed a sum greater than the average of the total amount of State maintenance of effort and matching expenditures for the 3 fiscal years prior to the date of enactment of this Act.

(2) ADJUSTMENT METHODOLOGY.—If requested by a State, the Secretary may modify the maintenance of effort baseline according to the following methodology:

(A) The Secretary shall establish the maintenance of effort using the average of fiscal years 2004 and 2005, as required by section 32601(a)(5) of MAP–21 (Public Law 112–141).

(B) The Secretary shall calculate the average required match by a lead State commercial motor vehicle safety agency for fiscal years 2013, 2014, and 2015 for motor carrier safety assistance grants established at 20 percent by section 31103 of title 49, United States Code, as that section was in effect on the day before the date of enactment of this Act.

(C) The Secretary shall calculate the estimated match required under section 31104(b) of title 49, United States Code, as amended by section 32502 of this Act.

(D) The Secretary will subtract the amount in subparagraph (B) from the amount in subparagraph (C) and—

(i) if the number is greater than 0, then the Secretary shall subtract the number from the amount in subparagraph (A); or

(ii) if the number is not greater than 0, then the Secretary shall calculate the maintenance of effort using the methodology in subparagraph (A).

(3) MAINTENANCE OF EFFORT AMOUNT.—

(A) IN GENERAL.—The Secretary shall use the amount calculated in paragraph (2) as the baseline maintenance of effort required in section 31102(f) of title 49, United States Code, as amended by section 32502 of this Act.

(B) DEADLINE.—If a State does not request a waiver or modification under this subsection before September 30 during the first fiscal year that the Secretary implements the new allocation formula under section 32508, the Secretary shall calculate the maintenance of effort using the methodology in paragraph (2)(A) of this subsection.

(4) MAINTENANCE OF EFFORT DESCRIBED.—The maintenance of effort calculated under this section is the amount required under section 31102(f) of title 49, United States Code, as amended by section 32502 of this Act.

(c) TERMINATION OF EFFECTIVENESS.—The authority under this section terminates effective on the date that the new maintenance of effort is calculated based on the new allocation formula implemented under section 32508.

Subtitle F—Miscellaneous Provisions

SEC. 32601. WINDSHIELD TECHNOLOGY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall revise the regulations in section 393.60(e) of title 49, Code of Federal Regulations (relating to the prohibition on obstructions to the driver's field of view) to exempt from that section the voluntary mounting on a windshield of vehicle safety technology likely to achieve a level of safety that is equivalent to or greater than the level of safety that would be achieved absent the exemption.

(b) DEFINITION OF VEHICLE SAFETY TECHNOLOGY.—In this section, ''vehicle safety technology'' includes fleet-related incident management system, performance or behavior management system, speed management system, lane departure warning system, forward collision warning or mitigation system, active cruise control system, and any other technology that the Secretary considers applicable.

(c) RULE OF CONSTRUCTION.—For purposes of this section, any windshield mounted technology with a short term exemption under part 381 of title 49, Code of Federal Regulations, on the day before the date of enactment of this Act, shall be considered likely to achieve a level of safety that is equivalent to or greater than the level of safety that would be achieved absent an exemption under subsection (a).

SEC. 32602. ELECTRONIC LOGGING DEVICES REQUIREMENTS.

Section 31137(b) is amended—

(1) in paragraph (1)(C), by striking ''apply to'' and inserting ''except as provided in paragraph (3), apply to''; and

(2) by adding at the end the following:

''(3) EXCEPTION.—A motor carrier, when transporting a motor home or recreation vehicle trailer within the definition of 'driveaway-towaway operation' (as defined in section 390.5 of title 49, Code of Federal Regulations) may comply with the hours of service requirements by requiring each driver to use—

''(A) a paper record of duty status form; or

''(B) an electronic logging device.''.

SEC. 32603. LAPSE OF REQUIRED FINANCIAL SECURITY; SUSPENSION OF REGISTRATION.

Section 13906(e) is amended by inserting ''or suspend'' after ''revoke''.

SEC. 32604. ACCESS TO NATIONAL DRIVER REGISTER.

Section 30305(b) is amended by adding at the end the following:

''(13) The Administrator of the Federal Motor Carrier Safety Administration may request the chief driver licensing official of a State to provide information under subsection (a) of this section about an individual in connection with a safety investigation under the Administrator's jurisdiction.''.

SEC. 32605. STUDY ON COMMERCIAL MOTOR VEHICLE DRIVER COMMUTING.

(a) EFFECTS OF COMMUTING.—The Administrator of the Federal Motor Carrier Safety Administration shall conduct a study of the effects of motor carrier operator commutes exceeding 150 minutes commuting time on safety and commercial motor vehicle driver fatigue.

(b) STUDY.—In conducting the study, the Administrator shall consider—

(1) the prevalence of driver commuting in the commercial motor vehicle industry, including the number and percentage of drivers who commute;

(2) the distances traveled, time zones crossed, time spent commuting, and methods of transportation used;

(3) research on the impact of excessive commuting on safety and commercial motor vehicle driver fatigue;

(4) the commuting practices of commercial motor vehicle drivers and policies of motor carriers;

(5) the Federal Motor Carrier Safety Administration regulations, policies, and guidance regarding driver commuting; and

(6) any other matters the Administrator considers appropriate.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the findings under the study and any recommendations for legislative action concerning driver commuting.

SEC. 32606. HOUSEHOLD GOODS CONSUMER PROTECTION WORKING GROUP.

(a) WORKING GROUP.—The Secretary shall establish a working group for the purpose of developing recommendations on how to best convey to inexperienced consumers the information such consumers need to know with respect to the Federal laws concerning the interstate transportation of household goods by motor carrier.

(b) MEMBERSHIP.—The Secretary shall ensure that the working group is comprised of individuals with expertise in consumer affairs, educators with expertise in how people learn most effectively, and representatives of the household goods moving industry.

(c) RECOMMENDATIONS.—

(1) CONTENTS.—The recommendations developed by the working group shall include, at a minimum, recommendations on—

(A) condensing publication ESA 03005 of the Federal Motor Carrier Safety Administration into a format that is more easily used by consumers;

(B) using state-of-the-art education techniques and technologies, including optimizing the use of the Internet as an educational tool; and

(C) reducing and simplifying the paperwork required of motor carriers and shippers in interstate transportation.

(2) DEADLINE.—Not later than one year after the date of enactment of this Act, the working group shall make the recommendations described in paragraph (1) which the Secretary shall publish on a public website.

(d) REPORT.—Not later than 1 year after the date on which the working group makes its recommendations, the Secretary shall issue a report

to Congress on the implementation of such recommendations.

(e) FEDERAL ADVISORY COMMITTEE ACT EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this section.

(f) TERMINATION.—The working group shall terminate 2 years after the date of enactment of this Act.

SEC. 32607. INTERSTATE VAN OPERATIONS.

Section 4136 of SAFETEA–LU (Public Law 109–59; 119 Stat. 1745; 49 U.S.C. 3116 note) is amended by inserting ''with the exception of commuter vanpool operations, which shall remain exempt'' before the period at the end.

SEC. 32608. REPORT ON DESIGN AND IMPLEMENTATION OF WIRELESS ROADSIDE INSPECTION SYSTEMS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report regarding the design, development, testing, and implementation of wireless roadside inspection systems.

(b) ELEMENTS.—The report required under subsection (a) shall include a determination as to whether wireless roadside inspection systems—

(1) conflict with existing non-Federal electronic screening systems, or create capabilities already available;

(2) require additional statutory authority to incorporate generated inspection data into the safety measurement system or the safety fitness determinations program; and

(3) provide appropriate restrictions to specifically address privacy concerns of affected motor carriers and operators.

SEC. 32609. MOTORCOACH HOURS OF SERVICE STUDY.

(a) REQUIREMENT BEFORE IMPLEMENTING NEW RULES.—

(1) IN GENERAL.—The Secretary may not amend, adjust, or revise the driver hours of service regulations for motor carriers of passengers, by rulemaking or any other means, until the Secretary conducts a formal study that properly accounts for operational differences and variances in crash data for drivers in intercity motorcoach service and interstate property carrier operations and between segments of the intercity motorcoach industry.

(2) CONTENTS.—The study required under paragraph (1) shall include—

(A) the impact of the current hours of service regulations for motor carriers of passengers on fostering safe operation of intercity motorcoaches;

(B) the separation of the failures of the current passenger carrier hours-of-service regulations and the lack of enforcement of the current regulations by Federal and State agencies;

(C) the correlation of noncompliance with current passenger carrier hours of service rule to passenger carrier accidents using data from 2000 through 2013; and

(D) how passenger carrier crashes could have been mitigated by any changes to passenger carrier hours of service rules.

(b) EMERGENCY REGULATIONS.—Nothing in this section may be construed to affect the Secretary's existing authority to provide relief from the hours of service regulations in the event of an emergency under section 390.232 of title 49, Code of Federal Regulations.

SEC. 32610. GAO REVIEW OF SCHOOL BUS SAFETY.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a review of the following:

(1) Existing Federal and State rules and guidance, as of the date of the review, concerning school bus transportation of elementary school and secondary school students engaging in home-to-school transport or other transport determined by the Comptroller General to be a routine part of kindergarten through grade 12 education, including regulations and guidance regarding driver training programs, capacity requirements, programs for special needs students, inspection standards, vehicle age requirements, best practices, and public access to inspection results and crash records.

(2) Any correlation between public or private school bus fleet operators whose vehicles are involved in an accident as defined by section 390.5 of title 49, Code of Federal Regulations, and each of the following:

(A) A failure by those same operators of State or local safety inspections.

(B) The average age or odometer readings of the school buses in the fleets of such operators.

(C) Violations of Federal laws administered by the Department of Transportation, or of State law equivalents of such laws.

(D) Violations of State or local law relating to illegal passing of a school bus.

(3) A regulatory framework comparison of public and private school bus operations.

(4) Expert recommendations on best practices for safe and reliable school bus transportation, including driver training programs, inspection standards, school bus age and odometer reading maximums for retirement, the percentage of buses in a local bus fleet needed as spare buses, and capacity levels per school bus for different age groups.

SEC. 32611. USE OF HAIR TESTING FOR PREEMPLOYMENT AND RANDOM CONTROLLED SUBSTANCES TESTS.

(a) SHORT TITLE.—This section may be cited as the ''Drug Free Commercial Driver Act of 2015''.

(b) AUTHORIZATION OF HAIR TESTING AS AN ACCEPTABLE PROCEDURE FOR PREEMPLOYMENT AND RANDOM CONTROLLED SUBSTANCE TESTS.—Section 31306 is amended—

(1) in subsection (b)(1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) in subparagraph (A), by striking ''The regulations shall permit such motor carriers to conduct preemployment testing of such employees for the use of alcohol.'' and inserting the following:

''(B) The regulations prescribed under subparagraph (A) shall permit motor carriers—

''(i) to conduct preemployment testing of commercial motor vehicle operators for the use of alcohol; and

''(ii) to use hair testing as an acceptable alternative to urinalysis—

''(I) in conducting preemployment screening for the use of a controlled substance; and

''(II) in conducting random screening for the use of a controlled substance by individuals who were subject to preemployment screening.''; and

(2) in subsection (c)(2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by inserting ''and'' after the semicolon; and

(C) by adding at the end the following:

''(D) laboratory protocols and cut-off levels for hair testing to detect the use of a controlled substance;''.

(c) EXEMPTION FROM MANDATORY URINALYSIS.—

(1) IN GENERAL.—Any motor carrier that demonstrates, to the satisfaction of the Administrator of the Federal Motor Carrier Safety Administration, in consultation with the Department of Health and Human Services, that it can carry out an applicable hair testing program, consistent with generally accepted industry standards, to detect the use of a controlled substance by commercial motor vehicle operators, may apply to the Administrator for an exemption from the mandatory urinalysis testing requirements set forth in subpart C of part 382 of title 49, Code of Federal Regulations until a final rule is issued implementing the amendments made by subsection (b).

(2) EVALUATION OF APPLICATIONS.—

(A) IN GENERAL.—In evaluating applications for an exemption under paragraph (1), the Administrator, in consultation with the Department of Health and Human Services, shall determine if the applicant's testing program employs procedures and protections similar to fleets that have carried out hair testing programs for at least 1 year.

(B) REQUIREMENTS.—A testing program may not receive an exemption under paragraph (1) unless the applicable testing laboratories—

(i) have obtained laboratory accreditation specific to hair testing from an accrediting body, compliant with international or other Federal standards, as appropriate, such as the College of American Pathologists; and

(ii) utilize hair testing assays that have been cleared by the Food and Drug Administration under section 510(k) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360(k)).

(3) DEADLINE FOR DECISIONS.—Not later than 90 days after receiving an application from a motor carrier under this subsection, the Administrator, in consultation with the Secretary of Health and Human Services, shall determine whether the motor carrier is exempt from the testing requirements described in paragraph (1).

(4) REPORTING REQUIREMENT.—Any motor carrier that is granted an exemption under paragraph (1) shall submit records to the national clearinghouse established under section 31306a of title 49, United States Code, relating to all positive test results and test refusals from the hair testing program described in that paragraph.

(d) GUIDELINES FOR HAIR TESTING.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue scientific and technical guidelines for hair testing as a method of detecting the use of a controlled substance for purposes of section 31306 of title 49, United States Code, as amended by subsection (b). When issuing the scientific and technical guidelines, the Secretary of Health and Human Services may consider differentiating between exposure to, and usage of, various controlled substances.

(e) ANNUAL REPORT TO CONGRESS.—The Secretary shall submit an annual report to Congress that—

(1) summarizes the results of preemployment and random drug testing using both hair testing and urinalysis;

(2) evaluates the efficacy of each method; and

(3) determines which method provides the most accurate means of detecting the use of controlled substances over time.

TITLE XXXIII—HAZARDOUS MATERIALS

SEC. 33101. ENDORSEMENTS.

(a) EXCLUSIONS.—Section 5117(d)(1) is amended—

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

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

(3) by adding at the end the following:

''(D) a service vehicle (as defined in section 33101 of the Comprehensive Transportation and Consumer Protection Act of 2015) carrying diesel fuel in quantities of 3,785 liters (1,000 gallons) or less that is—

''(i) driven by a class A commercial driver's license holder who is a custom harvester, an agricultural retailer, an agricultural business employee, an agricultural cooperative employee, or an agricultural producer; and

''(ii) clearly marked with a placard reading 'Diesel Fuel'.''.

(b) HAZARDOUS MATERIALS ENDORSEMENT EXEMPTION.—The Secretary shall exempt all class A commercial driver's license holders who are custom harvesters, agricultural retailers, agricultural business employees, agricultural cooperative employees, or agricultural producers

from the requirement to obtain a hazardous materials endorsement under part 383 of title 49, Code of Federal Regulations, while operating a service vehicle carrying diesel fuel in quantities of 3,785 liters (1,000 gallons) or less if the tank containing such fuel is clearly marked with a placard reading ''Diesel Fuel''.

(c) DEFINITION OF SERVICE VEHICLE.—In this section, the term ''service vehicle'' means a vehicle carrying diesel fuel that will be deductible as a profit-seeking activity—

(1) under section 162 of the Internal Revenue Code of 1986 as a business expense; or

(2) under section 212 of the Internal Revenue Code of 1986 as a production of income expense.

SEC. 33102. ENHANCED REPORTING.

Section 5121(h) is amended by striking ''transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate'' and inserting ''post on the Department of Transportation public website''.

SEC. 33103. HAZARDOUS MATERIAL INFORMATION.

(a) DERAILMENT DATA.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall revise the form for reporting a rail equipment accident or incident under section 225.21 of title 49, Code of Federal Regulations (Form FRA F 6180.54, Rail Equipment Accident/Incident Report), including to its instructions, to require additional data concerning rail cars carrying crude oil or ethanol that are involved in a reportable rail equipment accident or incident under part 225 of that title.

(2) CONTENTS.—The data under subsection (a) shall include—

(A) the number of rail cars carrying crude oil or ethanol;

(B) the number of rail cars carrying crude oil or ethanol damaged or derailed; and

(C) the number of rail cars releasing crude oil or ethanol.

(3) DIFFERENTIATION.—The data described in paragraph (2) shall be reported separately for crude oil and for ethanol.

(b) DATABASE CONNECTIVITY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall implement information management practices to ensure that the Pipeline and Hazardous Materials Safety Administration Hazardous Materials Incident Reports Database (referred to in this section as ''Incident Reports Database'') and the Federal Railroad Administration Railroad Safety Information System contain accurate and consistent data on a reportable rail equipment accident or incident under part 225 of title 49, Code of Federal Regulations, involving the release of hazardous materials.

(2) IDENTIFIERS.—The Secretary shall ensure that the Incident Reports Database uses a searchable Federal Railroad Administration report number, or other applicable unique identifier that is linked to the Federal Railroad Safety Information System, for each reportable rail equipment accident or incident under part 225 of title 49, Code of Federal Regulations, involving the release of hazardous materials.

(c) EVALUATION.—

(1) IN GENERAL.—The Department of Transportation Inspector General shall—

(A) evaluate the accuracy of information in the Incident Reports Database, including determining whether any inaccuracies exist in—

(i) the type of hazardous materials released;

(ii) the quantity of hazardous materials released;

(iii) the location of hazardous materials released;

(iv) the damages or effects of hazardous materials released; and

(v) any other data contained in the database; and

(B) considering the requirements in subsection (b), evaluate the consistency and accuracy of data involving accidents or incidents reportable to both the Pipeline and Hazardous Materials Safety Administration and the Federal Railroad Administration, including whether the Incident Reports Database uses a searchable identifier described in subsection (b)(2).

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Department of Transportation Inspector General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report of the findings under subparagraphs (A) and (B) of paragraph (1) and recommendations for resolving any inconsistencies or inaccuracies.

(d) SAVINGS CLAUSE.—Nothing in this section may be construed to prohibit the Secretary from requiring other commodity-specific information for any reportable rail equipment accident or incident under part 225 of title 49, Code of Federal Regulations.

SEC. 33104. NATIONAL EMERGENCY AND DISASTER RESPONSE.

(a) PURPOSE.—Section 5101 is amended by inserting and ''and to facilitate the safe movement of hazardous materials during national emergencies'' after ''commerce''.

(b) GENERAL REGULATORY AUTHORITY.—Section 5103 is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) FEDERALLY DECLARED DISASTER AND EMERGENCY AREAS.—The Secretary, in consultation with the Secretary of Homeland Security, may prescribe standards to facilitate the safe movement of hazardous materials into, from, and within a federally declared disaster area or a national emergency area.''.

SEC. 33105. AUTHORIZATION OF APPROPRIATIONS.

Section 5128 is amended to read as follows:

''§ 5128. Authorization of appropriations

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119)—

''(1) $43,660,000 for fiscal year 2016;

''(2) $44,577,000 for fiscal year 2017;

''(3) $45,513,000 for fiscal year 2018;

''(4) $46,469,000 for fiscal year 2019;

''(5) $47,445,000 for fiscal year 2020; and

''(6) $48,441,000 for fiscal year 2021.

''(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend, during each of fiscal years 2016 through 2021—

''(1) $188,000 to carry out section 5115;

''(2) $21,800,000 to carry out subsections (a) and (b) of section 5116, of which not less than $13,650,000 shall be available to carry out section 5116(b);

''(3) $150,000 to carry out section 5116(f);

''(4) $625,000 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); and

''(5) $1,000,000 to carry out section 5116(j).

''(c) HAZARDOUS MATERIALS TRAINING GRANTS.—From the Hazardous Materials Emergency Preparedness Fund established pursuant to section 5116(i), the Secretary may expend $4,000,000 for each of the fiscal years 2016 through 2021 to carry out section 5107(e).

''(d) CREDITS TO APPROPRIATIONS.—

''(1) EXPENSES.—In addition to amounts otherwise made available to carry out this chapter, the Secretary may credit amounts received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, authority, or entity.

''(2) AVAILABILITY OF AMOUNTS.—Amounts made available under this section shall remain available until expended.''.

TITLE XXXIV—HIGHWAY AND MOTOR VEHICLE SAFETY

Subtitle A—Highway Traffic Safety

PART I—HIGHWAY SAFETY

SEC. 34101. AUTHORIZATION OF APPROPRIATIONS.

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

(1) HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code—

(A) $243,526,500 for fiscal year 2016;

(B) $252,267,972 for fiscal year 2017;

(C) $261,229,288 for fiscal year 2018;

(D) $270,415,429 for fiscal year 2019;

(E) $279,831,482 for fiscal year 2020; and

(F) $289,482,646 for fiscal year 2021.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of title 23, United States Code—

(A) $137,835,000 for fiscal year 2016;

(B) $140,729,535 for fiscal year 2017;

(C) $143,684,855 for fiscal year 2018;

(D) $146,702,237 for fiscal year 2019;

(E) $149,782,984 for fiscal year 2020; and

(F) $152,928,427 for fiscal year 2021.

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—For carrying out section 405 of title 23, United States Code—

(A) $274,720,000 for fiscal year 2016;

(B) $277,467,200 for fiscal year 2017;

(C) $280,241,872 for fiscal year 2018;

(D) $283,044,291 for fiscal year 2019;

(E) $285,874,734 for fiscal year 2020; and

(F) $288,733,481 for fiscal year 2021.

(4) NATIONAL DRIVER REGISTER.—For the National Highway Traffic Safety Administration to carry out chapter 303 of title 49, United States Code—

(A) $5,105,000 for fiscal year 2016;

(B) $5,212,205 for fiscal year 2017;

(C) $5,321,661 for fiscal year 2018;

(D) $5,433,416 for fiscal year 2019;

(E) $5,547,518 for fiscal year 2020; and

(F) $5,664,016 for fiscal year 2021.

(5) HIGH VISIBILITY ENFORCEMENT PROGRAM.—For carrying out section 2009 of SAFETEA–LU (23 U.S.C. 402 note)—

(A) $29,290,000 for fiscal year 2016;

(B) $29,582,900 for fiscal year 2017;

(C) $29,878,729 for fiscal year 2018;

(D) $30,177,516 for fiscal year 2019;

(E) $30,479,291 for fiscal year 2020; and

(F) $30,784,084 for fiscal year 2021.

(6) ADMINISTRATIVE EXPENSES.—For administrative and related operating expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code, and this subtitle—

(A) $25,755,000 for fiscal year 2016;

(B) $26,012,550 for fiscal year 2017;

(C) $26,272,676 for fiscal year 2018;

(D) $26,535,402 for fiscal year 2019;

(E) $26,800,756 for fiscal year 2020; and

(F) $27,068,764 for fiscal year 2021.

(b) PROHIBITION ON OTHER USES.—Except as otherwise provided in chapter 4 of title 23, United States Code, in this subtitle, and in the amendments made by this subtitle, the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a program under such chapter—

(1) shall only be used to carry out such program; and

(2) may not be used by States or local governments for construction purposes.

(c) APPLICABILITY OF TITLE 23.—Except as otherwise provided in chapter 4 of title 23, United States Code, and in this subtitle, amounts made available under subsection (a) for fiscal years 2016 through 2021 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(d) REGULATORY AUTHORITY.—Grants awarded under this subtitle shall be in accordance with regulations issued by the Secretary.

(e) STATE MATCHING REQUIREMENTS.—If a grant awarded under this subtitle requires a State to share in the cost, the aggregate of all expenditures for highway safety activities made during any fiscal year by the State and its political subdivisions (exclusive of Federal funds) for carrying out the grant (other than planning and administration) shall be available for the purpose of crediting the State during such fiscal year for the non-Federal share of the cost of any project under this subtitle (other than planning or administration) without regard to whether such expenditures were actually made in connection with such project.

(f) GRANT APPLICATION AND DEADLINE.—To receive a grant under this subtitle, a State shall submit an application, and the Secretary shall establish a single deadline for such applications to enable the award of grants early in the next fiscal year.

(g) TRANSFERS.—Section 405(a)(1)(G) of title 23, United States Code, is amended to read as follows:

''(G) TRANSFERS.—Notwithstanding subparagraphs (A) through (F), the Secretary shall reallocate, before the last day of any fiscal year, any amounts remaining available of the amounts allocated to carry out any of the activities described in subsections (b) through (g) to increase the amount made available to carry out section 402, in order to ensure, to the maximum extent possible, that all such amounts are obligated during such fiscal year.''.

SEC. 34102. HIGHWAY SAFETY PROGRAMS.

(a) RESTRICTION.—Section 402(g) of title 23, United States Code, is amended to read as follows:

''(g) RESTRICTION.—Nothing in this section may be construed to authorize the appropriation or expenditure of funds for highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines).''.

(b) USE OF FUNDS.—

(1) HIGHWAY SAFETY PROGRAMS.—Section 402(c)(2) of title 23, United States Code, is amended by inserting ''A State may provide the funds apportioned under this section to a political subdivision of a State, including Indian tribal governments.'' after ''neighboring States.''.

(2) NATIONAL PRIORITY SAFETY PROGRAMS.—Section 405(a)(1) is amended by adding at the end the following:

''(I) POLITICAL SUBDIVISIONS.—A State may provide the funds awarded under this section to a political subdivision of a State, including Indian tribal governments.''.

(c) TRACKING PROCESS.—Section 412 of title 23, United States Code, is amended by adding at the end the following:

''(f) TRACKING PROCESS.—The Secretary shall develop a process to identify and mitigate possible systemic issues across States and regional offices by reviewing oversight findings and recommended actions identified in triennial State management reviews.''.

(d) HIGHWAY SAFETY PLANS.—Section 402(k)(5)(A) of title 23, United States Code, is amended by striking ''60'' and inserting ''45''.

(e) MAINTENANCE OF EFFORT.—Section 405(a)(1)(H) of title 23, United States Code, is amended to read as follows:

''(H) MAINTENANCE OF EFFORT CERTIFICATION.—As part of the grant application required in section 402(k)(3)(F), a State receiving a grant in any fiscal year under subsection (b), subsection (c), or subsection (d) of this section shall provide certification that the lead State agency responsible for programs described in any of those sections is maintaining aggregate expenditures at or above the average level of such expenditures in the 2 fiscal years prior to the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015.''.

SEC. 34103. GRANTS FOR ALCOHOL-IGNITION INTERLOCK LAWS AND 24–7 SOBRIETY PROGRAMS.

Section 405(d) of title 23, United States Code, is amended—

(1) in paragraph (6)—

(A) by amending the heading to read as follows: ''ADDITIONAL GRANTS.—'';

(B) in subparagraph (A), by amending the heading to read as follows: ''GRANTS TO STATES WITH ALCOHOL-IGNITION INTERLOCK LAWS.—'';

(C) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(D) by inserting after subparagraph (A), the following:

''(B) GRANTS TO STATES WITH 24–7 SOBRIETY PROGRAMS.—The Secretary shall make a separate grant under this subsection to each State that—

''(i) adopts and is enforcing a law that requires all individuals convicted of driving under the influence of alcohol or of driving while intoxicated to receive a restriction on driving privileges; and

''(ii) provides a 24–7 sobriety program.'';

(E) in subparagraph (C), as redesignated, by inserting ''and subparagraph (B)'' after ''subparagraph (A)'';

(F) in subparagraph (D), as redesignated, by inserting ''and subparagraph (B)'' after ''subparagraph (A)'';

(G) by amending subparagraph (E), as redesignated, to read as follows:

''(E) FUNDING.—

''(i) FUNDING FOR GRANTS TO STATES WITH ALCOHOL-IGNITION INTERLOCK LAWS.—Not more than 12 percent of the amounts made available to carry out this subsection in a fiscal year shall be made available by the Secretary for making grants under subparagraph (A).

''(ii) FUNDING FOR GRANTS TO STATES WITH 24–7 SOBRIETY PROGRAMS.—Not more than 3 percent of the amounts made available to carry out this subsection in a fiscal year shall be made available by the Secretary for making grants under subparagraph (B).''; and

(H) by adding at the end the following:

''(F) EXCEPTIONS.—A State alcohol-ignition interlock law under subparagraph (A) may include exceptions for the following circumstances:

''(i) The individual is required to operate an employer's motor vehicle in the course and scope of employment and the business entity that owns the vehicle is not owned or controlled by the individual.

''(ii) The individual is certified by a medical doctor as being unable to provide a deep lung breath sample for analysis by an ignition interlock device.''; and

(2) in paragraph (7)(A)—

(A) in the matter preceding clause (i)—

(i) by striking ''or a State agency'' and inserting ''or an agency with jurisdiction''; and

(ii) by inserting ''bond,'' before ''sentence'';

(B) in clause (i), by striking ''who plead guilty or'' and inserting ''who was arrested, plead guilty, or''; and

(C) in clause (ii), by inserting ''at a testing location'' after ''per day''.

SEC. 34104. REPEAT OFFENDER CRITERIA.

Section 164(a) of title 23, United States Code, is amended—

(1) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(2) by inserting before paragraph (2), as redesignated, the following:

''(1) 24–7 SOBRIETY PROGRAM.—The term '24–7 sobriety program' has the meaning given the term in section 405(d)(7)(A).'';

(3) in paragraph (5), as redesignated—

(A) in the matter preceding subparagraph (A), by inserting ''or combination of laws or programs'' after ''State law''; and

(B) by amending subparagraph (A) to read as follows:

''(A) receive, for a period of not less than 1 year—

''(i) a suspension of all driving privileges;

''(ii) a restriction on driving privileges that limits the individual to operating only motor vehicles with an ignition interlock device installed, unless a special exception applies;

''(iii) a restriction on driving privileges that limits the individual to operating motor vehicles only if participating in, and complying with, a 24–7 sobriety program; or

''(iv) any combination of clauses (i) through (iii);'';

(C) by striking subparagraph (B);

(D) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(E) in subparagraph (C), as redesignated—

(i) in clause (i)—

(I) in subclause (I), by striking ''; or'' and inserting a semicolon;

(II) in subclause (II), by striking ''; and''; and inserting ''; or''; and

(III) by adding at the end the following:

''(III) the State certifies that the general practice is that such an individual will be incarcerated; and''; and

(ii) in clause (ii)—

(I) in subclause (I), by striking ''; or'' and inserting a semicolon;

(II) in subclause (II), by striking ''; and''; and inserting ''; or''; and

(III) by adding at the end the following:

''(III) the State certifies that the general practice is that such an individual will receive approximately 10 days of incarceration.''; and

(4) by adding at the end—

''(6) SPECIAL EXCEPTION.—The term 'special exception' means an exception under a State alcohol-ignition interlock law for the following circumstances:

''(A) The individual is required to operate an employer's motor vehicle in the course and scope of employment and the business entity that owns the vehicle is not owned or controlled by the individual.

''(B) The individual is certified by a medical doctor as being unable to provide a deep lung breath sample for analysis by an ignition interlock device.''.

SEC. 34105. STUDY ON THE NATIONAL ROADSIDE SURVEY OF ALCOHOL AND DRUG USE BY DRIVERS.

Not later than 180 days after the date that the Comptroller General reviews and reports on the overall value of the National Roadside Survey to researchers and other public safety stakeholders, the differences between a National Roadside Survey site and typical law enforcement checkpoints, and the effectiveness of the National Roadside Survey methodology at protecting the privacy of the driving public, as requested by the Committee on Appropriations of the Senate on June 5, 2014 (Senate Report 113–182), the Secretary shall report to Congress on the National Highway Traffic Safety Administration's progress toward reviewing that report and implementing any recommendations made in that report.

SEC. 34106. INCREASING PUBLIC AWARENESS OF THE DANGERS OF DRUG-IMPAIRED DRIVING.

(a) ADDITIONAL ACTIONS.—The Administrator of the National Highway Traffic Safety Administration, in consultation with the White House Office of National Drug Control Policy, the Secretary of Health and Human Services, State highway safety offices, and other interested parties, as determined by the Administrator, shall identify and carry out additional actions that should be undertaken by the Administration to assist States in their efforts to increase public awareness of the dangers of drug-impaired driving, including the dangers of driving while under the influence of heroin or prescription opioids.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and

Infrastructure of the House of Representatives that describes the additional actions undertaken by the Administration pursuant to subsection (a).

SEC. 34107. IMPROVEMENT OF DATA COLLECTION ON CHILD OCCUPANTS IN VEHICLE CRASHES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall revise the crash investigation data collection system of the National Highway Traffic Safety Administration to include the collection of the following data in connection with vehicle crashes whenever a child restraint system was in use in a vehicle involved in a crash:

(1) The type or types of child restraint systems in use during the crash in any vehicle involved in the crash, including whether a five-point harness or belt-positioning booster.

(2) If a five-point harness child restraint system was in use during the crash, whether the child restraint system was forward-facing or rear-facing in the vehicle concerned.

(b) CONSULTATION.—In implementing subsection (a), the Secretary shall work with law enforcement officials, safety advocates, the medical community, and research organizations to improve the recordation of data described in subsection (a) in police and other applicable incident reports.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on child occupant crash data collection in the crash investigation data collection system of the National Highway Traffic Safety Administration pursuant to the revision required by subsection (a).

PART II—STOP MOTORCYCLE CHECKPOINT FUNDING ACT

SEC. 34121. SHORT TITLE.

This part may be cited as the ''Stop Motorcycle Checkpoint Funding Act''.

SEC. 34122. GRANT RESTRICTION.

Notwithstanding section 153 of title 23, United States Code, the Secretary may not provide a grant or any funds to a State, county, town, township, Indian tribe, municipality, or other local government that may be used for any program—

(1) to check helmet usage; or

(2) to create checkpoints that specifically target motorcycle operators or motorcycle passengers.

PART III—IMPROVING DRIVER SAFETY ACT OF 2015

SEC. 34131. SHORT TITLE.

This part may be cited as the ''Improving Driver Safety Act of 2015''.

SEC. 34132. DISTRACTED DRIVING INCENTIVE GRANTS.

Section 405(e) of title 23, United States Code, is amended—

(1) in paragraph (1), by inserting ''includes distracted driving issues as part of the State's driver's license examination and'' after ''any State that'';

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by amending subparagraph (C) to read as follows:

''(C) establishes a minimum fine for a violation of the statute; and''; and

(C) by adding at the end the following:

''(D) does not provide for an exception that specifically allows a driver to use a personal wireless communications device for texting while stopped in traffic.'';

(3) in paragraph (3)—

(A) by amending subparagraph (A) to read as follows:

''(A) prohibits the use of a personal wireless communications device while driving for drivers—

''(i) younger than 18 years of age; or

''(ii) in the learner's permit and intermediate license stages;''; and

(B) by striking subparagraphs (C) and (D) and inserting the following:

''(C) establishes a minimum fine for a violation of the statute; and

''(D) does not provide for an exception that specifically allows a driver to text through a personal wireless communications device while stopped in traffic.''; and

(4) in paragraph (4)—

(A) in subparagraph (B)(ii), by striking ''and'' at the end;

(B) in subparagraph (C)—

(i) by striking ''section 31152'' and inserting ''section 31136''; and

(ii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) any additional exceptions determined by the Secretary through the rulemaking process.'';

(5) by amending paragraph (6) to read as follows:

''(6) ADDITIONAL DISTRACTED DRIVING GRANTS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), the Secretary shall use up to 50 percent of the amounts available for grants under this subsection to award grants to any State that—

''(i) in fiscal year 2017—

''(I) certifies that it has enacted a basic text messaging statute that—

''(aa) is applicable to drivers of all ages; and

''(bb) makes violation of the basic text messaging statute a primary offense or secondary enforcement action as allowed by State statute; and

''(II) is otherwise ineligible for a grant under this subsection; and

''(ii) in fiscal year 2018—

''(I) meets the requirements under clause (i);

''(II) imposes fines for violations; and

''(III) has a statute that prohibits drivers who are younger than 18 years of age from using a personal wireless communications device while driving.

''(B) USE OF GRANT FUNDS.—

''(i) IN GENERAL.—Notwithstanding paragraph (5) and subject to clauses (ii) and (iii) of this subparagraph, amounts received by a State under subparagraph (A) may be used for activities related to the enforcement of distracted driving laws, including for public information and awareness purposes.

''(ii) FISCAL YEAR 2017.—In fiscal year 2017, up to 15 percent of the amounts received by a State under subparagraph (A) may be used for any eligible project or activity under section 402.

''(iii) FISCAL YEAR 2018.—In fiscal year 2018, up to 25 percent of the amounts received by a State under subparagraph (A) may be used for any eligible project or activity under section 402.''; and

(6) in paragraph (9)(A)(i), by striking '', including operation while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise''.

SEC. 34133. BARRIERS TO DATA COLLECTION REPORT.

Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives that—

(1) identifies any legal and technical barriers to capturing adequate data on the prevalence of the use of wireless communications devices while driving; and

(2) provides recommendations on how to address such barriers.

SEC. 34134. MINIMUM REQUIREMENTS FOR STATE GRADUATED DRIVER LICENSING INCENTIVE GRANT PROGRAM.

Section 405(g)(2) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking ''21'' and inserting ''18''; and

(2) by amending subparagraph (B) to read as follows:

''(B) LICENSING PROCESS.—A State is in compliance with the 2-stage licensing process described in this subparagraph if the State's driver's license laws include—

''(i) a learner's permit stage that—

''(I) is at least 6 months in duration;

''(II) contains a prohibition on the driver using a personal wireless communications device (as defined in subsection (e)) while driving except under an exception permitted under paragraph (4) of that subsection, and makes a violation of the prohibition a primary offense;

''(III) requires applicants to successfully pass a vision and knowledge assessment prior to receiving a learner's permit;

''(IV) requires that the driver be accompanied and supervised at all times while the driver is operating a motor vehicle by a licensed driver who is at least 21 years of age or is a State-certified driving instructor;

''(V) has a requirement that the driver—

''(aa) complete a State-certified driver education or training course; or

''(bb) obtain at least 50 hours of behind-the-wheel training, with at least 10 hours at night, with a licensed driver;

''(VI) remains in effect until the driver—

''(aa) reaches 16 years of age and enters the intermediate stage; or

''(bb) reaches 18 years of age;

''(ii) an intermediate stage that—

''(I) commences immediately after the expiration of the learner's permit stage and successful completion of a driving skills assessment;

''(II) is at least 6 months in duration;

''(III) prohibits the driver from using a personal wireless communications device (as defined in subsection (e)) while driving except under an exception permitted under paragraph (4) of that subsection, and makes a violation of the prohibition a primary offense;

''(IV) for the first 6 month of the intermediate stage, restricts driving at night between the hours of 10:00 p.m. and 5:00 a.m. when not supervised by a licensed driver 21 years of age or older, excluding transportation to work, school, religious activities, or emergencies;

''(V) prohibits the driver from operating a motor vehicle with more than 1 nonfamilial passenger younger than 21 years of age unless a licensed driver who is at least 21 years of age is in the motor vehicle; and

''(VI) remains in effect until the driver reaches 17 years of age; and

''(iii) a learner's permit and intermediate stage that require, in addition to any other penalties imposed by State law, the granting of an unrestricted driver's license be automatically delayed for any individual who, during the learner's permit or intermediate stage, is convicted of a driving-related offense during the first 6 months, including—

''(I) driving while intoxicated;

''(II) misrepresentation of the individual's age;

''(III) reckless driving;

''(IV) driving without wearing a seat belt;

''(V) speeding; or

''(VI) any other driving-related offense, as determined by the Secretary.''.

PART IV—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 34141. TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE AND HIGHWAY SAFETY IMPROVEMENT ACT OF 2012.

(a) HIGHWAY SAFETY PROGRAMS.—Section 402 of title 23, United States Code is amended—

(1) in subsection (b)(1)(C), by striking ''except as provided in paragraph (3),'';

(2) in subsection (b)(1)(E)—

(A) by striking ''in which a State'' and inserting ''for which a State''; and

(B) by striking ''subsection (f)'' and inserting ''subsection (k)''; and

(3) in subsection (k)(4), by striking ''paragraph (2)(A)'' and inserting ''paragraph (3)(A)''.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 403(e) of title 23, United States Code is amended by inserting ''of title 49'' after ''chapter 301''.

(c) NATIONAL PRIORITY SAFETY PROGRAMS.—Section 405 of title 23, United States Code is amended—

(1) in subsection (d)(5), by striking ''section 402(c)'' and inserting ''section 402''; and

(2) in subsection (f)(4)(A)(iv), by striking ''developed under subsection (g)''.

Subtitle B—Vehicle Safety

SEC. 34201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there is authorized to be appropriated to the Secretary to carry out chapter 301 of title 49, and part C of subtitle VI of title 49, United States Code, amounts as follows:

(1) $132,730,000 for fiscal year 2016.
(2) $135,517,330 for fiscal year 2017.
(3) $138,363,194 for fiscal year 2018.
(4) $141,268,821 for fiscal year 2019.
(5) $144,235,466 for fiscal year 2020.
(6) $147,264,411 for fiscal year 2021.

(b) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS IF A CERTIFICATION IS MADE.—

(1) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a) to carry out chapter 301 of title 49, and part C of subtitle VI of title 49, United States Code, if the certification described in paragraph (2) is made during a fiscal year there is authorized to be appropriated to the Secretary for that purpose for that fiscal year and subsequent fiscal years an additional amount as follows:

(A) $46,270,000 for fiscal year 2016.
(B) $51,537,670 for fiscal year 2017.
(C) $57,296,336 for fiscal year 2018.
(D) $62,999,728 for fiscal year 2019.
(E) $69,837,974 for fiscal year 2020.
(F) $76,656,407 for fiscal year 2021.

(2) CERTIFICATION DESCRIBED.—The certification described in this paragraph is a certification made by the Secretary and submitted to Congress that the National Highway Traffic Safety Administration has implemented all of the recommendations in the Office of Inspector General Audit Report issued June 18, 2015 (ST–2015–063). As part of the certification, the Secretary shall review the actions the National Highway Traffic Safety Administration has taken to implement the recommendations and issue a report to Congress detailing how the recommendations were implemented. The Secretary shall not delegate or assign the responsibility under this paragraph.

SEC. 34202. INSPECTOR GENERAL RECOMMENDATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and periodically thereafter until the completion date, the Department of Transportation Inspector General shall report to the appropriate committees of Congress on whether and what progress has been made to implement the recommendations in the Office of Inspector General Audit Report issued June 18, 2015 (ST–2015–063).

(b) IMPLEMENTATION PROGRESS.—The Administrator of the National Highway Traffic Safety Administration shall—

(1) not later than 90 days after the date of enactment of this Act, and periodically thereafter until the completion date, provide a briefing to the appropriate committees of Congress on the actions the Administrator has taken to implement the recommendations in the audit report described in subsection (a), including a plan for implementing any remaining recommendations; and

(2) not later than 1 year after the date of enactment of this Act, issue a final report to the appropriate committees of Congress on the implementation of all of the recommendations in the audit report described in subsection (a).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(2) COMPLETION DATE.—The term ''completion date'' means the date that the National Highway Traffic Safety Administration has implemented all of the recommendations in the Office of Inspector General Audit Report issued June 18, 2015 (ST–2015–063).

SEC. 34203. IMPROVEMENTS IN AVAILABILITY OF RECALL INFORMATION.

(a) VEHICLE RECALL INFORMATION.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement current information technology, web design trends, and best practices that will help ensure that motor vehicle safety recall information available to the public on the Federal website is readily accessible and easy to use, including—

(1) by improving the organization, availability, readability, and functionality of the website;

(2) by accommodating high-traffic volume; and

(3) by establishing best practices for scheduling routine website maintenance.

(b) GOVERNMENT ACCOUNTABILITY OFFICE PUBLIC AWARENESS REPORT.—

(1) IN GENERAL.—The Comptroller General shall study the current use by consumers, dealers, and manufacturers of the safety recall information made available to the public, including the usability and content of the Federal and manufacturers' websites and the National Highway Traffic Safety Administration's efforts to publicize and educate consumers about safety recall information.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall issue a report with the findings of the study under paragraph (1), including recommending any actions the Secretary can take to improve public awareness and use of the websites for safety recall information.

(c) PROMOTION OF PUBLIC AWARENESS.—Section 31301(c) of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30166 note) is amended to read as follows:

''(c) PROMOTION OF PUBLIC AWARENESS.—The Secretary shall improve public awareness of safety recall information made publicly available by periodically updating the method of conveying that information to consumers, dealers, and manufacturers, such as through public service announcements.''.

(d) CONSUMER GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall make available to the public on the Internet detailed guidance for consumers submitting safety complaints, including—

(1) a detailed explanation of what information a consumer should include in a complaint; and

(2) a detailed explanation of the possible actions the National Highway Traffic Safety Administration can take to address a complaint and respond to the consumer, including information on—

(A) the consumer records, such as photographs and police reports, that could assist with an investigation; and

(B) the length of time a consumer should retain the records described in subparagraph (A).

(e) VIN SEARCH.—

(1) IN GENERAL.—The Secretary, in coordination with industry, including manufacturers and dealers, shall study—

(A) the feasibility of searching multiple vehicle identification numbers at a time to retrieve motor vehicle safety recall information; and

(B) the feasibility of making the search mechanism described under subparagraph (A) publicly available.

(2) CONSIDERATIONS.—In conducting the study under paragraph (1), the Secretary shall consider the potential costs, and potential risks to privacy and security in implementing such a search mechanism.

SEC. 34204. RECALL PROCESS.

(a) NOTIFICATION IMPROVEMENT.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary shall prescribe a final rule revising the regulations under section 577.7 of title 49, Code of Federal Regulations, to include notification by electronic means in addition to notification by first class mail.

(2) DEFINITION OF ELECTRONIC MEANS.—In this subsection, the term ''electronic means'' includes electronic mail and may include such other means of electronic notification, such as social media or targeted online campaigns, as determined by the Secretary.

(b) NOTIFICATION BY MANUFACTURER.—Section 30118(c) is amended by inserting ''or electronic mail'' after ''certified mail''.

(c) RECALL COMPLETION RATES REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter for 4 years, the Secretary shall—

(A) conduct an analysis of vehicle safety recall completion rates to assess potential actions by the National Highway Traffic Safety Administration to improve vehicle safety recall completion rates; and

(B) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of the analysis.

(2) CONTENTS.—Each report shall include—

(A) the annual recall completion rate by manufacturer, model year, component (such as brakes, fuel systems, and air bags), and vehicle type (passenger car, sport utility vehicle, passenger van, and pick-up truck) for each of the 5 years before the year the report is submitted;

(B) the methods by which the Secretary has conducted analyses of these recall completion rates to determine trends and identify risk factors associated with lower recall rates; and

(C) the actions the Secretary has planned to improve recall completion rates based on the results of this data analysis.

(d) INSPECTOR GENERAL AUDIT OF VEHICLE RECALLS.—

(1) IN GENERAL.—The Department of Transportation Inspector General shall conduct an audit of the National Highway Traffic Safety Administration's management of vehicle safety recalls.

(2) CONTENTS.—The audit shall include a determination of whether the National Highway Traffic Safety Administration—

(A) appropriately monitors recalls to ensure the appropriateness of scope and adequacy of recall completion rates and remedies;

(B) ensures manufacturers provide safe remedies, at no cost to consumers;

(C) is capable of coordinating recall remedies and processes; and

(D) can improve its policy on consumer notice to combat effects of recall fatigue.

SEC. 34205. PILOT GRANT PROGRAM FOR STATE NOTIFICATION TO CONSUMERS OF MOTOR VEHICLE RECALL STATUS.

(a) IN GENERAL.—Not later than October 1, 2016, the Secretary shall implement a 2-year pilot program to evaluate the feasibility and effectiveness of a State process for informing consumers of open motor vehicle recalls at the time of motor vehicle registration in the State.

(b) GRANTS.—To carry out this program, the Secretary may make a grant to each eligible State, but not more than 6 eligible States in total, that agrees to comply with the requirements under subsection (c). Funds made available to a State under this section shall be used by the State for the pilot program described in subsection (a).

(c) ELIGIBILITY.—To be eligible for a grant, a State shall—

(1) submit an application in such form and manner as the Secretary prescribes;

(2) agree to notify, at the time of registration, each owner or lessee of a motor vehicle presented for registration in the State of any open recall on that vehicle;

(3) provide the open motor vehicle recall information at no cost to each owner or lessee of a motor vehicle presented for registration in the State; and

(4) provide such other information as the Secretary may require.

(d) AWARDS.—In selecting an applicant for an award under this section, the Secretary shall consider the State's methodology for determining open recalls on a motor vehicle, for informing consumers of the open recalls, and for determining performance.

(e) PERFORMANCE PERIOD.—Each grant awarded under this section shall require a 2-year performance period.

(f) REPORT.—Not later than 90 days after the completion of the performance period under subsection (e), a grantee shall provide to the Secretary a report of performance containing such information as the Secretary considers necessary to evaluate the extent to which open recalls have been remedied.

(g) EVALUATION.—Not later than 180 days after the completion of the pilot program, the Secretary shall evaluate the extent to which open recalls identified have been remedied.

(h) DEFINITIONS.—In this section:

(1) CONSUMER.—The term ''consumer'' includes owner and lessee.

(2) MOTOR VEHICLE.—The term ''motor vehicle'' has the meaning given the term under section 30102(a) of title 49, United States Code.

(3) OPEN RECALL.—The term ''open recall'' means a recall for which a notification by a manufacturer has been provided under section 30119 of title 49, United States Code, and that has not been remedied under section 30120 of that title.

(4) REGISTRATION.—The term ''registration'' means the process for registering motor vehicles in the State.

(5) STATE.—The term ''State'' has the meaning given the term under section 101(a) of title 23, United States Code.

SEC. 34206. RECALL OBLIGATIONS UNDER BANKRUPTCY.

Section 30120A is amended by striking ''chapter 11 of title 11,'' and inserting ''chapter 7 or chapter 11 of title 11''.

SEC. 34207. DEALER REQUIREMENT TO CHECK FOR OPEN RECALL.

Section 30120(f) is amended—

(1) by inserting ''(1) IN GENERAL.—'' before ''A manufacturer'' and indenting appropriately;

(2) in paragraph (1), as redesignated, by striking the period at the end and inserting the following: ''if—

''(A) at the time of providing service for each of the manufacturer's motor vehicles it services, the dealer notifies the owner or the individual requesting the service of any open recall; and

''(B) 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. 34208. 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

(2) in paragraph (2), by striking ''60-day'' each place it appears and inserting ''180-day''.

SEC. 34209. RENTAL CAR SAFETY.

(a) SHORT TITLE.—This section may be cited as the ''Raechel and Jacqueline Houck Safe Rental Car Act of 2015''.

(b) DEFINITIONS.—Section 30102(a) is amended—

(1) by redesignating paragraphs (10) and (11) as paragraphs (12) and (13), respectively;

(2) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively;

(3) by inserting before paragraph (2), as redesignated, the following:

''(1) 'covered rental vehicle' means a motor vehicle that—

''(A) has a gross vehicle weight rating of 10,000 pounds or less;

''(B) is rented without a driver for an initial term of less than 4 months; and

''(C) is part of a motor vehicle fleet of 5 or more motor vehicles that are used for rental purposes by a rental company.''; and

(4) by inserting after paragraph (10), as redesignated, the following:

''(11) 'rental company' means a person who—

''(A) is engaged in the business of renting covered rental vehicles; and

''(B) uses for rental purposes a motor vehicle fleet of 5 or more covered rental vehicles.''.

(c) REMEDIES FOR DEFECTS AND NONCOMPLIANCE.—Section 30120(i) is amended—

(1) in the subsection heading, by adding '', OR RENTAL'' at the end;

(2) in paragraph (1)—

(A) by striking ''(1) If notification'' and inserting the following:

''(1) IN GENERAL.—If notification'';

(B) by indenting subparagraphs (A) and (B) four ems from the left margin;

(C) by inserting ''or the manufacturer has provided to a rental company notification about a covered rental vehicle in the company's possession at the time of notification'' after ''time of notification'';

(D) by striking ''the dealer may sell or lease,'' and inserting ''the dealer or rental company may sell, lease, or rent''; and

(E) in subparagraph (A), by striking ''sale or lease'' and inserting ''sale, lease, or rental agreement'';

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

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a dealer or rental company from offering the vehicle or equipment for sale, lease, or rent.''; and

(4) by adding at the end the following:

''(3) SPECIFIC RULES FOR RENTAL COMPANIES.—

''(A) IN GENERAL.—Except as otherwise provided under this paragraph, a rental company shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (1) as soon as practicable, but not later than 24 hours after the earliest receipt of the notice to owner under subsection (b) or (c) of section 30118 (including the vehicle identification number for the covered vehicle) by the rental company, whether by electronic means or first class mail.

''(B) SPECIAL RULE FOR LARGE VEHICLE FLEETS.—Notwithstanding subparagraph (A), if a rental company receives a notice to owner covering more than 5,000 motor vehicles in its fleet, the rental company shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (1) as soon as practicable, but not later than 48 hours after the earliest receipt of the notice to owner under subsection (b) or (c) of section 30118 (including the vehicle identification number for the covered vehicle) by the rental company, whether by electronic means or first class mail.

''(C) SPECIAL RULE FOR WHEN REMEDIES NOT IMMEDIATELY AVAILABLE.—If a notification required under subsection (b) or (c) of section 30118 indicates that the remedy for the defect or noncompliance is not immediately available and specifies actions to temporarily alter the vehicle that eliminate the safety risk posed by the defect or noncompliance, the rental company, after causing the specified actions to be performed, may rent (but may not sell or lease) the motor vehicle. Once the remedy for the rental vehicle becomes available to the rental company, the rental company may not rent the vehicle until the vehicle has been remedied, as provided in subsection (a).

''(D) INAPPLICABILITY TO JUNK AUTOMOBILES.—Notwithstanding paragraph (1), this subsection does not prohibit a rental company from selling a covered rental vehicle if such vehicle—

''(i) meets the definition of a junk automobile under section 201 of the Anti-Car Theft Act of 1992 (49 U.S.C. 30501);

''(ii) is retitled as a junk automobile pursuant to applicable State law; and

''(iii) is reported to the National Motor Vehicle Information System, if required under section 204 of such Act (49 U.S.C. 30504).''.

(d) MAKING SAFETY DEVICES AND ELEMENTS INOPERATIVE.—Section 30122(b) is amended by inserting ''rental company,'' after ''dealer,'' each place such term appears.

(e) INSPECTIONS, INVESTIGATIONS, AND RECORDS.—Section 30166 is amended—

(1) in subsection (c)(2), by striking ''or dealer'' each place such term appears and inserting ''dealer, or rental company'';

(2) in subsection (e), by striking ''or dealer'' each place such term appears and inserting ''dealer, or rental company''; and

(3) in subsection (f), by striking ''or to owners'' and inserting '', rental companies, or other owners''.

(f) RESEARCH AUTHORITY.—The Secretary of Transportation may conduct a study of—

(1) the effectiveness of the amendments made by this section; and

(2) other activities of rental companies (as defined in section 30102(a)(11) of title 49, United States Code) related to their use and disposition of motor vehicles that are the subject of a notification required under section 30118 of title 49, United States Code.

(g) STUDY.—

(1) ADDITIONAL REQUIREMENT.—Section 32206(b)(2) of the Moving Ahead for Progress in the 21st Century Act (Public Law 112–141; 126 Stat. 785) is amended—

(A) in subparagraph (E), by striking ''and'' at the end;

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

(C) by inserting after subparagraph (E) the following:

''(F) evaluate the completion of safety recall remedies on rental trucks; and''.

(2) REPORT.—Section 32206(c) of such Act is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking ''REPORT.—Not later'' and inserting the following:

''(c) REPORTS.—

''(1) INITIAL REPORT.—Not later'';

(C) in paragraph (1), by striking ''subsection (b)'' and inserting ''subparagraphs (A) through (E) and (G) of subsection (b)(2)''; and

(D) by adding at the end the following:

''(2) SAFETY RECALL REMEDY REPORT.—Not later than 1 year after the date of the enactment of the 'Raechel and Jacqueline Houck Safe Rental Car Act of 2015', the Secretary shall submit a report to the congressional committees set forth in paragraph (1) that contains—

''(A) the findings of the study conducted pursuant to subsection (b)(2)(F); and

''(B) any recommendations for legislation that the Secretary determines to be appropriate.''.

(h) PUBLIC COMMENTS.—The Secretary shall solicit comments regarding the implementation of this section from members of the public, including rental companies, consumer organizations, automobile manufacturers, and automobile dealers.

(i) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section—

(1) may be construed to create or increase any liability, including for loss of use, for a manufacturer as a result of having manufactured or

imported a motor vehicle subject to a notification of defect or noncompliance under subsection (b) or (c) of section 30118 of title 49, United States Code; or

(2) shall supersede or otherwise affect the contractual obligations, if any, between such a manufacturer and a rental company (as defined in section 30102(a) of title 49, United States Code).

(j) RULEMAKING.—The Secretary may promulgate rules, as appropriate, to implement this section and the amendments made by this section.

(k) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 34210. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS OF MOTOR VEHICLE SAFETY.

(a) INCREASE IN CIVIL PENALTIES.—Section 30165(a) is amended—

(1) in paragraph (1)—

(A) by striking ''$5,000'' and inserting ''$21,000''; and

(B) by striking ''$35,000,000'' and inserting ''$105,000,000''; and

(2) in paragraph (3)—

(A) by striking ''$5,000'' and inserting ''$21,000''; and

(B) by striking ''$35,000,000'' and inserting ''$105,000,000''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) of this section take effect on the date that the Secretary certifies to Congress that the National Highway Traffic Safety Administration has issued the final rule required by section 31203(b) of the Moving Ahead for Progress In the 21st Century Act (Public Law 112–141; 126 Stat. 758; 49 U.S.C. 30165 note).

(c) PUBLICATION OF EFFECTIVE DATE.—The Secretary shall publish notice of the effective date under subsection (b) of this section in the Federal Register.

SEC. 34211. ELECTRONIC ODOMETER DISCLOSURES.

Section 32705(g) is amended—

(1) by inserting ''(1)'' before ''Not later than'' and indenting appropriately; and

(2) by adding at the end the following:

''(2) Notwithstanding paragraph (1) and subject to paragraph (3), a State, without approval from the Secretary under subsection (d), may allow for written disclosures or notices and related matters to be provided electronically if—

''(A) in compliance with—

''(i) the requirements of subchapter 1 of chapter 96 of title 15; or

''(ii) the requirements of a State law under section 7002(a) of title 15; and

''(B) the disclosures or notices otherwise meet the requirements under this section, including appropriate authentication and security measures.

''(3) Paragraph (2) ceases to be effective on the date the regulations under paragraph (1) become effective.''.

SEC. 34212. CORPORATE RESPONSIBILITY FOR NHTSA REPORTS.

Section 30166(o) is amended—

(1) in paragraph (1), by striking ''may'' and inserting ''shall''; and

(2) by adding at the end the following:

''(3) DEADLINE.—Not later than 1 year after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Secretary shall issue a final rule under paragraph (1).''.

SEC. 34213. DIRECT VEHICLE NOTIFICATION OF RECALLS.

(a) RECALL NOTIFICATION REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a report on the feasibility of a technical system that would operate in each new motor vehicle to indicate when the vehicle is subject to an open recall.

(b) DEFINITION OF OPEN RECALL.—In this section the term ''open recall'' means a recall for which a notification by a manufacturer has been provided under section 30119 of title 49, United States Code, and that has not been remedied under section 30120 of that title.

SEC. 34214. UNATTENDED CHILDREN WARNING.

Section 31504(a) of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30111 note) is amended by striking ''may'' and inserting ''shall''.

SEC. 34215. TIRE PRESSURE MONITORING SYSTEM.

(a) PROPOSED RULE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish a proposed rule that updates the standards pertaining to tire pressure monitoring systems to ensure that a tire pressure monitoring system that is installed in a new motor vehicle after the effective date of the revised standards cannot, to a level other than a safe pressure level, be—

(1) overridden;

(2) reset; or

(3) recalibrated.

(b) SAFE PRESSURE LEVEL.—For the purposes of subsection (a), the term ''safe pressure level'' shall mean a pressure level consistent with the TPMS detection requirements contained in S4.2(a) of section 571.138 of title 49, Code of Federal Regulations, or any corresponding similar regulation or ruling.

(c) FINAL RULE.—Not later than 2 years after the date of enactment of this Act, after providing the public with sufficient opportunity for notice and comment on the proposed rule published under subsection (a), the Secretary shall issue a final rule on the subject described in subsection (a).

Subtitle C—Research and Development and Vehicle Electronics

SEC. 34301. REPORT ON OPERATIONS OF THE COUNCIL FOR VEHICLE ELECTRONICS, VEHICLE SOFTWARE, AND EMERGING TECHNOLOGIES.

Not later than 1 year 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 regarding the operations of the Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies established under section 31401 of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 105 note). The report shall include information about the accomplishments of the Council, the role of the Council in integrating and aggregating electronic and emerging technologies expertise across the National Highway Traffic Safety Administration, the role of the Council in coordinating with other Federal agencies, and the priorities of the Council over the next 5 years.

SEC. 34302. COOPERATION WITH FOREIGN GOVERNMENTS.

(a) TITLE 49 AMENDMENT.—Section 30182(b) is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (5) the following:

''(6) in coordination with Department of State, enter into cooperative agreements and collaborative research and development agreements with foreign governments.''.

(b) TITLE 23 AMENDMENT.—Section 403 of title 23, United States Code, is amended—

(1) in subsection (b)(2)(C), by inserting ''foreign government (in coordination with the Department of State)'' after ''institution,''; and

(2) in subsection (c)(1)(A), by inserting ''foreign governments,'' after ''local governments,''.

(c) AUDIT.—The Department of Transportation Inspector General shall conduct an audit of the Secretary of Transportation's management and oversight of cooperative agreements and collaborative research and development agreements, including any cooperative agreements between the Secretary of Transportation and foreign governments under section 30182(b)(6) of title 49, United States Code, and subsections (b)(2)(C) and (c)(1)(A) of title 23, United States Code.

Subtitle D—Miscellaneous Provisions

PART I—DRIVER PRIVACY ACT OF 2015

SEC. 34401. SHORT TITLE.

This part may be cited as the ''Driver Privacy Act of 2015''.

SEC. 34402. LIMITATIONS ON DATA RETRIEVAL FROM VEHICLE EVENT DATA RECORDERS.

(a) OWNERSHIP OF DATA.—Any data retained by an event data recorder (as defined in section 563.5 of title 49, Code of Federal Regulations), regardless of when the motor vehicle in which it is installed was manufactured, is the property of the owner, or, in the case of a leased vehicle, the lessee of the motor vehicle in which the event data recorder is installed.

(b) PRIVACY.—Data recorded or transmitted by an event data recorder described in subsection (a) may not be accessed by a person other than an owner or 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 admission into evidence required by that court or other administrative authority;

(2) an owner or a lessee of the motor vehicle provides written, electronic, or recorded audio consent to the retrieval of the data for any purpose, including the purpose of diagnosing, servicing, or repairing the motor vehicle, or by agreeing to a subscription that describes how data will be retrieved and used;

(3) the data is retrieved pursuant to an investigation or inspection authorized under section 1131(a) or 30166 of title 49, United States Code, and the personally identifiable information of an owner or a lessee of the vehicle and the vehicle identification number is not disclosed in connection with the retrieved data, except that the vehicle identification number may be disclosed to the certifying manufacturer;

(4) the data is retrieved for the purpose of determining the need for, or facilitating, emergency medical response in response to a motor vehicle crash; or

(5) the data is retrieved for traffic safety research, and the personally identifiable information of an owner or a lessee of the vehicle and the vehicle identification number is not disclosed in connection with the retrieved data.

SEC. 34403. VEHICLE EVENT DATA RECORDER STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall submit to Congress a report that contains the results of a study conducted by the Administrator to determine the amount of time event data recorders installed in passenger motor vehicles should capture and record for retrieval vehicle-related data in conjunction with an event in order to provide sufficient information to investigate the cause of motor vehicle crashes.

(b) RULEMAKING.—Not later than 2 years after submitting the report required under subsection (a), the Administrator of the National Highway Traffic Safety Administration shall promulgate regulations to establish the appropriate period during which event data recorders installed in passenger motor vehicles may capture and record for retrieval vehicle-related data to the time necessary to provide accident investigators with vehicle-related information pertinent to crashes involving such motor vehicles.

PART II—SAFETY THROUGH INFORMED CONSUMERS ACT OF 2015

SEC. 34421. SHORT TITLE.

This part may be cited as the ''Safety Through Informed Consumers Act of 2015''.

SEC. 34422. PASSENGER MOTOR VEHICLE INFORMATION.

Section 32302 is amended by inserting after subsection (b) the following:

''(c) CRASH AVOIDANCE.—Not later than 1 year after the date of enactment of the Safety Through Informed Consumers Act of 2015, the Secretary shall promulgate a rule to ensure that crash avoidance information is indicated next to crashworthiness information on stickers placed on motor vehicles by their manufacturers.''.

PART III—TIRE EFFICIENCY, SAFETY, AND REGISTRATION ACT OF 2015

SEC. 34431. SHORT TITLE.

This part may be cited as the ''Tire Efficiency, Safety, and Registration Act of 2015'' or the ''TESR Act''.

SEC. 34432. TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.

Section 32304A is amended—

(1) in the section heading, by inserting ''**AND STANDARDS**'' after ''**CONSUMER TIRE INFORMATION**'';

(2) in subsection (a)—

(A) in the heading, by striking ''RULEMAKING'' and inserting ''CONSUMER TIRE INFORMATION''; and

(B) in paragraph (1), by inserting ''(referred to in this section as the 'Secretary')'' after ''Secretary of Transportation'';

(3) by redesignating subsections (b) through (e) as subsections (e) though (h), respectively; and

(4) by inserting after subsection (a) the following:

''(b) PROMULGATION OF REGULATIONS FOR TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.—

''(1) IN GENERAL.—The Secretary, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall promulgate regulations for tire fuel efficiency minimum performance standards for—

''(A) passenger car tires with a maximum speed capability equal to or less than 149 miles per hour or 240 kilometers per hour; and

''(B) passenger car tires with a maximum speed capability greater than 149 miles per hour or 240 kilometers per hour.

''(2) TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.—

''(A) STANDARD BASIS AND TEST PROCEDURES.—The minimum performance standards promulgated under paragraph (1) shall be expressed in terms of the rolling resistance coefficient measured using the test procedure specified in section 575.106 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

''(B) NO DISPARATE EFFECT ON HIGH PERFORMANCE TIRES.—The Secretary shall ensure that the minimum performance standards promulgated under paragraph (1) will not have a disproportionate effect on passenger car high performance tires with a maximum speed capability greater than 149 miles per hour or 240 kilometers per hour.

''(C) APPLICABILITY.—

''(i) IN GENERAL.—This subsection applies to new pneumatic tires for use on passenger cars.

''(ii) EXCEPTIONS.—This subsection does not apply to light truck tires, deep tread tires, winter-type snow tires, space-saver or temporary use spare tires, or tires with nominal rim diameters of 12 inches or less.

''(c) PROMULGATION OF REGULATIONS FOR TIRE WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

''(1) IN GENERAL.—The Secretary shall promulgate regulations for tire wet traction minimum performance standards to ensure that passenger tire wet traction capability is not reduced to achieve improved tire fuel efficiency.

''(2) TIRE WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

''(A) BASIS OF STANDARD.—The minimum performance standards promulgated under paragraph (1) shall be expressed in terms of peak coefficient of friction.

''(B) TEST PROCEDURES.—Any test procedure promulgated under this subsection shall be consistent with any test procedure promulgated under subsection (a).

''(C) BENCHMARKING.—The Secretary shall conduct testing to benchmark the wet traction performance of tire models available for sale in the United States as of the date of enactment of this Act to ensure that the minimum performance standards promulgated under paragraph (1) are tailored to—

''(i) tires sold in the United States; and

''(ii) the needs of consumers in the United States.

''(D) APPLICABILITY.—

''(i) IN GENERAL.—This subsection applies to new pneumatic tires for use on passenger cars.

''(ii) EXCEPTIONS.—This subsection does not apply to light truck tires, deep tread tires, winter-type snow tires, space-saver or temporary use spare tires, or tires with nominal rim diameters of 12 inches or less.

''(d) COORDINATION AMONG REGULATIONS.—

''(1) COMPATIBILITY.—The Secretary shall ensure that the test procedures and requirements promulgated under subsections (a), (b), and (c) are compatible and consistent.

''(2) COMBINED EFFECT OF RULES.—The Secretary shall evaluate the regulations promulgated under subsections (b) and (c) to ensure that compliance with the minimum performance standards promulgated under subsection (b) will not diminish wet traction performance of affected tires.

''(3) RULEMAKING DEADLINES.—The Secretary shall promulgate—

''(A) the regulations under subsections (b) and (c) not later than 24 months after the date of enactment of this Act; and

''(B) the regulations under subsection (c) not later than the date of promulgation of the regulations under subsection (b).''.

SEC. 34433. TIRE REGISTRATION BY INDEPENDENT SELLERS.

Section 30117(b) is amended by striking paragraph (3) and inserting the following:

''(3) RULEMAKING.—

''(A) IN GENERAL.—The Secretary shall initiate a rulemaking to require a distributor or dealer of tires that is not owned or controlled by a manufacturer of tires to maintain records of—

''(i) the name and address of tire purchasers and lessors and information identifying the tire that was purchased or leased; and

''(ii) any additional records the Secretary considers appropriate.

''(B) ELECTRONIC TRANSMISSION.—The rulemaking carried out under subparagraph (A) shall require a distributor or dealer of tires that is not owned or controlled by a manufacturer of tires to electronically transmit the records described in clauses (i) and (ii) of subparagraph (A) to the manufacturer of the tires or the designee of the manufacturer by secure means at no cost to tire purchasers or lessors.

''(C) SATISFACTION OF REQUIREMENTS.—A regulation promulgated under subparagraph (A) may be considered to satisfy the requirements of paragraph (2)(B).''.

SEC. 34434. TIRE RECALL DATABASE.

(a) IN GENERAL.—The Secretary shall establish a publicly available and searchable electronic database of tire recall information that is reported to the Administrator of the National Highway Traffic Safety Administration.

(b) TIRE IDENTIFICATION NUMBER.—The database established under subsection (a) shall be searchable by Tire Identification Number (TIN) and any other criteria that assists consumers in determining whether a tire is subject to a recall.

TITLE XXXV—RAILROAD REFORM, ENHANCEMENT, AND EFFICIENCY

SEC. 35001. SHORT TITLE.

This title may be cited as the ''Railroad Reform, Enhancement, and Efficiency Act''.

SEC. 35002. PASSENGER TRANSPORTATION; DEFINITIONS.

Section 24102 is amended—

(1) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), respectively;

(2) by inserting after paragraph (4), the following:

''(5) 'long-distance route' means a route described in paragraph (6)(C).'';

(3) by amending paragraph (6)(A), as redesignated, to read as follows:

''(A) the Northeast Corridor main line between Boston, Massachusetts and the Virginia Avenue interlocking in the District of Columbia, and the facilities and services used to operate and maintain that line;'';

(4) in paragraph (7), as redesignated, by striking the period at the end and inserting '', except that the term 'Northeast Corridor' for the purposes of chapter 243 means the main line between Boston, Massachusetts and the Virginia Avenue interlocking in the District of Columbia, and the facilities and services used to operate and maintain that line.''; and

(5) by adding at the end the following:

''(11) 'state-of-good-repair' means a condition in which physical assets, both individually and as a system, are—

''(A) performing at a level at least equal to that called for in their as-built or as-modified design specification during any period when the life cycle cost of maintaining the assets is lower than the cost of replacing them; and

''(B) sustained through regular maintenance and replacement programs.

''(12) 'State-supported route' means a route described in paragraph (6)(B) or paragraph (6)(D), or in section 24702(a).''.

Subtitle A—Authorization of Appropriations

SEC. 35101. AUTHORIZATION OF GRANTS TO AMTRAK.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary for the use of Amtrak for deposit into the accounts established under section 24319(a) of title 49, United States Code, the following amounts:

(1) For fiscal year 2016, $1,450,000,000.

(2) For fiscal year 2017, $1,550,000,000.

(3) For fiscal year 2018, $1,700,000,000.

(4) For fiscal year 2019, $1,900,000,000.

(b) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to one half of 1 percent of the amount appropriated under subsection (a) for the costs of management oversight of Amtrak.

(c) COMPETITION.—In administering grants to Amtrak under section 24318 of title 49, United States Code, the Secretary may withhold, from amounts that would otherwise be made available to Amtrak, such sums as are necessary from the amount appropriated under subsection (a) of this section to cover the operating subsidy described in section 24711(b)(1)(E)(ii) of title 49, United States Code.

(d) STATE-SUPPORTED ROUTE COMMITTEE.—The Secretary may withhold up to $2,000,000 from the amount appropriated in each fiscal year under subsection (a) of this section for the use of the State-Supported Route Committee established under section 24712 of title 49, United States Code.

(e) NORTHEAST CORRIDOR COMMISSION.—The Secretary may withhold up to $5,000,000 from the amount appropriated in each fiscal year under subsection (a) of this section for the use of the Northeast Corridor Commission established under section 24905 of title 49, United States Code.

SEC. 35102. NATIONAL INFRASTRUCTURE AND SAFETY INVESTMENTS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary for grants under

chapter 244 of title 49, United States Code, the following amounts:

(1) For fiscal year 2016, $350,000,000.

(2) For fiscal year 2017, $430,000,000.

(3) For fiscal year 2018, $600,000,000.

(4) For fiscal year 2019, $900,000,000.

(b) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1 percent from the amount appropriated under subsection (a) of this section for the costs of project management oversight of grants carried out under chapter 244 of title 49, United States Code.

SEC. 35103. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL TRANSPORTATION SAFETY BOARD RAIL INVESTIGATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, there are authorized to be appropriated to the National Transportation Safety Board to carry out railroad accident investigations under section 1131(a)(1)(C) of title 49, United States Code, the following amounts:

(1) For fiscal year 2016, $6,300,000.

(2) For fiscal year 2017, $6,400,000.

(3) For fiscal year 2018, $6,500,000.

(4) For fiscal year 2019, $6,600,000.

(b) INVESTIGATION PERSONNEL.—Amounts appropriated under subsection (a) of this section shall be available to the National Transportation Safety Board for personnel, in regional offices and in Washington, DC, whose duties involve railroad accident investigations.

SEC. 35104. AUTHORIZATION OF APPROPRIATIONS FOR AMTRAK OFFICE OF INSPECTOR GENERAL.

There are authorized to be appropriated to the Office of Inspector General of Amtrak the following amounts:

(1) For fiscal year 2016, $20,000,000.

(2) For fiscal year 2017, $20,500,000.

(3) For fiscal year 2018, $21,000,000.

(4) For fiscal year 2019, $21,500,000.

SEC. 35105. NATIONAL COOPERATIVE RAIL RESEARCH PROGRAM.

(a) IN GENERAL.—Section 24910 is amended—

(1) in subsection (b)—

(A) in paragraph (12), by striking ''and'';

(B) in paragraph (13), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(14) to improve the overall safety of intercity passenger and freight rail operations.''; and

(2) by amending subsection (e) to read as follows:

''(e) ALLOCATION.—At least $5,000,000 of the amounts appropriated to the Secretary for a fiscal year to carry out railroad research and development programs shall be available to carry out this section.''.

Subtitle B—Amtrak Reform

SEC. 35201. AMTRAK GRANT PROCESS.

(a) REQUIREMENTS AND PROCEDURES.—Chapter 243 is amended by adding at the end the following:

''§ 24317. Costs and revenues

''(a) ALLOCATION.—Not later than 180 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, Amtrak shall establish and maintain internal controls to ensure Amtrak's costs, revenues, and other compensation are appropriately and proportionally allocated to its Northeast Corridor train services or infrastructure, its State-supported routes, its long-distance routes, and its other national network activities.

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of Amtrak to enter into an agreement with 1 or more States to allocate operating and capital costs under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

''§ 24318. Grant process

''(a) PROCEDURES FOR GRANT REQUESTS.—Not later than 90 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary of Transportation shall establish and transmit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives substantive and procedural requirements, including schedules, for grant requests under this section.

''(b) GRANT REQUESTS.—Amtrak shall transmit grant requests for Federal funds appropriated to the Secretary of Transportation for the use of Amtrak to—

''(1) the Secretary; and

''(2) the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on the Budget of the Senate and the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives.

''(c) CONTENTS.—A grant request under subsection (b) shall—

''(1) describe projected operating and capital costs for the upcoming fiscal year for Northeast Corridor train services and infrastructure, Amtrak's State-supported routes, and Amtrak's long-distance routes, and Amtrak's other national network activities, as applicable, in comparison to prior fiscal year actual financial performance;

''(2) describe the capital projects to be funded, with cost estimates and an estimated timetable for completion of the projects covered by the request;

''(3) assess Amtrak's financial condition;

''(4) be displayed on Amtrak's Web site within a reasonable timeframe following its transmission under subsection (b); and

''(5) describe how the funding requested in a grant will be allocated to the accounts established under section 24319(a), considering the projected operating losses or capital costs for services and activities associated with such accounts over the time period intended to be covered by the grants.

''(d) REVIEW AND APPROVAL.—

''(1) THIRTY-DAY APPROVAL PROCESS.—

''(A) IN GENERAL.—Not later than 30 days after the date that Amtrak submits a grant request under this section, the Secretary of Transportation shall complete a review of the request and provide notice to Amtrak that—

''(i) the request is approved; or

''(ii) the request is disapproved, including the reason for the disapproval and an explanation of any incomplete or deficient items.

''(B) GRANT AGREEMENT.—If a grant request is approved, the Secretary shall enter into a grant agreement with Amtrak that allocates the grant funding to 1 of the 4 accounts established under section 24319(a).

''(2) FIFTEEN-DAY MODIFICATION PERIOD.—Not later than 15 days after the date of the notice under paragraph (1)(A)(ii), Amtrak shall submit a modified request for the Secretary's review.

''(3) MODIFIED REQUESTS.—Not later than 15 days after the date that Amtrak submits a modified request under paragraph (2), the Secretary shall either approve the modified request, or, if the Secretary finds that the request is still incomplete or deficient, the Secretary shall identify in writing to the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on the Budget of the Senate and the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

''(e) PAYMENTS TO AMTRAK.—

''(1) IN GENERAL.—A grant agreement entered into under subsection (d) shall specify the operations, services, and other activities to be funded by the grant. The grant agreement shall include provisions, consistent with the requirements of this chapter, to measure Amtrak's performance and ensure accountability in delivering the operations, services, or activities to be funded by the grant.

''(2) SCHEDULE.—Except as provided in paragraph (3), in each fiscal year for which amounts are appropriated to the Secretary for the use of Amtrak, and for which the Secretary and Amtrak have entered into a grant agreement under subsection (d), the Secretary shall disburse grant funds to Amtrak on the following schedule:

''(A) 50 percent on October 1.

''(B) 25 percent on January 1.

''(C) 25 percent on April 1.

''(3) EXCEPTIONS.—The Secretary may make a payment to Amtrak of appropriated funds—

''(A) more frequently than the schedule under paragraph (2) if Amtrak, for good cause, requests more frequent payment before the end of a payment period; or

''(B) with a different frequency or in different percentage allocations in the event of a continuing resolution or in the absence of an appropriations Act for the duration of a fiscal year.

''(f) AVAILABILITY OF AMOUNTS AND EARLY APPROPRIATIONS.—Amounts appropriated to the Secretary for the use of Amtrak shall remain available until expended. Amounts for capital acquisitions and improvements may be appropriated for a fiscal year before the fiscal year in which the amounts will be obligated.

''(g) LIMITATIONS ON USE.—Amounts appropriated to the Secretary for the use of Amtrak may not be used to cross-subsidize operating losses or capital costs of commuter rail passenger or freight rail transportation.

''§ 24319. Accounts

''(a) ESTABLISHMENT OF ACCOUNTS.—Beginning not later than October 1, 2016, Amtrak, in consultation with the Secretary of Transportation, shall define and establish—

''(1) a Northeast Corridor investment account, including subaccounts for Amtrak train services and infrastructure;

''(2) a State-supported account;

''(3) a long-distance account; and

''(4) an other national network activities account.

''(b) NORTHEAST CORRIDOR INVESTMENT ACCOUNT.—

''(1) DEPOSITS.—Amtrak shall deposit in the Northeast Corridor investment account established under subsection (a)(1)—

''(A) a portion of the grant funds appropriated under the authorization in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak, as specified in a grant agreement entered into under section 24318;

''(B) any compensation received from commuter rail passenger transportation providers for such providers' share of capital costs on the Northeast Corridor provided to Amtrak under section 24905(c);

''(C) any operating surplus of the Northeast Corridor train services or infrastructure, as allocated under section 24317; and

''(D) any other net revenue received in association with the Northeast Corridor, including freight access fees, electric propulsion, and commercial development.

''(2) USE OF NORTHEAST CORRIDOR INVESTMENT ACCOUNT.—Except as provided in subsection (f), amounts deposited in the Northeast Corridor investment account shall be made available for the use of Amtrak for its share of—

''(A) capital projects described in section 24904(a)(2)(E)(i), and developed under the planning process established under that section, to bring Northeast Corridor infrastructure to a state-of-good-repair;

''(B) capital projects described in clauses (ii) and (iv) of section 24904(a)(2)(E) that are developed under the planning process established

under that section intended to increase corridor capacity, improve service reliability, and reduce travel time on the Northeast Corridor;

''(C) capital projects to improve safety and security;

''(D) capital projects to improve customer service and amenities;

''(E) acquiring, rehabilitating, manufacturing, remanufacturing, overhauling, or improving equipment and associated facilities used for intercity rail passenger transportation by Northeast Corridor train services;

''(F) retirement of principal and payment of interest on loans for capital projects described in this paragraph or for capital leases for equipment and related to the Northeast Corridor;

''(G) participation in public-private partnerships, joint ventures, and other mechanisms or arrangements that result in the completion of capital projects described in this paragraph; and

''(H) indirect, common, corporate, or other costs directly incurred by or allocated to the Northeast Corridor.

''(c) STATE-SUPPORTED ACCOUNT.—

''(1) DEPOSITS.—Amtrak shall deposit in the State-supported account established under subsection (a)(2)—

''(A) a portion of the grant funds appropriated under the authorization in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak, as specified in a grant agreement entered into under section 24318;

''(B) any compensation received from States provided to Amtrak under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (42 U.S.C. 24101 note); and

''(C) any operating surplus from its State-supported routes, as allocated under section 24317.

''(2) USE OF STATE-SUPPORTED ACCOUNT.—Except as provided in subsection (f), amounts deposited in the State-supported account shall be made available for the use of Amtrak for capital expenses and operating costs, including indirect, common, corporate, or other costs directly incurred by or allocated to State-supported routes, of its State-supported routes and retirement of principal and payment of interest on loans or capital leases attributable to its State-supported routes.

''(d) LONG-DISTANCE ACCOUNT.—

''(1) DEPOSITS.—Amtrak shall deposit in the long-distance account established under subsection (a)(3)—

''(A) a portion of the grant funds appropriated under the authorization in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak, as specified in a grant agreement entered into under section 24318;

''(B) any compensation received from States provided to Amtrak for costs associated with its long-distance routes; and

''(C) any operating surplus from its long-distance routes, as allocated under section 24317.

''(2) USE OF LONG-DISTANCE ACCOUNT.—Except as provided in subsection (f), amounts deposited in the long-distance account shall be made available for the use of Amtrak for capital expenses and operating costs, including indirect, common, corporate, or other costs directly incurred by or allocated to long-distance routes, of its long-distance routes and retirement of principal and payment of interest on loans or capital leases attributable to the long-distance routes.

''(e) OTHER NATIONAL NETWORK ACTIVITIES ACCOUNT.—

''(1) DEPOSITS.—Amtrak shall deposit in the other national network activities account established under subsection (a)(4)—

''(A) a portion of the grant funds appropriated under the authorization in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak, as specified in a grant agreement entered into under section 24318;

''(B) any compensation received from States provided to Amtrak for costs associated with its other national network activities; and

''(C) any operating surplus from its other national network activities.

''(2) USE OF OTHER NATIONAL NETWORK ACTIVITIES ACCOUNT.—Except as provided in subsection (f), amounts deposited into the other national network activities account shall be made available for the use of Amtrak for capital and operating costs not allocated to the Northeast Corridor investment account, State-supported account, or long-distance account, and retirement of principal and payment of interest on loans or capital leases attributable to other national network activities.

''(f) TRANSFER AUTHORITY.—

''(1) AUTHORITY.—Amtrak may transfer any funds appropriated under the authorization in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak for deposit into the accounts described in that section, or any surplus generated by operations, between the Northeast Corridor, State-supported, long-distance, and other national network activities accounts—

''(A) upon the expiration of 10 days after the date that Amtrak notifies the Amtrak Board of Directors, including the Secretary, of the planned transfer; and

''(B) with the approval of the Secretary.

''(2) REPORT.—Not later than 5 days after the date that Amtrak notifies the Amtrak Board of Directors of a planned transfer under paragraph (1), Amtrak shall transmit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that includes—

''(A) the amount of the transfer; and

''(B) a detailed explanation of the reason for the transfer, including—

''(i) the effects on Amtrak services funded by the account from which the transfer is drawn, in comparison to a scenario in which no transfer was made; and

''(ii) the effects on Amtrak services funded by the account receiving the transfer, in comparison to a scenario in which no transfer was made.

''(3) NOTIFICATIONS.—

''(A) STATE-SUPPORTED ACCOUNT.—Not later than 5 days after the date that Amtrak notifies the Amtrak Board of Directors of a planned transfer under paragraph (1) of funds to or from the State-supported account, Amtrak shall transmit to each State that sponsors a State-supported route a letter that includes the information described under subparagraphs (A) and (B) of paragraph (2).

''(B) NORTHEAST CORRIDOR ACCOUNT.—Not later than 5 days after the date that Amtrak notifies the Amtrak Board of Directors of a planned transfer under paragraph (1) of funds to or from the Northeast Corridor account, Amtrak shall transmit to the Northeast Corridor Commission a letter that includes the information described under subparagraphs (A) and (B) of paragraph (2).

''(g) ENFORCEMENT.—The Secretary shall enforce the provisions of each grant agreement under section 24318(d), including any deposit into an account under this section.

''(h) LETTERS OF INTENT.—

''(1) REQUIREMENT.—The Secretary may issue a letter of intent to Amtrak announcing an intention to obligate, for a major capital project described in clauses (ii) and (iv) of section 24904(a)(2)(E), an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

''(2) NOTICE TO CONGRESS.—At least 30 days before issuing a letter under paragraph (1), the Secretary shall notify in writing the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives of the proposed letter. The Secretary shall include with the notice a copy of the proposed letter, the criteria used for selecting the project for a grant award, and a description of how the project meets the criteria under this section.

''(3) CONTINGENT NATURE OF OBLIGATION OR COMMITMENT.—An obligation or administrative commitment may be made only when amounts are appropriated. The letter of intent shall state that the contingent commitment is not an obligation of the Federal Government, and is subject to the availability of appropriations under Federal law and to Federal laws in force or enacted after the date of the contingent commitment.''.

(b) CONFORMING AMENDMENTS.—The table of contents for chapter 243 is amended by adding at the end the following:

''24317. Costs and revenues.
''24318. Grant process.
''24319. Accounts.''.

(c) REPEALS.—

(1) ESTABLISHMENT OF GRANT PROCESS.—Section 206 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) and the item relating to that section in the table of contents of that Act are repealed.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 24104 and the item relating to that section in the table of contents of chapter 241 are repealed.

SEC. 35202. 5-YEAR BUSINESS LINE AND ASSETS PLANS.

(a) AMTRAK 5-YEAR BUSINESS LINE AND ASSET PLANS.—Chapter 243, as amended by section 35201 of this Act, is further amended by inserting after section 24319 the following:

''§ 24320. Amtrak 5-year business line and asset plans

''(a) IN GENERAL.—

''(1) FINAL PLANS.—Not later than February 15 of each year, Amtrak shall submit to Congress and the Secretary final 5-year business line plans and 5-year asset plans prepared in accordance with this section. These final plans shall form the basis for Amtrak's general and legislative annual report to the President and Congress required by section 24315(b).

''(2) FISCAL CONSTRAINT.—Each plan prepared under this section shall be based on funding levels authorized or otherwise available to Amtrak in a fiscal year. In the absence of an authorization or appropriation of funds for a fiscal year, the plans shall be based on the amount of funding available in the previous fiscal year, plus inflation. Amtrak may include an appendix to the asset plan required in subsection (c) that describes any capital funding requirements in excess of amounts authorized or otherwise available to Amtrak in a fiscal year for capital investment.

''(b) AMTRAK 5-YEAR BUSINESS LINE PLANS.—

''(1) AMTRAK BUSINESS LINES.—Amtrak shall prepare a 5-year business line plan for each of the following business lines and services:

''(A) Northeast Corridor train services.

''(B) State-supported routes operated by Amtrak.

''(C) Long-distance routes operated by Amtrak.

''(D) Ancillary services operated by Amtrak, including commuter operations and other revenue generating activities as determined by the Secretary in consultation with Amtrak.

''(2) CONTENTS OF 5-YEAR BUSINESS LINE PLANS.—The 5-year business line plan for each business line shall include, at a minimum—

''(A) a statement of Amtrak's vision, goals, and service plan for the business line, coordinated with any entities that are contributing capital or operating funding to support passenger rail services within those business lines,

and aligned with Amtrak's Strategic Plan and 5-year asset plans under subsection (c);

''(B) all projected revenues and expenditures for the business line, including identification of revenues and expenditures incurred by—

''(i) passenger operations;

''(ii) non-passenger operations that are directly related to the business line; and

''(iii) governmental funding sources, including revenues and other funding received from States;

''(C) projected ridership levels for all passenger operations;

''(D) estimates of long-term and short-term debt and associated principal and interest payments (both current and forecasts);

''(E) annual profit and loss statements and forecasts and balance sheets;

''(F) annual cash flow forecasts;

''(G) a statement describing the methodologies and significant assumptions underlying estimates and forecasts;

''(H) specific performance measures that demonstrate year over year changes in the results of Amtrak's operations;

''(I) financial performance for each route within each business line, including descriptions of the cash operating loss or contribution and labor productivity for each route;

''(J) specific costs and savings estimates resulting from reform initiatives;

''(K) prior fiscal year and projected equipment reliability statistics; and

''(L) an identification and explanation of any major adjustments made from previously-approved plans.

''(3) 5-YEAR BUSINESS LINE PLANS PROCESS.—In meeting the requirements of this section, Amtrak shall—

''(A) coordinate the development of the business line plans with the Secretary;

''(B) for the Northeast Corridor business line plan, coordinate with the Northeast Corridor Commission and transmit to the Commission the final plan under subsection (a)(1), and consult with other entities, as appropriate;

''(C) for the State-supported route business line plan, coordinate with the State-Supported Route Committee established under section 24712;

''(D) for the long-distance route business line plan, coordinate with any States or Interstate Compacts that provide funding for such routes, as appropriate;

''(E) ensure that Amtrak's annual budget request to Congress is consistent with the information in the 5-year business line plans; and

''(F) identify the appropriate Amtrak officials that are responsible for each business line.

''(4) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements under this subsection, Amtrak shall use the categories specified in the financial accounting and reporting system developed under section 203 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) when preparing its 5-year business line plans.

''(c) AMTRAK 5-YEAR ASSET PLANS.—

''(1) ASSET CATEGORIES.—Amtrak shall prepare a 5-year asset plan for each of the following asset categories:

''(A) Infrastructure, including all Amtrak-controlled Northeast Corridor assets and other Amtrak-owned infrastructure, and the associated facilities that support the operation, maintenance, and improvement of those assets.

''(B) Passenger rail equipment, including all Amtrak-controlled rolling stock, locomotives, and mechanical shop facilities that are used to overhaul equipment.

''(C) Stations, including all Amtrak-controlled passenger rail stations and elements of other stations for which Amtrak has legal responsibility or intends to make capital investments.

''(D) National assets, including national reservations, security, training and training centers, and other assets associated with Amtrak's national passenger rail transportation system.

''(2) CONTENTS OF 5-YEAR ASSET PLANS.—Each asset plan shall include, at a minimum—

''(A) a summary of Amtrak's 5-year strategic plan for each asset category, including goals, objectives, any relevant performance metrics, and statutory or regulatory actions affecting the assets;

''(B) an inventory of existing Amtrak capital assets, to the extent practicable, including information regarding shared use or ownership, if applicable;

''(C) a prioritized list of proposed capital investments that—

''(i) categorizes each capital project as being primarily associated with—

''(I) normalized capital replacement;

''(II) backlog capital replacement;

''(III) improvements to support service enhancements or growth;

''(IV) strategic initiatives that will improve overall operational performance, lower costs, or otherwise improve Amtrak's corporate efficiency; or

''(V) statutory, regulatory, or other legal mandates;

''(ii) identifies each project or program that is associated with more than 1 category described in clause (i); and

''(iii) describes the anticipated business outcome of each project or program identified under this subparagraph, including an assessment of—

''(I) the potential effect on passenger operations, safety, reliability, and resilience;

''(II) the potential effect on Amtrak's ability to meet regulatory requirements if the project or program is not funded; and

''(III) the benefits and costs; and

''(D) annual profit and loss statements and forecasts and balance sheets for each asset category.

''(3) 5-YEAR ASSET PLAN PROCESS.—In meeting the requirements of this subsection, Amtrak shall—

''(A) coordinate with each business line described in subsection (b)(1) in the preparation of each 5-year asset plan and ensure integration of each 5-year asset plan with the 5-year business line plans;

''(B) as applicable, coordinate with the Northeast Corridor Commission, the State-Supported Route Committee, and owners of assets affected by 5-year asset plans; and

''(C) identify the appropriate Amtrak officials that are responsible for each asset category.

''(4) EVALUATION OF NATIONAL ASSETS COSTS.—The Secretary shall—

''(A) evaluate the costs and scope of all national assets; and

''(B) determine the activities and costs that are—

''(i) required in order to ensure the efficient operations of a national passenger rail system;

''(ii) appropriate for allocation to 1 of the other Amtrak business lines; and

''(iii) extraneous to providing an efficient national passenger rail system or are too costly relative to the benefits or performance outcomes they provide.

''(5) DEFINITION OF NATIONAL ASSETS.—In this section, the term 'national assets' means the Nation's core rail assets shared among Amtrak services, including national reservations, security, training and training centers, and other assets associated with Amtrak's national passenger rail transportation system.

''(6) RESTRUCTURING OF NATIONAL ASSETS.—Not later than 1 year after the date of completion of the evaluation under paragraph (4), the Administrator of the Federal Railroad Administration, in consultation with the Amtrak Board of Directors, the governors of each relevant State, and the Mayor of the District of Columbia, or their designees, shall restructure or reallocate, or both, the national assets costs in accordance with the determination under that section, including making appropriate updates to Amtrak's cost accounting methodology and system.''.

(b) EFFECTIVE DATE.—The requirements for Amtrak to submit final 5-year business line plans and 5-year asset plans under section 24320 of title 49, United States Code, shall take effect 1 year after the date of enactment of this Act.

(c) CONFORMING AMENDMENTS.—The table of contents for chapter 243, as amended by section 35201 of this Act, is further amended by adding at the end the following:

''24320. Amtrak 5-year business line and asset plans.''.

(d) REPEAL OF 5-YEAR FINANCIAL PLAN.—Section 204 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note), and the item relating to that section in the table of contents of that Act, are repealed.

(e) IDENTIFICATION OF DUPLICATIVE REPORTING REQUIREMENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) review existing Amtrak reporting requirements and identify where the existing requirements are duplicative with the business line and capital plans required by section 24320 of title 49, United States Code;

(2) if the duplicative reporting requirements are administrative, the Secretary shall eliminate the duplicative requirements; and

(3) submit to Congress a report with any recommendations for repealing any other duplicative Amtrak reporting requirements.

SEC. 35203. STATE-SUPPORTED ROUTE COMMITTEE.

(a) AMENDMENT.—Chapter 247 is amended by adding at the end the following:

''§ 24712. State-supported routes operated by Amtrak

''(a) STATE-SUPPORTED ROUTE COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary of Transportation shall establish the State-Supported Route Committee (referred to in this section as the 'Committee') to promote mutual cooperation and planning pertaining to the rail operations of Amtrak and related activities of trains operated by Amtrak on State-supported routes and to further implement section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall consist of—

''(i) members representing Amtrak;

''(ii) members representing the Department of Transportation, including the Federal Railroad Administration; and

''(iii) members representing States.

''(B) NON-VOTING MEMBERS.—The Committee may invite and accept other non-voting members to participate in Committee activities, as appropriate.

''(3) DECISIONMAKING.—The Committee shall establish a bloc voting system under which, at a minimum—

''(A) there are 3 separate voting blocs to represent the Committee's voting members, including—

''(i) 1 voting bloc to represent the members described in paragraph (2)(A)(i);

''(ii) 1 voting bloc to represent the members described in paragraph (2)(A)(ii); and

''(iii) 1 voting bloc to represent the members described in paragraph (2)(A)(iii);

''(B) each voting bloc has 1 vote;

''(C) the vote of the voting bloc representing the members described in paragraph (2)(A)(iii) requires the support of at least two-thirds of that voting bloc's members; and

''(D) the Committee makes decisions by unanimous consent of the 3 voting blocs.

''(4) MEETINGS; RULES AND PROCEDURES.—The Committee shall convene a meeting and shall define and implement the rules and procedures governing the Committee's proceedings not later than 180 days after the date of establishment of the Committee by the Secretary. The rules and procedures shall—

''(A) incorporate and further describe the decisionmaking procedures to be used in accordance with paragraph (3); and

''(B) be adopted in accordance with such decisionmaking procedures.

''(5) COMMITTEE DECISIONS.—Decisions made by the Committee in accordance with the Committee's rules and procedures, once established, are binding on all Committee members.

''(6) COST ALLOCATION METHODOLOGY.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Committee may amend the cost allocation methodology required and previously approved under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

''(B) PROCEDURES FOR CHANGING METHODOLOGY.—The rules and procedures implemented under paragraph (4) shall include procedures for changing the cost allocation methodology.

''(C) REQUIREMENTS.—The cost allocation methodology shall—

''(i) ensure equal treatment in the provision of like services of all States and groups of States; and

''(ii) allocate to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

''(b) INVOICES AND REPORTS.—Not later than February 15, 2016, and monthly thereafter, Amtrak shall provide to each State that sponsors a State-supported route a monthly invoice of the cost of operating such route, including fixed costs and third-party costs. The Committee shall determine the frequency and contents of the financial and performance reports that Amtrak shall provide to the States, as well as the planning and demand reports that the States shall provide to Amtrak.

''(c) DISPUTE RESOLUTION.—

''(1) REQUEST FOR DISPUTE RESOLUTION.—If a dispute arises with respect to the rules and procedures implemented under subsection (a)(4), an invoice or a report provided under subsection (b), implementation or compliance with the cost allocation methodology developed under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) or amended under subsection (a)(6) of this section, either Amtrak or the State may request that the Surface Transportation Board conduct dispute resolution under this subsection.

''(2) PROCEDURES.—The Surface Transportation Board shall establish procedures for resolution of disputes brought before it under this subsection, which may include provision of professional mediation services.

''(3) BINDING EFFECT.—A decision of the Surface Transportation Board under this subsection shall be binding on the parties to the dispute.

''(4) OBLIGATION.—Nothing in this subsection shall affect the obligation of a State to pay an amount not in dispute.

''(d) ASSISTANCE.—

''(1) IN GENERAL.—The Secretary may provide assistance to the parties in the course of negotiations for a contract for operation of a State-supported route.

''(2) FINANCIAL ASSISTANCE.—From among available funds, the Secretary shall—

''(A) provide financial assistance to Amtrak or 1 or more States to perform requested independent technical analysis of issues before the Committee; and

''(B) reimburse Members for travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5.

''(e) PERFORMANCE METRICS.—In negotiating a contract for operation of a State-supported route, Amtrak and the State or States that sponsor the route shall consider including provisions that provide penalties and incentives for performance.

''(f) STATEMENT OF GOALS AND OBJECTIVES.—

''(1) IN GENERAL.—The Committee shall develop a statement of goals, objectives, and associated recommendations concerning the future of State-supported routes operated by Amtrak. The statement shall identify the roles and responsibilities of Committee members and any other relevant entities, such as host railroads, in meeting the identified goals and objectives, or carrying out the recommendations. The Committee may consult with such relevant entities, as the Committee considers appropriate, when developing the statement.

''(2) TRANSMISSION OF STATEMENT OF GOALS AND OBJECTIVES.—Not later than 2 years after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act the Committee shall transmit the statement developed under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(g) RULE OF CONSTRUCTION.—The decisions of the Committee—

''(1) shall pertain to the rail operations of Amtrak and related activities of trains operated by Amtrak on State-sponsored routes; and

''(2) shall not pertain to the rail operations or related activities of services operated by other rail passenger carriers on State-supported routes.

''(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

''(i) DEFINITION OF STATE.—In this section, the term 'State' means any of the 50 States, the District of Columbia, or a public entity that sponsor the operation of trains by Amtrak on a State-supported route.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents for chapter 247 is amended by adding at the end the following:

''24712. State-supported routes operated by Amtrak.''.

SEC. 35204. ROUTE AND SERVICE PLANNING DECISIONS.

Section 208 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended to read as follows:

''SEC. 208. METHODOLOGIES FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

''(a) METHODOLOGY DEVELOPMENT.—Not later than 180 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, as a condition of receiving a grant under section 101 of that Act, Amtrak shall obtain the services of an independent entity to develop and recommend objective methodologies for Amtrak to use in determining what intercity rail passenger transportation routes and services it should provide, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes.

''(b) CONSIDERATIONS.—Amtrak shall require the independent entity, in developing the methodologies described in subsection (a), to consider—

''(1) the current and expected performance and service quality of intercity rail passenger transportation operations, including cost recovery, on-time performance, ridership, on-board services, stations, facilities, equipment, and other services;

''(2) the connectivity of a route with other routes;

''(3) the transportation needs of communities and populations that are not well served by intercity rail passenger transportation service or by other forms of intercity transportation;

''(4) the methodologies of Amtrak and major intercity rail passenger transportation service providers in other countries for determining intercity passenger rail routes and services;

''(5) the financial and operational effects on the overall network, including the effects on indirect costs;

''(6) the views of States and the recommendations described in State rail plans, rail carriers that own infrastructure over which Amtrak operates, Interstate Compacts established by Congress and States, Amtrak employee representatives, stakeholder organizations, and other interested parties; and

''(7) the funding levels that will be available under authorization levels that have been enacted into law.

''(c) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives recommendations developed by the independent entity under subsection (a).

''(d) CONSIDERATION OF RECOMMENDATIONS.—Not later than 90 days after the date the recommendations are transmitted under subsection (c), Amtrak shall consider the adoption of each recommendation and transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report explaining the reasons for adopting or not adopting each recommendation.''.

SEC. 35205. COMPETITION.

(a) ALTERNATE PASSENGER RAIL SERVICE PILOT PROGRAM.—Section 24711 is amended to read as follows:

''§ 24711. Alternate passenger rail service pilot program

''(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary of Transportation shall promulgate a rule to implement a pilot program for competitive selection of rail carriers for long-distance routes (as defined in section 24102).

''(b) PILOT PROGRAM REQUIREMENTS.—

''(1) IN GENERAL.—The pilot program shall—

''(A) allow a party described in paragraph (2) to petition the Secretary to provide intercity rail passenger transportation over a long-distance route in lieu of Amtrak for an operations period of 4 years from the date of commencement of service by the winning bidder and, at the option of the Secretary, consistent with the rule promulgated under subsection (a), allow the contract to be renewed for an additional operations period of 4 years, but not to exceed a total of 3 operations periods;

''(B) require the Secretary to—

''(i) notify the petitioner and Amtrak of receipt of the petition under subparagraph (A) and to publish in the Federal Register a notice of receipt not later than 30 days after the date of receipt; and

''(ii) establish a deadline, of not more than 120 days after the notice of receipt is published in the Federal Register under clause (i), by which both the petitioner and Amtrak, if Amtrak chooses to do so, would be required to submit a complete bid to provide intercity rail passenger transportation over the applicable route;

''(C) require that each bid—

''(i) describe the capital needs, financial projections, and operational plans, including staffing plans, for the service, and such other factors as the Secretary considers appropriate; and

''(ii) be made available by the winning bidder to the public after the bid award;

''(D) for a route that receives funding from a State or States, require that for each bid received from a party described in paragraph (2), other than a State, the Secretary have the concurrence of the State or States that provide funding for that route;

''(E) for a winning bidder that is not or does not include Amtrak, require the Secretary to execute a contract not later than 270 days after the deadline established under subparagraph (B)(ii) and award to the winning bidder—

''(i) subject to paragraphs (3) and (4), the right and obligation to provide intercity rail passenger transportation over that route subject

to such performance standards as the Secretary may require; and

''(ii) an operating subsidy, as determined by the Secretary, for—

''(I) the first year at a level that does not exceed 90 percent of the level in effect for that specific route during the fiscal year preceding the fiscal year in which the petition was received, adjusted for inflation; and

''(II) any subsequent years at the level calculated under subclause (I), adjusted for inflation; and

''(F) for a winning bidder that is or includes Amtrak, award to that bidder an operating subsidy, as determined by the Secretary, over the applicable route that will not change during the fiscal year in which the bid was submitted solely as a result of the winning bid.

''(2) ELIGIBLE PETITIONERS.—The following parties are eligible to submit petitions under paragraph (1):

''(A) A rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route.

''(B) A rail passenger carrier with a written agreement with the rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route and that host or would host the intercity rail passenger transportation.

''(C) A State, group of States, or State-supported joint powers authority or other sub-State governance entity responsible for provision of intercity rail passenger transportation with a written agreement with the rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route and that host or would host the intercity rail passenger transportation.

''(D) A State, group of States, or State-supported joint powers authority or other sub-State governance entity responsible for provision of intercity rail passenger transportation and a rail passenger carrier with a written agreement with the rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route and that host or would host the intercity rail passenger transportation.

''(3) PERFORMANCE STANDARDS.—If the winning bidder under paragraph (1)(E)(i) is not or does not include Amtrak, the performance standards shall be consistent with the performance required of or achieved by Amtrak on the applicable route during the last fiscal year.

''(4) AGREEMENT GOVERNING ACCESS ISSUES.—Unless the winning bidder already has applicable access agreements in place or includes a rail carrier that owns the infrastructure used in the operation of the route, the winning bidder under paragraph (1)(E)(i) shall enter into a written agreement governing access issues between the winning bidder and the rail carrier or rail carriers that own the infrastructure over which the winning bidder would operate and that host or would host the intercity rail passenger transportation.

''(c) ACCESS TO FACILITIES; EMPLOYEES.—If the Secretary awards the right and obligation to provide rail passenger transportation over a route under this section to an entity in lieu of Amtrak—

''(1) the Secretary shall require Amtrak to provide access to the Amtrak-owned reservation system, stations, and facilities directly related to operations of the awarded routes to the rail passenger carrier awarded a contract under this section, in accordance with subsection (g), as necessary to carry out the purposes of this section;

''(2) an employee of any person, except for a freight railroad or a person employed or contracted by a freight railroad, used by such rail passenger carrier in the operation of a route under this section shall be considered an employee of that rail passenger carrier and subject to the applicable Federal laws and regulations governing similar crafts or classes of employees of Amtrak; and

''(3) the winning bidder shall provide hiring preference to qualified Amtrak employees displaced by the award of the bid, consistent with the staffing plan submitted by the bidder, and shall be subject to the grant conditions under section 24405.

''(d) CESSATION OF SERVICE.—If a rail passenger carrier awarded a route under this section ceases to operate the service or fails to fulfill an obligation under the contract required under subsection (b)(1)(E), the Secretary shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including—

''(1) the installment of an interim rail passenger carrier;

''(2) providing to the interim rail passenger carrier under paragraph (1) an operating subsidy necessary to provide service; and

''(3) rebidding the contract to operate the rail passenger transportation.

''(e) BUDGET AUTHORITY.—

''(1) IN GENERAL.—The Secretary shall provide to a winning bidder that is not or does not include Amtrak and that is selected under this section any appropriations withheld under section 35101(c) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent appropriation for the same purpose, necessary to cover the operating subsidy described in subsection (b)(1)(E)(ii).

''(2) AMTRAK.—If the Secretary selects a winning bidder that is not or does not include Amtrak, the Secretary may provide to Amtrak an appropriate portion of the appropriations under section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent appropriation for the same purpose, to cover any cost directly attributable to the termination of Amtrak service on the route and any indirect costs to Amtrak imposed on other Amtrak routes as a result of losing service on the route operated by the winning bidder. Any amount provided by the Secretary to Amtrak under this paragraph shall not be deducted from or have any effect on the operating subsidy described in subsection (b)(1)(E)(ii).

''(f) DEADLINE.—If the Secretary does not promulgate the final rule and implement the program before the deadline under subsection (a), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a letter, signed by the Secretary and Administrator of the Federal Railroad Administration, each month until the rule is complete, including—

''(1) the reasons why the rule has not been issued;

''(2) an updated staffing plan for completing the rule as soon as feasible;

''(3) the contact information of the official that will be overseeing the execution of the staffing plan; and

''(4) the estimated date of completion of the rule.

''(g) DISPUTES.—If Amtrak and the rail passenger carrier awarded a route under this section cannot agree upon terms to carry out subsection (c)(1), and the Surface Transportation Board finds that access to Amtrak's facilities or equipment, or the provision of services by Amtrak, is necessary under subsection (c)(1) and that the operation of Amtrak's other services will not be impaired thereby, the Surface Transportation Board shall issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability, and other terms for use of the facilities and equipment and provision of the services.

''(h) LIMITATION.—Not more than 3 long-distance routes may be selected under this section for operation by a winning bidder that is not or does not include Amtrak.

''(i) PRESERVATION OF RIGHT TO COMPETITION ON STATE-SUPPORTED ROUTES.—Nothing in this section shall be construed as prohibiting a State from introducing competition for intercity rail passenger transportation or services on its State-supported route or routes.''.

(b) REPORT.—Not later than 4 years after the date of implementation of the pilot program under section 24711 of title 49, United States Code, and quadrennially thereafter until the pilot program is discontinued, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results on the pilot program to date and any recommendations for further action.

SEC. 35206. ROLLING STOCK PURCHASES.

(a) IN GENERAL.—Prior to entering into any contract in excess of $100,000,000 for rolling stock and locomotive procurements Amtrak shall submit a business case analysis to the Secretary, the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, on the utility of such procurements.

(b) CONTENTS.—The business case analysis shall—

(1) include a cost and benefit comparison that describes the total lifecycle costs and the anticipated benefits related to revenue, operational efficiency, reliability, and other factors;

(2) set forth the total payments by fiscal year;

(3) identify the specific source and amounts of funding for each payment, including Federal funds, State funds, Amtrak profits, Federal, State, or private loans or loan guarantees, and other funding;

(4) include an explanation of whether any payment under the contract will increase Amtrak's grant request, as required under section 24318 of title 49, United States Code, in that particular fiscal year; and

(5) describe how Amtrak will adjust the procurement if future funding is not available.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring Amtrak to disclose confidential information regarding a potential vendor's proposed pricing or other sensitive business information prior to contract execution.

SEC. 35207. FOOD AND BEVERAGE POLICY.

(a) IN GENERAL.—Chapter 243, as amended in section 35202 of this Act, is further amended by adding after section 24320 the following:

''§ 24321. Food and beverage reform

''(a) PLAN.—Not later than 90 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, Amtrak shall develop and begin implementing a plan to eliminate, not later than 4 years after the date of enactment of that Act, the operating loss associated with providing food and beverage service on board Amtrak trains.

''(b) CONSIDERATIONS.—In developing and implementing the plan under subsection (a), Amtrak shall consider a combination of cost management and revenue generation initiatives, including—

''(1) scheduling optimization;

''(2) onboard logistics;

''(3) product development and supply chain efficiency;

''(4) training, awards, and accountability;

''(5) technology enhancements and process improvements; and

''(6) ticket revenue allocation.

''(c) SAVINGS CLAUSE.—Amtrak shall ensure that no Amtrak employee holding a position as of the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act is involuntarily separated because of—

''(1) the development and implementation of the plan required under subsection (a); or

''(2) any other action taken by Amtrak to implement this section.

''(d) NO FEDERAL FUNDING FOR OPERATING LOSSES.—Beginning on the date that is 4 years after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, no Federal funds may be used to cover any operating loss associated with providing food and beverage service on a route operated by Amtrak or an alternative passenger rail service provider that operates a route in lieu of Amtrak under section 24711.

''(e) REPORT.—Not later than 120 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, and annually thereafter for a period of 4 years, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the plan developed under subsection (a) and a description of progress in the implementation of the plan.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 243, as amended in section 35202 of this Act, is amended by adding at the end the following:

''24321. Food and beverage reform.''.

SEC. 35208. LOCAL PRODUCTS AND PROMOTIONAL EVENTS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, Amtrak shall establish a pilot program for a State or States that sponsor a State-supported route operated by Amtrak to facilitate—

(1) onboard purchase and sale of local food and beverage products; and

(2) partnerships with local entities to hold promotional events on trains or in stations.

(b) PROGRAM DESIGN.—The pilot program under paragraph (1) shall allow a State or States—

(1) to nominate and select a local food and beverage products supplier or suppliers or local promotional event partner;

(2) to charge a reasonable price or fee for local food and beverage products or promotional events and related activities to help defray the costs of program administration and State-supported routes; and

(3) a mechanism to ensure that State products can effectively be handled and integrated into existing food and beverage services, including compliance with all applicable regulations and standards governing such services.

(c) PROGRAM ADMINISTRATION.—The pilot program shall—

(1) for local food and beverage products, ensure the products are integrated into existing food and beverage services, including compliance with all applicable regulations and standards;

(2) for promotional events, ensure the events are held in compliance with all applicable regulations and standards, including terms to address insurance requirements; and

(3) require an annual report that documents revenues and costs and indicates whether the products or events resulted in a reduction in the financial contribution of a State or States to the applicable State-supported route.

(d) REPORT.—Not later than 4 years after the date of establishment of the pilot programs under this section, Amtrak shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on which States have participated in the pilot programs under this section. The report shall summarize the financial and operational outcomes of the pilot programs.

(e) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as limiting Amtrak's ability to operate special trains in accordance with section 216 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24308 note).

SEC. 35209. RIGHT-OF-WAY LEVERAGING.

(a) REQUEST FOR PROPOSALS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, Amtrak shall issue a Request for Proposals seeking qualified persons or entities to utilize right-of-way and real estate owned, controlled, or managed by Amtrak for telecommunications systems, energy distribution systems, and other activities considered appropriate by Amtrak.

(2) CONTENTS.—The Request for Proposals shall provide sufficient information on the right-of-way and real estate assets to enable respondents to propose an arrangement that will monetize or generate additional revenue from such assets through revenue sharing or leasing agreements with Amtrak, to the extent possible.

(b) CONSIDERATION OF PROPOSALS.—Not later than 180 days following the deadline for the receipt of proposals under subsection (a), Amtrak shall review and consider each qualified proposal. Amtrak may enter into such agreements as are necessary to implement any qualified proposal.

(c) REPORT.—Not later than 270 days following the deadline for the receipt of proposals under subsection (a), Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Request for Proposals required by this section, including summary information of any proposals submitted to Amtrak and any proposals accepted by Amtrak.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit Amtrak's ability to utilize right-of-way or real estate assets that it currently owns, controls, or manages or constrain Amtrak's ability to enter into agreements with other parties to utilize such assets.

SEC. 35210. STATION DEVELOPMENT.

(a) REPORT ON DEVELOPMENT OPTIONS.—Not later than 1 year after the date of the enactment of this Act, Amtrak shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(1) options to enhance economic development and accessibility of and around Amtrak stations and terminals, for the purposes of—

(A) improving station condition, functionality, capacity, and customer amenities;

(B) generating additional investment capital and development-related revenue streams;

(C) increasing ridership and revenue;

(D) complying with the applicable sections of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.); and

(E) strengthening multimodal connections, including transit, intercity buses, roll-on and roll-off bicycles, and airports, as appropriate; and

(2) options for additional Amtrak stops that would have a positive incremental financial impact to Amtrak, based on Amtrak feasibility studies that demonstrate a financial benefit to Amtrak by generating additional revenue that exceeds any incremental costs.

(b) REQUEST FOR INFORMATION.—Not later than 90 days after the date the report is transmitted under subsection (a), Amtrak shall issue a Request of Information for 1 or more owners of stations served by Amtrak to formally express an interest in completing the requirements of this section.

(c) PROPOSALS.—

(1) REQUEST FOR PROPOSALS.—Not later than 180 days after the date the Request for Information is issued under subsection (a), Amtrak shall issue a Request for Proposals from qualified persons, including small business concerns owned and controlled by socially and economically disadvantaged individuals and veteran-owned small businesses, to lead, participate, or partner with Amtrak, a station owner that responded under subsection (b), and other entities in enhancing development in and around such stations and terminals using applicable options identified under subsection (a) at facilities selected by Amtrak.

(2) CONSIDERATION OF PROPOSALS.—Not later than 1 year after the date the Request for Proposals are issued under paragraph (1), Amtrak shall review and consider qualified proposals submitted under paragraph (1). Amtrak or a station owner that responded under subsection (b) may enter into such agreements as are necessary to implement any qualified proposal.

(d) REPORT.—Not later than 3 years after the date of enactment of this Act, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Request for Proposals process required under this section, including summary information of any qualified proposals submitted to Amtrak and any proposals acted upon by Amtrak or a station owner that responded under subsection (b).

(e) DEFINITIONS.—In this section, the terms ''small business concern'', ''socially and economically disadvantaged individual'', and ''veteran-owned small business'' have the meanings given the terms in section 304(c) of this Act.

(f) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit Amtrak's ability to develop its stations, terminals, or other assets, to constrain Amtrak's ability to enter into and carry out agreements with other parties to enhance development at or around Amtrak stations or terminals, or to affect any station development initiatives ongoing as of the date of enactment of this Act.

SEC. 35211. AMTRAK DEBT.

Section 205 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended—

(1) by striking ''as of the date of enactment of this Act'' each place it appears;

(2) in subsection (a)—

(A) by inserting '', to the extent provided in advance in appropriations Acts'' after ''Amtrak's indebtedness''; and

(B) by striking the second sentence;

(3) in subsection (b), by striking ''The Secretary of the Treasury, in consultation'' and inserting ''To the extent amounts are provided in advance in appropriations Acts, the Secretary of the Treasury, in consultation'';

(4) in subsection (d), by inserting '', to the extent provided in advance in appropriations Acts'' after ''as appropriate'';

(5) in subsection (e)—

(A) in paragraph (1), by striking ''by section 102 of this division''; and

(B) in paragraph (2), by striking ''by section 102'' and inserting ''for Amtrak'';

(6) in subsection (g), by inserting '', unless that debt receives credit assistance, including direct loans and loan guarantees, under chapter 6 of title 23, United States Code or title V of the Railroad Revitalization and Regulatory Act of 1976 (45 U.S.C. 821 et seq.)'' after ''Secretary''; and

(7) by striking subsection (h).

SEC. 35212. AMTRAK PILOT PROGRAM FOR PASSENGERS TRANSPORTING DOMESTICATED CATS AND DOGS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, Amtrak shall develop a pilot program that allows passengers to transport domesticated cats or dogs on certain trains operated by Amtrak.

(b) PET POLICY.—In developing the pilot program required under subsection (a), Amtrak shall—

(1) in the case of a passenger train that is comprised of more than 1 car, designate, where feasible, at least 1 car in which a ticketed passenger may transport a domesticated cat or dog in the same manner as carry-on baggage if—

(A) the cat or dog is contained in a pet kennel;

(B) the pet kennel complies with Amtrak size requirements for carriage of carry-on baggage;

(C) the passenger is traveling on a train operating on a route described in subparagraph (A), (B), or (D) of section 24102(6) of title 49, United States Code; and

(D) the passenger pays a fee described in paragraph (3);

(2) allow a ticketed passenger to transport a domesticated cat or dog on a train in the same manner as cargo if—

(A) the cat or dog is contained in a pet kennel;

(B) the pet kennel is stowed in accordance with Amtrak requirements for cargo stowage;

(C) the passenger is traveling on a train operating on a route described in subparagraph (A), (B), or (D) of section 24102(6) of title 49, United States Code;

(D) the cargo area is temperature controlled in a manner protective of cat and dog safety and health; and

(E) the passenger pays a fee described in paragraph (3); and

(3) collect fees for each cat or dog transported by a ticketed passenger in an amount that, in the aggregate and at a minimum, covers the full costs of the pilot program.

(c) REPORT.—Not later than 1 year after the pilot program required under subsection (a) is first implemented, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing an evaluation of the pilot program.

(d) LIMITATION ON STATUTORY CONSTRUCTION.—

(1) SERVICE ANIMALS.—The pilot program under subsection (a) shall be separate from and in addition to the policy governing Amtrak passengers traveling with service animals. Nothing in this section may be interpreted to limit or waive the rights of passengers to transport service animals.

(2) ADDITIONAL TRAIN CARS.—Nothing in this section may be interpreted to require Amtrak to add additional train cars or modify existing train cars.

(3) FEDERAL FUNDS.—No Federal funds may be used to implement the pilot program required under this section.

SEC. 35213. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302(a) is amended to read as follows:

''(a) COMPOSITION AND TERMS.—

''(1) IN GENERAL.—The Amtrak Board of Directors (referred to in this section as the 'Board') is composed of the following 9 directors, each of whom must be a citizen of the United States:

''(A) The Secretary of Transportation.

''(B) The President of Amtrak.

''(C) 7 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, or passenger air transportation businesses, or representatives of employees or users of passenger rail transportation or a State government.

''(2) SELECTION.—In selecting individuals described in paragraph (1)(C) for nominations for appointments to the Board, the President shall consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate. The individuals appointed to the Board under paragraph (1)(C) shall be composed of the following;

''(A) 2 individuals from the Northeast Corridor.

''(B) 4 individuals from regions of the country outside of the Northeast Corridor and geographically distributed with—

''(i) 2 individuals from States with long-distance routes operated by Amtrak; and

''(ii) 2 individuals from States with State-supported routes operated by Amtrak.

''(C) 1 individual from the Northeast Corridor or a State with long-distance or State-supported routes.

''(3) TERM.—An individual appointed under paragraph (1)(C) shall be appointed for a term of 5 years. The term may be extended until the individual's successor is appointed and qualified. Not more than 4 individuals appointed under paragraph (1)(C) may be members of the same political party.

''(4) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall elect a chairperson and vice chairperson, other than the President of Amtrak, from among its membership. The vice chairperson shall serve as chairperson in the absence of the chairperson.

''(5) SECRETARY'S DESIGNEE.—The Secretary may be represented at Board meetings by the Secretary's designee.''.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting the term of any director serving on the Amtrak Board of Directors under section 24302(a)(1)(C) of title 49, United States Code, on the day preceding the date of enactment of this Act.

SEC. 35214. AMTRAK BOARDING PROCEDURES.

(a) REPORT.—Not later than 6 months after the date of enactment of this Act, the Amtrak Office of Inspector General shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

(1) evaluates Amtrak's boarding procedures for passengers, including passengers using or transporting nonmotorized transportation, such as wheelchairs and bicycles, at its 15 stations through which the most people pass;

(2) compares Amtrak's boarding procedures to—

(A) commuter railroad boarding procedures at stations shared with Amtrak;

(B) international intercity passenger rail boarding procedures; and

(C) fixed guideway transit boarding procedures; and

(3) makes recommendations, as appropriate, in consultation with the Transportation Security Administration, to improve Amtrak's boarding procedures, including recommendations regarding the queuing of passengers and free-flow of all station users and facility improvements needed to achieve the recommendations.

(b) CONSIDERATION OF RECOMMENDATIONS.—Not later than 6 months after the report is submitted under subsection (a), Amtrak shall consider each recommendation provided under subsection (a)(3) for implementation at appropriate locations across the Amtrak system.

Subtitle C—Intercity Passenger Rail Policy

SEC. 35301. COMPETITIVE OPERATING GRANTS.

(a) IN GENERAL.—Chapter 244 is amended—

(1) by striking section 24406; and

(2) by inserting after section 24405 the following:

''§ 24406. Competitive operating grants

''(a) APPLICANT DEFINED.—In this section, the term 'applicant' means—

''(1) a State;

''(2) a group of States;

''(3) an Interstate Compact;

''(4) a public agency or publicly chartered authority established by 1 or more States and having responsibility for providing intercity rail passenger transportation or commuter rail passenger transportation;

''(5) a political subdivision of a State;

''(6) Amtrak or another rail passenger carrier that provides intercity rail passenger transportation;

''(7) Any rail carrier in partnership with at least 1 of the entities described in paragraphs (1) through (5); and

''(8) any combination of the entities described in paragraphs (1) through (7).

''(b) GRANTS AUTHORIZED.—The Secretary of Transportation shall develop and implement a program for issuing 3-year operating assistance grants to applicants, on a competitive basis, for the purpose of initiating, restoring, or enhancing intercity rail passenger service.

''(c) APPLICATION.—An applicant for a grant under this section shall submit to the Secretary—

''(1) a capital and mobilization plan that—

''(A) describes any capital investments, service planning actions (such as environmental reviews), and mobilization actions (such as qualification of train crews) required for initiation of service; and

''(B) includes the timeline for undertaking and completing each of the investments and actions referred to in subparagraph (A);

''(2) an operating plan that describes the planned operation of the service, including—

''(A) the identity and qualifications of the train operator;

''(B) the identity and qualifications of any other service providers;

''(C) service frequency;

''(D) the planned routes and schedules;

''(E) the station facilities that will be utilized;

''(F) projected ridership, revenues, and costs;

''(G) descriptions of how the projections under subparagraph (F) were developed;

''(H) the equipment that will be utilized, how such equipment will be acquired or refurbished, and where such equipment will be maintained; and

''(I) a plan for ensuring safe operations and compliance with applicable safety regulations;

''(3) a funding plan that—

''(A) describes the funding of initial capital costs and operating costs for the first 3 years of operation;

''(B) includes a commitment by the applicant to provide the funds described in subparagraph (A) to the extent not covered by Federal grants and revenues; and

''(C) describes the funding of operating costs and capital costs, to the extent necessary, after the first 3 years of operation; and

''(4) a description of the status of negotiations and agreements with—

''(A) each of the railroads or regional transportation authorities whose tracks or facilities would be utilized by the service;

''(B) the anticipated rail passenger carrier, if such entity is not part of the applicant group; and

''(C) any other service providers or entities expected to provide services or facilities that will be used by the service, including any required access to Amtrak systems, stations, and facilities if Amtrak is not part of the applicant group.

''(d) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to applications—

''(1) for which planning, design, any environmental reviews, negotiation of agreements, acquisition of equipment, construction, and other actions necessary for initiation of service have been completed or nearly completed;

''(2) that would restore service over routes formerly operated by Amtrak, including routes with international connections;

''(3) that would provide daily or daytime service over routes where such service did not previously exist;

''(4) that include private funding (including funding from railroads), and funding or other significant participation by State, local, and regional governmental and private entities;

''(5) that include a funding plan that demonstrates the intercity rail passenger service will be financially sustainable beyond the 3-year grant period;

''(6) that would provide service to regions and communities that are underserved or not served by other intercity public transportation;

''(7) that would foster economic development, particularly in rural communities and for disadvantaged populations;

''(8) that would provide other non-transportation benefits; and

''(9) that would enhance connectivity and geographic coverage of the existing national network of intercity passenger rail service.

''(e) LIMITATIONS.—

''(1) DURATION.—Federal operating assistance grants authorized under this section for any individual intercity rail passenger transportation route may not provide funding for more than 3 years and may not be renewed.

''(2) LIMITATION.—Not more than 6 of the operating assistance grants awarded pursuant to subsection (b) may be simultaneously active.

''(3) MAXIMUM FUNDING.—Grants described in paragraph (1) may not exceed—

''(A) 80 percent of the projected net operating costs for the first year of service;

''(B) 60 percent of the projected net operating costs for the second year of service; and

''(C) 40 percent of the projected net operating costs for the third year of service.

''(f) USE WITH CAPITAL GRANTS AND OTHER FEDERAL FUNDING.—A recipient of an operating assistance grant under subsection (b) may use that grant in combination with other grants awarded under this chapter or any other Federal funding that would benefit the applicable service.

''(g) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.

''(h) COORDINATION WITH AMTRAK.—If the Secretary awards a grant under this section to a rail passenger carrier other than Amtrak, Amtrak may be required under section 24711(c)(1) of this title to provide access to its reservation system, stations, and facilities that are directly related to operations to such carrier, to the extent necessary to carry out the purposes of this section. The Secretary may award an appropriate portion of the grant to Amtrak as compensation for this access.

''(i) CONDITIONS.—

''(1) GRANT AGREEMENT.—The Secretary shall require grant recipients under this section to enter into a grant agreement that requires them to provide similar information regarding the route performance, financial, and ridership projections, and capital and business plans that Amtrak is required to provide, and such other data and information as the Secretary deems necessary.

''(2) INSTALLMENTS; TERMINATION.—The Secretary may—

''(A) award grants under this section in installments, as the Secretary considers appropriate; and

''(B) terminate any grant agreement upon—

''(i) the cessation of service; or

''(ii) the violation of any other term of the grant agreement.

''(3) GRANT CONDITIONS.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the requirements under this chapter.

''(j) REPORT.—Not later than 4 years after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary, after consultation with grant recipients under this section, shall submit a report to Congress that describes—

''(1) the implementation of this section;

''(2) the status of the investments and operations funded by such grants;

''(3) the performance of the routes funded by such grants;

''(4) the plans of grant recipients for continued operation and funding of such routes; and

''(5) any legislative recommendations.''.

(b) CONFORMING AMENDMENTS.—Chapter 244 is amended—

(1) in the table of contents, by inserting after the item relating to section 24405 the following:

''24406. Competitive operating grants.'';

(2) in the chapter title, by striking ''**INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL**'' and inserting ''**RAIL CAPITAL AND OPERATING**'';

(3) in section 24401, by striking paragraph (1);

(4) in section 24402, by striking subsection (j) and inserting the following:

''(j) APPLICANT DEFINED.—In this section, the term 'applicant' means a State (including the District of Columbia), a group of States, an Interstate Compact, a public agency or publicly chartered authority established by 1 or more States and having responsibility for providing intercity rail passenger transportation, or a political subdivision of a State.''; and

(5) in section 24405—

(A) in subsection (b)—

(i) by inserting '', or for which an operating grant is issued under section 24406,'' after ''chapter''; and

(ii) in paragraph (2), by striking ''(43'' and inserting ''(45'';

(B) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting ''or unless Amtrak ceased providing intercity passenger railroad transportation over the affected route more than 3 years before the commencement of new service'' after ''unless such service was provided solely by Amtrak to another entity'';

(C) in subsection (f), by striking ''under this chapter for commuter rail passenger transportation, as defined in section 24012(4) of this title.'' and inserting ''under this chapter for commuter rail passenger transportation (as defined in section 24102(3)).''; and

(D) by adding at the end the following:

''(g) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In carrying out this chapter, the Secretary shall allocate an appropriate portion of the amounts available under this chapter to provide grants to States—

''(1) in which there is no intercity passenger rail service, for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 227 that provide public benefits (as defined in chapter 227), as determined by the Secretary; or

''(2) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.''.

SEC. 35302. FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD REPAIR.

(a) AMENDMENT.—Chapter 244 is amended by inserting after section 24406, as added by section 5301 of this Act, the following:

''§ 24407. Federal-State partnership for state of good repair

''(a) DEFINITIONS.—In this section:

''(1) APPLICANT.—The term 'applicant' means—

''(A) a State (including the District of Columbia);

''(B) a group of States;

''(C) an Interstate Compact;

''(D) a public agency or publicly chartered authority established by 1 or more States that has responsibility for providing intercity rail passenger transportation or commuter rail passenger transportation;

''(E) a political subdivision of a State;

''(F) Amtrak, acting on its own behalf or under a cooperative agreement with 1 or more States; or

''(G) any combination of the entities described in subparagraphs (A) through (F).

''(2) CAPITAL PROJECT.—The term 'capital project' means—

''(A) a project primarily intended to replace, rehabilitate, or repair major infrastructure assets utilized for providing intercity passenger rail service, including tunnels, bridges, stations, and other assets, as determined by the Secretary; or

''(B) a project primarily intended to improve intercity passenger rail performance, including reduced trip times, increased train frequencies, higher operating speeds, and other improvements, as determined by the Secretary.

''(3) NORTHEAST CORRIDOR.—The term 'Northeast Corridor' means—

''(A) the main rail line between Boston, Massachusetts and the Virginia Avenue interlocking in the District of Columbia; and

''(B) the branch rail lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York.

''(4) QUALIFIED RAILROAD ASSET.—The term 'qualified railroad asset' means infrastructure, equipment, or a facility that—

''(A) is owned or controlled by an eligible applicant; and

''(B) was not in a state of good repair on the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act.

''(b) GRANT PROGRAM AUTHORIZED.—The Secretary of Transportation shall develop and implement a program for issuing grants to applicants, on a competitive basis, to fund capital projects that reduce the state of good repair backlog on qualified railroad assets.

''(c) ELIGIBLE PROJECTS.—Projects eligible for grants under this section include capital projects to replace or rehabilitate qualified railroad assets, including—

''(1) capital projects to replace existing assets in-kind;

''(2) capital projects to replace existing assets with assets that increase capacity or provide a higher level of service; and

''(3) capital projects to ensure that service can be maintained while existing assets are brought to a state of good repair.

''(d) PROJECT SELECTION CRITERIA.—In selecting an applicant for a grant under this section, the Secretary shall—

''(1) give preference to eligible projects—

''(A) that are consistent with the goals, objectives, and policies defined in any regional rail planning document that is applicable to a project proposal; and

''(B) for which the proposed Federal share of total project costs does not exceed 50 percent; and

''(2) take into account—

''(A) the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project, including—

''(i) effects on system and service performance;

''(ii) effects on safety, competitiveness, reliability, trip or transit time, and resilience;

''(iii) efficiencies from improved integration with other modes; and

''(iv) ability to meet existing or anticipated demand;

''(B) the degree to which the proposed project's business plan considers potential private sector participation in the financing, construction, or operation of the proposed project;

''(C) the applicant's past performance in developing and delivering similar projects, and previous financial contributions;

''(D) whether the applicant has, or will have—

''(i) the legal, financial, and technical capacity to carry out the project;

''(ii) satisfactory continuing control over the use of the equipment or facilities; and

''(iii) the capability and willingness to maintain the equipment or facilities;

''(E) if applicable, the consistency of the project with planning guidance and documents set forth by the Secretary or required by law; and

''(F) any other relevant factors, as determined by the Secretary.

''(e) PLANNING REQUIREMENTS.—A project is not eligible for a grant under this section unless the project is specifically identified—

''(1) on a State rail plan prepared in accordance with chapter 227; or

''(2) if the project is located on the Northeast Corridor, on the Northeast Corridor Capital Investment Plan developed pursuant to section 24904(a).

''(f) NORTHEAST CORRIDOR PROJECTS.—

''(1) COMPLIANCE WITH USAGE AGREEMENTS.—Grant funds may not be provided under this section to an eligible recipient for an eligible project located on the Northeast Corridor unless Amtrak and the public authorities providing commuter rail passenger transportation on the Northeast Corridor are in compliance with section 24905(c)(2).

''(2) CAPITAL INVESTMENT PLAN.—When selecting projects located on the Northeast Corridor, the Secretary shall consider the appropriate sequence and phasing of projects as contained in the Northeast Corridor Capital Investment Plan developed pursuant to section 24904(a).

''(g) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

''(1) TOTAL PROJECT COST.—The Secretary shall estimate the total cost of a project under this section based on the best available information, including engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

''(2) FEDERAL SHARE.—The Federal share of total costs for a project under this subsection shall not exceed 80 percent.

''(3) TREATMENT OF AMTRAK REVENUE.—If Amtrak or another rail passenger carrier is an applicant under this section, Amtrak or the other rail passenger carrier, as applicable, may use ticket and other revenues generated from its operations and other sources to satisfy the non-Federal share requirements.

''(h) LETTERS OF INTENT.—

''(1) IN GENERAL.—The Secretary may issue a letter of intent to a grantee under this section that—

''(A) announces an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project; and

''(B) states that the contingent commitment—

''(i) is not an obligation of the Federal Government; and

''(ii) is subject to the availability of appropriations under Federal law and to Federal laws in force or enacted after the date of the contingent commitment.

''(2) CONGRESSIONAL NOTIFICATION.—

''(A) IN GENERAL.—Not later than 30 days before issuing a letter under paragraph (1), the Secretary shall submit written notification to—

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

''(ii) the Committee on Appropriations of the Senate;

''(iii) the Committee on Transportation and Infrastructure of the House of Representatives; and

''(iv) the Committee on Appropriations of the House of Representatives.

''(B) CONTENTS.—The notification submitted pursuant to subparagraph (A) shall include—

''(i) a copy of the proposed letter or agreement;

''(ii) the criteria used under subsection (d) for selecting the project for a grant award; and

''(iii) a description of how the project meets such criteria.

''(3) APPROPRIATIONS REQUIRED.—An obligation or administrative commitment may be made under this section only when amounts are appropriated for such purpose.

''(i) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.

''(j) GRANT CONDITIONS.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the requirements under this chapter.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 244 is amended by inserting after the item relating to section 24406 the following:

''24407. Federal-State partnership for state of good repair.''.

SEC. 35303. LARGE CAPITAL PROJECT REQUIREMENTS.

Section 24402 is amended by adding at the end the following:

''(m) LARGE CAPITAL PROJECT REQUIREMENTS.—

''(1) IN GENERAL.—For a grant awarded under this chapter for an amount in excess of $1,000,000,000, the following conditions shall apply:

''(A) The Secretary of Transportation may not obligate any funding unless the applicant demonstrates, to the satisfaction of the Secretary, that the applicant has committed, and will be able to fulfill, the non-Federal share required for the grant within the applicant's proposed project completion timetable.

''(B) The Secretary may not obligate any funding for work activities that occur after the completion of final design unless—

''(i) the applicant submits a financial plan to the Secretary that generally identifies the sources of the non-Federal funding required for any subsequent segments or phases of the corridor service development program covering the project for which the grant is awarded;

''(ii) the grant will result in a useable segment, a transportation facility, or equipment, that has operational independence or is financially sustainable; and

''(iii) the intercity passenger rail benefits anticipated to result from the grant, such as increased speed, improved on-time performance, reduced trip time, increased frequencies, new service, safety improvements, improved accessibility, or other significant enhancements, are detailed by the grantee and approved by the Secretary.

''(C)(i) The Secretary shall ensure that the project is maintained to the level of utility that is necessary to support the benefits approved under subparagraph (B)(iii) for a period of 20 years from the date on which the useable segment, transportation facility, or equipment described in subparagraph (B)(ii) is placed in service.

''(ii) If the project property is not maintained as required under clause (i) for a 12-month period, the grant recipient shall refund a pro-rata share of the Federal contribution, based upon the percentage remaining of the 20-year period that commenced when the project property was placed in service.

''(2) EARLY WORK.—The Secretary may allow a grantee subject to this subsection to engage in at-risk work activities subsequent to the conclusion of final design if the Secretary determines that such work activities are reasonable and necessary.''.

SEC. 35304. SMALL BUSINESS PARTICIPATION STUDY.

(a) STUDY.—The Secretary shall conduct a nationwide disparity and availability study on the availability and use of small business concerns owned and controlled by socially and economically disadvantaged individuals and veteran-owned small businesses in publicly funded intercity passenger rail service projects.

(b) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit a report containing the results of the study conducted under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(c) DEFINITIONS.—In this section:

(1) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632), except that the term does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals that have average annual gross receipts during the preceding 3 fiscal years in excess of $22,410,000, as adjusted annually by the Secretary for inflation.

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUAL.—The term ''socially and economically disadvantaged individual'' has the meaning given such term in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to such Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(3) VETERAN-OWNED SMALL BUSINESS.—The term ''veteran-owned small business'' has the meaning given the term ''small business concern owned and controlled by veterans'' in section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3)), except that the term does not include any concern or group of concerns controlled by the same veterans that have average annual gross receipts during the preceding 3 fiscal years in excess of $22,410,000, as adjusted annually by the Secretary for inflation.

SEC. 35305. GULF COAST RAIL SERVICE WORKING GROUP.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall convene a working group to evaluate the restoration of intercity rail passenger service in the Gulf Coast region between New Orleans, Louisiana, and Orlando, Florida.

(b) MEMBERSHIP.—The working group convened pursuant to subsection (a) shall consist of representatives of—

(1) the Federal Railroad Administration, which shall serve as chair of the working group;

(2) Amtrak;

(3) the States along the proposed route or routes;

(4) regional transportation planning organizations and metropolitan planning organizations, municipalities, and communities along the proposed route or routes, which shall be selected by the Administrator;

(5) the Southern Rail Commission;

(6) freight railroad carriers whose tracks may be used for such service; and

(7) other entities determined appropriate by the Secretary, which may include independent passenger rail operators that express an interest in Gulf Coast service.

(c) RESPONSIBILITIES.—The working group shall—

(1) evaluate all options for restoring intercity rail passenger service in the Gulf Coast region, including options outlined in the report transmitted to Congress pursuant to section 226 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432);

(2) select a preferred option for restoring such service;

(3) develop a prioritized inventory of capital projects and other actions required to restore such service and cost estimates for such projects or actions; and

(4) identify Federal and non-Federal funding sources required to restore such service, including options for entering into public-private partnerships to restore such service.

(d) REPORT.—Not later than 9 months after the date of enactment of this Act, the working group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(1) the preferred option selected under subsection (c)(2) and the reasons for selecting such option;

(2) the information described in subsection (c)(3);

(3) the funding sources identified under subsection (c)(4);

(4) the costs and benefits of restoring intercity rail passenger transportation in the region; and

(5) any other information the working group determines appropriate.

SEC. 35306. INTEGRATED PASSENGER RAIL WORKING GROUP.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall convene a working group to review issues relating to—

(1) the potential operation of State-supported routes by rail passenger carriers other than Amtrak; and

(2) their role in establishing an integrated intercity passenger rail network in the United States.

(b) MEMBERSHIP.—The working group shall consist of a balanced representation of—

(1) the Federal Railroad Administration, who shall chair the Working Group;

(2) States that fund State-sponsored routes;

(3) independent passenger rail operators, including those that carry at least 5,000,000 passengers annually in United States or international rail service;

(4) Amtrak;

(5) railroads that host intercity State-supported routes;

(6) employee representatives from railroad unions and building trade unions with substantial engagement in railroad rights of way construction and maintenance; and

(7) other entities determined appropriate by the Secretary.

(c) RESPONSIBILITIES.—The working group shall evaluate options for improving State-supported routes and may make recommendations, as appropriate, regarding—

(1) best practices for State or State authority governance of State-supported routes;

(2) future sources of Federal and non-Federal funding sources for State-supported routes;

(3) best practices in obtaining passenger rail operations and services on a competitive basis with the objective of creating the highest quality service at the lowest cost to the taxpayer;

(4) ensuring potential interoperability of State-supported routes as a part of a national network with multiple providers providing integrated services including ticketing, scheduling, and route planning; and

(5) the interface between State-supported routes and connecting commuter rail operations, including maximized intra-modal and inter-modal connections and common sources of funding for capital projects.

(d) MEETINGS.—Not later than 60 days after the establishment of the working group by the Secretary under subsection (a), the working group shall convene an organizational meeting outside of the District of Columbia and shall define the rules and procedures governing the proceedings of the working group. The working group shall hold at least 3 meetings per year in States that fund State-supported routes.

(e) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 1 year after the date the working group is established, the working group shall submit a preliminary report to the Secretary, the Governors of States funding State-supported routes, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(A) administrative recommendations that can be implemented by a State and State authority or by the Secretary; and

(B) preliminary legislative recommendations.

(2) FINAL LEGISLATIVE RECOMMENDATIONS.—Not later than 2 years after the date the working group is established, the working group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes final legislative recommendations.

SEC. 35307. SHARED-USE STUDY.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with Amtrak, commuter rail authorities, and other passenger rail operators, railroad carriers that own rail infrastructure over which both passenger and freight trains operate, States, the Surface Transportation Board, the Northeast Corridor Commission established under section 24905, the State-Supported Route Committee established under section 24712, and groups representing rail passengers and customers, as appropriate, shall complete a study that evaluates—

(1) the shared use of right-of-way by passenger and freight rail systems; and

(2) the operational, institutional, and legal structures that would best support improvements to the systems referred to in paragraph (1).

(b) AREAS OF STUDY.—In conducting the study under subsection (a), the Secretary shall evaluate—

(1) the access and use of railroad right-of-way by a rail carrier that does not own the right-of-way, such as passenger rail services that operate over privately-owned right-of-way, including an analysis of—

(A) access agreements;

(B) costs of access; and

(C) the resolution of disputes relating to such access or costs;

(2) the effectiveness of existing contractual, statutory, and regulatory mechanisms for establishing, measuring, and enforcing train performance standards, including—

(A) the manner in which passenger train delays are recorded;

(B) the assignment of responsibility for such delays; and

(C) the use of incentives and penalties for performance;

(3) strengths and weaknesses in the existing mechanisms described in paragraph (2) and possible approaches to address the weaknesses;

(4) mechanisms for measuring and maintaining public benefits resulting from publicly funded freight or passenger rail improvements, including improvements directed towards shared-use right-of-way by passenger and freight rail;

(5) approaches to operations, capacity, and cost estimation modeling that—

(A) allows for transparent decisionmaking; and

(B) protects the proprietary interests of all parties;

(6) liability requirements and arrangements, including—

(A) whether to expand statutory liability limits to additional parties;

(B) whether to revise the current statutory liability limits;

(C) whether current insurance levels of passenger rail operators are adequate and whether to establish minimum insurance requirements for such passenger rail operators; and

(D) whether to establish a liability regime modeled after section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210);

(7) the effect on rail passenger services, operations, liability limits and insurance levels of the assertion of sovereign immunity by a State; and

(8) other issues identified by the Secretary.

(c) REPORT.—Not later than 60 days after the study under subsection (a) is complete, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) the results of the study; and

(2) any recommendations for further action, including any legislative proposals consistent with such recommendations.

(d) IMPLEMENTATION.—The Secretary shall integrate the recommendations submitted under subsection (c) into its financial assistance programs under subtitle V of title 49, United States Code, and section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822), as appropriate.

SEC. 35308. NORTHEAST CORRIDOR COMMISSION.

(a) COMPOSITION.—Section 24905(a) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting '', infrastructure investments,'' after ''rail operations'';

(B) by amending subparagraph (B) to read as follows:

''(B) members representing the Department of Transportation, including the Office of the Secretary, the Federal Railroad Administration, and the Federal Transit Administration;''; and

(C) in subparagraph (D) by inserting ''and commuter'' after ''freight''; and

(2) by amending paragraph (6) to read as follows:

''(6) The members of the Commission shall elect co-chairs consisting of 1 member described in paragraph (1)(B) and 1 member described in paragraph (1)(C).''.

(b) STATEMENT OF GOALS AND RECOMMENDATIONS.—Section 24905(b) is amended—

(1) in paragraph (1), by inserting ''and periodically update'' after ''develop'';

(2) in paragraph (2)(A), by striking ''beyond those specified in the state of good repair plan under section 211 of the Passenger Rail Investment and Improvement Act of 2008''; and

(3) by adding at the end the following:

''(3) SUBMISSION OF STATEMENT OF GOALS, RECOMMENDATIONS, AND PERFORMANCE REPORTS.—The Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

''(A) any updates made to the statement of goals developed under paragraph (1) not later than 60 days after such updates are made; and

''(B) annual performance reports and recommendations for improvements, as appropriate, issued not later than March 31 of each year, for the prior fiscal year, which summarize—

''(i) the operations and performance of commuter, intercity, and freight rail transportation along the Northeast Corridor; and

''(ii) the delivery of the capital plan described in section 24904.''.

(c) COST ALLOCATION POLICY.—Section 24905(c) is amended—

(1) in the subsection heading, by striking ''ACCESS COSTS'' and inserting ''ALLOCATION OF COSTS'';

(2) in paragraph (1)—

(A) in the paragraph heading, by striking ''FORMULA'' and inserting ''POLICY'';

(B) in the matter preceding subparagraph (A), by striking ''Within 2 years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, the Commission'' and inserting ''The Commission'';

(C) in subparagraph (A), by striking ''formula'' and inserting ''policy''; and

(D) by striking subparagraph (B) through (D) and inserting the following:

''(B) develop a proposed timetable for implementing the policy;

''(C) submit the policy and timetable developed under subparagraph (B) to the Surface Transportation Board, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives;

''(D) not later than October 1, 2015, adopt and implement the policy in accordance with the timetable; and

''(E) with the consent of a majority of its members, the Commission may petition the Surface Transportation Board to appoint a mediator to assist the Commission members through nonbinding mediation to reach an agreement under this section.'';

(3) in paragraph (2)—

(A) by striking ''formula proposed in'' and inserting ''policy developed under''; and

(B) in the second sentence—

(i) by striking ''the timetable, the Commission shall petition the Surface Transportation Board to'' and inserting ''paragraph (1)(D) or fail to comply with the policy thereafter, the Surface Transportation Board shall''; and

(ii) by striking ''amounts for such services in accordance with section 24904(c) of this title'' and inserting ''for such usage in accordance with the procedures and procedural schedule applicable to a proceeding under section 24903(c), after taking into consideration the policy developed under paragraph (1)(A), as applicable'';

(4) in paragraph (3), by striking ''formula'' and inserting ''policy''; and

(5) by adding at the end the following:

''(4) REQUEST FOR DISPUTE RESOLUTION.—If a dispute arises with the implementation of, or compliance with, the policy developed under paragraph (1), the Commission, Amtrak, or public authorities providing commuter rail passenger transportation on the Northeast Corridor may request that the Surface Transportation Board conduct dispute resolution. The Surface Transportation Board shall establish procedures for resolution of disputes brought before it under this paragraph, which may include the provision of professional mediation services.''.

(d) CONFORMING AMENDMENTS.—Section 24905 is amended—

(1) by striking subsection (d);

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively;

(3) in subsection (d), as redesignated, by striking ''to the Commission such sums as may be necessary for the period encompassing fiscal years 2009 through 2013 to carry out this section'' and inserting ''to the Secretary for the use of the Commission and the Northeast Corridor Safety Committee such sums as may be necessary to carry out this section during fiscal year 2016 through 2019, in addition to amounts withheld under section 35101(e) of the Railroad Reform, Enhancement, and Efficiency Act''; and

(4) in subsection (e)(2), as redesignated, by striking ''on the main line.'' and inserting ''on the main line and meet annually with the Commission on the topic of Northeast Corridor safety and security.''.

(e) NORTHEAST CORRIDOR PLANNING.—

(1) AMENDMENT.—Chapter 249 is amended—

(A) by redesignating section 24904 as section 24903; and

(B) by inserting after section 24903, as redesignated, the following:

''§ 24904. Northeast Corridor planning

''(a) NORTHEAST CORRIDOR CAPITAL INVESTMENT PLAN.—

''(1) REQUIREMENT.—Not later than May 1 of each year, the Northeast Corridor Commission established under section 24905 (referred to in this section as the 'Commission') shall—

''(A) develop a capital investment plan for the Northeast Corridor main line between Boston, Massachusetts, and the Virginia Avenue interlocking in the District of Columbia, and the Northeast Corridor branch lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York, including the facilities and services used to operate and maintain those lines; and

''(B) submit the capital investment plan to the Secretary of Transportation and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(2) CONTENTS.—The capital investment plan shall—

''(A) reflect coordination and network optimization across the entire Northeast Corridor;

''(B) integrate the individual capital and service plans developed by each operator using the methods described in the cost allocation policy developed under section 24905(c);

''(C) cover a period of 5 fiscal years, beginning with the first fiscal year after the date on which the plan is completed;

''(D) notwithstanding section 24902(b), identify, prioritize, and phase the implementation of projects and programs to achieve the service outcomes identified in the Northeast Corridor service development plan and the asset condition needs identified in the Northeast Corridor asset management plans, once available, and consider—

''(i) the benefits and costs of capital investments in the plan;

''(ii) project and program readiness;

''(iii) the operational impacts; and

''(iv) funding availability;

''(E) categorize capital projects and programs as primarily associated with;

''(i) normalized capital replacement and basic infrastructure renewals;

''(ii) replacement or rehabilitation of major Northeast Corridor infrastructure assets, including tunnels, bridges, stations, and other assets;

''(iii) statutory, regulatory, or other legal mandates;

''(iv) improvements to support service enhancements or growth; or

''(v) strategic initiatives that will improve overall operational performance or lower costs;

''(F) identify capital projects and programs that are associated with more than 1 category described in subparagraph (E);

''(G) describe the anticipated outcomes of each project or program, including an assessment of—

''(i) the potential effect on passenger accessibility, operations, safety, reliability, and resiliency;

''(ii) the ability of infrastructure owners and operators to meet regulatory requirements if the project or program is not funded; and

''(iii) the benefits and costs; and

''(H) include a financial plan.

''(3) FINANCIAL PLAN.—The financial plan under paragraph (2)(H) shall—

''(A) identify funding sources and financing methods;

''(B) identify the expected allocated shares of costs pursuant to the cost allocation policy developed under section 24905(c);

''(C) identify the projects and programs that the Commission expects will receive Federal financial assistance; and

''(D) identify the eligible entity or entities that the Commission expects will receive the Federal financial assistance described under subparagraph (C).

''(b) FAILURE TO DEVELOP A CAPITAL INVESTMENT PLAN.—If a capital investment plan has not been developed by the Commission for a given fiscal year, then the funds assigned to the account established under section 24319(b) for that fiscal year may be spent only on—

''(1) capital projects described in clause (i) or (iii) of subsection (a)(2)(E) of this section; or

''(2) capital projects described in subsection (a)(2)(E)(iv) of this section that are for the sole benefit of Amtrak.

''(c) NORTHEAST CORRIDOR ASSET MANAGEMENT.—

''(1) CONTENTS.—With regard to its infrastructure, Amtrak and each State and public transportation entity that owns infrastructure that supports or provides for intercity rail passenger transportation on the Northeast Corridor shall develop an asset management system and develop and update, as necessary, a Northeast Corridor asset management plan for each service territory described in subsection (a) that—

''(A) are consistent with the Federal Transit Administration process, as authorized under section 5326, when implemented; and

''(B) include, at a minimum—

''(i) an inventory of all capital assets owned by the developer of the asset management plan;

''(ii) an assessment of asset condition;

''(iii) a description of the resources and processes necessary to bring or maintain those assets in a state of good repair, including decision-support tools and investment prioritization methods; and

''(iv) a description of changes in asset condition since the previous version of the plan.

''(2) TRANSMITTAL.—Each entity described in paragraph (1) shall transmit to the Commission—

''(A) not later than 2 years after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, its Northeast Corridor asset management plan developed under paragraph (1); and

''(B) at least biennial thereafter, an update to its Northeast Corridor asset management plan.

''(d) NORTHEAST CORRIDOR SERVICE DEVELOPMENT PLAN UPDATES.—Not less frequently than once every 10 years, the Commission shall update the Northeast Corridor service development plan.''.

(2) CONFORMING AMENDMENTS.—

(A) NOTE AND MORTGAGE.—Section 24907(a) is amended by striking ''section 24904 of this title'' and inserting ''section 24903''.

(B) TABLE OF CONTENTS AMENDMENT.—The table of contents for chapter 249 is amended—

(i) by redesignating the item relating to section 24904 as relating to section 24903; and

(ii) by inserting after the item relating to section 24903, as redesignated, the following:

''24904. Northeast Corridor planning.''.

(3) REPEAL.—Section 211 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432; 49 U.S.C. 24902 note) is repealed.

SEC. 35309. NORTHEAST CORRIDOR THROUGH-TICKETING AND PROCUREMENT EFFICIENCIES.

(a) THROUGH-TICKETING STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Northeast Corridor Commission established under section 24905(a) of title 49, United States Code (referred to in this section as the ''Commission''), in consultation with Amtrak and the commuter rail passenger transportation providers along the Northeast Corridor shall complete a study on the feasibility of and options for permitting through-ticketing between Amtrak service and commuter rail services on the Northeast Corridor.

(2) CONTENTS.—In completing the study under paragraph (1), the Northeast Corridor Commission shall—

(A) examine the current state of intercity and commuter rail ticketing technologies, policies, and other relevant aspects on the Northeast Corridor;

(B) consider and recommend technology, process, policy, or other options that would permit through-ticketing to allow intercity and commuter rail passengers to purchase, in a single transaction, travel that utilizes Amtrak and connecting commuter rail services;

(C) consider options to expand through-ticketing to include local transit services;

(D) summarize costs, benefits, opportunities, and impediments to developing such through-ticketing options; and

(E) develop a proposed methodology, including cost and schedule estimates, for carrying out a pilot program on through-ticketing on the Northeast Corridor.

(3) REPORT.—Not later than 60 days after the date the study under paragraph (1) is complete, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(A) the results of the study; and

(B) any recommendations for further action.

(b) JOINT PROCUREMENT STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in cooperation with the Commission, Amtrak, and commuter rail transportation authorities on the Northeast Corridor shall complete a study of the potential benefits resulting from Amtrak and such authorities undertaking select joint procurements for common materials, assets, and equipment when expending Federal funds for such purchases.

(2) CONTENTS.—In completing the study under paragraph (1), the Secretary shall consider—

(A) the types of materials, assets, and equipment that are regularly purchased by Amtrak and such authorities that are similar and could be jointly procured;

(B) the potential benefits of such joint procurements, including lower procurement costs, better pricing, greater market relevancy, and other efficiencies;

(C) the potential costs of such joint procurements;

(D) any significant impediments to undertaking joint procurements, including any necessary harmonization and reconciliation of Federal and State procurement or safety regulations or standards and other requirements; and

(E) whether to create Federal incentives or requirements relating to considering or carrying out joint procurements when expending Federal funds.

(3) TRANSMISSION.—Not later than 60 days after completing the study required under this subsection, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(A) the results of the study; and

(B) any recommendations for further action.

(c) NORTHEAST CORRIDOR.—In this section, the term ''Northeast Corridor'' means the Northeast Corridor main line between Boston, Massachusetts, and the Virginia Avenue interlocking in the District of Columbia, and the Northeast Corridor branch lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York, including the facilities and services used to operate and maintain those lines.

SEC. 35310. DATA AND ANALYSIS.

(a) DATA.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Surface Transportation Board, Amtrak, freight railroads, State and local governments, and regional business, tourism and economic development agencies shall conduct a data needs assessment—

(1) to support the development of an efficient and effective intercity passenger rail network;

(2) to identify the data needed to conduct cost-effective modeling and analysis for intercity passenger rail development programs;

(3) to determine limitations to the data used for inputs;

(4) to develop a strategy to address such limitations;

(5) to identify barriers to accessing existing data;

(6) to develop recommendations regarding whether the authorization of additional data collection for intercity passenger rail travel is warranted; and

(7) to determine which entities will be responsible for generating or collecting needed data.

(b) BENEFIT-COST ANALYSIS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enhance the usefulness of assessments of benefits and costs, for intercity passenger rail and freight rail projects—

(1) by providing ongoing guidance and training on developing benefit and cost information for rail projects;

(2) by providing more direct and consistent requirements for assessing benefits and costs across transportation funding programs, including the appropriate use of discount rates;

(3) by requiring applicants to clearly communicate the methodology used to calculate the project benefits and costs, including non-proprietary information on—

(A) assumptions underlying calculations;

(B) strengths and limitations of data used; and

(C) the level of uncertainty in estimates of project benefits and costs; and

(4) by ensuring that applicants receive clear and consistent guidance on values to apply for key assumptions used to estimate potential project benefits and costs.

(c) CONFIDENTIAL DATA.—The Secretary shall protect sensitive or confidential to the greatest extent permitted by law. Nothing in this section shall require any entity to provide information to the Secretary in the absence of a voluntary agreement.

SEC. 35311. PERFORMANCE-BASED PROPOSALS.

(a) SOLICITATION OF PROPOSALS.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue a request for proposals for projects for the financing, design, construction, operation, and maintenance of an intercity passenger rail system, including—

(A) the Northeast Corridor;

(B) the California Corridor;

(C) the Empire Corridor;

(D) the Pacific Northwest Corridor;

(E) the South Central Corridor;

(F) the Gulf Coast Corridor;

(G) the Chicago Hub Network;

(H) the Florida Corridor;

(I) the Keystone Corridor;

(J) the Northern New England Corridor; and

(K) the Southeast Corridor.

(2) SUBMISSION.—Proposals shall be submitted to the Secretary not later than 180 days after the publication of such request for proposals under paragraph (1).

(3) PERFORMANCE STANDARD.—Proposals submitted under paragraph (2) shall meet any standards established by the Secretary. For corridors with existing intercity passenger rail service, proposals shall also be designed to achieve a reduction of existing minimum intercity rail service trip times between the main corridor city pairs by a minimum of 25 percent. In the case of a proposal submitted with respect to paragraph (1)(A), the proposal shall be designed to achieve a 2-hour or less express service between Washington, District of Columbia, and New York City, New York.

(4) CONTENTS.—A proposal submitted under this subsection shall include—

(A) the names and qualifications of the persons submitting the proposal and the entities proposed to finance, design, construct, operate, and maintain the railroad, railroad equipment, and related facilities, stations, and infrastructure;

(B) a detailed description of the proposed rail service, including possible routes, required infrastructure investments and improvements, equipment needs and type, train frequencies, peak and average operating speeds, and trip times;

(C) a description of how the project would comply with all applicable Federal rail safety and security laws, orders, and regulations;

(D) the locations of proposed stations, which maximize the usage of existing infrastructure to the extent possible, and the populations such stations are intended to serve;

(E) the type of equipment to be used, including any technologies, to achieve trip time goals;

(F) a description of any proposed legislation needed to facilitate all aspects of the project;

(G) a financing plan identifying—

(i) projected revenue, and sources thereof;

(ii) the amount of any requested public contribution toward the project, and proposed sources;

(iii) projected annual ridership projections for the first 10 years of operations;

(iv) annual operations and capital costs;

(v) the projected levels of capital investments required both initially and in subsequent years to maintain a state-of-good-repair necessary to provide the initially proposed level of service or higher levels of service;

(vi) projected levels of private investment and sources thereof, including the identity of any person or entity that has made or is expected to make a commitment to provide or secure funding and the amount of such commitment; and

(vii) projected funding for the full fair market compensation for any asset, property right or interest, or service acquired from, owned, or held by a private person or Federal entity that would be acquired, impaired, or diminished in value as a result of a project, except as otherwise agreed to by the private person or entity;

(H) a description of how the project would contribute to the development of the intercity passenger rail system and an intermodal plan describing how the system will facilitate convenient travel connections with other transportation services;

(I) a description of how the project will ensure compliance with Federal laws governing the rights and status of employees associated with the route and service, including those specified in section 24405 of title 49, United States Code;

(J) a description of how the design, construction, implementation, and operation of the project will accommodate and allow for future growth of existing and projected intercity, commuter, and freight rail service;

(K) a description of how the project would comply with Federal and State environmental laws and regulations, of what environmental impacts would result from the project, and of how any adverse impacts would be mitigated; and

(L) a description of the project's impacts on highway and aviation congestion, energy consumption, land use, and economic development in the service area.

(b) DETERMINATION AND ESTABLISHMENT OF COMMISSIONS.—Not later than 90 days after receipt of the proposals under subsection (a), the Secretary shall—

(1) make a determination as to whether any such proposals—

(A) contain the information required under paragraphs (3) and (4) of subsection (a);

(B) are sufficiently credible to warrant further consideration;

(C) are likely to result in a positive impact on the Nation's transportation system; and

(D) are cost-effective and in the public interest;

(2) establish a commission under subsection (c) for each corridor with 1 or more proposals that the Secretary determines satisfy the requirements of paragraph (1); and

(3) forward to each commission established under paragraph (2) the applicable proposals for review and consideration.

(c) COMMISSIONS.—

(1) MEMBERS.—Each commission established under subsection (b)(2) shall include—

(A) the governors of the affected States, or their respective designees;

(B) mayors of appropriate municipalities with stops along the proposed corridor, or their respective designees;

(C) a representative from each freight railroad carrier using the relevant corridor, if applicable;

(D) a representative from each transit authority using the relevant corridor, if applicable;

(E) representatives of nonprofit employee labor organizations representing affected railroad employees; and

(F) the President of Amtrak or his or her designee.

(2) APPOINTMENT AND SELECTION.—The Secretary shall appoint the members under paragraph (1). In selecting each commission's members to fulfill the requirements under subparagraphs (B) and (E) of paragraph (1), the Secretary shall consult with the Chairperson and Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate and of the Committee on Transportation and Infrastructure of the House of Representatives.

(3) CHAIRPERSON AND VICE-CHAIRPERSON SELECTION.—The Chairperson and Vice-Chairperson shall be elected from among members of each commission.

(4) QUORUM AND VACANCY.—

(A) QUORUM.—A majority of the members of each commission shall constitute a quorum.

(B) VACANCY.—Any vacancy in each commission shall not affect its powers and shall be

filled in the same manner in which the original appointment was made.

(5) APPLICATION OF LAW.—Except where otherwise provided by this section, the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to each commission created under this section.

(d) COMMISSION CONSIDERATION.—

(1) IN GENERAL.—Each commission established under subsection (b)(2) shall be responsible for reviewing the proposal or proposals forwarded to it under that subsection and not later than 90 days after the establishment of the commission, shall transmit to the Secretary a report, including—

(A) a summary of each proposal received;

(B) services to be provided under each proposal, including projected ridership, revenues, and costs;

(C) proposed public and private contributions for each proposal;

(D) the advantages offered by the proposal over existing intercity passenger rail services;

(E) public operating subsidies or assets needed for the proposed project;

(F) possible risks to the public associated with the proposal, including risks associated with project financing, implementation, completion, safety, and security;

(G) a ranked list of the proposals recommended for further consideration under subsection (e) in accordance with each proposal's projected positive impact on the Nation's transportation system;

(H) an identification of any proposed Federal legislation that would facilitate implementation of the projects and Federal legislation that would be required to implement the projects; and

(I) any other recommendations by the commission concerning the proposed projects.

(2) VERBAL PRESENTATION.—Proposers shall be given an opportunity to make a verbal presentation to the commission to explain their proposals.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the use of each commission established under subsection (b)(2) such sums as are necessary to carry out this section.

(e) SELECTION BY SECRETARY.—

(1) IN GENERAL.—Not later than 60 days after receiving the recommended proposals of the commissions established under subsection (b)(2), the Secretary shall—

(A) review such proposals and select any proposal that provides substantial benefits to the public and the national transportation system, is cost-effective, offers significant advantages over existing services, and meets other relevant factors determined appropriate by the Secretary; and

(B) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing any proposal with respect to subsection (a)(1)(A) that is selected by the Secretary under subparagraph (A) of this paragraph, all the information regarding the proposal provided to the Secretary under subsection (d), and any other information the Secretary considers relevant.

(2) SUBSEQUENT REPORT.—Following the submission of the report under paragraph (1)(B), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing any proposal with respect to subparagraphs (B) through (K) of subsection (a)(1) that are selected by the Secretary under paragraph (1) of this subsection, all the information regarding the proposal provided to the Secretary under subsection (d), and any other information the Secretary considers relevant.

(3) LIMITATION ON REPORT SUBMISSION.—The report required under paragraph (2) shall not be submitted by the Secretary until the report submitted under paragraph (1)(B) has been considered through a hearing by the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the report submitted under paragraph (1)(B).

(f) NO ACTIONS WITHOUT ADDITIONAL AUTHORITY.—No Federal agency may take any action to implement, establish, facilitate, or otherwise act upon any proposal submitted under this section, other than those actions specifically authorized by this section, without explicit statutory authority enacted after the date of enactment of this Act.

(g) DEFINITIONS.—In this section:

(1) INTERCITY PASSENGER RAIL.—The term ''intercity passenger rail'' means intercity rail passenger transportation as defined in section 24102 of title 49, United States Code.

(2) STATE.—The term ''State'' means any of the 50 States or the District of Columbia.

SEC. 35312. AMTRAK INSPECTOR GENERAL.

(a) AUTHORITY.—

(1) IN GENERAL.—The Inspector General of Amtrak shall have the authority available to other Inspectors General, as necessary in carrying out the duties specified in the Inspector General Act of 1978 (5 U.S.C. App.), to investigate any alleged violation of sections 286, 287, 371, 641, 1001, 1002 and 1516 of title 18, United States Code.

(2) AGENCY.—For purposes of sections 286, 287, 371, 641, 1001, 1002, and 1516 of title 18, United States Code, Amtrak and the Amtrak Office of Inspector General, shall be considered a corporation in which the United States has a proprietary interest as set forth in section 6 of that title.

(b) ASSESSMENT.—The Inspector General of Amtrak shall—

(1) not later than 60 days after the date of enactment of this Act, initiate an assessment to determine whether current expenditures or procurements involving Amtrak's fulfillment of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) utilize competitive, market-driven provisions that are applicable throughout the entire term of such related expenditures or procurements; and

(2) not later than 6 months after the date of enactment of this Act, transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the assessment under paragraph (1).

(c) LIMITATION.—The authority provided by subsections (a) and (b) shall be effective only with respect to a fiscal year for which Amtrak receives a Federal subsidy.

SEC. 35313. MISCELLANEOUS PROVISIONS.

(a) TITLE 49 AMENDMENTS.—

(1) CONTINGENT INTEREST RECOVERIES.—Section 22106(b) is amended by striking ''interest thereof'' and inserting ''interest thereon''.

(2) AUTHORITY.—Section 22702(b)(4) is amended by striking ''5 years for reapproval by the Secretary'' and inserting ''4 years for acceptance by the Secretary''.

(3) CONTENTS OF STATE RAIL PLANS.—Section 22705(a) is amended by striking paragraph (12).

(4) MISSION.—Section 24101(b) is amended by striking ''of subsection (d)'' and inserting ''set forth in subsection (c)''.

(5) TABLE OF CONTENTS AMENDMENT.—The table of contents for chapter 243 is amended by striking the item relating to section 24316 and inserting the following:

''24316. Plans to address the needs of families of passengers involved in rail passenger accidents.''.

(6) UPDATE.—Section 24305(f)(3) is amended by striking ''$1,000,000'' and inserting ''$5,000,000''.

(7) AMTRAK.—Chapter 247 is amended—

(A) in section 24702(a), by striking ''not included in the national rail passenger transportation system'';

(B) in section 24706—

(i) in subsection (a)—

(I) in paragraph (1), by striking ''a discontinuance under section 24704 or or''; and

(II) in paragraph (2), by striking ''section 24704 or''; and

(ii) in subsection (b), by striking ''section 24704 or''; and

(C) in section 24709, by striking ''The Secretary of the Treasury and the Attorney General,'' and inserting ''The Secretary of Homeland Security,''.

(b) PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT AMENDMENTS.—Section 305(a) of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended by inserting ''nonprofit organizations representing employees who perform overhaul and maintenance of passenger railroad equipment,'' after ''equipment manufacturers,''.

Subtitle D—Rail Safety

PART I—SAFETY IMPROVEMENT

SEC. 35401. HIGHWAY-RAIL GRADE CROSSING SAFETY.

(a) MODEL STATE HIGHWAY-RAIL GRADE CROSSING ACTION PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a model of a State-specific highway-rail grade crossing action plan and distribute the model plan to each State.

(2) CONTENTS.—The plan developed under paragraph (1) shall include—

(A) methodologies, tools, and data sources for identifying and evaluating highway-rail grade crossing safety risks, including the public safety risks posed by blocked highway-rail grade crossings due to idling trains;

(B) best practices to reduce the risk of highway-rail grade crossing accidents or incidents and to alleviate the blockage of highway-rail grade crossings due to idling trains, including strategies for—

(i) education, including model stakeholder engagement plans or tools;

(ii) engineering, including the benefits and costs of different designs and technologies used to mitigate highway-rail grade crossing safety risks; and

(iii) enforcement, including the strengths and weaknesses associated with different enforcement methods;

(C) for each State, a customized list and data set of the highway-rail grade crossing accidents or incidents in that State over the past 3 years, including the location, number of deaths, and number of injuries for each accident or incident; and

(D) contact information of a Department of Transportation safety official available to assist the State in adapting the model plan to satisfy the requirements under subsection (b).

(b) STATE HIGHWAY-RAIL GRADE CROSSING ACTION PLANS.—

(1) REQUIREMENTS.—Not later than 18 months after the Secretary develops and distributes the model plan under subsection (a), the Secretary shall promulgate a rule that requires—

(A) each State, except the 10 States identified under section 202 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note), to develop and implement a State highway-rail grade crossing action plan; and

(B) each State that was identified under section 202 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note), to update its State action plan under that section and submit to the Secretary the updated State action plan and a report describing what the State did to implement its previous State action plan under that section and how it will continue to reduce highway-rail grade crossing safety risks.

(2) CONTENTS.—Each State plan required under this subsection shall—

(A) identify highway-rail grade crossings that have experienced recent highway-rail grade crossing accidents or incidents, or are at high-risk for accidents or incidents;

(B) identify specific strategies for improving safety at highway-rail grade crossings, including highway-rail grade crossing closures or grade separations; and

(C) designate a State official responsible for managing implementation of the State plan under subparagraph (A) or (B) of paragraph (1), as applicable.

(3) ASSISTANCE.—The Secretary shall provide assistance to each State in developing and carrying out, as appropriate, the State plan under this subsection.

(4) PUBLIC AVAILABILITY.—Each State shall submit its final State plan under this subsection to the Secretary for publication. The Secretary shall make each approved State plan publicly available on an official Internet Web site.

(5) CONDITIONS.—The Secretary may condition the awarding of a grant to a State under chapter 244 of title 49, United States Code, on that State submitting an acceptable State plan under this subsection.

(6) REVIEW OF ACTION PLANS.—Not later than 60 days after the date of receipt of a State plan under this subsection, the Secretary shall—

(A) if the State plan is approved, notify the State and publish the State plan under paragraph (4); and

(B) if the State plan is incomplete or deficient, notify the State of the specific areas in which the plan is deficient and allow the State to complete the plan or correct the deficiencies and resubmit the plan under paragraph (1).

(7) DEADLINE.—Not later than 60 days after the date of a notice under paragraph (6)(B), a State shall complete the plan or correct the deficiencies and resubmit the plan.

(8) FAILURE TO COMPLETE OR CORRECT PLAN.—If a State fails to meet the deadline under paragraph (7), the Secretary shall post on the Web site under paragraph (4) a notice that the State has an incomplete or deficient highway-rail grade crossing action plan.

(c) RAILWAY-HIGHWAY CROSSINGS FUNDS.—The Secretary may use funds made available to carry out section 130 of title 23, United States Code, to provide States with funds to develop a State highway-rail grade crossing action plan under subsection (b)(1)(A) of this section or to update a State action plan under subsection (b)(1)(B) of this section.

(d) DEFINITIONS.—In this section:

(1) HIGHWAY-RAIL GRADE CROSSING.—The term ''highway-rail grade crossing'' means a location within a State, other than a location where 1 or more railroad tracks cross 1 or more railroad tracks at grade, where—

(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses 1 or more railroad tracks either at grade or grade-separated; or

(B) a pathway explicitly authorized by a public authority or a railroad carrier that is dedicated for the use of non-vehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private roadway, crosses 1 or more railroad tracks either at grade or grade-separated.

(2) STATE.—The term ''State'' means a State of the United States or the District of Columbia.

SEC. 35402. SPEED LIMIT ACTION PLANS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, each railroad carrier providing intercity rail passenger transportation or commuter rail passenger transportation, in consultation with any applicable host railroad carrier, shall survey its entire system and identify each main track location where there is a reduction of more than 20 miles per hour from the approach speed to a curve or bridge and the maximum authorized operating speed for passenger trains at that curve or bridge.

(b) ACTION PLANS.—Not later than 120 days after the date that the survey under subsection (a) is complete, a rail passenger carrier shall submit to the Secretary an action plan that—

(1) identifies each main track location where there is a reduction of more than 20 miles per hour from the approach speed to a curve or bridge and the maximum authorized operating speed for passenger trains at that curve or bridge;

(2) describes appropriate actions, including modification to automatic train control systems, if applicable, other signal systems, increased crew size, improved signage, or other practices, including increased crew communication, to enable warning and enforcement of the maximum authorized speed for passenger trains at each location identified under paragraph (1);

(3) contains milestones and target dates for implementing each appropriate action described under paragraph (2); and

(4) ensures compliance with the maximum authorized speed at each location identified under paragraph (1).

(c) APPROVAL.—Not later than 90 days after the date an action plan is submitted under subsection (a), the Secretary shall approve, approve with conditions, or disapprove the action plan.

(d) ALTERNATIVE SAFETY MEASURES.—The Secretary may exempt from the requirements of this section each segment of track for which operations are governed by a positive train control system certified under section 20157 of title 49, United States Code, or any other safety technology or practice that would achieve an equivalent or greater level of safety in reducing derailment risk.

(e) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(1) the actions the railroad carriers have taken in response to Safety Advisory 2013–08, entitled ''Operational Tests and Inspections for Compliance With Maximum Authorized Train Speeds and Other Speed Restrictions'';

(2) the actions the railroad carriers have taken in response to Safety Advisory 2015–03, entitled ''Operational and Signal Modifications for Compliance with Maximum Authorized Passenger Train Speeds and Other Speed Restrictions''; and

(3) the actions the Federal Railroad Administration has taken to evaluate or incorporate the information and findings arising from the safety advisories referred to in paragraphs (1) and (2) into the development of regulatory action and oversight activities.

(f) SAVINGS CLAUSE.—Nothing in this section shall prohibit the Secretary from applying the requirements of this section to other segments of track at high risk of overspeed derailment.

SEC. 35403. SIGNAGE.

(a) IN GENERAL.—The Secretary shall promulgate such regulations as the Secretary considers necessary to require each railroad carrier providing intercity rail passenger transportation or commuter rail passenger transportation, in consultation with any applicable host railroad carrier, to install signs to warn train crews before the train approaches a location that the Secretary identifies as having high risk of overspeed derailment.

(b) ALTERNATIVE SAFETY MEASURES.—The Secretary may exempt from the requirements of this section each segment of track for which operations are governed by a positive train control system certified under section 20157 of title 49, United States Code, or any other safety technology or practice that would achieve an equivalent or greater level of safety in reducing derailment risk.

SEC. 35404. ALERTERS.

(a) IN GENERAL.—The Secretary shall promulgate a rule to require a working alerter in the controlling locomotive of each passenger train in intercity rail passenger transportation (as defined in section 24102 of title 49, United States Code) or commuter rail passenger transportation (as defined in section 24102 of title 49, United States Code).

(b) RULEMAKING.—

(1) IN GENERAL.—The Secretary may promulgate a rule to specify the essential functionalities of a working alerter, including the manner in which the alerter can be reset.

(2) ALTERNATE PRACTICE OR TECHNOLOGY.—The Secretary may require or allow a technology or practice in lieu of a working alerter if the Secretary determines that the technology or practice would achieve an equivalent or greater level of safety in enhancing or ensuring appropriate locomotive control.

SEC. 35405. SIGNAL PROTECTION.

(a) IN GENERAL.—The Secretary shall promulgate regulations to require, not later than 18 months after the date of the enactment of this Act, that on-track safety regulations, whenever practicable and consistent with other safety requirements and operational considerations, include requiring implementation of redundant signal protection, such as shunting or other practices and technologies that achieve an equivalent or greater level of safety, for maintenance-of-way work crews who depend on a train dispatcher to provide signal protection.

(b) ALTERNATIVE SAFETY MEASURES.—The Secretary may exempt from the requirements of this section each segment of track for which operations are governed by a positive train control system certified under section 20157 of title 49, United States Code, or any other safety technology or practice that would achieve an equivalent or greater level of safety in providing additional signal protection.

SEC. 35406. TECHNOLOGY IMPLEMENTATION PLANS.

Section 20156(e) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A), by striking ''and'' at the end; and

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(2) by adding at the end the following:

''(C) each railroad carrier required to submit such a plan, until the implementation of a positive train control system by the railroad carrier, shall analyze and, as appropriate, prioritize technologies and practices to mitigate the risk of overspeed derailments.''.

SEC. 35407. COMMUTER RAIL TRACK INSPECTIONS.

(a) IN GENERAL.—The Secretary shall evaluate track inspection regulations to determine if a railroad carrier providing commuter rail passenger transportation on high density commuter railroad lines should be required to inspect the lines in the same manner as currently required for other commuter railroad lines.

(b) RULEMAKING.—Considering safety, including railroad carrier employee and contractor safety, and system capacity, the Secretary may promulgate a rule for high density commuter railroad lines. If, after the evaluation under subsection (a), the Secretary determines that it is necessary to promulgate a rule, the Secretary shall specifically consider the following regulatory requirements for high density commuter railroad lines:

(1) At least once every 2 weeks—

(A) traverse each main line by vehicle; or

(B) inspect each main line on foot.

(2) At least once each month, traverse and inspect each siding by vehicle or by foot.

(c) REPORT.—If, after the evaluation under subsection (a), the Secretary determines it is not necessary to revise the regulations under this section, the Secretary, not later than 18 months after the date of enactment of this Act, shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives explaining the reasons for not revising the regulations.

(d) CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the Secretary to promulgate regulations or issue orders under any other law.

SEC. 35408. EMERGENCY RESPONSE.

(a) IN GENERAL.—The Secretary, in consultation with railroad carriers, shall conduct a study to determine whether limitations or weaknesses exist in the emergency response information carried by train crews transporting hazardous materials.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall evaluate the differences between the emergency response information carried by train crews transporting hazardous materials and the emergency response guidance provided in the Emergency Response Guidebook issued by the Department of Transportation.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report of the findings of the study under subsection (a) and any recommendations for legislative action.

SEC. 35409. PRIVATE HIGHWAY-RAIL GRADE CROSSINGS.

(a) IN GENERAL.—The Secretary, in consultation with railroad carriers, shall conduct a study—

(1) to determine whether limitations or weaknesses exist regarding the availability and usefulness for safety purposes of data on private highway-rail grade crossings; and

(2) to evaluate existing engineering practices on private highway-rail grade crossings.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall make recommendations as necessary to improve—

(1) the utility of the data on private highway-rail grade crossings; and

(2) the implementation of private highway-rail crossing safety measures, including signage and warning systems.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report of the findings of the study and any recommendations for further action.

SEC. 35410. REPAIR AND REPLACEMENT OF DAMAGED TRACK INSPECTION EQUIPMENT.

(a) IN GENERAL.—Subchapter I of chapter 201 is amended by inserting after section 20120 the following:

"§ 20121. Repair and replacement of damaged track inspection equipment

''The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third-party liability for such damages, and any amounts collected under this section shall be credited directly to the Railroad Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation, and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.''.

(b) CONFORMING AMENDMENT.—The table of contents for subchapter I of chapter 201 is amended by adding after section 21020 the following:

''20121. Repair and replacement of damaged track inspection equipment.''.

SEC. 35411. RAIL POLICE OFFICERS.

(a) IN GENERAL.—Section 28101 is amended—

(1) by striking ''employed by'' each place it appears and inserting ''directly employed by or contracted by'';

(2) in subsection (b), by inserting ''or agent, as applicable,'' after ''an employee''; and

(3) by adding at the end the following:

''(c) TRANSFERS.—

''(1) IN GENERAL.—If a railroad police officer directly employed by or contracted by a rail carrier and certified or commissioned as a police officer under the laws of a State transfers primary employment or residence from the certifying or commissioning State to another State or jurisdiction, the railroad police officer, not later than 1 year after the date of transfer, shall apply to be certified or commissioned as a police office under the laws of the State of new primary employment or residence.

''(2) INTERIM PERIOD.—During the period beginning on the date of transfer and ending 1 year after the date of transfer, a railroad police officer directly employed by or contracted by a rail carrier and certified or commissioned as a police officer under the laws of a State may enforce the laws of the new jurisdiction in which the railroad police officer resides, to the same extent as provided in subsection (a).

''(d) TRAINING.—

''(1) IN GENERAL.—A State shall recognize as meeting that State's basic police officer certification or commissioning requirements for qualification as a rail police officer under this section any individual who successfully completes a program at a State-recognized police training academy in another State or at a Federal law enforcement training center and who is certified or commissioned as a police officer by that other State.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as superseding or affecting any unique State training requirements related to criminal law, criminal procedure, motor vehicle code, or State-mandated comparative or annual in-service training academy or Federal law enforcement training center.''.

(b) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall revise the regulations in part 207 of title 49, Code of Federal Regulations (relating to railroad police officers), to permit a railroad to designate an individual, who is commissioned in the individual's State of legal residence or State of primary employment and directly employed by or contracted by a railroad to enforce State laws for the protection of railroad property, personnel, passengers, and cargo, to serve in the States in which the railroad owns property.

(c) CONFORMING AMENDMENTS.—

(1) AMTRAK RAIL POLICE.—Section 24305(e) is amended—

(A) by striking ''may employ'' and inserting ''may directly employ or contract with'';

(B) by striking ''employed by'' and inserting ''directly employed by or contracted by''; and

(C) by striking ''employed without'' and inserting ''directly employed or contracted without''.

(2) SECURE GUN STORAGE OR SAFETY DEVICE; EXCEPTIONS.—Section 922(z)(2)(B) of title 18 is amended by striking ''employed by'' and inserting ''directly employed by or contracted by''.

SEC. 35412. OPERATION DEEP DIVE; REPORT.

(a) PROGRESS REPORTS.—Not later than 60 days after the date of the enactment of this Act, and quarterly thereafter until the completion date, the Administrator of the Federal Railroad Administration shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the progress of Metro-North Commuter Railroad in implementing the directives and recommendations issued by the Federal Railroad Administration in its March 2014 report to Congress titled ''Operation Deep Dive Metro-North Commuter Railroad Safety Assessment''.

(b) FINAL REPORT.—Not later than 30 days after the completion date, the Administrator of the Federal Railroad Administration shall submit a final report on the directives and recommendations to Congress.

(c) DEFINED TERM.—In this section, the term ''completion date'' means the date on which Metro-North Commuter Railroad has completed all of the directives and recommendations referred to in subsection (a).

SEC. 35413. POST-ACCIDENT ASSESSMENT.

(a) IN GENERAL.—The Secretary of Transportation, in cooperation with the National Transportation Safety Board and the National Railroad Passenger Corporation (referred to in this section as ''Amtrak''), shall conduct a post-accident assessment of the Amtrak Northeast Regional Train #188 crash on May 12, 2015.

(b) ELEMENTS.—The assessment conducted pursuant to subsection (a) shall include—

(1) a review of Amtrak's compliance with the plan for addressing the needs of the families of passengers involved in any rail passenger accident, which was submitted pursuant to section 24316 of title 49, United States Code;

(2) a review of Amtrak's compliance with the emergency preparedness plan required under section 239.101(a) of title 49, Code of Federal Regulations;

(3) a determination of any additional action items that should be included in the plans referred to in paragraphs (1) and (2) to meet the needs of the passengers involved in the crash and their families, including—

(A) notification of emergency contacts;

(B) dedicated and trained staff to manage family assistance;

(C) the establishment of a family assistance center at the accident locale or other appropriate location;

(D) a system for identifying and recovering items belonging to passengers that were lost in the crash; and

(E) the establishment of a single customer service entity within Amtrak to coordinate the response to the needs of the passengers involved in the crash and their families;

(4) recommendations for any additional training needed by Amtrak staff to better implement the plans referred to in paragraphs (1) and (2), including the establishment of a regular schedule for training drills and exercises.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, Amtrak shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(1) its plan to achieve the recommendations referred to in subsection (b)(4); and

(2) steps that have been taken to address any deficiencies identified through the assessment.

SEC. 35414. TECHNICAL AND CONFORMING AMENDMENTS.

(a) ASSISTANCE TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.—Section 1139 is amended—

(1) in subsection (a)(1), by striking ''phone number'' and inserting ''telephone number'';

(2) in subsection (a)(2), by striking ''post trauma communication with families'' and inserting ''post-trauma communication with families''; and

(3) in subsection (j), by striking ''railroad passenger accident'' each place it appears and inserting ''rail passenger accident''.

(b) SOLID WASTE RAIL TRANSFER FACILITY LAND-USE EXEMPTION.—Section 10909 is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking ''Clean Railroad Act of 2008'' and inserting ''Clean Railroads Act of 2008''; and

(2) in subsection (e), by striking ''Upon the granting of petition from the State'' and inserting ''Upon the granting of a petition from the State''.

(c) RULEMAKING PROCESS.—Section 20116 is amended—

(1) by inserting ''(2)'' before ''the code, rule, standard, requirement, or practice has been subject to notice and comment under a rule or order issued under this part.'' and indenting accordingly;

(2) by inserting ''(1)'' before ''unless'' and indenting accordingly;

(3) in paragraph (1), as redesignated, by striking ''order, or'' and inserting ''order; or''; and

(4) in the matter preceding paragraph (1), as redesignated, by striking ''unless'' and inserting ''unless—''.

(d) ENFORCEMENT REPORT.—Section 20120(a) is amended—

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

(2) in paragraph (1), by striking ''accident and incidence reporting'' and inserting ''accident and incident reporting'';

(3) in paragraph (2)(G), by inserting ''and'' at the end; and

(4) in paragraph (5)(B), by striking ''Administrative Hearing Officer or Administrative Law Judge'' and inserting ''administrative hearing officer or administrative law judge''.

(e) RAILROAD SAFETY RISK REDUCTION PROGRAM.—Section 20156 is amended—

(1) in subsection (c), by inserting a comma after ''In developing its railroad safety risk reduction program''; and

(2) in subsection (g)(1)—

(A) by inserting a comma after ''good faith''; and

(B) by striking ''non-profit'' and inserting ''nonprofit''.

(f) ROADWAY USER SIGHT DISTANCE AT HIGHWAY-RAIL GRADE CROSSINGS.—Section 20159 is amended by striking ''the Secretary'' and inserting ''the Secretary of Transportation''.

(g) NATIONAL CROSSING INVENTORY.—Section 20160 is amended—

(1) in subsection (a)(1), by striking ''concerning each previously unreported crossing through which it operates or with respect to the trackage over which it operates'' and inserting ''concerning each previously unreported crossing through which it operates with respect to the trackage over which it operates''; and

(2) in subsection (b)(1)(A), by striking ''concerning each crossing through which it operates or with respect to the trackage over which it operates'' and inserting ''concerning each crossing through which it operates with respect to the trackage over which it operates''.

(h) MINIMUM TRAINING STANDARDS AND PLANS.—Section 20162(a)(3) is amended by striking ''railroad compliance with Federal standards'' and inserting ''railroad carrier compliance with Federal standards''.

(i) DEVELOPMENT AND USE OF RAIL SAFETY TECHNOLOGY.—Section 20164(a) is amended by striking ''after enactment of the Railroad Safety Enhancement Act of 2008'' and inserting ''after the date of enactment of the Rail Safety Improvement Act of 2008''.

(j) RAIL SAFETY IMPROVEMENT ACT OF 2008.—

(1) TABLE OF CONTENTS.—Section 1(b) of division A of the Rail Safety Improvement Act of 2008 (Public Law 110–432; 122 Stat. 4848) is amended—

(A) in the item relating to section 307, by striking ''website'' and inserting ''Web site'';

(B) in the item relating to title VI, by striking ''solid waste facilities'' and inserting ''solid waste rail transfer facilities''; and

(C) in the item relating to section 602, by striking ''solid waste transfer facilities'' and inserting ''solid waste rail transfer facilities''.

(2) DEFINITIONS.—Section 2(a)(1) of division A of the Rail Safety Improvement Act of 2008 (Public Law 110–432; 122 Stat. 4849) is amended in the matter preceding subparagraph (A), by inserting a comma after ''at grade''.

(3) RAILROAD SAFETY STRATEGY.—Section 102(a)(6) of title I of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20101 note) is amended by striking ''Improving the safety of railroad bridges, tunnels, and related infrastructure to prevent accidents, incidents, injuries, and fatalities caused by catastrophic failures and other bridge and tunnel failures.'' and inserting ''Improving the safety of railroad bridges, tunnels, and related infrastructure to prevent accidents, incidents, injuries, and fatalities caused by catastrophic and other failures of such infrastructure.''.

(4) OPERATION LIFESAVER.—Section 206(a) of title II of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note) is amended by striking ''Public Service Announcements'' and inserting ''public service announcements''.

(5) UPDATE OF FEDERAL RAILROAD ADMINISTRATION'S WEB SITE.—Section 307 of title III of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 103 note) is amended—

(A) in the heading by striking ''**FEDERAL RAILROAD ADMINISTRATION'S WEBSITE**'' and inserting ''Federal Railroad Administration Web site'';

(B) by striking ''website'' each place it appears and inserting ''Web site''; and

(C) by striking ''website's'' and inserting ''Web site's''.

(6) ALCOHOL AND CONTROLLED SUBSTANCE TESTING FOR MAINTENANCE-OF-WAY EMPLOYEES.—Section 412 of title IV of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20140 note) is amended by striking ''Secretary of Transportation'' and inserting ''Secretary''.

(7) TUNNEL INFORMATION.—Section 414 of title IV of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20103 note) is amended—

(A) by striking ''parts 171.8, 173.115'' and inserting ''sections 171.8, 173.115''; and

(B) by striking ''part 1520.5'' and inserting ''section 1520.5''.

(8) SAFETY INSPECTIONS IN MEXICO.—Section 416 of title IV of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20107 note) is amended—

(A) in the matter preceding paragraph (1), by striking ''Secretary of Transportation'' and inserting ''Secretary''; and

(B) in paragraph (4), by striking ''subsection'' and inserting ''section''.

(9) HEADING OF TITLE VI.—The heading of title VI of division A of the Rail Safety Improvement Act of 2008 (122 Stat. 4900) is amended by striking ''**SOLID WASTE FACILITIES**'' and inserting ''**SOLID WASTE RAIL TRANSFER FACILITIES**''.

(10) HEADING OF SECTION 602.—Section 602 of title VI of division A of the Rail Safety Improvement Act of 2008 (122 Stat. 4900) is amended by striking ''**SOLID WASTE TRANSFER FACILITIES**'' and inserting ''**SOLID WASTE RAIL TRANSFER FACILITIES**''.

SEC. 35415. GAO STUDY ON USE OF LOCOMOTIVE HORNS AT HIGHWAY-RAIL GRADE CROSSINGS.

The Comptroller General of the United States shall submit a report to Congress containing the results of a study evaluating the effectiveness of the Federal Railroad Administration's final rule on the use of locomotive horns at highway-rail grade crossings, which was published in the Federal Register on August 17, 2006 (71 Fed. Reg. 47614).

SEC. 35416. BRIDGE INSPECTION REPORTS.

Section 417(d) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20103 note) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(2) AVAILABILITY OF BRIDGE INSPECTION REPORTS.—The Administrator of the Federal Railroad Administration shall—

''(A) maintain a copy of the most recent bridge inspection reports prepared in accordance with section (b)(5); and

''(B) provide copies of the reports described in subparagraph (A) to appropriate State and local government transportation officials, upon request.''.

PART II—CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS

SEC. 35421. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS.

(a) IN GENERAL.—Chapter 244, as amended by section 35302 of this Act, is further amended by adding at the end the following:

''§ 24408. Consolidated rail infrastructure and safety improvements

''(a) GENERAL AUTHORITY.—The Secretary may make grants under this section to an eligible recipient to assist in financing the cost of improving passenger and freight rail transportation systems in terms of safety, efficiency, or reliability.

''(b) ELIGIBLE RECIPIENTS.—The following entities are eligible to receive a grant under this section:

''(1) A State.

''(2) A group of States.

''(3) An Interstate Compact.

''(4) A public agency or publicly chartered authority established by 1 or more States and having responsibility for providing intercity rail passenger, commuter rail passenger, or freight rail transportation service.

''(5) A political subdivision of a State.

''(6) Amtrak or another rail passenger carrier that provides intercity rail passenger transportation (as defined in section 24102) or commuter rail passenger transportation (as defined in section 24102).

''(7) A Class II railroad or Class III railroad (as those terms are defined in section 20102).

''(8) Any rail carrier or rail equipment manufacturer in partnership with at least 1 of the entities described in paragraphs (1) through (5).

''(9) Any entity established to procure, manage, or maintain passenger rail equipment under section 305 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

''(10) An organization that is actively involved in the development of operational and safety-related standards for rail equipment and operations or the implementation of safety-related programs.

''(11) The Transportation Research Board and any entity with which it contracts in the development of rail-related research, including cooperative research programs.

''(12) A University transportation center actively engaged in rail-related research.

''(13) A non-profit labor organization representing a class or craft of employees of railroad carriers or railroad carrier contractors.

''(c) ELIGIBLE PROJECTS.—The following projects are eligible to receive grants under this section:

''(1) Deployment of railroad safety technology, including positive train control and rail integrity inspection systems.

''(2) A capital project as defined in section 24401, except that a project shall not be required to be in a State rail plan developed under chapter 227.

''(3) A capital project identified by the Secretary as being necessary to address congestion challenges affecting rail service.

''(4) A highway-rail grade crossing improvement, including grade separations, private highway-rail grade crossing improvements, and safety engineering improvements to reduce risk in quiet zones or potential quiet zones.

''(5) A rail line relocation project.

''(6) A capital project to improve short-line or regional railroad infrastructure.

''(7) Development of public education, awareness, and targeted law enforcement activities to reduce violations of traffic laws at highway-rail grade crossings and to help prevent and reduce injuries and fatalities along railroad rights-of-way.

''(8) The preparation of regional rail and corridor service development plans and corresponding environmental analyses.

''(9) Any project that the Secretary considers necessary to enhance multimodal connections or facilitate service integration between rail service and other modes, including between intercity rail passenger transportation and intercity bus service.

''(10) The development of rail-related capital, operations, and safety standards.

''(11) The implementation and operation of a safety program or institute designed to improve rail safety culture and rail safety performance.

''(12) Any research that the Secretary considers necessary to advance any particular aspect of rail-related capital, operations, or safety improvements.

''(13) Workforce development activities, coordinated to the extent practicable with the existing local training programs supported by the Department of Transportation, Department of Labor, and Department of Education.

''(d) APPLICATION PROCESS.—The Secretary shall prescribe the form and manner of filing an application under this section.

''(e) PROJECT SELECTION CRITERIA.—

''(1) IN GENERAL.—In selecting a recipient of a grant for an eligible project, the Secretary shall—

''(A) give preference to a proposed project for which the proposed Federal share of total project costs does not exceed 50 percent; and

''(B) after factoring in preference to projects under subparagraph (A), select projects that will maximize the net benefits of the funds appropriated for use under this section, considering the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project and factoring in the other considerations described in paragraph (2).

''(2) OTHER CONSIDERATIONS.—The Secretary shall also consider the following:

''(A) The degree to which the proposed project's business plan considers potential private sector participation in the financing, construction, or operation of the project;

''(B) The recipient's past performance in developing and delivering similar projects, and previous financial contributions;

''(C) Whether the recipient has or will have the legal, financial, and technical capacity to carry out the proposed project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities;

''(D) If applicable, the consistency of the proposed project with planning guidance and documents set forth by the Secretary or required by law or State rail plans developed under chapter 227;

''(E) If applicable, any technical evaluation ratings that proposed project received under previous competitive grant programs administered by the Secretary; and

''(F) Such other factors as the Secretary considers relevant to the successful delivery of the project.

''(3) BENEFITS.—The benefits described in paragraph (1)(B) may include the effects on system and service performance, including measures such as improved safety, competitiveness, reliability, trip or transit time, resilience, efficiencies from improved integration with other modes, and ability to meet existing or anticipated demand.

''(f) PERFORMANCE MEASURES.—The Secretary shall establish performance measures for each grant recipient to assess progress in achieving strategic goals and objectives. The Secretary may require a grant recipient to periodically report information related to such performance measures.

''(g) RURAL AREAS.—

''(1) IN GENERAL.—Of the amounts appropriated under this section, at least 25 percent shall be available for projects in rural areas. The Secretary shall consider a project to be in a rural area if all or the majority of the project (determined by the geographic location or locations where the majority of the project funds will be spent) is located in a rural area.

''(2) DEFINITION OF RURAL AREA.—In this subsection, the term 'rural area' means any area not in an urbanized area, as defined by the Census Bureau.

''(h) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

''(1) TOTAL PROJECT COSTS.—The Secretary shall estimate the total costs of a project under this subsection based on the best available information, including engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

''(2) FEDERAL SHARE.—The Federal share of total project costs under this subsection shall not exceed 80 percent.

''(3) TREATMENT OF PASSENGER RAIL REVENUE.—If Amtrak or another rail passenger carrier is an applicant under this section, Amtrak or the other rail passenger carrier, as applicable, may use ticket and other revenues generated from its operations and other sources to satisfy the non-Federal share requirements.

''(i) APPLICABILITY.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the requirements of this chapter.

''(j) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The table of contents of chapter 244, as amended by section 35302 of this Act, is amended by adding after the item relating to section 24407 the following:

''24408. Consolidated rail infrastructure and safety improvements.''.

PART III—HAZARDOUS MATERIALS BY RAIL SAFETY AND OTHER SAFETY ENHANCEMENTS

SEC. 35431. REAL-TIME EMERGENCY RESPONSE INFORMATION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, shall promulgate regulations—

(1) to require a Class I railroad transporting hazardous materials—

(A) to generate accurate, real-time, and electronic train consist information, including—

(i) the identity, quantity, and location of hazardous materials on a train;

(ii) the point of origin and destination of the train;

(iii) any emergency response information or resources required by the Secretary; and

(iv) an emergency response point of contact designated by the Class I railroad; and

(B) to enter into a memorandum of understanding with each applicable fusion center to provide that fusion center with secure and confidential access to the electronic train consist information described in subparagraph (A) for each train transporting hazardous materials in that fusion center's jurisdiction;

(2) to require each applicable fusion center to provide the electronic train consist information described in paragraph (1)(A) to first responders, emergency response officials, and law enforcement personnel that are involved in the response to or investigation of an incident, accident, or public health or safety emergency involving the rail transportation of hazardous materials and that request such electronic train consist information;

(3) upon the request of each State, political subdivision of a State, or public agency responsible for emergency response or law enforcement, to require each applicable fusion center to provide advance notice for each high-hazard flammable train traveling through the jurisdiction of each State, political subdivision of a State, or public agency, which notice shall include the electronic train consist information described in paragraph (1)(A) for the high-hazard flammable train, and to the extent practicable, for requesting States, political subdivisions, or public agencies, to ensure that the fusion center shall provide at least 12 hours of advance notice for a high-hazard flammable train that will be traveling through the jurisdiction of the State, political subdivision of a State, or public agency, and include within the notice its best estimate of the time the train will enter the jurisdiction;

(4) to prohibit any railroad, employee, or agent from withholding, or causing to be withheld the train consist information from first responders, emergency response officials, and law enforcement personnel described in paragraph (2) in the event of an incident, accident, or public health or safety emergency involving the rail transportation of hazardous materials;

(5) to establish security and confidentiality protections to prevent the release of the electronic train consist information to unauthorized persons; and

(6) to allow each Class I railroad to enter into a memorandum of understanding with any Class II or Class III railroad that operates trains over the Class I railroad's line to incorporate the Class II or Class III railroad's train consist information within the existing framework described in paragraph (1).

(b) DEFINITIONS.—In this section:

(1) APPLICABLE FUSION CENTER.—The term ''applicable fusion center'' means a fusion center with responsibility for a geographic area in which a Class I railroad operates.

(2) CLASS I RAILROAD.—The term ''Class I railroad'' has the meaning given the term in section 20102 of title 49, United States Code.

(3) FUSION CENTER.—The term ''fusion center'' has the meaning given the term in section 124h(j) of title 6, United States Code.

(4) HAZARDOUS MATERIALS.—The term ''hazardous materials'' means material designated as hazardous by the Secretary of Transportation under chapter 51 of the United States Code.

(5) HIGH-HAZARD FLAMMABLE TRAIN.—The term ''high-hazard flammable train'' means a single train transporting 20 or more tank cars loaded with a Class 3 flammable liquid in a continuous block or a single train transporting 35 or more tank cars loaded with a Class 3 flammable liquid throughout the train consist.

(6) TRAIN CONSIST.—The term ''train consist'' includes, with regard to a specific train, the number of rail cars and the commodity transported by each rail car.

(c) SAVINGS CLAUSE.—

(1) Nothing in this section may be construed to prohibit a Class I railroad from voluntarily entering into a memorandum of understanding, as described in subsection (a)(1)(B), with a State emergency response commission or an entity representing or including first responders, emergency response officials, and law enforcement personnel.

(2) Nothing in this section may be construed to amend any requirement for a railroad to provide a State Emergency Response Commission, for each State in which it operates trains transporting 1,000,000 gallons or more of Bakken crude oil, notification regarding the expected movement of such trains through the counties in the State.

SEC. 35432. THERMAL BLANKETS.

(a) REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to require each tank car built to meet the DOT–117 specification and each non-jacketed tank car modified to meet the DOT–117R specification—

(1) to be equipped with a thermal blanket; or

(2) to have sufficient thermal resistance so that there will be no release of any lading within the tank car, except release through the pressure relief device, when subjected to a pool fire for 200 minutes and a torch fire for 30 minutes.

(b) DEFINITION OF THERMAL BLANKET.—In this section, the term ''thermal blanket'' means an insulating blanket that is applied between

the outer surface of a tank car tank and the inner surface of a tank car jacket and that has thermal conductivity no greater than 2.65 Btu per inch, per hour, per square foot, and per degree Fahrenheit at a temperature of 2000 degrees Fahrenheit, plus or minus 100 degrees Fahrenheit.

(c) SAVINGS CLAUSE.—

(1) PRESSURE RELIEF DEVICES.—Nothing in this section may be construed to affect or prohibit any requirement to equip with appropriately sized pressure relief devices a tank car built to meet the DOT–117 specification or a non-jacketed tank car modified to meet the DOT–117R specification.

(2) HARMONIZATION.—Nothing in this section may be construed to require or allow the Secretary to prescribe an implementation deadline or authorization end date for the requirement under subsection (a) that is earlier than the applicable implementation deadline or authorization end date for other tank car modifications necessary to meet the DOT–117R specification.

SEC. 35433. COMPREHENSIVE OIL SPILL RESPONSE PLANS.

(a) REQUIREMENTS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue a notice of proposed rulemaking to require each railroad carrier transporting a Class 3 flammable liquid to maintain a comprehensive oil spill response plan.

(b) CONTENTS.—The regulations under subsection (a) shall require each rail carrier described in that subsection—

(1) to include in the comprehensive oil spill response plan procedures and resources for responding, to the maximum extent practicable, to a worst-case discharge;

(2) to ensure the comprehensive oil spill response plan is consistent with the National Contingency Plan and each applicable Area Contingency Plan;

(3) to include in the comprehensive oil spill response plan appropriate notification and training procedures;

(4) to review and update its comprehensive oil spill response plan as appropriate; and

(5) to provide the comprehensive oil spill response plan for acceptance by the Secretary.

(c) SAVINGS CLAUSE.—Nothing in the section may be construed as prohibiting the Secretary from promulgating different comprehensive oil response plan standards for Class I, Class II, and Class III railroads.

(d) DEFINITIONS.—In this section:

(1) AREA CONTINGENCY PLAN.—The term ''Area Contingency Plan'' has the meaning given the term in section 311(a) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)).

(2) CLASS 3 FLAMMABLE LIQUID.—The term ''Class 3 flammable liquid'' has the meaning given the term in section 173.120(a) of title 49, Code of Federal Regulations.

(3) CLASS I RAILROAD, CLASS II RAILROAD, AND CLASS III RAILROAD.—The terms ''Class I railroad'', ''Class II railroad'' and ''Class III railroad'' have the meanings given the terms in section 20102 of title 49, United States Code.

(4) NATIONAL CONTINGENCY PLAN.—The term ''National Contingency Plan'' has the meaning given the term in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701).

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

(6) WORST-CASE DISCHARGE.—The term ''worst-case discharge'' means a railroad carrier's calculation of its largest foreseeable discharge in the event of an accident or incident.

SEC. 35434. HAZARDOUS MATERIALS BY RAIL LIABILITY STUDY.

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

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

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

(2) the level and structure of insurance that would be necessary and appropriate—

(A) to efficiently allocate risk and financial responsibility for claims; and

(B) to ensure that a railroad carrier transporting hazardous materials can continue to operate despite the risk of an accident or incident;

(3) the potential applicability to trains transporting hazardous materials of—

(A) a liability regime modeled after section 170 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2210); and

(B) a liability regime modeled after subtitle 2 of title XXI of the Public Health Service Act (42 U.S.C. 300aa–10 et seq.).

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

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

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

(d) DEFINITIONS.—In this section:

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

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

SEC. 35435. STUDY AND TESTING OF ELECTRONICALLY-CONTROLLED PNEUMATIC BRAKES.

(a) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—

(1) IN GENERAL.—The Government Accountability Office shall complete an independent evaluation of ECP brake systems pilot program data and the Department of Transportation's research and analysis on the effects of ECP brake systems.

(2) STUDY ELEMENTS.—In completing the independent evaluation under paragraph (1), the Government Accountability Office shall examine the following issues related to ECP brake systems:

(A) Data and modeling results on safety benefits relative to conventional brakes and to other braking technologies or systems, such as distributed power and 2-way end-of-train devices.

(B) Data and modeling results on business benefits, including the effects of dynamic braking.

(C) Data on costs, including up-front capital costs and on-going maintenance costs.

(D) Analysis of potential operational challenges, including the effects of potential locomotive and car segregation, technical reliability issues, and network disruptions.

(E) Analysis of potential implementation challenges, including installation time, positive train control integration complexities, component availability issues, and tank car shop capabilities.

(F) Analysis of international experiences with the use of advanced braking technologies.

(3) DEADLINE.—Not later than 18 months after the date of enactment of this Act, the Government Accountability Office shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the independent evaluation under paragraph (1).

(b) EMERGENCY BRAKING APPLICATION TESTING.—

(1) IN GENERAL.—The Secretary of Transportation shall enter into an agreement with the NCRRP Board—

(A) to complete testing of ECP brake systems during emergency braking application, including more than 1 scenario involving the uncoupling of a train with 70 or more DOT–117-specification or DOT–117R-specification tank cars; and

(B) to transmit, not later than 18 months after the date of enactment of this Act, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the testing.

(2) INDEPENDENT EXPERTS.—In completing the testing under paragraph (1), the NCRRP Board may contract with 1 or more engineering or rail experts, as appropriate, with relevant experience in conducting railroad safety technology tests or similar crash tests.

(3) TESTING FRAMEWORK.—In completing the testing under paragraph (1), the NCRRP Board and each contractor described in paragraph (2) shall ensure that the testing objectively, accurately, and reliably measures the performance of ECP brake systems relative to other braking technologies or systems, such as distributed power and 2-way end-of-train devices, including differences in—

(A) the number of cars derailed;

(B) the number of cars punctured;

(C) the measures of in-train forces; and

(D) the stopping distance.

(4) FUNDING.—The Secretary shall require, as part of the agreement under paragraph (1), that the NCRRP Board fund the testing required under this section—

(A) using such sums made available under section 24910 of title 49, United States Code; and

(B) to the extent funding under subparagraph (A) is insufficient or unavailable to fund the testing required under this section, using such sums as are necessary from the amounts appropriated to the Office of the Secretary.

(5) EQUIPMENT.—The NCRRP Board and each contractor described in paragraph (2) may receive or use rolling stock, track, and other equipment or infrastructure from a private entity for the purposes of conducting the testing required under this section.

(c) EVIDENCE-BASED APPROACH.—

(1) ANALYSIS.—The Secretary shall—

(A) not later than 90 days after the report date, fully incorporate and reflect the findings from both reports into a draft updated regulatory impact analysis of the effects of the applicable ECP brake system requirements;

(B) as soon as practicable after completion of the draft updated analysis under subparagraph (A), solicit public comment on the analysis for a period of not more than 30 days; and

(C) not later than 60 days after the end of the public comment period, post the final updated regulatory impact analysis on the Department of Transportation Web site.

(2) DETERMINATION.—Not later than 180 days after the report date, the Secretary shall—

(A) determine, based on whether the final regulatory impact analysis described in paragraph (1)(C) demonstrates that the benefits, including safety benefits, of the applicable ECP brake system requirements exceed their costs, whether the applicable ECP brake system requirements are justified; and

(B)(i) if the applicable ECP brake system requirements are justified, publish in the Federal Register the determination with the reasons for it; or

(ii) if the Secretary does not publish the determination under clause (i), repeal the applicable ECP brake system requirements.

(d) DEFINITIONS.—In this section:

(1) APPLICABLE ECP BRAKE SYSTEM REQUIREMENTS.—The term ''applicable brake system requirements'' means sections 174.310(a)(3)(ii), 174.310(a)(3)(iii), 174.310(a)(5)(v), 179.102–10, 179.202–12(g), and 179.202–13(i) of title 49, Code of Federal Regulations, and any other regulation in effect on the date of enactment of this

Act requiring the installation of ECP brakes or operation in ECP brake mode.

(2) CLASS 3 FLAMMABLE LIQUID.—The term ''Class 3 flammable liquid'' has the meaning given the term in section 173.120(a) of title 49, Code of Federal Regulations.

(3) ECP.—The term ''ECP'' means electronically-controlled pneumatic when applied to a brake or brakes.

(4) ECP BRAKE MODE.—The term ''ECP brake mode'' includes any operation of a rail car or an entire train using an ECP brake system.

(5) ECP BRAKE SYSTEM.—

(A) IN GENERAL.—The term ''ECP brake system'' means a train power braking system actuated by compressed air and controlled by electronic signals from the locomotive or an ECP–EOT to the cars in the consist for service and emergency applications in which the brake pipe is used to provide a constant supply of compressed air to the reservoirs on each car but does not convey braking signals to the car.

(B) INCLUSIONS.—The term ''ECP brake system'' includes dual mode and stand-alone ECP brake systems.

(6) HIGH-HAZARD FLAMMABLE UNIT TRAIN.—The term ''high-hazard flammable unit train'' means a single train transporting 70 or more loaded tank cars containing Class 3 flammable liquid.

(7) NCRRP BOARD.—The term ''NCRRP Board'' means the independent governing board of the National Cooperative Rail Research Program.

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

(9) REPORT DATE.—The term ''report date'' means the date that both the report under subsection (a)(3) and the report under subsection (b)(1)(B) have been transmitted under those subsections.

SEC. 35436. RECORDING DEVICES.

(a) IN GENERAL.—Subchapter II of chapter 201 is amended by adding after section 20167 the following:

''§ 20168. Installation of audio and image recording devices

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary of Transportation shall promulgate regulations to require each rail carrier that provides regularly scheduled intercity rail passenger or commuter rail passenger transportation to the public to install inward- and outward-facing image recording devices in all controlling locomotive cabs and cab car operating compartments in such passenger trains.

''(b) DEVICE STANDARDS.—Each inward- and outward-facing image recording device shall—

''(1) have a minimum 12-hour continuous recording capability;

''(2) have crash and fire protections for any in-cab image recordings that are stored only within a controlling locomotive cab or cab car operating compartment; and

''(3) have recordings accessible for review during an accident investigation.

''(c) REVIEW.—The Secretary shall establish a process to review and approve or disapprove an inward- or outward-facing recording device for compliance with the standards described in subsection (b).

''(d) USES.—A rail carrier that has installed an inward- or outward-facing image recording device approved under subsection (c) may use recordings from that inward- or outward-facing image recording device for the following purposes:

''(1) Verifying that train crew actions are in accordance with applicable safety laws and the rail carrier's operating rules and procedures.

''(2) Assisting in an investigation into the causation of a reportable accident or incident.

''(3) Carrying out efficiency testing and system-wide performance monitoring programs.

''(4) Documenting a criminal act or monitoring unauthorized occupancy of the controlling locomotive cab or car operating compartment.

''(5) Other purposes that the Secretary considers appropriate.

''(e) VOLUNTARY IMPLEMENTATION.—

''(1) IN GENERAL.—Each rail carrier operating freight rail service may implement any inward- or outward-facing image recording devices approved under subsection (c).

''(2) AUTHORIZED USES.—Notwithstanding any other provision of law, each rail carrier may use recordings from an inward- or outward-facing image recording device approved under subsection (c) for any of the purposes described in subsection (d).

''(f) DISCRETION.—

''(1) IN GENERAL.—The Secretary may—

''(A) require in-cab audio recording devices for the purposes described in subsection (d); and

''(B) define in appropriate technical detail the essential features of the devices required under subparagraph (A).

''(2) EXEMPTIONS.—The Secretary may exempt any rail passenger carrier or any part of a rail passenger carrier's operations from the requirements under subsection (a) if the Secretary determines that the rail passenger carrier has implemented an alternative technology or practice that provides an equivalent or greater safety benefit or is better suited to the risks of the operation.

''(g) TAMPERING.—A rail carrier may take appropriate enforcement or administrative action against any employee that tampers with or disables an audio or inward- or outward-facing image recording device installed by the rail carrier.

''(h) PRESERVATION OF DATA.—Each rail passenger carrier subject to the requirements of subsection (a) shall preserve recording device data for 1 year after the date of a reportable accident or incident.

''(i) INFORMATION PROTECTIONS.—The Secretary may not disclose publicly any part of an in-cab audio or image recording or transcript of oral communications by or among train employees or other operating employees responsible for the movement and direction of the train, or between such operating employees and company communication centers, related to an accident investigated by the Secretary. However, the Secretary shall make public any part of a transcript or any written depiction of visual information that the Secretary decides is relevant to the accident at the time a majority of the other factual reports on the accident are released to the public.

''(j) PROHIBITED USE.—An in-cab audio or image recording obtained by a rail carrier under this section may not be used to retaliate against an employee.

''(k) SAVINGS CLAUSE.—Nothing in this section may be construed as requiring a rail carrier to cease or restrict operations upon a technical failure of an inward- or outward-facing image recording device. Such rail carrier shall repair or replace the failed inward- or outward-facing image recording device as soon as practicable.''.

(b) CONFORMING AMENDMENT.—The table of contents for subchapter II of chapter 201 is amended by adding at the end the following:

''20168. Installation of audio and image recording devices.''.

SEC. 35437. RAIL PASSENGER TRANSPORTATION LIABILITY.

(a) LIMITATIONS.—Section 28103(a) is amended—

(1) in paragraph (2), by striking ''$200,000,000'' and inserting ''$295,000,000, except as provided in paragraph (3).''; and

(2) by adding at the end the following:

''(3) The liability cap under paragraph (2) shall be adjusted every 5 years by the Secretary of Transportation to reflect changes in the Consumer Price Index-All Urban Consumers.

''(4) The Federal Government shall have no financial responsibility for any claims described in paragraph (2).''.

(b) DEFINITION OF RAIL PASSENGER TRANSPORTATION.—Section 28103(e) is amended—

(1) in the heading, by striking ''DEFINITION.—'' and inserting ''DEFINITIONS.—'';

(2) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(3) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(4) the term 'rail passenger transportation' includes commuter rail passenger transportation (as defined in section 24102).''.

(c) PROHIBITION.—No Federal funds may be appropriated for the purpose of paying for the portion of an insurance premium attributable to the increase in allowable awards under the amendments made by subsection (a).

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective for any passenger rail accident or incident occurring on or after May 12, 2015.

SEC. 35438. MODIFICATION REPORTING.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement a reporting requirement to monitor industry-wide progress toward modifying tank cars used in high-hazard flammable train service by the applicable deadlines or authorization end dates set in regulation.

(b) TANK CAR DATA.—The Secretary shall collect data from shippers and tank car owners on—

(1) the total number of tank cars modified to meet the DOT–117R specification, or equivalent, specifying—

(A) the type or specification of each tank car before it was modified, including non-jacketed DOT–111, jacketed DOT–111, non-jacketed DOT–111 meeting the CPC–1232 standard, or jacketed DOT–111 meeting the CPC–1232 standard; and

(B) the identification number of each Class 3 flammable liquid carried by each tank car in the past year;

(2) the total number of tank cars built to meet the DOT–117 specification, or equivalent; and

(3) the total number of tank cars used or likely to be used in high-hazard flammable train service that have not been modified, specifying—

(A) the type or specification of each tank car not modified, including the non-jacketed DOT–111, jacketed DOT–111, non-jacketed DOT–111 meeting the CPC–1232 standard, or jacketed DOT–111 meeting the CPC–1232 standard; and

(B) the identification number of each Class 3 flammable liquid carried by each tank car in the past year.

(c) TANK CAR SHOP DATA.—The Secretary shall conduct a survey of tank car facilities modifying tank cars to the DOT–117R specification, or equivalent, or building new tank cars to the DOT–117 specification, or equivalent, to generate statistically-valid estimates of the expected number of tank cars those facilities expect to modify to DOT–117R specification, or equivalent, or build to the DOT–117 specification, or equivalent.

(d) FREQUENCY.—The Secretary shall collect the data under subsection (b) and conduct the survey under subsection (c) annually until May 1, 2025.

(e) INFORMATION PROTECTIONS.—

(1) IN GENERAL.—The Secretary shall only report data in industry-wide totals and shall treat company-specific information as confidential business information.

(2) LEVEL OF CONFIDENTIALITY.—The Secretary shall ensure the data collected under subsection (b) and the survey data under subsection (c) have the same level of confidentiality as contained in the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), as administered by the Bureau of Transportation Statistics.

(3) DESIGNEE.—The Secretary may designate the Director of the Bureau of Transportation Statistics to collect data under subsection (b) and the survey data under subsection (c) and direct the Director to ensure the confidentially of company-specific information to the maximum extent permitted by law.

(f) REPORT.—Each year, not later than 60 days after the date that both the collection of the data under subsection (b) and the survey under subsection (c) are complete, the Secretary shall report on the aggregate results, without company-specific information, to—

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

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

(g) DEFINITIONS.—In this section:

(1) CLASS 3 FLAMMABLE LIQUID.—The term ''Class 3 flammable liquid'' has the meaning given the term in section 173.120(a) of title 49, Code of Federal Regulations.

(2) HIGH-HAZARD FLAMMABLE TRAIN.—The term ''high-hazard flammable train'' means a single train transporting 20 or more tank cars loaded with a Class 3 flammable liquid in a continuous block or a single train transporting 35 or more tank cars loaded with a Class 3 flammable liquid throughout the train consist.

SEC. 35439. REPORT ON CRUDE OIL CHARACTERISTICS RESEARCH STUDY.

Not later than 180 days after the research completion of the comprehensive Crude Oil Characteristics Research Sampling, Analysis, and Experiment (SAE) Plan study at Sandia National Laboratories, the Secretary of Energy, in cooperation with the Secretary of Transportation, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives that contains—

(1) the results of the comprehensive Crude Oil Characteristics Research Sampling, Analysis, and Experiment (SAE) Plan study; and

(2) recommendations, based on the findings of the study, for—

(A) regulations that should be prescribed by the Secretary of Transportation or the Secretary of Energy to improve the safe transport of crude oil; and

(B) statutes that should be enacted by Congress to improve the safe transport of crude oil.

PART IV—POSITIVE TRAIN CONTROL

SEC. 35441. COORDINATION OF SPECTRUM.

(a) ASSESSMENT.—The Secretary, in coordination with the Chairman of the Federal Communications Commission, shall assess spectrum needs and availability for implementing positive train control systems (as defined in section 20157(i)(3) of title 49, United States Code). The Secretary and the Chairman may consult with external stakeholders in carrying out this section.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains the results of the assessment conducted under subsection (a).

SEC. 35442. UPDATED PLANS.

(a) IMPLEMENTATION.—Section 20157(a) is amended to read as follows:

''(a) IMPLEMENTATION.—

''(1) PLAN REQUIRED.—Each Class I railroad carrier and each entity providing regularly scheduled intercity or commuter rail passenger transportation shall develop and submit to the Secretary of Transportation a plan for implementing a positive train control system by December 31, 2015, governing operations on—

''(A) its main line over which intercity rail passenger transportation or commuter rail passenger transportation (as defined in section 24102) is regularly provided;

''(B) its main line over which poison- or toxic-by-inhalation hazardous materials (as defined in sections 171.8, 173.115, and 173.132 of title 49, Code of Federal Regulations) are transported; and

''(C) such other tracks as the Secretary may prescribe by regulation or order.

''(2) INTEROPERABILITY AND PRIORITIZATION.—The plan shall describe how the railroad carrier or other entity subject to paragraph (1) will provide for interoperability of the positive train control systems with movements of trains of other railroad carriers over its lines and shall, to the extent practical, implement the positive train control systems in a manner that addresses areas of greater risk before areas of lesser risk.

''(3) SECRETARIAL REVIEW OF UPDATED PLANS.—

''(A) SUBMISSION OF UPDATED PLANS.—Notwithstanding the deadline set forth in paragraph (1), not later than 90 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, each Class I railroad carrier or other entity subject to paragraph (1) may submit to the Secretary an updated plan that amends the plan submitted under paragraph (1) with an updated implementation schedule (as described in paragraph (4)(B)) and milestones or metrics (as described in paragraph (4)(A)) that demonstrate that the railroad carrier or other entity will implement a positive train control system as soon as practicable, if implementing in accordance with the updated plan will not introduce operational challenges or risks to full, successful, and safe implementation.

''(B) REVIEW OF UPDATED PLANS.—Not later than 150 days after receiving an updated plan under subparagraph (A), the Secretary shall review the updated plan and approve or disapprove it. In determining whether to approve or disapprove the updated plan, the Secretary shall consider whether the railroad carrier or other entity submitting the plan—

''(i)(I) has encountered technical or programmatic challenges identified by the Secretary in the 2012 report transmitted to Congress pursuant to subsection (d); and

''(II) the challenges referred to in subclause (I) have negatively affected the successful implementation of positive train control systems;

''(ii) has demonstrated due diligence in its effort to implement a positive train control system;

''(iii) has included in its plan milestones or metrics that demonstrate the railroad carrier or other entity will implement a positive train control system as soon as practicable, if implementing in accordance with the milestones or metrics will not introduce operational challenges or risks to full, successful, and safe implementation; and

''(iv) has set an implementation schedule in its plan that shows the railroad will comply with paragraph (7), if implementing in accordance with the implementation schedule will not introduce operational challenges or risks to full, successful, and safe implementation.

''(C) MODIFICATION OF UPDATED PLANS.—(i) If the Secretary has not approved an updated plan under subparagraph (B) within 60 days of receiving the updated plan under subparagraph (A), the Secretary shall immediately—

''(I) provide a written response to the railroad carrier or other entity that identifies the reason for not approving the updated plan and explains any incomplete or deficient items;

''(II) allow the railroad carrier or other entity to submit, within 30 days of receiving the written response under subclause (I), a modified version of the updated plan for the Secretary's review; and

''(III) approve or issue final disapproval for a modified version of the updated plan submitted under subclause (II) not later than 60 days after receipt.

''(ii) During the 60-day period described in clause (i)(III), the railroad or other entity that has submitted a modified version of the updated plan under clause (i)(II) may make additional modifications, if requested by the Secretary, for the purposes of correcting incomplete or deficient items to receive approval.

''(D) PUBLIC AVAILABILITY.—Not later than 30 days after approving an updated plan under this paragraph, the Secretary shall make the updated plan available on the website of the Federal Railroad Administration.

''(E) PENDING REVIEWS.—For an applicant that submits an updated plan under subparagraph (A), the Secretary shall extend the deadline for implementing a positive train control system at least until the date the Secretary approves or issues final disapproval for the updated plan with an updated implementation schedule (as described in paragraph (4)(B)).

''(F) DISAPPROVAL.—A railroad carrier or other entity that has its modified version of its updated plan disapproved by the Secretary under subparagraph (C)(i)(III), and that has not implemented a positive train control system by the deadline in subsection (a)(1), is subject to enforcement action authorized under subsection (e).

''(4) CONTENTS OF UPDATED PLAN.—

''(A) MILESTONES OR METRICS.—Each updated plan submitted under paragraph (3) shall describe the following milestones or metrics:

''(i) The total number of components that will be installed with positive train control by the end of each calendar year until positive train control is fully implemented, with totals separated by each component category.

''(ii) The number of employees that will receive the training, as required under the applicable positive train control system regulations, by the end of each calendar year until positive train control is fully implemented.

''(iii) The calendar year or years in which spectrum will be acquired and will be available for use in all areas that it is needed for positive train control implementation, if such spectrum is not already acquired and ready for use.

''(B) IMPLEMENTATION SCHEDULE.—Each updated plan submitted under paragraph (3) shall include an implementation schedule that identifies the dates by which the railroad carrier or other entity will—

''(i) fully implement a positive train control system;

''(ii) complete all component installation, consistent with the milestones or metrics described in subparagraph (A)(i);

''(iii) complete all employee training required under the applicable positive train control system regulations, consistent with the milestones or metrics described in subparagraph (A)(ii);

''(iv) acquire all necessary spectrum, consistent with the milestones or metrics in subparagraph (A)(iii); and

''(v) activate its positive train control system.

''(C) ADDITIONAL INFORMATION.—Each updated plan submitted under paragraph (3) shall include—

''(i) the total number of positive train control components required for implementation, with totals separated by each major component category;

''(ii) the total number of employees requiring training under the applicable positive train control system regulations;

''(iii) a summary of the remaining challenges to positive train control system implementation, including—

''(I) testing issues;

''(II) interoperability challenges;

''(III) permitting issues; and

''(IV) certification challenges.

''(D) DEFINED TERM.—In this paragraph, the term 'component' means a locomotive apparatus, a wayside interface unit (including any associated legacy signal system replacements), back office system hardware, a base station radio, a wayside radio, or a locomotive radio.

''(5) PLAN IMPLEMENTATION.—The Class I railroad carrier or other entity subject to paragraph

(1) shall implement a positive train control system in accordance with its plan, including any amendments made to the plan by its updated plan approved by the Secretary under paragraph (3), and subject to section 35443 of the Railroad Reform, Enhancement, and Efficiency Act.

''(6) PROGRESS REPORT.—Each Class I railroad carrier or other entity with an approved updated plan shall submit an annual report to the Secretary that describes the progress made on positive train control implementation, including—

''(A) the extent to which the railroad carrier or other entity met or exceeded the metrics or milestones described in paragraph (4)(A);

''(B) the extent to which the railroad carrier or other entity complied with its implementation schedule under paragraph (4)(B); and

''(C) any update to the information provided under paragraph (4)(C).

''(7) CONSTRAINT.—Each updated plan shall reflect that the railroad carrier or other entity subject to paragraph (1) will, not later than December 31, 2018—

''(A) complete component installation and spectrum acquisition; and

''(B) activate its positive train control system without undue delay.''.

(b) ENFORCEMENT.—Section 20157(e) is amended to read as follows:

''(e) ENFORCEMENT.—The Secretary is authorized to assess civil penalties pursuant to chapter 213 for the failure to submit or comply with a plan for implementing positive train control under subsection (a), including any amendments to the plan made by an updated plan (including milestones or metrics and an updated implementation schedule) approved by the Secretary under paragraph (3) of such subsection, subject to section 35443 of the Railroad Reform, Enhancement, and Efficiency Act.''.

(c) DEFINITIONS.—Section 20157(i) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2), as redesignated, the following:

''(1) ACTIVATE.—The term 'activate' means to initiate the use of a positive train control system in every subdivision or district where the railroad carrier or other entity is prepared to do so safely, reliably, and successfully, and proceed with revenue service demonstration as necessary for system testing and certification, prior to full implementation.''.

(d) CONFORMING AMENDMENT.—Section 20157(g) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(2) CONFORMING REGULATORY AMENDMENTS.—Immediately after the date of the enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary—

''(A) shall remove or revise any references to specified dates in the regulations or orders implementing this section to the extent necessary to conform with the amendments made by such Act; and

''(B) may not enforce any such date-specific deadlines or requirements that are inconsistent with the amendments made by such Act.''.

(e) SAVINGS PROVISIONS.—

(1) RESUBMISSION OF INFORMATION.—Nothing in the amendments made by this section may be construed to require a Class I railroad carrier or other entity subject to section 20157(a) of title 49, United States Code, to resubmit in its updated plan information from its initial implementation plan that is not changed or affected by the updated plan. The Secretary shall consider an updated plan submitted pursuant to paragraph (3) of that section to be an addendum that makes amendments to the initial implementation plan.

(2) SUBMISSION OF NEW PLAN.—Nothing in the amendments made by this section may be construed to require a Class I railroad carrier or other entity subject to section 20157(a) of title 49, United States Code, to submit a new implementation plan pursuant to the deadline set forth in that section.

(3) APPROVAL.—A railroad carrier or other entity subject to section 20157(a) of title 49, United States Code, that has its updated plan, including a modified version of the updated plan, approved by the Secretary under subparagraph (B) or subparagraph (C) of paragraph (3) of that section shall not be required to implement a positive train control system by the deadline under paragraph (1) of that section.

SEC. 35443. EARLY ADOPTION AND INTEROPERABILITY.

(a) EARLY ADOPTION.—During the 1-year period beginning on the date on which the last railroad carrier's or other entity's positive train control system, subject to section 20157(a) of title 49, United States Code, is certified by the Secretary under subsection (h) of such section and implemented on all of that railroad carrier's or other entity's lines required to have operations governed by a positive train control system, any railroad carrier or other entity shall not be subject to the operational restrictions set forth in subpart I of part 236 of title 49, Code of Federal Regulations, that would otherwise apply in the event of a positive train control system component failure.

(b) INTEROPERABILITY PROCEDURE.—If multiple railroad carriers operate on a single railroad line through a trackage or haulage agreement, each railroad carrier operating on the railroad line shall not be subject to the operating restrictions set forth in subpart I of part 236 of title 49, Code of Federal Regulations, with respect to the railroad line, until the Secretary certifies that—

(1) each Class I railroad carrier and each entity providing regularly scheduled intercity or commuter rail passenger transportation that operates on the railroad line is in compliance with its positive train control requirements under section 20157(a) of title 49, United States Code;

(2) each Class II or Class III railroad that operates on the railroad line is in compliance with the applicable regulatory requirements to equip locomotives operating in positive train control territory; and

(3) the implementation of any and all positive train control systems are interoperable and operational on the railroad line in conformance with each approved implementation plan so that each freight and passenger railroad can operate on the line with that freight or passenger railroad's positive train control equipment.

(c) SMALL RAILROADS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall amend section 236.1006(b)(4)(iii)(B) of title 49, Code of Federal Regulations (relating to equipping locomotives for applicable Class II and Class III railroads operating in positive train control territory) to extend each deadline by 3 years.

(d) ENFORCEMENT.—

(1) IN GENERAL.—Subject to paragraph (2), nothing in subsection (a) may be construed to prohibit the Secretary from enforcing the metrics and milestones under section 20157(a)(4)(A) of title 49, United States Code, as amended by section 35442 of this Act.

(2) ACTIVATION.—Beginning on the date in which a railroad carrier or other entity subject to section 20157(a) of title 49, United States Code, as amended by section 35442 of this Act, has activated its positive train control system, the railroad carrier or other entity shall not be in violation of its plan, including its updated plan, approved under this Act if implementing such plan introduces operational challenges or risks to full, successful, and safe implementation.

SEC. 35444. POSITIVE TRAIN CONTROL AT GRADE CROSSINGS EFFECTIVENESS STUDY.

(a) STUDY.—After the Secretary certifies that each Class I railroad carrier and each entity providing regularly scheduled intercity or commuter rail passenger transportation is in compliance with the positive train control requirements under section 20157(a) of title 49, United States Code, the Secretary shall enter into an agreement with the National Cooperative Rail Research Program Board—

(1) to conduct a study of the possible effectiveness of positive train control and related technologies on reducing collisions at highway-rail grade crossings; and

(2) to submit a report containing the results of the study conducted under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) FUNDING.—The Secretary may require, as part of the agreement under subsection (a), that the National Cooperative Rail Research Program Board fund the study required under this section using such sums as may be necessary out of the amounts made available under section 24910 of title 49, United States Code.

Subtitle E—Project Delivery

SEC. 35501. SHORT TITLE.

This subtitle may be cited as the ''Track, Railroad, and Infrastructure Network Act''.

SEC. 35502. PRESERVATION OF PUBLIC LANDS.

(a) HIGHWAYS.—Section 138 of title 23, United States Code, is amended—

(1) in subsection (b)(2)(A)(i), by inserting '', taking into consideration any avoidance, minimization, and mitigation or enhancement measures incorporated into the program or project'' after ''historic site''; and

(2) by adding at the end the following:

''(c) RAIL AND TRANSIT.—Improvements to, or the maintenance, rehabilitation, or operation of, railroad or rail transit lines or elements of such lines, with the exception of stations, that are in use or were historically used for the transportation of goods or passengers, shall not be considered a use of an historic site under subsection (a), regardless of whether the railroad or rail transit line or element of such line is listed on, or eligible for listing on, the National Register of Historic Places.''.

(b) TRANSPORTATION PROJECTS.—Section 303 is amended—

(1) in subsection (c), by striking ''subsection (d)'' and inserting ''subsections (d) and (e)'';

(2) in subsection (d)(2)(A)(i), by inserting '', taking into consideration any avoidance, minimization, and mitigation or enhancement measures incorporated into the program or project'' after ''historic site''; and

(3) by adding at the end the following:

''(e) RAIL AND TRANSIT.—Improvements to, or the maintenance, rehabilitation, or operation of, railroad or rail transit lines or elements of such lines, with the exception of stations, that are in use or were historically used for the transportation of goods or passengers, shall not be considered a use of an historic site under subsection (c), regardless of whether the railroad or rail transit line or element of such line is listed on, or eligible for listing on, the National Register of Historic Places.''.

SEC. 35503. EFFICIENT ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Section 304 is amended—

*(1) in the heading, by striking ''**for multimodal projects**'' and inserting ''**and increasing the efficiency of environmental reviews**''; and*

(2) by adding at the end the following:

''(e) EFFICIENT ENVIRONMENTAL REVIEWS.—

''(1) IN GENERAL.—The Secretary of Transportation shall apply the project development procedures, to the greatest extent feasible, described in section 139 of title 23, United States Code, to any rail project that requires the approval of

the Secretary of Transportation under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) REGULATIONS AND PROCEDURES.—The Secretary of Transportation shall incorporate such project development procedures into the agency regulations and procedures pertaining to rail projects.

''(f) APPLICABILITY OF NEPA DECISIONS.—

''(1) IN GENERAL.—A Department of Transportation operating administration may apply a categorical exclusion designated by another Department of Transportation operating administration under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) FINDINGS.—A Department of Transportation operating administration may adopt, in whole or in part, another Department of Transportation operating administration's Record of Decision, Finding of No Significant Impact, and any associated evaluations, determinations, or findings demonstrating compliance with any law related to environmental review or historic preservation.''.

SEC. 35504. ADVANCE ACQUISITION.

(a) IN GENERAL.—Chapter 241 is amended by inserting after section 24105 the following—

''§ 24106. Advance acquisition

''(a) RAIL CORRIDOR PRESERVATION.—The Secretary may assist a recipient of funding in acquiring right-of-way and adjacent real property interests before or during the completion of the environmental reviews for any project receiving funding under subtitle V of title 49, United States Code, that may use such property interests if the acquisition is otherwise permitted under Federal law, and the recipient requesting Federal funding for the acquisition certifies, with the concurrence of the Secretary, that—

''(1) the recipient has authority to acquire the right-of-way or adjacent real property interest; and

''(2) the acquisition of the right-of-way or adjacent real property interest—

''(A) is for a transportation or transportation-related purpose;

''(B) will not cause significant adverse environmental impact;

''(C) will not limit the choice of reasonable alternatives for the proposed project or otherwise influence the decision of the Secretary on any approval required for the proposed project;

''(D) does not prevent the lead agency for the review process from making an impartial decision as to whether to accept an alternative that is being considered;

''(E) complies with other applicable Federal law, including regulations;

''(F) will be acquired through negotiation and without the threat of condemnation; and

''(G) will not result in the elimination or reduction of benefits or assistance to a displaced person under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

''(b) ENVIRONMENTAL REVIEWS.—

''(1) COMPLETION OF NEPA REVIEW.—Before authorizing any Federal funding for the acquisition of a real property interest that is the subject of a grant or other funding under this subtitle, the Secretary shall complete, if required, the review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the acquisition.

''(2) COMPLETION OF SECTION 106.—An acquisition of a real property interest involving an historic site shall not occur unless the section 106 process, if required, under the National Historic Preservation Act (54 U.S.C. 306108) is complete.

''(3) TIMING OF ACQUISITIONS.—A real property interest acquired under subsection (a) may not be developed in anticipation of the proposed project until all required environmental reviews for the project have been completed.''.

(b) CONFORMING AMENDMENT.—The table of contents of chapter 241 is amended by inserting after the item relating to section 24105 the following:

''24106. Advance acquisition.''.

SEC. 35505. RAILROAD RIGHTS-OF-WAY.

Section 306108 of title 54, United States Code, is amended—

(1) by inserting ''(b) OPPORTUNITY TO COMMENT.—'' before ''The head of the Federal agency shall afford'' and indenting accordingly;

(2) in the matter before subsection (b), by inserting ''(a) IN GENERAL.—'' before ''The head of any Federal agency having direct'' and indenting accordingly; and

(3) by adding at the end the following:

''(c) EXEMPTION FOR RAILROAD RIGHTS-OF-WAY.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Track, Railroad, and Infrastructure Network Act, the Secretary of Transportation shall submit a proposed exemption of railroad rights-of-way from the review under this chapter to the Council for its consideration, consistent with the exemption for interstate highways approved on March 10, 2005 (70 Fed. Reg. 11,928).

''(2) FINAL EXEMPTION.—Not later than 180 days after the date that the Secretary submits the proposed exemption under paragraph (1) to the Council, the Council shall issue a final exemption of railroad rights-of-way from review under this chapter, consistent with the exemption for interstate highways approved on March 10, 2005 (70 Fed. Reg. 11,928).''.

SEC. 35506. SAVINGS CLAUSE.

Nothing in this title, or any amendment made by this title, shall be construed as superceding, amending, or modifying the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or affect the responsibility of any Federal officer to comply with or enforce any such statute.

SEC. 35507. TRANSITION.

Nothing in this title, or any amendment made by this title, shall affect any existing environmental review process, program, agreement, or funding arrangement approved by the Secretary under title 49, United States Code, as that title was in effect on the day preceding the date of enactment of this subtitle.

Subtitle F—Financing

SEC. 35601. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the ''Railroad Infrastructure Financing Improvement Act''.

(b) REFERENCES TO THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976.—Except as otherwise expressly provided, wherever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 801 et seq.).

SEC. 35602. DEFINITIONS.

Section 501 (45 U.S.C. 821) is amended—

(1) by redesignating paragraph (8) as paragraph (10);

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(3) by inserting after paragraph (5) the following:

''(6) The term 'investment-grade rating' means a rating of BBB minus, Baa 3, bbb minus, BBB(low), or higher assigned by a rating agency.'';

(4) by inserting after paragraph (8), as redesignated, the following:

''(9) The term 'master credit agreement' means an agreement to make 1 or more direct loans or loan guarantees at future dates for a program of related projects on terms acceptable to the Secretary.''; and

(5) by adding at the end the following:

''(11) The term 'project obligation' means a note, bond, debenture, or other debt obligation issued by a borrower in connection with the financing of a project, other than a direct loan or loan guarantee under this title.

''(12) The term 'railroad' has the meaning given the term 'railroad carrier' in section 20102 of title 49, United States Code.

''(13) The term 'rating agency' means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).

''(14) The term 'substantial completion' means—

''(A) the opening of a project to passenger or freight traffic; or

''(B) a comparable event, as determined by the Secretary and specified in the direct loan.''.

SEC. 35603. ELIGIBLE APPLICANTS.

Section 502(a) (45 U.S.C. 822(a)) is amended—

(1) in paragraph (5), by striking ''one railroad; and'' and inserting ''1 of the entities described in paragraph (1), (2), (3), (4), or (6);''; and

(2) by amending paragraph (6) to read as follows:

''(6) solely for the purpose of constructing a rail connection between a plant or facility and a rail carrier, limited option freight shippers that own or operate a plant or other facility; and''.

SEC. 35604. ELIGIBLE PURPOSES.

Section 502(b)(1) (45 U.S.C. 822(b)(1)) is amended—

(1) in subparagraph (A), by inserting '', and costs related to these activities, including preconstruction costs'' after ''shops'';

(2) in subparagraph (B), by striking ''subparagraph (A); or'' and inserting ''subparagraph (A) or (C);'';

(3) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(D) reimburse planning and design expenses relating to projects described in subparagraph (A) or (C).''.

SEC. 35605. PROGRAM ADMINISTRATION.

(a) APPLICATION PROCESSING PROCEDURES.—Section 502(i) (45 U.S.C. 822(i)) is amended to read as follows:

''(i) APPLICATION PROCESSING PROCEDURES.—

''(1) APPLICATION STATUS NOTICES.—Not later than 30 days after the date that the Secretary receives an application under this section, the Secretary shall provide the applicant written notice as to whether the application is complete or incomplete.

''(2) INCOMPLETE APPLICATIONS.—If the Secretary determines that an application is incomplete, the Secretary shall—

''(A) provide the applicant with a description of all of the specific information or material that is needed to complete the application; and

''(B) allow the applicant to resubmit the information and material described under subparagraph (A) to complete the application.

''(3) APPLICATION APPROVALS AND DISAPPROVALS.—

''(A) IN GENERAL.—Not later than 60 days after the date the Secretary notifies an applicant that an application is complete under paragraph (1), the Secretary shall provide the applicant written notice as to whether the Secretary has approved or disapproved the application.

''(B) ACTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—In order to enable compliance with the time limit under subparagraph (A), the Office of Management and Budget shall take any action required with respect to the application within that 60-day period.

''(4) EXPEDITED PROCESSING.—The Secretary shall implement procedures and measures to economize the time and cost involved in obtaining an approval or a disapproval of credit assistance under this title.

''(5) DASHBOARD.—The Secretary shall post on the Department of Transportation's public Web

site a monthly report that includes for each application—

''(A) the name of the applicant or applicants;

''(B) the location of the project;

''(C) a brief description of the project, including its purpose;

''(D) the requested direct loan or loan guarantee amount;

''(E) the date on which the Secretary provided application status notice under paragraph (1); and

''(F) the date that the Secretary provided notice of approval or disapproval under paragraph (3).''.

(b) ADMINISTRATION OF DIRECT LOANS AND LOAN GUARANTEES.—Section 503 (45 U.S.C. 823) is amended—

(1) in subsection (a), by striking the period at the end and inserting '', including a program guide and standard term sheet and specific timetables.'';

(2) by redesignating subsections (c) through (l) as subsections (d) through (m), respectively;

(3) by striking ''(b) ASSIGNMENT OF LOAN GUARANTEES.—'' and inserting ''(c) ASSIGNMENT OF LOAN GUARANTEES.—'';

(4) in subsection (d), as redesignated—

(A) in paragraph (1), by striking ''; and'' and inserting a semicolon;

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

(C) by adding at the end the following:

''(3) the modification cost has been covered under section 502(f).''; and

(5) by amending subsection (l), as redesignated, to read as follows:

''(l) CHARGES AND LOAN SERVICING.—

''(1) PURPOSES.—The Secretary may collect and spend from each applicant, obligor, or loan party a reasonable charge for—

''(A) the cost of evaluating the application, amendments, modifications, and waivers, including for evaluating project viability, applicant creditworthiness, and the appraisal of the value of the equipment or facilities for which the direct loan or loan guarantee is sought, and for making necessary determinations and findings;

''(B) the cost of award management and project management oversight;

''(C) the cost of services from expert firms, including counsel, and independent financial advisors to assist in the underwriting, auditing, servicing, and exercise of rights with respect to direct loans and loan guarantees; and

''(D) the cost of all other expenses incurred as a result of a breach of any term or condition or any event of default on a direct loan or loan guarantee.

''(2) STANDARDS.—The Secretary may charge different amounts under this subsection based on the different costs incurred under paragraph (1).

''(3) SERVICER.—

''(A) IN GENERAL.—The Secretary may appoint a financial entity to assist the Secretary in servicing a direct loan or loan guarantee under this section.

''(B) DUTIES.—A servicer appointed under subparagraph (A) shall act as the agent of the Secretary in serving a direct loan or loan guarantee under this section.

''(C) FEES.—A servicer appointed under subparagraph (A) shall receive a servicing fee from the obligor or other loan party, subject to approval by the Secretary.

''(4) SAFETY AND OPERATIONS ACCOUNT.—Amounts collected under this subsection shall—

''(A) be credited directly to the Safety and Operations account of the Federal Railroad Administration; and

''(B) remain available until expended to pay for the costs described in this subsection.''.

SEC. 35606. LOAN TERMS AND REPAYMENT.

(a) PREREQUISITES FOR ASSISTANCE.—Section 502(g)(1) (45 U.S.C. 822(g)(1)) is amended by striking ''35 years from the date of its execution'' and inserting ''the lesser of 35 years after the date of substantial completion of the project or the estimated useful life of the rail equipment or facilities to be acquired, rehabilitated, improved, developed, or established''.

(b) REPAYMENT SCHEDULES.—Section 502(j) (45 U.S.C. 822(j)) is amended—

(1) in paragraph (1), by striking ''the sixth anniversary date of the original loan disbursement'' and inserting ''5 years after the date of substantial completion''; and

(2) by adding at the end the following:

''(3) DEFERRED PAYMENTS.—

''(A) IN GENERAL.—If at any time after the date of substantial completion the project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the direct loan, the Secretary, subject to subparagraph (B), may allow, for a maximum aggregate time of 1 year over the duration of the direct loan, the obligor to add unpaid principal and interest to the outstanding balance of the direct loan.

''(B) INTEREST.—A payment deferred under subparagraph (A) shall—

''(i) continue to accrue interest under paragraph (2) until the loan is fully repaid; and

''(ii) be scheduled to be amortized over the remaining term of the loan.

''(4) PREPAYMENTS.—

''(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and direct loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the direct loan without penalty.

''(B) USE OF PROCEEDS OF REFINANCING.—The direct loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.''.

(c) SALE OF DIRECT LOANS.—Section 502 (45 U.S.C. 822) is amended by adding at the end the following:

''(k) SALE OF DIRECT LOANS.—

''(1) IN GENERAL.—Subject to paragraph (2) and as soon as practicable after substantial completion of a project, the Secretary, after notifying the obligor, may sell to another entity or reoffer into the capital markets a direct loan for the project if the Secretary determines that the sale or reoffering has a high probability of being made on favorable terms.

''(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the prior written consent of the obligor''.

(d) NONSUBORDINATION.—Section 502 (45 U.S.C. 822), as amended in subsection (c), is further amended by adding at the end the following:

''(l) NONSUBORDINATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2)(B), a direct loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

''(2) PREEXISTING INDENTURES.—

''(A) IN GENERAL.—The Secretary may waive the requirement under paragraph (1) for a public agency borrower that is financing ongoing capital programs and has outstanding senior bonds under a preexisting indenture if—

''(i) the direct loan is rated in the A category or higher;

''(ii) the direct loan is secured and payable from pledged revenues not affected by project performance, such as a tax-based revenue pledge or a system-backed pledge of project revenues; and

''(iii) the program share, under this title, of eligible project costs is 50 percent or less.

''(B) LIMITATION.—The Secretary may impose limitations for the waiver of the nonsubordination requirement under this paragraph if the Secretary determines that such limitations would be in the financial interest of the Federal Government.''.

SEC. 35607. CREDIT RISK PREMIUMS.

Section 502(f) (45 U.S.C. 822(f)) is amended—

(1) in paragraph (1), by amending the first sentence to read as follows: ''In lieu of or in combination with appropriations of budget authority to cover the costs of direct loans and loan guarantees as required under section 504(b)(1) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)(1)), including the cost of a modification thereof, the Secretary may accept on behalf of an applicant for assistance under this section a commitment from a non-Federal source, including a State or local government or agency or public benefit corporation or public authority thereof, to fund in whole or in part credit risk premiums and modification costs with respect to the loan that is the subject of the application or modification.'';

(2) in paragraph (2)—

(A) in subparagraph (D), by adding ''and'' after the semicolon;

(B) by striking subparagraph (E); and

(C) by redesignating subparagraph (F) as subparagraph (E);

(3) by striking paragraph (4);

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

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

''(3) CREDITWORTHINESS.—An applicant may propose and the Secretary may accept as a basis for determining the amount of the credit risk premium under paragraph (2) any of the following in addition to the value of any tangible asset:

''(A) The net present value of a future stream of State or local subsidy income or other dedicated revenues to secure the direct loan or loan guarantee.

''(B) Adequate coverage requirements to ensure repayment, on a non-recourse basis, from cash flows generated by the project or any other dedicated revenue source, including—

''(i) tolls;

''(ii) user fees; or

''(iii) payments owing to the obligor under a public-private partnership.

''(C) An investment-grade rating on the direct loan or loan guarantee, as applicable, except that if the total amount of the direct loan or loan guarantee is greater than $75,000,000, the applicant shall have an investment-grade rating from at least 2 rating agencies on the direct loan or loan guarantee.''; and

(6) in paragraph (4), as redesignated, by striking ''amounts'' and inserting ''amounts (and in the case of a modification, before the modification is executed), to the extent appropriations are not available to the Secretary to meet the costs of direct loans and loan guarantees, including costs of modifications thereof''.

SEC. 35608. MASTER CREDIT AGREEMENTS.

Section 502 (45 U.S.C. 822), as amended by subsections (c) and (d) of section 35606 of this Act, is further amended by adding at the end the following:

''(m) MASTER CREDIT AGREEMENTS.—

''(1) IN GENERAL.—Subject to section 502(d) and paragraph (2) of this subsection, the Secretary may enter into a master credit agreement that is contingent on all of the conditions for the provision of a direct loan or loan guarantee, as applicable, under this title and other applicable requirements being satisfied prior to the issuance of the direct loan or loan guarantee.

''(2) CONDITIONS.—Each master credit agreement shall—

''(A) establish the maximum amount and general terms and conditions of each applicable direct loan or loan guarantee;

''(B) identify 1 or more dedicated non-Federal revenue sources that will secure the repayment of each applicable direct loan or loan guarantee;

''(C) provide for the obligation of funds for the direct loans or loan guarantees contingent

on and after all requirements have been met for the projects subject to the master credit agreement; and

''(D) provide 1 or more dates, as determined by the Secretary, before which the master credit agreement results in each of the direct loans or loan guarantees or in the release of the master credit agreement.''.

SEC. 35609. PRIORITIES AND CONDITIONS.

(a) PRIORITY PROJECTS.—Section 502(c) (45 U.S.C. 822(c)) is amended—

(1) in paragraph (1), by inserting '', including projects for the installation of a positive train control system (as defined in section 20157(i) of title 49, United States Code)'' after ''public safety'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (2), respectively;

(3) in paragraph (5), by inserting ''or chapter 227 of title 49'' after ''section 135 of title 23'';

(4) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and

(5) by inserting after paragraph (5) the following:

''(6) improve railroad stations and passenger facilities and increase transit-oriented development;''.

(b) CONDITIONS OF ASSISTANCE.—Section 502(h) (45 U.S.C. 822(h)) is amended in paragraph (2), by inserting '', if applicable'' after ''project''.

SEC. 35610. SAVINGS PROVISION.

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle, and the amendments made by this subtitle, shall not affect any direct loan (or direct loan obligation) or an outstanding loan guarantee (or loan guarantee commitment) that was in effect prior to the date of enactment of this Act. Any such transaction entered into before the date of enactment of this Act shall be administered until completion under its terms as if this Act were not enacted.

(b) MODIFICATION COSTS.—At the discretion of the Secretary, the authority to accept modification costs on behalf of an applicant under section 502(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)), as amended by section 35607 of this Act, may apply with respect to any direct loan (or direct loan obligation) or an outstanding loan guarantee (or loan guarantee commitment) that was in effect prior to the date of enactment of this Act.

DIVISION D—FREIGHT AND MAJOR PROJECTS

TITLE XLI—FREIGHT POLICY

SEC. 41001. ESTABLISHMENT OF FREIGHT CHAPTER.

(a) FREIGHT.—Subtitle III of title 49, United States Code, is amended by inserting after chapter 53 the following:

''CHAPTER 54—FREIGHT

''5401. Definitions.
''5402. National multimodal freight policy.
''5403. National multimodal freight network.
''5404. National freight strategic plan.
''5405. State freight advisory committees.
''5406. State freight plans.
''5407. Transportation investment planning and data tools.
''5408. Savings provision.
''5409. Assistance for freight projects.

''§ 5401. Definitions

''In this chapter:

''(1) ECONOMIC COMPETITIVENESS.—The term 'economic competitiveness' means the ability of the economy to efficiently move freight and people, produce goods, and deliver services, including—

''(A) reductions in the travel time of freight;

''(B) reductions in the congestion caused by the movement of freight;

''(C) improvements to freight travel time reliability; and

''(D) reductions in freight transportation costs due to congestion and insufficient infrastructure.

''(2) FREIGHT.—The term 'freight' means the commercial transportation of cargo, including agricultural, manufactured, retail, or other goods by vessel, vehicle, pipeline, or rail.

''(3) FREIGHT TRANSPORTATION MODES.—The term 'freight transportation modes' means—

''(A) the infrastructure supporting any mode of transportation that moves freight, including highways, ports, waterways, rail facilities, and pipelines; and

''(B) any vehicles or equipment transporting goods on such infrastructure.

''(4) NATIONAL HIGHWAY FREIGHT NETWORK.—The term 'national highway freight network' means the network established under section 167 of title 23.

''(5) NATIONAL MULTIMODAL FREIGHT NETWORK.—The term 'national multimodal freight network' means the network established under section 5403.

''(6) NATIONAL MULTIMODAL FREIGHT STRATEGIC PLAN.—The term 'national multimodal freight strategic plan' means the strategic plan developed under section 5404.

''(7) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(8) STATE.—The term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for subtitle III of title 49, United States Code, is amended by inserting after the item relating to chapter 53 the following:

''54. Freight ..... 5401''.

SEC. 41002. NATIONAL MULTIMODAL FREIGHT POLICY.

Chapter 54 of subtitle III of title 49, United States Code, as added by section 41001, is amended by adding after section 5401 the following:

''§ 5402. National multimodal freight policy

''(a) POLICY.—It is the policy of the United States—

''(1) to support investment to maintain and improve the condition and performance of the national multimodal freight network;

''(2) to ensure that the United States maximizes its competitiveness in the global economy by increasing the overall productivity and connectivity of the national freight system; and

''(3) to pursue the goals described in subsection (b).

''(b) GOALS.—The national multimodal freight policy has the following goals:

''(1) To enhance the economic competitiveness of the United States by investing in infrastructure improvements and implementing operational improvements on the freight network of the United States that achieve 1 or more of the following:

''(A) Strengthen the contribution of the national freight network to the economic competitiveness of the United States.

''(B) Reduce congestion and relieve bottlenecks in the freight transportation system.

''(C) Reduce the cost of freight transportation.

''(D) Improve the reliability of freight transportation.

''(E) Increase productivity, particularly for domestic industries and businesses that create jobs.

''(2) To improve the safety, security, efficiency, and resiliency of freight transportation in rural and urban areas.

''(3) To improve the condition of the national freight network.

''(4) To use advanced technology to improve the safety and efficiency of the national freight network.

''(5) To incorporate concepts of performance, innovation, competition, and accountability into the operation and maintenance of the national freight network.

''(6) To improve the efficiency and productivity of the national freight network.

''(7) To pursue these goals in a manner that is not burdensome to State and local governments.

''(c) STRATEGIES.—The United States may achieve the goals described in subsection (b) by—

''(1) providing funding to maintain and improve freight infrastructure facilities;

''(2) implementing appropriate safety, environmental, energy and other transportation policies;

''(3) utilizing advanced technology and innovation;

''(4) promoting workforce development; and

''(5) using performance management activities.

''(d) IMPLEMENTATION.—The Under Secretary for Policy, who shall be responsible for the oversight and implementation of the national multimodal freight policy, shall—

''(1) assist with the coordination of modal freight planning;

''(2) ensure consistent, expedited review of multimodal freight projects;

''(3) review the project planning and approval processes at each modal administration to identify modeling and metric inconsistencies, approvals, and terminology differences that could hamper multimodal project approval;

''(4) identify interagency data sharing opportunities to promote freight planning and coordination;

''(5) identify multimodal efforts and connections;

''(6) designate the lead agency for multimodal freight projects;

''(7) develop recommendations for State incentives for multimodal planning efforts, which may include—

''(A) reducing the State cost share; or

''(B) expediting the review of agreements for multimodal or freight specific projects;

''(8) explore opportunities within existing legal authorities to reduce project delays by issuing categorical exclusions or allowing self-certifications of right-of-way acquisitions for freight projects; and

''(9) submit a report to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that identifies required reports, statutory requirements, and other limitations on efficient freight project delivery that could be streamlined or consolidated.''.

SEC. 41003. NATIONAL MULTIMODAL FREIGHT NETWORK.

Chapter 54 of subtitle III of title 49, United States Code, as amended by section 41002, is amended by adding after section 5402 the following:

''§ 5403. National multimodal freight network

''(a) IN GENERAL.—The Secretary shall establish a national freight network, in accordance with this section—

''(1) to assist States in strategically directing resources toward improved system performance for the efficient movement of freight on transportation networks;

''(2) to inform freight transportation planning;

''(3) to assist in the prioritization of Federal investment; and

''(4) to assess and support Federal investments to achieve the national multimodal freight policy goals described in section 5402(b) of this title and in section 150(b) of title 23.

''(b) NETWORK COMPONENTS.—The national multimodal freight network established under this section shall consist of all connectors, corridors, and facilities in all freight transportation modes that are the most critical to the current and future movement of freight, including the national highway freight network, to achieve

the national multimodal freight policy goals described in section 5402(b) of this title and in section 150(b) of title 23.

''(c) INITIAL DESIGNATION OF PRIMARY FREIGHT SYSTEM.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the DRIVE Act, the Secretary, after soliciting input from stakeholders, including multimodal freight system users, transport providers, metropolitan planning organizations, local governments, ports, airports, railroads, and States, through a public process to identify critical freight facilities and corridors that are vital to achieve the national multimodal freight policy goals described in section 5402(b) of this title and in section 150(b) of title 23, and after providing notice and opportunity for comment on a draft system, shall designate a primary freight system with the goal of—

''(A) improving network and intermodal connectivity; and

''(B) using measurable data as part of the assessment of the significance of freight movement, including the consideration of points of origin, destination, and linking components of domestic and international supply chains.

''(2) FACTORS.—In designating or redesignating a primary freight system, the Secretary shall consider—

''(A) origins and destinations of freight movement within, to, and from the United States;

''(B) volume, value, tonnage, and the strategic importance of freight;

''(C) access to border crossings, airports, seaports, and pipelines;

''(D) economic factors, including balance of trade;

''(E) access to major areas for manufacturing, agriculture, or natural resources;

''(F) access to energy exploration, development, installation, and production areas;

''(G) intermodal links and intersections that promote connectivity;

''(H) freight choke points and other impediments contributing to significant measurable congestion, delay in freight movement, or inefficient modal connections;

''(I) impacts on all freight transportation modes and modes that share significant freight infrastructure;

''(J) elements and transportation corridors identified by a multi-State coalition, a State, a State advisory committee, or a metropolitan planning organization, using national or local data, as having critical freight importance to the region;

''(K) intermodal connectors, major distribution centers, inland intermodal facilities, and first- and last-mile facilities;

''(L) the annual average daily truck traffic on principal arterials; and

''(M) the significance of goods movement, including consideration of global and domestic supply chains.

''(3) REQUIREMENTS FOR DESIGNATION.—A designation may be made under this subsection if the freight transportation facility or infrastructure being considered—

''(A) is in an urbanized area, regardless of population;

''(B) has been designated under subsection (d) as a critical rural freight corridor;

''(C) connects an intermodal facility to—

''(i) the primary freight network; or

''(ii) an intermodal freight facility;

''(D)(i) is located within a corridor of a route on the primary freight network; and

''(ii) provides an alternative option important to goods movement;

''(E) serves a major freight generator, logistic center, agricultural region, or manufacturing, warehouse, or industrial land; or

''(F) is important to the movement of freight within a State or metropolitan region, as determined by the State or the metropolitan planning organization.

''(4) CONSIDERATIONS.—In designating or redesignating the primary freight system under subsection (e), the Secretary shall—

''(A) use, to the extent practicable, measurable data to assess the significance of goods movement, including the consideration of points of origin, destination, and linking components of the United States global and domestic supply chains;

''(B) consider—

''(i) the factors described in subsection (c)(2); and

''(ii) any changes in the economy or freight transportation network demand; and

''(C) provide the States with an opportunity to submit proposed designations in accordance with paragraph (5).

''(5) STATE INPUT.—

''(A) IN GENERAL.—Each State that proposes increased designations on the primary freight system shall—

''(i) consider nominations for additional designations from metropolitan planning organizations and State freight advisory committees within the State;

''(ii) consider nominations for the additional designations from owners and operators of port, rail, pipeline, and airport facilities; and

''(iii) ensure that additional designations are consistent with the State Transportation Improvement Program or freight plan.

''(B) REVISIONS.—States may revise routes certified under section 4006 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2148) to conform with the designated freight system under this section.

''(C) SUBMISSION AND CERTIFICATION.—Each State shall submit to the Secretary—

''(i) a list of the additional designations added under this subsection; and

''(ii) certification that—

''(I) the State has satisfied the requirements under subparagraph (A); and

''(II) the designations referred to in clause (i) address the factors for redesignation described in subsection (c)(3).

''(d) CRITICAL RURAL FREIGHT CORRIDORS.—A State may designate freight transportation infrastructure or facilities within the borders of the State as a critical rural freight corridor if the public road or facility—

''(1) is a rural principal arterial roadway or facility;

''(2) provides access or service to energy exploration, development, installation, or production areas;

''(3) provides access or service to—

''(A) a grain elevator;

''(B) an agricultural facility;

''(C) a mining facility;

''(D) a forestry facility; or

''(E) an intermodal facility;

''(4) connects to an international port of entry;

''(5) provides access to significant air, rail, water, or other freight facilities in the State; or

''(6) has been determined by the State to be vital to improving the efficient movement of freight of importance to the economy of the State.

''(e) REDESIGNATION OF PRIMARY FREIGHT SYSTEM.—Beginning on the date that is 5 years after the initial designation under subsection (c), and every 5 years thereafter, the Secretary, using the designation factors described in subsection (c)(3), shall redesignate the primary freight system.''.

TITLE XLII—PLANNING

SEC. 42001. NATIONAL FREIGHT STRATEGIC PLAN.

Chapter 54 of subtitle III of title 49, United States Code (as amended by title XLI), is amended by adding at the end the following:

''§ 5404. National freight strategic plan

''(a) INITIAL DEVELOPMENT OF NATIONAL FREIGHT STRATEGIC PLAN.—Not later than 3 years after the date of enactment of the DRIVE Act, the Secretary, in consultation with State departments of transportation, metropolitan planning organizations, and other appropriate public and private transportation stakeholders, shall develop, after providing opportunity for notice and comment on a draft national freight strategic plan, and post on the public website of the Department of Transportation a national freight strategic plan that includes—

''(1) an assessment of the condition and performance of the national multimodal freight network;

''(2) an identification of bottlenecks on the national multimodal freight network that create significant freight congestion based on a quantitative methodology developed by the Secretary, which shall, at a minimum, include—

''(A) information from the Freight Analysis Framework of the Federal Highway Administration; and

''(B) to the maximum extent practicable, an estimate of the cost of addressing each bottleneck and any operational improvements that could be implemented;

''(3) a forecast of freight volumes, based on the most recent data available, for—

''(A) the 5-year period beginning in the year during which the plan is issued; and

''(B) if practicable, for the 10- and 20-year period beginning in the year during which the plan is issued;

''(4) an identification of major trade gateways and national freight corridors that connect major economic corridors, population centers, trade gateways, and other major freight generators for current and forecasted traffic and freight volumes, the identification of which shall be revised, as appropriate, in subsequent plans;

''(5) an assessment of statutory, regulatory, technological, institutional, financial, and other barriers to improved freight transportation performance (including opportunities for overcoming the barriers);

''(6) an identification of routes providing access to energy exploration, development, installation, or production areas;

''(7) routes for providing access to major areas for manufacturing, agriculture, or natural resources;

''(8) best practices for improving the performance of the national freight network;

''(9) best practices to mitigate the impacts of freight movement on communities;

''(10) a process for addressing multistate projects and encouraging jurisdictions to collaborate on multistate projects;

''(11) identification of locations or areas with congestion involving freight traffic, and strategies to address those issues;

''(12) strategies to improve freight intermodal connectivity; and

''(13) best practices for improving the performance of the national multimodal freight network and rural and urban access to critical freight corridors.

''(b) UPDATES TO NATIONAL FREIGHT STRATEGIC PLAN.—Not later than 5 years after the date of completion of the first national multimodal freight strategic plan under subsection (a) and every 5 years thereafter, the Secretary shall update and repost on the public website of the Department of Transportation a revised national freight strategic plan.''.

SEC. 42002. STATE FREIGHT ADVISORY COMMITTEES.

Chapter 54 of subtitle III of title 49, United States Code (as amended by section 42001), is amended by adding at the end the following:

''§ 5405. State freight advisory committees

''(a) IN GENERAL.—Each State shall establish a freight advisory committee consisting of a representative cross-section of public and private sector freight stakeholders, including representatives of ports, third party logistics providers, shippers, carriers, freight-related associations, the freight industry workforce, the transportation department of the State, and local governments.

''(b) ROLE OF COMMITTEE.—A freight advisory committee of a State described in subsection (a) shall—

''(1) advise the State on freight-related priorities, issues, projects, and funding needs;

''(2) serve as a forum for discussion for State transportation decisions affecting freight mobility;

''(3) communicate and coordinate regional priorities with other organizations;

''(4) promote the sharing of information between the private and public sectors on freight issues; and

''(5) participate in the development of the freight plan of the State described in section 5406.''.

SEC. 42003. STATE FREIGHT PLANS.

Chapter 54 of subtitle III of title 49, United States Code (as amended by section 42002), is amended by adding at the end the following:

''§ 5406. State freight plans

''(a) IN GENERAL.—Each State shall develop a freight plan that provides a comprehensive plan for the immediate and long-range planning activities and investments of the State with respect to freight.

''(b) PLAN CONTENTS.—A freight plan described in subsection (a) shall include, at a minimum—

''(1) an identification of significant freight system trends, needs, and issues with respect to the State;

''(2) a description of the freight policies, strategies, and performance measures that will guide the freight-related transportation investment decisions of the State;

''(3) when applicable, a listing of critical rural and urban freight corridors designated within the State under section 5403 of this title or section 167 of title 23;

''(4) a description of how the plan will improve the ability of the State to meet the national freight goals established under section 5402(b) of this title and section 150(b) of title 23;

''(5) a description of how innovative technologies and operational strategies, including freight intelligent transportation systems, that improve the safety and efficiency of freight movement, were considered;

''(6) in the case of roadways on which travel by heavy vehicles (including mining, agricultural, energy cargo or equipment, and timber vehicles) is projected to substantially deteriorate the condition of roadways, a description of improvements that may be required to reduce or impede the deterioration;

''(7) an inventory of facilities with freight mobility issues, such as bottlenecks, within the State, and where the facilities are State owned or operated, a description of the strategies the State is employing to address those freight mobility issues;

''(8) consideration of any significant congestion or delay caused by freight movements and any strategies to mitigate that congestion or delay; and

''(9) a freight investment plan that, subject to subsection (c)(2), includes a list of priority projects and describes how funds made available to carry out section 167 of title 23 would be invested and matched.

''(c) RELATIONSHIP TO LONG-RANGE PLAN.—

''(1) INCORPORATION.—A State freight plan described in subsection (a) may be developed separately from or incorporated into the statewide strategic long-range transportation plan required by section 135 of title 23.

''(2) FISCAL CONSTRAINT.—The freight investment plan component of a freight plan shall include a project, or an identified phase of a project, only if funding for completion of the project can reasonably be anticipated to be available for the project within the time period identified in the freight investment plan.

''(d) PLANNING PERIOD.—The freight plan shall address a 5-year forecast period.

''(e) UPDATES.—

''(1) IN GENERAL.—A State shall update the freight plan not less frequently than once every 5 years.

''(2) FREIGHT INVESTMENT PLAN.—A State may update the freight investment plan more frequently than is required under paragraph (1).''.

SEC. 42004. FREIGHT DATA AND TOOLS.

Chapter 54 of subtitle III of title 49, United States Code (as amended by section 42003), is amended by adding at the end the following:

''§ 5407. Transportation investment data and planning tools

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the DRIVE Act, the Secretary shall—

''(1) begin development of new tools and improvement of existing tools to support an outcome-oriented, performance-based approach to evaluate proposed freight-related and other transportation projects, including—

''(A) methodologies for systematic analysis of benefits and costs on a national or regional basis;

''(B) tools for ensuring that the evaluation of freight-related and other transportation projects could consider safety, economic competitiveness, urban and rural access, environmental sustainability, and system condition in the project selection process;

''(C) improved methods for data collection and trend analysis;

''(D) encouragement of public-private partnerships to carry out data sharing activities while maintaining the confidentiality of all proprietary data; and

''(E) other tools to assist in effective transportation planning;

''(2) identify transportation-related model data elements to support a broad range of evaluation methods and techniques to assist in making transportation investment decisions; and

''(3) at a minimum, in consultation with other relevant Federal agencies, consider any improvements to existing freight flow data collection efforts that could reduce identified freight data gaps and deficiencies and help improve forecasts of freight transportation demand.

''(b) CONSULTATION.—The Secretary shall consult with Federal, State, and other stakeholders to develop, improve, and implement the tools and collect the data described in subsection (a).''.

SEC. 42005. SAVINGS PROVISION.

Chapter 54 of subtitle III of title 49, United States Code (as amended by section 42004), is amended by adding at the end the following:

''§ 5408. Savings provision

''Nothing in this chapter provides additional authority to regulate or direct private activity on freight networks designated by this chapter.''.

TITLE XLIII—FORMULA FREIGHT PROGRAM

SEC. 43001. NATIONAL HIGHWAY FREIGHT PROGRAM.

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

''§ 167. National highway freight program

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—It is the policy of the United States to improve the condition and performance of the national highway freight network to ensure that the national freight network provides the foundation for the United States to compete in the global economy and achieve each goal described in subsection (b).

''(2) ESTABLISHMENT.—In support of the goals described in subsection (b), the Federal Highway Administrator (referred to in this section as the 'Administrator') shall establish a national highway freight program in accordance with this section to improve the efficient movement of freight on the national highway freight network.

''(b) GOALS.—The goals of the national highway freight program are—

''(1) to invest in infrastructure improvements and to implement operational improvements on the highways of the United States that—

''(A) strengthen the contribution of the national highway freight network to the economic competitiveness of the United States;

''(B) reduce congestion and relieve bottlenecks in the freight transportation system;

''(C) reduce the cost of freight transportation;

''(D) improve the reliability of freight transportation; and

''(E) increase productivity, particularly for domestic industries and businesses that create high-value jobs;

''(2) to improve the safety, security, efficiency, and resiliency of freight transportation in rural and urban areas;

''(3) to improve the state of good repair of the national highway freight network;

''(4) to use advanced technology to improve the safety and efficiency of the national highway freight network;

''(5) to incorporate concepts of performance, innovation, competition, and accountability into the operation and maintenance of the national highway freight network;

''(6) to improve the efficiency and productivity of the national highway freight network; and

''(7) to reduce the environmental impacts of freight movement.

''(c) ESTABLISHMENT OF A NATIONAL HIGHWAY FREIGHT NETWORK.—

''(1) IN GENERAL.—The Administrator shall establish a national highway freight network in accordance with this section to assist States in strategically directing resources toward improved system performance for efficient movement of freight on highways.

''(2) NETWORK COMPONENTS.—The national highway freight network shall consist of—

''(A) the primary highway freight system, as designated under subsection (d);

''(B) critical rural freight corridors established under subsection (e);

''(C) critical urban freight corridors established under subsection (f); and

''(D) the portions of the Interstate System not designated as part of the primary highway freight system, including designated future Interstate System routes as of the date of enactment of the DRIVE Act.

''(d) DESIGNATION AND REDESIGNATION OF THE PRIMARY HIGHWAY FREIGHT SYSTEM.—

''(1) INITIAL DESIGNATION OF PRIMARY HIGHWAY FREIGHT SYSTEM.—The initial designation of the primary highway freight system shall be—

''(A) the network designated by the Secretary under section 167(d) of title 23, United States Code, as in effect on the day before the date of enactment of the DRIVE Act; and

''(B) all National Highway System freight intermodal connectors.

''(2) REDESIGNATION OF PRIMARY HIGHWAY FREIGHT SYSTEM.—

''(A) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of the DRIVE Act and every 5 years thereafter, using the designation factors described in subparagraph (E), the Administrator shall redesignate the primary highway freight system (including any additional mileage added to the primary highway freight system under this paragraph as of the date on which the redesignation process is effective).

''(B) MILEAGE.—

''(i) FIRST REDESIGNATION.—In redesignating the primary highway freight system on the date that is 1 year after the date of enactment of the DRIVE Act, the Administrator shall limit the system to 30,000 centerline miles, without regard to the connectivity of the primary highway freight system.

''(ii) SUBSEQUENT REDESIGNATIONS.—Each redesignation after the redesignation described in clause (i), the Administrator may increase the primary highway freight system by up to 5 percent of the total mileage of the system, without regard to the connectivity of the primary highway freight system.

''(C) CONSIDERATIONS.—

''(i) IN GENERAL.—In redesignating the primary highway freight system, to the maximum extent practicable, the Administrator shall use measurable data to assess the significance of goods movement, including consideration of points of origin, destination, and linking components of the United States global and domestic supply chains.

''(ii) INTERMODAL CONNECTORS.—In redesignating the primary highway freight system, the Administrator shall include all National Highway System freight intermodal connectors.

''(D) INPUT.—In addition to the process provided to State freight advisory committees under paragraph (3), in redesignating the primary highway freight system, the Administrator shall provide an opportunity for State freight advisory committees to submit additional miles for consideration.

''(E) FACTORS FOR REDESIGNATION.—In redesignating the primary highway freight system, the Administrator shall consider—

''(i) the origins and destinations of freight movement in, to, and from the United States;

''(ii) land and water ports of entry;

''(iii) access to energy exploration, development, installation, or production areas;

''(iv) proximity of access to other freight intermodal facilities, including rail, air, water, and pipelines;

''(v) the total freight tonnage and value moved via highways;

''(vi) significant freight bottlenecks, as identified by the Administrator;

''(vii) the annual average daily truck traffic on principal arterials; and

''(viii) the significance of goods movement on principal arterials, including consideration of global and domestic supply chains.

''(3) STATE FLEXIBILITY FOR ADDITIONAL MILES ON PRIMARY HIGHWAY FREIGHT SYSTEM.—

''(A) IN GENERAL.—Not later than 1 year after each redesignation conducted by the Administrator under paragraph (2), each State, under the advisement of the State freight advisory committee, as developed and carried out in accordance with subsection (l), may increase the number of miles designated as part of the primary highway freight system in that State by not more than 10 percent of the miles designated in that State under this subsection if the additional miles—

''(i) close gaps between primary highway freight system segments;

''(ii) establish connections of the primary highway freight system critical to the efficient movement of goods, including ports, international border crossings, airports, intermodal facilities, logistics centers, warehouses, and agricultural facilities; or

''(iii) designate critical emerging freight routes.

''(B) CONSIDERATIONS.—Each State, under the advisement of the State freight advisory committee that increases the number of miles on the primary highway freight system under subparagraph (A) shall—

''(i) consider nominations for the additional miles from metropolitan planning organizations within the State;

''(ii) ensure that the additional miles are consistent with the freight plan of the State; and

''(iii) review the primary highway freight system of the State designated under paragraph (1) and redesignate miles in a manner that is consistent with paragraph (2).

''(C) SUBMISSION.—Each State, under the advisement of the State freight advisory committee shall—

''(i) submit to the Administrator a list of the additional miles added under this subsection; and

''(ii) certify that—

''(I) the additional miles meet the requirements of subparagraph (A); and

''(II) the State, under the advisement of the State freight advisory committee, has satisfied the requirements of subparagraph (B).

''(e) CRITICAL RURAL FREIGHT CORRIDORS.—A State may designate a public road within the borders of the State as a critical rural freight corridor if the public road—

''(1) is a rural principal arterial roadway and has a minimum of 25 percent of the annual average daily traffic of the road measured in passenger vehicle equivalent units from trucks (Federal Highway Administration vehicle class 8 to 13);

''(2) provides access to energy exploration, development, installation, or production areas;

''(3) connects the primary highway freight system, a roadway described in paragraph (1) or (2), or the Interstate System to facilities that handle more than—

''(A) 50,000 20-foot equivalent units per year; or

''(B) 500,000 tons per year of bulk commodities;

''(4) provides access to—

''(A) a grain elevator;

''(B) an agricultural facility;

''(C) a mining facility;

''(D) a forestry facility; or

''(E) an intermodal facility;

''(5) connects to an international port of entry;

''(6) provides access to significant air, rail, water, or other freight facilities in the State; or

''(7) is, in the determination of the State, vital to improving the efficient movement of freight of importance to the economy of the State.

''(f) CRITICAL URBAN FREIGHT CORRIDORS.—

''(1) URBANIZED AREA WITH POPULATION OF 500,000 OR MORE.—In an urbanized area with a population of 500,000 or more individuals, the representative metropolitan planning organization, in consultation with the State, may designate a public road within the borders of that area of the State as a critical urban freight corridor.

''(2) URBANIZED AREA WITH A POPULATION LESS THAN 500,000.—In an urbanized area with a population of less than 500,000 individuals, the State, in consultation with the representative metropolitan planning organization, may designate a public road within the borders of that area of the State as a critical urban freight corridor.

''(3) REQUIREMENTS FOR DESIGNATION.—A designation may be made under paragraphs (1) or (2) if the public road—

''(A) is in an urbanized area, regardless of population; and

''(B)(i) connects an intermodal facility to—

''(I) the primary highway freight network;

''(II) the Interstate System; or

''(III) an intermodal freight facility;

''(ii) is located within a corridor of a route on the primary highway freight network and provides an alternative highway option important to goods movement;

''(iii) serves a major freight generator, logistic center, or manufacturing and warehouse industrial land; or

''(iv) is important to the movement of freight within the region, as determined by the metropolitan planning organization or the State.

''(g) DESIGNATION AND CERTIFICATION.—

''(1) DESIGNATION.—States and metropolitan planning organizations may designate corridors under subsections (e) and (f) and submit the designated corridors to the Administrator on a rolling basis.

''(2) CERTIFICATION.—Each State or metropolitan planning organization that designates a corridor under subsection (e) or (f) shall certify to the Administrator that the designated corridor meets the requirements of the applicable subsection.

''(h) HIGHWAY FREIGHT TRANSPORTATION CONDITIONS AND PERFORMANCE REPORTS.—Not later than 2 years after the date of enactment of the DRIVE Act and biennially thereafter, the Administrator shall prepare and submit to Congress a report that describes the conditions and performance of the national highway freight network in the United States.

''(i) USE OF APPORTIONED FUNDS.—

''(1) IN GENERAL.—A State shall obligate funds apportioned to the State under section 104(b)(5) to improve the movement of freight on the national highway freight network.

''(2) FORMULA.—The Administrator shall calculate for each State the proportion that—

''(A) the total mileage in the State designated as part of the primary highway freight system; bears to

''(B) the total mileage of the primary highway freight system in all States.

''(3) USE OF FUNDS.—

''(A) STATES WITH HIGH PRIMARY HIGHWAY FREIGHT SYSTEM MILEAGE.—If the proportion of a State under paragraph (2) is greater than or equal to 3 percent, the State may obligate funds apportioned to the State under section 104(b)(5) for projects on—

''(i) the primary highway freight system;

''(ii) critical rural freight corridors; and

''(iii) critical urban freight corridors.

''(B) STATES WITH LOW PRIMARY HIGHWAY FREIGHT SYSTEM MILEAGE.—If the proportion of a State under paragraph (2) is less than 3 percent, the State may obligate funds apportioned to the State under section 104(b)(5) for projects on any component of the national highway freight network.

''(4) FREIGHT PLANNING.—Notwithstanding any other provision of law, effective beginning 2 years after the date of enactment of the DRIVE Act, a State may not obligate funds apportioned to the State under section 104(b)(5) unless the State has—

''(A) established a freight advisory committee in accordance with section 5405 of title 49; and

''(B) developed a freight plan in accordance with section 5406 of title 49, except that the multimodal component of the plan may be incomplete before an obligation may be made under this section.

''(5) ELIGIBILITY.—

''(A) IN GENERAL.—Except as provided in this subsection, for a project to be eligible for funding under this section the project shall—

''(i) contribute to the efficient movement of freight on the national highway freight network; and

''(ii) be consistent with a freight investment plan included in a freight plan of the State that is in effect.

''(B) OTHER PROJECTS.—A State may obligate not more than 10 percent of the total apportionment of the State under section 104(b)(5) for projects—

''(i) within the boundaries of public and private freight rail, water facilities (including ports), and intermodal facilities; and

''(ii) that provide surface transportation infrastructure necessary to facilitate direct intermodal interchange, transfer, and access into and out of the facility.

''(C) ELIGIBLE PROJECTS.—Funds apportioned to the State under section 104(b)(5) for the national highway freight program may be obligated to carry out 1 or more of the following:

''(i) Development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities.

''(ii) Construction, reconstruction, rehabilitation, acquisition of real property (including land relating to the project and improvements to land), construction contingencies, acquisition of equipment, and operational improvements directly relating to improving system performance.

''(iii) Intelligent transportation systems and other technology to improve the flow of freight, including intelligent freight transportation systems.

''(iv) Efforts to reduce the environmental impacts of freight movement.

''(v) Environmental and community mitigation of freight movement.

''(vi) Railway-highway grade separation.

''(vii) Geometric improvements to interchanges and ramps.

''(viii) Truck-only lanes.

''(ix) Climbing and runaway truck lanes.

''(x) Adding or widening of shoulders.

''(xi) Truck parking facilities eligible for funding under section 1401 of MAP–21 (23 U.S.C. 137 note; Public Law 112–141).

''(xii) Real-time traffic, truck parking, roadway condition, and multimodal transportation information systems.

''(xiii) Electronic screening and credentialing systems for vehicles, including weigh-in-motion truck inspection technologies.

''(xiv) Traffic signal optimization, including synchronized and adaptive signals.

''(xv) Work zone management and information systems.

''(xvi) Highway ramp metering.

''(xvii) Electronic cargo and border security technologies that improve truck freight movement.

''(xviii) Intelligent transportation systems that would increase truck freight efficiencies inside the boundaries of intermodal facilities.

''(xix) Additional road capacity to address highway freight bottlenecks.

''(xx) A highway project, other than a project described in clauses (i) through (xix), to improve the flow of freight on the national highway freight network.

''(xxi) Any other surface transportation project to improve the flow of freight into and out of a facility described in subparagraph (B).

''(6) OTHER ELIGIBLE COSTS.—In addition to the eligible projects identified in paragraph (5), a State may use funds apportioned under section 104(b)(5) for—

''(A) carrying out diesel retrofit or alternative fuel projects under section 149 for class 8 vehicles; and

''(B) the necessary costs of—

''(i) conducting analyses and data collection related to the national highway freight program;

''(ii) developing and updating performance targets to carry out this section; and

''(iii) reporting to the Administrator to comply with section 150.

''(7) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

''(j) STATE PERFORMANCE TARGETS.—If the Administrator determines that a State has not met or made significant progress toward meeting the performance targets related to freight movement of the State established under section 150(d) by the date that is 2 years after the date of the establishment of the performance targets, until the date on which the Administrator determines that the State has met or has made significant progress towards meeting the performance targets, the State shall submit to the Administrator, on a biennial basis, a freight performance improvement plan that includes—

''(1) an identification of significant freight system trends, needs, and issues within the State;

''(2) a description of the freight policies and strategies that will guide the freight-related transportation investments of the State;

''(3) an inventory of freight bottlenecks within the State and a description of the ways in which the State is allocating the national highway freight program funds to improve those bottlenecks; and

''(4) a description of the actions the State will undertake to meet the performance targets of the State.

''(k) STUDY OF MULTIMODAL PROJECTS.—Not later than 2 years after the date of enactment of the DRIVE Act, the Administrator shall submit to Congress a report that contains—

''(1) a study of freight projects identified in State freight plans under section 5406 of title 49; and

''(2) an evaluation of multimodal freight projects included in the State freight plans, or otherwise identified by States, that are subject to the limitation of funding for such projects under this section.

''(l) STATE FREIGHT ADVISORY COMMITTEES.—A State freight advisory committee shall be carried out as described in section 5405 of title 49.

''(m) STATE FREIGHT PLANS.—A State freight plan shall be carried out as described in section 5406 of title 49.

''(n) INTELLIGENT FREIGHT TRANSPORTATION SYSTEM.—

''(1) DEFINITION OF INTELLIGENT FREIGHT TRANSPORTATION SYSTEM.—In this section, the term 'intelligent freight transportation system' means—

''(A) an innovative or intelligent technological transportation system, infrastructure, or facilities, including electronic roads, driverless trucks, elevated freight transportation facilities, and other intelligent freight transportation systems; and

''(B) a communications or information processing system used singly or in combination for dedicated intelligent freight lanes and conveyances that improve the efficiency, security, or safety of freight on the Federal-aid highway system or that operate to convey freight or improve existing freight movements.

''(2) LOCATION.—An intelligent freight transportation system shall be located—

''(A)(i) along existing Federal-aid highways; or

''(ii) in a manner that connects ports-of-entry to existing Federal-aid highways; and

''(B) in proximity to, or within, an existing right-of-way on a Federal-aid highway.

''(3) OPERATING STANDARDS.—The Administrator of the Federal Highway Administration shall determine the need for establishing operating standards for intelligent freight transportation systems.

''(o) TREATMENT OF FREIGHT PROJECTS.—Notwithstanding any other provision of law, a freight project carried out under this section shall be treated as if the project were on a Federal-aid highway.''.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''167. National highway freight program.''

(2) Sections 1116, 1117, and 1118 of MAP–21 (23 U.S.C. 167 note; Public Law 112–141) are repealed.

TITLE XLIV—GRANTS

SEC. 44001. PURPOSE; DEFINITIONS; ADMINISTRATION.

(a) IN GENERAL.—The purpose of the grants described in the amendments made by section 44002 is to assist in funding critical high-cost transportation infrastructure projects that—

(1) are difficult to complete with existing Federal, State, local, and private funds; and

(2) will achieve 1 or more of—

(A) generation of national or regional economic benefits and an increase in the global economic competitiveness of the United States;

(B) reduction of congestion and the impacts of congestion;

(C) improvement of facilities vital to agriculture, manufacturing, or national energy security;

(D) improvement of the efficiency, reliability, and affordability of the movement of freight;

(E) improvement of transportation safety;

(F) improvement of existing and designated future Interstate System routes; or

(G) improvement of the movement of people through improving rural connectivity and metropolitan accessibility.

(b) DEFINITIONS.—In this section and for purposes of the grant programs established under the amendments made by section 44002:

(1) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means—

(A) a State (or a group of States);

(B) a local government (or a group of local governments);

(C) a tribal government (or a consortium of tribal governments);

(D) a transit agency (or a group of transit agencies);

(E) a special purpose district or a public authority with a transportation function;

(F) a port authority (or a group of port authorities);

(G) a political subdivision of a State or local government;

(H) a Federal land management agency, jointly with the applicable State; or

(I) a multistate or multijurisdictional group of entities described in subparagraphs (A) through (H).

(2) RURAL AREA.—The term ''rural area'' means an area that is outside of an urbanized area with a population greater than 150,000 individuals, as determined by the Bureau of the Census.

(3) RURAL STATE.—The term ''rural State'' means a State that has a population density of 80 or fewer persons per square mile, based on the most recent decennial census.

(c) APPLICATIONS.—

(1) IN GENERAL.—An eligible applicant shall submit to the Secretary or the Federal Highway Administrator (referred to in this section as the ''Administrator''), as appropriate, an application in such form and containing such information as the Secretary or Administrator, as appropriate, determines necessary, including the total amount of the grant requested.

(2) CONTENTS.—Each application submitted under this paragraph shall include data on the most recent system performance, to the extent practicable, and estimated system improvements that will result from completion of the eligible project, including projections for improvements 5 and 10 years after completion of the project.

(3) RESUBMISSION OF APPLICATIONS.—An eligible applicant whose project is not selected may resubmit an application in a subsequent solicitation with an addendum indicating changes to the project application.

(d) ACCOUNTABILITY MEASURES.—The Secretary and the Administrator shall establish accountability measures for the management of the grants described in this section—

(1) to establish clear procedures for addressing late-arriving applications;

(2) to publicly communicate decisions to accept or reject applications; and

(3) to document major decisions in the application evaluation and project selection process through a decision memorandum or similar mechanism that provides a clear rationale for decisions.

(e) GEOGRAPHIC DISTRIBUTION.—In awarding grants, the Secretary or Administrator, as appropriate, shall take measures to ensure, to the maximum extent practicable—

(1) an equitable geographic distribution of amounts; and

(2) an appropriate balance in addressing the needs of rural and urban communities.

(f) REPORTS.—

(1) IN GENERAL.—The Secretary or the Administrator, as appropriate, shall make available on the website of the Department at the end of each fiscal year an annual report that lists each project for which a grant has been provided under this section during that fiscal year.

(2) COMPTROLLER GENERAL.—

(A) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the administrative establishment, solicitation, selection, and justification process with respect to the funding of grants described in this title.

(B) REPORT.—Not later than 1 year after the initial awarding of grants described in this section, the Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(i) the adequacy and fairness of the process by which each project was selected, if applicable;

(ii) the justification and criteria used for the selection of each project, if applicable.

SEC. 44002. GRANTS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''§ 171. Assistance for major projects program

''(a) PURPOSE OF PROGRAM.—The purpose of the assistance for major projects program shall be the purpose described in section 44001 of the DRIVE Act.

''(b) DEFINITIONS.—In this section—

''(1) the terms defined in section 44001 of the DRIVE Act shall apply; and

''(2) the following definitions shall apply:

''(A) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

''(B) ELIGIBLE PROJECT.—

''(i) IN GENERAL.—The term 'eligible project' means a surface transportation project, or a program of integrated surface transportation projects closely related in the function the projects perform, that—

''(I) is a capital project that is eligible for Federal financial assistance under—

''(aa) this title; or

''(bb) chapter 53 of title 49; and

''(II) except as provided in clause (ii), has eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

''(aa) $350,000,000; and

''(bb)(AA) for a project located in a single State, 25 percent of the amount of Federal-aid highway funds apportioned to the State for the most recently completed fiscal year;

''(BB) for a project located in a single rural State with a population density of 80 or fewer persons per square mile based on the most recent decennial census, 10 percent of the amount of Federal-aid highway funds apportioned to the State for the most recently completed fiscal year; or

''(CC) for a project located in more than 1 State, 75 percent of the amount of Federal-aid highway funds apportioned to the participating State that has the largest apportionment for the most recently completed fiscal year.

''(ii) FEDERAL LAND TRANSPORTATION FACILITY.—In the case of a Federal land transportation facility, the term 'eligible project' means a Federal land transportation facility that has eligible project costs that are reasonably anticipated to equal or exceed $150,000,000.

''(C) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs' means the costs of—

''(i) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

''(ii) construction, reconstruction, rehabilitation, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, acquisition of equipment directly related to improving system performance, and operational improvements.

''(c) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program in accordance with this section to provide grants for projects that will have a significant impact on a region or the Nation.

''(d) SOLICITATIONS AND APPLICATIONS.—

''(1) GRANT SOLICITATIONS.—The Administrator shall conduct a transparent and competitive national solicitation process to review eligible projects for funding under this section.

''(2) APPLICATIONS.—An eligible applicant shall submit an application to the Administrator in such form as described in and in accordance with section 44001 of the DRIVE Act.

''(e) CRITERIA FOR PROJECT EVALUATION AND SELECTION.—

''(1) IN GENERAL.—The Administrator may select a project for funding under this section only if the Administrator determines that the project—

''(A) is consistent with the national goals described in section 150(b);

''(B) will significantly improve the performance of the national surface transportation network, nationally or regionally;

''(C) is based on the results of preliminary engineering;

''(D) is consistent with the long-range statewide transportation plan;

''(E) cannot be readily and efficiently completed without Federal financial assistance;

''(F) is justified based on the ability of the project to achieve 1 or more of—

''(i) generation of national economic benefits that reasonably exceed the costs of the project;

''(ii) reduction of long-term congestion, including impacts on a national, regional, and statewide basis;

''(iii) an increase in the speed, reliability, and accessibility of the movement of people or freight; or

''(iv) improvement of transportation safety, including reducing transportation accident and serious injuries and fatalities; and

''(G) is supported by a sufficient amount of non-Federal funding, including evidence of stable and dependable financing to construct, maintain, and operate the infrastructure facility.

''(2) ADDITIONAL CONSIDERATIONS.—In evaluating a project under this section, in addition to the criteria described in paragraph (1), the Administrator shall consider the extent to which the project—

''(A) leverages Federal investment by encouraging non-Federal contributions to the project, including contributions from public-private partnerships;

''(B) is able to begin construction by the date that is not later than 18 months after the date on which the project is selected;

''(C) incorporates innovative project delivery and financing to the maximum extent practicable;

''(D) helps maintain or protect the environment;

''(E) improves roadways vital to national energy security;

''(F) improves or upgrades designated future Interstate System routes;

''(G) uses innovative technologies, including intelligent transportation systems, that enhance the efficiency of the project;

''(H) helps to improve mobility and accessibility; and

''(I) address the impact of population growth on the movement of people and freight.

''(f) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Administrator shall take measures as described in section 44001 of the DRIVE Act.

''(g) FUNDING REQUIREMENTS.—

''(1) IN GENERAL.—Except in the case of projects described in paragraph (2), the amount of a grant under this section shall be at least $50,000,000.

''(2) RURAL PROJECTS.—The amounts made available for a fiscal year under this section for eligible projects located in rural areas or in rural States shall not be—

''(A) less than 20 percent of the amount made available for the fiscal year under this section; and

''(B) subject to paragraph (1).

''(3) LIMITATION OF FUNDS.—Not more than 20 percent of the funds made available for a fiscal year to carry out this section shall be allocated for projects eligible under section 167(i)(5)(B) or chapter 53 of title 49.

''(4) STATE CAP.—

''(A) IN GENERAL.—Not more than 20 percent of the funds made available for a fiscal year to carry out this section may be awarded to projects in a single State.

''(B) EXCEPTION FOR MULTISTATE PROJECTS.—For purposes of the limitation described in subparagraph (A), funds awarded for a multistate project shall be considered to be distributed evenly to each State.

''(5) TIFIA PROGRAM.—On the request of an eligible applicant under this section, the Administrator may use amounts awarded to the entity to pay subsidy and administrative costs necessary to provide the entity Federal credit assistance under chapter 6 with respect to the project for which the grant was awarded.

''(h) GRANT REQUIREMENTS.—

''(1) APPLICABILITY OF PLANNING REQUIREMENTS.—The programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

''(2) DETERMINATION OF APPLICABLE MODAL REQUIREMENTS.—If an eligible project that receives a grant under this section has a crossmodal component, the Administrator—

''(A) shall determine the predominant modal component of the project; and

''(B) may apply the applicable requirements of that predominant modal component to the project.

''(i) REPORT TO THE ADMINISTRATOR.—For each project funded under this section, the project sponsor shall evaluate system performance and submit to the Administrator a report not later than 5, 10, and 20 years after completion of the project to assess whether the project outcomes have met preconstruction projections.

''(j) ADMINISTRATIVE SELECTION.—The Administrator shall award grants to eligible projects in a fiscal year based on the criteria described in subsection (e).

''(k) REPORTS.—

''(1) IN GENERAL.—The Administrator shall provide an annual report as described in section 44001 of the DRIVE Act.

''(2) COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct an assessment as described in section 44001 of the DRIVE Act.''.

(b) ASSISTANCE FOR FREIGHT PROJECTS.—Chapter 54 of subtitle III of title 49, United States Code, as amended by section 42005, is amended by adding after section 5408 the following:

''§ 5409. Assistance for freight projects

''(a) ESTABLISHMENT.—The Secretary shall establish and implement an assistance for freight projects grant program for capital investments in major freight transportation infrastructure projects to improve the movement of goods through the transportation network of the United States.

''(b) CRITERIA FOR PROJECT EVALUATION AND SELECTION.—

''(1) IN GENERAL.—The Secretary may select a project for funding under this section only if the Secretary determines that the project—

''(A) is consistent with the goals described in section 5402(b);

''(B) will significantly improve the national or regional performance of the freight transportation network;

''(C) is based on the results of preliminary engineering;

''(D) is consistent with the long-range statewide transportation plan;

''(E) cannot be readily and efficiently completed without Federal financial assistance;

''(F) is justified based on the ability of the project—

''(i) to generate national economic benefits that reasonably exceed the costs of the project;

''(ii) to reduce long-term congestion, including impacts on a regional and statewide basis; or

''(iii) to increase the speed, reliability, and accessibility of the movement of freight; and

''(G) is supported by a sufficient amount of non-Federal funding, including evidence of stable and dependable financing to construct, maintain, and operate the infrastructure facility.

''(2) ADDITIONAL CONSIDERATIONS.—In evaluating a project under this section, in addition to

the criteria described in paragraph (1), the Secretary shall consider the extent to which the project—

''(A) leverages Federal investment by encouraging non-Federal contributions to the project, including contributions from public-private partnerships;

''(B) is able to begin construction by the date that is not later than 1 year after the date on which the project is selected;

''(C) incorporates innovative project delivery and financing to the maximum extent practicable;

''(D) improves freight facilities vital to agricultural or national energy security;

''(E) improves or upgrades current or designated future Interstate System routes;

''(F) uses innovative technologies, including intelligent transportation systems, that enhance the efficiency of the project;

''(G) helps to improve mobility and accessibility; and

''(H) improves transportation safety, including reducing transportation accident and serious injuries and fatalities.

''(c) ELIGIBLE PROJECTS.—

''(1) IN GENERAL.—A project is eligible for a grant under this section if the project—

''(A) is difficult to complete with existing Federal, State, local, and private funds;

''(B)(i) enhances the economic competitiveness of the United States; or

''(ii) improves the flow of freight or reduces bottlenecks in the freight infrastructure of the United States; and

''(C) will advance 1 or more of the following objectives:

''(i) Generate regional or national economic benefits and an increase in the global economic competitiveness of the United States.

''(ii) Improve transportation resources vital to agriculture or national energy security.

''(iii) Improve the efficiency, reliability, and affordability of the movement of freight.

''(iv) Improve existing freight infrastructure projects.

''(v) Improve the movement of people by improving rural and metropolitan freight routes.

''(2) EXAMPLES.—Eligible projects for grant funding under this section shall include—

''(A) a freight intermodal facility, including—

''(i) an intermodal facility serving a seaport;

''(ii) an intermodal or cargo access facility serving an airport;

''(iii) an intermodal facility serving a port on the inland waterways;

''(iv) a bulk intermodal/transload facility; or

''(v) a highway/rail intermodal facility;

''(B) a highway or bridge project eligible under title 23;

''(C) a public transportation project that reduces congestion on freight corridors and is eligible under chapter 53;

''(D) a freight rail transportation project (including rail-grade separations); and

''(E) a port infrastructure investment (including inland port infrastructure).

''(d) REQUIREMENTS.—

''(1) CONSIDERATIONS.—In selecting projects to receive grant funding under this section, the Secretary shall—

''(A) consider—

''(i) projected freight volumes; and

''(ii) how projects will enhance economic efficiency, productivity, and competitiveness;

''(iii) population growth and the impact on freight demand; and

''(B) give priority to projects dedicated to—

''(i) improving freight infrastructure facilities;

''(ii) reducing travel time for freight projects;

''(iii) reducing freight transportation costs; and

''(iv) reducing congestion caused by rapid population growth on freight corridors.

''(2) MULTIMODAL DISTRIBUTION OF FUNDS.—In distributing funding for grants under this section, the Secretary shall take such measures as the Secretary determines necessary to ensure the investment in a variety of transportation modes.

''(3) AMOUNT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B)(i), a grant under this section shall be in an amount that is not less than $10,000,000 and not greater than $100,000,000.

''(B) PROJECTS IN RURAL AREAS.—If a grant awarded under this section is for a project located in a rural area—

''(i) the amount of the grant shall be at least $1,000,000; and

''(ii) the Secretary may increase the Federal share of costs to greater than 80 percent.

''(4) FEDERAL SHARE.—Except as provided under paragraph (3)(B)(ii), the Federal share of the costs for a project receiving a grant under this section shall be up to 80 percent.

''(5) PRIORITY.—The Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package.

''(6) RURAL AREAS.—Not less than 25 percent of the funding provided under this section shall be used to make grants for projects located in rural areas.

''(7) NEW COMPETITION.—The Secretary shall conduct a new competition each fiscal year to select the grants and credit assistance awarded under this section.

''(e) CONSULTATION.—The Secretary shall consult with the Secretary of Energy when considering projects that facilitate the movement of energy resources.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated from the general fund of the Treasury, $200,000,000 for each of fiscal years 2016 through 2021 to carry out this section.

''(2) ADMINISTRATIVE AND OVERSIGHT COSTS.—The Secretary may retain up to 0.5 percent of the amounts appropriated pursuant to paragraph (1)—

''(A) to administer the assistance for freight projects grant program; and

''(B) to oversee eligible projects funded under this section.

''(3) ADMINISTRATION OF FUNDS.—Amounts appropriated pursuant to this subsection shall be available for obligation until expended.

''(g) CONGRESSIONAL NOTIFICATION.—Not later than 72 hours before public notification of a grant awarded under this section, the Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Environment and Public Works of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Appropriations of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Appropriations of the House of Representatives of such award.

''(h) ACCOUNTABILITY MEASURES.—The Secretary shall provide to Congress documentation of major decisions in the application evaluation and project selection process, which shall include a clear rationale for decisions—

''(1) to advance for senior review applications other than those rated as highly recommended;

''(2) to not advance applications rated as highly recommended; and

''(3) to change the technical evaluation rating of an application.''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''171. Assistance for major projects program.''.

DIVISION E—FINANCE

SEC. 50001. SHORT TITLE.

This division may be cited as the ''Transportation Funding Act of 2015''.

TITLE LI—HIGHWAY TRUST FUND AND RELATED TAXES

Subtitle A—Extension of Trust Fund Expenditure Authority and Related Taxes

SEC. 51101. EXTENSION OF TRUST FUND EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986, as amended by division G, is amended—

(1) by striking ''November 21, 2015'' in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting ''October 1, 2021'', and

(2) by striking ''Surface Transportation Extension Act of 2015'' in subsections (c)(1) and (e)(3) and inserting ''Surface Transportation Reauthorization and Reform Act of 2015''.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''Surface Transportation Extension Act of 2015'' each place it appears in subsection (b)(2) and inserting ''Surface Transportation Reauthorization and Reform Act of 2015'', and

(2) by striking ''November 21, 2015'' in subsection (d)(2) and inserting ''October 1, 2021''.

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Section 9508(e)(2) of the Internal Revenue Code of 1986 is amended by striking ''November 21, 2015'' and inserting ''October 1, 2021''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on November 21, 2015.

SEC. 51102. EXTENSION OF HIGHWAY-RELATED TAXES.

(a) IN GENERAL.—

(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2016'' and inserting ''September 30, 2023'':

(A) Section 4041(a)(1)(C)(iii)(I).

(B) Section 4041(m)(1)(B).

(C) Section 4081(d)(1).

(2) Each of the following provisions of such Code is amended by striking ''October 1, 2016'' and inserting ''October 1, 2023'':

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

(B) Section 4051(c).

(C) Section 4071(d).

(D) Section 4081(d)(3).

(b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.—Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''2017'' each place it appears and inserting ''2024'':

(1) Section 4481(f).

(2) Subsections (c)(4) and (d) of section 4482.

(c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''October 1, 2016'' each place it appears and inserting ''October 1, 2023'',

(2) by striking ''March 31, 2017'' each place it appears and inserting ''March 31, 2024'', and

(3) by striking ''January 1, 2017'' and inserting ''January 1, 2024''.

(d) EXTENSION OF CERTAIN EXEMPTIONS.—

(1) Section 4221(a) of the Internal Revenue Code of 1986 is amended by striking ''October 1, 2016'' and inserting ''October 1, 2023''.

(2) Section 4483(i) of such Code is amended by striking ''October 1, 2017'' and inserting ''October 1, 2024''.

(e) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—

(1) IN GENERAL.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (b)—

(i) by striking ''October 1, 2016'' each place it appears in paragraphs (1) and (2) and inserting ''October 1, 2023'',

(ii) by striking ''OCTOBER 1, 2016'' in the heading of paragraph (2) and inserting ''OCTOBER 1, 2023'',

(iii) by striking ''September 30, 2016'' in paragraph (2) and inserting ''September 30, 2023'', and

(iv) by striking ''July 1, 2017'' in paragraph (2) and inserting ''July 1, 2024'', and

(B) in subsection (c)(2), by striking ''July 1, 2017'' and inserting ''July 1, 2024''.

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (3)(A)(i) and (4)(A) of section 9503(c) of such Code are each amended by striking ''October 1, 2016'' and inserting ''October 1, 2023''.

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 200310 of title 54, United States Code, is amended—

(i) by striking ''October 1, 2017'' each place it appears and inserting ''October 1, 2024'', and

(ii) by striking ''October 1, 2016'' and inserting ''October 1, 2023''.

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

Subtitle B—Additional Transfers to Highway Trust Fund

SEC. 51201. FURTHER ADDITIONAL TRANSFERS TO TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (8) as paragraph (10) and inserting after paragraph (7) the following new paragraphs:

''(8) FURTHER TRANSFERS TO TRUST FUND.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

''(A) $25,976,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund; and

''(B) $9,000,000,000 to the Mass Transit Account in the Highway Trust Fund.

''(9) ADDITIONAL INCREASE IN FUND BALANCE.—There is hereby transferred to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund amounts appropriated from the Leaking Underground Storage Tank Trust Fund under section 9508(c)(4).''.

SEC. 51202. TRANSFER TO HIGHWAY TRUST FUND OF CERTAIN MOTOR VEHICLE SAFETY PENALTIES.

(a) IN GENERAL.—Paragraph (5) of section 9503(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''There are hereby'' and inserting the following:

''(A) IN GENERAL.—There are hereby'', and

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

''(B) PENALTIES RELATED TO MOTOR VEHICLE SAFETY.—

''(i) IN GENERAL.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to covered motor vehicle safety penalty collections.

''(ii) COVERED MOTOR VEHICLE SAFETY PENALTY COLLECTIONS.—For purposes of this subparagraph, the term 'covered motor vehicle safety penalty collections' means any amount collected in connection with a civil penalty under section 30165 of title 49, United States Code, reduced by any award authorized by the Secretary of Transportation to be paid to any person in connection with information provided by such person related to a violation of chapter 301 of such title which is a predicate to such civil penalty.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts collected after the date of the enactment of this Act.

SEC. 51203. APPROPRIATION FROM LEAKING UNDERGROUND STORAGE TANK TRUST FUND.

(a) IN GENERAL.—Subsection (c) of section 9508 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) ADDITIONAL TRANSFER TO HIGHWAY TRUST FUND.—Out of amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated—

''(A) on the date of the enactment of the DRIVE Act, $100,000,000,

''(B) on October 1, 2016, $100,000,000, and

''(C) on October 1, 2017, $100,000,000,

to be transferred under section 9503(f)(9) to the Highway Account (as defined in section 9503(e)(5)(B)) in the Highway Trust Fund.''.

(b) CONFORMING AMENDMENT.—Section 9508(c)(1) of the Internal Revenue Code of 1986 is amended by striking ''paragraphs (2) and (3)'' and inserting ''paragraphs (2), (3), and (4)''.

TITLE LII—OFFSETS

Subtitle A—Tax Provisions

SEC. 52102. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN UNPAID TAXES.

(a) IN GENERAL.—Subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 7345. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN TAX DELINQUENCIES.

''(a) IN GENERAL.—If the Secretary receives certification by the Commissioner of Internal Revenue that any individual has a seriously delinquent tax debt in an amount in excess of $50,000, the Secretary shall transmit such certification to the Secretary of State for action with respect to denial, revocation, or limitation of a passport pursuant to section 52102(d) of the Transportation Funding Act of 2015.

''(b) SERIOUSLY DELINQUENT TAX DEBT.—For purposes of this section, the term 'seriously delinquent tax debt' means an outstanding debt under this title for which a notice of lien has been filed in public records pursuant to section 6323 or a notice of levy has been filed pursuant to section 6331, except that such term does not include—

''(1) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122, and

''(2) a debt with respect to which collection is suspended because a collection due process hearing under section 6330, or relief under subsection (b), (c), or (f) of section 6015, is requested or pending.

''(c) ADJUSTMENT FOR INFLATION.—In the case of a calendar year beginning after 2016, the dollar amount in subsection (a) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2015' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the next highest multiple of $1,000.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 7345. Revocation or denial of passport in case of certain tax delinquencies.''.

(c) AUTHORITY FOR INFORMATION SHARING.—

(1) IN GENERAL.—Subsection (l) of section 6103 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(23) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF STATE FOR PURPOSES OF PASSPORT REVOCATION UNDER SECTION 7345.—

''(A) IN GENERAL.—The Secretary shall, upon receiving a certification described in section 7345, disclose to the Secretary of State return information with respect to a taxpayer who has a seriously delinquent tax debt described in such section. Such return information shall be limited to—

''(i) the taxpayer identity information with respect to such taxpayer, and

''(ii) the amount of such seriously delinquent tax debt.

''(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of State for the purposes of, and to the extent necessary in, carrying out the requirements of section 52102(d) of the Transportation Funding Act of 2015.''.

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 6103(p) of such Code is amended by striking ''or (22)'' each place it appears in subparagraph (F)(ii) and in the matter preceding subparagraph (A) and inserting ''(22), or (23)''.

(d) AUTHORITY TO DENY OR REVOKE PASSPORT.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving a certification described in section 7345 of the Internal Revenue Code of 1986 from the Secretary of the Treasury, the Secretary of State shall not issue a passport to any individual who has a seriously delinquent tax debt described in such section.

(B) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual described in such subparagraph.

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES.—If the Secretary of State decides to revoke a passport under subparagraph (A), the Secretary of State, before revocation, may—

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(3) HOLD HARMLESS.—The Secretary of the Treasury and the Secretary of State shall not be liable to an individual for any action with respect to a certification by the Commissioner of Internal Revenue under section 7345 of the Internal Revenue Code of 1986.

(e) REVOCATION OR DENIAL OF PASSPORT IN CASE OF INDIVIDUAL WITHOUT SOCIAL SECURITY ACCOUNT NUMBER.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving an application for a passport from an individual that either—

(i) does not include the social security account number issued to that individual, or

(ii) includes an incorrect or invalid social security number willfully, intentionally, negligently, or recklessly provided by such individual,

the Secretary of State is authorized to deny such application and is authorized to not issue a passport to the individual.

(B) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual described in subparagraph (A).

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES.—If the Secretary of State decides to revoke a passport under subparagraph (A), the Secretary of State, before revocation, may—

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(f) EFFECTIVE DATE.—The provisions of, and amendments made by, this section shall take effect on January 1, 2016.

SEC. 52106. REFORM OF RULES RELATING TO QUALIFIED TAX COLLECTION CONTRACTS.

(a) REQUIREMENT TO COLLECT CERTAIN INACTIVE TAX RECEIVABLES UNDER QUALIFIED TAX COLLECTION CONTRACTS.—Section 6306 of the

Internal Revenue Code of 1986 is amended by redesignating subsections (c) through (f) as subsections (d) through (g), respectively, and by inserting after subsection (b) the following new subsection:

''(c) COLLECTION OF INACTIVE TAX RECEIVABLES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall enter into one or more qualified tax collection contracts for the collection of all outstanding inactive tax receivables.

''(2) INACTIVE TAX RECEIVABLES.—For purposes of this section—

''(A) IN GENERAL.—The term 'inactive tax receivable' means any tax receivable if—

''(i) at any time after assessment, the Internal Revenue Service removes such receivable from the active inventory for lack of resources or inability to locate the taxpayer,

''(ii) more than ⅓ of the period of the applicable statute of limitation has lapsed and such receivable has not been assigned for collection to any employee of the Internal Revenue Service, or

''(iii) in the case of a receivable which has been assigned for collection, more than 365 days have passed without interaction with the taxpayer or a third party for purposes of furthering the collection of such receivable.

''(B) TAX RECEIVABLE.—The term 'tax receivable' means any outstanding assessment which the Internal Revenue Service includes in potentially collectible inventory.''.

(b) CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR COLLECTION UNDER QUALIFIED TAX COLLECTION CONTRACTS.—Section 6306 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by redesignating subsections (d) through (g) as subsections (e) through (h), respectively, and by inserting after subsection (c) the following new subsection:

''(d) CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR COLLECTION UNDER QUALIFIED TAX COLLECTIONS CONTRACTS.—A tax receivable shall not be eligible for collection pursuant to a qualified tax collection contract if such receivable—

''(1) is subject to a pending or active offer-in-compromise or installment agreement,

''(2) is classified as an innocent spouse case,

''(3) involves a taxpayer identified by the Secretary as being—

''(A) deceased,

''(B) under the age of 18,

''(C) in a designated combat zone, or

''(D) a victim of tax-related identity theft,

''(4) is currently under examination, litigation, criminal investigation, or levy, or

''(5) is currently subject to a proper exercise of a right of appeal under this title.''.

(c) CONTRACTING PRIORITY.—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) CONTRACTING PRIORITY.—In contracting for the services of any person under this section, the Secretary shall utilize private collection contractors and debt collection centers on the schedule required under section 3711(g) of title 31, United States Code, including the technology and communications infrastructure established therein, to the extent such private collection contractors and debt collection centers are appropriate to carry out the purposes of this section.''.

(d) DISCLOSURE OF RETURN INFORMATION.—Section 6103(k) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(11) QUALIFIED TAX COLLECTION CONTRACTORS.—Persons providing services pursuant to a qualified tax collection contract under section 6306 may, if speaking to a person who has identified himself or herself as having the name of the taxpayer to which a tax receivable (within the meaning of such section) relates, identify themselves as contractors of the Internal Revenue Service and disclose the business name of the contractor, and the nature, subject, and reason for the contact. Disclosures under this paragraph shall be made only in such situations and under such conditions as have been approved by the Secretary.''.

(e) TAXPAYERS AFFECTED BY FEDERALLY DECLARED DISASTERS.—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) TAXPAYERS IN PRESIDENTIALLY DECLARED DISASTER AREAS.—The Secretary may prescribe procedures under which a taxpayer determined to be affected by a Federally declared disaster (as defined by section 165(i)(5)) may request—

''(1) relief from immediate collection measures by contractors under this section, and

''(2) a return of the inactive tax receivable to the inventory of the Internal Revenue Service to be collected by an employee thereof.''.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

''(j) REPORT TO CONGRESS.—Not later than 90 days after the last day of each fiscal year (beginning with the first such fiscal year ending after the date of the enactment of this subsection), the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report with respect to qualified tax collection contracts under this section which shall include—

''(1) annually, with respect to such fiscal year—

''(A) the total number and amount of tax receivables provided to each contractor for collection under this section,

''(B) the total amounts collected (and amounts of installment agreements entered into under subsection (b)(1)(B)) with respect to each contractor and the collection costs incurred (directly and indirectly) by the Internal Revenue Service with respect to such amounts,

''(C) the impact of such contracts on the total number and amount of unpaid assessments, and on the number and amount of assessments collected by Internal Revenue Service personnel after initial contact by a contractor,

''(D) the amount of fees retained by the Secretary under subsection (e) and a description of the use of such funds, and

''(E) a disclosure safeguard report in a form similar to that required under section 6103(p)(5), and

''(2) biannually (beginning with the second report submitted under this subsection)—

''(A) an independent evaluation of contractor performance, and

''(B) a measurement plan that includes a comparison of the best practices used by the private collectors to the collection techniques used by the Internal Revenue Service and mechanisms to identify and capture information on successful collection techniques used by the contractors that could be adopted by the Internal Revenue Service.''.

(2) REPEAL OF EXISTING REPORTING REQUIREMENTS WITH RESPECT TO QUALIFIED TAX COLLECTION CONTRACTS.—Section 881 of the American Jobs Creation Act of 2004 is amended by striking subsection (e).

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall apply to tax receivables identified by the Secretary after the date of the enactment of this Act.

(2) CONTRACTING PRIORITY.—The Secretary shall begin entering into contracts and agreements as described in the amendment made by subsection (c) within 3 months after the date of the enactment of this Act.

(3) DISCLOSURES.—The amendment made by subsection (d) shall apply to disclosures made after the date of the enactment of this Act.

(4) PROCEDURES; REPORT TO CONGRESS.—The amendments made by subsections (e) and (f) shall take effect on the date of the enactment of this Act.

SEC. 52107. SPECIAL COMPLIANCE PERSONNEL PROGRAM.

(a) IN GENERAL.—Subsection (e) of section 6306 of the Internal Revenue Code of 1986, as redesignated by section 52106, is amended by striking ''for collection enforcement activities of the Internal Revenue Service'' in paragraph (2) and inserting ''to fund the special compliance personnel program account under section 6307''.

(b) SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.—Subchapter A of chapter 64 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 6307. SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.

''(a) ESTABLISHMENT OF A SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.—The Secretary shall establish an account within the Department for carrying out a program consisting of the hiring, training, and employment of special compliance personnel, and shall transfer to such account from time to time amounts retained by the Secretary under section 6306(e)(2).

''(b) RESTRICTIONS.—The program described in subsection (a) shall be subject to the following restrictions:

''(1) No funds shall be transferred to such account except as described in subsection (a).

''(2) No other funds from any other source shall be expended for special compliance personnel employed under such program, and no funds from such account shall be expended for the hiring of any personnel other than special compliance personnel.

''(3) Notwithstanding any other authority, the Secretary is prohibited from spending funds out of such account for any purpose other than for costs under such program associated with the employment of special compliance personnel and the retraining and reassignment of current non-collections personnel as special compliance personnel, and to reimburse the Internal Revenue Service or other government agencies for the cost of administering qualified tax collection contracts under section 6306.

''(c) REPORTING.—Not later than March of each year, the Commissioner of Internal Revenue shall submit a report to the Committees on Finance and Appropriations of the Senate and the Committees on Ways and Means and Appropriations of the House of Representatives consisting of the following:

''(1) For the preceding fiscal year, all funds received in the account established under subsection (a), administrative and program costs for the program described in such subsection, the number of special compliance personnel hired and employed under the program, and the amount of revenue actually collected by such personnel.

''(2) For the current fiscal year, all actual and estimated funds received or to be received in the account, all actual and estimated administrative and program costs, the number of all actual and estimated special compliance personnel hired and employed under the program, and the actual and estimated revenue actually collected or to be collected by such personnel.

''(3) For the following fiscal year, an estimate of all funds to be received in the account, all estimated administrative and program costs, the estimated number of special compliance personnel hired and employed under the program, and the estimated revenue to be collected by such personnel.

''(d) DEFINITIONS.—For purposes of this section—

''(1) SPECIAL COMPLIANCE PERSONNEL.—The term 'special compliance personnel' means individuals employed by the Internal Revenue Service as field function collection officers or in a similar position, or employed to collect taxes using the automated collection system or an equivalent replacement system.

''(2) PROGRAM COSTS.—The term 'program costs' means—

''(A) total salaries (including locality pay and bonuses), benefits, and employment taxes for special compliance personnel employed or trained under the program described in subsection (a), and

''(B) direct overhead costs, salaries, benefits, and employment taxes relating to support staff, rental payments, office equipment and furniture, travel, data processing services, vehicle costs, utilities, telecommunications, postage, printing and reproduction, supplies and materials, lands and structures, insurance claims, and indemnities for special compliance personnel hired and employed under this section.

For purposes of subparagraph (B), the cost of management and supervision of special compliance personnel shall be taken into account as direct overhead costs to the extent such costs, when included in total program costs under this paragraph, do not represent more than 10 percent of such total costs.''.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 64 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6306 the following new item:

''Sec. 6307. Special compliance personnel program account.''.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts collected and retained by the Secretary after the date of the enactment of this Act.

Subtitle B—Fees and Receipts

SEC. 52202. ADJUSTMENT FOR INFLATION OF FEES FOR CERTAIN CUSTOMS SERVICES.

(a) IN GENERAL.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended by adding at the end the following:

''(l) ADJUSTMENT OF FEES FOR INFLATION.—

''(1) IN GENERAL.—The Secretary of the Treasury shall adjust the fees established under subsection (a), and the limitations on such fees under paragraphs (2), (3), (5), (6), (8), and (9) of subsection (b), on October 1, 2015, and annually thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2014.

''(2) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.—In adjusting under paragraph (1) the amount of the fees established under subsection (a), and the limitations on such fees under paragraphs (2), (3), (5), (6), (8), and (9) of subsection (b), the Secretary—

''(A) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and

''(B) may ignore any such increase of less than 1 percent.

''(3) CONSUMER PRICE INDEX DEFINED.—For purposes of this subsection, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''.

(b) DEPOSITS INTO CUSTOMS USER FEE ACCOUNT.—Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''all fees collected under subsection (a)'' and inserting ''the amount of fees collected under subsection (a) (determined without regard to any adjustment made under subsection (l))''; and

(2) in paragraph (3)(A), in the matter preceding clause (i)—

(A) by striking ''fees collected'' and inserting ''amount of fees collected''; and

(B) by striking ''), each appropriation'' and inserting '', and determined without regard to any adjustment made under subsection (l)), each appropriation''.

(c) CONFORMING AMENDMENTS.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c), as amended by subsections (a) and (b), is further amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting ''(subject to adjustment under subsection (l))'' after ''following fees''; and

(2) in subsection (b)—

(A) in paragraph (2), by inserting ''(subject to adjustment under subsection (l))'' after ''in fees'';

(B) in paragraph (3), by inserting ''(subject to adjustment under subsection (l))'' after ''in fees'';

(C) in paragraph (5)(A), by inserting ''(subject to adjustment under subsection (l))'' after ''in fees'';

(D) in paragraph (6), by inserting ''(subject to adjustment under subsection (l))'' after ''in fees'';

(E) in paragraph (8)(A)—

(i) in clause (i), by inserting ''or (l)'' after ''subsection (a)(9)(B)''; and

(ii) in clause (ii), by inserting ''(subject to adjustment under subsection (l))'' after ''$3''; and

(F) in paragraph (9)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting ''and subject to adjustment under subsection (l)'' after ''Tariff Act of 1930''; and

(II) in clause (ii)(I), by inserting ''(subject to adjustment under subsection (l))'' after ''bill of lading''; and

(ii) in subparagraph (B)(i), by inserting ''(subject to adjustment under subsection (l))'' after ''bill of lading''.

SEC. 52203. DIVIDENDS AND SURPLUS FUNDS OF RESERVE BANKS.

Section 7(a)(1)(A) of the Federal Reserve Act (12 U.S.C. 289(a)(1)(A)) is amended by striking ''6 percent'' and inserting ''6 percent (1.5 percent in the case of a stockholder having total consolidated assets of more than $1,000,000,000 (determined as of September 30 of the preceding fiscal year))''.

SEC. 52204. STRATEGIC PETROLEUM RESERVE DRAWDOWN AND SALE.

(a) DRAWDOWN AND SALE.—

(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsections (b) and (c), the Secretary of Energy shall drawdown and sell from the Strategic Petroleum Reserve—

(A) the quantity of barrels of crude oil that the Secretary of Energy determines to be appropriate to maximize the financial return to United States taxpayers for each of fiscal years 2016 and 2017;

(B) 4,000,000 barrels of crude oil during fiscal year 2018;

(C) 5,000,000 barrels of crude oil during fiscal year 2019;

(D) 8,000,000 barrels of crude oil during fiscal year 2020;

(E) 8,000,000 barrels of crude oil during fiscal year 2021;

(F) 10,000,000 barrels of crude oil during fiscal year 2022;

(G) 16,000,000 barrels of crude oil during fiscal year 2023;

(H) 25,000,000 barrels of crude oil during fiscal year 2024; and

(I) 25,000,000 barrels of crude oil during fiscal year 2025.

(2) DEPOSIT OF AMOUNTS RECEIVED FROM SALE.—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

(b) EMERGENCY PROTECTION.—In any 1 fiscal year described in subsection (a)(1), the Secretary of Energy shall not drawdown and sell crude oil under this section in quantities that would result in a Strategic Petroleum Reserve that contains an inventory of petroleum products representing fewer than 90 days of emergency reserves, based on the average daily level of net imports of crude oil and petroleum products in the calendar year preceding that fiscal year.

(c) INCREASE; LIMITATION.—

(1) INCREASE.—The Secretary of Energy may increase the drawdown and sales under subparagraphs (A) through (I) of subsection (a)(1) as the Secretary of Energy determines to be appropriate to maximize the financial return to United States taxpayers.

(2) LIMITATION.—The Secretary of Energy shall not drawdown or conduct sales of crude oil under this section after the date on which a total of $9,050,000,000 has been deposited in the general fund of the Treasury from sales authorized under this section.

SEC. 52205. EXTENSION OF ENTERPRISE GUARANTEE FEE.

Section 1327(f) of the Housing and Community Development Act of 1992 (12 U.S.C. 4547(f)) is amended by striking ''October 1, 2021'' and inserting ''October 1, 2025''.

Subtitle C—Outlays

SEC. 52301. INTEREST ON OVERPAYMENT.

Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721) is amended—

(1) by striking subsections (h) and (i);

(2) by redesignating subsections (j) through (l) as subsections (h) through (j), respectively; and

(3) in subsection (h) (as so redesignated), by striking the fourth sentence.

DIVISION F—MISCELLANEOUS

TITLE LXI—FEDERAL PERMITTING IMPROVEMENT

SEC. 61001. DEFINITIONS.

In this title:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(2) AGENCY CERPO.—The term ''agency CERPO'' means the chief environmental review and permitting officer of an agency, as designated by the head of the agency under section 61002(b)(2)(A)(iii)(I).

(3) AUTHORIZATION.—The term ''authorization'' means any license, permit, approval, finding, determination, or other administrative decision issued by an agency that is required or authorized under Federal law in order to site, construct, reconstruct, or commence operations of a covered project, whether administered by a Federal or State agency.

(4) COOPERATING AGENCY.—The term ''cooperating agency'' means any agency with—

(A) jurisdiction under Federal law; or

(B) special expertise as described in section 1501.6 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) COUNCIL.—The term ''Council'' means the Federal Infrastructure Permitting Improvement Steering Council established under section 61002(a).

(6) COVERED PROJECT.—

(A) IN GENERAL.—The term ''covered project'' means any activity in the United States that requires authorization or environmental review by a Federal agency involving construction of infrastructure for renewable or conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, manufacturing, or any other sector as determined by a majority vote of the Council that—

(i)(I) is subject to NEPA;

(II) is likely to require a total investment of more than $200,000,000; and

(III) does not qualify for abbreviated authorization or environmental review processes under any applicable law; or

(ii) is subject to NEPA and the size 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 61003(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.—

(A) IN GENERAL.—The term ''environmental document'' means an environmental assessment, finding of no significant impact, notice of intent, environmental impact statement, or record of decision.

(B) INCLUSIONS.—The term ''environmental document'' includes—

(i) any document that is a supplement to a document described in subparagraph (A); and

(ii) a document prepared pursuant to a court order.

(10) ENVIRONMENTAL IMPACT STATEMENT.—The term ''environmental impact statement'' means the detailed written statement required under section 102(2)(C) of NEPA.

(11) ENVIRONMENTAL REVIEW.—The term ''environmental review'' means the agency procedures and processes for applying a categorical exclusion or for preparing an environmental assessment, an environmental impact statement, or other document required under NEPA.

(12) EXECUTIVE DIRECTOR.—The term ''Executive Director'' means the Executive Director appointed by the President under section 61002(b)(1)(A).

(13) FACILITATING AGENCY.—The term ''facilitating agency'' means the agency that receives the initial notification from the project sponsor required under section 61003(a).

(14) INVENTORY.—The term ''inventory'' means the inventory of covered projects established by the Executive Director under section 61002(c)(1)(A).

(15) LEAD AGENCY.—The term ''lead agency'' means the agency with principal responsibility for an environmental review of a covered project under NEPA and parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

(16) NEPA.—The term ''NEPA'' means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(17) PARTICIPATING AGENCY.—The term ''participating agency'' means an agency participating in an environmental review or authorization for a covered project in accordance with section 61003.

(18) PROJECT SPONSOR.—The term ''project sponsor'' means an entity, including any private, public, or public-private entity, seeking an authorization for a covered project.

SEC. 61002. FEDERAL PERMITTING IMPROVEMENT COUNCIL.

(a) ESTABLISHMENT.—There is established the Federal Permitting Improvement Steering Council.

(b) COMPOSITION.—

(1) CHAIR.—The Executive Director shall—

(A) be appointed by the President; and

(B) serve as Chair of the Council.

(2) COUNCIL MEMBERS.—

(A) IN GENERAL.—

(i) DESIGNATION BY HEAD OF AGENCY.—Each individual listed in subparagraph (B) shall designate a member of the agency in which the individual serves to serve on the Council.

(ii) QUALIFICATIONS.—A councilmember described in clause (i) shall hold a position in the agency of deputy secretary (or the equivalent) or higher.

(iii) SUPPORT.—

(I) IN GENERAL.—Consistent with guidance provided by the Director of the Office of Management and Budget, each individual listed in subparagraph (B) shall designate 1 or more appropriate members of the agency in which the individual serves to serve as an agency CERPO.

(II) REPORTING.—In carrying out the duties of the agency CERPO under this title, an agency CERPO shall report directly to a deputy secretary (or the equivalent) or higher.

(B) HEADS OF AGENCIES.—The individuals that shall each designate a councilmember under this subparagraph are as follows:

(i) The Secretary of Agriculture.

(ii) The Secretary of the Army.

(iii) The Secretary of Commerce.

(iv) The Secretary of the Interior.

(v) The Secretary of Energy.

(vi) The Secretary of Transportation.

(vii) The Secretary of Defense.

(viii) The Administrator of the Environmental Protection Agency.

(ix) The Chairman of the Federal Energy Regulatory Commission.

(x) The Chairman of the Nuclear Regulatory Commission.

(xi) The Secretary of Homeland Security.

(xii) The Secretary of Housing and Urban Development.

(xiii) The Chairman of the Advisory Council on Historic Preservation.

(xiv) Any other head of a Federal agency that the Executive Director may invite to participate as a member of the Council.

(3) ADDITIONAL MEMBERS.—In addition to the members listed in paragraphs (1) and (2), the Chairman of the Council on Environmental Quality and the Director of the Office of Management and Budget shall also be members of the Council.

(c) DUTIES.—

(1) EXECUTIVE DIRECTOR.—

(A) INVENTORY DEVELOPMENT.—The Executive Director, in consultation with the Council, shall—

(i) not later than 180 days after the date of enactment of this Act, establish an inventory of covered projects that are pending the environmental review or authorization of the head of any Federal agency;

(ii)(I) categorize the projects in the inventory as appropriate, based on sector and project type; and

(II) for each category, identify the types of environmental reviews and authorizations most commonly involved; and

(iii) add a covered project to the inventory after receiving a notice described in section 61003(a)(1).

(B) FACILITATING AGENCY DESIGNATION.—The Executive Director, in consultation with the Council, shall—

(i) designate a facilitating agency for each category of covered projects described in subparagraph (A)(ii); and

(ii) publish the list of designated facilitating agencies for each category of projects in the inventory on the Dashboard in an easily accessible format.

(C) PERFORMANCE SCHEDULES.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Executive Director, in consultation with the Council, shall develop recommended performance schedules, including intermediate and final completion dates, for environmental reviews and authorizations most commonly required for each category of covered projects described in subparagraph (A)(ii).

(ii) REQUIREMENTS.—

(I) IN GENERAL.—The performance schedules shall reflect employment of the use of the most efficient applicable processes.

(II) LIMIT.—

(aa) IN GENERAL.—The final completion dates in any performance schedule for the completion of an environmental review or authorization under clause (i) shall not exceed the average time to complete an environmental review or authorization for a project within that category.

(bb) CALCULATION OF AVERAGE TIME.—The average time referred to in item (aa) shall be calculated on the basis of data from the preceding 2 calendar years and shall run from the period beginning on the date on which the Executive Director must make a specific entry for the project on the Dashboard under section 61003(b)(2) (except that, for projects initiated before that duty takes effect, the period beginning on the date of filing of a completed application), and ending on the date of the issuance of a record of decision or other final agency action on the review or authorization.

(cc) COMPLETION DATE.—Each performance schedule shall specify that any decision by an agency on an environmental review or authorization must be issued not later than 180 days after the date on which all information needed to complete the review or authorization (including any hearing that an agency holds on the matter) is in the possession of the agency.

(iii) REVIEW AND REVISION.—Not later than 2 years after the date on which the performance schedules are established under this subparagraph, and not less frequently than once every 2 years thereafter, the Executive Director, in consultation with the Council, shall review and revise the performance schedules.

(D) GUIDANCE.—The Executive Director, in consultation with the Council, may recommend to the Director of the Office of Management and Budget or to the Council on Environmental Quality, as appropriate, that guidance be issued as necessary for agencies—

(i) to carry out responsibilities under this title; and

(ii) to effectuate the adoption by agencies of the best practices and recommendations of the Council described in paragraph (2).

(2) COUNCIL.—

(A) RECOMMENDATIONS.—

(i) IN GENERAL.—The Council shall make recommendations to the Executive Director with respect to the designations under paragraph (1)(B) and the performance schedules under paragraph (1)(C).

(ii) UPDATE.—The Council may update the recommendations described in clause (i).

(B) BEST PRACTICES.—Not later than 1 year after the date of enactment of this Act, and not less frequently than annually thereafter, the Council shall issue recommendations on the best practices for—

(i) enhancing early stakeholder engagement, including fully considering and, as appropriate, incorporating recommendations provided in public comments on any proposed covered project;

(ii) ensuring timely decisions regarding environmental reviews and authorizations, including through the development of performance metrics;

(iii) improving coordination between Federal and non-Federal governmental entities, including through the development of common data standards and terminology across agencies;

(iv) increasing transparency;

(v) reducing information collection requirements and other administrative burdens on agencies, project sponsors, and other interested parties;

(vi) developing and making available to applicants appropriate geographic information systems and other tools;

(vii) creating and distributing training materials useful to Federal, State, tribal, and local permitting officials; and

(viii) addressing other aspects of infrastructure permitting, as determined by the Council.

(3) AGENCY CERPOS.—An agency CERPO shall—

(A) advise the respective agency councilmember on matters related to environmental reviews and authorizations;

(B) provide technical support, when requested to facilitate efficient and timely processes for environmental reviews and authorizations for covered projects under the jurisdictional responsibility of the agency, including supporting timely identification and resolution of potential disputes within the agency or between the agency and other Federal agencies;

(C) analyze agency environmental review and authorization processes, policies, and authorities and make recommendations to the respective agency councilmember for ways to standardize, simplify, and improve the efficiency of the processes, policies, and authorities, including by implementing guidance issued under paragraph (1)(D) and other best practices, including the use of information technology and geographic information system tools within the agency and across agencies, to the extent consistent with existing law; and

(D) review and develop training programs for agency staff that support and conduct environmental reviews or authorizations.

(d) ADMINISTRATIVE SUPPORT.—The Director of the Office of Management and Budget shall designate a Federal agency, other than an agency that carries out or provides support for projects that are not covered projects, to provide administrative support for the Executive Director, and the designated agency shall, as reasonably necessary, provide support and staff to enable the Executive Director to fulfill the duties of the Executive Director under this title.

SEC. 61003. PERMITTING PROCESS IMPROVEMENT.

(a) PROJECT INITIATION AND DESIGNATION OF PARTICIPATING AGENCIES.—

(1) NOTICE.—

(A) IN GENERAL.—A project sponsor of a covered project shall submit to the Executive Director and the facilitating agency notice of the initiation of a proposed covered project.

(B) DEFAULT DESIGNATION.—If, at the time of submission of the notice under subparagraph (A), the Executive Director has not designated a facilitating agency under section 61002(c)(1)(B) for the categories of projects noticed, the agency that receives the notice under subparagraph (A) shall be designated as the facilitating agency.

(C) CONTENTS.—Each notice described in subparagraph (A) shall include—

(i) a statement of the purposes and objectives of the proposed project;

(ii) a concise description, including the general location of the proposed project and a summary of geospatial information, if available, illustrating the project area and the locations, if any, of environmental, cultural, and historic resources;

(iii) a statement regarding the technical and financial ability of the project sponsor to construct the proposed project;

(iv) a statement of any Federal financing, environmental reviews, and authorizations anticipated to be required to complete the proposed project; and

(v) an assessment that the proposed project meets the definition of a covered project under section 61001 and a statement of reasons supporting the assessment.

(2) INVITATION.—

(A) IN GENERAL.—Not later than 45 days after the date on which the Executive Director must make a specific entry for the project on the Dashboard under subsection (b)(2)(A), the facilitating agency or lead agency, as applicable, shall—

(i) identify all Federal and non-Federal agencies and governmental entities likely to have financing, environmental review, authorization, or other responsibilities with respect to the proposed project; and

(ii) invite all Federal agencies identified under clause (i) to become a participating agency or a cooperating agency, as appropriate, in the environmental review and authorization management process described in section 61005.

(B) DEADLINES.—Each invitation made under subparagraph (A) shall include a deadline for a response to be submitted to the facilitating or lead agency, as applicable.

(3) PARTICIPATING AND COOPERATING AGENCIES.—

(A) IN GENERAL.—An agency invited under paragraph (2) shall be designated as a participating or cooperating agency for a covered project, unless the agency informs the facilitating or lead agency, as applicable, in writing before the deadline under paragraph (2)(B) that the agency—

(i) has no jurisdiction or authority with respect to the proposed project; or

(ii) does not intend to exercise authority related to, or submit comments on, the proposed project.

(B) CHANGED CIRCUMSTANCES.—On request and a showing of changed circumstances, the Executive Director may designate an agency that has opted out under subparagraph (A)(ii) to be a participating or cooperating agency, as appropriate.

(4) EFFECT OF DESIGNATION.—The designation described in paragraph (3) shall not—

(A) give the participating agency authority or jurisdiction over the covered project; or

(B) expand any jurisdiction or authority a cooperating agency may have over the proposed project.

(5) LEAD AGENCY DESIGNATION.—

(A) IN GENERAL.—On establishment of the lead agency, the lead agency shall assume the responsibilities of the facilitating agency under this title.

(B) REDESIGNATION OF FACILITATING AGENCY.—If the lead agency assumes the responsibilities of the facilitating agency under subparagraph (A), the facilitating agency may be designated as a cooperative or participating agency.

(6) CHANGE OF FACILITATING OR LEAD AGENCY.—

(A) IN GENERAL.—On the request of a participating agency or project sponsor, the Executive Director may designate a different agency as the facilitating or lead agency, as applicable, for a covered project, if the facilitating or lead agency or the Executive Director receives new information regarding the scope or nature of a covered project that indicates that the project should be placed in a different category under section 61002(c)(1)(B).

(B) RESOLUTION OF DISPUTE.—The Executive Director shall resolve any dispute over designation of a facilitating or lead agency for a particular covered project.

(b) PERMITTING DASHBOARD.—

(1) REQUIREMENT TO MAINTAIN.—

(A) IN GENERAL.—The Executive Director, in coordination with the Administrator of General Services, shall maintain an online database to be known as the ''Permitting Dashboard'' to track the status of Federal environmental reviews and authorizations for any covered project in the inventory described in section 61002(c)(1)(A).

(B) SPECIFIC AND SEARCHABLE ENTRY.—The Dashboard shall include a specific and searchable entry for each covered project.

(2) ADDITIONS.—

(A) IN GENERAL.—

(i) EXISTING PROJECTS.—Not later than 14 days after the date on which the Executive Director adds a project to the inventory under section 61002(c)(1)(A), the Executive Director shall create a specific entry on the Dashboard for the covered project.

(ii) NEW PROJECTS.—Not later than 14 days after the date on which the Executive Director receives a notice under subsection (a)(1), the Executive Director shall create a specific entry on the Dashboard for the covered project, unless the Executive Director, facilitating agency, or lead agency, as applicable, determines that the project is not a covered project.

(B) EXPLANATION.—If the facilitating agency or lead agency, as applicable, determines that the project is not a covered project, the project sponsor may submit a further explanation as to why the project is a covered project not later than 14 days after the date of the determination under subparagraph (A).

(C) FINAL DETERMINATION.—Not later than 14 days after receiving an explanation described in subparagraph (B), the Executive Director shall—

(i) make a final and conclusive determination as to whether the project is a covered project; and

(ii) if the Executive Director determines that the project is a covered project, create a specific entry on the Dashboard for the covered project.

(3) POSTINGS BY AGENCIES.—

(A) IN GENERAL.—For each covered project added to the Dashboard under paragraph (2), the facilitating or lead agency, as applicable, and each cooperating and participating agency shall post to the Dashboard—

(i) a hyperlink that directs to a website that contains, to the extent consistent with applicable law—

(I) the notification submitted under subsection (a)(1);

(II)(aa) where practicable, the application and supporting documents, if applicable, that have been submitted by a project sponsor for any required environmental review or authorization; or

(bb) a notice explaining how the public may obtain access to such documents;

(III) a description of any Federal agency action taken or decision made that materially affects the status of a covered project;

(IV) any significant document that supports the action or decision described in subclause (III); and

(V) a description of the status of any litigation to which the agency is a party that is directly related to the project, including, if practicable, any judicial document made available on an electronic docket maintained by a Federal, State, or local court; and

(ii) any document described in clause (i) that is not available by hyperlink on another website.

(B) DEADLINE.—The information described in subparagraph (A) shall be posted to the website made available by hyperlink on the Dashboard not later than 5 business days after the date on which the Federal agency receives the information.

(4) POSTINGS BY THE EXECUTIVE DIRECTOR.—The Executive Director shall publish to the Dashboard—

(A) the permitting timetable established under subparagraph (A) or (C) of subsection (c)(2);

(B) the status of the compliance of each agency with the permitting timetable;

(C) any modifications of the permitting timetable;

(D) an explanation of each modification described in subparagraph (C); and

(E) any memorandum of understanding established under subsection (c)(3)(B).

(c) COORDINATION AND TIMETABLES.—

(1) COORDINATED PROJECT PLAN.—

(A) IN GENERAL.—Not later than 60 days after the date on which the Executive Director must make a specific entry for the project on the Dashboard under subsection (b)(2)(A), the facilitating or lead agency, as applicable, in consultation with each coordinating and participating agency, shall establish a concise plan for coordinating public and agency participation in, and completion of, any required Federal environmental review and authorization for the project.

(B) REQUIRED INFORMATION.—The Coordinated Project Plan shall include the following information and be updated by the facilitating or lead agency, as applicable, at least once per quarter:

(i) A list of, and roles and responsibilities for, all entities with environmental review or authorization responsibility for the project.

(ii) A permitting timetable, as described in paragraph (2), setting forth a comprehensive schedule of dates by which all environmental reviews and authorizations, and to the maximum extent practicable, State permits, reviews and approvals must be made.

(iii) A discussion of potential avoidance, minimization, and mitigation strategies, if required by applicable law and known.

(iv) Plans and a schedule for public and tribal outreach and coordination, to the extent required by applicable law.

(C) MEMORANDUM OF UNDERSTANDING.—The coordinated project plan described in subparagraph (A) may be incorporated into a memorandum of understanding.

(2) PERMITTING TIMETABLE.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—As part of the coordination project plan under paragraph (1), the facilitating or lead agency, as applicable, in consultation with each cooperating and participating agency, the project sponsor, and any State in which the project is located, shall establish a permitting timetable that includes intermediate and final completion dates for action by each participating agency on any Federal environmental review or authorization required for the project.

(ii) CONSENSUS.—In establishing a permitting timetable under clause (i), each agency shall, to the maximum extent practicable, make efforts to reach a consensus.

(B) FACTORS FOR CONSIDERATION.—In establishing the permitting timetable under subparagraph (A), the facilitating or lead agency shall follow the performance schedules established under section 61002(c)(1)(C), but may vary the timetable based on relevant factors, including—

(i) the size and complexity of the covered project;

(ii) the resources available to each participating agency;

(iii) the regional or national economic significance of the project;

(iv) the sensitivity of the natural or historic resources that may be affected by the project;

(v) the financing plan for the project; and

(vi) the extent to which similar projects in geographic proximity to the project were recently subject to environmental review or similar procedures under State law.

(C) DISPUTE RESOLUTION.—

(i) IN GENERAL.—The Executive Director, in consultation with appropriate agency CERPOs and the project sponsor, shall, as necessary, mediate any disputes regarding the permitting timetable established under subparagraph (A).

(ii) DISPUTES.—If a dispute remains unresolved 30 days after the date on which the dispute was submitted to the Executive Director, the Director of the Office of Management and Budget, in consultation with the Chairman of the Council on Environmental Quality, shall facilitate a resolution of the dispute and direct the agencies party to the dispute to resolve the dispute by the end of the 60-day period beginning on the date of submission of the dispute to the Executive Director.

(iii) FINAL RESOLUTION.—Any action taken by the Director of the Office of Management and Budget in the resolution of a dispute under clause (ii) shall—

(I) be final and conclusive; and

(II) not be subject to judicial review.

(D) MODIFICATION AFTER APPROVAL.—

(i) IN GENERAL.—The facilitating or lead agency, as applicable, may modify a permitting timetable established under subparagraph (A) only if—

(I) the facilitating or lead agency, as applicable, and the affected cooperating agencies, after consultation with the participating agencies, agree to a different completion date; and

(II) the facilitating agency or lead agency, as applicable, or the affected cooperating agency provides a written justification for the modification.

(ii) COMPLETION DATE.—A completion date in the permitting timetable may not be modified within 30 days of the completion date.

(E) CONSISTENCY WITH OTHER TIME PERIODS.—A permitting timetable established under subparagraph (A) shall be consistent with any other relevant time periods established under Federal law and shall not prevent any cooperating or participating agency from discharging any obligation under Federal law in connection with the project.

(F) CONFORMING TO PERMITTING TIMETABLES.—

(i) IN GENERAL.—Each Federal agency shall conform to the completion dates set forth in the permitting timetable established under subparagraph (A), or with any completion date modified under subparagraph (D).

(ii) FAILURE TO CONFORM.—If a Federal agency fails to conform with a completion date for agency action on a covered project or is at significant risk of failing to conform with such a completion date, the agency shall—

(I) promptly submit to the Executive Director for publication on the Dashboard an explanation of the specific reasons for failing or significantly risking failing to conform to the completion date and a proposal for an alternative completion date;

(II) in consultation with the facilitating or lead agency, as applicable, establish an alternative completion date; and

(III) each month thereafter until the agency has taken final action on the delayed authorization or review, submit to the Executive Director for posting on the Dashboard a status report describing any agency activity related to the project.

(G) ABANDONMENT OF COVERED PROJECT.—

(i) IN GENERAL.—If the facilitating or lead agency, as applicable, has a reasonable basis to doubt the continuing technical or financial ability of the project sponsor to construct the covered project, the facilitating or lead agency may request the project sponsor provide an updated statement regarding the ability of the project sponsor to complete the project.

(ii) FAILURE TO RESPOND.—If the project sponsor fails to respond to a request described in clause (i) by the date that is 30 days after receiving the request, the lead or facilitating agency, as applicable, shall notify the Executive Director, who shall publish an appropriate notice on the Dashboard.

(iii) PUBLICATION TO DASHBOARD.—On publication of a notice under clause (ii), the completion dates in the permitting timetable shall be tolled and agencies shall be relieved of the obligation to comply with subparagraph (F) until such time as the project sponsor submits to the facilitating or lead agency, as applicable, an updated statement regarding the technical and financial ability of the project sponsor to construct the project.

(3) COOPERATING STATE, LOCAL, OR TRIBAL GOVERNMENTS.—

(A) STATE AUTHORITY.—If the Federal environmental review is being implemented within the boundaries of a State, the State, consistent with State law, may choose to participate in the environmental review and authorization process under this subsection and to make subject to the process all State agencies that—

(i) have jurisdiction over the covered project;

(ii) are required to conduct or issue a review, analysis, opinion, or statement for the covered project; or

(iii) are required to make a determination on issuing a permit, license, or other approval or decision for the covered project.

(B) COORDINATION.—To the maximum extent practicable under applicable law, the facilitating or lead agency, as applicable, shall coordinate the Federal environmental review and authorization processes under this subsection with any State, local, or tribal agency responsible for conducting any separate review or authorization of the covered project to ensure timely and efficient completion of environmental reviews and authorizations.

(C) MEMORANDUM OF UNDERSTANDING.—

(i) IN GENERAL.—Any coordination plan between the facilitating or lead agency, as applicable, and any State, local, or tribal agency shall, to the maximum extent practicable, be included in a memorandum of understanding.

(ii) SUBMISSION TO EXECUTIVE DIRECTOR.—The facilitating or lead agency, as applicable, shall submit to the Executive Director each memorandum of understanding described in clause (i).

(d) EARLY CONSULTATION.—The facilitating or lead agency, as applicable, shall provide an expeditious process for project sponsors to confer with each cooperating and participating agency involved and, not later than 60 days after the date on which the project sponsor submits a request under this subsection, to have each such agency provide to the project sponsor information concerning—

(1) the availability of information and tools, including pre-application toolkits, to facilitate early planning efforts;

(2) key issues of concern to each agency and to the public; and

(3) issues that must be addressed before an environmental review or authorization can be completed.

(e) COOPERATING AGENCY.—

(1) IN GENERAL.—A lead agency may designate a participating agency as a cooperating agency in accordance with part 1501 of title 40, Code of Federal Regulations (or successor regulations).

(2) EFFECT ON OTHER DESIGNATION.—The designation described in paragraph (1) shall not affect any designation under subsection (a)(3).

(3) LIMITATION ON DESIGNATION.—Any agency not designated as a participating agency under subsection (a)(3) shall not be designated as a cooperating agency under paragraph (1).

(f) REPORTING STATUS OF OTHER PROJECTS ON DASHBOARD.—

(1) IN GENERAL.—On request of the Executive Director, the Secretary and the Secretary of the Army shall use best efforts to provide information for inclusion on the Dashboard on projects subject to section 139 of title 23, United States Code, and section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) likely to require—

(A) a total investment of more than $200,000,000; and

(B) an environmental impact statement under NEPA.

(2) EFFECT OF INCLUSION ON DASHBOARD.—Inclusion on the Dashboard of information regarding projects subject to section 139 of title 23, United States Code, or section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) shall not subject those projects to any requirements of this title.

SEC. 61004. INTERSTATE COMPACTS.

(a) IN GENERAL.—The consent of Congress is given for 3 or more contiguous States to enter into an interstate compact establishing regional infrastructure development agencies to facilitate authorization and review of covered projects, under State law or in the exercise of delegated permitting authority described under section 61006, that will advance infrastructure development, production, and generation within the States that are parties to the compact.

(b) REGIONAL INFRASTRUCTURE.—For the purpose of this title, a regional infrastructure development agency referred to in subsection (a) shall have the same authorities and responsibilities of a State agency.

SEC. 61005. COORDINATION OF REQUIRED REVIEWS.

(a) CONCURRENT REVIEWS.—To integrate environmental reviews and authorizations, each agency shall, to the maximum extent practicable—

(1) carry out the obligations of the agency with respect to a covered project under any other applicable law concurrently, and in conjunction with, other environmental reviews and authorizations being conducted by other cooperating or participating agencies, including environmental reviews and authorizations required under NEPA, unless the agency determines that doing so would impair the ability of the agency to carry out the statutory obligations of the agency; and

(2) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

(b) ADOPTION, INCORPORATION BY REFERENCE, AND USE OF DOCUMENTS.—

(1) STATE ENVIRONMENTAL DOCUMENTS; SUPPLEMENTAL DOCUMENTS.—

(A) USE OF EXISTING DOCUMENTS.—

(i) IN GENERAL.—On the request of a project sponsor, a lead agency shall consider and, as appropriate, adopt or incorporate by reference, the analysis and documentation that has been prepared for a covered project under State laws and procedures as the documentation, or part of the documentation, required to complete an environmental review for the covered project, if the analysis and documentation were, as determined by the lead agency in consultation with the Council on Environmental Quality, prepared under circumstances that allowed for opportunities for public participation and consideration of alternatives and environmental consequences that are substantially equivalent to what would have been available had the documents and analysis been prepared by a Federal agency pursuant to NEPA.

(ii) GUIDANCE BY CEQ.—The Council on Environmental Quality may issue guidance to carry out this subsection.

(B) NEPA OBLIGATIONS.—An environmental document adopted under subparagraph (A) or a document that includes documentation incorporated under subparagraph (A) may serve as the documentation required for an environmental review or a supplemental environmental review required to be prepared by a lead agency under NEPA.

(C) SUPPLEMENTATION OF STATE DOCUMENTS.—If the lead agency adopts or incorporates analysis and documentation described in subparagraph (A), the lead agency shall prepare and publish a supplemental document if the lead agency determines that during the period after preparation of the analysis and documentation and before the adoption or incorporation—

(i) a significant change has been made to the covered project that is relevant for purposes of environmental review of the project; or

(ii) there has been a significant circumstance or new information has emerged that is relevant to the environmental review for the covered project.

(D) COMMENTS.—If a lead agency prepares and publishes a supplemental document under subparagraph (C), the lead agency shall solicit comments from other agencies and the public on the supplemental document for a period of not more than 45 days, beginning on the date on which the supplemental document is published, unless—

(i) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(ii) the lead agency extends the deadline for good cause.

(E) NOTICE OF OUTCOME OF ENVIRONMENTAL REVIEW.—A lead agency shall issue a record of decision or finding of no significant impact, as appropriate, based on the document adopted under subparagraph (A) and any supplemental document prepared under subparagraph (C).

(c) ALTERNATIVES ANALYSIS.—

(1) PARTICIPATION.—As early as practicable during the environmental review, but not later than the commencement of scoping for a project requiring the preparation of an environmental impact statement, the lead agency, in consultation with each cooperating agency, shall determine the range of reasonable alternatives to be considered for a covered project.

(2) RANGE OF ALTERNATIVES.—

(A) IN GENERAL.—Following participation under paragraph (1) and subject to subparagraph (B), the lead agency shall determine the range of reasonable alternatives for consideration in any document that the lead agency is responsible for preparing for the covered project.

(B) ALTERNATIVES REQUIRED BY LAW.—In determining the range of alternatives under subparagraph (A), the lead agency shall include all alternatives required to be considered by law.

(3) METHODOLOGIES.—

(A) IN GENERAL.—The lead agency shall determine, in collaboration with each cooperating agency at appropriate times during the environmental review, the methodologies to be used and the level of detail required in the analysis of each alternative for a covered project.

(B) ENVIRONMENTAL REVIEW.—A cooperating agency shall use the methodologies referred to in subparagraph (A) when conducting any required environmental review, to the extent consistent with existing law.

(4) PREFERRED ALTERNATIVE.—With the concurrence of the cooperating agencies with jurisdiction under Federal law and at the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of the higher level of detail will not prevent—

(A) the lead agency from making an impartial decision as to whether to accept another alternative that is being considered in the environmental review; and

(B) the public from commenting on the preferred and other alternatives.

(d) ENVIRONMENTAL REVIEW COMMENTS.—

(1) COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT.—For comments by an agency or the public on a draft environmental impact statement, the lead agency shall establish a comment period of not less than 45 days and not more than 60 days after the date on which a notice announcing availability of the environmental impact statement is published in the Federal Register, unless—

(A) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(B) the lead agency, in consultation with each cooperating agency, extends the deadline for good cause.

(2) OTHER REVIEW AND COMMENT PERIODS.—For all other review or comment periods in the environmental review process described in parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations), the lead agency shall establish a comment period of not more than 45 days after the date on which the materials on which comment is requested are made available, unless—

(A) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(B) the lead agency extends the deadline for good cause.

(e) ISSUE IDENTIFICATION AND RESOLUTION.—

(1) COOPERATION.—The lead agency and each cooperating and participating agency shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of an environmental review or an authorization required for the project under applicable law or result in the denial of any approval under applicable law.

(2) LEAD AGENCY RESPONSIBILITIES.—

(A) IN GENERAL.—The lead agency shall make information available to each cooperating and participating agency and project sponsor as early as practicable in the environmental review regarding the environmental, historic, and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.

(B) SOURCES OF INFORMATION.—The information described in subparagraph (A) may be based on existing data sources, including geographic information systems mapping.

(3) COOPERATING AND PARTICIPATING AGENCY RESPONSIBILITIES.—Each cooperating and participating agency shall—

(A) identify, as early as practicable, any issues of concern regarding any potential environmental impacts of the covered project, including any issues that could substantially delay or prevent an agency from completing any environmental review or authorization required for the project; and

(B) communicate any issues described in subparagraph (A) to the project sponsor.

(f) CATEGORIES OF PROJECTS.—The authorities granted under this section may be exercised for an individual covered project or a category of covered projects.

SEC. 61006. DELEGATED STATE PERMITTING PROGRAMS.

(a) IN GENERAL.—If a Federal statute permits a Federal agency to delegate to or otherwise authorize a State to issue or otherwise administer a permit program in lieu of the Federal agency, the Federal agency with authority to carry out the statute shall—

(1) on publication by the Council of best practices under section 61002(c)(2)(B), initiate a national process, with public participation, to determine whether and the extent to which any of the best practices are generally applicable on a delegation- or authorization-wide basis to permitting under the statute; and

(2) not later than 2 years after the date of enactment of this Act, make model recommendations for State modifications of the applicable permit program to reflect the best practices described in section 61002(c)(2)(B), as appropriate.

(b) BEST PRACTICES.—Lead and cooperating agencies may share with State, tribal, and local authorities best practices involved in review of covered projects and invite input from State, tribal, and local authorities regarding best practices.

SEC. 61007. LITIGATION, JUDICIAL REVIEW, AND SAVINGS PROVISION.

(a) LIMITATIONS ON CLAIMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of any authorization issued by a Federal agency for a covered project shall be barred unless—

(A) the action is filed not later than 2 years after the date of publication in the Federal Register of the final record of decision or approval or denial of a permit, unless a shorter time is specified in the Federal law under which judicial review is allowed; and

(B) in the case of an action pertaining to an environmental review conducted under NEPA—

(i) the action is filed by a party that submitted a comment during the environmental review or a party that lacked a reasonable opportunity to submit a comment; and

(ii) a party filed a sufficiently detailed comment so as to put the lead agency on notice of the issue on which the party seeks judicial review.

(2) NEW INFORMATION.—

(A) IN GENERAL.—The head of a lead agency or participating agency shall consider new information received after the close of a comment period if the information satisfies the requirements under regulations implementing NEPA.

(B) SEPARATE ACTION.—If Federal law requires the preparation of a supplemental environmental impact statement or other supplemental environmental document, the preparation of such document shall be considered a separate final agency action and the deadline for filing a claim for judicial review of the agency action shall be 2 years after the date on which a notice announcing the final agency action is published in the Federal Register, unless a shorter time is specified in the Federal law under which judicial review is allowed.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection creates a right to judicial review or places any limit on filing a claim that a person has violated the terms of an authorization.

(b) PRELIMINARY INJUNCTIVE RELIEF.—In addition to considering any other applicable equitable factors, in any action seeking a temporary restraining order or preliminary injunction against an agency or a project sponsor in connection with review or authorization of a covered project, the court shall—

(1) consider the effects on public health, safety, and the environment, the potential for significant job losses, and other economic harm resulting from an order or injunction; and

(2) not presume that the harms described in paragraph (1) are reparable.

(c) JUDICIAL REVIEW.—Except as provided in subsection (a), nothing in this title affects the reviewability of any final Federal agency action in a court of competent jurisdiction.

(d) SAVINGS CLAUSE.—Nothing in this title—

(1) supersedes, amends, or modifies any Federal statute or affects the responsibility of any Federal officer to comply with or enforce any statute; or

(2) creates a presumption that a covered project will be approved or favorably reviewed by any agency.

(e) LIMITATIONS.—Nothing in this section preempts, limits, or interferes with—

(1) any practice of seeking, considering, or responding to public comment; or

(2) any power, jurisdiction, responsibility, or authority that a Federal, State, or local governmental agency, metropolitan planning organization, Indian tribe, or project sponsor has with respect to carrying out a project or any other provisions of law applicable to any project, plan, or program.

SEC. 61008. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than April 15 of each year for 10 years beginning on the date of enactment of this Act, the Executive Director shall submit to Congress a report detailing the progress accomplished under this title during the previous fiscal year.

(b) CONTENTS.—The report described in subsection (a) shall assess the performance of each participating agency and lead agency based on the best practices described in section 61002(c)(2)(B).

(c) OPPORTUNITY TO INCLUDE COMMENTS.—Each councilmember, with input from the respective agency CERPO, shall have the opportunity to include comments concerning the performance of the agency in the report described in subsection (a).

SEC. 61009. FUNDING FOR GOVERNANCE, OVERSIGHT, AND PROCESSING OF ENVIRONMENTAL REVIEWS AND PERMITS.

(a) IN GENERAL.—The heads of agencies listed in section 61002(b)(2)(B), with the guidance of the Director of the Office of Management and Budget and in consultation with the Executive Director, may, after public notice and opportunity for comment, issue regulations establishing a fee structure for project proponents to reimburse the United States for reasonable costs incurred in conducting environmental reviews and authorizations for covered projects.

(b) REASONABLE COSTS.—As used in this section, the term ''reasonable costs'' shall include costs to implement the requirements and authorities required under sections 61002 and 61003, including the costs to agencies and the costs of operating the Council.

(c) FEE STRUCTURE.—The fee structure established under subsection (a) shall—

(1) be developed in consultation with affected project proponents, industries, and other stakeholders;

(2) exclude parties for which the fee would impose an undue financial burden or is otherwise determined to be inappropriate; and

(3) be established in a manner that ensures that the aggregate amount of fees collected for a fiscal year is estimated not to exceed 20 percent of the total estimated costs for the fiscal year for the resources allocated for the conduct of the environmental reviews and authorizations covered by this title, as determined by the Director of the Office of Management and Budget.

(d) ENVIRONMENTAL REVIEW AND PERMITTING IMPROVEMENT FUND.—

(1) IN GENERAL.—All amounts collected pursuant to this section shall be deposited into a separate fund in the Treasury of the United States to be known as the ''Environmental Review Improvement Fund'' (referred to in this section as the ''Fund'').

(2) AVAILABILITY.—Amounts in the Fund shall be available to the Executive Director, without appropriation or fiscal year limitation, solely for the purposes of administering, implementing, and enforcing this title, including the expenses of the Council.

(3) TRANSFER.—The Executive Director, with the approval of the Director of the Office of Management and Budget, may transfer amounts in the Fund to other agencies to facilitate timely and efficient environmental reviews and authorizations for proposed covered projects.

(e) EFFECT ON PERMITTING.—The regulations adopted pursuant to subsection (a) shall ensure that the use of funds accepted under subsection (d) will not impact impartial decision-making with respect to environmental reviews or authorizations, either substantively or procedurally.

(f) TRANSFER OF APPROPRIATED FUNDS.—

(1) IN GENERAL.—The heads of agencies listed in section 61002(b)(2)(B) shall have the authority to transfer, in accordance with section 1535 of title 31, United States Code, funds appropriated to those agencies and not otherwise obligated to other affected Federal agencies for the purpose of implementing the provisions of this title.

(2) LIMITATION.—Appropriations under title 23, United States Code and appropriations for the civil works program of the Army Corps of Engineers shall not be available for transfer under paragraph (1).

SEC. 61010. APPLICATION.

This title applies to any covered project for which—

(1) a notice is filed under section 61003(a)(1); or

(2) an application or other request for a Federal authorization is pending before a Federal agency 90 days after the date of enactment of this Act.

SEC. 61011. GAO REPORT.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that includes an analysis of whether the provisions of this title could be adapted to streamline the Federal permitting process for smaller projects that are not covered projects.

TITLE LXII—ADDITIONAL PROVISIONS

DIVISION G—SURFACE TRANSPORTATION EXTENSION

SEC. 70001. SHORT TITLE.

This division may cited as the ''Surface Transportation Extension Act of 2015''.

TITLE LXXI—EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS

SEC. 71001. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) IN GENERAL.—Section 1001 of the Highway and Transportation Funding Act of 2014 (Public Law 113–159; 128 Stat. 1840; 129 Stat. 219) is amended—

(1) in subsection (a), by striking ''July 31, 2015'' and inserting ''September 30, 2015'';

(2) in subsection (b)(1)—

(A) by striking ''July 31, 2015'' and inserting ''September 30, 2015''; and

(B) by striking ''304/365'' and inserting ''365/365''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''July 31, 2015'' and inserting ''September 30, 2015''; and

(ii) by striking ''304/365'' and inserting ''365/365''; and

(B) in paragraph (2)(B), by striking ''by this subsection''.

(b) OBLIGATION CEILING.—Section 1102 of MAP–21 (23 U.S.C. 104 note; Public Law 112–141) is amended—

(1) in subsection (a)(3)—

(A) by striking ''$33,528,284,932'' and inserting ''$40,256,000,000''; and

(B) by striking ''July 31, 2015'' and inserting ''September 30, 2015'';

(2) in subsection (b)(12)—

(A) by striking ''July 31, 2015'' and inserting ''September 30, 2015''; and

(B) by striking ''304/365'' and inserting ''365/365'';

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''July 31, 2015'' and inserting ''September 30, 2015''; and

(B) in paragraph (2)—

(i) by striking ''July 31, 2015'' and inserting ''September 30, 2015''; and

(ii) by striking ''304/365'' and inserting ''365/365''; and

(4) in subsection (f)(1), in the matter preceding subparagraph (A), by striking ''July 31, 2015'' and inserting ''September 30, 2015''.

(c) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—Section 1123(h)(1) of MAP–21 (23 U.S.C. 202 note; Public Law 112–141) is amended—

(1) by striking ''$24,986,301'' and inserting ''$30,000,000''; and

(2) by striking ''July 31, 2015'' and inserting ''September 30, 2015''.

SEC. 71002. ADMINISTRATIVE EXPENSES.

(a) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1002(a) of the Highway and Transportation Funding Act of 2014 (Public Law 113–159; 128 Stat. 1842; 129 Stat. 220) is amended—

(1) by striking ''$366,465,753'' and inserting ''$440,000,000''; and

(2) by striking ''July 31, 2015'' and inserting ''September 30, 2015''.

(b) CONTRACT AUTHORITY.—Section 1002(b)(2) of the Highway and Transportation Funding Act of 2014 (Public Law 113–159; 128 Stat. 1842; 129 Stat. 220) is amended by striking ''July 31, 2015'' and inserting ''September 30, 2015''.

TITLE LXXII—TEMPORARY EXTENSION OF PUBLIC TRANSPORTATION PROGRAMS

SEC. 72001. FORMULA GRANTS FOR RURAL AREAS.

Section 5311(c)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A), by striking ''ending before'' and all that follows through ''July 31, 2015,''; and

(2) in subparagraph (B), by striking ''ending before'' and all that follows through ''July 31, 2015,''.

SEC. 72002. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.

Section 5336(h)(1) of title 49, United States Code, is amended by striking ''before October 1, 2014'' and all that follows through ''July 31, 2015,'' and inserting ''before October 1, 2015''.

SEC. 72003. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) FORMULA GRANTS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking ''for fiscal year 2014'' and all that follows and inserting ''for fiscal year 2014, and $8,595,000,000 for fiscal year 2015.'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''$107,274,521 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$128,800,000 for fiscal year 2015'';

(B) in subparagraph (B), by striking ''2013 and 2014 and $8,328,767 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''2013, 2014, and 2015'';

(C) in subparagraph (C), by striking ''$3,713,505,753 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$4,458,650,000 for fiscal year 2015'';

(D) in subparagraph (D), by striking ''$215,132,055 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$258,300,000 for fiscal year 2015'';

(E) in subparagraph (E)—

(i) by striking ''$506,222,466 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$607,800,000 for fiscal year 2015'';

(ii) by striking ''$24,986,301 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$30,000,000 for fiscal year 2015''; and

(iii) by striking ''$16,657,534 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$20,000,000 for fiscal year 2015'';

(F) in subparagraph (F), by striking ''2013 and 2014 and $2,498,630 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''2013, 2014, and 2015'';

(G) in subparagraph (G), by striking ''2013 and 2014 and $4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''2013, 2014, and 2015'';

(H) in subparagraph (H), by striking ''2013 and 2014 and $3,206,575 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''2013, 2014, and 2015'';

(I) in subparagraph (I), by striking ''$1,803,927,671 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$2,165,900,000 for fiscal year 2015'';

(J) in subparagraph (J), by striking ''$356,304,658 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$427,800,000 for fiscal year 2015''; and

(K) in subparagraph (K), by striking ''$438,009,863 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$525,900,000 for fiscal year 2015''.

(b) RESEARCH, DEVELOPMENT DEMONSTRATION AND DEPLOYMENT PROJECTS.—Section 5338(b) of title 49, United States Code, is amended by striking ''$58,301,370 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''$70,000,000 for fiscal year 2015''.

(c) TRANSIT COOPERATIVE RESEARCH PROGRAM.—Section 5338(c) of title 49, United States Code, is amended by striking ''$5,830,137 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''$7,000,000 for fiscal year 2015''.

(d) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—Section 5338(d) of title 49, United States Code, is amended by striking ''$5,830,137 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''$7,000,000 for fiscal year 2015''.

(e) HUMAN RESOURCES AND TRAINING.—Section 5338(e) of title 49, United States Code, is amended by striking ''$4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''$5,000,000 for fiscal year 2015''.

(f) CAPITAL INVESTMENT GRANTS.—Section 5338(g) of title 49, United States Code, is amended by striking ''$1,558,295,890 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''$1,907,000,000 for fiscal year 2015''.

(g) ADMINISTRATION.—Section 5338(h) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking ''$86,619,178 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''$104,000,000 for fiscal year 2015'';

(2) in paragraph (2), by striking ''2013 and 2014 and not less than $4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''2013, 2014, and 2015''; and

(3) in paragraph (3), by striking ''2013 and 2014 and not less than $832,877 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''2013, 2014, and 2015''.

SEC. 72004. BUS AND BUS FACILITIES FORMULA GRANTS.

Section 5339(d)(1) of title 49, United States Code, is amended—

(1) by striking ''2013 and 2014 and $54,553,425 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''2013, 2014, and 2015'';

(2) by striking ''and $1,041,096 for such period''; and

(3) by striking ''and $416,438 for such period''.

TITLE LXXIII—EXTENSION OF HIGHWAY SAFETY PROGRAMS

Subtitle A—Extension of Highway Safety Programs

SEC. 73101. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) EXTENSION OF PROGRAMS.—

(1) HIGHWAY SAFETY PROGRAMS.—Section 31101(a)(1)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(C) $235,000,000 for fiscal year 2015.''.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 31101(a)(2)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(C) $113,500,000 for fiscal year 2015.''.

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—Section 31101(a)(3)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(C) $272,000,000 for fiscal year 2015.''.

(4) NATIONAL DRIVER REGISTER.—Section 31101(a)(4)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(C) $5,000,000 for fiscal year 2015.''.

(5) HIGH VISIBILITY ENFORCEMENT PROGRAM.—

(A) AUTHORIZATION OF APPROPRIATIONS.—Section 31101(a)(5)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(C) $29,000,000 for fiscal year 2015.''.

(B) LAW ENFORCEMENT CAMPAIGNS.—Section 2009(a) of SAFETEA–LU (23 U.S.C. 402 note) is amended—

(i) in the first sentence, by striking ''and 2014 and in the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''through 2015''; and

(ii) in the second sentence, by striking ''and 2014 and in the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''through 2015''.

(6) ADMINISTRATIVE EXPENSES.—Section 31101(a)(6)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(C) $25,500,000 for fiscal year 2015.''.

(b) COOPERATIVE RESEARCH AND EVALUATION.—Section 403(f)(1) of title 23, United States Code, is amended by striking ''under subsection 402(c) in each fiscal year ending before October 1, 2014, and $2,082,192 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''under section 402(c) in each fiscal year ending before October 1, 2015,''.

(c) APPLICABILITY OF TITLE 23.—Section 31101(c) of MAP–21 (126 Stat. 733) is amended by striking ''fiscal years 2013 and 2014 and for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''each of fiscal years 2013 through 2015''.

SEC. 73102. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a)(10) of title 49, United States Code, is amended to read as follows:

''(10) $218,000,000 for fiscal year 2015.''.

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1)(J) of title 49, United States Code, is amended to read as follows:

''(J) $259,000,000 for fiscal year 2015.''.

(c) GRANT PROGRAMS.—

(1) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENT GRANTS.—Section 4101(c)(1) of SAFETEA–LU (119 Stat. 1715) is amended by striking ''each of fiscal years 2013 and 2014 and $24,986,301 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''each of fiscal years 2013 through 2015''.

(2) BORDER ENFORCEMENT GRANTS.—Section 4101(c)(2) of SAFETEA–LU (119 Stat. 1715) is amended by striking ''each of fiscal years 2013 and 2014 and $26,652,055 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''each of fiscal years 2013 through 2015''.

(3) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT GRANT PROGRAM.—Section 4101(c)(3) of SAFETEA–LU (119 Stat. 1715) is amended by striking ''each of fiscal years 2013 and 2014 and $4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''each of fiscal years 2013 through 2015''.

(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT PROGRAM.—Section 4101(c)(4) of SAFETEA–LU (119 Stat. 1715) is amended by striking ''each of fiscal years 2013 and 2014 and $20,821,918 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''each of fiscal years 2013 through 2015''.

(5) SAFETY DATA IMPROVEMENT GRANTS.—Section 4101(c)(5) of SAFETEA–LU (119 Stat. 1715) is amended by striking ''each of fiscal years 2013 and 2014 and $2,498,630 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''each of fiscal years 2013 through 2015''.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k)(2) of title 49, United States Code, is amended by striking ''each of fiscal years 2006 through 2014 and up to $12,493,151 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''each of fiscal years 2006 through 2015''.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by striking ''per fiscal year and up to $26,652,055 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''per fiscal year''.

(f) OUTREACH AND EDUCATION.—Section 4127(e) of SAFETEA–LU (119 Stat. 1741) is amended by striking ''each of fiscal years 2013 and 2014 and $3,331,507 to the Federal Motor Carrier Safety Administration for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''each of fiscal years 2013 through 2015''.

(g) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU (49 U.S.C. 31301 note) is amended by striking ''each of fiscal years 2005 through 2014 and $832,877 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''each of fiscal years 2005 through 2015''.

SEC. 73103. DINGELL-JOHNSON SPORT FISH RESTORATION ACT.

Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a), in the matter preceding paragraph (1) by striking ''each fiscal year through 2014 and for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''each fiscal year through 2015''; and

(2) in subsection (b)(1)(A) by striking ''for each fiscal year ending before October 1, 2014, and for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''for each fiscal year ending before October 1, 2015''.

Subtitle B—Hazardous Materials

SEC. 73201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 5128(a)(3) of title 49, United States Code, is amended to read as follows:

''(3) $42,762,000 for fiscal year 2015.''.

(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—Section 5128(b)(2) of title 49, United States Code, is amended to read as follows:

''(2) FISCAL YEAR 2015.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend during fiscal year 2015—

''(A) $188,000 to carry out section 5115;

''(B) $21,800,000 to carry out subsections (a) and (b) of section 5116, of which not less than $13,650,000 shall be available to carry out section 5116(b);

''(C) $150,000 to carry out section 5116(f);

''(D) $625,000 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); and

''(E) $1,000,000 to carry out section 5116(j).''.

(c) HAZARDOUS MATERIALS TRAINING GRANTS.—Section 5128(c) of title 49, United States Code, is amended by striking ''each of fiscal years 2013 and 2014 and $3,331,507 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''each of fiscal years 2013 through 2015''.

TITLE LXXIV—REVENUE PROVISIONS

DIVISION H—BUDGETARY EFFECTS

SEC. 80001. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 80002. MAINTENANCE OF HIGHWAY TRUST FUND CASH BALANCE.

(a) DEFINITIONS.—In this section:

(1) HIGHWAY ACCOUNT.—The term ''Highway Account'' has the meaning given the term in section 9503(e)(5)(B) of the Internal Revenue Code of 1986.

(2) HIGHWAY TRUST FUND.—The term ''Highway Trust Fund'' means the Highway Trust Fund established by section 9503(a) of the Internal Revenue Code of 1986.

(3) MASS TRANSIT ACCOUNT.—The term ''Mass Transit Account'' means the Mass Transit Account established by section 9503(e)(1) of the Internal Revenue Code of 1986.

(b) RESTRICTION ON OBLIGATIONS.—If the Secretary, in consultation with the Secretary of the Treasury, determines under the test or reevaluation described under subsection (c) or (d) that the projected cash balances of either the Highway Account or the Mass Transit Account of the Highway Trust Fund will fall below the levels described in subparagraph (A) or (B) of subsection (c)(2) at any time during the fiscal year for which that determination applies, the Secretary shall not approve any obligation of funds authorized out of the Highway Account or the Mass Transit Account of the Highway Trust Fund during that fiscal year.

(c) CASH BALANCE TEST.—On July 15 prior to the beginning of each of fiscal years 2019 through 2021, the Secretary, in consultation with the Secretary of the Treasury, shall—

(1) based on data available for the midsession review described under section 1106 of title 31, United States Code, estimate the projected cash balances of the Highway Account and the Mass Transit Account of the Highway Trust Fund for the upcoming fiscal year; and

(2) determine if those cash balances—

(A) are projected to fall below the amount of $4,000,000,000 at any time during that upcoming fiscal year in the Highway Account of the Highway Trust Fund; or

(B) are projected to fall below the amount of $1,000,000,000 at any time during that upcoming fiscal year in the Mass Transit Account of the Highway Trust Fund.

(d) REEVALUATION.—The Secretary shall conduct the test described under subsection (c) again during a respective fiscal year—

(1) if a law is enacted that provides additional revenues, deposits, or transfers to the Highway Trust Fund; or

(2) when the President submits to Congress under section 1105(a) of title 31, United States Code, updated outlay estimates or revenue projections related to the Highway Trust Fund.

(e) NOTIFICATION.—Not later than 15 days after a determination is made under subsection (c) or (d), the Secretary shall provide notification of the determination to—

(1) the Committee on Environment and Public Works of the Senate;

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

(3) the Committee on Banking, Housing, and Urban Affairs of the Senate;

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

(5) State transportation departments and designated recipients.

(f) EXCEPTIONS.—Notwithstanding subsection (b), the Secretary shall approve obligations in every fiscal year for—

(1) administrative expenses of the Federal Highway Administration, including any administrative expenses funded under—

(A) section 104(a) of title 23, United States Code;

(B) the tribal transportation program under section 202(a)(6), of title 23, United States Code;

(C) the Federal lands transportation program under section 203 of title 23, United States Code; and

(D) chapter 6 of title 23, United States Code;

(2) funds for the national highway performance program under section 119 of title 23, United States Code, that are exempt from the limitation on obligations;

(3) the emergency relief program under section 125 of title 23, United States Code;

(4) the administrative expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code;

(5) the highway safety programs under section 402 of title 23, United States Code, and national priority safety programs under section 405 of title 23, United States Code;

(6) the high visibility enforcement program under section 2009 of SAFETEA–LU (23 U.S.C. 402 note; Public Law 109–59);

(7) the highway safety research and development program under section 403 of title 23, United States Code;

(8) the national driver register under chapter 303 of title 49, United States Code;

(9) the motor carrier safety assistance program under section 31102 of title 49, United States Code;

(10) the administrative expenses of the Federal Motor Carrier Safety Administration under section 31110 of title 49, United States Code; and

(11) the administrative expenses of the Federal Transit Administration funded under section 5338(h) of title 49, United States Code, to carry out section 5329 of title 49, United States Code.

SEC. 80003. PROHIBITION ON RESCISSIONS OF CERTAIN CONTRACT AUTHORITY.

For purposes of the enforcement of a point of order established under the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), the determination of levels under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) or the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 931 et seq.), and the enforcement of a point of order established under or the determination of levels under a concurrent resolution on the budget, the rescission of contract authority that is provided under this Act or an amendment made by this Act for fiscal year 2019, 2020, or 2021 shall not be counted.

DIVISION I—EXPORT-IMPORT BANK OF THE UNITED STATES

SEC. 90001. SHORT TITLE.

This division may be cited as the ''Export-Import Bank Reform and Reauthorization Act of 2015''.

TITLE XCI—TAXPAYER PROTECTION PROVISIONS AND INCREASED ACCOUNTABILITY

SEC. 91001. REDUCTION IN AUTHORIZED AMOUNT OF OUTSTANDING LOANS, GUARANTEES, AND INSURANCE.

Section 6(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended—

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

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

''(2) APPLICABLE AMOUNT DEFINED.—In this subsection, the term 'applicable amount', for each of fiscal years 2015 through 2019, means $135,000,000,000.

''(3) FREEZING OF LENDING CAP IF DEFAULT RATE IS 2 PERCENT OR MORE.—If the rate calculated under section 8(g)(1) is 2 percent or more for a quarter, the Bank may not exceed the amount of loans, guarantees, and insurance outstanding on the last day of that quarter until the rate calculated under section 8(g)(1) is less than 2 percent.''.

SEC. 91002. INCREASE IN LOSS RESERVES.

(a) IN GENERAL.—Section 6 of the Export-Import Bank Act of 1945 (12 U.S.C. 635e) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) RESERVE REQUIREMENT.—The Bank shall build to and hold in reserve, to protect against future losses, an amount that is not less than 5 percent of the aggregate amount of disbursed and outstanding loans, guarantees, and insurance of the Bank.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 91003. REVIEW OF FRAUD CONTROLS.

Section 17(b) of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–6(b)) is amended to read as follows:

''(b) REVIEW OF FRAUD CONTROLS.—Not later than 4 years after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, and every 4 years thereafter, the Comptroller General of the United States shall—

''(1) review the adequacy of the design and effectiveness of the controls used by the Export-Import Bank of the United States to prevent, detect, and investigate fraudulent applications for loans and guarantees and the compliance by the Bank with the controls, including by auditing a sample of Bank transactions; and

''(2) submit a written report regarding the findings of the review and providing such recommendations with respect to the controls described in paragraph (1) as the Comptroller General deems appropriate to—

''(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate; and

''(B) the Committee on Financial Services and the Committee on Appropriations of the House of Representatives.''.

SEC. 91004. OFFICE OF ETHICS.

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

''(k) OFFICE OF ETHICS.—

''(1) ESTABLISHMENT.—There is established an Office of Ethics within the Bank, which shall oversee all ethics issues within the Bank.

''(2) HEAD OF OFFICE.—

''(A) IN GENERAL.—The head of the Office of Ethics shall be the Chief Ethics Officer, who shall report to the Board of Directors.

''(B) APPOINTMENT.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the Chief Ethics Officer shall be—

''(i) appointed by the President of the Bank from among persons—

''(I) with a background in law who have experience in the fields of law and ethics; and

''(II) who are not serving in a position requiring appointment by the President of the United States before being appointed to be Chief Ethics Officer; and

''(ii) approved by the Board.

''(C) DESIGNATED AGENCY ETHICS OFFICIAL.—The Chief Ethics Officer shall serve as the designated agency ethics official for the Bank pursuant to the Ethics in Government Act of 1978 (5 U.S.C. App. 101 et seq.).

''(3) DUTIES.—The Office of Ethics has jurisdiction over all employees of, and ethics matters relating to, the Bank. With respect to employees of the Bank, the Office of Ethics shall—

''(A) recommend administrative actions to establish or enforce standards of official conduct;

''(B) refer to the Office of the Inspector General of the Bank alleged violations of—

''(i) the standards of ethical conduct applicable to employees of the Bank under parts 2635 and 6201 of title 5, Code of Federal Regulations;

''(ii) the standards of ethical conduct established by the Chief Ethics Officer; and

''(iii) any other laws, rules, or regulations governing the performance of official duties or the discharge of official responsibilities that are applicable to employees of the Bank;

''(C) report to appropriate Federal or State authorities substantial evidence of a violation of any law applicable to the performance of official duties that may have been disclosed to the Office of Ethics; and

''(D) render advisory opinions regarding the propriety of any current or proposed conduct of an employee or contractor of the Bank, and issue general guidance on such matters as necessary.''.

SEC. 91005. CHIEF RISK OFFICER.

Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as amended by section 91004, is further amended by adding at the end the following:

''(l) CHIEF RISK OFFICER.—

''(1) IN GENERAL.—There shall be a Chief Risk Officer of the Bank, who shall—

''(A) oversee all issues relating to risk within the Bank; and

''(B) report to the President of the Bank.

''(2) APPOINTMENT.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the Chief Risk Officer shall be—

''(A) appointed by the President of the Bank from among persons—

''(i) with a demonstrated ability in the general management of, and knowledge of and extensive practical experience in, financial risk evaluation practices in large governmental or business entities; and

''(ii) who are not serving in a position requiring appointment by the President of the United States before being appointed to be Chief Risk Officer; and

''(B) approved by the Board.

''(3) DUTIES.—The duties of the Chief Risk Officer are—

''(A) to be responsible for all matters related to managing and mitigating all risk to which the Bank is exposed, including the programs and operations of the Bank;

''(B) to establish policies and processes for risk oversight, the monitoring of management compliance with risk limits, and the management of risk exposures and risk controls across the Bank;

''(C) to be responsible for the planning and execution of all Bank risk management activities, including policies, reporting, and systems to achieve strategic risk objectives;

''(D) to develop an integrated risk management program that includes identifying, prioritizing, measuring, monitoring, and managing internal control and operating risks and other identified risks;

''(E) to ensure that the process for risk assessment and underwriting for individual transactions considers how each such transaction considers the effect of the transaction on the concentration of exposure in the overall portfolio of the Bank, taking into account fees, collateralization, and historic default rates; and

''(F) to review the adequacy of the use by the Bank of qualitative metrics to assess the risk of default under various scenarios.''.

SEC. 91006. RISK MANAGEMENT COMMITTEE.

(a) IN GENERAL.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as amended by sections 91004 and 91005, is further amended by adding at the end the following:

''(m) RISK MANAGEMENT COMMITTEE.—

''(1) ESTABLISHMENT.—There is established a management committee to be known as the 'Risk Management Committee'.

''(2) MEMBERSHIP.—The membership of the Risk Management Committee shall be the members of the Board of Directors, with the President and First Vice President of the Bank serving as ex officio members.

''(3) DUTIES.—The duties of the Risk Management Committee shall be—

''(A) to oversee, in conjunction with the Office of the Chief Financial Officer of the Bank—

''(i) periodic stress testing on the entire Bank portfolio, reflecting different market, industry, and macroeconomic scenarios, and consistent with common practices of commercial and multilateral development banks; and

''(ii) the monitoring of industry, geographic, and obligor exposure levels; and

''(B) to review all required reports on the default rate of the Bank before submission to Congress under section 8(g).''.

(b) TERMINATION OF AUDIT COMMITTEE.—Not later than 180 days after the date of the enactment of this Act, the Board of Directors of the Export-Import Bank of the United States shall revise the bylaws of the Bank to terminate the Audit Committee established by section 7 of the bylaws.

SEC. 91007. INDEPENDENT AUDIT OF BANK PORTFOLIO.

(a) AUDIT.—The Inspector General of the Export-Import Bank of the United States shall conduct an audit or evaluation of the portfolio risk management procedures of the Bank, including a review of the implementation by the Bank of the duties assigned to the Chief Risk Officer under section 3(l) of the Export-Import Bank Act of 1945, as amended by section 91005.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, and not less frequently than every 3 years thereafter, the Inspector General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a written report containing all findings and determinations made in carrying out subsection (a).

SEC. 91008. PILOT PROGRAM FOR REINSURANCE.

(a) IN GENERAL.—Notwithstanding any provision of the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.), the Export-Import Bank of the United States (in this section referred to as the ''Bank'') may establish a pilot program under which the Bank may enter into contracts and other arrangements to share risks associated with the provision of guarantees, insurance, or credit, or the participation in the extension of credit, by the Bank under that Act.

(b) LIMITATIONS ON AMOUNT OF RISK-SHARING.—

(1) PER CONTRACT OR OTHER ARRANGEMENT.—The aggregate amount of liability the Bank may transfer through risk-sharing pursuant to a contract or other arrangement entered into under subsection (a) may not exceed $1,000,000,000.

(2) PER YEAR.—The aggregate amount of liability the Bank may transfer through risk-sharing during a fiscal year pursuant to contracts or other arrangements entered into under subsection (a) during that fiscal year may not exceed $10,000,000,000.

(c) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act, and annually thereafter through 2019, the Bank shall submit to Congress a written report that contains a detailed analysis of the use of the pilot program carried out under subsection (a) during the year preceding the submission of the report.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect, impede, or revoke any authority of the Bank.

(e) TERMINATION.—The pilot program carried out under subsection (a) shall terminate on September 30, 2019.

TITLE XCII—PROMOTION OF SMALL BUSINESS EXPORTS

SEC. 92001. INCREASE IN SMALL BUSINESS LENDING REQUIREMENTS.

(a) IN GENERAL.—Section 2(b)(1)(E)(v) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(v)) is amended by striking ''20 percent'' and inserting ''25 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2016 and each fiscal year thereafter.

SEC. 92002. REPORT ON PROGRAMS FOR SMALL AND MEDIUM-SIZED BUSINESSES.

(a) IN GENERAL.—Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) is amended by adding at the end the following:

''(k) REPORT ON PROGRAMS FOR SMALL AND MEDIUM-SIZED BUSINESSES.—The Bank shall include in its annual report to Congress under subsection (a) a report on the programs of the Bank for United States businesses with less than $250,000,000 in annual sales.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the report of the Export-Import Bank of the United States submitted to Congress under section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) for the first year that begins after the date of the enactment of this Act.

TITLE XCIII—MODERNIZATION OF OPERATIONS

SEC. 93001. ELECTRONIC PAYMENTS AND DOCUMENTS.

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is amended by adding at the end the following:

''(M) Not later than 2 years after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the Bank shall implement policies—

''(i) to accept electronic documents with respect to transactions whenever possible, including copies of bills of lading, certifications, and compliance documents, in such manner so as not to undermine any potential civil or criminal enforcement related to the transactions; and

''(ii) to accept electronic payments in all of its programs.''.

SEC. 93002. REAUTHORIZATION OF INFORMATION TECHNOLOGY UPDATING.

Section 3(j) of the Export-Import Act of 1945 (12 U.S.C. 635a(j)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''2012, 2013, and 2014'' and inserting ''2015 through 2019'';

(2) in paragraph (2)(B), by striking ''(I) the funds'' and inserting ''(i) the funds''; and

(3) in paragraph (3), by striking ''2012, 2013, and 2014'' and inserting ''2015 through 2019''.

TITLE XCIV—GENERAL PROVISIONS

SEC. 94001. EXTENSION OF AUTHORITY.

(a) IN GENERAL.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking ''2014'' and inserting ''2019''.

(b) DUAL-USE EXPORTS.—Section 1(c) of Public Law 103–428 (12 U.S.C. 635 note) is amended by striking ''September 30, 2014'' and inserting ''the date on which the authority of the Export-Import Bank of the United States expires under section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f)''.

(c) SUB-SAHARAN AFRICA ADVISORY COMMITTEE.—Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking ''September 30, 2014'' and inserting ''the date on which the authority of the Bank expires under section 7''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of the date of the enactment of this Act or June 30, 2015.

SEC. 94002. CERTAIN UPDATED LOAN TERMS AND AMOUNTS.

(a) LOAN TERMS FOR MEDIUM-TERM FINANCING.—Section 2(a)(2)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(a)(2)(A)) is amended—

(1) in clause (i), by striking ''; and'' and inserting a semicolon; and

(2) by adding at the end the following:

''(iii) with principal amounts of not more than $25,000,000; and''.

(b) COMPETITIVE OPPORTUNITIES RELATING TO INSURANCE.—Section 2(d)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(d)(2)) is amended by striking ''$10,000,000'' and inserting ''$25,000,000''.

(c) EXPORT AMOUNTS FOR SMALL BUSINESS LOANS.—Section 3(g)(3) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(g)(3)) is amended by striking ''$10,000,000'' and inserting ''$25,000,000''.

(d) CONSIDERATION OF ENVIRONMENTAL EFFECTS.—Section 11(a)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–5(a)(1)(A)) is amended by striking ''$10,000,000 or more'' and inserting the following: ''$25,000,000 (or, if less than $25,000,000, the threshold established pursuant to international agreements, including the Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence, as adopted by the Organisation for Economic Co-operation and Development Council on June 28, 2012, and the risk-management framework adopted by financial institutions for determining, assessing, and managing environmental and social risk in projects (commonly referred to as the 'Equator Principles')) or more''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2016 and each fiscal year thereafter.

TITLE XCV—OTHER MATTERS

SEC. 95001. PROHIBITION ON DISCRIMINATION BASED ON INDUSTRY.

Section 2 of the Export-Import Bank Act of 1945 (6 U.S.C. 635 et seq.) is amended by adding at the end the following:

''(k) PROHIBITION ON DISCRIMINATION BASED ON INDUSTRY.—

''(1) IN GENERAL.—Except as provided in this Act, the Bank may not—

''(A) deny an application for financing based solely on the industry, sector, or business that the application concerns; or

''(B) promulgate or implement policies that discriminate against an application based solely on the industry, sector, or business that the application concerns.

''(2) APPLICABILITY.—The prohibitions under paragraph (1) apply only to applications for financing by the Bank for projects concerning the exploration, development, production, or export of energy sources and the generation or transmission of electrical power, or combined heat and power, regardless of the energy source involved.''.

SEC. 95002. NEGOTIATIONS TO END EXPORT CREDIT FINANCING.

(a) IN GENERAL.—Section 11 of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–5) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''Secretary of the Treasury (in this section referred to as the 'Secretary')'' and inserting ''President''; and

(B) in paragraph (1)—

(i) by striking ''(OECD)'' and inserting ''(in this section referred to as the 'OECD')''; and

(ii) by striking ''ultimate goal of eliminating'' and inserting ''possible goal of eliminating, before the date that is 10 years after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015,'';

(2) in subsection (b), by striking ''Secretary'' each place it appears and inserting ''President''; and

(3) by adding at the end the following:

''(c) REPORT ON STRATEGY.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the President shall submit to Congress a proposal, and a strategy for achieving the proposal, that the United States Government will pursue with other major exporting countries, including OECD members and non-OECD members, to eliminate over a period of not more than 10 years subsidized export-financing programs, tied aid, export credits, and all other forms of government-supported export subsidies.

''(d) NEGOTIATIONS WITH NON-OECD MEMBERS.—The President shall initiate and pursue negotiations with countries that are not OECD members to bring those countries into a multilateral agreement establishing rules and limitations on officially supported export credits.

''(e) ANNUAL REPORTS ON PROGRESS OF NEGOTIATIONS.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, and annually thereafter through calendar year 2019, the President shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the progress of any negotiations described in subsection (d).''.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) of subsection (a) shall apply with respect to reports required to be submitted under section 11(b) of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–5(b)) after the date of the enactment of this Act.

SEC. 95003. STUDY OF FINANCING FOR INFORMATION AND COMMUNICATIONS TECHNOLOGY SYSTEMS.

(a) ANALYSIS OF INFORMATION AND COMMUNICATIONS TECHNOLOGY INDUSTRY USE OF BANK PRODUCTS.—The Export-Import Bank of the United States (in this section referred to as the ''Bank'') shall conduct a study of the extent to which the products offered by the Bank are available and used by companies that export information and communications technology services and related goods.

(b) ELEMENTS.—In conducting the study required by subsection (a), the Bank shall examine the following:

(1) The number of jobs in the United States that are supported by the export of information and communications technology services and related goods, and the degree to which access to financing will increase exports of such services and related goods.

(2) The reduction in the financing by the Bank of exports of information and communications technology services from 2003 through 2014.

(3) The activities of foreign export credit agencies to facilitate the export of information and communications technology services and related goods.

(4) Specific proposals for how the Bank could provide additional financing for the exportation of information and communications technology services and related goods through risk-sharing with other export credit agencies and other third parties.

(5) Proposals for new products the Bank could offer to provide financing for exports of information and communications technology services and related goods, including—

(A) the extent to which the Bank is authorized to offer new products;

(B) the extent to which the Bank would need additional authority to offer new products to meet the needs of the information and communications technology industry;

(C) specific proposals for changes in law that would enable the Bank to provide increased financing for exports of information and communications technology services and related goods in compliance with the credit and risk standards of the Bank;

(D) specific proposals that would enable the Bank to provide increased outreach to the information and communications technology industry about the products the Bank offers; and

(E) specific proposals for changes in law that would enable the Bank to provide the financing to build information and communications technology infrastructure, in compliance with the credit and risk standards of the Bank, to allow for market access opportunities for United States information and communications technology companies to provide services on the infrastructure being financed by the Bank.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Bank shall submit to Congress a report that contains the results of the study required by subsection (a).

The CHAIR. No further amendment to the Senate amendment, as amended, shall be in order except for an amendment consisting of the text of Rules Committee Print 114–32, which shall be considered as pending, shall be considered as read, shall not be debatable, shall not be subject to amendment except as specified in section 2(b) of House Resolution 507, and shall not be subject to a demand for division of the question.

No amendment to the further amendment referred to in section 2(a) of House Resolution 507 shall be in order except those printed in part B of House Report 114–325. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

Pursuant to the rule, an amendment consisting of the text of Rules Committee Print 114–32 is now pending.

The Clerk will designate the amendment.

The text of the House amendment to the Senate amendment, as amended, to the text is as follows;

In the matter proposed to be inserted by the amendment of the Senate to the text of the bill, strike section 1 and all that follows through division B and insert the following:

DIVISION A—SURFACE TRANSPORTATION

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Surface Transportation Reauthorization and Reform Act of 2015''.

(b) TABLE OF CONTENTS.—The table of contents for 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, 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. Highway work zones.

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.

TITLE III—PUBLIC TRANSPORTATION

Sec. 3001. Short title.
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.

TITLE IV—HIGHWAY SAFETY

Sec. 4001. Authorization of appropriations.
Sec. 4002. Highway safety programs.
Sec. 4003. Highway safety research and development.
Sec. 4004. High-visibility enforcement program.
Sec. 4005. National priority safety programs.
Sec. 4006. Prohibition on funds to check helmet usage or create related checkpoints for a motorcycle driver or passenger.
Sec. 4007. Marijuana-impaired driving.
Sec. 4008. National priority safety program grant eligibility.
Sec. 4009. Data collection.
Sec. 4010. Technical corrections.

TITLE V—MOTOR CARRIER SAFETY

Subtitle A—Motor Carrier Safety Grant Consolidation

Sec. 5101. Grants to States.
Sec. 5102. Performance and registration information systems management.
Sec. 5103. Authorization of appropriations.
Sec. 5104. Commercial driver's license program implementation.
Sec. 5105. Extension of Federal motor carrier safety programs for fiscal year 2016.
Sec. 5106. Motor carrier safety assistance program allocation.
Sec. 5107. Maintenance of effort calculation.

Subtitle B—Federal Motor Carrier Safety Administration Reform

PART I—REGULATORY REFORM

Sec. 5201. Notice of cancellation of insurance.
Sec. 5202. Regulations.
Sec. 5203. Guidance.
Sec. 5204. Petitions.

PART II—COMPLIANCE, SAFETY, ACCOUNTABILITY REFORM

Sec. 5221. Correlation study.
Sec. 5222. Beyond compliance.
Sec. 5223. Data certification.
Sec. 5224. Interim hiring standard.

Subtitle C—Commercial Motor Vehicle Safety

Sec. 5301. Implementing safety requirements.
Sec. 5302. Windshield mounted safety technology.
Sec. 5303. Prioritizing statutory rulemakings.
Sec. 5304. Safety reporting system.
Sec. 5305. New entrant safety review program.
Sec. 5306. Ready mixed concrete trucks.

Subtitle D—Commercial Motor Vehicle Drivers

Sec. 5401. Opportunities for veterans.
Sec. 5402. Drug-free commercial drivers.
Sec. 5403. Certified medical examiners.
Sec. 5404. Graduated commercial driver's license pilot program.
Sec. 5405. Veterans expanded trucking opportunities.

Subtitle E—General Provisions

Sec. 5501. Minimum financial responsibility.
Sec. 5502. Delays in goods movement.
Sec. 5503. Report on motor carrier financial responsibility.
Sec. 5504. Emergency route working group.
Sec. 5505. Household goods consumer protection working group.
Sec. 5506. Technology improvements.
Sec. 5507. Notification regarding motor carrier registration.

Sec. 5508. Report on commercial driver's license skills test delays.
Sec. 5509. Covered farm vehicles.
Sec. 5510. Operators of hi-rail vehicles.
Sec. 5511. Electronic logging device requirements.
Sec. 5512. Technical corrections.
Sec. 5513. Automobile transporter.
Sec. 5514. Ready mix concrete delivery vehicles.

TITLE VI—INNOVATION

Sec. 6001. Short title.
Sec. 6002. Authorization of appropriations.
Sec. 6003. Advanced transportation and congestion management technologies deployment.
Sec. 6004. Technology and innovation deployment program.
Sec. 6005. Intelligent transportation system goals.
Sec. 6006. Intelligent transportation system program report.
Sec. 6007. Intelligent transportation system national architecture and standards.
Sec. 6008. Communication systems deployment report.
Sec. 6009. Infrastructure development.
Sec. 6010. Departmental research programs.
Sec. 6011. Research and Innovative Technology Administration.
Sec. 6012. Office of Intermodalism.
Sec. 6013. University transportation centers.
Sec. 6014. Bureau of Transportation Statistics.
Sec. 6015. Surface transportation system funding alternatives.
Sec. 6016. Future interstate study.
Sec. 6017. Highway efficiency.
Sec. 6018. Motorcycle safety.
Sec. 6019. Hazardous materials research and development.
Sec. 6020. Web-based training for emergency responders.
Sec. 6021. Transportation technology policy working group.
Sec. 6022. Collaboration and support.
Sec. 6023. Prize competitions.
Sec. 6024. GAO report.
Sec. 6025. Intelligent transportation system purposes.
Sec. 6026. Infrastructure integrity.

TITLE VII—HAZARDOUS MATERIALS TRANSPORTATION

Sec. 7001. Short title.
Sec. 7002. Authorization of appropriations.
Sec. 7003. National emergency and disaster response.
Sec. 7004. Enhanced reporting.
Sec. 7005. Wetlines.
Sec. 7006. Improving publication of special permits and approvals.
Sec. 7007. GAO study on acceptance of classification examinations.
Sec. 7008. Improving the effectiveness of planning and training grants.
Sec. 7009. Motor carrier safety permits.
Sec. 7010. Thermal blankets.
Sec. 7011. Comprehensive oil spill response plans.
Sec. 7012. Information on high-hazard flammable trains.
Sec. 7013. Study and testing of electronically controlled pneumatic brakes.
Sec. 7014. Ensuring safe implementation of positive train control systems.
Sec. 7015. Phase-out of all tank cars used to transport Class 3 flammable liquids.

TITLE VIII—MULTIMODAL FREIGHT TRANSPORTATION

Sec. 8001. Multimodal freight transportation.

TITLE IX—NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU

Sec. 9001. National Surface Transportation and Innovative Finance Bureau.
Sec. 9002. Council on Credit and Finance.

TITLE X—SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY

Sec. 10001. Allocations.
Sec. 10002. Recreational boating safety.

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) DEPARTMENT.—The term ''Department'' means the Department of Transportation.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 3. EFFECTIVE DATE.

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

SEC. 4. REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' contained in this division shall be treated as referring only to the provisions of this division.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.

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

(1) FEDERAL-AID HIGHWAY PROGRAM.—For the national highway performance program under section 119 of title 23, United States Code, the surface transportation block grant program under section 133 of 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;
(iv) $490,000,000 for fiscal year 2019;
(v) $495,000,000 for fiscal year 2020; and
(vi) $500,000,000 for fiscal year 2021.

(B) FEDERAL LANDS TRANSPORTATION PROGRAM.—

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

(I) $325,000,000 for fiscal year 2016;
(II) $335,000,000 for fiscal year 2017;
(III) $345,000,000 for fiscal year 2018;
(IV) $350,000,000 for fiscal year 2019;
(V) $375,000,000 for fiscal year 2020; and
(VI) $400,000,000 for fiscal year 2021.

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

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

(aa) $260,000,000 for fiscal year 2016;
(bb) $268,000,000 for fiscal year 2017;
(cc) $276,000,000 for fiscal year 2018;
(dd) $280,000,000 for fiscal year 2019;
(ee) $300,000,000 for fiscal year 2020; and
(ff) $320,000,000 for fiscal year 2021;

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

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

(aa) $15,000,000 for fiscal year 2016;
(bb) $16,000,000 for fiscal year 2017;
(cc) $17,000,000 for fiscal year 2018;
(dd) $18,000,000 for fiscal year 2019;
(ee) $19,000,000 for fiscal year 2020; and
(ff) $20,000,000 for fiscal year 2021.

(C) FEDERAL LANDS ACCESS PROGRAM.—For the Federal lands access program under section 204 of title 23, United States Code—

(i) $250,000,000 for fiscal year 2016;
(ii) $255,000,000 for fiscal year 2017;
(iii) $260,000,000 for fiscal year 2018;
(iv) $265,000,000 for fiscal year 2019;
(v) $270,000,000 for fiscal year 2020; and
(vi) $275,000,000 for fiscal year 2021.

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

(5) NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.—For nationally significant freight and highway projects under section 117 of title 23, United States Code—

(A) $725,000,000 for fiscal year 2016;
(B) $735,000,000 for fiscal year 2017; and
(C) $750,000,000 for each of fiscal years 2018 through 2021.

(b) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) FINDINGS.—Congress finds that—

(A) while significant progress has occurred due to the establishment of the disadvantaged business enterprise program, discrimination and related barriers continue to pose significant obstacles for minority- and women-owned businesses seeking to do business in federally assisted surface transportation markets across the United States;

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

(C) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits, which show that race- and gender-neutral efforts alone are insufficient to address the problem;

(D) the testimony and documentation described in subparagraph (C) demonstrate that discrimination across the United States poses a barrier to full and fair participation in surface transportation-related businesses of women business owners and minority business owners and has impacted firm development and many aspects of surface transportation-related business in the public and private markets; and

(E) the testimony and documentation described in subparagraph (C) provide a strong basis that there is a compelling need for the continuation of the disadvantaged business enterprise program to address race and gender discrimination in surface transportation-related business.

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

(A) SMALL BUSINESS CONCERN.—

(i) IN GENERAL.—The term ''small business concern'' means a small business concern (as the term is used in section 3 of the Small Business Act (15 U.S.C. 632)).

(ii) EXCLUSIONS.—The term ''small business concern'' does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals that have average annual gross receipts during the preceding 3 fiscal years in excess of $23,980,000, as adjusted annually by the Secretary for inflation.

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term ''socially and economically disadvantaged individuals'' has the meaning given the term in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to that Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

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

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

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

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

(i) women;

(ii) socially and economically disadvantaged individuals (other than women); and

(iii) individuals who are women and are otherwise socially and economically disadvantaged individuals.

(5) UNIFORM CERTIFICATION.—

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

(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

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

(7) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an individual or entity to receive funds made available under titles I, II, III, and VI of this Act and section 403 of title 23, United States Code, if the entity or person is prevented, in whole or in part, from complying with paragraph (3) because a Federal court issues a final order in which the court finds that a requirement or the implementation of paragraph (3) is unconstitutional.

SEC. 1102. OBLIGATION CEILING.

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

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

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

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

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

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

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

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

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

(2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

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

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

(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);

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

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

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

(9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;

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

(11) section 1603 of SAFETEA–LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation;

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

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

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

(1) shall not distribute obligation authority provided by subsection (a) for the fiscal year for—

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

(B) amounts authorized for the Bureau of 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 referred to in subsection (b)(13) for the fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

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

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

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

(5) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the national highway performance program in section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(13) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—

(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for the fiscal year; bears to

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

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

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

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141)) and 104 of title 23, United States Code.

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

(1) IN GENERAL.—Except as provided in paragraph (2), obligation limitations imposed by subsection (a) shall apply to contract authority for transportation research programs carried out under—

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

(B) title VI of this Act.

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

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

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

(f) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation authority under subsection (c) for each of fiscal years 2016 through 2021, the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that—

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

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

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

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

SEC. 1103. DEFINITIONS.

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

(1) by striking paragraph (29);

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

(3) by inserting after paragraph (14) the following:

''(15) NATIONAL HIGHWAY FREIGHT NETWORK.—The term 'National Highway Freight Network' means the National Highway Freight Network established under section 167.''.

SEC. 1104. APPORTIONMENT.

(a) ADMINISTRATIVE EXPENSES.—Section 104(a)(1) of title 23, United States Code, is amended to read as follows:

''(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to be made available to the Secretary for administrative expenses of the Federal Highway Administration $440,000,000 for each of fiscal years 2016 through 2021.''.

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

(1) in the subsection heading by striking ''DIVISION OF STATE APPORTIONMENTS AMONG PROGRAMS'' and inserting ''DIVISION AMONG PROGRAMS OF STATE'S SHARE OF BASE APPORTIONMENT'';

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

(A) by inserting ''of the base apportionment'' after ''the amount''; and

(B) by striking ''surface transportation program'' and inserting ''surface transportation block grant program'';

(3) in paragraph (2)—

(A) in the paragraph heading by striking ''SURFACE TRANSPORTATION PROGRAM'' and inserting ''SURFACE TRANSPORTATION BLOCK GRANT PROGRAM''; and

(B) by striking ''surface transportation program'' and inserting ''surface transportation block grant program''; and

(4) in each of paragraphs (4) and (5), in the matter preceding subparagraph (A), by inserting ''of the base apportionment'' after ''the amount''.

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

''(c) CALCULATION OF AMOUNTS.—

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

''(A) INITIAL AMOUNTS.—The initial amounts for each State shall be determined by multiplying—

''(i) each of—

''(I) the base apportionment;

''(II) supplemental funds reserved under subsection (h)(1) for the national highway performance program; and

''(III) supplemental funds reserved under subsection (h)(2) for the surface transportation block grant program; by

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

''(I) the amount of apportionments that the State received for fiscal year 2015; bears to

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

''(B) ADJUSTMENTS TO AMOUNTS.—The initial amounts resulting from the calculation under subparagraph (A) shall be adjusted to ensure that each State receives an aggregate apportionment equal to at least 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available.

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

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

''(h) SUPPLEMENTAL FUNDS.—

''(1) SUPPLEMENTAL FUNDS FOR NATIONAL HIGHWAY PERFORMANCE PROGRAM.—

''(A) AMOUNT.—Before making an apportionment for a fiscal year under subsection (c), the Secretary shall reserve for the national highway performance program under section 119 for that fiscal year an amount equal to—

''(i) $53,596,122 for fiscal year 2019;

''(ii) $66,717,816 for fiscal year 2020; and

''(iii) $79,847,397 for fiscal year 2021.

''(B) TREATMENT OF FUNDS.—Funds reserved under subparagraph (A) and apportioned to a State under subsection (c) shall be treated as if apportioned under subsection (b)(1), and shall be in addition to amounts apportioned under that subsection.

''(2) SUPPLEMENTAL FUNDS FOR SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.—

''(A) AMOUNT.—Before making an apportionment for a fiscal year under subsection (c), the Secretary shall reserve for the surface transportation block grant program under section 133 for that fiscal year an amount equal to $819,900,000 pursuant to section 133(h), plus—

''(i) $70,526,310 for fiscal year 2016;

''(ii) $104,389,904 for fiscal year 2017;

''(iii) $148,113,536 for fiscal year 2018;

''(iv) $160,788,367 for fiscal year 2019;

''(v) $200,153,448 for fiscal year 2020; and

''(vi) $239,542,191 for fiscal year 2021.

''(B) TREATMENT OF FUNDS.—Funds reserved under subparagraph (A) and apportioned to a State under subsection (c) shall be treated as if apportioned under subsection (b)(2), and shall be in addition to amounts apportioned under that subsection.

''(i) BASE APPORTIONMENT DEFINED.—In this section, the term 'base apportionment' means—

''(1) the combined amount authorized for appropriation for the national highway performance program under section 119, the surface transportation block grant program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, and to carry out section 134; minus

''(2) supplemental funds reserved under subsection (h) for the national highway performance program and the surface transportation block grant program.''.

SEC. 1105. NATIONAL HIGHWAY PERFORMANCE PROGRAM.

Section 119 of title 23, United States Code, is amended—

(1) in subsection (e)(7)—

(A) by striking ''this paragraph'' and inserting ''section 150(e)''; and

(B) by inserting ''under section 150(e)'' after ''the next report submitted''; and

(2) by adding at the end the following:

''(h) TIFIA PROGRAM.—Upon Secretarial approval of credit assistance under chapter 6, the Secretary, at the request of a State, may allow the State to use funds apportioned under section 104(b)(1) to pay subsidy and administrative costs necessary to provide an eligible entity Federal credit assistance under chapter 6 with respect to a project eligible for assistance under this section.

''(i) ADDITIONAL FUNDING ELIGIBILITY FOR CERTAIN BRIDGES.—

''(1) IN GENERAL.—Funds apportioned to a State to carry out the national highway performance program may be obligated for a project for the reconstruction, resurfacing, restoration, rehabilitation, or preservation of a bridge not on the National Highway System, if the bridge is on a Federal-aid highway.

''(2) LIMITATION.—A State required to make obligations under subsection (f) shall ensure such requirements are satisfied in order to use the flexibility under paragraph (1).''.

SEC. 1106. SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) the benefits of the surface transportation block grant program accrue principally to the residents of each State and municipality where the funds are obligated;

(2) decisions about how funds should be obligated are best determined by the States and municipalities to respond to unique local circumstances and implement the most efficient solutions; and

(3) reforms of the program to promote flexibility will enhance State and local control over transportation decisions.

(b) SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.—Section 133 of title 23, United States Code, is amended—

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

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

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

''(1) Construction of—

''(A) highways, bridges, tunnels, including designated routes of the Appalachian development highway system and local access roads under section 14501 of title 40;

''(B) ferry boats and terminal facilities eligible for funding under section 129(c);

''(C) transit capital projects eligible for assistance under chapter 53 of title 49;

''(D) infrastructure-based intelligent transportation systems capital improvements;

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

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

''(2) Operational improvements and capital and operating costs for traffic monitoring,

management, and control facilities and programs.

''(3) Environmental measures eligible under sections 119(g), 328, and 329 and transportation control measures listed in section 108(f)(1)(A) (other than clause (xvi) of that section) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A)).

''(4) Highway and transit safety infrastructure improvements and programs, including railway-highway grade crossings.

''(5) Fringe and corridor parking facilities and programs in accordance with section 137 and carpool projects in accordance with section 146.

''(6) Recreational trails projects eligible for funding under section 206, pedestrian and bicycle projects in accordance with section 217 (including modifications to comply with accessibility requirements under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)), and the safe routes to school program under section 1404 of SAFETEA–LU (23 U.S.C. 402 note).

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

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

''(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 tunnels on public roads, and inspection and evaluation of bridges and tunnels and other highway assets.

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

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

''(12) Projects and strategies designed to support congestion pricing, including electronic toll collection and travel demand management strategies and programs.

''(13) At the request of a State, and upon Secretarial approval of credit assistance under chapter 6, subsidy and administrative costs necessary to provide an eligible entity Federal credit assistance under chapter 6 with respect to a project eligible for assistance under this section.

''(14) The creation and operation by a State of an office to assist in the design, implementation, and oversight of public-private partnerships eligible to receive funding under this title and chapter 53 of title 49, and the payment of a stipend to unsuccessful private bidders to offset their proposal development costs, if necessary to encourage robust competition in public-private partnership procurements.

''(15) Any type of project eligible under this section as in effect on the day before the date of enactment of the Surface Transportation Reauthorization and Reform Act of 2015, including projects described under section 101(a)(29) as in effect on such day.

''(c) LOCATION OF PROJECTS.—A surface transportation block grant project may not be undertaken on a road functionally classified as a local road or a rural minor collector unless the road was on a Federal-aid highway system on January 1, 1991, except—

''(1) for a bridge or tunnel project (other than the construction of a new bridge or tunnel at a new location);

''(2) for a project described in paragraphs (4) through (11) of subsection (b);

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

''(4) as approved by the Secretary.

''(d) ALLOCATIONS OF APPORTIONED FUNDS TO AREAS BASED ON POPULATION.—

''(1) CALCULATION.—Of the funds apportioned to a State under section 104(b)(2) (after the reservation of funds under subsection (h))—

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

''(i) in urbanized areas of the State with an urbanized area population of over 200,000;

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

''(iii) in other areas of the State; and

''(B) the remainder may be obligated in any area of the State.

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

''(3) CONSULTATION WITH REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS.—For purposes of paragraph (1)(A)(iii), before obligating funding attributed to an area with a population greater than 5,000 and less than 200,000, a State shall consult with the regional transportation planning organizations that represent the area, if any.

''(4) DISTRIBUTION AMONG URBANIZED AREAS OF OVER 200,000 POPULATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of funds that a State is required to obligate under paragraph (1)(A)(i) shall be obligated in urbanized areas described in paragraph (1)(A)(i) based on the relative population of the areas.

''(B) OTHER FACTORS.—The State may obligate the funds described in subparagraph (A) based on other factors if the State and the relevant metropolitan planning organizations jointly apply to the Secretary for the permission to base the obligation on other factors and the Secretary grants the request.

''(5) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with sections 134 and 135.

''(6) PERCENTAGE.—The percentage referred to in paragraph (1)(A) is—

''(A) for fiscal year 2016, 51 percent;

''(B) for fiscal year 2017, 52 percent;

''(C) for fiscal year 2018, 53 percent;

''(D) for fiscal year 2019, 54 percent;

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

''(F) for fiscal year 2021, 55 percent.'';

(2) by striking the section heading and inserting ''**Surface transportation block grant program**'';

(3) by striking subsection (e);

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

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

(A) by striking ''104(b)(3)'' and inserting ''104(b)(2)''; and

(B) by striking ''fiscal years 2011 through 2014'' and inserting ''fiscal years 2016 through 2021'';

(6) in subsection (g)(1), as redesignated by this subsection, by striking ''under subsection (d)(1)(A)(iii) for each of fiscal years 2013 through 2014'' and inserting ''under subsection (d)(1)(A)(ii) for each of fiscal years 2016 through 2021''; and

(7) by adding at the end the following:

''(h) STP SET-ASIDE.—

''(1) RESERVATION OF FUNDS.—Of the funds apportioned to a State under section 104(b)(2) for each fiscal year, the Secretary shall reserve an amount such that—

''(A) the Secretary reserves a total of $819,900,000 under this subsection; and

''(B) the State's share of that total is determined by multiplying the amount under subparagraph (A) by the ratio that—

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

''(ii) the total amount of funds apportioned to all States for the transportation enhancements program for fiscal year 2009.

''(2) ALLOCATION WITHIN A STATE.—Funds reserved for a State under paragraph (1) shall be obligated within that State in the manner described in subsection (d), except that, for purposes of this paragraph (after funds are made available under paragraph (5))—

''(A) for each fiscal year, the percentage referred to in paragraph (1)(A) of that subsection shall be deemed to be 50 percent; and

''(B) the following provisions shall not apply:

''(i) Paragraph (3) of subsection (d).

''(ii) Subsection (e).

''(3) ELIGIBLE PROJECTS.—Funds reserved under this subsection may be obligated for projects or activities described in section 101(a)(29) or 213, as such provisions were in effect on the day before the date of enactment of the Surface Transportation Reauthorization and Reform Act of 2015.

''(4) ACCESS TO FUNDS.—

''(A) IN GENERAL.—A State or metropolitan planning organization required to obligate funds in accordance with paragraph (2) shall develop a competitive process to allow eligible entities to submit projects for funding that achieve the objectives of this subsection. A metropolitan planning organization for an area described in subsection (d)(1)(A)(i) shall select projects under such process in consultation with the relevant State.

''(B) ELIGIBLE ENTITY DEFINED.—In this paragraph, the term 'eligible entity' means—

''(i) a local government;

''(ii) a regional transportation authority;

''(iii) a transit agency;

''(iv) a natural resource or public land agency;

''(v) a school district, local education agency, or school;

''(vi) a tribal government; and

''(vii) any other local or regional governmental entity with responsibility for or oversight of transportation or recreational trails (other than a metropolitan planning organization or a State agency) that the State determines to be eligible, consistent with the goals of this subsection.

''(5) CONTINUATION OF CERTAIN RECREATIONAL TRAILS PROJECTS.—For each fiscal year, a State shall—

''(A) obligate an amount of funds reserved under this section equal to the amount of the funds apportioned to the State for fiscal year 2009 under section 104(h)(2), as in effect on the day before the date of enactment of MAP–21, for projects relating to recreational trails under section 206;

''(B) return 1 percent of those funds to the Secretary for the administration of that program; and

''(C) comply with the provisions of the administration of the recreational trails program under section 206, including the use of apportioned funds described in subsection (d)(3)(A) of that section.

''(6) STATE FLEXIBILITY.—

''(A) RECREATIONAL TRAILS.—A State may opt out of the recreational trails program under paragraph (5) if the Governor of the

State notifies the Secretary not later than 30 days prior to apportionments being made for any fiscal year.

''(B) LARGE URBANIZED AREAS.—A metropolitan planning area may use not to exceed 50 percent of the funds reserved under this subsection for an urbanized area described in subsection (d)(1)(A)(i) for any purpose eligible under subsection (b).

''(i) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, projects funded under this section (excluding those carried out under subsection (h)(5)) shall be treated as projects on a Federal-aid highway under this chapter.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

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

(A) by striking ''section 213'' and inserting ''section 133(h)''; and

(B) by striking ''section 213(c)(1)(B)'' and inserting ''section 133(h)''.

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

(3) SECTION 322.—Section 322(h)(3) of title 23, United States Code, is amended by striking ''surface transportation program'' and inserting ''surface transportation block grant program''.

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

(A) by striking ''104(b)(3)'' and inserting ''104(b)(2)''; and

(B) by striking ''surface transportation program'' and inserting ''surface transportation block grant program''.

(5) CHAPTER 1.—Chapter 1 of title 23, United States Code, is amended by striking ''surface transportation program'' each place it appears and inserting ''surface transportation block grant program''.

(6) CHAPTER ANALYSES.—

(A) CHAPTER 1.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 133 and inserting the following:

''133. Surface transportation block grant program.''.

(B) CHAPTER 2.—The item relating to section 213 in the analysis for chapter 2 of title 23, United States Code, is repealed.

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

SEC. 1107. RAILWAY-HIGHWAY GRADE CROSSINGS.

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

''(1) IN GENERAL.—

''(A) SET ASIDE.—Before making an apportionment under section 104(b)(3) for a fiscal year, the Secretary shall set aside, from amounts made available to carry out the highway safety improvement program under section 148 for such fiscal year, for the elimination of hazards and the installation of protective devices at railway-highway crossings at least—

''(i) $225,000,000 for fiscal year 2016;

''(ii) $230,000,000 for fiscal year 2017;

''(iii) $235,000,000 for fiscal year 2018;

''(iv) $240,000,000 for fiscal year 2019;

''(v) $245,000,000 for fiscal year 2020; and

''(vi) $250,000,000 for fiscal year 2021.

''(B) INSTALLATION OF PROTECTIVE DEVICES.—At least ½ of the funds set aside each fiscal year under subparagraph (A) shall be available for the installation of protective devices at railway-highway crossings.

''(C) OBLIGATION AVAILABILITY.—Sums set aside each fiscal year under subparagraph (A) shall be available for obligation in the same manner as funds apportioned under section 104(b)(1) of this title.''.

SEC. 1108. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

(a) DEFINITIONS.—

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

(A) in paragraph (4)(B)—

(i) in the matter preceding clause (i), by striking ''includes, but is not limited to,'' and inserting ''only includes''; and

(ii) by adding at the end the following:

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

''(xxvi) Pedestrian hybrid beacons.

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

''(xxviii) A physical infrastructure safety project not described in clauses (i) through (xxvii).'';

(B) by striking paragraph (10); and

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

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

(A) in subsection (c)(1)(A) by striking ''subsections (a)(12)'' and inserting ''subsections (a)(11)''; and

(B) in subsection (d)(2)(B)(i) by striking ''subsection (a)(12)'' and inserting ''subsection (a)(11)''.

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

''(3) PROCESS.—The Secretary shall establish a 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 State, for the most recent 2-year period for which data is available, is more than the median fatality rate for rural roads among all States for such 2-year period, the State shall be required to demonstrate, in the subsequent State strategic highway safety plan of the State, strategies to address fatalities and achieve safety improvements on high risk rural roads.''.

(d) COMMERCIAL MOTOR VEHICLE SAFETY BEST PRACTICES.—

(1) REVIEW.—The Secretary shall conduct a review of best practices with respect to the implementation of roadway safety infrastructure improvements that—

(A) are cost effective; and

(B) reduce the number or severity of accidents involving commercial motor vehicles.

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

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make available on the public Internet Web site of the Department, a report describing the results of the review conducted under paragraph (1).

SEC. 1109. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

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

(1) in paragraph (7) by striking ''or'' at the end;

(2) in paragraph (8) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(9) if the project or program is for the installation of vehicle-to-infrastructure communication equipment.''.

(b) STATES FLEXIBILITY.—Section 149(d) of title 23, United States Code, is amended to read as follows:

''(d) STATES FLEXIBILITY.—

''(1) STATES WITHOUT A NONATTAINMENT AREA.—If a State does not have, and never has had, a nonattainment area designated under the Clean Air Act (42 U.S.C. 7401 et seq.), the State may use funds apportioned to the State under section 104(b)(4) for any project in the State that—

''(A) would otherwise be eligible under subsection (b) if the project were carried out in a nonattainment or maintenance area; or

''(B) is eligible under the surface transportation block grant program under section 133.

''(2) STATES WITH A NONATTAINMENT AREA.—

''(A) IN GENERAL.—If a State has a nonattainment area or maintenance area and received funds in fiscal year 2009 under section 104(b)(2)(D), as in effect on the day before the date of enactment of the MAP–21, above the amount of funds that the State would have received based on the nonattainment and maintenance area population of the State under subparagraphs (B) and (C) of section 104(b)(2), as in effect on the day before the date of enactment of the MAP–21, the State may use, for any project that would otherwise be eligible under subsection (b) if the project were carried out in a nonattainment or maintenance area or is eligible under the surface transportation block grant program under section 133, an amount of funds apportioned to such State under section 104(b)(4) that is equal to the product obtained by multiplying—

''(i) the amount apportioned to such State under section 104(b)(4) (excluding the amounts reserved for obligation under subsection (k)(1)); by

''(ii) the ratio calculated under subparagraph (B).

''(B) RATIO.—For purposes of this paragraph, the ratio shall be calculated as the proportion that—

''(i) the amount for fiscal year 2009 such State was permitted by section 149(c)(2), as in effect on the day before the date of enactment of the MAP–21, to obligate in any area of the State for projects eligible under section 133, as in effect on the day before the date of enactment of the MAP–21; bears to

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

''(3) CHANGES IN DESIGNATION.—If a new nonattainment area is designated or a previously designated nonattainment area is redesignated as an attainment area in a State under the Clean Air Act (42 U.S.C. 7401 et seq.), the Secretary shall modify, in a manner consistent with the approach that was in

effect on the day before the date of enactment of MAP–21, the amount such State is permitted to obligate in any area of the State for projects eligible under section 133.''.

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

''(3) PRIORITY CONSIDERATION.—

''(A) IN GENERAL.—In distributing funds received for congestion mitigation and air quality projects and programs from apportionments under section 104(b)(4) in areas designated as nonattainment or maintenance for PM2.5 under the Clean Air Act (42 U.S.C. 7401 et seq.) and where regional motor vehicle emissions are not an insignificant contributor to the air quality problem for PM2.5, States and metropolitan planning organizations shall give priority to projects, including diesel retrofits, that are proven to reduce direct emissions of PM2.5.

''(B) USE OF FUNDING.—To the maximum extent practicable, funding used in an area described in subparagraph (A) shall be used on the most cost-effective projects and programs that are proven to reduce directly emitted fine particulate matter.''.

(d) PRIORITY FOR USE OF FUNDS IN PM2.5 AREAS.—Section 149(k) of title 23, United States Code, is amended—

(1) in paragraph (1) by striking ''such fine particulate'' and inserting ''directly emitted fine particulate''; and

(2) by adding at the end the following:

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

''(A) EXCEPTION.—For any State with a population density of 80 or fewer persons per square mile of land area, based on the most recent decennial census, subsection (g)(3) and paragraphs (1) and (2) of this subsection do not apply to a nonattainment or maintenance area in the State if—

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

''(ii) regional motor vehicle emissions are an insignificant contributor to the air quality problem for PM2.5 in the nonattainment or maintenance area.

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

(e) PERFORMANCE PLAN.—Section 149(l)(1)(B) of title 23, United States Code, is amended by inserting ''emission and congestion reduction'' after ''achieving the''.

SEC. 1110. NATIONAL HIGHWAY FREIGHT POLICY.

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

''§ 167. National highway freight policy

''(a) IN GENERAL.—It is the policy of the United States to improve the condition and performance of the National Highway Freight Network established under this section to ensure that the Network provides a foundation for the United States to compete in the global economy and achieve the goals described in subsection (b).

''(b) GOALS.—The goals of the national highway freight policy are—

''(1) to invest in infrastructure improvements and to implement operational improvements that—

''(A) strengthen the contribution of the National Highway Freight Network to the economic competitiveness of the United States;

''(B) reduce congestion and bottlenecks on the National Highway Freight Network; and

''(C) increase productivity, particularly for domestic industries and businesses that create high-value jobs;

''(2) to improve the safety, security, and resilience of highway freight transportation;

''(3) to improve the state of good repair of the National Highway Freight Network;

''(4) to use innovation and advanced technology to improve the safety, efficiency, and reliability of the National Highway Freight Network;

''(5) to improve the economic efficiency of the National Highway Freight Network;

''(6) to improve the short and long distance movement of goods that—

''(A) travel across rural areas between population centers; and

''(B) travel between rural areas and population centers;

''(7) to improve the flexibility of States to support multi-State corridor planning and the creation of multi-State organizations to increase the ability of States to address highway freight connectivity; and

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

''(c) ESTABLISHMENT OF NATIONAL HIGHWAY FREIGHT NETWORK.—

''(1) IN GENERAL.—The Secretary shall establish a National Highway Freight Network in accordance with this section to strategically direct Federal resources and policies toward improved performance of the Network.

''(2) NETWORK COMPONENTS.—The National Highway Freight Network shall consist of—

''(A) the Interstate System;

''(B) non-Interstate highway segments on the 41,000-mile comprehensive primary freight network developed by the Secretary under section 167(d) as in effect on the day before the date of enactment of the Surface Transportation Reauthorization and Reform Act of 2015; and

''(C) additional non-Interstate highway segments designated by the States under subsection (d).

''(d) STATE ADDITIONS TO NETWORK.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Surface Transportation Reauthorization and Reform Act of 2015, each State, in consultation with the State freight advisory committee, may increase the number of miles designated as part of the National Highway Freight Network by not more than 10 percent of the miles designated in that State under subparagraphs (A) and (B) of subsection (c)(2) if the additional miles—

''(A) close gaps between segments of the National Highway Freight Network;

''(B) establish connections from the National Highway Freight Network to critical facilities for the efficient movement of freight, including ports, freight railroads, international border crossings, airports, intermodal facilities, warehouse and logistics centers, and agricultural facilities; or

''(C) are part of critical emerging freight corridors or critical commerce corridors.

''(2) SUBMISSION.—Each State shall—

''(A) submit to the Secretary a list of the additional miles added under this subsection; and

''(B) certify that the additional miles meet the requirements of paragraph (1).

''(e) REDESIGNATION.—

''(1) REDESIGNATION BY SECRETARY.—

''(A) IN GENERAL.—Effective beginning 5 years after the date of enactment of the Surface Transportation Reauthorization and Reform Act of 2015, and every 5 years thereafter, the Secretary shall redesignate the highway segments designated by the Secretary under subsection (c)(2)(B) that are on the National Highway Freight Network.

''(B) CONSIDERATIONS.—In redesignating highway segments under subparagraph (A), the Secretary shall consider—

''(i) changes in the origins and destinations of freight movements in the United States;

''(ii) changes in the percentage of annual average daily truck traffic in the annual average daily traffic on principal arterials;

''(iii) changes in the location of key facilities;

''(iv) critical emerging freight corridors; and

''(v) network connectivity.

''(C) LIMITATION.—Each redesignation under subparagraph (A) may increase the mileage on the National Highway Freight Network designated by the Secretary by not more than 3 percent.

''(2) REDESIGNATION BY STATES.—

''(A) IN GENERAL.—Effective beginning 5 years after the date of enactment of the Surface Transportation Reauthorization and Reform Act of 2015, and every 5 years thereafter, each State may, in consultation with the State freight advisory committee, redesignate the highway segments designated by the State under subsection (c)(2)(C) that are on the National Highway Freight Network.

''(B) CONSIDERATIONS.—In redesignating highway segments under subparagraph (A), the State shall consider—

''(i) gaps between segments of the National Highway Freight Network;

''(ii) needed connections from the National Highway Freight Network to critical facilities for the efficient movement of freight, including ports, freight railroads, international border crossings, airports, intermodal facilities, warehouse and logistics centers, and agricultural facilities; and

''(iii) critical emerging freight corridors or critical commerce corridors.

''(C) LIMITATION.—Each redesignation under subparagraph (A) may increase the mileage on the National Highway Freight Network designated by the State by not more than 3 percent.

''(D) RESUBMISSION.—Each State, under the advisement of the State freight advisory committee, shall—

''(i) submit to the Secretary a list of the miles redesignated under this paragraph; and

''(ii) certify that the redesignated miles meet the requirements of subsection (d)(1).''.

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

''167. National highway freight policy.''.

SEC. 1111. NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.

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

''§ 117. Nationally significant freight and highway projects

''(a) ESTABLISHMENT.—There is established a nationally significant freight and highway projects program to provide financial assistance for projects of national or regional significance that will—

''(1) improve the safety, efficiency, and reliability of the movement of freight and people;

''(2) generate national or regional economic benefits and an increase in the global economic competitiveness of the United States;

''(3) reduce highway congestion and bottlenecks;

''(4) improve connectivity between modes of freight transportation; or

''(5) enhance the strength, durability, and serviceability of critical highway infrastructure.

''(b) GRANT AUTHORITY.—In carrying out the program established in subsection (a),

the Secretary may make grants, on a competitive basis, in accordance with this section.

''(c) ELIGIBLE APPLICANTS.—

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

''(A) A State or group of States.

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

''(C) A unit of local government.

''(D) A special purpose district or public authority with a transportation function, including a port authority.

''(E) A Federal land management agency that applies jointly with a State or group of States.

''(2) APPLICATIONS.—To be eligible for a grant under this section, an entity specified in paragraph (1) shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines is appropriate.

''(d) ELIGIBLE PROJECTS.—

''(1) IN GENERAL.—Except as provided in subsection (h), the Secretary may make a grant under this section only for a project that—

''(A) is—

''(i) a freight project carried out on the National Highway Freight Network established under section 167 of this title;

''(ii) a highway or bridge project carried out on the National Highway System;

''(iii) an intermodal or rail freight project carried out on the National Multimodal Freight Network established under section 70103 of title 49; or

''(iv) a railway-highway grade crossing or grade separation project; and

''(B) has eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

''(i) $100,000,000; or

''(ii) in the case of a project—

''(I) located in 1 State, 30 percent 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—

''(i) not apply to a railway-highway grade crossing or grade separation project; and

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

''(e) ELIGIBLE PROJECT COSTS.—Grant amounts received for a project under this section may be used for—

''(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

''(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

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

''(1) the project will generate national or regional economic, mobility, or safety benefits;

''(2) the project will be cost effective;

''(3) the project will contribute to the accomplishment of 1 or more of the national goals described under section 150 of this title;

''(4) the project is based on the results of preliminary engineering;

''(5) with respect to related non-Federal financial commitments—

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

''(B) contingency amounts are available to cover unanticipated cost increases;

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

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

''(g) ADDITIONAL CONSIDERATIONS.—In making a grant under this section, the Secretary shall consider—

''(1) the extent to which a project utilizes nontraditional financing, innovative design and construction techniques, or innovative technologies;

''(2) the amount and source of non-Federal contributions with respect to the proposed project; and

''(3) the need for geographic diversity among grant recipients, including the need for a balance between the needs of rural and urban communities.

''(h) RESERVED AMOUNTS.—

''(1) IN GENERAL.—The Secretary shall reserve not less than 10 percent of the amounts made available for grants under this section each fiscal year to make grants for projects described in subsection (d)(1)(A)(i) that do not satisfy the minimum threshold under subsection (d)(1)(B).

''(2) GRANT AMOUNT.—Each grant made under this subsection shall be in an amount that is at least $5,000,000.

''(3) PROJECT SELECTION CONSIDERATIONS.—In addition to other applicable requirements, in making grants under this subsection the Secretary shall consider—

''(A) the cost effectiveness of the proposed project; and

''(B) the effect of the proposed project on mobility in the State and region in which the project is carried out.

''(4) EXCESS FUNDING.—In any fiscal year in which qualified applications for grants under this subsection will not allow for the amount reserved under paragraph (1) to be fully utilized, the Secretary shall use the unutilized amounts to make other grants under this section.

''(5) RURAL AREAS.—The Secretary shall reserve not less than 20 percent of the amounts made available for grants under this section, including the amounts made available under paragraph (1), each fiscal year to make grants for projects located in rural areas.

''(i) FEDERAL SHARE.—

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

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

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

''(1) the agreement will benefit each entity entering into the agreement; and

''(2) the agreement is not in violation of a law of any such entity.

''(k) TREATMENT OF FREIGHT PROJECTS.—Notwithstanding any other provision of law, a freight project carried out under this section shall be treated as if the project is located on a Federal-aid highway.

''(l) TIFIA PROGRAM.—At the request of an eligible applicant under this section, the Secretary may use amounts awarded to the entity to pay subsidy and administrative costs necessary to provide the entity Federal credit assistance under chapter 6 with respect to the project for which the grant was awarded.

''(m) CONGRESSIONAL NOTIFICATION.—

''(1) NOTIFICATION.—At least 60 days before making a grant for a project under this section, the Secretary shall notify, in writing, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the proposed grant. The notification shall include an evaluation and justification for the project and the amount of the proposed grant award.

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

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

''117. Nationally significant freight and highway projects.''.

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

SEC. 1112. TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.

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

(1) in paragraph (1) by striking ''$150,000,000'' and inserting ''$158,000,000''; and

(2) in paragraph (2) by striking ''$40,000,000'' and inserting ''$42,000,000''.

SEC. 1113. FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAM.

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

''(C) TRIBAL DATA COLLECTION.—In addition to the data to be collected under subparagraph (A), not later than 90 days after the last day of each fiscal year, any entity carrying out a project under the tribal transportation program under section 202 shall submit to the Secretary and the Secretary of the Interior, based on obligations and expenditures under the tribal transportation program during the preceding fiscal year, the following data:

''(i) The names of projects and activities carried out by the entity under the tribal transportation program during the preceding fiscal year.

''(ii) A description of the projects and activities identified under clause (i).

''(iii) The current status of the projects and activities identified under clause (i).

''(iv) An estimate of the number of jobs created and the number of jobs retained by the projects and activities identified under clause (i).''.

SEC. 1114. TRIBAL TRANSPORTATION PROGRAM.

Section 202(a)(6) of title 23, United States Code, is amended by striking ''6 percent'' and inserting ''5 percent''.

SEC. 1115. FEDERAL LANDS TRANSPORTATION PROGRAM.

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

(1) in subsection (a)(1)(B) by striking ''operation'' and inserting ''capital, operations,'';

(2) in subsection (b)—

(A) in paragraph (1)(B)—

(i) in clause (iv) by striking ''and'' at the end;

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

(iii) by adding at the end the following:

''(vi) the Bureau of Reclamation; and

''(vii) independent Federal agencies with natural resource and land management responsibilities.''; and

(B) in paragraph (2)(B)—

(i) in the matter preceding clause (i) by inserting ''performance management, including'' after ''support''; and

(ii) in clause (i)(II) by striking '', and'' and inserting ''; and''; and

(3) in subsection (c)(2)(B) by adding at the end the following:

''(vi) The Bureau of Reclamation.''.

SEC. 1116. TRIBAL TRANSPORTATION SELF-GOVERNANCE PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 206 the following:

''SEC. 207. TRIBAL TRANSPORTATION SELF-GOVERNANCE PROGRAM.

''(a) ESTABLISHMENT.—Subject to the requirements of this section, the Secretary shall establish and carry out a program to be known as the tribal transportation self-governance program. The Secretary may delegate responsibilities for administration of the program as the Secretary determines appropriate.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), an Indian tribe shall be eligible to participate in the program if the Indian tribe requests participation in the program by resolution or other official action by the governing body of the Indian tribe, and demonstrates, for the preceding 3 fiscal years, financial stability and financial management capability, and transportation program management capability.

''(2) CRITERIA FOR DETERMINING FINANCIAL STABILITY AND FINANCIAL MANAGEMENT CAPACITY.—For the purposes of paragraph (1), evidence that, during the preceding 3 fiscal years, an Indian tribe had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe's self-determination contracts or self-governance funding agreements with any Federal agency shall be conclusive evidence of the required financial stability and financial management capability.

''(3) CRITERIA FOR DETERMINING TRANSPORTATION PROGRAM MANAGEMENT CAPABILITY.—The Secretary shall require an Indian tribe to demonstrate transportation program management capability, including the capability to manage and complete projects eligible under this title and projects eligible under chapter 53 of title 49, to gain eligibility for the program.

''(c) COMPACTS.—

''(1) COMPACT REQUIRED.—Upon the request of an eligible Indian tribe, and subject to the requirements of this section, the Secretary shall negotiate and enter into a written compact with the Indian tribe for the purpose of providing for the participation of the Indian tribe in the program.

''(2) CONTENTS.—A compact entered into under paragraph (1) shall set forth the general terms of the government-to-government relationship between the Indian tribe and the United States under the program and other terms that will continue to apply in future fiscal years.

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

''(d) ANNUAL FUNDING AGREEMENTS.—

''(1) FUNDING AGREEMENT REQUIRED.—After entering into a compact with an Indian tribe under subsection (c), the Secretary shall negotiate and enter into a written annual funding agreement with the Indian tribe.

''(2) CONTENTS.—

''(A) IN GENERAL.—

''(i) FORMULA FUNDING AND DISCRETIONARY GRANTS.—A funding agreement entered into with an Indian tribe shall authorize the Indian tribe, as determined by the Indian tribe, to plan, conduct, consolidate, administer, and receive full tribal share funding, tribal transit formula funding, and funding to tribes from discretionary and competitive grants administered by the Department for all programs, services, functions, and activities (or portions thereof) that are made available to Indian tribes to carry out tribal transportation programs and programs, services, functions, and activities (or portions thereof) administered by the Secretary that are otherwise available to Indian tribes.

''(ii) TRANSFERS OF STATE FUNDS.—

''(I) INCLUSION OF TRANSFERRED FUNDS IN FUNDING AGREEMENT.—A funding agreement entered into with an Indian tribe shall include Federal-aid funds apportioned to a State under chapter 1 if the State elects to provide a portion of such funds to the Indian tribe for a project eligible under section 202(a).

''(II) METHOD FOR TRANSFERS.—If a State elects to provide funds described in subclause (I) to an Indian tribe, the State shall transfer the funds back to the Secretary and the Secretary shall transfer the funds to the Indian tribe in accordance with this section.

''(III) RESPONSIBILITY FOR TRANSFERRED FUNDS.—Notwithstanding any other provision of law, if a State provides funds described in subclause (I) to an Indian tribe—

''(aa) the State shall not be responsible for constructing or maintaining a project carried out using the funds or for administering or supervising the project or funds during the applicable statute of limitations period related to the construction of the project; and

''(bb) the Indian tribe shall be responsible for constructing and maintaining a project carried out using the funds and for administering and supervising the project and funds in accordance with this section during the applicable statute of limitations period related to the construction of the project.

''(B) ADMINISTRATION OF TRIBAL SHARES.—The tribal shares referred to in subparagraph (A) shall be provided without regard to the agency or office of the Department within which the program, service, function, or activity (or portion thereof) is performed.

''(C) FLEXIBLE AND INNOVATIVE FINANCING.—

''(i) IN GENERAL.—A funding agreement entered into with an Indian tribe under paragraph (1) shall include provisions pertaining to flexible and innovative financing if agreed upon by the parties.

''(ii) TERMS AND CONDITIONS.—

''(I) AUTHORITY TO ISSUE REGULATIONS.—The Secretary may issue regulations to establish the terms and conditions relating to the flexible and innovative financing provisions referred to in clause (i).

''(II) TERMS AND CONDITIONS IN ABSENCE OF REGULATIONS.—If the Secretary does not issue regulations under subclause (I), the terms and conditions relating to the flexible and innovative financing provisions referred to in clause (i) shall be consistent with—

''(aa) agreements entered into by the Department under—

''(AA) section 202(b)(7); and

''(BB) section 202(d)(5), as in effect before the date of enactment of MAP–21 (Public Law 112–141); or

''(bb) regulations of the Department of the Interior relating to flexible financing contained in part 170 of title 25, Code of Federal Regulations, as in effect on the date of enactment of the Surface Transportation Reauthorization and Reform Act of 2015.

''(3) TERMS.—A funding agreement shall set forth—

''(A) terms that generally identify the programs, services, functions, and activities (or portions thereof) to be performed or administered by the Indian tribe; and

''(B) for items identified in subparagraph (A)—

''(i) the general budget category assigned;

''(ii) the funds to be provided, including those funds to be provided on a recurring basis;

''(iii) the time and method of transfer of the funds;

''(iv) the responsibilities of the Secretary and the Indian tribe; and

''(v) any other provision agreed to by the Indian tribe and the Secretary.

''(4) SUBSEQUENT FUNDING AGREEMENTS.—

''(A) APPLICABILITY OF EXISTING AGREEMENT.—Absent notification from an Indian tribe that the Indian tribe is withdrawing from or retroceding the operation of 1 or more programs, services, functions, or activities (or portions thereof) identified in a funding agreement, or unless otherwise agreed to by the parties, each funding agreement shall remain in full force and effect until a subsequent funding agreement is executed.

''(B) EFFECTIVE DATE OF SUBSEQUENT AGREEMENT.—The terms of the subsequent funding agreement shall be retroactive to the end of the term of the preceding funding agreement.

''(5) CONSENT OF INDIAN TRIBE REQUIRED.—The Secretary shall not revise, amend, or require additional terms in a new or subsequent funding agreement without the consent of the Indian tribe that is subject to the agreement unless such terms are required by Federal law.

''(e) GENERAL PROVISIONS.—

''(1) REDESIGN AND CONSOLIDATION.—

''(A) IN GENERAL.—An Indian tribe, in any manner that the Indian tribe considers to be in the best interest of the Indian community being served, may—

''(i) redesign or consolidate programs, services, functions, and activities (or portions thereof) included in a funding agreement; and

''(ii) reallocate or redirect funds for such programs, services, functions, and activities (or portions thereof), if the funds are—

''(I) expended on projects identified in a transportation improvement program approved by the Secretary; and

''(II) used in accordance with the requirements in—

''(aa) appropriations Acts;

''(bb) this title and chapter 53 of title 49; and

''(cc) any other applicable law.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), if, pursuant to subsection (d), an Indian tribe receives a discretionary or

competitive grant from the Secretary or receives State apportioned funds, the Indian tribe shall use the funds for the purpose for which the funds were originally authorized.

''(2) RETROCESSION.—

''(A) IN GENERAL.—

''(i) AUTHORITY OF INDIAN TRIBES.—An Indian tribe may retrocede (fully or partially) to the Secretary programs, services, functions, or activities (or portions thereof) included in a compact or funding agreement.

''(ii) REASSUMPTION OF REMAINING FUNDS.—Following a retrocession described in clause (i), the Secretary may—

''(I) reassume the remaining funding associated with the retroceded programs, functions, services, and activities (or portions thereof) included in the applicable compact or funding agreement;

''(II) out of such remaining funds, transfer funds associated with Department of Interior programs, services, functions, or activities (or portions thereof) to the Secretary of the Interior to carry out transportation services provided by the Secretary of the Interior; and

''(III) distribute funds not transferred under subclause (II) in accordance with applicable law.

''(iii) CORRECTION OF PROGRAMS.—If the Secretary makes a finding under subsection (f)(2)(B) and no funds are available under subsection (f)(2)(A)(ii), the Secretary shall not be required to provide additional funds to complete or correct any programs, functions, services, or activities (or portions thereof).

''(B) EFFECTIVE DATE.—Unless the Indian tribe rescinds a request for retrocession, the retrocession shall become effective within the timeframe specified by the parties in the compact or funding agreement. In the absence of such a specification, the retrocession shall become effective on—

''(i) the earlier of—

''(I) 1 year after the date of submission of the request; or

''(II) the date on which the funding agreement expires; or

''(ii) such date as may be mutually agreed upon by the parties and, with respect to Department of the Interior programs, functions, services, and activities (or portions thereof), the Secretary of the Interior.

''(f) PROVISIONS RELATING TO SECRETARY.—

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

''(A) by an official of the Department who holds a position at a higher organizational level within the Department than the level of the departmental agency in which the decision that is the subject of the appeal was made; or

''(B) by an administrative judge.

''(2) TERMINATION OF COMPACT OR FUNDING AGREEMENT.—

''(A) AUTHORITY TO TERMINATE.—

''(i) PROVISION TO BE INCLUDED IN COMPACT OR FUNDING AGREEMENT.—A compact or funding agreement shall include a provision authorizing the Secretary, if the Secretary makes a finding described in subparagraph (B), to—

''(I) terminate the compact or funding agreement (or a portion thereof); and

''(II) reassume the remaining funding associated with the reassumed programs, functions, services, and activities included in the compact or funding agreement.

''(ii) TRANSFERS OF FUNDS.—Out of any funds reassumed under clause (i)(II), the Secretary may transfer the funds associated with Department of the Interior programs, functions, services, and activities (or portions thereof) to the Secretary of the Interior to provide continued transportation services in accordance with applicable law.

''(B) FINDINGS RESULTING IN TERMINATION.—The finding referred to in subparagraph (A) is a specific finding of—

''(i) imminent jeopardy to a trust asset, natural resources, or public health and safety that is caused by an act or omission of the Indian tribe and that arises out of a failure to carry out the compact or funding agreement, as determined by the Secretary; or

''(ii) gross mismanagement with respect to funds or programs transferred to the Indian tribe under the compact or funding agreement, as determined by the Secretary in consultation with the Inspector General of the Department, as appropriate.

''(C) PROHIBITION.—The Secretary shall not terminate a compact or funding agreement (or portion thereof) unless—

''(i) the Secretary has first provided written notice and a hearing on the record to the Indian tribe that is subject to the compact or funding agreement; and

''(ii) the Indian tribe has not taken corrective action to remedy the mismanagement of funds or programs or the imminent jeopardy to a trust asset, natural resource, or public health and safety.

''(D) EXCEPTION.—

''(i) IN GENERAL.—Notwithstanding subparagraph (C), the Secretary, upon written notification to an Indian tribe that is subject to a compact or funding agreement, may immediately terminate the compact or funding agreement (or portion thereof) if—

''(I) the Secretary makes a finding of imminent substantial and irreparable jeopardy to a trust asset, natural resource, or public health and safety; and

''(II) the jeopardy arises out of a failure to carry out the compact or funding agreement.

''(ii) HEARINGS.—If the Secretary terminates a compact or funding agreement (or portion thereof) under clause (i), the Secretary shall provide the Indian tribe subject to the compact or agreement with a hearing on the record not later than 10 days after the date of such termination.

''(E) BURDEN OF PROOF.—In any hearing or appeal involving a decision to terminate a compact or funding agreement (or portion thereof) under this paragraph, the Secretary shall have the burden of proof in demonstrating by clear and convincing evidence the validity of the grounds for the termination.

''(g) COST PRINCIPLES.—In administering funds received under this section, an Indian tribe shall apply cost principles under the applicable Office of Management and Budget circular, except as modified by section 450j–1 of title 25, other provisions of law, or by any exemptions to applicable Office of Management and Budget circulars subsequently granted by the Office of Management and Budget. No other audit or accounting standards shall be required by the Secretary. Any claim by the Federal Government against the Indian tribe relating to funds received under a funding agreement based on any audit conducted pursuant to this subsection shall be subject to the provisions of section 450j–1(f) of title 25.

''(h) TRANSFER OF FUNDS.—The Secretary shall provide funds to an Indian tribe under a funding agreement in an amount equal to—

''(1) the sum of the funding that the Indian tribe would otherwise receive for the program, function, service, or activity in accordance with a funding formula or other allocation method established under this title or chapter 53 of title 49; and

''(2) such additional amounts as the Secretary determines equal the amounts that would have been withheld for the costs of the Bureau of Indian Affairs for administration of the program or project.

''(i) CONSTRUCTION PROGRAMS.—

''(1) STANDARDS.—Construction projects carried out under programs administered by an Indian tribe with funds transferred to the Indian tribe pursuant to a funding agreement entered into under this section shall be constructed pursuant to the construction program standards set forth in applicable regulations or as specifically approved by the Secretary (or the Secretary's designee).

''(2) MONITORING.—Construction programs shall be monitored by the Secretary in accordance with applicable regulations.

''(j) FACILITATION.—

''(1) SECRETARIAL INTERPRETATION.—Except as otherwise provided by law, the Secretary shall interpret all Federal laws, Executive orders, and regulations in a manner that will facilitate—

''(A) the inclusion of programs, services, functions, and activities (or portions thereof) and funds associated therewith, in compacts and funding agreements; and

''(B) the implementation of the compacts and funding agreements.

''(2) REGULATION WAIVER.—

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

''(B) APPROVALS AND DENIALS.—

''(i) IN GENERAL.—Not later than 90 days after the date of receipt of a written request under subparagraph (A), the Secretary shall approve or deny the request in writing.

''(ii) REVIEW.—The Secretary shall review any application by an Indian tribe for a waiver bearing in mind increasing opportunities for using flexible policy approaches at the Indian tribal level.

''(iii) DEEMED APPROVAL.—If the Secretary does not approve or deny a request submitted under subparagraph (A) on or before the last day of the 90-day period referred to in clause (i), the request shall be deemed approved.

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

''(v) FINALITY OF DECISIONS.—A decision by the Secretary under this subparagraph shall be final for the Department.

''(k) DISCLAIMERS.—

''(1) EXISTING AUTHORITY.—Notwithstanding any other provision of law, upon the election of an Indian tribe, the Secretary shall—

''(A) maintain current tribal transportation program funding agreements and program agreements; or

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

''(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed to impair or diminish the authority of the Secretary under section 202(b)(7).

''(l) APPLICABILITY OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Except to the extent in conflict with this section (as determined by the Secretary), the following provisions of the Indian Self-Determination and Education Assistance Act shall apply to compact and funding agreements (except that any reference to the Secretary of the Interior or the Secretary of Health and Human Services in such provisions shall be treated as a reference to the Secretary of Transportation):

''(1) Subsections (a), (b), (d), (g), and (h) of section 506 of such Act (25 U.S.C. 458aaa–5), relating to general provisions.

''(2) Subsections (b) through (e) and (g) of section 507 of such Act (25 U.S.C.458aaa–6),

relating to provisions relating to the Secretary of Health and Human Services.

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

''(4) Section 510 of such Act (25 U.S.C. 458aaa-9), relating to Federal procurement laws and regulations.

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

''(6) Subsections (a)(1), (a)(2), and (c) through (f) of section 512 of such Act (25 U.S.C. 458aaa–11), relating to facilitation, except that subsection (c)(1) of that section shall be applied by substituting 'transportation facilities and other facilities' for 'school buildings, hospitals, and other facilities'.

''(7) Subsections (a) and (b) of section 515 of such Act (25 U.S.C. 458aaa–14), relating to disclaimers.

''(8) Subsections (a) and (b) of section 516 of such Act (25 U.S.C. 458aaa–15), relating to application of title I provisions.

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

''(m) DEFINITIONS.—

''(1) IN GENERAL.—In this section, the following definitions apply (except as otherwise expressly provided):

''(A) COMPACT.—The term 'compact' means a compact between the Secretary and an Indian tribe entered into under subsection (c).

''(B) DEPARTMENT.—The term 'Department' means the Department of Transportation.

''(C) ELIGIBLE INDIAN TRIBE.—The term 'eligible Indian tribe' means an Indian tribe that is eligible to participate in the program, as determined under subsection (b).

''(D) FUNDING AGREEMENT.—The term 'funding agreement' means a funding agreement between the Secretary and an Indian tribe entered into under subsection (d).

''(E) INDIAN TRIBE.—The term 'Indian tribe' means any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe under the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a). In any case in which an Indian tribe has authorized another Indian tribe, an intertribal consortium, or a tribal organization to plan for or carry out programs, services, functions, or activities (or portions thereof) on its behalf under this part, the authorized Indian tribe, intertribal consortium, or tribal organization shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in the authorizing resolution or in this title). In such event, the term 'Indian tribe' as used in this part shall include such other authorized Indian tribe, intertribal consortium, or tribal organization.

''(F) PROGRAM.—The term 'program' means the tribal transportation self-governance program established under this section.

''(G) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(H) TRANSPORTATION PROGRAMS.—The term 'transportation programs' means all programs administered or financed by the Department under this title and chapter 53 of title 49.

''(2) APPLICABILITY OF OTHER DEFINITIONS.—In this section, the definitions set forth in sections 4 and 505 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b; 458aaa) apply, except as otherwise expressly provided in this section.

''(n) REGULATIONS.—

''(1) IN GENERAL.—

''(A) PROMULGATION.—Not later than 90 days after the date of enactment of the Surface Transportation Reauthorization and Reform Act of 2015, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5 to negotiate and promulgate such regulations as are necessary to carry out this section.

''(B) PUBLICATION OF PROPOSED REGULATIONS.—Proposed regulations to implement this section shall be published in the Federal Register by the Secretary not later than 21 months after such date of enactment.

''(C) EXPIRATION OF AUTHORITY.—The authority to promulgate regulations under paragraph (1) shall expire 30 months after such date of enactment.

''(D) EXTENSION OF DEADLINES.—A deadline set forth in paragraph (1)(B) or (1)(C) may be extended up to 180 days if the negotiated rulemaking committee referred to in paragraph (2) concludes that the committee cannot meet the deadline and the Secretary so notifies the appropriate committees of Congress.

''(2) COMMITTEE.—

''(A) IN GENERAL.—A negotiated rulemaking committee established pursuant to section 565 of title 5 to carry out this subsection shall have as its members only Federal and tribal government representatives, a majority of whom shall be nominated by and be representatives of Indian tribes with funding agreements under this title.

''(B) REQUIREMENTS.—The committee shall confer with, and accommodate participation by, representatives of Indian tribes, intertribal consortia, tribal organizations, and individual tribal members.

''(C) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian tribes.

''(3) EFFECT.—The lack of promulgated regulations shall not limit the effect of this section.

''(4) EFFECT OF CIRCULARS, POLICIES, MANUALS, GUIDANCE, AND RULES.—Unless expressly agreed to by the participating Indian tribe in the compact or funding agreement, the participating Indian tribe shall not be subject to any agency circular, policy, manual, guidance, or rule adopted by the Department, except regulations promulgated under this section.''.

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

''207. Tribal transportation self-governance program.''.

SEC. 1117. EMERGENCY RELIEF.

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

(1) in subparagraph (A) by striking ''or'' at the end;

(2) in subparagraph (B) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

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

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

''(1) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) OPEN TO PUBLIC TRAVEL.—The term 'open to public travel' means, with respect to a road, that, except during scheduled periods, extreme weather conditions, or emergencies, the road—

''(i) is maintained;

''(ii) is open to the general public; and

''(iii) can accommodate travel by a standard passenger vehicle, without restrictive gates or prohibitive signs or regulations, other than for general traffic control or restrictions based on size, weight, or class of registration.

''(B) STANDARD PASSENGER VEHICLE.—The term 'standard passenger vehicle' means a vehicle with 6 inches of clearance from the lowest point of the frame, body, suspension, or differential to the ground.''.

SEC. 1118. HIGHWAY USE TAX EVASION PROJECTS.

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

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

''(A) IN GENERAL.—From administrative funds made available under section 104(a), the Secretary may deduct such sums as are necessary, not to exceed $6,000,000 for each of fiscal years 2016 through 2021, to carry out this section.'';

(2) in the heading for paragraph (8) by inserting ''BLOCK GRANT'' after ''SURFACE TRANSPORTATION''; and

(3) in paragraph (9) by inserting '', the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate'' after ''the Secretary''.

SEC. 1119. BUNDLING OF BRIDGE PROJECTS.

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

(1) in subsection (c)(2)(A) by striking ''the natural condition of the bridge'' and inserting ''the natural condition of the water'';

(2) by redesignating subsection (j) as subsection (k);

(3) by inserting after subsection (i) the following:

''(j) BUNDLING OF BRIDGE PROJECTS.—

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

''(2) ELIGIBLE ENTITY DEFINED.—In this subsection, the term 'eligible entity' means an entity eligible to carry out a bridge project under section 119 or 133.

''(3) BUNDLING OF BRIDGE PROJECTS.—An eligible entity may bundle 2 or more similar bridge projects that are—

''(A) eligible projects under section 119 or 133;

''(B) included as a bundled project in a transportation improvement program under section 134(j) or a statewide transportation improvement program under section 135, as applicable; and

''(C) awarded to a single contractor or consultant pursuant to a contract for engineering and design or construction between the contractor and an eligible entity.

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

''(A) 1 project for purposes of sections 134 and 135; and

''(B) a single project within the applicable bundle.

''(5) FINANCIAL CHARACTERISTICS.—Projects bundled under this subsection shall have the same financial characteristics, including—

''(A) the same funding category or subcategory; and

''(B) the same Federal share.

''(6) ENGINEERING COST REIMBURSEMENT.—The provisions of section 102(b) do not apply to projects carried out under this subsection.''; and

(4) in subsection (k)(2), as redesignated by paragraph (2) of this section, by striking ''104(b)(3)'' and inserting ''104(b)(2)''.

SEC. 1120. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.

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

SEC. 1121. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

Section 147(e) of title 23, United States Code, is amended by striking ''2013 and 2014'' and inserting ''2016 through 2021''.

Subtitle B—Planning and Performance Management

SEC. 1201. METROPOLITAN TRANSPORTATION PLANNING.

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

(1) in subsection (c)(2), by striking ''and bicycle transportation facilities'' and inserting '', bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities'';

(2) in subsection (d)—

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

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

''(3) REPRESENTATION.—

''(A) IN GENERAL.—Designation or selection of officials or representatives under paragraph (2) shall be determined by the metropolitan planning organization according to the bylaws or enabling statute of the organization.

''(B) PUBLIC TRANSPORTATION REPRESENTATIVE.—Subject to the bylaws or enabling statute of the metropolitan planning organization, a representative of a provider of public transportation may also serve as a representative of a local municipality.

''(C) POWERS OF CERTAIN OFFICIALS.—An official described in paragraph (2)(B) shall have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials described in paragraph (2).''; and

(C) in paragraph (5) as so redesignated by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(3) in subsection (e)(4)(B), by striking ''subsection (d)(5)'' and inserting ''subsection (d)(6)'';

(4) in subsection (g)(3)(A), by inserting ''tourism, natural disaster risk reduction,'' after ''economic development,'';

(5) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (G), by striking ''and'' at the end;

(ii) in subparagraph (H) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(I) improve the resilience and reliability of the transportation system; and

''(J) enhance travel and tourism.''; and

(B) in paragraph (2)(A) by striking ''and in section 5301(c) of title 49'' and inserting ''and the general purposes described in section 5301 of title 49'';

(6) in subsection (i)—

(A) in paragraph (2)(A)(i) by striking ''transit,'' and inserting ''public transportation facilities, intercity bus facilities,'';

(B) in paragraph (6)(A)—

(i) by inserting ''public ports,'' before ''freight shippers,''; and

(ii) by inserting ''(including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program)'' after ''private providers of transportation''; and

(C) in paragraph (8) by striking ''paragraph (2)(C)'' and inserting ''paragraph (2)(E)'' each place it appears;

(7) in subsection (k)(3)—

(A) in subparagraph (A) by inserting ''(including intercity bus operators, employer-based commuting programs such as a carpool program, vanpool program, transit benefit program, parking 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 that support intercity transportation, including intercity buses and intercity bus facilities'';

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (G) by striking ''and'' at the end;

(ii) in subparagraph (H) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(I) improve the resilience and reliability of the transportation system; and

''(J) enhance travel and tourism.''; and

(B) in paragraph (2)—

(i) in subparagraph (A) by striking ''and in section 5301(c) of title 49'' and inserting ''and the general purposes described in section 5301 of title 49'';

(ii) in subparagraph (B)(ii) by striking ''urbanized''; and

(iii) in subparagraph (C) by striking ''urbanized''; and

(3) in subsection (f)—

(A) in paragraph (3)(A)(ii)—

(i) by inserting ''public ports,'' before ''freight shippers,''; and

(ii) by inserting ''(including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program)'' after ''private providers of transportation''; and

(B) in paragraph (7), in the matter preceding subparagraph (A), by striking ''should'' and inserting ''shall''.

Subtitle C—Acceleration of Project Delivery

SEC. 1301. SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES.

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

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

''(1) IN GENERAL.—The Secretary shall—

''(A) align, to the maximum extent practicable, with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.) and section 306108 of title 54, including implementing regulations; and

''(B) not later than 90 days after the date of enactment of this subsection, coordinate with the Secretary of the Interior and the Executive Director of the Advisory Council on Historic Preservation (referred to in this subsection as the 'Council') to establish procedures to satisfy the requirements described in subparagraph (A) (including regulations).

''(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

''(A) IN GENERAL.—If, in an analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.), the Secretary determines that there is no feasible or prudent alternative to avoid use of a historic site, the Secretary may—

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

''(ii) provide a notice of the determination to—

''(I) each applicable State historic preservation officer and tribal historic preservation officer;

''(II) the Council, if the Council is participating in the consultation process under section 306108 of title 54; and

''(III) the Secretary of the Interior; and

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

''(B) CONCURRENCE.—If the applicable preservation officer, the Council, and the Secretary 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 of subsection (a)(2) through the consultation requirements of section 306108 of title 54.

''(B) SATISFACTION OF CONDITIONS.—To satisfy the requirements of subsection (a)(2), each individual described in paragraph (2)(A)(ii) shall concur in the treatment of the applicable historic site described in the memorandum of agreement or programmatic agreement developed under section 306108 of title 54.''.

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

''(e) SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES.—

''(1) IN GENERAL.—The Secretary shall—

''(A) align, to the maximum extent practicable, the requirements of this section with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.) and section 306108 of title 54, including implementing regulations; and

''(B) not later than 90 days after the date of enactment of this subsection, coordinate with the Secretary of the Interior and the Executive Director of the Advisory Council on Historic Preservation (referred to in this subsection as the 'Council') to establish procedures to satisfy the requirements described in subparagraph (A) (including regulations).

''(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

''(A) IN GENERAL.—If, in an analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.), the Secretary determines that there is no feasible or prudent alternative to avoid use of a historic site, the Secretary may—

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

''(ii) provide a notice of the determination to—

''(I) each applicable State historic preservation officer and tribal historic preservation officer;

''(II) the Council, if the Council is participating in the consultation process under section 306108 of title 54; and

''(III) the Secretary of the Interior; and

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

''(B) CONCURRENCE.—If the applicable preservation officer, the Council, and the Secretary 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 of subsection (c)(2) through the consultation requirements of section 306108 of title 54.

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

SEC. 1302. TREATMENT OF IMPROVEMENTS TO RAIL AND TRANSIT UNDER PRESERVATION REQUIREMENTS.

(a) TITLE 23 AMENDMENT.—Section 138 of title 23, United States Code, as amended by this Act, is further amended by adding at the end the following:

''(d) RAIL AND TRANSIT.—

''(1) IN GENERAL.—Improvements to, or the maintenance, rehabilitation, or operation of, railroad or rail transit lines or elements thereof that are in use or were historically used for the transportation of goods or passengers shall not be considered a use of a historic site under subsection (a), regardless of whether the railroad or rail transit line or element thereof is listed on, or eligible for listing on, the National Register of Historic Places.

''(2) EXCEPTIONS.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to—

''(i) stations; or

''(ii) bridges or tunnels located on—

''(I) railroad lines that have been abandoned; or

''(II) transit lines that are not in use.

''(B) CLARIFICATION WITH RESPECT TO CERTAIN BRIDGES AND TUNNELS.—The bridges and tunnels referred to in subparagraph (A)(ii) do not include bridges or tunnels located on railroad or transit lines—

''(i) over which service has been discontinued; or

''(ii) that have been railbanked or otherwise reserved for the transportation of goods or passengers.''.

(b) TITLE 49 AMENDMENT.—Section 303 of title 49, United States Code, as amended by this Act, is further amended—

(1) in subsection (c), in the matter preceding paragraph (1), by striking ''subsection (d)'' and inserting ''subsections (d), (e), and (f)''; and

(2) by adding at the end the following:

''(f) RAIL AND TRANSIT.—

''(1) IN GENERAL.—Improvements to, or the maintenance, rehabilitation, or operation of, railroad or rail transit lines or elements thereof that are in use or were historically used for the transportation of goods or passengers shall not be considered a use of a historic site under subsection (c), regardless of whether the railroad or rail transit line or element thereof is listed on, or eligible for listing on, the National Register of Historic Places.

''(2) EXCEPTIONS.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to—

''(i) stations; or

''(ii) bridges or tunnels located on—

''(I) railroad lines that have been abandoned; or

''(II) transit lines that are not in use.

''(B) CLARIFICATION WITH RESPECT TO CERTAIN BRIDGES AND TUNNELS.—The bridges and tunnels referred to in subparagraph (A)(ii) do not include bridges or tunnels located on railroad or transit lines—

''(i) over which service has been discontinued; or

''(ii) that have been railbanked or otherwise reserved for the transportation of goods or passengers.''.

SEC. 1303. CLARIFICATION OF TRANSPORTATION ENVIRONMENTAL AUTHORITIES.

(a) TITLE 23 AMENDMENT.—Section 138 of title 23, United States Code, as amended by this Act, is further amended by adding at the end the following:

''(e) REFERENCES TO PAST TRANSPORTATION ENVIRONMENTAL AUTHORITIES.—

''(1) SECTION 4(F) REQUIREMENTS.—The requirements of this section are commonly referred to as section 4(f) requirements (see section 4(f) of the Department of Transportation Act (Public Law 89–670; 80 Stat. 934) as in effect before the repeal of that section).

''(2) SECTION 106 REQUIREMENTS.—The requirements of section 306108 of title 54 are commonly referred to as section 106 requirements (see section 106 of the National Historic Preservation Act of 1966 (Public Law 89–665; 80 Stat. 915) as in effect before the repeal of that section).''.

(b) TITLE 49 AMENDMENT.—Section 303 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following:

''(g) REFERENCES TO PAST TRANSPORTATION ENVIRONMENTAL AUTHORITIES.—

''(1) SECTION 4(F) REQUIREMENTS.—The requirements of this section are commonly referred to as section 4(f) requirements (see section 4(f) of the Department of Transportation Act (Public Law 89–670; 80 Stat. 934) as in effect before the repeal of that section).

''(2) SECTION 106 REQUIREMENTS.—The requirements of section 306108 of title 54 are commonly referred to as section 106 requirements (see section 106 of the National Historic Preservation Act of 1966 (Public Law 89–665; 80 Stat. 915) as in effect before the repeal of that section).''.

SEC. 1304. TREATMENT OF CERTAIN BRIDGES UNDER PRESERVATION REQUIREMENTS.

(a) TITLE 23 AMENDMENT.—Section 138 of title 23, United States Code, as amended by this Act, is further amended by adding at the end the following:

''(f) BRIDGE EXEMPTION.—A common post-1945 concrete or steel bridge or culvert that is exempt from individual review under section 306108 of title 54 (as described in 77 Fed. Reg. 68790) shall be treated under this section as having a de minimis impact on an area.''.

(b) TITLE 49 AMENDMENT.—Section 303 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following:

''(h) BRIDGE EXEMPTION.—A common post-1945 concrete or steel bridge or culvert that is exempt from individual review under section 306108 of title 54 (as described in 77 Fed. Reg. 68790) shall be treated under this section as having a de minimis impact on an area.''.

SEC. 1305. EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING.

(a) DEFINITIONS.—Section 139(a) of title 23, United States Code, is amended—

(1) by striking paragraph (5) and inserting the following:

''(5) MULTIMODAL PROJECT.—The term 'multimodal project' means a project that requires the approval of more than 1 Department of Transportation operating administration or secretarial office.'';

(2) by adding at the end the following:

''(9) SUBSTANTIAL DEFERENCE.—The term 'substantial deference' means deference by a participating agency to the recommendations and decisions of the lead agency unless it is not possible to defer without violating the participating agency's statutory responsibilities.''.

(b) APPLICABILITY.—Section 139(b)(3) of title 23, United States Code, is amended—

(1) in subparagraph (A) in the matter preceding clause (i) by striking ''initiate a rulemaking to''; and

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

''(B) REQUIREMENTS.—In carrying out subparagraph (A), the Secretary shall ensure that programmatic reviews—

''(i) promote transparency, including the transparency of—

''(I) the analyses and data used in the environmental reviews;

''(II) the treatment of any deferred issues raised by agencies or the public; and

''(III) the temporal and spatial scales to be used to analyze issues under subclauses (I) and (II);

''(ii) use accurate and timely information, including through establishment of—

''(I) criteria for determining the general duration of the usefulness of the review; and

''(II) a timeline for updating an out-of-date review;

''(iii) describe—

''(I) the relationship between any programmatic analysis and future tiered analysis; and

''(II) the role of the public in the creation of future tiered analysis;

''(iv) are available to other relevant Federal and State agencies, Indian tribes, and the public; and

''(v) provide notice and public comment opportunities consistent with applicable requirements.''.

(c) FEDERAL LEAD AGENCY.—Section 139(c)(1)(A) of title 23, United States Code, is amended by inserting '', or an operating administration thereof designated by the Secretary,'' after ''Department of Transportation''.

(d) PARTICIPATING AGENCIES.—

(1) INVITATION.—Section 139(d)(2) of title 23, United States Code, is amended by striking ''The lead agency shall identify, as early as practicable in the environmental review process for a project,'' and inserting ''Not later than 45 days after the date of publication of a notice of intent to prepare an environmental impact statement or the initiation of an environmental assessment, the lead agency shall identify''.

(2) SINGLE NEPA DOCUMENT.—Section 139(d) of title 23, United States Code, is amended by adding at the end the following:

''(8) SINGLE NEPA DOCUMENT.—

''(A) IN GENERAL.—Except as inconsistent with paragraph (7), to the maximum extent practicable and consistent with Federal law, all Federal permits and reviews for a project shall rely on a single environment document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under the leadership of the lead agency.

''(B) USE OF DOCUMENT.—

''(i) IN GENERAL.—To the maximum extent practicable, the lead agency shall develop an environmental document sufficient to satisfy the requirements for any Federal approval or other Federal action required for the project, including permits issued by other Federal agencies.

''(ii) COOPERATION OF PARTICIPATING AGENCIES.—Other participating agencies shall cooperate with the lead agency and provide timely information to help the lead agency carry out this subparagraph.

''(C) TREATMENT AS PARTICIPATING AND COOPERATING AGENCIES.—A Federal agency required to make an approval or take an action for a project, as described in subparagraph (B), shall work with the lead agency for the project to ensure that the agency making the approval or taking the action is treated as being both a participating and cooperating agency for the project.''.

(e) PROJECT INITIATION.—Section 139(e) of title 23, United States Code, is amended by adding at the end the following:

''(3) ENVIRONMENTAL CHECKLIST.—

''(A) DEVELOPMENT.—The lead agency for a project, in consultation with participating agencies, shall develop, as appropriate, a checklist to help project sponsors identify potential natural, cultural, and historic resources in the area of the project.

''(B) PURPOSE.—The purposes of the checklist are—

''(i) to identify agencies and organizations that can provide information about natural, cultural, and historic resources;

''(ii) to develop the information needed to determine the range of alternatives; and

''(iii) to improve interagency collaboration to help expedite the permitting process for the lead agency and participating agencies.''.

(f) PURPOSE AND NEED.—Section 139(f) of title 23, United States Code, is amended—

(1) in the subsection heading by inserting ''; ALTERNATIVES ANALYSIS'' after ''NEED'';

(2) in paragraph (4)—

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

''(A) PARTICIPATION.—

''(i) IN GENERAL.—As early as practicable during the environmental review process, the lead agency shall seek the involvement of participating agencies and the public for the purpose of reaching agreement early in the environmental review process on a reasonable range of alternatives that will satisfy all subsequent Federal environmental review and permit requirements.

''(ii) COMMENTS OF PARTICIPATING AGENCIES.—To the maximum extent practicable and consistent with applicable law, each participating agency receiving an opportunity for involvement under clause (i) shall—

''(I) limit the agency's comments to subject matter areas within the agency's special expertise or jurisdiction; and

''(II) afford substantial deference to the range of alternatives recommended by the lead agency.

''(iii) EFFECT OF NONPARTICIPATION.—A participating agency that declines to participate in the development of the purpose and need and reasonable range of alternatives for a project shall be required to comply with the schedule developed under subsection (g)(1)(B).''; and

(B) in subparagraph (B)—

(i) by striking ''Following participation under paragraph (1)'' and inserting the following:

''(i) DETERMINATION.—Following participation under subparagraph (A)''; and

(ii) by adding at the end the following:

''(ii) USE.—To the maximum extent practicable and consistent with Federal law, the range of alternatives determined for a project under clause (i) shall be used for all Federal environmental reviews and permit processes required for the project unless the alternatives must be modified—

''(I) to address significant new information or circumstances, and the lead agency and participating agencies agree that the alternatives must be modified to address the new information or circumstances; or

''(II) for the lead agency or a participating agency to fulfill its responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in a timely manner.''.

(g) COORDINATION AND SCHEDULING.—

(1) COORDINATION PLAN.—Section 139(g)(1) of title 23, United States Code, is amended—

(A) in subparagraph (A) by striking ''The lead agency'' and inserting ''Not later than 90 days after the date of publication of a notice of intent to prepare an environmental impact statement or the initiation of an environmental assessment, the lead agency''; and

(B) in subparagraph (B)(i) by striking ''may establish'' and inserting ''shall establish''.

(2) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—Section 139(g)(3) of title 23, United States Code, is amended to read as follows:

''(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—

''(A) IN GENERAL.—In any case in which a decision under any Federal law relating to a project (including the issuance or denial of a permit or license) is required by law, regulation, or Executive order to be made after the date on which the lead agency has issued a categorical exclusion, finding of no significant impact, or record of decision with respect to the project, any such later decision shall be made or completed by the later of—

''(i) the date that is 180 days after the lead agency's final decision has been made; or

''(ii) the date that is 180 days after the date on which a completed application was submitted for the permit or license.

''(B) TREATMENT OF DELAYS.—Following the deadline established by subparagraph (A), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and publish on the Department's Internet Web site—

''(i) as soon as practicable after the 180-day period, an initial notice of the failure of the Federal agency to make the decision; and

''(ii) every 60 days thereafter, until such date as all decisions of the Federal agency relating to the project have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice.''.

(3) ADOPTION OF DOCUMENTS; ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.—

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

(i) by redesignating paragraph (4) as paragraph (5); and

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

''(4) ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.—

''(A) IN GENERAL.—In preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the lead agency modifies the statement in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant additional agency response, the lead agency may write on errata sheets attached to the statement instead of rewriting the draft statement, subject to the condition that the errata sheets—

''(i) cite the sources, authorities, and reasons that support the position of the agency; and

''(ii) if appropriate, indicate the circumstances that would trigger agency reappraisal or further response.

''(B) SINGLE DOCUMENT.—To the maximum extent practicable, the lead agency shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, unless—

''(i) the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or

''(ii) there is a significant new circumstance or information relevant to environmental concerns that bears on the proposed action or the impacts of the proposed action.''.

(B) CONFORMING AMENDMENT.—Section 1319 of MAP–21 (42 U.S.C. 4332a), and the item relating to that section in the table of contents contained in section 1(c) of that Act, are repealed.

(h) ISSUE IDENTIFICATION AND RESOLUTION.—

(1) ISSUE RESOLUTION.—Section 139(h) of title 23, United States Code, is amended—

(A) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

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

''(4) ISSUE RESOLUTION.—Any issue resolved by the lead agency and participating agencies may not be reconsidered unless significant new information or circumstances arise.''.

(2) FAILURE TO ASSURE.—Section 139(h)(5)(C) of title 23, United States Code, (as redesignated by paragraph (1)(A) of this subsection) is amended by striking ''paragraph (5) and'' and inserting ''paragraph (6)''.

(3) ACCELERATED ISSUE RESOLUTION AND REFERRAL.—Section 139(h)(6) of title 23, United States Code, (as redesignated by paragraph (1)(A) of this subsection) is amended by striking subparagraph (C) and inserting the following:

''(C) REFERRAL TO COUNCIL ON ENVIRONMENTAL QUALITY.—

''(i) IN GENERAL.—If issue resolution for a project is not achieved on or before the 30th day after the date of a meeting under subparagraph (B), the Secretary shall refer the matter to the Council on Environmental Quality.

''(ii) MEETING.—Not later than 30 days after the date of receipt of a referral from the Secretary under clause (i), the Council on Environmental Quality shall hold an issue resolution meeting with—

''(I) the head of the lead agency;

''(II) the heads of relevant participating agencies; and

''(III) the project sponsor (including the Governor only if the initial issue resolution meeting request came from the Governor).

''(iii) RESOLUTION.—The Council on Environmental Quality shall work with the lead agency, relevant participating agencies, and the project sponsor until all issues are resolved.''.

(4) FINANCIAL PENALTY PROVISIONS.—Section 139(h)(7)(B)(i)(I) of title 23, United States Code, (as redesignated by paragraph (1)(A) of this subsection) is amended by striking ''under section 106(i) is required'' and inserting ''is required under subsection (h) or (i) of section 106''.

(i) ASSISTANCE TO AFFECTED STATE AND FEDERAL AGENCIES.—

(1) IN GENERAL.—Section 139(j)(1) of title 23, United States Code, is amended to read as follows:

''(1) IN GENERAL.—

''(A) AUTHORITY TO PROVIDE FUNDS.—The Secretary may allow a public entity receiving financial assistance from the Department of Transportation under this title or chapter 53 of title 49 to provide funds to Federal agencies (including the Department), State agencies, and Indian tribes participating in the environmental review process for the project or program.

''(B) USE OF FUNDS.—Funds referred to in subparagraph (A) may be provided only to support activities that directly and meaningfully contribute to expediting and improving permitting and review processes, including planning, approval, and consultation processes for the project or program.''.

(2) ACTIVITIES ELIGIBLE FOR FUNDING.—Section 139(j)(2) of title 23, United States Code, is amended by inserting ''activities directly related to the environmental review process,'' before ''dedicated staffing,''.

(3) AGREEMENT.—Section 139(j)(6) of title 23, United States Code, is amended to read as follows:

''(6) AGREEMENT.—Prior to providing funds approved by the Secretary for dedicated staffing at an affected agency under paragraphs (1) and (2), the affected agency and the requesting public entity shall enter into an agreement that establishes the projects and priorities to be addressed by the use of the funds.''.

(j) IMPLEMENTATION OF PROGRAMMATIC COMPLIANCE.—

(1) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a rulemaking to implement the provisions of section 139(b)(3) of title 23, United States Code, as amended by this section.

(2) CONSULTATION.—Before initiating the rulemaking under paragraph (1), the Secretary shall consult with relevant Federal agencies, relevant State resource agencies, State departments of transportation, Indian tribes, and the public on the appropriate use and scope of the programmatic approaches.

(3) REQUIREMENTS.—In carrying out this subsection, the Secretary shall ensure that the rulemaking meets the requirements of section 139(b)(3)(B) of title 23, United States Code, as amended by this section.

(4) COMMENT PERIOD.—The Secretary shall—

(A) allow not fewer than 60 days for public notice and comment on the proposed rule; and

(B) address any comments received under this subsection.

SEC. 1306. IMPROVING TRANSPARENCY IN ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(1) maintain and use a searchable Internet Web site—

(A) to make publicly available the status and progress of projects, as defined in section 139 of title 23, United States Code, requiring an environmental assessment or an environmental impact statement with respect to compliance with applicable requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal, State, or local approval required for such projects; and

(B) to make publicly available the names of participating agencies not participating in the development of a project purpose and need and range of alternatives under section 139(f) of title 23, United States Code; and

(2) in coordination with agencies described in subsection (b) and State agencies, issue reporting standards to meet the requirements of paragraph (1).

(b) FEDERAL, STATE, AND LOCAL AGENCY PARTICIPATION.—A Federal, State, or local agency participating in the environmental review or permitting process for a project, as defined in section 139 of title 23, United States Code, shall provide to the Secretary information regarding the status and progress of the approval of the project for publication on the Internet Web site maintained under subsection (a), consistent with the standards established under subsection (a).

(c) STATES WITH DELEGATED AUTHORITY.—A State with delegated authority for responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) pursuant to section 327 of title 23, United States Code, shall be responsible for supplying project development and compliance status to the Secretary for all applicable projects.

SEC. 1307. INTEGRATION OF PLANNING AND ENVIRONMENTAL REVIEW.

(a) DEFINITIONS.—Section 168(a) of title 23, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) ENVIRONMENTAL REVIEW PROCESS.—The term 'environmental review process' has the meaning given that term in section 139(a).'';

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

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

''(2) LEAD AGENCY.—The term 'lead agency' has the meaning given that term in section 139(a).''; and

(4) by striking paragraph (3) (as redesignated by paragraph (2) of this subsection) and inserting the following:

''(3) PLANNING PRODUCT.—The term 'planning product' means a decision, analysis, study, or other documented information that is the result of an evaluation or decision-making process carried out by a metropolitan planning organization or a State, as appropriate, during metropolitan or statewide transportation planning under section 134 or section 135, respectively.''.

(b) ADOPTION OF PLANNING PRODUCTS FOR USE IN NEPA PROCEEDINGS.—Section 168(b) of title 23, United States Code, is amended—

(1) in the subsection heading by inserting ''OR INCORPORATION BY REFERENCE'' after ''ADOPTION'';

(2) in paragraph (1) by striking ''the Federal lead agency for a project may adopt'' and inserting ''and to the maximum extent practicable and appropriate, the lead agency for a project may adopt or incorporate by reference'';

(3) by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(4) by striking paragraph (2) (as so redesignated) and inserting the following:

''(2) PARTIAL ADOPTION OR INCORPORATION BY REFERENCE OF PLANNING PRODUCTS.—The lead agency may adopt or incorporate by reference a planning product under paragraph (1) in its entirety or may select portions for adoption or incorporation by 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'';

(F) in subparagraph (E) (as so redesignated) by striking ''and'' at the end;

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

(i) in the matter preceding clause (i) by striking ''potential impacts'' and all that follows through ''resource agencies,'' and inserting ''potential impacts of a project, including a programmatic mitigation plan developed in accordance with section 169, that the lead agency''; and

(ii) in clause (ii) by striking the period at the end and inserting ''; and''; and

(H) by adding at the end the following:

''(G) whether tolling, private financial assistance, or other special financial measures are necessary to implement the project.''.

(2) PLANNING ANALYSES.—Section 168(c)(2) 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) in subparagraph (G)—

(i) by inserting ''direct, indirect, and'' before ''cumulative effects''; and

(ii) by striking '', identified as a result of a statewide or regional cumulative effects assessment''; and

(C) in subparagraph (H)—

(i) by striking ''proposed action'' and inserting ''proposed project''; and

(ii) by striking ''Federal lead agency'' and inserting ''lead agency''.

(d) CONDITIONS.—Section 168(d) of title 23, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking ''Adoption and use'' and all that

follows through ''Federal lead agency, that'' and inserting ''The lead agency in the environmental review process may adopt or incorporate by reference and use a planning product under this section if the lead agency determines that'';

(2) in paragraph (2) by striking ''by engaging in active consultation'' and inserting ''in consultation'';

(3) by striking paragraphs (4) and (5) and inserting the following:

''(4) The planning process included public notice that the planning products may be adopted or incorporated by reference during a subsequent environmental review process in accordance with this section.

''(5) During the environmental review process, but prior to determining whether to rely on and use the planning product, the lead agency has—

''(A) made the planning documents available for review and comment by members of the general public and Federal, State, local, and tribal governments that may have an interest in the proposed action;

''(B) provided notice of the lead agency's intent to adopt the planning product or incorporate the planning product by reference; and

''(C) considered any resulting comments.'';

(4) in paragraph (9)—

(A) by inserting ''or incorporation by reference'' after ''adoption''; and

(B) by inserting ''and is sufficient to meet the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)'' after ''for the project''; and

(5) in paragraph (10) by striking ''not later than 5 years prior to date on which the information is adopted'' and inserting ''within the 5-year period ending on the date on which the information is adopted or incorporated by reference''.

(e) EFFECT OF ADOPTION OR INCORPORATION BY REFERENCE.—Section 168(e) of title 23, United States Code, is amended—

(1) in the subsection heading by inserting ''OR INCORPORATION BY REFERENCE'' after ''ADOPTION''; and

(2) by striking ''adopted by the Federal lead agency'' and inserting ''adopted or incorporated by reference by the lead agency''.

SEC. 1308. DEVELOPMENT OF PROGRAMMATIC MITIGATION PLANS.

Section 169(f) of title 23, United States Code, is amended by striking ''may use'' and inserting ''shall give substantial weight to''.

SEC. 1309. DELEGATION OF AUTHORITIES.

(a) IN GENERAL.—The Secretary shall use the authority under section 106(c) of title 23, United States Code, to the maximum extent practicable, to delegate responsibility to the States for project design, plans, specifications, estimates, contract awards, and inspection of projects, on both a project-specific and programmatic basis.

(b) SUBMISSION OF RECOMMENDATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary, in cooperation with the States, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate recommendations for legislation to permit the delegation of additional authorities to the States, including with respect to real estate acquisition and project design.

SEC. 1310. CATEGORICAL EXCLUSION FOR PROJECTS OF LIMITED FEDERAL ASSISTANCE.

(a) ADJUSTMENT FOR INFLATION.—Section 1317 of MAP–21 (23 U.S.C. 109 note) is amended—

(1) in paragraph (1)(A) by inserting ''(as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor)'' after ''$5,000,000''; and

(2) in paragraph (1)(B) by inserting ''(as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor)'' after ''$30,000,000''.

(b) RETROACTIVE APPLICATION.—The first adjustment made pursuant to the amendments made by subsection (a) shall—

(1) be carried out not later than 60 days after the date of enactment of this Act; and

(2) reflect the increase in the Consumer Price Index since July 1, 2012.

SEC. 1311. APPLICATION OF CATEGORICAL EXCLUSIONS FOR MULTIMODAL PROJECTS.

Section 304 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''operating authority that'' and inserting ''operating administration or secretarial office that has expertise but''; and

(ii) by inserting ''proposed multimodal'' after ''with respect to a''; and

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

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

(2) in subsection (b) by inserting ''or title 23'' after ''under this title'';

(3) by striking subsection (c) and inserting the following:

''(c) APPLICATION OF CATEGORICAL EXCLUSIONS FOR MULTIMODAL PROJECTS.—In considering the environmental impacts of a proposed multimodal project, a lead authority may apply categorical exclusions designated under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in implementing regulations or procedures of a cooperating authority for a proposed multimodal project, subject to the conditions that—

''(1) the lead authority makes a determination, with the concurrence of the cooperating authority—

''(A) on the applicability of a categorical exclusion to a proposed multimodal project; and

''(B) that the project satisfies the conditions for a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and this section;

''(2) the lead authority follows the cooperating authority's implementing regulations or procedures under such Act; and

''(3) the lead authority determines that—

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

''(B) extraordinary circumstances do not exist that merit additional analysis and documentation in an environmental impact statement or environmental assessment required under such Act.''; and

(4) by striking subsection (d) and inserting the following:

''(d) COOPERATING AUTHORITY EXPERTISE.—A cooperating authority shall provide expertise to the lead authority on aspects of the multimodal project in which the cooperating authority has expertise.''.

SEC. 1312. SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM.

Section 327 of title 23, United States Code, is amended—

(1) in subsection (a)(2)(B)(iii) by striking ''(42 U.S.C. 13 4321 et seq.)'' and inserting ''(42 U.S.C. 4321 et seq.)'';

(2) in subsection (c)(4) by inserting ''reasonably'' before ''considers necessary'';

(3) in subsection (e) by inserting ''and without further approval of'' after ''in lieu of'';

(4) in subsection (g)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—To ensure compliance by a State with any agreement of the State under subsection (c) (including compliance by the State with all Federal laws for which responsibility is assumed under subsection (a)(2)), for each State participating in the program under this section, the Secretary shall—

''(A) not later than 6 months after execution of the agreement, meet with the State to review implementation of the agreement and discuss plans for the first annual audit;

''(B) conduct annual audits during each of the first 4 years of State participation; and

''(C) ensure that the time period for completing an annual audit, from initiation to completion (including public comment and responses to those comments), does not exceed 180 days.''; and

(B) by adding at the end the following:

''(3) AUDIT TEAM.—An audit conducted under paragraph (1) shall be carried out by an audit team determined by the Secretary, in consultation with the State. Such consultation shall include a reasonable opportunity for the State to review and provide comments on the proposed members of the audit team.''; and

(5) by adding at the end the following:

''(k) CAPACITY BUILDING.—The Secretary, in cooperation with representatives of State officials, may carry out education, training, peer-exchange, and other initiatives as appropriate—

''(1) to assist States in developing the capacity to participate in the assignment program under this section; and

''(2) to promote information sharing and collaboration among States that are participating in the assignment program under this section.

''(l) RELATIONSHIP TO LOCALLY ADMINISTERED PROJECTS.—A State granted authority under this section may, as appropriate and at the request of a local government—

''(1) exercise such authority on behalf of the local government for a locally administered project; or

''(2) provide guidance and training on consolidating and minimizing the documentation and environmental analyses necessary for sponsors of a locally administered project to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any comparable requirements under State law.''.

SEC. 1313. PROGRAM FOR ELIMINATING DUPLICATION OF ENVIRONMENTAL REVIEWS.

(a) PURPOSE.—The purpose of this section is to eliminate duplication of environmental reviews and approvals under State and Federal laws.

(b) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by adding at the end the following:

''§ 330. Program for eliminating duplication of environmental reviews

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a pilot program to authorize States that are approved to participate in the program to conduct environmental reviews and make approvals for projects under State environmental laws and regulations instead of Federal environmental laws and regulations, consistent with the requirements of this section.

''(2) PARTICIPATING STATES.—The Secretary may select not more than 5 States to participate in the program.

''(3) ALTERNATIVE REVIEW AND APPROVAL PROCEDURES.—In this section, the term 'alternative environmental review and approval procedures' means—

''(A) substitution of 1 or more State environmental laws for—

''(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(ii) such provisions of sections 109(h), 128, and 139 related to the application of that Act that are under the authority of the Secretary, as the Secretary, in consultation with the State, considers appropriate; and

''(iii) related regulations and Executive orders; and

''(B) substitution of 1 or more State environmental regulations for—

''(i) the National Environmental Policy Act of 1969;

''(ii) such provisions of sections 109(h), 128, and 139 related to the application of that Act that are under the authority of the Secretary, as the Secretary, in consultation with the State, considers appropriate; and

''(iii) related regulations and Executive orders.

''(b) APPLICATION.—To be eligible to participate in the program, a State shall submit to the Secretary an application containing such information as the Secretary may require, including—

''(1) a full and complete description of the proposed alternative environmental review and approval procedures of the State;

''(2) each Federal law described in subsection (a)(3) that the State is seeking to substitute;

''(3) each State law and regulation that the State intends to substitute for such Federal law, Federal regulation, or Executive order;

''(4) an explanation of the basis for concluding that the State law or regulation is substantially equivalent to the Federal law described in subsection (a)(3);

''(5) a description of the projects or classes of projects for which the State anticipates exercising the authority that may be granted under the program;

''(6) verification that the State has the financial resources necessary to carry out the authority that may be granted under the program;

''(7) evidence of having sought, received, and addressed comments on the proposed application from the public; and

''(8) any such additional information as the Secretary, or, with respect to section (d)(1)(A), the Secretary in consultation with the Chair, may require.

''(c) REVIEW OF APPLICATION.—In accordance with subsection (d), the Secretary shall—

''(1) review an application submitted under subsection (b);

''(2) approve or disapprove the application not later than 90 days after the date of receipt of the application; and

''(3) transmit to the State notice of the approval or disapproval, together with a statement of the reasons for the approval or disapproval.

''(d) APPROVAL OF APPLICATION.—

''(1) IN GENERAL.—The Secretary shall approve an application submitted under subsection (b) only if—

''(A) the Secretary, with the concurrence of the Chair, determines that the laws and regulations of the State described in the application are substantially equivalent to the Federal laws that the State is seeking to substitute;

''(B) the Secretary determines that the State has the capacity, including financial and personnel, to assume the responsibility; and

''(C) the State has executed an agreement with the Secretary, in accordance with section 327, providing for environmental review, consultation, or other action under Federal environmental laws pertaining to the review or approval of a specific project.

''(2) EXCLUSION.—The National Environmental Policy Act of 1969 shall not apply to a decision by the Secretary to approve or disapprove an application submitted under this section.

''(e) JUDICIAL REVIEW.—

''(1) IN GENERAL.—The United States district courts shall have exclusive jurisdiction over any civil action against a State—

''(A) for failure of the State to meet the requirements of this section; or

''(B) if the action involves the exercise of authority by the State under this section and section 327.

''(2) STATE JURISDICTION.—A State court shall have exclusive jurisdiction over any civil action against a State if the action involves the exercise of authority by the State under this section not covered by paragraph (1).

''(f) ELECTION.—At its discretion, a State participating in the programs under this section and section 327 may elect to apply the National Environmental Protection Act of 1969 instead of the State's alternative environmental review and approval procedures.

''(g) TREATMENT OF STATE LAWS AND REGULATIONS.—To the maximum extent practicable and consistent with Federal law, other Federal agencies with authority over a project subject to this section shall use documents produced by a participating State under this section to satisfy the requirements of the National Environmental Policy Act of 1969.

''(h) RELATIONSHIP TO LOCALLY ADMINISTERED PROJECTS.—

''(1) IN GENERAL.—A State with an approved program under this section, at the request of a local government, may exercise authority under that program on behalf of up to 10 local governments for locally administered projects.

''(2) SCOPE.—For up to 10 local governments selected by a State with an approved program under this section, the State shall be responsible for ensuring that any environmental review, consultation, or other action required under the National Environmental Policy Act of 1969 or the State program, or both, meets the requirements of such Act or program.

''(i) REVIEW AND TERMINATION.—

''(1) IN GENERAL.—A State program approved under this section shall at all times be in accordance with the requirements of this section.

''(2) REVIEW.—The Secretary shall review each State program approved under this section not less than once every 5 years.

''(3) PUBLIC NOTICE AND COMMENT.—In conducting the review process under paragraph (2), the Secretary shall provide notice and an opportunity for public comment.

''(4) WITHDRAWAL OF APPROVAL.—If the Secretary, in consultation with the Chair, determines at any time that a State is not administering a State program approved under this section in accordance with the requirements of this section, the Secretary shall so notify the State, and if appropriate corrective action is not taken within a reasonable time, not to exceed 90 days, the Secretary shall withdraw approval of the State program.

''(5) EXTENSIONS AND TERMINATIONS.—At the conclusion of the review process under paragraph (2), the Secretary may extend for an additional 5-year period or terminate the authority of a State under this section to substitute that State's laws and regulations for Federal laws.

''(j) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section, and annually thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the administration of the program, including—

''(1) the number of States participating in the program;

''(2) the number and types of projects for which each State participating in the program has used alternative environmental review and approval procedures; and

''(3) any recommendations for modifications to the program.

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

''(1) CHAIR.—The term 'Chair' means the Chair of the Council on Environmental Quality.

''(2) MULTIMODAL PROJECT.—The term 'multimodal project' has the meaning given that term in section 139(a).

''(3) PROGRAM.—The term 'program' means the pilot program established under this section.

''(4) PROJECT.—The term 'project' means—

''(A) a project requiring approval under this title, chapter 53 of subtitle III of title 49, or subtitle V of title 49; and

''(B) a multimodal project.''.

(c) RULEMAKING.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Chair of the Council on Environmental Quality, shall promulgate regulations to implement the requirements of section 330 of title 23, United States Code, as added by this section.

(2) DETERMINATION OF SUBSTANTIALLY EQUIVALENT.—As part of the rulemaking required under this subsection, the Chair shall—

(A) establish the criteria necessary to determine that a State law or regulation is substantially equivalent to a Federal law described in section 330(a)(3) of title 23, United States Code;

(B) ensure that such criteria, at a minimum—

(i) provide for protection of the environment;

(ii) provide opportunity for public participation and comment, including access to the documentation necessary to review the potential impact of a project; and

(iii) ensure a consistent review of projects that would otherwise have been covered under Federal law.

(d) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is amended by adding at the end the following:

''330. Program for eliminating duplication of environmental reviews.''.

SEC. 1314. ASSESSMENT OF PROGRESS ON ACCELERATING PROJECT DELIVERY.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall assess the progress made under this Act, MAP–21 (Public Law 112–141), and SAFETEA–LU (Public Law 109–59), including the amendments made by those Acts, to accelerate the delivery of Federal-aid highway and highway safety construction projects and public transportation capital projects by streamlining the environmental review and permitting process.

(b) CONTENTS.—The assessment required under subsection (a) shall evaluate—

(1) how often the various streamlining provisions have been used;

(2) which of the streamlining provisions have had the greatest impact on streamlining the environmental review and permitting process;

(3) what, if any, impact streamlining of the process has had on environmental protection;

(4) how, and the extent to which, streamlining provisions have improved and accelerated the process for permitting under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable Federal laws;

(5) what impact actions by the Council on Environmental Quality have had on accelerating Federal-aid highway and highway safety construction projects and public transportation capital projects;

(6) the number and percentage of projects that proceed under a traditional environmental assessment or environmental impact statement, and the number and percentage of projects that proceed under categorical exclusions;

(7) the extent to which the environmental review and permitting process remains a significant source of project delay and the sources of delays; and

(8) the costs of conducting environmental reviews and issuing permits or licenses for a project, including the cost of contractors and dedicated agency staff.

(c) RECOMMENDATIONS.—The assessment required under subsection (a) shall include recommendations with respect to—

(1) additional opportunities for streamlining the environmental review process, including regulatory or statutory changes to accelerate the processes of Federal agencies (other than the Department) with responsibility for reviewing Federal-aid highway and highway safety construction projects and public transportation capital projects without negatively impacting the environment; and

(2) best practices of other Federal agencies that should be considered for adoption by the Department.

(d) REPORT TO CONGRESS.—The Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the assessment and recommendations required under this section.

SEC. 1315. IMPROVING STATE AND FEDERAL AGENCY ENGAGEMENT IN ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Title 49, United States Code, is amended by inserting after section 306 the following:

''§ 307. Improving State and Federal agency engagement in environmental reviews

''(a) IN GENERAL.—

''(1) REQUESTS TO PROVIDE FUNDS.—A public entity receiving financial assistance from the Department of Transportation for 1 or more projects, or for a program of projects, for a public purpose may request that the Secretary allow the public entity to provide funds to Federal agencies, including the Department, State agencies, and Indian tribes participating in the environmental planning and review process for the project, projects, or program.

''(2) USE OF FUNDS.—The funds may be provided only to support activities that directly and meaningfully contribute to expediting and improving permitting and review processes, including planning, approval, and consultation processes for the project, projects, or program.

''(b) ACTIVITIES ELIGIBLE FOR FUNDING.—Activities for which funds may be provided under subsection (a) include transportation planning activities that precede the initiation of the environmental review process, activities directly related to the environmental review process, dedicated staffing, training of agency personnel, information gathering and mapping, and development of programmatic agreements.

''(c) AMOUNTS.—Requests under subsection (a) may be approved only for the additional amounts that the Secretary determines are necessary for the Federal agencies, State agencies, or Indian tribes participating in the environmental review process to timely conduct their review.

''(d) AGREEMENTS.—Prior to providing funds approved by the Secretary for dedicated staffing at an affected Federal agency under subsection (a), the affected Federal agency and the requesting public entity shall enter into an agreement that establishes a process to identify projects or priorities to be addressed by the use of the funds.

''(e) RULEMAKING.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall initiate a rulemaking to implement this section.

''(2) FACTORS.—As part of the rulemaking carried out under paragraph (1), the Secretary shall ensure—

''(A) to the maximum extent practicable, that expediting and improving the process of environmental review and permitting through the use of funds accepted and expended under this section does not adversely affect the timeline for review and permitting by Federal agencies, State agencies, or Indian tribes of other entities that have not contributed funds under this section;

''(B) that the use of funds accepted under this section will not impact impartial decisionmaking with respect to environmental reviews or permits, either substantively or procedurally; and

''(C) that the Secretary maintains, and makes publicly available, including on the Internet, a list of projects or programs for which such review or permits have been carried out using funds authorized under this section.

''(f) EXISTING AUTHORITY.—Nothing in this section may be construed to conflict with section 139(j) of title 23.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by inserting after the item relating to section 306 the following:

''307. Improving State and Federal agency engagement in environmental reviews.''.

SEC. 1316. ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Title 49, United States Code, is amended by inserting after section 304 the following:

''§ 304a. Accelerated decisionmaking in environmental reviews

''(a) IN GENERAL.—In preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the lead agency modifies the statement in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant additional agency response, the lead agency may write on errata sheets attached to the statement, instead of rewriting the draft statement, subject to the condition that the errata sheets—

''(1) cite the sources, authorities, and reasons that support the position of the agency; and

''(2) if appropriate, indicate the circumstances that would trigger agency reappraisal or further response.

''(b) SINGLE DOCUMENT.—To the maximum extent practicable, the lead agency shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, unless—

''(1) the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or

''(2) there is a significant new circumstance or information relevant to environmental concerns that bears on the proposed action or the impacts of the proposed action.

''(c) ADOPTION OF DOCUMENTS.—

''(1) AVOIDING DUPLICATION.—To prevent duplication of analyses and support expeditious and efficient decisions, the operating administrations of the Department of Transportation shall use adoption and incorporation by reference in accordance with this paragraph.

''(2) ADOPTION OF DOCUMENTS OF OTHER OPERATING ADMINISTRATIONS.—An operating administration or a secretarial office within the Department of Transportation may adopt a draft environmental impact statement, an environmental assessment, or a final environmental impact statement of another operating administration for the adopting operating administration's use when preparing an environmental assessment or final environmental impact statement for a project without recirculating the document for public review, if—

''(A) the adopting operating administration certifies that its proposed action is substantially the same as the project considered in the document to be adopted;

''(B) the other operating administration concurs with such decision; and

''(C) such actions are consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(3) INCORPORATION BY REFERENCE.—An operating administration or secretarial office within the Department of Transportation may incorporate by reference all or portions of a draft environmental impact statement, an environmental assessment, or a final environmental impact statement for the adopting operating administration's use when preparing an environmental assessment or final environmental impact statement for a project if—

''(A) the incorporated material is cited in the environmental assessment or final environmental impact statement and the contents of the incorporated material is briefly described;

''(B) the incorporated material is reasonably available for inspection by potentially interested persons within the time allowed for review and comment; and

''(C) the incorporated material does not include proprietary data that is not available for review and comment.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by inserting after the item relating to section 304 the following:

''304a. Accelerated decisionmaking in environmental reviews.''.

SEC. 1317. ALIGNING FEDERAL ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Title 49, United States Code, is amended by inserting after section 309 the following:

''§ 310. Aligning Federal environmental reviews

''(a) COORDINATED AND CONCURRENT ENVIRONMENTAL REVIEWS.—Not later than 1 year after the date of enactment of this section, the Department of Transportation, in coordination with the heads of Federal agencies likely to have substantive review or approval responsibilities under Federal law, shall develop a coordinated and concurrent environmental review and permitting process for transportation projects when initiating an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.; in this section referred to as 'NEPA').

''(b) CONTENTS.—The coordinated and concurrent environmental review and permitting process shall—

''(1) ensure that the Department and agencies of jurisdiction possess sufficient information early in the review process to determine a statement of a transportation project's purpose and need and range of alternatives for analysis that the lead agency and agencies of jurisdiction will rely on for concurrent environmental reviews and permitting decisions required for the proposed project;

''(2) achieve early concurrence or issue resolution during the NEPA scoping process on the Department of Transportation's statement of a project's purpose and need, and during development of the environmental impact statement on the range of alternatives for analysis, that the lead agency and agencies of jurisdiction will rely on for concurrent environmental reviews and permitting decisions required for the proposed project absent circumstances that require reconsideration in order to meet an agency of jurisdiction's obligations under a statute or Executive order; and

''(3) achieve concurrence or issue resolution in an expedited manner if circumstances arise that require a reconsideration of the purpose and need or range of alternatives considered during any Federal agency's environmental or permitting review in order to meet an agency of jurisdiction's obligations under a statute or Executive order.

''(c) ENVIRONMENTAL CHECKLIST.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary of Transportation and Federal agencies of jurisdiction likely to have substantive review or approval responsibilities on transportation projects shall jointly develop a checklist to help project sponsors identify potential natural, cultural, and historic resources in the area of a proposed project.

''(2) PURPOSE.—The purpose of the checklist shall be to—

''(A) identify agencies of jurisdiction and cooperating agencies;

''(B) develop the information needed for the purpose and need and alternatives for analysis; and

''(C) improve interagency collaboration to help expedite the permitting process for the lead agency and agencies of jurisdiction.

''(d) INTERAGENCY COLLABORATION.—

''(1) IN GENERAL.—Consistent with Federal environmental statutes, the Secretary shall facilitate annual interagency collaboration sessions at the appropriate jurisdictional level to coordinate business plans and facilitate coordination of workload planning and workforce management.

''(2) PURPOSE OF COLLABORATION SESSIONS.—The interagency collaboration sessions shall ensure that agency staff is—

''(A) fully engaged;

''(B) utilizing the flexibility of existing regulations, policies, and guidance; and

''(C) identifying additional actions to facilitate high quality, efficient, and targeted environmental reviews and permitting decisions.

''(3) FOCUS OF COLLABORATION SESSIONS.—The interagency collaboration sessions, and the interagency collaborations generated by the sessions, shall focus on methods to—

''(A) work with State and local transportation entities to improve project planning, siting, and application quality; and

''(B) consult and coordinate with relevant stakeholders and Federal, tribal, State, and local representatives early in permitting processes.

''(e) PERFORMANCE MEASUREMENT.—Not later than 1 year after the date of enactment of this section, the Secretary, in coordination with relevant Federal agencies, shall establish a program to measure and report on progress towards aligning Federal reviews as outlined in this section.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by inserting after the item relating to section 309 the following:

''310. Aligning Federal environmental reviews.''.

Subtitle D—Miscellaneous

SEC. 1401. TOLLING; HOV FACILITIES; INTERSTATE RECONSTRUCTION AND REHABILITATION.

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

(1) in paragraph (1)—

(A) in subparagraph (B) by striking '', bridge, or tunnel'' each place it appears;

(B) in subparagraph (C) by striking '', bridge, or tunnel'' each place it appears;

(C) by striking subparagraph (G);

(D) by redesignating subparagraphs (H) and (I) as subparagraphs (G) and (H); and

(E) in subparagraph (G) as redesignated—

(i) by inserting ''(HOV)'' after ''high occupancy vehicle''; and

(ii) by inserting ''under section 166 of this title'' after ''facility'';

(2) in paragraph (3)(A)—

(A) by striking ''shall use'' and inserting ''shall ensure that''; and

(B) by inserting ''are used'' after ''toll facility'' the second place it appears; and

(3) by striking paragraph (4) and redesignating paragraphs (5) through (10) as paragraphs (4) through (9), respectively.

(b) HOV FACILITIES.—Section 166 of title 23, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking the paragraph heading and inserting ''**AUTHORITY OF PUBLIC AUTHORITIES**''; and

(B) by striking ''State agency'' and inserting ''public authority'';

(2) in subsection (b)—

(A) by striking ''State agency'' each place it appears and inserting ''public authority'';

(B) in paragraph (3)—

(i) by striking ''and'' at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(iii) by inserting at the end the following:

''(C) provides equal access for all public transportation vehicles and over-the-road buses.''; and

(C) in paragraph (5)—

(i) in subparagraph (A) by striking ''2017'' and inserting ''2021''; and

(ii) in subparagraph (B) by striking ''2017'' and inserting ''2021'';

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Notwithstanding section 301, tolls may be charged under paragraphs (4) and (5) of subsection (b), subject to the requirements of section 129.'';

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) by inserting after paragraph (2), as redesignated, the following:

''(3) EXEMPTION FROM TOLLS.—In levying tolls on a facility under this section, a public authority may designate classes of vehicles that are exempt from the tolls or charge different toll rates for different classes of vehicles, if equal rates are charged for all public transportation vehicles and over-the-road buses, whether publicly or privately owned.'';

(4) in subsection (d)—

(A) by striking ''State agency'' each place it appears and inserting ''public authority'';

(B) in paragraph (1)—

(i) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(ii) by inserting after subparagraph (C) the following:

''(D) CONSULTATION OF MPO.—If the facility is on the Interstate System and located in a metropolitan planning area established in accordance with section 134, consulting with the metropolitan planning organization for the area concerning the placement and amount of tolls on the facility.''; and

(iii) in subparagraph (F), as redesignated—

(I) by striking ''State'' the first place it appears and inserting ''public authority''; and

(II) by striking ''subparagraph (D)'' and inserting ''subparagraph (E)''; and

(5) in subsection (f)—

(A) in paragraph (4)(B)(iii) by striking ''State agency'' and inserting ''public authority''; and

(B) by striking paragraph (5) and inserting after paragraph (4) the following:

''(5) OVER-THE-ROAD BUS.—The term 'over-the-road bus' means a vehicle as defined in section 301(5) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181(5)).

''(6) PUBLIC AUTHORITY.—The term 'public authority' as used with respect to a HOV facility, means a State, interstate compact of States, public entity designated by a State, or local government having jurisdiction over the operation of the facility.''.

(c) INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.—Section 1216(b) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended—

(1) in paragraph (4)—

(A) in subparagraph (D) by striking ''and'' at the end;

(B) in subparagraph (E) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(F) the State has approved enabling legislation required for the project to proceed.'';

(2) by redesignating paragraphs (6) through (8) as paragraphs (8) through (10), respectively; and

(3) by inserting after paragraph (5) the following:

''(6) REQUIREMENTS FOR PROJECT COMPLETION.—

''(A) GENERAL TERM FOR EXPIRATION OF PROVISIONAL APPLICATION.—An application provisionally approved by the Secretary under this subsection shall expire 3 years after the date on which the application was provisionally approved if the State has not—

''(i) submitted a complete application to the Secretary that fully satisfies the eligibility criteria under paragraph (3) and the selection criteria under paragraph (4);

''(ii) completed the environmental review and permitting process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the pilot project; and

''(iii) executed a toll agreement with the Secretary.

''(B) EXCEPTIONS TO EXPIRATION.—Notwithstanding subparagraph (A), the Secretary may extend the provisional approval for not more than 1 additional year if the State demonstrates material progress toward implementation of the project as evidenced by—

''(i) substantial progress in completing the environmental review and permitting process for the pilot project under the National Environmental Policy Act of 1969;

''(ii) funding and financing commitments for the pilot project;

''(iii) expressions of support for the pilot project from State and local governments, community interests, and the public; and

''(iv) submission of a facility management plan pursuant to paragraph (3)(D).

''(C) CONDITIONS FOR PREVIOUSLY PROVISIONALLY APPROVED APPLICATIONS.—A State with a provisionally approved application for a pilot project as of the date of enactment of the Surface Transportation Reauthorization and Reform Act of 2015 shall have 1 year after such date of enactment to meet the requirements of subparagraph (A) or receive an extension from the Secretary under subparagraph (B), or the application will expire.

''(7) DEFINITION.—In this subsection, the term 'provisional approval' or 'provisionally approved' means the approval by the Secretary of a partial application under this subsection, including the reservation of a slot in the pilot program.''.

(d) APPROVAL OF APPLICATIONS.—The Secretary may approve an application submitted under section 1604(c) of SAFETEA–LU (Public Law 109–59; 119 Stat. 1253) if the application, or any part of the application, was submitted before the deadline specified in section 1604(c)(8) of that Act.

SEC. 1402. PROHIBITION ON THE USE OF FUNDS FOR AUTOMATED 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.

(b) EXCEPTION.—Subsection (a) does not apply to an automated traffic enforcement system located in a school zone.

(c) AUTOMATED TRAFFIC ENFORCEMENT SYSTEM DEFINED.—In this section, the term ''automated traffic enforcement system'' means any camera that captures an image of a vehicle for the purposes of traffic law enforcement.

SEC. 1403. MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED OR DRIVING UNDER THE INFLUENCE.

(a) IN GENERAL.—Section 164(a)(4) of title 23, United States Code, is amended—

(1) in the matter preceding subparagraph (A) by inserting '', or a combination of State laws,'' after ''a State law''; and

(2) by striking subparagraph (A) and inserting the following:

''(A) receive, for not less than 1 year—

''(i) a suspension of all driving privileges;

''(ii) a restriction on driving privileges that limits the individual to operating only motor vehicles with an ignition interlock system installed (allowing for limited exceptions for circumstances when the individual is required to operate an employer's motor vehicle in the course and scope of employment and the business entity that owns the vehicle is not owned or controlled by the individual); or

''(iii) a combination of both clauses (i) and (ii);''.

(b) APPLICATION.—The amendments made by this section shall apply with respect to fiscal years beginning after the date of enactment of this Act.

SEC. 1404. HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY.

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

''(g) HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY REPORTS.—

''(1) COMPILATION OF DATA.—The Secretary shall compile data in accordance with this subsection on the use of Federal-aid highway funds made available under this title.

''(2) REQUIREMENTS.—The Secretary shall ensure that the reports required under this subsection are made available in a user-friendly manner on the public Internet Web site of the Department and can be searched and downloaded by users of the Web site.

''(3) CONTENTS OF REPORTS.—

''(A) APPORTIONED AND ALLOCATED PROGRAMS.—On a semiannual basis, the Secretary shall make available a report on funding apportioned and allocated to the States under this title that describes—

''(i) the amount of funding obligated by each State, year-to-date, for the current fiscal year;

''(ii) the amount of funds remaining available for obligation by each State;

''(iii) changes in the obligated, unexpended balance for each State, year-to-date, during the current fiscal year, including the obligated, unexpended balance at the end of the preceding fiscal year and current fiscal year expenditures;

''(iv) the amount and program category of unobligated funding, year-to-date, available for expenditure at the discretion of the Secretary;

''(v) the rates of obligation on and off the National Highway System, year-to-date, for the current fiscal year of funds apportioned, allocated, or set aside under this section, according to—

''(I) program;

''(II) funding category or subcategory;

''(III) type of improvement;

''(IV) State; and

''(V) sub-State geographical area, including urbanized and rural areas, on the basis of the population of each such area; and

''(vi) the amount of funds transferred by each State, year-to-date, for the current fiscal year between programs under section 126.

''(B) PROJECT DATA.—On an annual basis, the Secretary shall make available a report that, to the maximum extent possible, provides project-specific data describing—

''(i) for all projects funded under this title (excluding projects for which funds are transferred to agencies other than the Federal Highway Administration)—

''(I) the specific location of the project;

''(II) the total cost of the project;

''(III) the amount of Federal funding obligated for the project;

''(IV) the program or programs from which Federal funds have been obligated for the project;

''(V) the type of improvement being made; and

''(VI) the ownership of the highway or bridge; and

''(ii) for any project funded under this title (excluding projects for which funds are transferred to agencies other than the Federal Highway Administration) with an estimated total cost as of the start of construction in excess of $100,000,000, the data specified under clause (i) and additional data describing—

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

''(aa) less than 5,000 individuals;

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

''(cc) 50,000 or more individuals but less than 200,000 individuals; or

''(dd) 200,000 or more individuals;

''(II) the estimated cost of the project as of the start of project construction, or the revised cost estimate based on a description of revisions to the scope of work or other factors affecting project cost other than cost overruns; and

''(III) the amount of non-Federal funds obligated for the project.''.

(b) CONFORMING AMENDMENT.—Section 1503 of MAP–21 (23 U.S.C. 104 note; Public Law 112–141) is amended by striking subsection (c).

SEC. 1405. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

(a) IDENTIFICATION OF HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended—

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

''(13) Raleigh-Norfolk Corridor from Raleigh, North Carolina, through Rocky Mount, Williamston, and Elizabeth City, North Carolina, to Norfolk, Virginia.'';

(2) in paragraph (18)(D)—

(A) in clause (ii) by striking ''and'' at the end;

(B) in clause (iii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iv) include Texas State Highway 44 from United States Route 59 at Freer, Texas, to Texas State Highway 358.'';

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

''(68) The Washoe County Corridor and the Intermountain West Corridor, which shall generally follow—

''(A) for the Washoe County Corridor, along Interstate Route 580/United States Route 95/United States Route 95A from Reno, Nevada, to Las Vegas, Nevada; and

''(B) for the Intermountain West Corridor, from the vicinity of Las Vegas, Nevada, north along United States Route 95 terminating at Interstate Route 80.''; and

(4) by adding at the end the following:

''(81) United States Route 117/Interstate Route 795 from United States Route 70 in Goldsboro, Wayne County, North Carolina, to Interstate Route 40 west of Faison, Sampson County, North Carolina.

''(82) United States Route 70 from its intersection with Interstate Route 40 in Garner, Wake County, North Carolina, to the Port at Morehead City, Carteret County, North Carolina.

''(83) The Sonoran Corridor along State Route 410 connecting Interstate Route 19 and Interstate Route 10 south of the Tucson International Airport.

''(84) The Central Texas Corridor commencing at the logical terminus of Interstate Route 10, generally following portions of United States Route 190 eastward, passing in the vicinity Fort Hood, Killeen, Belton, Temple, Bryan, College Station, Huntsville, Livingston, and Woodville, to the logical terminus of Texas Highway 63 at the Sabine River Bridge at Burrs Crossing.

''(85) Interstate Route 81 in New York from its intersection with Interstate Route 86 to the United States-Canadian border.''.

(b) INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.—Section 1105(e)(5)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended—

(1) by inserting ''subsection (c)(13),'' after ''subsection (c)(9),'';

(2) by striking ''subsections (c)(18)'' and all that follows through ''subsection (c)(36)'' and inserting ''subsection (c)(18), subsection (c)(20), subparagraphs (A) and (B)(i) of subsection (c)(26), subsection (c)(36)''; and

(3) by striking ''and subsection (c)(57)'' and inserting ''subsection (c)(57), subsection (c)(68)(B), subsection (c)(81), subsection (c)(82), and subsection (c)(83)''.

(c) DESIGNATION.—Section 1105(e)(5)(C)(i) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking the final sentence and inserting the following: ''The routes referred to in subparagraphs (A) and (B)(i) of subsection (c)(26) and in subsection (c)(68)(B) are designated as Interstate Route I–11.''.

(d) FUTURE INTERSTATE DESIGNATION.—Section 119(a) of the SAFETEA–LU Technical Corrections Act of 2008 is amended by striking ''and, as a future Interstate Route 66 Spur, the Natcher Parkway in Owensboro, Kentucky'' and inserting ''between Henderson, Kentucky, and Owensboro, Kentucky,

and, as a future Interstate Route 65 and 66 Spur, the William H. Natcher Parkway between Bowling Green, Kentucky, and Owensboro, Kentucky''.

SEC. 1406. FLEXIBILITY FOR PROJECTS.

(a) AUTHORITY.—With respect to projects eligible for funding under title 23, United States Code, subject to subsection (b) and on request by a State, the Secretary may—

(1) exercise all existing flexibilities under and exceptions to—

(A) the requirements of title 23, United States Code; and

(B) other requirements administered by the Secretary, in whole or part; and

(2) otherwise provide additional flexibility or expedited processing with respect to the requirements described in paragraph (1).

(b) MAINTAINING PROTECTIONS.—Nothing in this section—

(1) waives the requirements of section 113 or 138 of title 23, United States Code;

(2) supersedes, amends, or modifies—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental law; or

(B) any requirement of title 23 or title 49, United States Code; or

(3) affects the responsibility of any Federal officer to comply with or enforce any law or requirement described in this subsection.

SEC. 1407. PRODUCTIVE AND TIMELY EXPENDITURE OF FUNDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop guidance that encourages the use of programmatic approaches to project delivery, expedited and prudent procurement techniques, and other best practices to facilitate productive, effective, and timely expenditure of funds for projects eligible for funding under title 23, United States Code.

(b) IMPLEMENTATION.—The Secretary shall work with States to ensure that any guidance developed under subsection (a) is consistently implemented by States and the Federal Highway Administration to—

(1) avoid unnecessary delays in completing projects;

(2) minimize cost overruns; and

(3) ensure the effective use of Federal funding.

SEC. 1408. CONSOLIDATION OF PROGRAMS.

Section 1519(a) of MAP–21 (126 Stat. 574) is amended by striking ''From administrative funds'' and all that follows through ''shall be made available'' and inserting ''For each of fiscal years 2016 through 2021, before making an apportionment under section 104(b)(3) of title 23, United States Code, the Secretary shall set aside, from amounts made available to carry out the highway safety improvement program under section 148 of such title for the fiscal year, $3,500,000''.

SEC. 1409. FEDERAL SHARE PAYABLE.

(a) INNOVATIVE PROJECT DELIVERY METHODS.—Section 120(c)(3)(A)(ii) of title 23, United States Code, is amended by inserting ''engineering or design approaches,'' after ''technologies,''.

(b) EMERGENCY RELIEF.—Section 120(e)(2) of title 23, United States Code, is amended by striking ''Federal land access transportation facilities,'' and inserting ''other federally owned roads that are open to public travel,''.

SEC. 1410. ELIMINATION OR MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.

(a) FUNDAMENTAL PROPERTIES OF ASPHALTS REPORT.—Section 6016(e) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2183) is repealed.

(b) EXPRESS LANES DEMONSTRATION PROGRAM REPORTS.—Section 1604(b)(7)(B) of SAFETEA–LU (23 U.S.C. 129 note) is repealed.

SEC. 1411. TECHNICAL CORRECTIONS.

(a) TITLE 23.—Title 23, United States Code, is amended as follows:

(1) Section 150(c)(3)(B) is amended by striking the semicolon at the end and inserting a period.

(2) Section 154(c) is amended—

(A) in paragraph (3)(A) by striking ''transferred'' and inserting ''reserved''; and

(B) in paragraph (5)—

(i) in the matter preceding subparagraph (A) by inserting ''or released'' after ''transferred''; and

(ii) in subparagraph (A) by striking ''under section 104(b)(1)'' and inserting ''under section 104(b)(1)''.

(3) Section 164(b) is amended—

(A) in paragraph (3)(A) by striking ''transferred'' and inserting ''reserved''; and

(B) in paragraph (5) by inserting ''or released'' after ''transferred''.

(b) MAP–21.—Effective as of July 6, 2012, and as if included therein as enacted, MAP–21 (Public Law 112–141) is amended as follows:

(1) Section 1109(a)(2) (126 Stat. 444) is amended by striking ''fourth'' and inserting ''fifth''.

(2) Section 1203 (126 Stat. 524) is amended—

(A) in subsection (a) by striking ''Section 150 of title 23, United States Code, is amended to read as follows'' and inserting ''Title 23, United States Code, is amended by inserting after section 149 the following''; and

(B) in subsection (b) by striking ''by striking the item relating to section 150 and inserting'' and inserting ''by inserting after the item relating to section 149''.

(3) Section 1313(a)(1) (126 Stat. 545) is amended to read as follows:

''(1) in the section heading by striking '**pilot**'; and''.

(4) Section 1314(b) (126 Stat. 549) is amended—

(A) by inserting ''chapter 3 of'' after ''analysis for''; and

(B) by inserting a period at the end of the matter proposed to be inserted.

(5) Section 1519(c) (126 Stat. 575) is amended—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) through (12) as paragraphs (3) through (11), respectively;

(C) in paragraph (7), as redesignated by subparagraph (B) of this paragraph—

(i) by striking the period at the end of the matter proposed to be struck; and

(ii) by adding a period at the end; and

(D) in paragraph (8)(A)(i)(I), as redesignated by subparagraph (B) of this paragraph, by striking ''than rail'' in the matter proposed to be struck and inserting ''than on rail''.

(6) Section 1528 is amended—

(A) in subsection (b) by inserting ''(or a lower percentage if so requested by a State with respect to a project)'' after ''100 percent''; and

(B) in subsection (c) by inserting ''(or a lower percentage if so requested by a State with respect to a project)'' after ''100 percent''.

SEC. 1412. SAFETY FOR USERS.

(a) IN GENERAL.—The Secretary shall encourage each State and metropolitan planning organization to adopt standards for the design of Federal surface transportation projects that provide for the safe and adequate accommodation (as determined by the State) in all phases of project planning, development, and operation, of all users of the surface transportation network, including motorized and nonmotorized users.

(b) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall make available to the public a report cataloging examples of State law or State transportation policy that provides for the safe and adequate accommodation, in all phases of project planning, development, and operation of all users of the surface transportation network.

(c) BEST PRACTICES.—Based on the report required under subsection (b), the Secretary shall identify and disseminate examples of best practices where States have adopted measures that have successfully provided for the safe and adequate accommodation of all users of the transportation network in all phases of project development and operation.

SEC. 1413. DESIGN STANDARDS.

(a) IN GENERAL.—Section 109 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''may take into account'' and inserting ''shall consider'';

(ii) in subparagraph (B) by striking ''and'' at the end;

(iii) by redesignating subparagraph (C) as subparagraph (D); and

(iv) by inserting after subparagraph (B) the following:

''(C) cost savings by utilizing flexibility that exists in current design guidance and regulations; and''; and

(B) in paragraph (2)—

(i) in subparagraph (C) by striking ''and'' at the end;

(ii) by redesignating subparagraph (D) as subparagraph (F); and

(iii) by inserting after subparagraph (C) the following:

''(D) the publication entitled 'Highway Safety Manual' of the American Association of State Highway and Transportation Officials;

''(E) the publication entitled 'Urban Street Design Guide' of the National Association of City Transportation Officials; and''; and

(2) in subsection (f) by inserting ''pedestrian walkways,'' after ''bikeways,''.

(b) DESIGN STANDARD FLEXIBILITY.—Notwithstanding section 109(o) of title 23, United States Code, a State may allow a local jurisdiction to use a roadway design publication that is different from the roadway design publication used by the State in which the local jurisdiction is located for the design of a project on a roadway under the ownership of the local jurisdiction (other than a highway on the Interstate System) if—

(1) the local jurisdiction is a direct recipient of Federal funds for the project;

(2) the roadway design publication—

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

(B) is adopted by the local jurisdiction; and

(3) the design complies with all other applicable Federal laws.

SEC. 1414. RESERVE FUND.

(a) LIMITATION.—

(1) IN GENERAL.—Notwithstanding funding, authorizations of appropriations, and contract authority described in sections 1101, 1102, 3017, 4001, 5101, and 6002 of this Act, including the amendments made by such sections, sections 125 and 147 of title 23, United States Code, and section 5338(a) of title 49, United States Code, no funding, authorization of appropriations, and contract authority described in those sections for fiscal years 2019 through 2021 shall exist unless and only to the extent that a subsequent Act of Congress causes additional monies to be deposited in the Highway Trust Fund.

(2) ADMINISTRATIVE EXPENSES.—The limitation on funds provided in paragraph (1) shall not apply to—

(A) administrative expenses of the Federal Highway Administration under sections 104(a) and 608(a)(6) of title 23, United States Code;

(B) administrative expenses of the National Highway Traffic Safety Administration under section 4001(a)(6) of this Act;

(C) administrative expenses of the Federal Motor Carrier Safety Administration under section 5103 of this Act; and

(D) administrative expenses of the Federal Transit Administration under section 5338(h) of title 49, United States Code.

(b) ADJUSTMENTS TO CONTRACT AUTHORITY.—

(1) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 104 the following:

''§ 105. Adjustments to contract authority

''(a) CALCULATION.—

''(1) IN GENERAL.—The President shall include in each of the fiscal year 2017 through 2021 budget submissions to Congress under section 1105(a) of title 31, for each of the Highway Account and the Mass Transit Account, a calculation of the difference between—

''(A) the actual level of monies deposited in that account for the most recently completed fiscal year; and

''(B) the estimated level of receipts for that account for the most recently completed fiscal year, as specified in paragraph (2).

''(2) ESTIMATE.—The estimated level of receipts specified in this paragraph are—

''(A) for the Highway Account—

''(i) for fiscal year 2015, $35,740,259,248;

''(ii) for fiscal year 2016, $35,498,000,000;

''(iii) for fiscal year 2017, $35,879,000,000;

''(iv) for fiscal year 2018, $36,084,000,000; and

''(v) for fiscal year 2019, $36,117,000,000; and

''(B) for the Mass Transit Account—

''(i) for fiscal year 2015, $5,048,527,972;

''(ii) for fiscal year 2016, $5,020,000,000;

''(iii) for fiscal year 2017, $5,024,000,000;

''(iv) for fiscal year 2018, $5,011,000,000; and

''(v) for fiscal year 2019, $4,981,000,000.

''(3) TECHNICAL CORRECTION.—For purposes of paragraph (1)(A), the term 'actual level of monies deposited in that account' shall not include funding of the Highway Trust Fund provided by section 2002 of Public Law 114–41.

''(b) ADJUSTMENTS TO CONTRACT AUTHORITY.—

''(1) ADDITIONAL AMOUNTS.—If the difference determined in a budget submission under subsection (a) for a fiscal year for the Highway Account or the Mass Transit Account is greater than zero, the Secretary shall on October 1 of the budget year of that submission—

''(A) make available for programs authorized from such account for the budget year a total amount equal to—

''(i) the amount otherwise authorized to be appropriated for such programs for such budget year; plus

''(ii) an amount equal to such difference; and

''(B) distribute the additional amount under subparagraph (A)(ii) to each of such programs in accordance with subsection (c).

''(2) REDUCTION.—If the difference determined in a budget submission under subsection (a) for a fiscal year for the Highway Account or the Mass Transit Account is less than zero, the Secretary shall on October 1 of the budget year of that submission—

''(A) make available for programs authorized from such account for the budget year a total amount equal to—

''(i) the amount otherwise authorized to be appropriated for such programs for such budget year; minus

''(ii) an amount equal to such difference; and

''(B) apply the total adjustment under subparagraph (A)(ii) to each of such programs in accordance with subsection (c).

''(c) DISTRIBUTION OF ADJUSTMENT AMONG PROGRAMS.—

''(1) IN GENERAL.—In making an adjustment for the Highway Account or the Mass Transit Account for a budget year under subsection (b), the Secretary shall—

''(A) determine the ratio that—

''(i) the amount authorized to be appropriated for a program from the account for the budget year; bears to

''(ii) the total amount authorized to be appropriated for such budget year for all programs under such account;

''(B) multiply the ratio determined under subparagraph (A) by the applicable difference calculated under subsection (a); and

''(C) adjust the amount that the Secretary would otherwise have allocated for the program for such budget year by the amount calculated under subparagraph (B).

''(2) FORMULA PROGRAMS.—For a program for which funds are distributed by formula, the Secretary shall add or subtract the adjustment to the amount authorized for the program but for this section and make available the adjusted program amount for such program in accordance with such formula.

''(3) AVAILABILITY FOR OBLIGATION.—Adjusted amounts under this subsection shall be available for obligation and administered in the same manner as other amounts made available for the program for which the amount is adjusted.

''(d) EXCLUSION OF EMERGENCY RELIEF PROGRAM AND COVERED ADMINISTRATIVE EXPENSES.—The Secretary shall exclude the emergency relief program under section 125 and covered administrative expenses from—

''(1) an adjustment of funding under subsection (c)(1); and

''(2) any calculation under subsection (b) or (c) related to such an adjustment.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the appropriate account or accounts of the Highway Trust Fund an amount equal to the amounts calculated under subsection (a) for each of fiscal years 2017 through 2021.

''(f) REVISION TO OBLIGATION LIMITATIONS.—

''(1) IN GENERAL.—If the Secretary makes an adjustment under subsection (b) for a fiscal year to an amount subject to a limitation on obligations imposed by section 1102 or 3017 of the Surface Transportation Reauthorization and Reform Act of 2015—

''(A) such limitation on obligations for such fiscal year shall be revised by an amount equal to such adjustment; and

''(B) the Secretary shall distribute such limitation on obligations, as revised under subparagraph (A), in accordance with such sections.

''(2) EXCLUSION OF COVERED ADMINISTRATIVE EXPENSES.—The Secretary shall exclude covered administrative expenses from—

''(A) any calculation relating to a revision of a limitation on obligations under paragraph (1)(A); and

''(B) any distribution of a revised limitation on obligations under paragraph (1)(B).

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

''(1) BUDGET YEAR.—The term 'budget year' means the fiscal year for which a budget submission referenced in subsection (a)(1) is submitted.

''(2) COVERED ADMINISTRATIVE EXPENSES.—The term 'covered administrative expenses' means the administrative expenses of—

''(A) the Federal Highway Administration, as authorized under section 104(a);

''(B) the National Highway Traffic Safety Administration, as authorized under section 4001(a)(6) of the Surface Transportation Reauthorization and Reform Act of 2015; and

''(C) the Federal Motor Carrier Safety Administration, as authorized under section 31110 of title 49.

''(3) HIGHWAY ACCOUNT.—The term 'Highway Account' means the portion of the Highway Trust Fund that is not the Mass Transit Account.

''(4) MASS TRANSIT ACCOUNT.—The term 'Mass Transit Account' means the Mass Transit Account of the Highway Trust Fund established under section 9503(e)(1) of the Internal Revenue Code of 1986.''.

(2) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 104 the following:

''105. Adjustments to contract authority.''.

SEC. 1415. ADJUSTMENTS.

(a) IN GENERAL.—On July 1, 2018, of the unobligated balances of funds apportioned among the States under chapter 1 of title 23, United States Code, a total of $6,000,000,000 is permanently rescinded.

(b) EXCLUSIONS FROM RESCISSION.—The rescission under subsection (a) shall not apply to funds distributed in accordance with—

(1) sections 104(b)(3) and 130(f) of title 23, United States Code;

(2) sections 133(d)(1)(A) of such title;

(3) the first sentence of section 133(d)(3)(A) of such title, as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141);

(4) sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of SAFETEA–LU (Public Law 109–59); and

(5) section 104(b)(5) of such title, as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141).

(c) DISTRIBUTION AMONG STATES.—The amount to be rescinded under this section from a State shall be determined by multiplying the total amount of the rescission in subsection (a) by the ratio that—

(1) the unobligated balances subject to the rescission as of September 30, 2017, for the State; bears to

(2) the unobligated balances subject to the rescission as of September 30, 2017, for all States.

(d) DISTRIBUTION WITHIN EACH STATE.—The amount to be rescinded under this section from each program to which the rescission applies within a State shall be determined by multiplying the required rescission amount calculated under subsection (c) for such State by the ratio that—

(1) the unobligated balance as of September 30, 2017, for such program in such State; bears to

(2) the unobligated balances as of September 30, 2017, for all programs to which the rescission applies in such State.

SEC. 1416. NATIONAL ELECTRIC VEHICLE CHARGING, HYDROGEN, AND NATURAL GAS FUELING CORRIDORS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 150 the following:

''§ 151. National electric vehicle charging, hydrogen, and natural gas fueling corridors

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Surface Transportation Reauthorization and Reform Act of 2015, the Secretary shall designate national electric vehicle charging, hydrogen, and natural gas fueling corridors that identify the near- and long-term need for, and location of, electric vehicle charging infrastructure, hydrogen infrastructure, and natural gas fueling infrastructure at strategic locations along major national highways to improve the mobility of passenger and commercial vehicles that employ electric, hydrogen fuel cell, and natural gas fueling technologies across the United States.

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

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

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

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

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

''(1) the heads of other Federal agencies;

''(2) State and local officials;

''(3) representatives of—

''(A) energy utilities;

''(B) the electric, fuel cell electric, and natural gas vehicle industries;

''(C) the freight and shipping industry;

''(D) clean technology firms;

''(E) the hospitality industry;

''(F) the restaurant industry;

''(G) highway rest stop vendors; and

''(H) industrial gas and hydrogen manufacturers; and

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

''(d) REDESIGNATION.—Not later than 5 years after the date of establishment of the corridors under subsection (a), and every 5 years thereafter, the Secretary shall update and redesignate the corridors.

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

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

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

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 150 the following:

''151. National electric vehicle charging, hydrogen, and natural gas fueling corridors.''.

SEC. 1417. FERRIES.

Section 147 of title 23, United States Code, is amended by adding at the end the following:

''(h) REDISTRIBUTION OF UNOBLIGATED AMOUNTS.—The Secretary shall—

''(1) withdraw amounts allocated to eligible entities under this section that remain unobligated by the end of the third fiscal year following the fiscal year for which the amounts were allocated; and

''(2) in the fiscal year beginning after a fiscal year in which a withdrawal is made under paragraph (1), redistribute the funds withdrawn, in accordance with the formula specified under subsection (d), among eligible entities with respect to which no amounts were withdrawn under paragraph (1).''.

SEC. 1418. STUDY ON PERFORMANCE OF BRIDGES.

(a) IN GENERAL.—Subject to subsection (c), the Administrator of the Federal Highway Administration shall commission the Transportation Research Board of the National Academy of Sciences to conduct a study on the performance of bridges that are at least 15 years old and received funding under the innovative bridge research and construction program (in this section referred to as the ''program'') under section 503(b) of title 23, United States Code (as in effect on the day before the date of enactment of SAFETEA–LU (Public Law 109–59) in meeting the goals of that program, which included—

(1) the development of new, cost-effective innovative material highway bridge applications;

(2) the reduction of maintenance costs and lifecycle costs of bridges, including the costs of new construction, replacement, or rehabilitation of deficient bridges;

(3) the development of construction techniques to increase safety and reduce construction time and traffic congestion;

(4) the development of engineering design criteria for innovative products and materials for use in highway bridges and structures;

(5) the development of cost-effective and innovative techniques to separate vehicle and pedestrian traffic from railroad traffic;

(6) the development of highway bridges and structures that will withstand natural disasters, including alternative processes for the seismic retrofit of bridges; and

(7) the development of new nondestructive bridge evaluation technologies and techniques.

(b) CONTENTS.—The study commissioned under subsection (a) shall include—

(1) an analysis of the performance of bridges that received funding under the program in meeting the goals described in paragraphs (1) through (7) of subsection (a);

(2) an analysis of the utility, compared to conventional materials and technologies, of each of the innovative materials and technologies used in projects for bridges under the program in meeting the needs of the United States in 2015 and in the future for a sustainable and low lifecycle cost transportation system;

(3) recommendations to Congress on how the installed and lifecycle costs of bridges could be reduced through the use of innovative materials and technologies, including, as appropriate, any changes in the design and construction of bridges needed to maximize the cost reductions; and

(4) a summary of any additional research that may be needed to further evaluate innovative approaches to reducing the installed and lifecycle costs of highway bridges.

(c) PUBLIC COMMENT.—Before commissioning the study under subsection (a), the Administrator shall provide an opportunity for public comment on the study proposal.

(d) DATA FROM STATES.—Each State that received funds under the program shall provide to the Transportation Research Board any relevant data needed to carry out the study commissioned under subsection (a).

(e) DEADLINE.—The Administrator shall submit to Congress a report on the results of the study commissioned under subsection (a) not later than 3 years after the date of enactment of this Act.

SEC. 1419. RELINQUISHMENT OF PARK-AND-RIDE LOT FACILITIES.

A State transportation agency may relinquish park-and-ride lot facilities or portions of park-and-ride lot facilities to a local government agency for highway purposes if authorized to do so under State law if the agreement providing for the relinquishment provides that—

(1) rights-of-way on the Interstate System will remain available for future highway improvements; and

(2) modifications to the facilities that could impair the highway or interfere with the free and safe flow of traffic are subject to the approval of the Secretary.

SEC. 1420. PILOT PROGRAM.

(a) IN GENERAL.—The Secretary may establish a pilot program that allows a State to utilize innovative approaches to maintain the right-of-way of Federal-aid highways within such State.

(b) LIMITATION.—A pilot program established under subsection (a) shall—

(1) terminate after not more than 6 years;

(2) include not more than 5 States; and

(3) be subject to guidelines published by the Secretary.

(c) REPORT.—If the Secretary establishes a pilot program under subsection (a), the Secretary shall, not more than 1 year after the completion of the pilot program, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the pilot program.

SEC. 1421. INNOVATIVE PROJECT DELIVERY EXAMPLES.

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

(1) in clause (iv) by striking ''or'' at the end;

(2) by redesignating clause (v) as clause (vi); and

(3) by inserting after clause (iv) the following:

''(v) innovative pavement materials that have a demonstrated life cycle of 75 or more years, are manufactured with reduced greenhouse gas emissions, and reduce construction-related congestion by rapidly curing; or''.

SEC. 1422. ADMINISTRATIVE PROVISIONS TO ENCOURAGE POLLINATOR HABITAT AND FORAGE ON TRANSPORTATION RIGHTS-OF-WAY.

(a) IN GENERAL.—Section 319 of title 23, United States Code, is amended—

(1) in subsection (a) by inserting ''(including the enhancement of habitat and forage for pollinators)'' before ''adjacent''; and

(2) by adding at the end the following:

''(c) ENCOURAGEMENT OF POLLINATOR HABITAT AND FORAGE DEVELOPMENT AND PROTECTION ON TRANSPORTATION RIGHTS-OF-WAY.—In carrying out any program administered by the Secretary under this title, the Secretary shall, in conjunction with willing States, as appropriate—

''(1) encourage integrated vegetation management practices on roadsides and other transportation rights-of-way, including reduced mowing; and

''(2) encourage the development of habitat and forage for Monarch butterflies, other native pollinators, and honey bees through plantings of native forbs and grasses, including noninvasive, native milkweed species that can serve as migratory way stations for butterflies and facilitate migrations of other pollinators.''.

(b) PROVISION OF HABITAT, FORAGE, AND MIGRATORY WAY STATIONS FOR MONARCH BUTTERFLIES, OTHER NATIVE POLLINATORS, AND HONEY BEES.—Section 329(a)(1) of title 23, United States Code, is amended by inserting ''provision of habitat, forage, and migratory way stations for Monarch butterflies, other native pollinators, and honey bees,'' before ''and aesthetic enhancement''.

SEC. 1423. MILK PRODUCTS.

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

''(13) MILK PRODUCTS.—A vehicle carrying fluid milk products shall be considered a load that cannot be easily dismantled or divided.''.

SEC. 1424. INTERSTATE WEIGHT LIMITS FOR EMERGENCY VEHICLES.

Section 127(a) of title 23, United States Code, as amended by this Act, is further amended by adding at the end the following:

''(14) EMERGENCY VEHICLES.—

''(A) IN GENERAL.—With respect to an emergency vehicle, the following weight limits shall apply in lieu of the maximum and

minimum weight limits specified in this subsection:

''(i) 24,000 pounds on a single steering axle.

''(ii) 33,500 pounds on a single drive axle.

''(iii) 62,000 pounds on a tandem axle.

''(iv) A maximum gross vehicle weight of 86,000 pounds.

''(B) EMERGENCY VEHICLE DEFINED.—In this paragraph, the term 'emergency vehicle' means a vehicle designed—

''(i) to be used under emergency conditions to transport personnel and equipment; and

''(ii) to support the suppression of fires and mitigation of other hazardous situations.''.

SEC. 1425. VEHICLE WEIGHT LIMITATIONS—INTERSTATE SYSTEM.

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

''(m) COVERED HEAVY-DUTY TOW AND RECOVERY VEHICLES.—

''(1) IN GENERAL.—The vehicle weight limitations set forth in this section do not apply to a covered heavy-duty tow and recovery vehicle.

''(2) COVERED HEAVY-DUTY TOW AND RECOVERY VEHICLE DEFINED.—In this subsection, the term 'covered heavy-duty tow and recovery vehicle' means a vehicle that—

''(A) is transporting a disabled vehicle from the place where the vehicle became disabled to the nearest appropriate repair facility; and

''(B) has a gross vehicle weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being transported.''.

SEC. 1426. NEW NATIONAL GOAL, PERFORMANCE MEASURE, AND PERFORMANCE TARGET.

(a) NATIONAL GOAL.—Section 150(b) of title 23, United States Code, is amended by adding at the end the following:

''(8) INTEGRATED ECONOMIC DEVELOPMENT.—To improve road conditions in economically distressed urban communities and increase access to jobs, markets, and economic opportunities for people who live in such communities.''.

(b) PERFORMANCE MEASURE.—Section 150(c) of such title is amended by adding at the end the following:

''(7) INTEGRATED ECONOMIC DEVELOPMENT.—The Secretary shall establish measures for States to use to assess the conditions, accessibility, and reliability of roads in economically distressed urban communities.''.

(c) PERFORMANCE TARGET.—Section 150(d)(1) of such title is amended by striking ''and (6)'' and inserting ''(6), and (7)''.

SEC. 1427. SERVICE CLUB, CHARITABLE ASSOCIATION, OR RELIGIOUS SERVICE SIGNS.

Notwithstanding section 131 of title 23, United States Code, and part 750 of title 23, Code of Federal Regulations (or successor regulations), a State may allow the maintenance of a sign of a service club, charitable association, or religious service that was erected as of the date of enactment of this Act and the area of which is less than or equal to 32 square feet, if the State notifies the Federal Highway Administration.

SEC. 1428. WORK ZONE AND GUARD RAIL SAFETY TRAINING.

(a) IN GENERAL.—Section 1409 of SAFETEA–LU (23 U.S.C. 401 note) is amended—

(1) by striking the section heading and inserting ''**WORK ZONE AND GUARD RAIL SAFETY TRAINING**''; and

(2) in subsection (b) by adding at the end the following:

''(4) Development, updating, and delivery of training courses on guard rail installation, maintenance, and inspection.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 1409 and inserting the following:

''Sec. 1409. Work zone and guard rail safety training.''.

SEC. 1429. MOTORCYCLIST ADVISORY COUNCIL.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Federal Highway Administration, and in consultation with the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, shall appoint a Motorcyclist Advisory Council to coordinate with and advise the Administrator on infrastructure issues of concern to motorcyclists, including—

(1) barrier design;

(2) road design, construction, and maintenance practices; and

(3) the architecture and implementation of intelligent transportation system technologies.

(b) COMPOSITION.—The Council shall consist of not more than 10 members of the motorcycling community with professional expertise in national motorcyclist safety advocacy, including—

(1) at least—

(A) 1 member recommended by a national motorcyclist association;

(B) 1 member recommended by a national motorcycle riders foundation;

(C) 1 representative of the National Association of State Motorcycle Safety Administrators;

(D) 2 members of State motorcyclists' organizations;

(E) 1 member recommended by a national organization that represents the builders of highway infrastructure;

(F) 1 member recommended by a national association that represents the traffic safety systems industry; and

(G) 1 member of a national safety organization; and

(2) at least 1, but not more than 2, motorcyclists who are traffic system design engineers or State transportation department officials.

SEC. 1430. 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.

TITLE II—INNOVATIVE PROJECT FINANCE

SEC. 2001. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT OF 1998 AMENDMENTS.

(a) DEFINITIONS.—

(1) MASTER CREDIT AGREEMENT.—Section 601(a)(10) of title 23, United States Code, is amended to read as follows:

''(10) MASTER CREDIT AGREEMENT.—The term 'master credit agreement' means a conditional agreement to extend credit assistance for a program of related projects secured by a common security pledge (which shall receive an investment grade rating from a rating agency prior to the Secretary entering into such master credit agreement) under section 602(b)(2)(A), or for a single project covered under section 602(b)(2)(B) that does not provide for a current obligation of Federal funds, and that would—

''(A) make contingent commitments of 1 or more secured loans or other Federal credit instruments at future dates, subject to the availability of future funds being made available to carry out this chapter and subject to the satisfaction of all the conditions for the provision of credit assistance under this chapter, including section 603(b)(1);

''(B) establish the maximum amounts and general terms and conditions of the secured loans or other Federal credit instruments;

''(C) identify the 1 or more dedicated non-Federal revenue sources that will secure the repayment of the secured loans or secured Federal credit instruments;

''(D) provide for the obligation of funds for the secured loans or secured Federal credit instruments after all requirements have been met for the projects subject to the master credit agreement, including—

''(i) completion of an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(ii) compliance with such other requirements as are specified in this chapter, including sections 602(c) and 603(b)(1); and

''(iii) the availability of funds to carry out this chapter; and

''(E) require that contingent commitments result in a financial close and obligation of credit assistance not later than 3 years after the date of entry into the master credit agreement, or release of the commitment, unless otherwise extended by the Secretary.''.

(2) RURAL INFRASTRUCTURE PROJECT.—Section 601(a)(15) of title 23, United States Code, is amended to read as follows:

''(15) RURAL INFRASTRUCTURE PROJECT.—The term 'rural infrastructure project' means a surface transportation infrastructure project located outside of a Census-Bureau-defined urbanized area.''.

(b) MASTER CREDIT AGREEMENTS.—Section 602(b)(2) of title 23, United States Code is amended to read as follows:

''(2) MASTER CREDIT AGREEMENTS.—

''(A) PROGRAM OF RELATED PROJECTS.—The Secretary may enter into a master credit agreement for a program of related projects secured by a common security pledge on terms acceptable to the Secretary.

''(B) ADEQUATE FUNDING NOT AVAILABLE.—If the Secretary fully obligates funding to eligible projects in a fiscal year, and adequate funding is not available to fund a credit instrument, a project sponsor of an eligible project may elect to enter into a master credit agreement and wait to execute a credit instrument until the fiscal year during which additional funds are available to receive credit assistance.''.

(c) ELIGIBLE PROJECT COSTS.—Section 602(a)(5) of title 23, United States Code, is amended—

(1) in subparagraph (A) by inserting ''and (C)'' after ''(B)''; and

(2) by adding at the end the following:

''(C) LOCAL INFRASTRUCTURE PROJECTS.—Eligible project costs shall be reasonably anticipated to equal or exceed $10,000,000 in the case of a project or program of projects—

''(i) in which the applicant is a local government, public authority, or instrumentality of local government;

''(ii) located on a facility owned by a local government; or

''(iii) for which the Secretary determines that a local government is substantially involved in the development of the project.''.

(d) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—Section 603(a)(2) of title 23, United States Code, is amended to read as follows:

''(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A loan under paragraph (1) shall not refinance interim construction financing under paragraph (1)(B)—

''(A) if the maturity of such interim construction financing is later than 1 year after the substantial completion of the project; and

''(B) later than 1 year after the date of substantial completion of the project.''.

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

(1) in paragraph (4)—

(A) in subparagraph (A) by striking ''Beginning in fiscal year 2014, on April 1 of each fiscal year'' and inserting ''Beginning in fiscal year 2016, on August 1 of each fiscal year''; and

(B) by adding at the end the following:

''(D) LIMITATIONS.—The Secretary may not carry out a redistribution under this paragraph—

''(i) for any fiscal year in which such redistribution would adversely impact the receipt of credit assistance by a qualified project within such fiscal year; or

''(ii) if the budget authority determined to be necessary to cover all requests for credit assistance pending before the Department of Transportation on August 1 would reduce the uncommitted balance of funds below the threshold established in subparagraph (A).''; and

(2) by striking paragraph (6) and inserting the following:

''(6) ADMINISTRATIVE COSTS.—Of the amounts made available to carry out this chapter, the Secretary may use not more than $5,000,000 for fiscal year 2016, $5,150,000 for fiscal year 2017, $5,304,500 for fiscal year 2018, $5,463,500 for fiscal year 2019, $5,627,500 for fiscal year 2020, and $5,760,500 for fiscal year 2021 for the administration of this chapter.''.

SEC. 2002. STATE INFRASTRUCTURE BANK PROGRAM.

Section 610 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1) by striking subparagraph (A) and inserting the following:

''(A) 10 percent of the funds apportioned to the State for each of fiscal years 2016 through 2021 under each of sections 104(b)(1) and 104(b)(2); and'';

(B) in paragraph (2) by striking ''fiscal years 2005 through 2009'' and inserting ''fiscal years 2016 through 2021'';

(C) in paragraph (3) by striking ''fiscal years 2005 through 2009'' and inserting ''fiscal years 2016 through 2021''; and

(D) in paragraph (5) by striking ''section 133(d)(3)'' and inserting ''section 133(d)(1)(A)(i)''; and

(2) in subsection (k) by striking ''fiscal years 2005 through 2009'' and inserting ''fiscal years 2016 through 2021''.

SEC. 2003. AVAILABILITY PAYMENT CONCESSION MODEL.

(a) PAYMENT TO STATES FOR CONSTRUCTION.—Section 121(a) of title 23, United States Code, is amended by inserting ''(including payments made pursuant to a long-term concession agreement, such as availability payments)'' after ''a project''.

(b) PROJECT APPROVAL AND OVERSIGHT.—Section 106(b)(1) of title 23, United States Code, is amended by inserting ''(including payments made pursuant to a long-term concession agreement, such as availability payments)'' after ''construction of the project''.

TITLE III—PUBLIC TRANSPORTATION

SEC. 3001. SHORT TITLE.

This title may be cited as the ''Federal Public Transportation Act of 2015''.

SEC. 3002. DEFINITIONS.

Section 5302 of title 49, United States Code, is amended—

(1) in paragraph (1)(C) by striking ''landscaping and''; and

(2) by adding at the end the following:

''(24) VALUE CAPTURE.—The term 'value capture' means recovering the increased property value to property located near public transportation resulting from investments in public transportation.

''(25) BASE-MODEL BUS.—The term 'base-model bus' means a heavy-duty public transportation bus manufactured to meet, but not exceed, transit-specific minimum performance criteria developed by the Secretary.''.

SEC. 3003. METROPOLITAN AND STATEWIDE TRANSPORTATION PLANNING.

(a) IN GENERAL.—Section 5303 of title 49, United States Code, is amended—

(1) in subsection (c)(2) by striking ''and bicycle transportation facilities'' and inserting '', bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities'';

(2) in subsection (d)—

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

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

''(3) REPRESENTATION.—

''(A) IN GENERAL.—Designation or selection of officials or representatives under paragraph (2) shall be determined by the metropolitan planning organization according to the bylaws or enabling statute of the organization.

''(B) PUBLIC TRANSPORTATION REPRESENTATIVE.—Subject to the bylaws or enabling statute of the metropolitan planning organization, a representative of a provider of public transportation may also serve as a representative of a local municipality.

''(C) POWERS OF CERTAIN OFFICIALS.—An official described in paragraph (2)(B) shall have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials described in paragraph (2).''; and

(C) in paragraph (5), as so redesignated, by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(3) in subsection (e)(4)(B) by striking ''subsection (d)(5)'' and inserting ''subsection (d)(6)'';

(4) in subsection (g)(3)(A) by inserting ''tourism, natural disaster risk reduction,'' after ''economic development,'';

(5) in subsection (h)(1)—

(A) in subparagraph (G) by striking ''and'' at the end;

(B) in subparagraph (H) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(I) improve the resilience and reliability of the transportation system.'';

(6) in subsection (i)—

(A) in paragraph (2)(A)(i) by striking ''transit'' and inserting ''public transportation facilities, intercity bus facilities'';

(B) in paragraph (6)(A)—

(i) by inserting ''public ports,'' before ''freight shippers,''; and

(ii) by inserting ''(including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program)'' after ''private providers of transportation''; and

(C) in paragraph (8) by striking ''paragraph (2)(C)'' each place it appears and inserting ''paragraph (2)(E)'';

(7) in subsection (k)(3)—

(A) in subparagraph (A) by inserting ''(including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking 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 non-profit 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''; and

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

(b) STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.—Section 5304 of title 49, United States Code, is amended—

(1) in subsection (a)(2) by striking ''and bicycle transportation facilities'' and inserting '', bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities'';

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (G) by striking ''and'' at the end;

(ii) in subparagraph (H) by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(I) improve the resilience and reliability of the transportation system.''; and

(B) in paragraph (2)—

(i) in subparagraph (B)(ii) by striking ''urbanized''; and

(ii) in subparagraph (C) by striking ''urbanized''; and

(3) in subsection (f)(3)(A)(ii)—

(A) by inserting ''public ports,'' before ''freight shippers,''; and

(B) by inserting ''(including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program)'' after ''private providers of transportation''.

SEC. 3004. URBANIZED AREA FORMULA GRANTS.

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

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2) (as so redesignated) the following:

''(1) RECIPIENT DEFINED.—In this section, the term 'recipient' means a designated recipient, State, or local governmental authority that receives a grant under this section directly from the Government.'';

(C) in paragraph (3) (as so redesignated) by inserting ''or general public demand response service'' before ''during'' each place it appears; and

(D) by adding at the end the following:

''(4) EXCEPTION TO THE SPECIAL RULE.—Notwithstanding paragraph (3), if a public transportation system described in such paragraph executes a written agreement with 1

or more other public transportation systems to allocate funds under this subsection, other than by measuring vehicle revenue hours, each of the public transportation systems to the agreement may follow the terms of such agreement without regard to the percentages or the measured vehicle revenue hours referred to in such paragraph.''; and

(2) in subsection (c)(1)(K)(i) by striking ''1 percent'' and inserting ''one-half of 1 percent''.

SEC. 3005. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.

Section 5309 of title 49, United States Code, is amended—

(1) in subsection (a)(6)—

(A) in subparagraph (A) by inserting '', small start projects,'' after ''new fixed guideway 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 capital project or core capacity improvement'' after ''federally funded'';

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

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

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

''(I) new fixed guideway capital projects;

''(II) core capacity improvement projects; or

''(III) small start projects; or

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

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

''(A) PROJECT ADVANCEMENT.—A project receiving a grant under this section that is part of a program of interrelated projects may not advance—

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

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

(4) in subsection (l)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net capital project cost. A grant for a new fixed guideway project shall not exceed 50 percent of the net capital project cost. A grant for a core capacity project shall not exceed 80 percent of the net capital project cost of the incremental cost of increasing the capacity in the corridor. A grant for a small start project shall not exceed 80 percent.''; and

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

''(4) REMAINING COSTS.—The remainder of the net project costs shall be provided—

''(A) in cash from non-Government sources other than revenues from providing public transportation services;

''(B) from revenues 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 Transportation) that are eligible to be expended for transportation.'';

(5) by striking subsection (n) and redesignating subsection (o) as subsection (n); and

(6) by adding at the end the following:

''(o) SPECIAL RULE.—For the purposes of calculating the cost effectiveness of a project described in subsection (d) or (e), the Secretary shall not reduce or eliminate the capital costs of art and landscaping elements from the annualized capital cost calculation.''.

SEC. 3006. FORMULA GRANTS FOR ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES.

Section 5310 of title 49, United States Code, is amended by adding at the end the following:

''(i) BEST PRACTICES.—The Secretary shall collect from, review, and disseminate to public transit agencies innovative practices, program models, new service delivery options, findings from activities under subsection (h), and transit cooperative research program reports.''.

SEC. 3007. FORMULA GRANTS FOR RURAL AREAS.

Section 5311(g)(3) of title 49, United States Code, is amended—

(1) by redesignating subparagraphs (A) through (D) as subparagraphs (C) through (F), respectively;

(2) by inserting before subparagraph (C) (as so redesignated) the following:

''(A) may be provided in cash from non-Government sources other than revenues from providing public transportation services;

''(B) may be provided from revenues from the sale of advertising and concessions;''; and

(3) in subparagraph (F) (as so redesignated) by inserting '', including all operating and capital costs of such service whether or not offset by revenue from such service,'' after ''the costs of a private operator for the unsubsidized segment of intercity bus service''.

SEC. 3008. PUBLIC TRANSPORTATION INNOVATION.

(a) CONSOLIDATION OF PROGRAMS.—Section 5312 of title 49, United States Code, is amended—

(1) by striking the section designation and heading and inserting the following:

''§ 5312. Public transportation innovation'';

(2) by redesignating subsections (a) through (f) as subsections (b) through (g), respectively;

(3) by inserting before subsection (b) (as so redesignated) the following:

''(a) IN GENERAL.—The Secretary shall provide assistance for projects and activities to advance innovative public transportation research and development in accordance with the requirements of this section.'';

(4) in subsection (e)(5) (as so redesignated)—

(A) in subparagraph (A) by striking clause (vi) and redesignating clause (vii) as clause (vi);

(B) in subparagraph (B) by striking ''recipients'' and inserting ''participants'';

(C) in subparagraph (C) by striking clause (ii) and inserting the following:

''(ii) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—A grant for a project carried out under this paragraph shall be 80 percent of the net project cost of the project unless the grant recipient requests a lower grant percentage.''; and

(D) by striking subparagraph (G);

(5) in subsection (f) (as so redesignated)—

(A) by striking ''(f)'' and all that follows before paragraph (1) and inserting the following:

''(f) ANNUAL REPORT ON RESEARCH.—Not later than the first Monday in February of each year, the Secretary shall make available to the public on the Web site of the Department of Transportation, a report that includes—'';

(B) in paragraph (1) by adding ''and'' at the end;

(C) in paragraph (2) by striking ''; and'' and inserting a period; and

(D) by striking paragraph (3); and

(6) by adding at the end the following:

''(h) TRANSIT COOPERATIVE RESEARCH PROGRAM.—

''(1) IN GENERAL.—The amounts made available under section 5338(b) are available for a public transportation cooperative research program.

''(2) INDEPENDENT GOVERNING BOARD.—

''(A) ESTABLISHMENT.—The Secretary shall establish an independent governing board for the program under this subsection.

''(B) RECOMMENDATIONS.—The board shall recommend public transportation research, development, and technology transfer activities the Secretary considers appropriate.

''(3) FEDERAL ASSISTANCE.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out activities under this subsection that the Secretary considers appropriate.

''(4) GOVERNMENT'S SHARE.—If there would be a clear and direct financial benefit to an entity under a grant or contract financed under this subsection, the Secretary shall establish a Government share consistent with that benefit.

''(5) LIMITATION ON APPLICABILITY.—Subsections (f) and (g) shall not apply to activities carried out under this subsection.''.

(b) CONFORMING AMENDMENTS.—Section 5312 of such title (as amended by subsection (a) of this section) is further amended—

(1) in subsection (c)(1) by striking ''subsection (a)(2)'' and inserting ''subsection (b)(2)'';

(2) in subsection (d)—

(A) in paragraph (1) by striking ''subsection (a)(2)'' and inserting ''subsection (b)(2)''; and

(B) in paragraph (2)(A) by striking ''subsection (b)'' and inserting ''subsection (c)'';

(3) in subsection (e)(2) in each of subparagraphs (A) and (B) by striking ''subsection (a)(2)'' and inserting ''subsection (b)(2)''; and

(4) in subsection (f)(2) by striking ''subsection (d)(4)'' and inserting ''subsection (e)(4)''.

(c) REPEAL.—Section 5313 of such title, and the item relating to that section in the analysis for chapter 53 of such title, are repealed.

(d) CLERICAL AMENDMENT.—The analysis for chapter 53 of such title is amended by striking the item relating to section 5312 and inserting the following:

''5312. Public transportation innovation.''.

SEC. 3009. TECHNICAL ASSISTANCE AND WORKFORCE DEVELOPMENT.

(a) IN GENERAL.—Section 5314 of title 49, United States Code, is amended to read as follows:

''§ 5314. Technical assistance and workforce development

''(a) TECHNICAL ASSISTANCE AND STANDARDS.—

''(1) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—

''(A) IN GENERAL.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements (including agreements with departments, agencies, and instrumentalities of the Government) to carry out activities that the Secretary determines will assist recipients of assistance under this chapter to—

''(i) more effectively and efficiently provide public transportation service;

''(ii) administer funds received under this chapter in compliance with Federal law; and

''(iii) improve public transportation.

''(B) ELIGIBLE ACTIVITIES.—The activities carried out under subparagraph (A) may include—

''(i) technical assistance; and

''(ii) the development of voluntary and consensus-based standards and best practices by the public transportation industry, including standards and best practices for safety, fare collection, intelligent transportation systems, accessibility, procurement, security, asset management to maintain a state of good repair, operations, maintenance, vehicle propulsion, communications, and vehicle electronics.

''(2) TECHNICAL ASSISTANCE.—The Secretary, through a competitive bid process, may enter into contracts, cooperative agreements, and other agreements with national nonprofit organizations that have the appropriate demonstrated capacity to provide public-transportation-related technical assistance under this subsection. The Secretary may enter into such contracts, cooperative agreements, and other agreements to assist providers of public transportation to—

''(A) comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) through technical assistance, demonstration programs, research, public education, and other activities related to complying with such Act;

''(B) comply with human services transportation coordination requirements and to enhance the coordination of Federal resources for human services transportation with those of the Department of Transportation through technical assistance, training, and support services related to complying with such requirements;

''(C) meet the transportation needs of elderly individuals;

''(D) increase transit ridership in coordination with metropolitan planning organizations and other entities through development around public transportation stations through technical assistance and the development of tools, guidance, and analysis related to market-based development around transit stations;

''(E) address transportation equity with regard to the effect that transportation planning, investment, and operations have for low-income and minority individuals;

''(F) facilitate best practices to promote bus driver safety;

''(G) meet the requirements of sections 5323(j) and 5323(m);

''(H) assist with the development and deployment of zero emission transit technologies; and

''(I) any other technical assistance activity that the Secretary determines is necessary to advance the interests of public transportation.

''(3) ANNUAL REPORT ON TECHNICAL ASSISTANCE.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, and the Committee on Appropriations of the House of Representatives a report that includes—

''(A) a description of each project that received assistance under this subsection during the preceding fiscal year;

''(B) an evaluation of the activities carried out by each organization that received assistance under this subsection during the preceding fiscal year;

''(C) a proposal for allocations of amounts for assistance under this subsection for the subsequent fiscal year; and

''(D) measurable outcomes and impacts of the programs funded under subsections (b) and (c).

''(4) GOVERNMENT SHARE OF COSTS.—

''(A) IN GENERAL.—The Government share of the cost of an activity carried out using a grant under this subsection may not exceed 80 percent.

''(B) NON-GOVERNMENT SHARE.—The non-Government share of the cost of an activity carried out using a grant under this subsection may be derived from in-kind contributions.

''(b) HUMAN RESOURCES AND TRAINING.—

''(1) IN GENERAL.—The Secretary may undertake, or make grants and contracts for, programs that address human resource needs as they apply to public transportation activities. A program may include—

''(A) an employment training program;

''(B) an outreach program to increase veteran, minority, and female employment in public transportation activities;

''(C) research on public transportation personnel and training needs;

''(D) training and assistance for veteran and minority business opportunities; and

''(E) consensus-based national training standards and certifications in partnership with industry stakeholders.

''(2) INNOVATIVE PUBLIC TRANSPORTATION FRONTLINE WORKFORCE DEVELOPMENT PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a competitive grant program to assist the development of innovative activities eligible for assistance under subparagraph (1).

''(B) ELIGIBLE PROGRAMS.—A program eligible for assistance under subsection (a) shall—

''(i) develop apprenticeships for transit maintenance and operations occupations, including hands-on, peer trainer, classroom and on-the-job training as well as training for instructors and on-the-job mentors;

''(ii) build local, regional, and statewide transit training partnerships in coordination with entities such as local employers, local public transportation operators, labor union organizations, workforce development boards, State workforce agencies, State apprenticeship agencies (where applicable), and community colleges and university transportation centers, to identify and address workforce skill gaps and develop skills needed for delivering quality transit service and supporting employee career advancement;

''(iii) provide improved capacity for safety, security, and emergency preparedness in local transit systems through—

''(I) developing the role of the frontline workforce in building and sustaining safety culture and safety systems in the industry and in individual public transportation systems;

''(II) specific training, in coordination with the National Transit Institute, on security and emergency preparedness, including protocols for coordinating with first responders and working with the broader community to address natural disasters or other threats to transit systems; and

''(III) training to address frontline worker roles in promoting health and safety for transit workers and the riding public, and improving communication during emergencies between the frontline workforce and the riding public;

''(iv) address current or projected workforce shortages by developing career pathway partnerships with high schools, community colleges, and other community organizations for recruiting and training underrepresented populations, including minorities, women, individuals with disabilities, veterans, and low-income populations as successful transit employees who can develop careers in the transit industry; or

''(v) address youth unemployment by directing the Secretary to award grants to local entities for work-based training and other work-related and educational strategies and activities of demonstrated effectiveness to provide unemployed, low-income young adults and low-income youth with skills that will lead to employment.

''(C) SELECTION OF RECIPIENTS.—To the maximum extent feasible, the Secretary shall select recipients that—

''(i) are geographically diverse;

''(ii) address the workforce and human resources needs of large public transportation providers;

''(iii) address the workforce and human resources needs of small public transportation providers;

''(iv) address the workforce and human resources needs of urban public transportation providers;

''(v) address the workforce and human resources needs of rural public transportation providers;

''(vi) advance training related to maintenance of alternative energy, energy efficiency, or zero emission vehicles and facilities used in public transportation;

''(vii) target areas with high rates of unemployment;

''(viii) address current or projected workforce shortages in areas that require technical expertise; and

''(ix) advance opportunities for minorities, women, veterans, individuals with disabilities, low-income populations, and other underserved populations.

''(D) PROGRAM OUTCOMES.—A recipient of assistance under this subsection shall demonstrate outcomes for any program that includes skills training, on-the-job training, and work-based learning, including—

''(i) the impact on reducing public transportation workforce shortages in the area served;

''(ii) the diversity of training participants; and

''(iii) the number of participants obtaining certifications or credentials required for specific types of employment.

''(3) GOVERNMENT'S SHARE OF COSTS.—The Government share of the cost of a project carried out using a grant under paragraph (1) or (2) shall be 50 percent.

''(4) USE FOR TECHNICAL ASSISTANCE.—The Secretary may use not more than 1 percent of amounts made available to carry out this section to provide technical assistance for activities and programs developed, conducted, and overseen under paragraphs (1) and (2).

''(c) NATIONAL TRANSIT INSTITUTE.—

''(1) ESTABLISHMENT.—The Secretary shall establish a national transit institute and award grants to a public, 4-year institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), in order to carry out the duties of the institute.

''(2) DUTIES.—

''(A) IN GENERAL.—In cooperation with the Federal Transit Administration, State transportation departments, public transportation authorities, and national and international entities, the institute established under paragraph (1) shall develop and conduct training and educational programs for Federal, State, and local transportation employees, United States citizens, and foreign nationals engaged or to be engaged in Government-aid public transportation work.

''(B) TRAINING AND EDUCATIONAL PROGRAMS.—The training and educational programs developed under subparagraph (A) may include courses in recent developments, techniques, and procedures related to—

''(i) intermodal and public transportation planning;

''(ii) management;

''(iii) environmental factors;

''(iv) acquisition and joint-use rights-of-way;

''(v) engineering and architectural design;

''(vi) procurement strategies for public transportation systems;

''(vii) turnkey approaches to delivering public transportation systems;

''(viii) new technologies;

''(ix) emission reduction technologies;

''(x) ways to make public transportation accessible to individuals with disabilities;

''(xi) construction, construction management, insurance, and risk management;

''(xii) maintenance;

''(xiii) contract administration;

''(xiv) inspection;

''(xv) innovative finance;

''(xvi) workplace safety; and

''(xvii) public transportation security.

''(3) PROVIDING EDUCATION AND TRAINING.—Education and training of Government, State, and local transportation employees under this subsection shall be provided—

''(A) by the Secretary at no cost to the States and local governments for subjects that are a Government program responsibility; or

''(B) when the education and training are paid under paragraph (4), by the State, with the approval of the Secretary, through grants and contracts with public and private agencies, other institutions, individuals, and the institute.

''(4) AVAILABILITY OF AMOUNTS.—Not more than 0.5 percent of the amounts made available for a fiscal year beginning after September 30, 1991, to a State or public transportation authority in the State to carry out sections 5307 and 5309 is available for expenditure by the State and public transportation authorities in the State, with the approval of the Secretary, to pay not more than 80 percent of the cost of tuition and direct educational expenses related to educating and training State and local transportation employees under this subsection.''.

(b) REPEAL.—Section 5322 of such title, and the item relating to that section in the analysis for chapter 53 of such title, are repealed.

(c) CLERICAL AMENDMENT.—The analysis for chapter 53 of such title is amended by striking the item relating to section 5314 and inserting the following:

''5314. Technical assistance and workforce development.''.

SEC. 3010. BICYCLE FACILITIES.

Section 5319 of title 49, United States Code, is amended—

(1) by striking ''90 percent'' and inserting ''80 percent''; and

(2) by striking ''95 percent'' and inserting ''80 percent''.

SEC. 3011. GENERAL PROVISIONS.

Section 5323 of title 49, United States Code, is amended—

(1) in subsection (h)—

(A) in paragraph (1) by striking ''or'' at the end;

(B) by redesignating paragraph (2) as paragraph (3); and

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

''(2) pay incremental costs of incorporating art or landscaping into facilities, including the costs of an artist on the design team; or'';

(2) in subsection (i) by adding at the end the following:

''(3) ACQUISITION OF BASE-MODEL BUSES.—A grant for the acquisition of a base-model bus for use in public transportation may be not more than 85 percent of the net project cost.'';

(3) in subsection (j)(2) by striking subparagraph (C) and inserting the following:

''(C) when procuring rolling stock (including train control, communication, and traction power equipment) under this chapter—

''(i) the cost of components and subcomponents produced in the United States—

''(I) for fiscal years 2016 and 2017, is more than 60 percent of the cost of all components of the rolling stock;

''(II) for fiscal years 2018 and 2019, is more than 65 percent of the cost of all components of the rolling stock; and

''(III) for fiscal year 2020 and each fiscal year thereafter, is more than 70 percent of the cost of all components of the rolling stock; and

''(ii) final assembly of the rolling stock has occurred in the United States; or''; and

(4) by adding at the end the following:

''(s) VALUE CAPTURE REVENUE ELIGIBLE FOR LOCAL SHARE.—A recipient of assistance under this chapter may use the revenue generated from value capture financing mechanisms as local matching funds for capital projects and operating costs eligible under this chapter.

''(t) SPECIAL CONDITION ON CHARTER BUS TRANSPORTATION SERVICE.—If, in a fiscal year, the Secretary is prohibited by law from enforcing regulations related to charter bus service under part 604 of title 49, Code of Federal Regulations, for any transit agency that during fiscal year 2008 was both initially granted a 60-day period to come into compliance with such part 604, and then was subsequently granted an exception from such part—

''(1) the transit agency shall be precluded from receiving its allocation of urbanized area formula grant funds for that fiscal year; and

''(2) any amounts withheld pursuant to paragraph (1) shall be added to the amount that the Secretary may apportion under section 5336 in the following fiscal year.''.

SEC. 3012. PUBLIC TRANSPORTATION SAFETY PROGRAM.

Section 5329 of title 49, United States Code, is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (C) by striking ''and'' at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

''(D) minimum safety standards to ensure the safe operation of public transportation systems that—

''(i) are not related to performance standards for public transportation vehicles developed under subparagraph (C); and

''(ii) to the extent practicable, take into consideration—

''(I) relevant recommendations of the National Transportation Safety Board;

''(II) best practices standards developed by the public transportation industry;

''(III) any minimum safety standards or performance criteria being implemented across the public transportation industry;

''(IV) relevant recommendations from the report under section 3018 of the Surface Transportation Reauthorization and Reform Act of 2015; and

''(V) any additional information that the Secretary determines necessary and appropriate;'';

(2) by striking subsection (f) and inserting the following:

''(f) AUTHORITY OF SECRETARY.—

''(1) IN GENERAL.—In carrying out this section, the Secretary may—

''(A) conduct inspections, investigations, audits, examinations, and testing of the equipment, facilities, rolling stock, and operations of the public transportation system of a recipient;

''(B) make reports and issue directives with respect to the safety of the public transportation system of a recipient or the public transportation industry generally;

''(C) in conjunction with an accident investigation or an investigation into a pattern or practice of conduct that negatively affects public safety, issue a subpoena to, and take the deposition of, any employee of a recipient or a State safety oversight agency, if—

''(i) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General as to whether the subpoena will interfere with an ongoing criminal investigation; and

''(ii) the Attorney General—

''(I) determines that the subpoena will not interfere with an ongoing criminal investigation; or

''(II) fails to make a determination under clause (i) before the date that is 30 days after the date on which the Secretary makes a request under clause (i);

''(D) require the production of documents by, and prescribe recordkeeping and reporting requirements for, a recipient or a State safety oversight agency;

''(E) investigate public transportation accidents and incidents and provide guidance to recipients regarding prevention of accidents and incidents;

''(F) at reasonable times and in a reasonable manner, enter and inspect relevant records of the public transportation system of a recipient; and

''(G) issue rules to carry out this section.

''(2) ADDITIONAL AUTHORITY.—

''(A) ADMINISTRATION OF STATE SAFETY OVERSIGHT ACTIVITIES.—If the Secretary finds that a State safety oversight agency that oversees a rail fixed guideway system operating in more than 2 States has become incapable of providing adequate safety oversight of such system, the Secretary may administer State safety oversight activities for such rail fixed guideway system until the States develop a State safety oversight program certified by the Secretary in accordance with subsection (e).

''(B) FUNDING.—To carry out administrative and oversight activities authorized by this paragraph, the Secretary may use grant funds apportioned to an eligible State under

subsection (e)(6) to develop or carry out a State safety oversight program.'';

(3) in subsection (g)(1)—

(A) in the matter preceding subparagraph (A) by striking ''an eligible State, as defined in subsection (e),'' and inserting ''a recipient'';

(B) in subparagraph (C) by striking ''and'' at the end;

(C) in subparagraph (D) by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(E) withholding not more than 25 percent of financial assistance under section 5307.''; and

(4) in subsection (g)(2)—

(A) in subparagraph (A)—

(i) by inserting after ''funds'' the following: ''or withhold funds''; and

(ii) by inserting ''or (1)(E)'' after ''paragraph (1)(D)'';

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

''(B) LIMITATION.—The Secretary may only withhold funds in accordance with paragraph (1)(E), if enforcement actions under subparagraph (A), (B), (C), or (D) did not bring the recipient into compliance.''.

SEC. 3013. APPORTIONMENTS.

Section 5336 of title 49, United States Code, is amended—

(1) in subsection (a) in the matter preceding paragraph (1) by striking ''subsection (h)(4)'' and inserting ''subsection (g)(5)'';

(2) in subsection (b)(2)(E) by striking ''22.27 percent'' and inserting ''27 percent'';

(3) by striking subsection (g) and redesignating subsections (h), (i), and (j) as subsections (g), (h), and (i), respectively;

(4) in subsection (g) (as so redesignated)—

(A) in paragraph (2) by striking ''subsection (j)'' and inserting ''subsection (i)''; and

(B) by striking paragraph (3) and inserting the following:

''(3) of amounts not apportioned under paragraphs (1) and (2)—

''(A) for fiscal years 2016 through 2018, 1.5 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsection (h); and

''(B) for fiscal years 2019 through 2021, 2 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsection (h);'';

(5) in subsection (h)(2)(A) (as so redesignated) by striking ''subsection (h)(3)'' and inserting ''subsection (g)(3)''; and

(6) in subsection (i) (as so redesignated) by striking ''subsection (h)(2)'' and inserting ''subsection (g)(2)''.

SEC. 3014. STATE OF GOOD REPAIR GRANTS.

Section 5337 of title 49, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1) by striking ''on a facility with access for other high-occupancy vehicles'' and inserting ''on high-occupancy vehicle lanes during peak hours'';

(B) in paragraph (2) by inserting ''vehicle'' after ''motorbus''; and

(C) by adding at the end the following:

''(5) USE OF FUNDS.—A recipient in an urbanized area may use any portion of the amount apportioned 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 Transportation) that are eligible to be expended for transportation.''.

SEC. 3015. AUTHORIZATIONS.

Section 5338 of title 49, United States Code, is amended to read as follows:

''§ 5338. Authorizations

''(a) FORMULA GRANTS.—

''(1) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305, 5307, 5310, 5311, 5314(c), 5318, 5335, 5337, 5339, and 5340, and section 20005(b) of the Federal Public Transportation Act of 2012—

''(A) $8,723,925,000 for fiscal year 2016;

''(B) $8,879,211,000 for fiscal year 2017;

''(C) $9,059,459,000 for fiscal year 2018;

''(D) $9,240,648,000 for fiscal year 2019;

''(E) $9,429,000,000 for fiscal year 2020; and

''(F) $9,617,580,000 for fiscal year 2021.

''(2) ALLOCATION OF FUNDS.—

''(A) SECTION 5305.—Of the amounts made available under paragraph (1), there shall be available to carry out section 5305—

''(i) $128,800,000 for fiscal year 2016;

''(ii) $128,800,000 for fiscal year 2017;

''(iii) $131,415,000 for fiscal year 2018;

''(iv) $134,043,000 for fiscal year 2019;

''(v) $136,775,000 for fiscal year 2020; and

''(vi) $139,511,000 for fiscal year 2021.

''(B) PILOT PROGRAM.—$10,000,000 for each of fiscal years 2016 through 2021, shall be available to carry out section 20005(b) of the Federal Public Transportation Act of 2012;

''(C) SECTION 5307.—Of the amounts made available under paragraph (1), there shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307—

''(i) $4,458,650,000 for fiscal year 2016;

''(ii) $4,458,650,000 for fiscal year 2017;

''(iii) $4,549,161,000 for fiscal year 2018;

''(iv) $4,640,144,000 for fiscal year 2019;

''(v) $4,734,724,000 for fiscal year 2020; and

''(vi) $4,829,418,000 for fiscal year 2021.

''(D) SECTION 5310.—Of the amounts made available under paragraph (1), there shall be available to provide financial assistance for services for the enhanced mobility of seniors and individuals with disabilities under section 5310—

''(i) $262,175,000 for fiscal year 2016;

''(ii) $266,841,000 for fiscal year 2017;

''(iii) $272,258,000 for fiscal year 2018;

''(iv) $277,703,000 for fiscal year 2019;

''(v) $283,364,000 for fiscal year 2020; and

''(vi) $289,031,000 for fiscal year 2021.

''(E) SECTION 5311.—

''(i) IN GENERAL.—Of the amounts made available under paragraph (1), there shall be available to provide financial assistance for rural areas under section 5311—

''(I) $607,800,000 for fiscal year 2016;

''(II) $607,800,000 for fiscal year 2017;

''(III) $620,138,000 for fiscal year 2018;

''(IV) $632,541,000 for fiscal year 2019;

''(V) $645,434,000 for fiscal year 2020; and

''(VI) $658,343,000 for fiscal year 2021.

''(ii) SUBALLOCATION.—Of the amounts made available under clause (i)—

''(I) there shall be available to carry out section 5311(c)(1) not less than $30,000,000 for each of fiscal years 2016 through 2021; and

''(II) there shall be available to carry out section 5311(c)(2) not less than $20,000,000 for each of fiscal years 2016 through 2021.

''(F) SECTION 5314(c).—Of the amounts made available under paragraph (1), there shall be available for the national transit institute under section 5314(c) $5,000,000 for each of fiscal years 2016 through 2021.

''(G) SECTION 5318.—Of the amounts made available under paragraph (1), there shall be available for bus testing under section 5318 $3,000,000 for each of fiscal years 2016 through 2021.

''(H) SECTION 5335.—Of the amounts made available under paragraph (1), there shall be available to carry out section 5335 $3,850,000 for each of fiscal years 2016 through 2021.

''(I) SECTION 5337.—Of the amounts made available under paragraph (1), there shall be available to carry out section 5337—

''(i) $2,198,389,000 for fiscal year 2016;

''(ii) $2,237,520,000 for fiscal year 2017;

''(iii) $2,282,941,000 for fiscal year 2018;

''(iv) $2,328,600,000 for fiscal year 2019;

''(v) $2,376,064,000 for fiscal year 2020; and

''(vi) $2,423,585,000 for fiscal year 2021.

''(J) SECTION 5339(c).—Of the amounts made available under paragraph (1), there shall be available for bus and bus facilities programs under section 5339(c)—

''(i) $430,000,000 for fiscal year 2016;

''(ii) $431,850,000 for fiscal year 2017;

''(iii) $445,120,000 for fiscal year 2018;

''(iv) $458,459,000 for fiscal year 2019;

''(v) $472,326,000 for fiscal year 2020; and

''(vi) $486,210,000 for fiscal year 2021.

''(K) SECTION 5339(d).—Of the amounts made available under paragraph (1), there shall be available for bus and bus facilities competitive grants under 5339(d)—

''(i) $90,000,000 for fiscal year 2016; and

''(ii) $200,000,000 for each of fiscal years 2017 through 2021.

''(L) SECTION 5340.—Of the amounts made available under paragraph (1), there shall be allocated in accordance with section 5340 to provide financial assistance for urbanized areas under section 5307 and rural areas under section 5311—

''(i) $525,900,000 for fiscal year 2016;

''(ii) $525,900,000 for fiscal year 2017;

''(iii) $536,576,000 for fiscal year 2018;

''(iv) $547,307,000 for fiscal year 2019;

''(v) $558,463,000 for fiscal year 2020; and

''(vi) $569,632,000 for fiscal year 2021.

''(b) RESEARCH, DEVELOPMENT DEMONSTRATION AND DEPLOYMENT PROJECTS.—There are authorized to be appropriated to carry out section 5312—

''(1) $33,495,000 for fiscal year 2016;

''(2) $34,091,000 for fiscal year 2017;

''(3) $34,783,000 for fiscal year 2018;

''(4) $35,479,000 for fiscal year 2019;

''(5) $36,202,000 for fiscal year 2020; and

''(6) $36,926,000 for fiscal year 2021.

''(c) TECHNICAL ASSISTANCE, STANDARDS, AND WORKFORCE DEVELOPMENT.—There are authorized to be appropriated to carry out section 5314—

''(1) $6,156,000 for fiscal year 2016;

''(2) $8,152,000 for fiscal year 2017;

''(3) $10,468,000 for fiscal year 2018;

''(4) $12,796,000 for fiscal year 2019;

''(5) $15,216,000 for fiscal year 2020; and

''(6) $17,639,000 for fiscal year 2021.

''(d) CAPITAL INVESTMENT GRANTS.—There are authorized to be appropriated to carry out section 5309—

''(1) $2,029,000,000 for fiscal year 2016;

''(2) $2,065,000,000 for fiscal year 2017;

''(3) $2,106,000,000 for fiscal year 2018;

''(4) $2,149,000,000 for fiscal year 2019;

''(5) $2,193,000,000 for fiscal year 2020; and

''(6) $2,237,000,000 for fiscal year 2021.

''(e) ADMINISTRATION.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out section 5334, $105,933,000 for fiscal years 2016 through 2021.

''(2) SECTION 5329.—Of the amounts authorized to be appropriated under paragraph (1), not less than $4,500,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5329.

''(3) SECTION 5326.—Of the amounts made available under paragraph (1), not less than $1,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5326.

''(f) PERIOD OF AVAILABILITY.—Amounts made available by or appropriated under this section shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

''(g) GRANTS AS CONTRACTUAL OBLIGATIONS.—

''(1) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant or contract that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

''(2) GRANTS FINANCED FROM GENERAL FUND.—A grant or contract that is approved by the Secretary and financed with amounts appropriated in advance from the general fund of the Treasury pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project only to the extent that amounts are appropriated for such purpose by an Act of Congress.

''(h) OVERSIGHT.—

''(1) IN GENERAL.—Of the amounts made available to carry out this chapter for a fiscal year, the Secretary may use not more than the following amounts for the activities described in paragraph (2):

''(A) 0.5 percent of amounts made available to carry out section 5305.

''(B) 0.75 percent of amounts made available to carry out section 5307.

''(C) 1 percent of amounts made available to carry out section 5309.

''(D) 1 percent of amounts made available to carry out section 601 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432; 122 Stat. 4968).

''(E) 0.5 percent of amounts made available to carry out section 5310.

''(F) 0.5 percent of amounts made available to carry out section 5311.

''(G) 0.75 percent of amounts made available to carry out section 5337(c), of which not less than 0.25 percent shall be available to carry out section 5329.

''(H) 0.75 percent of amounts made available to carry out section 5339.

''(2) ACTIVITIES.—The activities described in this paragraph are as follows:

''(A) Activities to oversee the construction of a major capital project.

''(B) Activities to review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under this chapter.

''(C) Activities to provide technical assistance generally, and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

''(3) GOVERNMENT SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection.

''(4) AVAILABILITY OF CERTAIN FUNDS.—Funds made available under paragraph (1)(C) shall be available to the Secretary before allocating the funds appropriated to carry out any project under a full funding grant agreement.''.

SEC. 3016. BUS AND BUS FACILITY GRANTS.

(a) IN GENERAL.—Section 5339 of title 49, United States Code, is amended to read as follows:

''§ 5339. Bus and bus facility grants

''(a) GENERAL AUTHORITY.—The Secretary may make grants under this section to assist eligible recipients described in subsection (b)(1) in financing capital projects—

''(1) to replace, rehabilitate, and purchase buses and related equipment; and

''(2) to construct bus-related facilities.

''(b) ELIGIBLE RECIPIENTS AND SUBRECIPIENTS.—

''(1) RECIPIENTS.—Eligible recipients under this section are designated recipients that operate fixed route bus service or that allocate funding to fixed route bus operators.

''(2) SUBRECIPIENTS.—A designated recipient that receives a grant under this section may allocate amounts of the grant to subrecipients that are public agencies or private nonprofit organizations engaged in public transportation.

''(c) FORMULA GRANT DISTRIBUTION OF FUNDS.—

''(1) IN GENERAL.—Funds made available for making grants under this subsection shall be distributed as follows:

''(A) NATIONAL DISTRIBUTION.—$65,500,000 for each of fiscal years 2016 through 2021 shall be allocated to all States and territories, with each State receiving $1,250,000, and each territory receiving $500,000, for each such fiscal year.

''(B) DISTRIBUTION USING POPULATION AND SERVICE FACTORS.—The remainder of the funds not otherwise distributed under paragraph (1) shall be allocated pursuant to the formula set forth in section 5336 (other than subsection (b) of that section).

''(2) TRANSFERS OF APPORTIONMENTS.—

''(A) TRANSFER FLEXIBILITY FOR NATIONAL DISTRIBUTION FUNDS.—The Governor of a State may transfer any part of the State's apportionment under subparagraph (A) to supplement—

''(i) amounts apportioned to the State under section 5311(c); or

''(ii) amounts apportioned to urbanized areas under subsections (a) and (c) of section 5336.

''(B) TRANSFER FLEXIBILITY FOR POPULATION AND SERVICE FACTORS FUNDS.—The Governor of a State may expend in an urbanized area with a population of less than 200,000 any amounts apportioned under paragraph (1)(B) that are not allocated to designated recipients in urbanized areas with a population of 200,000 or more.

''(3) PERIOD OF AVAILABILITY TO RECIPIENTS.—

''(A) IN GENERAL.—Amounts made available under this subsection may be obligated by a recipient for 3 years after the fiscal year in which the amount is apportioned.

''(B) REAPPORTIONMENT OF UNOBLIGATED AMOUNTS.—Not later than 30 days after the end of the 3-year period described in subparagraph (A), any amount that is not obligated on the last day of that period shall be added to the amount that may be apportioned under this subsection in the next fiscal year.

''(4) PILOT PROGRAM FOR COST-EFFECTIVE CAPITAL INVESTMENT.—

''(A) IN GENERAL.—For each of fiscal years 2016 through 2021, the Secretary shall carry out a pilot program under which an eligible designated recipient (as described in subsection (c)(1)) in an urbanized area with population of not less than 200,000 and not more than 999,999 may elect to participate in a State pool in accordance with this paragraph.

''(B) PURPOSE OF STATE POOLS.—The purpose of a State pool shall be to allow for transfers of formula grant funds made available under this subsection among the designated recipients participating in the State pool in a manner that supports the transit asset management plans of the designated recipients under section 5326.

''(C) REQUESTS FOR PARTICIPATION.—A State, and designated recipients in the State described in subparagraph (A), may submit to the Secretary a request for participation in the program under procedures to be established by the Secretary. A designated recipient for a multistate area may participate in only 1 State pool.

''(D) ALLOCATIONS TO PARTICIPATING STATES.—For each fiscal year, the Secretary shall allocate to each State participating in the program the total amount of funds that otherwise would be allocated to the urbanized areas of the designated recipients participating in the State's pool for that fiscal year pursuant to the formula referred to in paragraph (1).

''(E) ALLOCATIONS TO DESIGNATED RECIPIENTS IN STATE POOLS.—A State shall distribute the amount that is allocated to the State for a fiscal year under subparagraph (D) among the designated recipients participating in the State's pool in a manner that supports the transit asset management plans of the recipients under section 5326.

''(F) ALLOCATION PLANS.—A State participating in the program shall develop an allocation plan for the period of fiscal years 2016 through 2021 to ensure that a designated recipient participating in the State's pool receives under the program an amount of funds that equals the amount of funds that would have otherwise been available to the designated recipient for that period pursuant to the formula referred to in paragraph (1).

''(G) GRANTS.—The Secretary shall make grants under this subsection for a fiscal year to a designated recipient participating in a State pool following notification by the State of the allocation amount determined under subparagraph (E).

''(d) COMPETITIVE GRANTS FOR BUS STATE OF GOOD REPAIR.—

''(1) IN GENERAL.—The Secretary may make grants under this subsection to eligible recipients described in subsection (b)(1) to assist in financing capital projects described in subsection (a).

''(2) GRANT CONSIDERATIONS.—In making grants under this subsection, the Secretary shall consider the age and condition of buses, bus fleets, related equipment, and bus-related facilities of an eligible recipient.

''(3) STATEWIDE APPLICATIONS.—A State may submit a statewide application on behalf of a public agency or private nonprofit organization engaged in public transportation in rural areas or other areas for which the State allocates funds. The submission of a statewide application shall not preclude the submission and consideration of any application under this subsection from other eligible recipients in an urbanized area in a State.

''(4) REQUIREMENTS FOR SECRETARY.—The Secretary shall—

''(A) disclose all metrics and evaluation procedures to be used in considering grant applications under this subsection upon issuance of the notice of funding availability in the Federal Register; and

''(B) publish a summary of final scores for selected projects, metrics, and other evaluations used in awarding grants under this subsection in the Federal Register.

''(5) AVAILABILITY OF FUNDS.—Any amounts made available to carry out this subsection—

''(A) shall remain available for 2 fiscal years after the fiscal year for which the amount is made available; and

''(B) following the period of availability shall be made available to be apportioned

under subsection (c) for the following fiscal year.

''(6) LIMITATION.—Of the amounts made available under this subsection, not more than 15 percent in fiscal year 2016 and not more than 5 percent in each of fiscal years 2017 through 2021 may be awarded to a single recipient.

''(7) GRANT FLEXIBILITY.—If the Secretary determines that there are not sufficient grant applications that meet the metrics described in paragraph (4)(A) to utilize the full amount of funds made available to carry out this subsection for a fiscal year, the Secretary may use the remainder of the funds for making apportionments under sections 5307 and 5311.

''(e) GENERALLY APPLICABLE PROVISIONS.—

''(1) GRANT REQUIREMENTS.—A grant under this section shall be subject to the requirements of—

''(A) section 5307 for recipients of grants made in urbanized areas; and

''(B) section 5311 for recipients of grants made in rural areas.

''(2) GOVERNMENT'S SHARE OF COSTS.—

''(A) CAPITAL PROJECTS.—A grant for a capital project under this section shall be for 80 percent of the net capital costs of the project. A recipient of a grant under this section may provide additional local matching amounts.

''(B) REMAINING COSTS.—The remainder of the net project cost shall be provided—

''(i) in cash from non-Government sources other than revenues from providing public transportation services;

''(ii) from revenues derived from the sale of advertising and concessions;

''(iii) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital; or

''(iv) from amounts received under a service agreement with a State or local social service agency or private social service organization.

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

''(1) STATE.—The term 'State' means a State of the United States.

''(2) TERRITORY.—The term 'territory' means the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by striking the item relating to section 5339 and inserting the following:

''5339. Bus and bus facility grants.''.

SEC. 3017. OBLIGATION CEILING.

Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Mass Transit Account of the Highway Trust Fund by subsection (a) of section 5338 of title 49, United States Code, shall not exceed—

(1) $8,724,000,000 in fiscal year 2016;
(2) $8,879,000,000 in fiscal year 2017;
(3) $9,059,000,000 in fiscal year 2018;
(4) $9,240,000,000 in fiscal year 2019;
(5) $9,429,000,000 in fiscal year 2020; and
(6) $9,618,000,000 in fiscal year 2021.

SEC. 3018. INNOVATIVE PROCUREMENT.

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

(1) COOPERATIVE PROCUREMENT CONTRACT.—The term ''cooperative procurement contract'' means a contract—

(A) entered into between a State government and 1 or more vendors; and

(B) under which the vendors agree to provide an option to purchase rolling stock and related equipment to multiple participants.

(2) LEAD PROCUREMENT AGENCY.—The term ''lead procurement agency'' means a State government that acts in an administrative capacity on behalf of each participant in a cooperative procurement contract.

(3) PARTICIPANT.—The term ''participant'' means a grantee that participates in a cooperative procurement contract.

(4) PARTICIPATE.—The term ''participate'' means to purchase rolling stock and related equipment under a cooperative procurement contract using assistance provided under chapter 53 of title 49, United States Code.

(5) GRANTEE.—The term ''grantee'' means a recipient and subrecipient of assistance under chapter 53 of title 49, United States Code.

(b) COOPERATIVE PROCUREMENT.—

(1) GENERAL RULES.—

(A) PROCUREMENT NOT LIMITED TO INTRASTATE PARTICIPANTS.—A grantee may participate in a cooperative procurement contract without regard to whether the grantee is located in the same State as the parties to the contract.

(B) VOLUNTARY PARTICIPATION.—Participation by grantees in a cooperative procurement contract shall be voluntary.

(2) AUTHORITY.—A State government may enter into a cooperative procurement contract with 1 or more vendors if the vendors agree to provide an option to purchase rolling stock and related equipment to the lead procurement agency and any other participant.

(3) APPLICABILITY OF POLICIES AND PROCEDURES.—In procuring rolling stock and related equipment under a cooperative procurement contract under this subsection, a lead procurement agency shall comply with the policies and procedures that apply to procurement by the State government when using non-Federal funds, to the extent that the policies and procedures are in conformance with applicable Federal law.

(c) JOINT PROCUREMENT CLEARINGHOUSE.—

(1) IN GENERAL.—The Secretary shall establish a clearinghouse for the purpose of allowing grantees to aggregate planned rolling stock purchases and identify joint procurement participants.

(2) INFORMATION ON PROCUREMENTS.—The clearinghouse may include information on bus size, engine type, floor type, and any other attributes necessary to identify joint procurement participants.

(3) LIMITATIONS.—

(A) ACCESS.—The clearinghouse shall only be accessible to the Federal Transit Administration and grantees.

(B) PARTICIPATION.—No grantees shall be required to submit procurement information to the database.

SEC. 3019. REVIEW OF PUBLIC TRANSPORTATION SAFETY STANDARDS.

(1) REVIEW REQUIRED.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall begin a review of the safety standards 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—

(aa) emergency preparedness training, drills, and familiarization programs for the first responders; and

(bb) the scheduling of regular field exercises to ensure appropriate response and effective radio and public safety communications;

(IV) maintenance, testing, and inspection programs to ensure the proper functioning of—

(aa) tunnel, station, and vehicle ventilation systems;

(bb) signal and train control systems, track, mechanical systems, and other infrastructure; and

(cc) other systems as necessary;

(V) certification requirements for train and bus operators and control center employees;

(VI) consensus-based standards, practices, or protocols available to the public transportation industry; and

(VII) any other standards, practices, or protocols the Secretary determines appropriate; and

(iii) rail and bus safety standards, practices, or protocols in use by public transportation systems, regarding—

(I) rail and bus design and the workstation of rail and bus operators, as it relates to—

(aa) the reduction of blindspots that contribute to accidents involving pedestrians; and

(bb) protecting rail and bus operators from the risk of assault;

(II) scheduling fixed route rail and bus service with adequate time and access for operators to use restroom facilities;

(III) fatigue management; and

(IV) crash avoidance and worthiness.

(2) EVALUATION.—After conducting the review under paragraph (1), the Secretary shall, in consultation with representatives of the public transportation industry, evaluate the need to establish additional Federal minimum public transportation safety standards.

(3) REPORT.—After completing the review and evaluation required under paragraphs (1) and (2), but not later than 1 year after the date of enactment of this Act, the Secretary shall make available on a publicly accessible Web site, a report that includes—

(A) findings based on the review conducted under paragraph (1);

(B) the outcome of the evaluation conducted under paragraph (2);

(C) a comprehensive set of recommendations to improve the safety of the public transportation industry, including recommendations for statutory changes if applicable; and

(D) actions that the Secretary will take to address the recommendations provided under subparagraph (C), including, if necessary, the authorities under section 5329(b)(2)(D) of chapter 53 of title 49, United States Code.

SEC. 3020. STUDY ON EVIDENTIARY PROTECTION FOR PUBLIC TRANSPORTATION SAFETY PROGRAM INFORMATION.

(a) STUDY.—The Comptroller General shall complete a study to evaluate whether it is in the public interest, including public safety and the legal rights of persons injured in public transportation accidents, to withhold from discovery or admission into evidence in a Federal or State court proceeding any plan, report, data, or other information or portion thereof, submitted to, developed, produced, collected, or obtained by the Secretary or the Secretary's representative for purposes of complying with the requirements under section 5329 of chapter 53 of title 49, United States Code, including information related to a recipient's safety plan, safety risks, and mitigation measures.

(b) INPUT.—In conducting the study under subsection (a), the Comptroller General shall solicit input from the public transportation recipients, public transportation nonprofit employee labor organizations, and impacted members of the general public.

(c) REPORT.—Not later than 18 months after the date of enactment of this section, the Comptroller General shall issue a report, with the findings of the study under subsection (a), including any recommendations on statutory changes regarding evidentiary protections that will increase transit safety.

SEC. 3021. MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES.

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

(1) ALLOCATED COST MODEL.—The term ''allocated cost model'' means a method of determining the cost of trips by allocating the cost to each trip purpose served by a transportation provider in a manner that is proportional to the level of transportation service that the transportation provider delivers for each trip purpose, to the extent permitted by applicable Federal laws.

(2) COUNCIL.—The term ''Council'' means the Interagency Transportation Coordinating Council on Access and Mobility established under Executive Order 13330 (49 U.S.C. 101 note).

(b) STRATEGIC PLAN.—Not later than 1 year after the date of enactment of this Act, the Council shall publish a strategic plan for the Council that—

(1) outlines the role and responsibilities of each Federal agency with respect to local transportation coordination, including nonemergency medical transportation;

(2) identifies a strategy to strengthen interagency collaboration;

(3) addresses any outstanding recommendations made by the Council in the 2005 Report to the President relating to the implementation of Executive Order 13330, including—

(A) a cost-sharing policy endorsed by the Council; and

(B) recommendations to increase participation by recipients of Federal grants in locally developed, coordinated planning processes;

(4) to the extent feasible, addresses recommendations by the Comptroller General of the United States concerning local coordination of transportation services;

(5) examines and proposes changes to Federal regulations that will eliminate Federal barriers to local transportation coordination, including non-emergency medical transportation; and

(6) recommends to Congress changes to Federal laws, except chapter 53 of title 49, United States Code, that will eliminate Federal barriers to local transportation coordination, including nonemergency medical transportation.

(c) DEVELOPMENT OF COST-SHARING POLICY IN COMPLIANCE WITH APPLICABLE FEDERAL LAWS.—In establishing the cost-sharing policy required under subsection (b), the Council may consider, to the extent practicable—

(1) the development of recommended strategies for grantees of programs funded by members of the Council, including strategies for grantees of programs that fund nonemergency medical transportation, to use the cost-sharing policy in a manner that does not violate applicable Federal laws; and

(2) incorporation of an allocated cost model to facilitate local coordination efforts that comply with applicable requirements of programs funded by members of the Council, such as—

(A) eligibility requirements;

(B) service delivery requirements; and

(C) reimbursement requirements.

SEC. 3022. IMPROVED TRANSIT SAFETY MEASURES.

(a) REQUIREMENTS.—Not later than 90 days after publication of the report required in section 3019, the Secretary shall issue a notice of proposed rulemaking on protecting transit operators from the risk of assault.

(b) CONSIDERATION.—In the proposed rulemaking the Secretary shall consider—

(1) different safety needs of drivers of different modes;

(2) differences in operating environments;

(3) the use of technology to mitigate driver assault risks;

(4) existing experience, from both agencies and operators who already are using or testing driver assault mitigation infrastructure; and

(5) the impact of the rule on future rolling stock procurements and vehicles currently in revenue service.

(c) SAVINGS CLAUSE.—Nothing in this section may be construed as prohibiting the Secretary from issuing different comprehensive worker protections, including standards for mitigating assaults.

SEC. 3023. PARATRANSIT SYSTEM UNDER FTA APPROVED COORDINATED PLAN.

Notwithstanding the provisions of part 37.131(c) of title 49, Code of Federal Regulations, any paratransit system currently coordinating complementary paratransit service for more than 40 fixed route agencies shall be permitted to continue using an existing tiered, distance-based coordinated paratransit fare system.

TITLE IV—HIGHWAY SAFETY

SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.

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

(1) HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code—

(A) $260,274,200 for fiscal year 2016;
(B) $265,935,829 for fiscal year 2017;
(C) $271,787,002 for fiscal year 2018;
(D) $278,090,300 for fiscal year 2019;
(E) $284,874,829 for fiscal year 2020; and
(F) $291,195,558 for fiscal year 2021.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of title 23, United States Code—

(A) $115,951,600 for fiscal year 2016;
(B) $118,398,179 for fiscal year 2017;
(C) $121,665,968 for fiscal year 2018;
(D) $124,926,616 for fiscal year 2019;
(E) $128,187,201 for fiscal year 2020; and
(F) $131,455,975 for fiscal year 2021.

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—For carrying out section 405 of title 23, United States Code—

(A) $275,862,400 for fiscal year 2016;
(B) $281,186,544 for fiscal year 2017;
(C) $286,500,970 for fiscal year 2018;
(D) $292,316,940 for fiscal year 2019;
(E) $298,601,754 for fiscal year 2020; and
(F) $304,394,628 for fiscal year 2021.

(4) NATIONAL DRIVER REGISTER.—For the National Highway Traffic Safety Administration to carry out chapter 303 of title 49, United States Code—

(A) $5,000,000 for fiscal year 2016;
(B) $5,000,000 for fiscal year 2017;
(C) $5,000,000 for fiscal year 2018;
(D) $5,000,000 for fiscal year 2019;
(E) $5,000,000 for fiscal year 2020; and
(F) $5,000,000 for fiscal year 2021.

(5) HIGH-VISIBILITY ENFORCEMENT PROGRAM.—For carrying out section 404 of title 23, United States Code—

(A) $29,411,800 for fiscal year 2016;
(B) $29,979,448 for fiscal year 2017;
(C) $30,546,059 for fiscal year 2018;
(D) $31,166,144 for fiscal year 2019;
(E) $31,836,216 for fiscal year 2020; and
(F) $32,453,839 for fiscal year 2021.

(6) ADMINISTRATIVE EXPENSES.—For administrative and related operating expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code, and this title—

(A) $25,500,000 for fiscal year 2016;
(B) $25,500,000 for fiscal year 2017;
(C) $25,500,000 for fiscal year 2018;
(D) $25,500,000 for fiscal year 2019;
(E) $25,500,000 for fiscal year 2020; and
(F) $25,500,000 for fiscal year 2021.

(b) PROHIBITION ON OTHER USES.—Except as otherwise provided in chapter 4 of title 23, United States Code, and chapter 303 of title 49, United States Code, the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a program under such chapters—

(1) shall only be used to carry out such program; and

(2) may not be used by States or local governments for construction purposes.

(c) APPLICABILITY OF TITLE 23.—Except as otherwise provided in chapter 4 of title 23, United States Code, and chapter 303 of title 49, United States Code, amounts made available under subsection (a) for fiscal years 2016 through 2021 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(d) STATE MATCHING REQUIREMENTS.—If a grant awarded under chapter 4 of title 23, United States Code, requires a State to share in the cost, the aggregate of all expenditures for highway safety activities made during a fiscal year by the State and its political subdivisions (exclusive of Federal funds) for carrying out the grant (other than planning and administration) that are in excess of the amount required under Federal law shall be available for the purpose of crediting the State during such fiscal year for the non-Federal share of the cost of any other project carried out under chapter 4 of title 23, United States Code (other than planning or administration), without regard to whether such expenditures were made in connection with such project.

(e) GRANT APPLICATION AND DEADLINE.—To receive a grant under chapter 4 of title 23, United States Code, a State shall submit an application, and the Secretary shall establish a single deadline for such applications to enable the award of grants early in the next fiscal year.

SEC. 4002. HIGHWAY SAFETY PROGRAMS.

Section 402 of title 23, United States Code, is amended—

(1) in subsection (a)(2)(A)—

(A) in clause (vi) by striking ''and'' at the end;

(B) in clause (vii) by inserting ''and'' after the semicolon; and

(C) by adding at the end the following:

''(viii) to increase driver awareness of commercial motor vehicles to prevent crashes and reduce injuries and fatalities;'';

(2) in subsection (c)(4), by adding at the end the following:

''(C) SURVEY.—A State shall expend funds apportioned to that State under this section to conduct a biennial survey that the Secretary shall make publicly available through the Internet Web site of the Department of Transportation that includes—

''(i) a list of automated traffic enforcement systems in the State;

''(ii) adequate data to measure the transparency, accountability, and safety attributes of each automated traffic enforcement system; and

''(iii) a comparison of each automated traffic enforcement system with—

''(I) Speed Enforcement Camera Systems Operational Guidelines (DOT HS 810 916, March 2008); and

''(II) Red Light Camera Systems Operational Guidelines (FHWA–SA–05–002, January 2005).'';

(3) by striking subsection (g) and inserting the following:

''(g) RESTRICTION.—Nothing in this section may be construed to authorize the appropriation or expenditure of funds for highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines).'';

(4) in subsection (k)—

(A) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively; and

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

''(3) ELECTRONIC SUBMISSION.—The Secretary, in coordination with the Governors Highway Safety Association, shall develop procedures to allow States to submit highway safety plans under this subsection, including any attachments to the plans, in electronic form.''; and

(5) in subsection (m)(2)(A)—

(A) in clause (iv) by striking ''and'' at the end; and

(B) by adding at the end the following:

''(vi) increase driver awareness of commercial motor vehicles to prevent crashes and reduce injuries and fatalities; and''.

SEC. 4003. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

Section 403 of title 23, United States Code, is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (E) by striking ''and'' at the end;

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

(C) by inserting after subparagraph (E) the following:

''(F) the installation of ignition interlocks in the United States; and''; and

(D) in subparagraph (G), as so redesignated, by striking ''in subparagraphs (A) through (E)'' and inserting ''in subparagraphs (A) through (F)'';

(2) in subsection (h) by striking paragraph (2) and inserting the following:

''(2) FUNDING.—The Secretary shall obligate for each of fiscal years 2016 through 2021, from funds made available to carry out this section, except that the total obligated for the period covering fiscal years 2016 through 2021 may not exceed $32,000,000, to conduct the research described in paragraph (1).''; and

(3) by adding at the end the following:

''(i) LIMITATION ON DRUG AND ALCOHOL SURVEY DATA.—The Secretary shall establish procedures and guidelines to ensure that any person participating in a program or activity that collects data on drug or alcohol use by drivers of motor vehicles and is carried out under this section is informed that the program or activity is voluntary.

''(j) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out under this section may be not more than 100 percent.''.

SEC. 4004. HIGH-VISIBILITY ENFORCEMENT PROGRAM.

(a) IN GENERAL.—Section 404 of title 23, United States Code, is amended to read as follows:

''§ 404. High visibility enforcement program

''(a) IN GENERAL.—The Administrator of the National Highway Traffic Safety Administration shall establish and administer a program under which not less than 3 campaigns will be carried out in each of fiscal years 2016 through 2021.

''(b) PURPOSE.—The purpose of each campaign carried out under this section shall be to achieve outcomes related to not less than 1 of the following objectives:

''(1) Reduce alcohol-impaired or drug-impaired operation of motor vehicles.

''(2) Increase use of seatbelts by occupants of motor vehicles.

''(3) Reduce distracted driving of motor vehicles.

''(c) ADVERTISING.—The Administrator may use, or authorize the use of, funds available to carry out this section to pay for the development, production, and use of broadcast and print media advertising and Internet-based outreach in carrying out campaigns under this section. Consideration shall be given to advertising directed at non-English speaking populations, including those who listen to, read, or watch nontraditional media.

''(d) COORDINATION WITH STATES.—The Administrator shall coordinate with States in carrying out the campaigns under this section, including advertising funded under subsection (c), with consideration given to—

''(1) relying on States to provide law enforcement resources for the campaigns out of funding available under sections 402 and 405; and

''(2) providing out of National Highway Traffic Safety Administration resources most of the means necessary for national advertising and education efforts associated with the campaigns.

''(e) USE OF FUNDS.—Funds made available to carry out this section may only be used for activities described in subsection (c).

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

''(1) CAMPAIGN.—The term 'campaign' means a high-visibility traffic safety law enforcement campaign.

''(2) STATE.—The term 'State' has the meaning such term has under section 401.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by striking the item relating to section 404 and inserting the following:

''404. High-visibility enforcement program.''.

SEC. 4005. NATIONAL PRIORITY SAFETY PROGRAMS.

(a) GENERAL AUTHORITY.—Section 405(a) of title 23, United States Code, is amended to read as follows:

''(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the Secretary of Transportation shall manage programs to address national priorities for reducing highway deaths and injuries. Funds shall be allocated according to the following:

''(1) OCCUPANT PROTECTION.—In each fiscal year, 13 percent of the funds provided under this section shall be allocated among States that adopt and implement effective occupant protection programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles (as described in subsection (b)).

''(2) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—In each fiscal year, 14.5 percent of the funds provided under this section shall be allocated among States that meet requirements with respect to State traffic safety information system improvements (as described in subsection (c)).

''(3) IMPAIRED DRIVING COUNTERMEASURES.—In each fiscal year, 52.5 percent of the funds provided under this section shall be allocated among States that meet requirements with respect to impaired driving countermeasures (as described in subsection (d)).

''(4) DISTRACTED DRIVING.—In each fiscal year, 8.5 percent of the funds provided under this section shall be allocated among States that adopt and implement effective laws to reduce distracted driving (as described in subsection (e)).

''(5) MOTORCYCLIST SAFETY.—In each fiscal year, 1.5 percent of the funds provided under this section shall be allocated among States that implement motorcyclist safety programs (as described in subsection (f)).

''(6) STATE GRADUATED DRIVER LICENSING LAWS.—In each fiscal year, 5 percent of the funds provided under this section shall be allocated among States that adopt and implement graduated driver licensing laws (as described in subsection (g)).

''(7) NONMOTORIZED SAFETY.—In each fiscal year, 5 percent of the funds provided under this section shall be allocated among States that meet requirements with respect to nonmotorized safety (as described in subsection (h)).

''(8) TRANSFERS.—Notwithstanding paragraphs (1) through (7), the Secretary may reallocate, before the last day of any fiscal year, any amounts remaining available to carry out any of the activities described in subsections (b) through (h) to increase the amount made available under section 402, in order to ensure, to the maximum extent possible, that all such amounts are obligated during such fiscal year.

''(9) MAINTENANCE OF EFFORT.—

''(A) REQUIREMENTS.—No grant may be made to a State in any fiscal year under subsection (b), (c), or (d) unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all State and local sources for programs described in those subsections at or above the average level of such expenditures in the 2 fiscal years preceding the date of enactment of this paragraph.

''(B) WAIVER.—Upon the request of a State, the Secretary may waive or modify the requirements under subparagraph (A) for not more than 1 fiscal year if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances.''.

(b) HIGH SEATBELT USE RATE.—Section 405(b)(4)(B) of title 23, United States Code, is amended by striking ''75 percent'' and inserting ''100 percent''.

(c) IMPAIRED DRIVING COUNTERMEASURES.—Section 405(d) of title 23, United States Code, is amended—

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

''(4) USE OF GRANT AMOUNTS.—

''(A) REQUIRED PROGRAMS.—High-range States shall use grant funds for—

''(i) high-visibility enforcement efforts; and

''(ii) any of the activities described in subparagraph (B) if—

''(I) the activity is described in the statewide plan; and

''(II) the Secretary approves the use of funding for such activity.

''(B) AUTHORIZED PROGRAMS.—Medium-range and low-range States may use grant funds for—

''(i) any of the purposes described in subparagraph (A);

''(ii) hiring a full-time or part-time impaired driving coordinator of the State's activities to address the enforcement and adjudication of laws regarding driving while impaired by alcohol, drugs, or the combination of alcohol and drugs;

''(iii) court support of high-visibility enforcement efforts, training and education of criminal justice professionals (including law enforcement, prosecutors, judges, and probation officers) to assist such professionals in handling impaired driving cases, hiring traffic safety resource prosecutors, hiring judicial outreach liaisons, and establishing driving while intoxicated courts;

''(iv) alcohol ignition interlock programs;

''(v) improving blood-alcohol concentration testing and reporting;

''(vi) paid and earned media in support of high-visibility enforcement efforts, conducting standardized field sobriety training, advanced roadside impaired driving evaluation training, and drug recognition expert training for law enforcement, and equipment and related expenditures used in connection with impaired driving enforcement in accordance with criteria established by the National Highway Traffic Safety Administration;

''(vii) training on the use of alcohol and drug screening and brief intervention;

''(viii) training for and implementation of impaired driving assessment programs or other tools designed to increase the probability of identifying the recidivism risk of a person convicted of driving under the influence of alcohol, drugs, or a combination of alcohol and drugs and to determine the most effective mental health or substance abuse treatment or sanction that will reduce such risk;

''(ix) developing impaired driving information systems; and

''(x) costs associated with a 24–7 sobriety program.

''(C) OTHER PROGRAMS.—Low-range States may use grant funds for any expenditure designed to reduce impaired driving based on problem identification and may use not more than 50 percent of funds made available under this subsection for any project or activity eligible for funding under section 402. Medium- and high-range States may use funds for any expenditure designed to reduce impaired driving based on problem identification upon approval by the Secretary.''; and

(2) by striking paragraph (6)(A) and inserting the following:

''(A) IN GENERAL.—The Secretary shall make a separate grant under this subsection to each State that adopts and is enforcing a law that requires any individual convicted of driving under the influence of alcohol or of driving while intoxicated to receive a restriction on driving privileges that limits the individual to operating only motor vehicles with an ignition interlock installed. Such law may provide limited exceptions for circumstances when—

''(i) a State-certified ignition interlock provider is not available within 100 miles of the individual's residence;

''(ii) the individual is required to operate an employer's motor vehicle in the course and scope of employment and the business entity that owns the vehicle is not owned or controlled by the individual; or

''(iii) the individual is certified by a medical doctor as being unable to provide a deep lung breath sample for analysis by an ignition interlock device.''.

(d) DISTRACTED DRIVING GRANTS.—Section 405(e) of title 23, United States Code, is amended to read as follows:

''(e) DISTRACTED DRIVING GRANTS.—

''(1) IN GENERAL.—The Secretary shall award a grant under this subsection to any State that includes distracted driving awareness as part of the State's driver's license examination, and enacts and enforces a law that meets the requirements set forth in paragraphs (2) and (3).

''(2) PROHIBITION ON TEXTING WHILE DRIVING OR STOPPED IN TRAFFIC.—A State law meets the requirements set forth in this paragraph if the law—

''(A) prohibits a driver from texting through a personal wireless communications device while driving or stopped in traffic;

''(B) makes violation of the law a primary offense; and

''(C) establishes a minimum fine for a violation of the law.

''(3) PROHIBITION ON YOUTH CELL PHONE USE WHILE DRIVING OR STOPPED IN TRAFFIC.—A State law meets the requirements set forth in this paragraph if the law—

''(A) prohibits a driver from using a personal wireless communications device while driving or stopped in traffic—

''(i) younger than 18 years of age; or

''(ii) in the learner's permit and intermediate license stages set forth in subsection (g)(2)(B);

''(B) makes violation of the law a primary offense; and

''(C) establishes a minimum fine for a first violation of the law.

''(4) PERMITTED EXCEPTIONS.—A law that meets the requirements set forth in paragraph (2) or (3) may provide exceptions for—

''(A) a driver who uses a personal wireless communications device to contact emergency services;

''(B) emergency services personnel who use a personal wireless communications device while—

''(i) operating an emergency services vehicle; and

''(ii) engaged in the performance of their duties as emergency services personnel;

''(C) an individual employed as a commercial motor vehicle driver or a school bus driver who uses a personal wireless communications device within the scope of such individual's employment if such use is permitted under the regulations promulgated pursuant to section 31136 of title 49; and

''(D) any additional exceptions determined by the Secretary through a rulemaking process.

''(5) USE OF GRANT FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), amounts received by a State under this subsection shall be used—

''(i) to educate the public through advertising containing information about the dangers of texting or using a cell phone while driving;

''(ii) for traffic signs that notify drivers about the distracted driving law of the State; or

''(iii) for law enforcement costs related to the enforcement of the distracted driving law.

''(B) FLEXIBILITY.—

''(i) Not more than 50 percent of amounts received by a State under this subsection may be used for any eligible project or activity under section 402.

''(ii) Not more than 75 percent of amounts received by a State under this subsection may be used for any eligible project or activity under section 402 if the State has conformed its distracted driving data to the most recent Model Minimum Uniform Crash Criteria published by the Secretary.

''(6) ALLOCATION TO SUPPORT STATE DISTRACTED DRIVING LAWS.—Of the amounts available under this subsection in a fiscal year for distracted driving grants, the Secretary may expend not more than $5,000,000 for the development and placement of broadcast media to reduce distracted driving of motor vehicles, including to support campaigns related to distracted driving that are funded under section 404.

''(7) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State's apportionment under section 402 for fiscal year 2009.

''(8) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) DRIVING.—The term 'driving'—

''(i) means operating a motor vehicle on a public road, including operation while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise; and

''(ii) does not include operating a motor vehicle when the vehicle has pulled over to the side of, or off, an active roadway and has stopped in a location where it can safely remain stationary.

''(B) PERSONAL WIRELESS COMMUNICATIONS DEVICE.—The term 'personal wireless communications device'—

''(i) means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted; and

''(ii) does not include a global navigation satellite system receiver used for positioning, emergency notification, or navigation purposes.

''(C) PRIMARY OFFENSE.—The term 'primary offense' means an offense for which a law enforcement officer may stop a vehicle solely for the purpose of issuing a citation in the absence of evidence of another offense.

''(D) PUBLIC ROAD.—The term 'public road' has the meaning given such term in section 402(c).

''(E) TEXTING.—The term 'texting' means reading from or manually entering data into a personal wireless communications device, including doing so for the purpose of SMS texting, emailing, instant messaging, or engaging in any other form of electronic data retrieval or electronic data communication.''.

(e) MOTORCYCLIST SAFETY.—Section 405(f) of title 23, United States Code, is amended—

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

''(2) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State's apportionment under section 402 for fiscal year 2009, except that the amount of a grant awarded to a State for a fiscal year may not exceed 25 percent of the amount apportioned to the State under such section for fiscal year 2009.'';

(2) in paragraph (4) by adding at the end the following:

''(C) FLEXIBILITY.—Not more than 50 percent of grant funds received by a State under this subsection may be used for any eligible project or activity under section 402 if the State is in the lowest 25 percent of all States for motorcycle deaths per 10,000 motorcycle registrations based on the most recent data that conforms with criteria established by the Secretary.''; and

(3) by adding at the end the following:

''(6) SHARE-THE-ROAD MODEL LANGUAGE.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall update and provide to the States model language for use in traffic safety education courses, driver's manuals, and other driver training materials that provides instruction for drivers of motor vehicles on the importance of sharing the road safely with motorcyclists.''.

(f) STATE GRADUATED DRIVER LICENSING INCENTIVE GRANT.—Section 405(g) of title 23, United States Code, is amended to read as follows:

''(g) STATE GRADUATED DRIVER LICENSING INCENTIVE GRANT.—

''(1) GRANTS AUTHORIZED.—Subject to the requirements under this subsection, the Secretary shall award grants to States that adopt and implement graduated driver licensing laws in accordance with the requirements set forth in paragraph (2).

''(2) MINIMUM REQUIREMENTS.—

''(A) IN GENERAL.—A State meets the requirements set forth in this paragraph if the State has a graduated driver licensing law that requires novice drivers younger than 18 years of age to comply with the 2-stage licensing process described in subparagraph (B) before receiving an unrestricted driver's license.

''(B) LICENSING PROCESS.—A State is in compliance with the 2-stage licensing process described in this subparagraph if the State's driver's license laws comply with the additional requirements under subparagraph (C) and includes—

''(i) a learner's permit stage that—

''(I) is not less than 6 months in duration and remains in effect until the driver reaches not less than 16 years of age;

''(II) contains a prohibition on the driver using a personal wireless communications device (as defined in subsection (e)) while driving except under an exception permitted under subsection (e)(4);

''(III) requires that the driver be accompanied and supervised at all times while operating a motor vehicle by a licensed driver who is—

''(aa) not less than 21 years of age;

''(bb) the driver's parent or guardian; or

''(cc) a State-certified driving instructor; and

''(IV) complies with the additional requirements for a learner's permit stage set forth in subparagraph (C)(i); and

''(ii) an intermediate stage that—

''(I) is not less than 6 months in duration;

''(II) contains a prohibition on the driver using a personal wireless communications device (as defined in subsection (e)) while driving except under an exception permitted under subsection (e)(4);

''(III) for the first 6 months of such stage, restricts driving at night when not supervised by a licensed driver described in clause (i)(III), excluding transportation to work, school, or religious activities, or in the case of an emergency;

''(IV) for a period of not less than 6 months, prohibits the driver from operating a motor vehicle with more than 1 nonfamilial passenger under 21 years of age unless a licensed driver described in clause (i)(III) is in the vehicle; and

''(V) complies with the additional requirements for an intermediate stage set forth in subparagraph (C)(ii).

''(C) ADDITIONAL REQUIREMENTS.—

''(i) LEARNER'S PERMIT STAGE.—In addition to the requirements of subparagraph (B)(i), a learner's permit stage shall include not less than 2 of the following requirements:

''(I) Passage of a vision and knowledge assessment by a learner's permit applicant prior to receiving a learner's permit.

''(II) The driver completes—

''(aa) a State-certified driver education or training course; or

''(bb) not less than 40 hours of behind-the-wheel training with a licensed driver described in subparagraph (B)(i)(III).

''(III) In addition to any other penalties imposed by State law, the grant of an unrestricted driver's license or advancement to an intermediate stage be automatically delayed for any individual who, during the learner's permit stage, is convicted of a driving-related offense, including—

''(aa) driving while intoxicated;

''(bb) misrepresentation of the individual's age;

''(cc) reckless driving;

''(dd) driving without wearing a seatbelt;

''(ee) speeding; or

''(ff) any other driving-related offense, as determined by the Secretary.

''(ii) INTERMEDIATE STAGE.—In addition to the requirements of subparagraph (B)(ii), an intermediate stage shall include not less than 2 of the following requirements:

''(I) Commencement of such stage after the successful completion of a driving skills test.

''(II) That such stage remain in effect until the driver reaches the age of not less than 17.

''(III) In addition to any other penalties imposed by State law, the grant of an unrestricted driver's license be automatically delayed for any individual who, during the learner's permit stage, is convicted of a driving-related offense, including those described in clause (i)(III).

''(3) EXCEPTION.—A State that otherwise meets the minimum requirements set forth in paragraph (2) shall be deemed by the Secretary to be in compliance with the requirement set forth in paragraph (2) if the State enacted a law before January 1, 2011, establishing a class of license that permits licensees or applicants younger than 18 years of age to drive a motor vehicle—

''(A) in connection with work performed on, or for the operation of, a farm owned by family members who are directly related to the applicant or licensee; or

''(B) if demonstrable hardship would result from the denial of a license to the licensees or applicants.

''(4) ALLOCATION.—Grant funds allocated to a State under this subsection for a fiscal year shall be in proportion to the State's apportionment under section 402 for fiscal year 2009.

''(5) USE OF FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), grant funds received by a State under this subsection shall be used for—

''(i) enforcing a 2-stage licensing process that complies with paragraph (2);

''(ii) training for law enforcement personnel and other relevant State agency personnel relating to the enforcement described in clause (i);

''(iii) publishing relevant educational materials that pertain directly or indirectly to the State graduated driver licensing law;

''(iv) carrying out other administrative activities that the Secretary considers relevant to the State's 2-stage licensing process; or

''(v) carrying out a teen traffic safety program described in section 402(m).

''(B) FLEXIBILITY.—

''(i) Not more than 75 percent of grant funds received by a State under this subsection may be used for any eligible project or activity under section 402.

''(ii) Not more than 100 percent of grant funds received by a State under this subsection may be used for any eligible project or activity under section 402, if the State is in the lowest 25 percent of all States for the number of drivers under age 18 involved in fatal crashes in the State per the total number of drivers under age 18 in the State based on the most recent data that conforms with criteria established by the Secretary.''.

(g) NONMOTORIZED SAFETY.—Section 405 of title 23, United States Code, is amended by adding at the end the following:

''(h) NONMOTORIZED SAFETY.—

''(1) GENERAL AUTHORITY.—Subject to the requirements under this subsection, the Secretary shall award grants to States for the purpose of decreasing pedestrian and bicycle fatalities and injuries that result from crashes involving a motor vehicle.

''(2) FEDERAL SHARE.—The Federal share of the cost of a project carried out by a State using amounts from a grant awarded under this subsection may not exceed 80 percent.

''(3) ELIGIBILITY.—A State shall receive a grant under this subsection in a fiscal year if the annual combined pedestrian and bicycle fatalities in the State exceed 15 percent of the total annual crash fatalities in the State, based on the most recently reported final data from the Fatality Analysis Reporting System.

''(4) USE OF GRANT AMOUNTS.—Grant funds received by a State under this subsection may be used for—

''(A) training of law enforcement officials on State laws applicable to pedestrian and bicycle safety;

''(B) enforcement mobilizations and campaigns designed to enforce State traffic laws applicable to pedestrian and bicycle safety; and

''(C) public education and awareness programs designed to inform motorists, pedestrians, and bicyclists of State traffic laws applicable to pedestrian and bicycle safety.

''(5) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State's apportionment under section 402 for fiscal year 2009.''.

SEC. 4006. PROHIBITION ON FUNDS TO CHECK HELMET USAGE OR CREATE RELATED CHECKPOINTS FOR A MOTORCYCLE DRIVER OR PASSENGER.

The Secretary may not provide a grant or otherwise make available funding to a State, Indian tribe, county, municipality, or other local government to be used for a program or activity to check helmet usage, including checkpoints related to helmet usage, with respect to a motorcycle driver or passenger.

SEC. 4007. MARIJUANA-IMPAIRED DRIVING.

(a) STUDY.—The Secretary, in consultation with the heads of other Federal agencies as appropriate, shall conduct a study on marijuana-impaired driving.

(b) ISSUES TO BE EXAMINED.—In conducting the study, the Secretary shall examine, at a minimum, the following:

(1) Methods to detect marijuana-impaired driving, including devices capable of measuring marijuana levels in motor vehicle operators.

(2) A review of impairment standard research for driving under the influence of marijuana.

(3) Methods to differentiate the cause of a driving impairment between alcohol and marijuana.

(4) State-based policies on marijuana-impaired driving.

(5) The role and extent of marijuana impairment in motor vehicle accidents.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with other Federal agencies as appropriate, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(2) CONTENTS.—The report shall include, at a minimum, the following:

(A) FINDINGS.—The findings of the Secretary based on the study, including, at a minimum, the following:

(i) An assessment of methodologies and technologies for measuring driver impairment resulting from the use of marijuana, including the use of marijuana in combination with alcohol.

(ii) A description and assessment of the role of marijuana as a causal factor in traffic crashes and the extent of the problem of marijuana-impaired driving.

(iii) A description and assessment of current State laws relating to marijuana-impaired driving.

(iv) A determination whether an impairment standard for drivers under the influence of marijuana is feasible and could reduce vehicle accidents and save lives.

(B) RECOMMENDATIONS.—The recommendations of the Secretary based on the study, including, at a minimum, the following:

(i) Effective and efficient methods for training law enforcement personnel, including drug recognition experts, to detect or measure the level of impairment of a motor vehicle operator who is under the influence of marijuana by the use of technology or otherwise.

(ii) If feasible, an impairment standard for driving under the influence of marijuana.

(iii) Methodologies for increased data collection regarding the prevalence and effects of marijuana-impaired driving.

(d) MARIJUANA DEFINED.—In this section, the term ''marijuana'' includes all substances containing tetrahydrocannabinol.

SEC. 4008. NATIONAL PRIORITY SAFETY PROGRAM GRANT ELIGIBILITY.

Not later than 60 days after the date on which the Secretary of Transportation awards grants under section 405 of title 23, United States Code, the Secretary shall make available on a publicly available Internet Web site of the Department of Transportation—

(1) an identification of—

(A) the States that were awarded grants under such section;

(B) the States that applied and were not awarded grants under such section; and

(C) the States that did not apply for a grant under such section; and

(2) a list of deficiencies that made a State ineligible for a grant under such section for each State under paragraph (1)(B).

SEC. 4009. DATA COLLECTION.

Section 1906 of SAFETEA–LU (23 U.S.C. 402 note) is amended—

(1) in subsection (a)(1)—

(A) by striking ''(A) has enacted'' and all that follows through ''(B) is maintaining'' and inserting ''is maintaining''; and

(B) by striking ''and any passengers'';

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

''(b) USE OF GRANT FUNDS.—A grant received by a State under subsection (a) shall be used by the State for the costs of—

''(1) collecting and maintaining data on traffic stops; and

''(2) evaluating the results of the data.'';

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively;

(4) in subsection (c)(2), as so redesignated, by striking ''A State'' and inserting ''On or after October 1, 2015, a State''; and

(5) in subsection (d), as so redesignated—

(A) in the subsection heading by striking ''AUTHORIZATION OF APPROPRIATIONS'' and inserting ''FUNDING'';

(B) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—From funds made available under section 403 of title 23, United States Code, the Secretary shall set aside $7,500,000 for each of the fiscal years 2016 through 2021 to carry out this section.''; and

(C) in paragraph (2)—

(i) by striking ''authorized by'' and inserting ''made available under''; and

(ii) by striking ''percent,'' and all that follows through the period at the end and inserting ''percent.''.

SEC. 4010. TECHNICAL CORRECTIONS.

Title 23, United States Code, is amended as follows:

(1) Section 402 is amended—

(A) in subsection (b)(1)—

(i) in subparagraph (C) by striking ''paragraph (3)'' and inserting ''paragraph (2)''; and

(ii) in subparagraph (E)—

(I) by striking ''in which'' and inserting ''for which''; and

(II) by striking ''under subsection (f)'' and inserting ''under subsection (k)''; and

(B) in subsection (k)(5), as redesignated by this Act, by striking ''under paragraph (2)(A)'' and inserting ''under paragraph (3)(A)''.

(2) Section 403(e) is amended by striking ''chapter 301'' and inserting ''chapter 301 of title 49''.

(3) Section 405 is amended—

(A) in subsection (d)—

(i) in paragraph (5) by striking ''under section 402(c)'' and inserting ''under section 402''; and

(ii) in paragraph (6)(C) by striking ''on the basis of the apportionment formula set forth in section 402(c)'' and inserting ''in proportion to the State's apportionment under section 402 for fiscal year 2009''; and

(B) in subsection (f)(4)(A)(iv)—

(i) by striking ''such as the'' and inserting ''including''; and

(ii) by striking ''developed under subsection (g)''.

TITLE V—MOTOR CARRIER SAFETY

Subtitle A—Motor Carrier Safety Grant Consolidation

SEC. 5101. GRANTS TO STATES.

(a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31102 of title 49, United States Code, is amended to read as follows:

''§ 31102. Motor carrier safety assistance program

''(a) IN GENERAL.—The Secretary of Transportation shall administer a motor carrier safety assistance program funded under section 31104.

''(b) GOAL.—The goal of the program is to ensure that the Secretary, States, local governments, other political jurisdictions, federally recognized Indian tribes, and other persons work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient surface transportation system by—

''(1) making targeted investments to promote safe commercial motor vehicle transportation, including the transportation of passengers and hazardous materials;

''(2) investing in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes and in fatalities resulting from such crashes;

''(3) adopting and enforcing effective motor carrier, commercial motor vehicle, and driver safety regulations and practices consistent with Federal requirements; and

''(4) assessing and improving statewide performance by setting program goals and meeting performance standards, measures, and benchmarks.

''(c) STATE PLANS.—

''(1) IN GENERAL.—In carrying out the program, the Secretary shall prescribe procedures for a State to submit a multiple-year plan, and annual updates thereto, under which the State agrees to assume responsibility for improving motor carrier safety by adopting and enforcing State regulations, standards, and orders that are compatible with the regulations, standards, and orders of the Federal Government on commercial motor vehicle safety and hazardous materials transportation safety.

''(2) CONTENTS.—The Secretary shall approve a State plan if the Secretary determines that the plan is adequate to comply with the requirements of this section, and the plan—

''(A) implements performance-based activities, including deployment and maintenance of technology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs;

''(B) designates a lead State commercial motor vehicle safety agency responsible for administering the plan throughout the State;

''(C) contains satisfactory assurances that the lead State commercial motor vehicle safety agency has or will have the legal authority, resources, and qualified personnel necessary to enforce the regulations, standards, and orders;

''(D) contains satisfactory assurances that the State will devote adequate resources to the administration of the plan and enforcement of the regulations, standards, and orders;

''(E) provides a right of entry and inspection to carry out the plan;

''(F) provides that all reports required under this section be available to the Secretary on request;

''(G) provides that the lead State commercial motor vehicle safety agency will adopt the reporting requirements and use the forms for recordkeeping, inspections, and investigations that the Secretary prescribes;

''(H) requires all registrants of commercial motor vehicles to demonstrate knowledge of applicable safety regulations, standards, and orders of the Federal Government and the State;

''(I) provides that the State will grant maximum reciprocity for inspections conducted under the North American Inspection Standards through the use of a nationally accepted system that allows ready identification of previously inspected commercial motor vehicles;

''(J) ensures that activities described in subsection (h), if financed through grants to the State made under this section, will not diminish the effectiveness of the development and implementation of the programs to improve motor carrier, commercial motor vehicle, and driver safety as described in subsection (b);

''(K) ensures that the lead State commercial motor vehicle safety agency will coordinate the plan, data collection, and information systems with the State highway safety improvement program required under section 148(c) of title 23;

''(L) ensures participation in appropriate Federal Motor Carrier Safety Administration information technology and data systems and other information systems by all appropriate jurisdictions receiving motor carrier safety assistance program funding;

''(M) ensures that information is exchanged among the States in a timely manner;

''(N) provides satisfactory assurances that the State will undertake efforts that will emphasize and improve enforcement of State and local traffic safety laws and regulations related to commercial motor vehicle safety;

''(O) provides satisfactory assurances that the State will address national priorities and performance goals, including—

''(i) activities aimed at removing impaired commercial motor vehicle drivers from the highways of the United States through adequate enforcement of regulations on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment;

''(ii) activities aimed at providing an appropriate level of training to State motor carrier safety assistance program officers and employees on recognizing drivers impaired by alcohol or controlled substances; and

''(iii) when conducted with an appropriate commercial motor vehicle inspection, criminal interdiction activities, and appropriate strategies for carrying out those interdiction activities, including interdiction activities that affect the transportation of controlled substances (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) and listed in part 1308 of title 21, Code of Federal Regulations, as updated and republished from time to time) by any occupant of a commercial motor vehicle;

''(P) provides that the State has established and dedicated sufficient resources to a program to ensure that—

''(i) the State collects and reports to the Secretary accurate, complete, and timely motor carrier safety data; and

''(ii) the State participates in a national motor carrier safety data correction system prescribed by the Secretary;

''(Q) ensures that the State will cooperate in the enforcement of financial responsibility requirements under sections 13906, 31138, and 31139 and regulations issued under those sections;

''(R) ensures consistent, effective, and reasonable sanctions;

''(S) ensures that roadside inspections will be conducted at locations that are adequate to protect the safety of drivers and enforcement personnel;

''(T) provides that the State will include in the training manuals for the licensing examination to drive noncommercial motor vehicles and commercial motor vehicles information on best practices for driving safely in the vicinity of noncommercial and commercial motor vehicles;

''(U) provides that the State will enforce the registration requirements of sections 13902 and 31134 by prohibiting the operation of any vehicle discovered to be operated by a motor carrier without a registration issued under those sections or to be operated beyond the scope of the motor carrier's registration;

''(V) provides that the State will conduct comprehensive and highly visible traffic enforcement and commercial motor vehicle safety inspection programs in high-risk locations and corridors;

''(W) except in the case of an imminent hazard or obvious safety hazard, ensures that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a bus station, terminal, border crossing, maintenance facility, destination, or other location where a motor carrier may make a planned stop (excluding a weigh station);

''(X) ensures that the State will transmit to its roadside inspectors notice of each Federal exemption granted under section 31315(b) of this title and sections 390.23 and 390.25 of title 49, Code of Federal Regulations, and provided to the State by the Secretary, including the name of the person that received the exemption and any terms and conditions that apply to the exemption;

''(Y) except as provided in subsection (d), provides that the State—

''(i) will conduct safety audits of interstate and, at the State's discretion, intrastate new entrant motor carriers under section 31144(g); and

''(ii) if the State authorizes a third party to conduct safety audits under section 31144(g) on its behalf, the State verifies the quality of the work conducted and remains solely responsible for the management and oversight of the activities;

''(Z) provides that the State agrees to fully participate in the performance and registration information systems management under section 31106(b) not later than October 1, 2020, by complying with the conditions for participation under paragraph (3) of that section, or demonstrates to the Secretary an alternative approach for identifying and immobilizing a motor carrier with serious safety deficiencies in a manner that provides an equivalent level of safety;

''(AA) in the case of a State that shares a land border with another country, provides that the State—

''(i) will conduct a border commercial motor vehicle safety program focusing on international commerce that includes enforcement and related projects; or

''(ii) will forfeit all funds calculated by the Secretary based on border-related activities if the State declines to conduct the program described in clause (i) in its plan; and

''(BB) in the case of a State that meets the other requirements of this section and agrees to comply with the requirements established in subsection (l)(3), provides that the State may fund operation and maintenance costs associated with innovative technology deployment under subsection (l)(3) with motor carrier safety assistance program funds authorized under section 31104(a)(1).

''(3) PUBLICATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall publish each approved State multiple-year plan, and each annual update thereto, on a publically accessible Internet Web site of the Department of Transportation not later than 30 days after the date the Secretary approves the plan or update.

''(B) LIMITATION.—Before publishing an approved State multiple-year plan or annual update under subparagraph (A), the Secretary shall redact any information identified by the State that, if disclosed—

''(i) would reasonably be expected to interfere with enforcement proceedings; or

''(ii) would reveal enforcement techniques or procedures that would reasonably be expected to risk circumvention of the law.

''(d) EXCLUSION OF U.S. TERRITORIES.—The requirement that a State conduct safety audits of new entrant motor carriers under subsection (c)(2)(Y) does not apply to a territory of the United States unless required by the Secretary.

''(e) INTRASTATE COMPATIBILITY.—The Secretary shall prescribe regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws, including regulations, with Federal motor carrier safety regulations to be enforced under subsections (b) and (c). To the extent practicable, the guidelines and standards shall allow for maximum flexibility while ensuring a degree of uniformity that will not diminish motor vehicle safety.

''(f) MAINTENANCE OF EFFORT.—

''(1) BASELINE.—Except as provided under paragraphs (2) and (3) and in accordance with section 5106 of the Surface Transportation Reauthorization and Reform Act of 2015, a State plan under subsection (c) shall provide that the total expenditure of amounts of the lead State commercial motor vehicle safety agency responsible for administering the plan will be maintained at a level each fiscal year that is at least equal to—

''(A) the average level of that expenditure for fiscal years 2004 and 2005; or

''(B) the level of that expenditure for the year in which the Secretary implements a new allocation formula under section 5106 of the Surface Transportation Reauthorization and Reform Act of 2015.

''(2) ADJUSTED BASELINE AFTER FISCAL YEAR 2017.—At the request of a State, the Secretary may evaluate additional documentation related to the maintenance of effort and may make reasonable adjustments to the maintenance of effort baseline after the year in which the Secretary implements a new allocation formula under section 5106 of the Surface Transportation Reauthorization and Reform Act of 2015, and this adjusted baseline will replace the maintenance of effort requirement under paragraph (1).

''(3) WAIVERS.—At the request of a State, the Secretary may waive or modify the requirements of this subsection for a total of 1 fiscal year if the Secretary determines that the waiver or modification is reasonable, based on circumstances described by the State, to ensure the continuation of commercial motor vehicle enforcement activities in the State.

''(4) LEVEL OF STATE EXPENDITURES.—In estimating the average level of a State's expenditures under paragraph (1), the Secretary—

''(A) may allow the State to exclude State expenditures for federally sponsored demonstration and pilot programs and strike forces;

''(B) may allow the State to exclude expenditures for activities related to border enforcement and new entrant safety audits; and

''(C) shall require the State to exclude State matching amounts used to receive Federal financing under section 31104.

''(g) USE OF UNIFIED CARRIER REGISTRATION FEES AGREEMENT.—Amounts generated under section 14504a and received by a State and used for motor carrier safety purposes may be included as part of the State's match required under section 31104 or maintenance of effort required by subsection (f).

''(h) USE OF GRANTS TO ENFORCE OTHER LAWS.—When approved as part of a State's plan under subsection (c), the State may use motor carrier safety assistance program funds received under this section—

''(1) if the activities are carried out in conjunction with an appropriate inspection of a commercial motor vehicle to enforce Federal or State commercial motor vehicle safety regulations, for—

''(A) enforcement of commercial motor vehicle size and weight limitations at locations, excluding fixed-weight facilities, such as near steep grades or mountainous terrains, where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States; and

''(B) detection of and enforcement actions taken as a result of criminal activity, including the trafficking of human beings, in a commercial motor vehicle or by any occupant, including the operator, of the commercial motor vehicle; and

''(2) for documented enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles, including documented enforcement of such laws and regulations relating to noncommercial motor vehicles when necessary to promote the safe operation of commercial motor vehicles, if—

''(A) the number of motor carrier safety activities, including roadside safety inspections, conducted in the State is maintained at a level at least equal to the average level of such activities conducted in the State in fiscal years 2004 and 2005; and

''(B) the State does not use more than 10 percent of the basic amount the State receives under a grant awarded under section 31104(a)(1) for enforcement activities relating to noncommercial motor vehicles necessary to promote the safe operation of commercial motor vehicles unless the Secretary determines that a higher percentage will result in significant increases in commercial motor vehicle safety.

''(i) EVALUATION OF PLANS AND AWARD OF GRANTS.—

''(1) AWARDS.—The Secretary shall establish criteria for the application, evaluation, and approval of State plans under this section. Subject to subsection (j), the Secretary may allocate the amounts made available under section 31104(a)(1) among the States.

''(2) OPPORTUNITY TO CURE.—If the Secretary disapproves a plan under this section, the Secretary shall give the State a written explanation of the reasons for disapproval and allow the State to modify and resubmit the plan for approval.

''(j) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—The Secretary, by regulation, shall prescribe allocation criteria for funds made available under section 31104(a)(1).

''(2) ANNUAL ALLOCATIONS.—On October 1 of each fiscal year, or as soon as practicable

thereafter, and after making a deduction under section 31104(c), the Secretary shall allocate amounts made available under section 31104(a)(1) to carry out this section for the fiscal year among the States with plans approved under this section in accordance with the criteria prescribed under paragraph (1).

''(3) ELECTIVE ADJUSTMENTS.—Subject to the availability of funding and notwithstanding fluctuations in the data elements used by the Secretary to calculate the annual allocation amounts, after the creation of a new allocation formula under section 5106 of the Surface Transportation Reauthorization and Reform Act of 2015, the Secretary may not make elective adjustments to the allocation formula that decrease a State's Federal funding levels by more than 3 percent in a fiscal year. The 3 percent limit shall not apply to the withholding provisions of subsection (k).

''(k) PLAN MONITORING.—

''(1) IN GENERAL.—On the basis of reports submitted by the lead State agency responsible for administering a State plan approved under this section and an investigation by the Secretary, the Secretary shall periodically evaluate State implementation of and compliance with the State plan.

''(2) WITHHOLDING OF FUNDS.—

''(A) DISAPPROVAL.—If, after notice and an opportunity to be heard, the Secretary finds that a State plan previously approved under this section is not being followed or has become inadequate to ensure enforcement of State regulations, standards, or orders described in subsection (c)(1), or the State is otherwise not in compliance with the requirements of this section, the Secretary may withdraw approval of the State plan and notify the State. Upon the receipt of such notice, the State plan shall no longer be in effect and the Secretary shall withhold all funding to the State under this section.

''(B) NONCOMPLIANCE WITHHOLDING.—In lieu of withdrawing approval of a State plan under subparagraph (A), the Secretary may, after providing notice to the State and an opportunity to be heard, withhold funding from the State to which the State would otherwise be entitled under this section for the period of the State's noncompliance. In exercising this option, the Secretary may withhold—

''(i) up to 5 percent of funds during the fiscal year that the Secretary notifies the State of its noncompliance;

''(ii) up to 10 percent of funds for the first full fiscal year of noncompliance;

''(iii) up to 25 percent of funds for the second full fiscal year of noncompliance; and

''(iv) not more than 50 percent of funds for the third and any subsequent full fiscal year of noncompliance.

''(3) JUDICIAL REVIEW.—A State adversely affected by a determination under paragraph (2) may seek judicial review under chapter 7 of title 5. Notwithstanding the disapproval of a State plan under paragraph (2)(A) or the withholding of funds under paragraph (2)(B), the State may retain jurisdiction in an administrative or a judicial proceeding that commenced before the notice of disapproval or withholding if the issues involved are not related directly to the reasons for the disapproval or withholding.

''(l) HIGH PRIORITY PROGRAM.—

''(1) IN GENERAL.—The Secretary shall administer a high priority program funded under section 31104 for the purposes described in paragraphs (2) and (3).

''(2) ACTIVITIES RELATED TO MOTOR CARRIER SAFETY.—The Secretary may make discretionary grants to and enter into cooperative agreements with States, local governments, federally recognized Indian tribes, other political jurisdictions as necessary, and any person to carry out high priority activities and projects that augment motor carrier safety activities and projects planned in accordance with subsections (b) and (c), including activities and projects that—

''(A) increase public awareness and education on commercial motor vehicle safety;

''(B) target unsafe driving of commercial motor vehicles and noncommercial motor vehicles in areas identified as high risk crash corridors;

''(C) improve the safe and secure movement of hazardous materials;

''(D) improve safe transportation of goods and persons in foreign commerce;

''(E) demonstrate new technologies to improve commercial motor vehicle safety;

''(F) support participation in performance and registration information systems management under section 31106(b)—

''(i) for entities not responsible for submitting the plan under subsection (c); or

''(ii) for entities responsible for submitting the plan under subsection (c)—

''(I) before October 1, 2020, to achieve compliance with the requirements of participation; and

''(II) beginning on October 1, 2020, or once compliance is achieved, whichever is sooner, for special initiatives or projects that exceed routine operations required for participation;

''(G) conduct safety data improvement projects—

''(i) that complete or exceed the requirements under subsection (c)(2)(P) for entities not responsible for submitting the plan under subsection (c); or

''(ii) that exceed the requirements under subsection (c)(2)(P) for entities responsible for submitting the plan under subsection (c); and

''(H) otherwise improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations.

''(3) INNOVATIVE TECHNOLOGY DEPLOYMENT GRANT PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish an innovative technology deployment grant program to make discretionary grants funded under section 31104(a)(2) to eligible States for the innovative technology deployment of commercial motor vehicle information systems and networks.

''(B) PURPOSES.—The purposes of the program shall be—

''(i) to advance the technological capability and promote the deployment of intelligent transportation system applications for commercial motor vehicle operations, including commercial motor vehicle, commercial driver, and carrier-specific information systems and networks; and

''(ii) to support and maintain commercial motor vehicle information systems and networks—

''(I) to link Federal motor carrier safety information systems with State commercial motor vehicle systems;

''(II) to improve the safety and productivity of commercial motor vehicles and drivers; and

''(III) to reduce costs associated with commercial motor vehicle operations and Federal and State commercial motor vehicle regulatory requirements.

''(C) ELIGIBILITY.—To be eligible for a grant under this paragraph, a State shall—

''(i) have a commercial motor vehicle information systems and networks program plan approved by the Secretary that describes the various systems and networks at the State level that need to be refined, revised, upgraded, or built to accomplish deployment of commercial motor vehicle information systems and networks capabilities;

''(ii) certify to the Secretary that its commercial motor vehicle information systems and networks deployment activities, including hardware procurement, software and system development, and infrastructure modifications—

''(I) are consistent with the national intelligent transportation systems and commercial motor vehicle information systems and networks architectures and available standards; and

''(II) promote interoperability and efficiency to the extent practicable; and

''(iii) agree to execute interoperability tests developed by the Federal Motor Carrier Safety Administration to verify that its systems conform with the national intelligent transportation systems architecture, applicable standards, and protocols for commercial motor vehicle information systems and networks.

''(D) USE OF FUNDS.—Grant funds received under this paragraph may be used—

''(i) for deployment activities and activities to develop new and innovative advanced technology solutions that support commercial motor vehicle information systems and networks;

''(ii) for planning activities, including the development or updating of program or top level design plans in order to become eligible or maintain eligibility under subparagraph (C); and

''(iii) for the operation and maintenance costs associated with innovative technology.

''(E) SECRETARY AUTHORIZATION.—The Secretary is authorized to award a State funding for the operation and maintenance costs associated with innovative technology deployment with funds made available under sections 31104(a)(1) and 31104(a)(2).''.

(b) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.—Section 31103 of title 49, United States Code, is amended to read as follows:

''§ 31103. Commercial motor vehicle operators grant program

''(a) IN GENERAL.—The Secretary shall administer a commercial motor vehicle operators grant program funded under section 31104.

''(b) PURPOSE.—The purpose of the grant program is to train individuals in the safe operation of commercial motor vehicles (as defined in section 31301).

''(c) VETERANS.—In administering grants under this section, the Secretary shall award priority to grant applications for programs to train former members of the armed forces (as defined in section 101 of title 10) in the safe operation of such vehicles.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 31104 of title 49, United States Code, as amended by this Act, is further amended on the effective date set forth in subsection (f) to read as follows:

''§ 31104. Authorization of appropriations

''(a) FINANCIAL ASSISTANCE PROGRAMS.—The following sums are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account):

''(1) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Subject to paragraph (2) and subsection (c), to carry out section 31102—

''(A) $278,242,684 for fiscal year 2017;

''(B) $293,685,550 for fiscal year 2018;

''(C) $308,351,227 for fiscal year 2019;

''(D) $323,798,553 for fiscal year 2020; and

''(E) $339,244,023 for fiscal year 2021.

''(2) HIGH PRIORITY ACTIVITIES PROGRAM.—Subject to subsection (c), to make grants and cooperative agreements under section 31102(l), the Secretary may set aside from amounts made available under paragraph (1) up to—

''(A) $40,798,780 for fiscal year 2017;

''(B) $41,684,114 for fiscal year 2018;

''(C) $42,442,764 for fiscal year 2019;

''(D) $43,325,574 for fiscal year 2020; and

''(E) $44,209,416 for fiscal year 2021.

''(3) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.—To carry out section 31103—

''(A) $1,000,000 for fiscal year 2017;

''(B) $1,000,000 for fiscal year 2018;

''(C) $1,000,000 for fiscal year 2019;

''(D) $1,000,000 for fiscal year 2020; and

''(E) $1,000,000 for fiscal year 2021.

''(4) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION PROGRAM.—Subject to subsection (c), to carry out section 31313—

''(A) $30,958,536 for fiscal year 2017;

''(B) $31,630,336 for fiscal year 2018;

''(C) $32,206,008 for fiscal year 2019;

''(D) $32,875,893 for fiscal year 2020; and

''(E) $33,546,562 for fiscal year 2021.

''(b) REIMBURSEMENT AND PAYMENT TO RECIPIENTS FOR GOVERNMENT SHARE OF COSTS.—

''(1) IN GENERAL.—Amounts made available under subsection (a) shall be used to reimburse financial assistance recipients proportionally for the Federal Government's share of the costs incurred.

''(2) REIMBURSEMENT AMOUNTS.—The Secretary shall reimburse a recipient, in accordance with a financial assistance agreement made under section 31102, 31103, or 31313, an amount that is at least 85 percent of the costs incurred by the recipient in a fiscal year in developing and implementing programs under such sections. The Secretary shall pay the recipient an amount not more than the Federal Government share of the total costs approved by the Federal Government in the financial assistance agreement. The Secretary shall include a recipient's in-kind contributions in determining the reimbursement.

''(3) VOUCHERS.—Each recipient shall submit vouchers at least quarterly for costs the recipient incurs in developing and implementing programs under sections 31102, 31103, and 31313.

''(c) DEDUCTIONS FOR PARTNER TRAINING AND PROGRAM SUPPORT.—On October 1 of each fiscal year, or as soon after that date as practicable, the Secretary may deduct from amounts made available under paragraphs (1), (2), and (4) of subsection (a) for that fiscal year not more than 1.50 percent of those amounts for partner training and program support in that fiscal year. The Secretary shall use at least 75 percent of those deducted amounts to train non-Federal Government employees and to develop related training materials in carrying out such programs.

''(d) GRANTS AND COOPERATIVE AGREEMENTS AS CONTRACTUAL OBLIGATIONS.—The approval of a financial assistance agreement by the Secretary under section 31102, 31103, or 31313 is a contractual obligation of the Federal Government for payment of the Federal Government's share of costs in carrying out the provisions of the grant or cooperative agreement.

''(e) ELIGIBLE ACTIVITIES.—The Secretary shall establish criteria for eligible activities to be funded with financial assistance agreements under this section and publish those criteria in a notice of funding availability before the financial assistance program application period.

''(f) PERIOD OF AVAILABILITY OF FINANCIAL ASSISTANCE AGREEMENT FUNDS FOR RECIPIENT EXPENDITURES.—The period of availability for a recipient to expend funds under a grant or cooperative agreement authorized under subsection (a) is as follows:

''(1) For grants made for carrying out section 31102, other than section 31102(l), for the fiscal year in which the Secretary approves the financial assistance agreement and for the next fiscal year.

''(2) For grants made or cooperative agreements entered into for carrying out section 31102(l)(2), for the fiscal year in which the Secretary approves the financial assistance agreement and for the next 2 fiscal years.

''(3) For grants made for carrying out section 31102(l)(3), for the fiscal year in which the Secretary approves the financial assistance agreement and for the next 4 fiscal years.

''(4) For grants made for carrying out section 31103, for the fiscal year in which the Secretary approves the financial assistance agreement and for the next fiscal year.

''(5) For grants made or cooperative agreements entered into for carrying out section 31313, for the fiscal year in which the Secretary approves the financial assistance agreement and for the next 4 fiscal years.

''(g) CONTRACT AUTHORITY; INITIAL DATE OF AVAILABILITY.—Amounts authorized from the Highway Trust Fund (other than the Mass Transit Account) by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

''(h) AVAILABILITY OF FUNDING.—Amounts made available under this section shall remain available until expended.''.

(d) CLERICAL AMENDMENT.—The analysis for chapter 311 of title 49, United States Code, is amended by striking the items relating to sections 31102, 31103, and 31104 and inserting the following:

''31102. Motor carrier safety assistance program.

''31103. Commercial motor vehicle operators grant program.

''31104. Authorization of appropriations.''.

(e) CONFORMING AMENDMENTS.—

(1) SAFETY FITNESS OF OWNERS AND OPERATOR; SAFETY REVIEWS OF NEW OPERATORS.—Section 31144(g) of title 49, United States Code, is amended by striking paragraph (5).

(2) INFORMATION SYSTEMS; PERFORMANCE AND REGISTRATION INFORMATION PROGRAM.—Section 31106(b) of title 49, United States Code, is amended by striking paragraph (4).

(3) BORDER ENFORCEMENT GRANTS.—Section 31107 of title 49, United States Code, and the item relating to that section in the analysis for chapter 311 of that title, are repealed.

(4) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT.—Section 31109 of title 49, United States Code, and the item relating to that section in the analysis for chapter 311 of that title, are repealed.

(5) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—Section 4126 of SAFETEA–LU (49 U.S.C. 31106 note), and the item relating to that section in the table of contents contained in section 1(b) of that Act, are repealed.

(6) SAFETY DATA IMPROVEMENT PROGRAM.—Section 4128 of SAFETEA–LU (49 U.S.C. 31100 note), and the item relating to that section in the table of contents contained in section 1(b) of that Act, are repealed.

(7) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134 of SAFETEA–LU (49 U.S.C. 31301 note), and the item relating to that section in the table of contents contained in section 1(b) of that Act, are repealed.

(8) MAINTENANCE OF EFFORT AS CONDITION ON GRANTS TO STATES.—Section 103(c) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31102 note) is repealed.

(9) STATE COMPLIANCE WITH CDL REQUIREMENTS.—Section 103(e) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31102 note) is repealed.

(10) BORDER STAFFING STANDARDS.—Section 218(d) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31133 note) is amended—

(A) in paragraph (1) by striking ''section 31104(f)(2)(B) of title 49, United States Code'' and inserting ''section 31104(a)(1) of title 49, United States Code''; and

(B) by striking paragraph (3).

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

(g) TRANSITION.—Notwithstanding the amendments made by this section, the Secretary shall carry out sections 31102, 31103, 31104 of title 49, United States Code, and any sections repealed under subsection (e), as necessary, as those sections were in effect on the day before October 1, 2016, with respect to applications for grants, cooperative agreements, or contracts under those sections submitted before October 1, 2016.

SEC. 5102. PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT.

Section 31106(b) of title 49, United States Code, is amended in the subheading by striking ''PROGRAM'' and inserting ''SYSTEMS MANAGEMENT''.

SEC. 5103. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subchapter I of chapter 311 of title 49, United States Code, is amended by adding at the end the following:

''§ 31110. Authorization of appropriations

''(a) ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

''(1) $259,000,000 for fiscal year 2016;

''(2) $259,000,000 for fiscal year 2017;

''(3) $259,000,000 for fiscal year 2018;

''(4) $259,000,000 for fiscal year 2019;

''(5) $259,000,000 for fiscal year 2020; and

''(6) $259,000,000 for fiscal year 2021.

''(b) USE OF FUNDS.—The funds authorized by this section shall be used for—

''(1) personnel costs;

''(2) administrative infrastructure;

''(3) rent;

''(4) information technology;

''(5) programs for research and technology, information management, regulatory development, and the administration of performance and registration information systems management under section 31106(b);

''(6) programs for outreach and education under subsection (c);

''(7) other operating expenses;

''(8) conducting safety reviews of new operators; and

''(9) such other expenses as may from time to time become necessary to implement statutory mandates of the Federal Motor Carrier Safety Administration not funded from other sources.

''(c) OUTREACH AND EDUCATION PROGRAM.—

''(1) IN GENERAL.—The Secretary may conduct, through any combination of grants, contracts, cooperative agreements, and other activities, an internal and external outreach and education program to be administered by the Administrator of the Federal Motor Carrier Safety Administration.

''(2) FEDERAL SHARE.—The Federal share of an outreach and education project for which a grant, contract, or cooperative agreement is made under this subsection may be up to 100 percent of the cost of the project.

''(3) FUNDING.—From amounts made available under subsection (a), the Secretary shall make available not more than $4,000,000 each fiscal year.

''(d) CONTRACT AUTHORITY; INITIAL DATE OF AVAILABILITY.—Amounts authorized from the Highway Trust Fund (other than the Mass Transit Account) by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

''(e) FUNDING AVAILABILITY.—Amounts made available under this section shall remain available until expended.

''(f) CONTRACTUAL OBLIGATION.—The approval of funds by the Secretary under this section is a contractual obligation of the Federal Government for payment of the Federal Government's share of costs.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 311 of title 49, United States Code, is amended by adding at the end of the items relating to subchapter I the following:

''31110. Authorization of appropriations.''.

(c) CONFORMING AMENDMENTS.—

(1) ADMINISTRATIVE EXPENSES; AUTHORIZATION OF APPROPRIATIONS.—Section 31104 of title 49, United States Code, is amended—

(A) by striking subsection (i); and

(B) by redesignating subsections (j) and (k) as subsections (i) and (j), respectively.

(2) USE OF AMOUNTS MADE AVAILABLE UNDER SUBSECTION (i).—Section 4116(d) of SAFETEA–LU (49 U.S.C. 31104 note) is amended by striking ''section 31104(i)'' and inserting ''section 31110''.

(3) INTERNAL COOPERATION.—Section 31161 of title 49, United States Code, is amended by striking ''section 31104(i)'' and inserting ''section 31110''.

(4) SAFETEA–LU; OUTREACH AND EDUCATION.—Section 4127 of SAFETEA–LU (119 Stat. 1741; Public Law 109–59), and the item relating to that section in the table of contents contained in section 1(b) of that Act, are repealed.

SEC. 5104. COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION.

(a) IN GENERAL.—Section 31313 of title 49, United States Code, is amended to read as follows:

''§ 31313. Commercial driver's license program implementation financial assistance program

''(a) IN GENERAL.—The Secretary of Transportation shall administer a financial assistance program for commercial driver's license program implementation for the purposes described in paragraphs (1) and (2).

''(1) STATE COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION GRANTS.—In carrying out the program, the Secretary may make a grant to a State agency in a fiscal year—

''(A) to assist the State in complying with the requirements of section 31311;

''(B) in the case of a State that is making a good faith effort toward substantial compliance with the requirements of section 31311, to improve the State's implementation of its commercial driver's license program, including expenses—

''(i) for computer hardware and software;

''(ii) for publications, testing, personnel, training, and quality control;

''(iii) for commercial driver's license program coordinators; and

''(iv) to implement or maintain a system to notify an employer of an operator of a commercial motor vehicle of the suspension or revocation of the operator's commercial driver's license consistent with the standards developed under section 32303(b) of the Commercial Motor Vehicle Safety Enhancement Act of 2012 (49 U.S.C. 31304 note).

''(2) PRIORITY ACTIVITIES.—The Secretary may make a grant to or enter into a cooperative agreement with a State agency, local government, or any person in a fiscal year for research, development and testing, demonstration projects, public education, and other special activities and projects relating to commercial drivers licensing and motor vehicle safety that—

''(A) benefit all jurisdictions of the United States;

''(B) address national safety concerns and circumstances;

''(C) address emerging issues relating to commercial driver's license improvements;

''(D) support innovative ideas and solutions to commercial driver's license program issues; or

''(E) address other commercial driver's license issues, as determined by the Secretary.

''(b) PROHIBITIONS.—A recipient may not use financial assistance funds awarded under this section to rent, lease, or buy land or buildings.

''(c) REPORT.—The Secretary shall issue an annual report on the activities carried out under this section.

''(d) APPORTIONMENT.—All amounts made available to carry out this section for a fiscal year shall be apportioned to a recipient described in subsection (a)(2) according to criteria prescribed by the Secretary.

''(e) FUNDING.—For fiscal years beginning after September 30, 2016, this section shall be funded under section 31104.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 313 of title 49, United States Code, is amended by striking the item relating to section 31313 and inserting the following:

''31313. Commercial driver's license program implementation financial assistance program.''.

SEC. 5105. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY PROGRAMS FOR FISCAL YEAR 2016.

(a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM GRANT EXTENSION.—Section 31104(a) of title 49, United States Code, is amended by striking paragraphs (10) and (11) and inserting the following:

''(10) $218,000,000 for fiscal year 2015; and

''(11) $241,480,000 for fiscal year 2016.''.

(b) EXTENSION OF GRANT PROGRAMS.—Section 4101(c) of SAFETEA–LU (119 Stat. 1715; Public Law 109–59) is amended to read as follows:

''(c) AUTHORIZATION OF APPROPRIATIONS.—The following sums are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account):

''(1) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENT GRANTS.—For carrying out the commercial driver's license program improvement grants program under section 31313 of title 49, United States Code, $30,480,000 for fiscal year 2016.

''(2) BORDER ENFORCEMENT GRANTS.—For border enforcement grants under section 31107 of that title $32,512,000 for fiscal year 2016.

''(3) PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT GRANT PROGRAM.—For the performance and registration information systems management grant program under section 31109 of that title $5,080,000 for fiscal year 2016.

''(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—For carrying out the commercial vehicle information systems and networks deployment program under section 4126 of this Act $25,400,000 for fiscal year 2016.

''(5) SAFETY DATA IMPROVEMENT GRANTS.—For safety data improvement grants under section 4128 of this Act $3,048,000 for fiscal year 2016.''.

(c) HIGH-PRIORITY ACTIVITIES.—Section 31104(j)(2) of title 49, United States Code, as redesignated by this subtitle, is amended by striking ''2015'' the first place it appears and inserting ''2016''.

(d) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended to read as follows:

''(B) SET ASIDE.—The Secretary shall set aside from amounts made available under section 31104(a) up to $32,000,000 for fiscal year 2016 for audits of new entrant motor carriers conducted under this paragraph.''.

(e) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU (49 U.S.C. 31301 note) is amended to read as follows:

''(c) FUNDING.—From amounts made available under section 31110 of title 49, United States Code, the Secretary shall make available, $1,000,000 for fiscal year 2016 to carry out this section.''.

(f) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—

(1) IN GENERAL.—Section 4126 of SAFETEA–LU (49 U.S.C. 31106 note; 119 Stat. 1738; Public Law 109–59) is amended—

(A) in subsection (c)—

(i) in paragraph (2) by adding at the end the following: ''Funds deobligated by the Secretary from previous year grants shall not be counted toward the $2,500,000 maximum aggregate amount for core deployment.''; and

(ii) in paragraph (3) by adding at the end the following: ''Funds may also be used for planning activities, including the development or updating of program or top level design plans.''; and

(B) in subsection (d)(4) by adding at the end the following: ''Funds may also be used for planning activities, including the development or updating of program or top level design plans.''.

(2) INNOVATIVE TECHNOLOGY DEPLOYMENT PROGRAM.—For fiscal year 2016, the commercial vehicle information systems and networks deployment program under section 4126 of SAFETEA–LU (119 Stat. 1738; Public Law 109–59) may also be referred to as the innovative technology deployment program.

SEC. 5106. MOTOR CARRIER SAFETY ASSISTANCE PROGRAM ALLOCATION.

(a) WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a motor carrier safety assistance program formula working group (in this section referred to as the ''working group'').

(2) MEMBERSHIP.—

(A) IN GENERAL.—Subject to subparagraph (B), the working group shall consist of representatives of the following:

(i) The Federal Motor Carrier Safety Administration.

(ii) The lead State commercial motor vehicle safety agencies responsible for administering the plan required by section 31102 of title 49, United States Code.

(iii) An organization representing State agencies responsible for enforcing a program for inspection of commercial motor vehicles.

(iv) Such other persons as the Secretary considers necessary.

(B) COMPOSITION.—Representatives of State commercial motor vehicle safety agencies shall comprise at least 51 percent of the membership.

(3) NEW ALLOCATION FORMULA.—The working group shall analyze requirements and factors for the establishment of a new allocation formula for the motor carrier assistance program under section 31102 of title 49, United States Code.

(4) RECOMMENDATION.—Not later than 1 year after the date the working group is established under paragraph (1), the working group shall make a recommendation to the Secretary regarding a new allocation formula for the motor carrier assistance program.

(5) EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this subsection.

(6) PUBLICATION.—The Administrator of the Federal Motor Carrier Safety Administration shall publish on a publicly accessible Internet Web site of the Federal Motor Carrier Safety Administration—

(A) summaries of the meetings of the working group; and

(B) the final recommendation of the working group provided to the Secretary.

(b) NOTICE OF PROPOSED RULEMAKING.—After receiving the recommendation of the working group under subsection (a)(4), the Secretary shall publish in the Federal Register a notice seeking public comment on the establishment of a new allocation formula for the motor carrier safety assistance program.

(c) BASIS FOR FORMULA.—The Secretary shall ensure that the new allocation formula for the motor carrier assistance program is based on factors that reflect, at a minimum—

(1) the relative needs of the States to comply with section 31102 of title 49, United States Code;

(2) the relative administrative capacities of and challenges faced by States in complying with that section;

(3) the average of each State's new entrant motor carrier inventory for the 3-year period prior to the date of enactment of this Act;

(4) the number of international border inspection facilities and border crossings by commercial vehicles in each State; and

(5) any other factors the Secretary considers appropriate.

(d) FUNDING AMOUNTS PRIOR TO DEVELOPMENT OF NEW ALLOCATION FORMULA.—

(1) INTERIM FORMULA.—Prior to the development of the new allocation formula for the motor carrier assistance program, the Secretary may calculate the interim funding amounts for that program in fiscal year 2017 (and later fiscal years, as necessary) under section 31104(a)(1) of title 49, United States Code, as amended by this subtitle, by using the following methodology:

(A) The Secretary shall calculate the funding amount to a State using the allocation formula the Secretary used to award motor carrier safety assistance program funding in fiscal year 2016 under section 31102 of title 49, United States Code.

(B) The Secretary shall average the funding awarded or other equitable amounts to a State in fiscal years 2013, 2014, and 2015 for—

(i) border enforcement grants under section 31107 of title 49, United States Code; and

(ii) new entrant audit grants under section 31144(g)(5) of that title.

(C) The Secretary shall add the amounts calculated in subparagraphs (A) and (B).

(2) ADJUSTMENTS.—Subject to the availability of funding and notwithstanding fluctuations in the data elements used by the Secretary, the initial amounts resulting from the calculation described in paragraph (1) shall be adjusted to ensure that, for each State, the amount shall not be less than 97 percent of the average amount of funding received or other equitable amounts in fiscal years 2013, 2014, and 2015 for—

(A) motor carrier safety assistance program funds awarded to the State under section 31102 of title 49, United States Code;

(B) border enforcement grants awarded to the State under section 31107 of title 49, United States Code; and

(C) new entrant audit grants awarded to the State under section 31144(g)(5) of title 49, United States Code.

(3) IMMEDIATE RELIEF.—In developing the new allocation formula, the Secretary shall terminate the withholding of motor carrier assistance program funds from a State for at least 3 fiscal years if the State was subject to the withholding of such funds for matters of noncompliance immediately prior to the date of enactment of this Act.

(4) FUTURE WITHHOLDINGS.—Beginning on the date that the new allocation formula for the motor carrier assistance program is implemented, the Secretary shall impose all future withholdings in accordance with section 31102(k) of title 49, United States Code, as amended by this subtitle.

(e) TERMINATION OF WORKING GROUP.—The working group established under subsection (a) shall terminate on the date of the implementation of a new allocation formula for the motor carrier safety assistance program.

SEC. 5107. MAINTENANCE OF EFFORT CALCULATION.

(a) BEFORE NEW ALLOCATION FORMULA.—

(1) FISCAL YEAR 2017.—If a new allocation formula for the motor carrier safety assistance program has not been established under this subtitle for fiscal year 2017, the Secretary shall calculate for fiscal year 2017 the maintenance of effort baseline required under section 31102(f) of title 49, United States Code, as amended by this subtitle, by averaging the expenditures for fiscal years 2004 and 2005 required by section 31102(b)(4) of title 49, United States Code, as that section was in effect on the day before the date of enactment of this Act.

(2) SUBSEQUENT FISCAL YEARS.—The Secretary may use the methodology for calculating the maintenance of effort baseline specified in paragraph (1) for fiscal year 2018 and subsequent fiscal years if a new allocation formula for the motor carrier safety assistance program has not been established for that fiscal year.

(b) BEGINNING WITH NEW ALLOCATION FORMATION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3)(B), beginning on the date that a new allocation formula for the motor carrier safety assistance program is established under this subtitle, upon the request of a State, the Secretary may waive or modify the baseline maintenance of effort required of the State by section 31102(e) of title 49, United States Code, as amended by this subtitle, for the purpose of establishing a new baseline maintenance of effort if the Secretary determines that a waiver or modification—

(A) is equitable due to reasonable circumstances;

(B) will ensure the continuation of commercial motor vehicle enforcement activities in the State; and

(C) is necessary to ensure that the total amount of State maintenance of effort and matching expenditures required under sections 31102 and 31104 of title 49, United States Code, as amended by this subtitle, does not exceed a sum greater than the average of the total amount of State maintenance of effort and matching expenditures required under those sections for the 3 fiscal years prior to the date of enactment of this Act.

(2) ADJUSTMENT METHODOLOGY.—If requested by a State, the Secretary may modify the maintenance of effort baseline referred to in paragraph (1) for the State according to the following methodology:

(A) The Secretary shall establish the maintenance of effort baseline for the State using the average baseline of fiscal years 2004 and 2005, as required by section 31102(b)(4) of title 49, United States Code, as that section was in effect on the day before the date of enactment of this Act.

(B) The Secretary shall calculate the average required match by a lead State commercial motor vehicle safety agency for fiscal years 2013, 2014, and 2015 for motor carrier safety assistance grants established at 20 percent by section 31103 of title 49, United States Code, as that section was in effect on the day before the date of enactment of this Act.

(C) The Secretary shall calculate the estimated match required under section 31104(b) of title 49, United States Code, as amended by this subtitle.

(D) The Secretary shall subtract the amount in subparagraph (B) from the amount in subparagraph (C) and—

(i) if the number is greater than 0, the Secretary shall subtract the number from the amount in subparagraph (A); or

(ii) if the number is not greater than 0, the Secretary shall calculate the maintenance of effort using the methodology in subparagraph (A).

(3) MAINTENANCE OF EFFORT AMOUNT.—

(A) IN GENERAL.—The Secretary shall use the amount calculated under paragraph (2) as the baseline maintenance of effort required under section 31102(f) of title 49, United States Code, as amended by this subtitle.

(B) DEADLINE.—If a State does not request a waiver or modification under this subsection before September 30 during the first fiscal year that the Secretary implements a new allocation formula for the motor carrier safety assistance program under this subtitle, the Secretary shall calculate the maintenance of effort using the methodology described in paragraph (2)(A).

(4) MAINTENANCE OF EFFORT DESCRIBED.—The maintenance of effort calculated under this section is the amount required under section 31102(f) of title 49, United States Code, as amended by this subtitle.

(c) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary under this section shall terminate effective on the date that a new maintenance of effort baseline is calculated based on a new allocation formula for the motor carrier safety assistance program implemented under section 31102 of title 49, United States Code.

Subtitle B—Federal Motor Carrier Safety Administration Reform

PART I—REGULATORY REFORM

SEC. 5201. NOTICE OF CANCELLATION OF INSURANCE.

Section 13906(e) of title 49, United States Code, is amended by inserting ''or suspend'' after ''revoke''.

SEC. 5202. REGULATIONS.

Section 31136 of title 49, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g) and transferring such subsection to appear at the end of section 31315 of such title; and

(2) by adding at the end the following:

''(f) REGULATORY IMPACT ANALYSIS.—Within each regulatory impact analysis of a proposed or final rule issued by the Federal Motor Carrier Safety Administration, the Secretary shall, whenever practicable—

''(1) consider the effects of the proposed or final rule on different segments of the motor carrier industry;

''(2) formulate estimates and findings based on the best available science; and

''(3) utilize available data specific to the different types of motor carriers, including small and large carriers, and drivers that will be impacted by the proposed or final rule.

''(g) PUBLIC PARTICIPATION.—

''(1) IN GENERAL.—If a proposed rule promulgated under this part is likely to lead to the promulgation of a major rule, the Secretary, before promulgating such proposed rule, shall—

''(A) issue an advance notice of proposed rulemaking; or

''(B) proceed with a negotiated rulemaking.

''(2) REQUIREMENTS.—Each advance notice of proposed rulemaking issued under paragraph (1) shall—

''(A) identify the need for a potential regulatory action;

''(B) identify and request public comment on the best available science or technical information relevant to analyzing potential regulatory alternatives;

''(C) request public comment on the available data and costs with respect to regulatory alternatives reasonably likely to be considered as part of the rulemaking; and

''(D) request public comment on available alternatives to regulation.

''(3) WAIVER.—This subsection does not apply to a proposed rule if the Secretary, for good cause, finds (and incorporates the finding and a brief statement of reasons for such finding in the proposed or final rule) that an advance notice of proposed rulemaking is impracticable, unnecessary, or contrary to the public interest.

''(h) REVIEW OF RULES.—

''(1) IN GENERAL.—Once every 5 years, the Secretary shall conduct a review of regulations issued under this part.

''(2) SCHEDULE.—At the beginning of each 5-year review period, the Secretary shall publish a schedule that sets forth the plan for completing the review under paragraph (1) within 5 years.

''(3) NOTIFICATION OF CHANGES.—During each review period, the Secretary shall address any changes to the schedule published under paragraph (2) and notify the public of such changes.

''(4) CONSIDERATION OF PETITIONS.—In conducting a review under paragraph (1), the Secretary shall consider petitions for regulatory action under this part received by the Administrator of the Federal Motor Carrier Safety Administration.

''(5) ASSESSMENT.—At the conclusion of each review under paragraph (1), the Secretary shall publish on a publicly accessible Internet Web site of the Department of Transportation an assessment that includes—

''(A) an inventory of the regulations issued during the 5-year period ending on the date on which the assessment is published;

''(B) a determination of whether the regulations are—

''(i) consistent and clear;

''(ii) current with the operational realities of the motor carrier industry; and

''(iii) uniformly enforced; and

''(C) an assessment of whether the regulations continue to be necessary.

''(6) RULEMAKING.—Not later than 2 years after the completion of each review under this subsection, the Secretary shall initiate a rulemaking to amend regulations as necessary to address the determinations made under paragraph (5)(B) and the results of the assessment under paragraph (5)(C).

''(i) RULE OF CONSTRUCTION.—Nothing in subsection (f) or (g) may be construed to limit the contents of an advance notice of proposed rulemaking.''.

SEC. 5203. GUIDANCE.

(a) IN GENERAL.—

(1) DATE OF ISSUANCE AND POINT OF CONTACT.—Each guidance document issued by the Federal Motor Carrier Safety Administration shall have a date of issuance or a date of revision, as applicable, and shall include the name and contact information of a point of contact at the Administration who can respond to questions regarding the guidance.

(2) PUBLIC ACCESSIBILITY.—

(A) IN GENERAL.—Each guidance document issued or revised by the Federal Motor Carrier Safety Administration shall be published on a publicly accessible Internet Web site of the Department on the date of issuance or revision.

(B) REDACTION.—The Administrator of the Federal Motor Carrier Safety Administration may redact from a guidance document published under subparagraph (A) any information that would reveal investigative techniques that would compromise Administration enforcement efforts.

(3) INCORPORATION INTO REGULATIONS.—Not later than 5 years after the date on which a guidance document is published under paragraph (2) or during an applicable review under subsection (c), whichever is earlier, the Secretary shall revise regulations to incorporate the guidance document to the extent practicable.

(4) REISSUANCE.—If a guidance document is not incorporated into regulations in accordance with paragraph (3), the Administrator shall—

(A) reissue an updated version of the guidance document; and

(B) review and reissue an updated version of the guidance document every 5 years until the date on which the guidance document is removed or incorporated into applicable regulations.

(b) INITIAL REVIEW.—Not later than 1 year after the date of enactment of this Act, the Administrator shall review all guidance documents published under subsection (a) to ensure that such documents are current, are readily accessible to the public, and meet the standards specified in subparagraphs (A), (B), and (C) of subsection (c)(1).

(c) REGULAR REVIEW.—

(1) IN GENERAL.—Subject to paragraph (2), not less than once every 5 years, the Administrator shall conduct a comprehensive review of the guidance documents issued by the Federal Motor Carrier Safety Administration to determine whether such documents are—

(A) consistent and clear;

(B) uniformly and consistently enforced; and

(C) still necessary.

(2) NOTICE AND COMMENT.—Prior to beginning a review under paragraph (1), the Administrator shall publish in the Federal Register a notice and request for comment that solicits input from stakeholders on which guidance documents should be updated or eliminated.

(3) REPORT.—

(A) IN GENERAL.—Not later than 60 days after the date on which a review under paragraph (1) is completed, the Administrator shall publish on a publicly accessible Internet Web site of the Department a report detailing the review and a full inventory of the guidance documents of the Administration.

(B) CONTENTS.—A report under subparagraph (A) shall include a summary of the response of the Administration to each comment received under paragraph (2).

(d) GUIDANCE DOCUMENT DEFINED.—In this section, the term ''guidance document'' means a document issued by the Federal Motor Carrier Safety Administration that—

(1) provides an interpretation of a regulation of the Administration; or

(2) includes an enforcement policy of the Administration.

SEC. 5204. PETITIONS.

(a) IN GENERAL.—The Administrator of the Federal Motor Carrier Safety Administration shall—

(1) publish on a publicly accessible Internet Web site of the Department a summary of all petitions for regulatory action submitted to the Administration;

(2) prioritize the petitions submitted based on the likelihood of safety improvements resulting from the regulatory action requested;

(3) not later than 180 days after the date a summary of a petition is published under paragraph (1), formally respond to such petition by indicating whether the Administrator will accept, deny, or further review the petition;

(4) prioritize responses to petitions consistent with a response's potential to reduce crashes, improve enforcement, and reduce unnecessary burdens; and

(5) not later than 60 days after the date of receipt of a petition, publish on a publicly accessible Internet Web site of the Department an updated inventory of the petitions described in paragraph (1), including any applicable disposition information for those petitions.

(b) PETITION DEFINED.—In this section, the term ''petition'' means a request for a new regulation, a regulatory interpretation or clarification, or a review of a regulation to eliminate or modify an obsolete, ineffective, or overly burdensome regulation.

PART II—COMPLIANCE, SAFETY, ACCOUNTABILITY REFORM

SEC. 5221. CORRELATION STUDY.

(a) IN GENERAL.—The Administrator of the Federal Motor Carrier Safety Administration (referred to in this part as the ''Administrator'') shall commission the National Research Council of the National Academies to conduct a study of—

(1) the Compliance, Safety, Accountability program of the Federal Motor Carrier Safety Administration (referred to in this part as the ''CSA program''); and

(2) the Safety Measurement System utilized by the CSA program (referred to in this part as the ''SMS'').

(b) SCOPE OF STUDY.—In carrying out the study commissioned pursuant to subsection (a), the National Research Council—

(1) shall analyze—

(A) the accuracy with which the Behavior Analysis and Safety Improvement Categories (referred to in this part as ''BASIC'')—

(i) identify high risk carriers; and

(ii) predict or are correlated with future crash risk, crash severity, or other safety indicators for motor carriers;

(B) the methodology used to calculate BASIC percentiles and identify carriers for enforcement, including the weights assigned to particular violations and the tie between crash risk and specific regulatory violations, with respect to accurately identifying and predicting future crash risk for motor carriers;

(C) the relative value of inspection information and roadside enforcement data;

(D) any data collection gaps or data sufficiency problems that may exist and the impact of those gaps and problems on the efficacy of the CSA program;

(E) the accuracy of safety data, including the use of crash data from crashes in which a motor carrier was free from fault;

(F) whether BASIC percentiles for motor carriers of passengers should be calculated differently than for motor carriers of freight;

(G) the differences in the rates at which safety violations are reported to the Federal Motor Carrier Safety Administration for inclusion in the SMS by various enforcement authorities, including States, territories, and Federal inspectors; and

(H) how members of the public use the SMS and what effect making the SMS information public has had on reducing crashes and eliminating unsafe motor carriers from the industry; and

(2) shall consider—

(A) whether the SMS provides comparable precision and confidence, through SMS alerts and percentiles, for the relative crash risk of individual large and small motor carriers;

(B) whether alternatives to the SMS would identify high risk carriers more accurately; and

(C) the recommendations and findings of the Comptroller General of the United States and the Inspector General of the Department, and independent review team reports,

issued before the date of enactment of this Act.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit a report containing the results of the study commissioned pursuant to subsection (a) to—

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

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

(3) the Inspector General of the Department.

(d) CORRECTIVE ACTION PLAN.—

(1) IN GENERAL.—Not later than 120 days after the Administrator submits the report under subsection (c), if that report identifies a deficiency or opportunity for improvement in the CSA program or in any element of the SMS, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a corrective action plan that—

(A) responds to the deficiencies or opportunities identified by the report;

(B) identifies how the Federal Motor Carrier Safety Administration will address such deficiencies or opportunities; and

(C) provides an estimate of the cost, including with respect to changes in staffing, enforcement, and data collection, necessary to address such deficiencies or opportunities.

(2) PROGRAM REFORMS.—The corrective action plan submitted under paragraph (1) shall include an implementation plan that—

(A) includes benchmarks;

(B) includes programmatic reforms, revisions to regulations, or proposals for legislation; and

(C) shall be considered in any rulemaking by the Department that relates to the CSA program, including the SMS.

(e) INSPECTOR GENERAL REVIEW.—Not later than 120 days after the Administrator submits a corrective action plan under subsection (d), the Inspector General of the Department shall—

(1) review the extent to which such plan implements—

(A) recommendations contained in the report submitted under subsection (c); and

(B) relevant recommendations issued by the Comptroller General or the Inspector General before the date of enactment of this Act; and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the responsiveness of the corrective action plan to the recommendations described in paragraph (1).

SEC. 5222. BEYOND COMPLIANCE.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator shall incorporate into the CSA program a methodology to allow recognition and an improved SMS score for—

(1) the installation of advanced safety equipment;

(2) the use of enhanced driver fitness measures;

(3) the adoption of fleet safety management tools, technologies, and programs; or

(4) other metrics as determined appropriate by the Administrator.

(b) QUALIFICATION.—The Administrator, after providing notice and an opportunity for comment, shall develop technical or other performance standards with respect to advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other metrics for purposes of subsection (a).

(c) REPORT.—Not later than 18 months after the incorporation of the methodology under subsection (a), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the number of motor carriers receiving recognition and improved scores under such methodology and the safety performance of such carriers.

SEC. 5223. DATA CERTIFICATION.

(a) IN GENERAL.—On and after the date that is 1 day after the date of enactment of this Act, no information regarding analysis of violations, crashes in which a determination is made that the motor carrier or the commercial motor vehicle driver is not at fault, alerts, or the relative percentile for each BASIC developed under the CSA program may be made available to the public (including through requests under section 552 of title 5, United States Code) until the Inspector General of the Department certifies that—

(1) the report required under section 5221(c) has been submitted in accordance with that section;

(2) any deficiencies identified in the report required under section 5221(c) have been addressed;

(3) if applicable, the corrective action plan under section 5221(d) has been implemented;

(4) the Administrator of the Federal Motor Carrier Safety Administration has fully implemented or satisfactorily addressed the issues raised in the report titled ''Modifying the Compliance, Safety, Accountability Program Would Improve the Ability to Identify High Risk Carriers'' of the Government Accountability Office and dated February 2014 (GAO–14–114); and

(5) the CSA program has been modified in accordance with section 5222.

(b) LIMITATION ON THE USE OF CSA ANALYSIS.—Information regarding alerts and the relative percentile for each BASIC developed under the CSA program may not be used for safety fitness determinations until the Inspector General of the Department makes the certification under subsection (a).

(c) CONTINUED PUBLIC AVAILABILITY OF DATA.—Notwithstanding any other provision of this section, inspection and violation information submitted to the Federal Motor Carrier Safety Administration by commercial motor vehicle inspectors and qualified law enforcement officials, out-of-service rates, and absolute measures shall remain available to the public.

(d) EXCEPTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of this section—

(A) the Federal Motor Carrier Safety Administration and State and local commercial motor vehicle enforcement agencies may use the information referred to in subsection (a) for purposes of investigation and enforcement prioritization; and

(B) a motor carrier and a commercial motor vehicle driver may access information referred to in subsection (a) that relates directly to the motor carrier or driver, respectively.

(2) RULE OF CONSTRUCTION.—Nothing in this section may be construed to restrict the official use by State enforcement agencies of the data collected by State enforcement personnel.

SEC. 5224. INTERIM HIRING STANDARD.

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

(1) ENTITY.—The term ''entity'' means a person acting as—

(A) a shipper, other than an individual shipper (as that term is defined in section 13102 of title 49, United States Code), or a consignee;

(B) a broker or a freight forwarder (as such terms are defined in section 13102 of title 49, United States Code);

(C) a non-vessel-operating common carrier, an ocean freight forwarder, or an ocean transportation intermediary (as such terms are defined in section 40102 of title 46, United States Code);

(D) an indirect air carrier authorized to operate under a Standard Security Program approved by the Transportation Security Administration;

(E) a customs broker licensed in accordance with section 111.2 of title 19, Code of Federal Regulations;

(F) an interchange motor carrier subject to paragraphs (1)(B) and (2) of section 13902(i) of title 49, United States Code; or

(G) a warehouse (as defined in section 7–102(13) of the Uniform Commercial Code).

(2) MOTOR CARRIER.—The term ''motor carrier'' means a motor carrier (as that term is defined in section 13102 of title 49, United States Code) that is subject to Federal motor carrier financial responsibility and safety regulations.

(b) HIRING STANDARD.—Subsection (c) shall only be applicable to entities who, before tendering a shipment, but not more than 35 days before the pickup of the shipment by the hired motor carrier, verify that the motor carrier, at the time of such verification—

(1) is registered with and authorized by the Federal Motor Carrier Safety Administration to operate as a motor carrier, if applicable;

(2) has the minimum insurance coverage required by Federal law; and

(3) has a satisfactory safety fitness determination issued by the Federal Motor Carrier Safety Administration in force.

(c) INTERIM USE OF DATA.—

(1) IN GENERAL.—With respect to an entity who completed a verification under subsection (b), only information regarding the entity's compliance or noncompliance with subsection (b) may be admitted as evidence or otherwise used against the entity in a civil action for damages resulting from a claim of negligent selection or retention of a motor carrier.

(2) EXCLUDED EVIDENCE.—With respect to an entity who completed a verification under subsection (b), motor carrier data (other than the information described in paragraph (1)) created or maintained by the Federal Motor Carrier Safety Administration, including SMS data or analysis of such data, may not be admitted into evidence in a case or proceeding in which it is asserted or alleged that the entity's selection or retention of a motor carrier was negligent.

(d) SUNSET.—This section shall cease to be effective on the date on which the Inspector General of the Department makes the certification under section 5223(a).

Subtitle C—Commercial Motor Vehicle Safety

SEC. 5301. IMPLEMENTING SAFETY REQUIREMENTS.

(a) NATIONAL CLEARINGHOUSE FOR CONTROLLED SUBSTANCE AND ALCOHOL TEST RESULTS OF COMMERCIAL MOTOR VEHICLE OPERATORS.—If the deadline established under section 31306a(a)(1) of title 49, United States Code, has not been met, not later than 30 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate written notification that—

(1) explains why such deadline has not been met; and

(2) establishes a new deadline for completion of the requirements of such section.

(b) ELECTRONIC LOGGING DEVICES.—If the deadline established under section 31137(a) of title 49, United States Code, has not been met, not later than 30 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate written notification that—

(1) explains why such deadline has not been met; and

(2) establishes a new deadline for completion of the requirements of such section.

(c) STANDARDS FOR TRAINING.—If the deadline established under section 31305(c) of title 49, United States Code, has not been met, not later than 30 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate written notification that—

(1) explains why such deadline has not been met; and

(2) establishes a new deadline for completion of the requirements of such section.

(d) FURTHER RESPONSIBILITIES.—If the Secretary determines that a deadline established under subsection (a)(2), (b)(2), or (c)(2) cannot be met, not later than 30 days after the date on which such determination is made, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate written notification that—

(1) explains why such deadline cannot be met; and

(2) establishes a new deadline for completion of the relevant requirements.

SEC. 5302. WINDSHIELD MOUNTED SAFETY TECHNOLOGY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue regulations to modify section 393.60(e)(1) of title 49, Code of Federal Regulations, to permanently allow the voluntary mounting on the inside of a vehicle's windshield, within the area swept by windshield wipers, of vehicle safety technologies, if the Secretary determines that such mounting is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be achieved without such mounting.

(b) VEHICLE SAFETY TECHNOLOGY DEFINED.—In this section, the term ''vehicle safety technology'' includes lane departure warning systems, collision avoidance systems, on-board video event recording devices, and any other technology determined appropriate by the Secretary.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to alter the terms of a short-term exemption from section 393.60(e) of title 49, Code of Federal Regulations, granted and in effect as of the date of enactment of this Act.

SEC. 5303. PRIORITIZING STATUTORY RULEMAKINGS.

The Administrator of the Federal Motor Carrier Safety Administration shall prioritize the completion of each outstanding rulemaking required by statute before beginning any other rulemaking, unless the Secretary determines that there is a significant need for such other rulemaking.

SEC. 5304. SAFETY REPORTING SYSTEM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the cost and feasibility of establishing a self-reporting system for commercial motor vehicle drivers or motor carriers with respect to en route equipment failures.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) an analysis of—

(A) alternatives for the reporting of equipment failures in real time, including an Internet Web site or telephone hotline;

(B) the ability of a commercial motor vehicle driver or a motor carrier to provide to the Federal Motor Carrier Safety Administration proof of repair of a self-reported equipment failure;

(C) the ability of the Federal Motor Carrier Safety Administration to ensure that self-reported equipment failures proven to be repaired are not used in the calculation of Behavior Analysis and Safety Improvement Category scores;

(D) the ability of roadside inspectors to access self-reported equipment failures;

(E) the cost to establish and administer a self-reporting system;

(F) the ability for a self-reporting system to track individual commercial motor vehicles through unique identifiers; and

(G) whether a self-reporting system would yield demonstrable safety benefits;

(2) an identification of any regulatory or statutory impediments to the implementation of a self-reporting system; and

(3) recommendations on implementing a self-reporting system.

SEC. 5305. NEW ENTRANT SAFETY REVIEW PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct an assessment of the new operator safety review program under section 31144(g) of title 49, United States Code, including the program's effectiveness in reducing crashes, fatalities, and injuries involving commercial motor vehicles and improving commercial motor vehicle safety.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish on a publicly accessible Internet Web site of the Department and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the assessment conducted under subsection (a), including any recommendations for improving the effectiveness of the program (including recommendations for legislative changes).

SEC. 5306. READY MIXED CONCRETE TRUCKS.

A driver of a ready mixed concrete mixer truck is exempt from section 3(a)(3)(ii) of part 395 of title 49, Code of Federal Regulations, if the driver is in compliance with clauses (i), (iii), (iv), and (v) of subsection (e)(1) of section 1 of part 395 of such title (regarding the 100 air-mile logging exemption).

Subtitle D—Commercial Motor Vehicle Drivers

SEC. 5401. OPPORTUNITIES FOR VETERANS.

(a) STANDARDS FOR TRAINING AND TESTING OF VETERAN OPERATORS.—Section 31305 of title 49, United States Code, is amended by adding at the end the following:

''(d) STANDARDS FOR TRAINING AND TESTING OF VETERAN OPERATORS.—

''(1) IN GENERAL.—Not later than December 31, 2016, the Secretary shall modify the regulations prescribed under subsections (a) and (c) to—

''(A) exempt a covered individual from all or a portion of a driving test if the covered individual had experience in the armed forces or reserve components driving vehicles similar to a commercial motor vehicle;

''(B) ensure that a covered individual may apply for an exemption under subparagraph (A) during, at least, the 1-year period beginning on the date on which such individual separates from service in the armed forces or reserve components; and

''(C) credit the training and knowledge a covered individual received in the armed forces or reserve components driving vehicles similar to a commercial motor vehicle for purposes of satisfying minimum standards for training and knowledge.

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

''(A) ARMED FORCES.—The term 'armed forces' has the meaning given that term in section 101(a)(4) of title 10.

''(B) COVERED INDIVIDUAL.—The term 'covered individual' means—

''(i) a former member of the armed forces; or

''(ii) a former member of the reserve components.

''(C) RESERVE COMPONENTS.—The term 'reserve components' means—

''(i) the Army National Guard of the United States;

''(ii) the Army Reserve;

''(iii) the Navy Reserve;

''(iv) the Marine Corps Reserve;

''(v) the Air National Guard of the United States;

''(vi) the Air Force Reserve; and

''(vii) the Coast Guard Reserve.''.

(b) IMPLEMENTATION OF THE MILITARY COMMERCIAL DRIVER'S LICENSE ACT.—Not later than December 31, 2015, the Secretary shall issue final regulations to implement the exemption to the domicile requirement under section 31311(a)(12)(C) of title 49, United States Code.

(c) CONFORMING AMENDMENT.—Section 31311(a)(12)(C)(ii) of title 49, United States Code, is amended to read as follows:

''(ii) is an active duty member of—

''(I) the armed forces (as that term is defined in section 101(a)(4) of title 10); or

''(II) the reserve components (as that term is defined in section 31305(d)(2)(C) of this title); and''.

SEC. 5402. DRUG-FREE COMMERCIAL DRIVERS.

(a) IN GENERAL.—Section 31306 of title 49, United States Code, is amended—

(1) in subsection (b)(1)—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) in subparagraph (A) by striking ''The regulations shall permit such motor carriers to conduct preemployment testing of such employees for the use of alcohol.''; and

(C) by inserting after subparagraph (A) the following:

''(B) The regulations prescribed under subparagraph (A) shall permit motor carriers—

''(i) to conduct preemployment testing of commercial motor vehicle operators for the use of alcohol; and

''(ii) to use hair testing as an acceptable alternative to urine testing—

''(I) in conducting preemployment testing for the use of a controlled substance; and

''(II) in conducting random testing for the use of a controlled substance if the operator was subject to hair testing for preemployment testing.'';

(2) in subsection (b)(2)—

(A) in subparagraph (A) by striking ''and'' at the end;

(B) in subparagraph (B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) shall provide an exemption from hair testing for commercial motor vehicle operators with established religious beliefs that prohibit the cutting or removal of hair.''; and

(3) in subsection (c)(2)—

(A) in the matter preceding subparagraph (A) by inserting ''for urine testing, and technical guidelines for hair testing,'' before ''including mandatory guidelines'';

(B) in subparagraph (B) by striking ''and'' at the end;

(C) in subparagraph (C) by inserting ''and'' after the semicolon; and

(D) by adding at the end the following:

''(D) laboratory protocols and cut-off levels for hair testing to detect the use of a controlled substance;''.

(b) GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue scientific and technical guidelines for hair testing as a method of detecting the use of a controlled substance for purposes of section 31306 of title 49, United States Code.

SEC. 5403. CERTIFIED MEDICAL EXAMINERS.

(a) IN GENERAL.—Section 31315(b)(1) of title 49, United States Code, is amended by striking ''or section 31136'' and inserting '', section 31136, or section 31149(d)(3)''.

(b) CONFORMING AMENDMENT.—Section 31149(d)(3) of title 49, United States Code, is amended by inserting '', unless the person issuing the certificate is the subject of an exemption issued under section 31315(b)(1)'' before the semicolon.

SEC. 5404. GRADUATED COMMERCIAL DRIVER'S LICENSE PILOT PROGRAM.

(a) TASK FORCE.—

(1) IN GENERAL.—The Secretary shall convene a task force to evaluate and make recommendations to the Secretary on elements for inclusion in a graduated commercial driver's license pilot program that would allow a novice licensed driver between the ages of 19 years and 6 months and 21 years to safely operate a commercial motor vehicle in a limited capacity in interstate commerce between States that enter into a bi-State agreement.

(2) MEMBERSHIP.—The task force convened under paragraph (1) shall include representatives of State motor vehicle administrators, motor carriers, labor organizations, safety advocates, and other stakeholders determined appropriate by the Secretary.

(3) CONSIDERATIONS.—The task force convened under paragraph (1) shall evaluate and make recommendations on the following elements for inclusion in a graduated commercial driver's license pilot program:

(A) A specified length of time for a learner's permit stage.

(B) A requirement that drivers under the age of 21 years be accompanied by experienced drivers over the age of 21 years.

(C) A restriction on travel distances.

(D) A restriction on maximum allowable driving hours.

(E) Mandatory driver training that exceeds the requirements for drivers over the age of 21 years issued by the Secretary under section 31305(c) of title 49, United States Code.

(F) Use of certain safety technologies in the vehicles of drivers under the age of 21 years.

(G) Any other element the task force considers appropriate.

(4) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the task force convened under paragraph (1) shall recommend to the Secretary the elements the task force has determined appropriate for inclusion in a graduated commercial driver's license pilot program.

(b) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after receiving the recommendations of the task force under subsection (a), the Secretary shall establish a graduated commercial driver's license pilot program in accordance with such recommendations and section 31315(c) of title 49, United States Code.

(2) PRE-ESTABLISHMENT REQUIREMENTS.—Prior to the establishment of the pilot program under paragraph (1), the Secretary shall—

(A) submit to Congress a report outlining the recommendations of the task force received under subsection (a); and

(B) publish in the Federal Register, and provide sufficient notice of and an opportunity for public comment on, the—

(i) proposed requirements for State and driver participation in the pilot program, based on the recommendations of the task force and consistent with paragraph (3);

(ii) measures the Secretary will utilize under the pilot program to ensure safety; and

(iii) standards the Secretary will use to evaluate the pilot program, including to determine any changes in the level of motor carrier safety as a result of the pilot program.

(3) PROGRAM ELEMENTS.—The pilot program established under paragraph (1)—

(A) may not allow an individual under the age of 19 years and 6 months to participate;

(B) may not allow a driver between the ages of 19 years and 6 months and 21 years to—

(i) operate a commercial motor vehicle in special configuration; or

(ii) transport hazardous cargo;

(C) shall be carried out in a State (including the District of Columbia) only if the Governor of the State (or the Mayor of the District of Columbia, if applicable) approves an agreement with a contiguous State to allow a licensed driver under the age of 21 years to operate a commercial motor vehicle across both States in accordance with the pilot program;

(D) may not recognize more than 6 agreements described in subparagraph (C);

(E) may not allow more than 10 motor carriers to participate in the pilot program under each agreement described in subparagraph (C);

(F) shall require each motor carrier participating in the pilot program under an agreement described in subparagraph (C) to—

(i) have in effect a satisfactory safety fitness determination that was issued by the Federal Motor Carrier Safety Administration during the 2-year period preceding the date of the Federal Register publication required under paragraph (2)(B); and

(ii) agree to have its safety performance monitored by the Secretary during participation in the pilot program;

(G) shall allow for the revocation of a motor carrier's participation in the pilot program if a State or the Secretary determines that the motor carrier violated the requirements, including safety requirements, of the pilot program; and

(H) shall ensure that a valid graduated commercial driver's license issued by a State that has entered into an agreement described in subparagraph (C) and is approved by the Secretary to participate in the pilot program is recognized as valid in both States that are participating in the agreement.

(c) INSPECTOR GENERAL REPORT.—

(1) MONITORING.—The Inspector General of the Department of Transportation shall monitor and review the implementation of the pilot program established under subsection (b).

(2) REPORT.—The Inspector General shall submit to Congress and the Secretary—

(A) not later than 1 year after the establishment of the pilot program under subsection (b), an interim report on the results of the review conducted under paragraph (1); and

(B) not later than 60 days after the conclusion of the pilot program, a final report on the results of the review conducted under paragraph (1).

(3) ADDITIONAL CONTENTS.—

(A) INTERIM REPORT.—The interim report required under paragraph (2)(A) shall address whether the Secretary has established sufficient mechanisms and generated sufficient data to determine if the pilot program is having any adverse effects on motor carrier safety.

(B) FINAL REPORT.—The final report required under paragraph (2)(B) shall address the impact of the pilot program on—

(i) safety; and

(ii) the number of commercial motor vehicle drivers available for employment.

SEC. 5405. VETERANS EXPANDED TRUCKING OPPORTUNITIES.

(a) IN GENERAL.—In the case of a physician-approved veteran operator, the qualified physician of such operator may, subject to the requirements of subsection (b), perform a medical examination and provide a medical certificate for purposes of compliance with the requirements of section 31149 of title 49, United States Code.

(b) CERTIFICATION.—The certification described under subsection (a) shall include—

(1) assurances that the physician performing the medical examination meets the requirements of a qualified physician under this section; and

(2) certification that the physical condition of the operator is adequate to enable such operator to operate a commercial motor vehicle safely.

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

(1) PHYSICIAN-APPROVED VETERAN OPERATOR.—The term ''physician-approved veteran operator'' means an operator of a commercial motor vehicle who—

(A) is a veteran who is enrolled in the health care system established under section 1705(a) of title 38, United States Code; and

(B) is required to have a current valid medical certificate pursuant to section 31149 of title 49, United States Code.

(2) QUALIFIED PHYSICIAN.—The term ''qualified physician'' means a physician who—

(A) is employed in the Department of Veterans Affairs;

(B) is familiar with the standards for, and physical requirements of, an operator certified pursuant to section 31149 of title 49, United States Code; and

(C) has never, with respect such section, been found to have acted fraudulently, including by fraudulently awarding a medical certificate.

(3) VETERAN.—The term ''veteran'' has the meaning given the term in section 101 of title 38, United States Code.

(d) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to change any statutory penalty associated with fraud or abuse.

Subtitle E—General Provisions

SEC. 5501. MINIMUM FINANCIAL RESPONSIBILITY.

(a) TRANSPORTING PROPERTY.—If the Secretary proceeds with a rulemaking to determine whether to increase the minimum levels of financial responsibility required under section 31139 of title 49, United States Code, the Secretary shall consider, prior to issuing a final rule—

(1) the rulemaking's potential impact on—

(A) the safety of motor vehicle transportation; and

(B) the motor carrier industry, including small and minority motor carriers and independent owner-operators;

(2) the ability of the insurance industry to provide the required amount of insurance;

(3) the extent to which current minimum levels of financial responsibility adequately cover—

(A) medical care;
(B) compensation;
(C) attorney fees; and
(D) other identifiable costs;
(4) the frequency with which insurance claims exceed current minimum levels of financial responsibility in fatal accidents; and
(5) the impact of increased levels on motor carrier safety and accident reduction.

(b) TRANSPORTING PASSENGERS.—
(1) IN GENERAL.—Prior to initiating a rulemaking to change the minimum levels of financial responsibility under section 31138 of title 49, United States Code, the Secretary shall complete a study specific to the minimum financial responsibility requirements for motor carriers of passengers.
(2) STUDY CONTENTS.—A study under paragraph (1) shall include—
(A) a review of accidents, injuries, and fatalities in the over-the-road bus and school bus industries;
(B) a review of insurance held by over-the-road bus and public and private school bus companies, including companies of various sizes, and an analysis of whether such insurance is adequate to cover claims;
(C) an analysis of whether and how insurance affects the behavior and safety record of motor carriers of passengers, including with respect to crash reduction; and
(D) an analysis of the anticipated impacts of an increase in financial responsibility on insurance premiums for passenger carriers and service availability.
(3) CONSULTATION.—In conducting a study under paragraph (1), the Secretary shall consult with—
(A) representatives of the over-the-road bus and private school bus transportation industries, including representatives of bus drivers; and
(B) insurers of motor carriers of passengers.
(4) REPORT.—If the Secretary undertakes a study under paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 5502. DELAYS IN GOODS MOVEMENT.

(a) REPORT.—
(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the average length of time that operators of commercial motor vehicles are delayed before the loading and unloading of such vehicles and at other points in the pick-up and delivery process.
(2) CONTENTS.—The report under paragraph (1) shall include—
(A) an assessment of how delays impact—
(i) the economy;
(ii) the efficiency of the transportation system;
(iii) motor carrier safety, including the extent to which delays result in violations of motor carrier safety regulations; and
(iv) the livelihood of motor carrier drivers; and
(B) recommendations on how delays could be mitigated.

(b) COLLECTION OF DATA.—Not later than 2 years after the date of enactment of this Act, the Secretary shall establish by regulation a process to collect data on delays experienced by operators of commercial motor vehicles before the loading and unloading of such vehicles and at other points in the pick-up and delivery process.

SEC. 5503. REPORT ON MOTOR CARRIER FINANCIAL RESPONSIBILITY.

(a) IN GENERAL.—Not later than April 1, 2016, the Secretary shall publish on a publicly accessible Internet Web site of the Department a report on the minimum levels of financial responsibility required under section 31139 of title 49, United States Code.
(b) CONTENTS.—The report required under subsection (a) shall include an analysis of—
(1) the differences between State insurance requirements and Federal requirements;
(2) the extent to which current minimum levels of financial responsibility adequately cover—
(A) medical care;
(B) compensation;
(C) attorney fees; and
(D) other identifiable costs; and
(3) the frequency with which insurance claims exceed the current minimum levels of financial responsibility.

SEC. 5504. EMERGENCY ROUTE WORKING GROUP.

(a) IN GENERAL.—
(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a working group to determine best practices for expeditious State approval of special permits for vehicles involved in emergency response and recovery.
(2) MEMBERS.—The working group shall include representatives from—
(A) State highway transportation departments or agencies;
(B) relevant modal agencies within the Department;
(C) emergency response or recovery experts;
(D) relevant safety groups; and
(E) entities affected by special permit restrictions during emergency response and recovery efforts.
(b) CONSIDERATIONS.—In determining best practices under subsection (a), the working group shall consider whether—
(1) impediments currently exist that prevent expeditious State approval of special permits for vehicles involved in emergency response and recovery;
(2) it is possible to pre-identify and establish emergency routes between States through which infrastructure repair materials could be delivered following a natural disaster or emergency;
(3) a State could pre-designate an emergency route identified under paragraph (2) as a certified emergency route if a motor vehicle that exceeds the otherwise applicable Federal and State truck length or width limits may safely operate along such route during periods of declared emergency and recovery from such periods; and
(4) an online map could be created to identify each pre-designated emergency route under paragraph (3), including information on specific limitations, obligations, and notification requirements along that route.
(c) REPORT.—
(1) SUBMISSION.—Not later than 1 year after the date of enactment of this Act, the working group shall submit to the Secretary a report on its findings under this section and any recommendations for the implementation of best practices for expeditious State approval of special permits for vehicles involved in emergency response and recovery.
(2) PUBLICATION.—Not later than 30 days after the date the Secretary receives the report under paragraph (1), the Secretary shall publish the report on a publicly accessible Internet Web site of the Department.
(d) NOTIFICATION.—Not later than 6 months after the date the Secretary receives the report under subsection (c)(1), the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the actions the Secretary and the States have taken to implement the recommendations included in the report.
(e) EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group.
(f) TERMINATION.—The working group shall terminate 1 year after the date the Secretary receives the report under subsection (c)(1).

SEC. 5505. HOUSEHOLD GOODS CONSUMER PROTECTION WORKING GROUP.

(a) WORKING GROUP.—The Secretary shall establish a working group for the purpose of developing recommendations on how to best convey to inexperienced consumers the information such consumers need to know with respect to the Federal laws concerning the interstate transportation of household goods by motor carrier.
(b) MEMBERSHIP.—The Secretary shall ensure that the working group is comprised of individuals with expertise in consumer affairs, educators with expertise in how people learn most effectively, and representatives of the household goods moving industry.
(c) RECOMMENDATIONS.—
(1) CONTENTS.—The recommendations developed by the working group shall include recommendations on—
(A) condensing publication ESA 03005 of the Federal Motor Carrier Safety Administration into a format that is more easily used by consumers;
(B) using state-of-the-art education techniques and technologies, including optimizing the use of the Internet as an educational tool; and
(C) reducing and simplifying the paperwork required of motor carriers and shippers in interstate transportation.
(2) DEADLINE.—Not later than 1 year after the date of enactment of this Act—
(A) the working group shall make the recommendations described in paragraph (1); and
(B) the Secretary shall publish the recommendations on a publicly accessible Internet Web site of the Department.
(d) REPORT.—Not later than 1 year after the date on which the working group makes its recommendations under subsection (c)(2), the Secretary shall issue a report to Congress on the implementation of such recommendations.
(e) EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group.
(f) TERMINATION.—The working group shall terminate 1 year after the date the working group makes its recommendations under subsection (c)(2).

SEC. 5506. TECHNOLOGY IMPROVEMENTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a comprehensive analysis of the information technology and data collection and management systems of the Federal Motor Carrier Safety Administration.
(b) REQUIREMENTS.—The study conducted under subsection (a) shall—
(1) evaluate the efficacy of the existing information technology, data collection, processing systems, data correction procedures, and data management systems and programs, including their interaction with each other and their efficacy in meeting user needs;
(2) identify any redundancies among the systems, procedures, and programs described in paragraph (1);
(3) explore the feasibility of consolidating data collection and processing systems;
(4) evaluate the ability of the systems, procedures, and programs described in paragraph (1) to meet the needs of—

(A) the Federal Motor Carrier Safety Administration, at both the headquarters and State levels;

(B) the State agencies that implement the motor carrier safety assistance program under section 31102 of title 49, United States Code; and

(C) other users;

(5) evaluate the adaptability of the systems, procedures, and programs described in paragraph (1), in order to make necessary future changes to ensure user needs are met in an easier, timely, and more cost-efficient manner;

(6) investigate and make recommendations regarding—

(A) deficiencies in existing data sets impacting program effectiveness; and

(B) methods to improve user interfaces; and

(7) identify the appropriate role the Federal Motor Carrier Safety Administration should take with respect to software and information systems design, development, and maintenance for the purpose of improving the efficacy of the systems, procedures, and programs described in paragraph (1).

SEC. 5507. NOTIFICATION REGARDING MOTOR CARRIER REGISTRATION.

Not later than 30 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate written notification of the actions the Secretary is taking to ensure, to the greatest extent practicable, that each application for registration under section 13902 of title 49, United States Code, is processed not later than 30 days after the date on which the application is received by the Secretary.

SEC. 5508. REPORT ON COMMERCIAL DRIVER'S LICENSE SKILLS TEST DELAYS.

Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Administrator of the Federal Motor Carrier Safety Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) describes, for each State, the status of skills testing for applicants for a commercial driver's license, including—

(A) the average wait time, by month and location, from the date an applicant requests to take a skills test to the date the applicant completes such test;

(B) the average wait time, by month and location, from the date an applicant, upon failure of a skills test, requests a retest to the date the applicant completes such retest;

(C) the actual number of qualified commercial driver's license examiners, by month and location, available to test applicants; and

(D) the number of testing sites available through the State department of motor vehicles and whether this number has increased or decreased from the previous year; and

(2) describes specific steps that the Administrator is taking to address skills testing delays in States that have average skills test or retest wait times of more than 7 days from the date an applicant requests to test or retest to the date the applicant completes such test or retest.

SEC. 5509. COVERED FARM VEHICLES.

Section 32934(b)(1) of MAP–21 (49 U.S.C. 31136 note) is amended by striking ''from'' and all that follows through the period at end and inserting the following: ''from—

''(A) a requirement described in subsection (a) or a compatible State requirement; or

''(B) any other minimum standard provided by a State relating to the operation of that vehicle.''.

SEC. 5510. OPERATORS OF HI-RAIL VEHICLES.

(a) IN GENERAL.—In the case of a commercial motor vehicle driver subject to the hours of service requirements in part 395 of title 49, Code of Federal Regulations, who is driving a hi-rail vehicle, the maximum on duty time under section 395.3 of such title for such driver shall not include time in transportation to or from a duty assignment if such time in transportation—

(1) does not exceed 2 hours per calendar day or a total of 30 hours per calendar month; and

(2) is fully and accurately accounted for in records to be maintained by the motor carrier and such records are made available upon request of the Federal Motor Carrier Safety Administration or the Federal Railroad Administration.

(b) EMERGENCY.—In the case of a train accident, an act of God, a train derailment, or a major equipment failure or track condition that prevents a train from advancing, a driver described in subsection (a) may complete a run without being in violation of the provisions of part 395 of title 49, Code of Federal Regulations.

(c) HI-RAIL VEHICLE DEFINED.—In this section, the term ''hi-rail vehicle'' has the meaning given the term in section 214.7 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act.

SEC. 5511. ELECTRONIC LOGGING DEVICE REQUIREMENTS.

Section 31137(b) of title 49, United States Code, is amended—

(1) in paragraph (1)(C) by striking ''apply to'' and inserting ''except as provided in paragraph (3), apply to''; and

(2) by adding at the end the following:

''(3) EXCEPTION.—A motor carrier, when transporting a motor home or recreation vehicle trailer within the definition of the term 'driveaway-towaway operation' (as defined in section 390.5 of title 49, Code of Federal Regulations), may comply with the hours of service requirements by requiring each driver to use—

''(A) a paper record of duty status form; or

''(B) an electronic logging device.''.

SEC. 5512. TECHNICAL CORRECTIONS.

(a) TITLE 49.—Title 49, United States Code, is amended as follows:

(1) Section 13902(i)(2) is amended by inserting ''except as'' before ''described''.

(2) Section 13903(d) is amended by striking ''(d) REGISTRATION AS MOTOR CARRIER REQUIRED.—'' and all that follows through ''(1) IN GENERAL.—A freight forwarder'' and inserting ''(d) REGISTRATION AS MOTOR CARRIER REQUIRED.—A freight forwarder''.

(3) Section 13905(d)(2)(D) is amended—

(A) by striking ''the Secretary finds that—'' and all that follows through ''(i) the motor carrier,'' and inserting ''the Secretary finds that the motor carrier,''; and

(B) by adding a period at the end.

(4) Section 14901(h) is amended by striking ''HOUSEHOLD GOODS'' in the heading.

(5) Section 14916 is amended by striking the section designation and heading and inserting the following:

''§ 14916. Unlawful brokerage activities''.

(b) MAP–21.—Effective as of July 6, 2012, and as if included therein as enacted, MAP–21 (Public Law 112–141) is amended as follows:

(1) Section 32108(a)(4) (126 Stat. 782) is amended by inserting ''for'' before ''each additional day'' in the matter proposed to be struck.

(2) Section 32301(b)(3) (126 Stat. 786) is amended by striking ''by amending (a) to read as follows:'' and inserting ''by striking subsection (a) and inserting the following:''.

(3) Section 32302(c)(2)(B) (126 Stat. 789) is amended by striking ''section 32303(c)(1)'' and inserting ''section 32302(c)(1)''.

(4) Section 32921(b) (126 Stat. 828) is amended, in the matter to be inserted, by striking ''(A) In addition'' and inserting the following:

''(A) IN GENERAL.—In addition''.

(5) Section 32931(c) (126 Stat. 829) is amended—

(A) by striking ''Secretary'' and inserting ''Secretary of Transportation'' in the matter to be struck; and

(B) by striking ''Secretary'' and inserting ''Secretary of Transportation'' in the matter to be inserted.

(c) MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999.—Section 229(a)(1) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note) is amended by inserting ''of title 49, United States Code,'' after ''sections 31136 and 31502''.

SEC. 5513. AUTOMOBILE TRANSPORTER.

Section 31111(b)(1) of title 49, United States Code, is amended—

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

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

(3) by adding at the end the following:

''(G) imposes a vehicle length limitation of less than 80 feet on a stinger-steered automobile transporter with a front overhang of less than 4 feet and a rear overhang of less than 6 feet.''.

SEC. 5514. READY MIX CONCRETE DELIVERY VEHICLES.

Section 31502 of title 49, United States Code, is amended by adding at the end the following:

''(f) READY MIXED CONCRETE DELIVERY VEHICLES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, regulations issued under this section or section 31136 (including section 1(e)(1)(ii) of part 395 of title 49, Code of Federal Regulations) regarding reporting, recordkeeping, or documentation of duty status, shall not apply to any driver of a ready mixed concrete delivery vehicle if—

''(A) the driver operates within a 100 air-mile radius of the normal work reporting location;

''(B) the driver returns to the work reporting location and is released from work within 14 consecutive hours;

''(C) the driver has at least 10 consecutive hours off duty following each 14 hours on duty;

''(D) the driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty; and

''(E) the motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records that show—

''(i) the time the driver reports for duty each day;

''(ii) the total number of hours the driver is on duty each day;

''(iii) the time the driver is released from duty each day; and

''(iv) the total time for the preceding driving week the driver is used for the first time or intermittently.

''(2) DEFINITION.—In this section, the term 'driver of ready mixed concrete delivery vehicle' means a driver of a vehicle designed to deliver ready mixed concrete on a daily basis and is equipped with a mechanism under which the vehicle's propulsion engine provides the power to operate a mixer drum to agitate and mix the product en route to the delivery site.''.

TITLE VI—INNOVATION

SEC. 6001. SHORT TITLE.

This title may be cited as the ''Transportation for Tomorrow Act of 2015''.

SEC. 6002. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated out of the

Highway Trust Fund (other than the Mass Transit Account):

(1) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—To carry out section 503(b) of title 23, United States Code, $125,000,000 for each of fiscal years 2016 through 2021.

(2) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—To carry out section 503(c) of title 23, United States Code—

(A) $67,000,000 for fiscal year 2016;

(B) $67,500,000 for fiscal year 2017;

(C) $67,500,000 for fiscal year 2018;

(D) $67,500,000 for fiscal year 2019;

(E) $67,500,000 for fiscal year 2020; and

(F) $67,500,000 for fiscal year 2021.

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

(4) INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.—To carry out sections 512 through 518 of title 23, United States Code $100,000,000 for each of fiscal years 2016 through 2021.

(5) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—To carry out section 5505 of title 49, United States Code—

(A) $72,500,000 for fiscal year 2016;

(B) $75,000,000 for fiscal year 2017;

(C) $75,000,000 for fiscal year 2018;

(D) $77,500,000 for fiscal year 2019;

(E) $77,500,000 for fiscal year 2020; and

(F) $77,500,000 for fiscal year 2021.

(6) BUREAU OF TRANSPORTATION STATISTICS.—To carry out chapter 63 of title 49, United States Code, $26,000,000 for each of fiscal years 2016 through 2021.

(b) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by subsection (a) shall—

(1) be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using those funds shall be 80 percent, unless otherwise expressly provided by this Act (including the amendments by this Act) or otherwise determined by the Secretary; and

(2) remain available until expended and not be transferable, except as otherwise provided in this Act.

SEC. 6003. ADVANCED TRANSPORTATION AND CONGESTION MANAGEMENT TECHNOLOGIES DEPLOYMENT.

Section 503(c) of title 23, United States Code, is amended by adding at the end the following:

''(4) ADVANCED TRANSPORTATION TECHNOLOGIES DEPLOYMENT.—

''(A) IN GENERAL.—Not later than 6 months after the date of enactment of this paragraph, the Secretary shall establish an advanced transportation and congestion management technologies deployment initiative to provide grants to eligible entities to develop model deployment sites for large scale installation and operation of advanced transportation technologies to improve safety, efficiency, system performance, and infrastructure return on investment.

''(B) CRITERIA.—The Secretary shall develop criteria for selection of an eligible entity to receive a grant under this paragraph, including how the deployment of technology will—

''(i) reduce costs and improve return on investments, including through the enhanced use of existing transportation capacity;

''(ii) deliver environmental benefits that alleviate congestion and streamline traffic flow;

''(iii) measure and improve the operational performance of the applicable transportation network;

''(iv) reduce the number and severity of traffic crashes and increase driver, passenger, and pedestrian safety;

''(v) collect, disseminate, and use real-time traffic, transit, parking, and other transportation-related information to improve mobility, reduce congestion, and provide for more efficient and accessible transportation;

''(vi) monitor transportation assets to improve infrastructure management, reduce maintenance costs, prioritize investment decisions, and ensure a state of good repair;

''(vii) deliver economic benefits by reducing delays, improving system performance, and providing for the efficient and reliable movement of goods and services; or

''(viii) accelerate the deployment of vehicle-to-vehicle, vehicle-to-infrastructure, autonomous vehicles, and other technologies.

''(C) APPLICATIONS.—

''(i) REQUEST.—Not later than 6 months after the date of enactment of this paragraph, and for every fiscal year thereafter, the Secretary shall request applications in accordance with clause (ii).

''(ii) CONTENTS.—An application submitted under this subparagraph shall include the following:

''(I) PLAN.—A plan to deploy and provide for the long-term operation and maintenance of advanced transportation and congestion management technologies to improve safety, efficiency, system performance, and return on investment.

''(II) OBJECTIVES.—Quantifiable system performance improvements, such as—

''(aa) reducing traffic-related crashes, congestion, and costs;

''(bb) optimizing system efficiency; and

''(cc) improving access to transportation services.

''(III) RESULTS.—Quantifiable safety, mobility, and environmental benefit projections such as data-driven estimates of how the project will improve the region's transportation system efficiency and reduce traffic congestion.

''(IV) PARTNERSHIPS.—A plan for partnering with the private sector or public agencies, including multimodal and multijurisdictional entities, research institutions, organizations representing transportation and technology leaders, or other transportation stakeholders.

''(V) LEVERAGING.—A plan to leverage and optimize existing local and regional advanced transportation technology investments.

''(D) GRANT SELECTION.—

''(i) GRANT AWARDS.—Not later than 1 year after the date of enactment of this paragraph, and for every fiscal year thereafter, the Secretary shall award grants to not less than 5 and not more than 8 eligible entities.

''(ii) GEOGRAPHIC DIVERSITY.—In awarding a grant under this paragraph, the Secretary shall ensure, to the extent practicable, that grant recipients represent diverse geographic areas of the United States.

''(E) USE OF GRANT FUNDS.—A grant recipient may use funds awarded under this paragraph to deploy advanced transportation and congestion management technologies, including—

''(i) advanced traveler information systems;

''(ii) advanced transportation management technologies;

''(iii) infrastructure maintenance, monitoring, and condition assessment;

''(iv) advanced public transportation systems;

''(v) transportation system performance data collection, analysis, and dissemination systems;

''(vi) advanced safety systems, including vehicle-to-vehicle and vehicle-to-infrastructure communications, technologies associated with autonomous vehicles, and other collision avoidance technologies, including systems using cellular technology;

''(vii) integration of intelligent transportation systems with the Smart Grid and other energy distribution and charging systems;

''(viii) electronic pricing and payment systems; or

''(ix) advanced mobility and access technologies, such as dynamic ridesharing and information systems to support human services for elderly and disabled individuals.

''(F) REPORT TO SECRETARY.—Not later than 1 year after an eligible entity receives a grant under this paragraph, and each year thereafter, the entity shall submit a report to the Secretary that describes—

''(i) deployment and operational costs of the project compared to the benefits and savings the project provides; and

''(ii) how the project has met the original expectations projected in the deployment plan submitted with the application, such as—

''(I) data on how the project has helped reduce traffic crashes, congestion, costs, and other benefits of the deployed systems;

''(II) data on the effect of measuring and improving transportation system performance through the deployment of advanced technologies;

''(III) the effectiveness of providing real-time integrated traffic, transit, and multimodal transportation information to the public to make informed travel decisions; and

''(IV) lessons learned and recommendations for future deployment strategies to optimize transportation efficiency and multimodal system performance.

''(G) REPORT.—Not later than 3 years after the date that the first grant is awarded under this paragraph, and each year thereafter, the Secretary shall make available to the public on an Internet Web site a report that describes the effectiveness of grant recipients in meeting their projected deployment plans, including data provided under subparagraph (F) on how the program has—

''(i) reduced traffic-related fatalities and injuries;

''(ii) reduced traffic congestion and improved travel time reliability;

''(iii) reduced transportation-related emissions;

''(iv) optimized multimodal system performance;

''(v) improved access to transportation alternatives;

''(vi) provided the public with access to real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions;

''(vii) provided cost savings to transportation agencies, businesses, and the traveling public; or

''(viii) provided other benefits to transportation users and the general public.

''(H) ADDITIONAL GRANTS.—The Secretary may cease to provide additional grant funds to a recipient of a grant under this paragraph if—

''(i) the Secretary determines from such recipient's report that the recipient is not carrying out the requirements of the grant; and

''(ii) the Secretary provides written notice 60 days prior to withholding funds to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

''(I) FUNDING.—

''(i) IN GENERAL.—From funds made available to carry out section 503(b), this subsection, and sections 512 through 518, the Secretary shall set aside for grants awarded under subparagraph (D) $75,000,000 for each of fiscal years 2016 through 2021.

''(ii) EXPENSES FOR THE SECRETARY.—Of the amounts set aside under clause (i), the Secretary may set aside $2,000,000 each fiscal year for program reporting, evaluation, and administrative costs related to this paragraph.

''(J) FEDERAL SHARE.—The Federal share of the cost of a project for which a grant is awarded under this subsection shall not exceed 50 percent of the cost of the project.

''(K) GRANT LIMITATION.—The Secretary may not award more than 20 percent of the amount described under subparagraph (I) in a fiscal year to a single grant recipient.

''(L) EXPENSES FOR GRANT RECIPIENTS.—A grant recipient under this paragraph may use not more than 5 percent of the funds awarded each fiscal year to carry out planning and reporting requirements.

''(M) GRANT FLEXIBILITY.—

''(i) IN GENERAL.—If, by August 1 of each fiscal year, the Secretary determines that there are not enough grant applications that meet the requirements described in subparagraph (C) to carry out this section for a fiscal year, the Secretary shall transfer to the programs specified in clause (ii)—

''(I) any of the funds reserved for the fiscal year under subparagraph (I) that the Secretary has not yet awarded under this paragraph; and

''(II) an amount of obligation limitation equal to the amount of funds that the Secretary transfers under subclause (I).

''(ii) PROGRAMS.—The programs referred to in clause (i) are—

''(I) the program under section 503(b);

''(II) the program under section 503(c); and

''(III) the programs under sections 512 through 518.

''(iii) DISTRIBUTION.—Any transfer of funds and obligation limitation under clause (i) shall be divided among the programs referred to in that clause in the same proportions as the Secretary originally reserved funding from the programs for the fiscal year under subparagraph (I).

''(N) DEFINITIONS.—In this paragraph, the following definitions apply:

''(i) ELIGIBLE ENTITY.—The term 'eligible entity' means a State or local government, a transit agency, metropolitan planning organization representing a population 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

''(II) is an eligible entity under this paragraph.''.

SEC. 6004. TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.

Section 503(c)(3) of title 23, United States Code, is amended—

(1) in subparagraph (C) by striking ''2013 through 2014'' and inserting ''2016 through 2021''; and

(2) by adding at the end the following:

''(D) PUBLICATION.—The Secretary shall make available to the public on an Internet Web site on an annual basis a report on the cost and benefits from deployment of new technology and innovations that substantially and directly resulted from the program established under this paragraph. The report may include an analysis of—

''(i) Federal, State, and local cost savings;

''(ii) project delivery time improvements;

''(iii) reduced fatalities; and

''(iv) congestion impacts.''.

SEC. 6005. INTELLIGENT TRANSPORTATION SYSTEM GOALS.

Section 514(a) of title 23, United States Code, is amended—

(1) in paragraph (4) by striking ''and'' at the end;

(2) in paragraph (5) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) enhancement of the national freight system and support to national freight policy goals by conducting heavy duty vehicle demonstration activities and accelerating adoption of intelligent transportation system applications in freight operations.''.

SEC. 6006. INTELLIGENT TRANSPORTATION SYSTEM PROGRAM REPORT.

Section 515(h)(4) of title 23, United States Code, is amended—

(1) by striking ''February 1 of each year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012'' and inserting ''May 1 of each year''; and

(2) by striking ''submit to Congress'' and inserting ''make available to the public on a Department of Transportation Web site''.

SEC. 6007. INTELLIGENT TRANSPORTATION SYSTEM NATIONAL ARCHITECTURE AND STANDARDS.

Section 517(a)(3) of title 23, United States Code, is amended by striking ''memberships are comprised of, and represent,'' and inserting ''memberships include representatives of''.

SEC. 6008. COMMUNICATION SYSTEMS DEPLOYMENT REPORT.

Section 518(a) of title 23, United States Code, is amended by striking ''Not later than 3'' and all that follows through ''House of Representatives'' and inserting ''Not later than July 6, 2016, the Secretary shall make available to the public on a Department of Transportation Web site a report''.

SEC. 6009. INFRASTRUCTURE DEVELOPMENT.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended by adding at the end the following:

''§ 519. Infrastructure development

''Funds made available to carry out this chapter for operational tests—

''(1) shall be used primarily for the development of intelligent transportation system infrastructure, equipment, and systems; and

''(2) to the maximum extent practicable, shall not be used for the construction of physical surface transportation infrastructure unless the construction is incidental and critically necessary to the implementation of an intelligent transportation system project.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding at the end the following new item:

''519. Infrastructure development.''.

(2) TECHNICAL AMENDMENT.—The item relating to section 512 in the analysis for chapter 5 of title 23, United States Code, is amended to read as follows:

''512. National ITS program plan.''.

SEC. 6010. DEPARTMENTAL RESEARCH PROGRAMS.

(a) ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY.—Section 102(e) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking ''5'' and inserting ''6''; and

(2) in paragraph (1)(A) by inserting ''an Assistant Secretary for Research and Technology,'' after ''Governmental Affairs,''.

(b) RESEARCH ACTIVITIES.—Section 330 of title 49, United States Code, is amended—

(1) in the section heading by striking ''**contracts**'' and inserting ''**activities**'';

(2) in subsection (a) by striking ''The Secretary of'' and inserting ''IN GENERAL.—The Secretary of'';

(3) in subsection (b) by striking ''In carrying'' and inserting ''RESPONSIBILITIES.—In carrying'';

(4) in subsection (c) by striking ''The Secretary'' and inserting ''PUBLICATIONS.—The Secretary''; and

(5) by adding at the end the following:

''(d) DUTIES.—The Secretary shall provide for the following:

''(1) Coordination, facilitation, and review of Department of Transportation research and development programs and activities.

''(2) Advancement, and research and development, of innovative technologies, including intelligent transportation systems.

''(3) Comprehensive transportation statistics research, analysis, and reporting.

''(4) Education and training in transportation and transportation-related fields.

''(5) Activities of the Volpe National Transportation Systems Center.

''(6) Coordination in support of multimodal and multidisciplinary research activities.

''(e) ADDITIONAL AUTHORITIES.—The Secretary may—

''(1) enter into grants and cooperative agreements with Federal agencies, State and local government agencies, other public entities, private organizations, and other persons to conduct research into transportation service and infrastructure assurance and to carry out other research activities of the Department of Transportation;

''(2) carry out, on a cost-shared basis, collaborative research and development to encourage innovative solutions to multimodal transportation problems and stimulate the deployment of new technology with—

''(A) non-Federal entities, including State and local governments, foreign governments, institutions of higher education, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State;

''(B) Federal laboratories; and

''(C) other Federal agencies; and

''(3) directly initiate contracts, grants, cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)), and other agreements to fund, and accept funds from, the Transportation Research Board of the National Academies, State departments of transportation, cities, counties, institutions of higher education, associations, and the agents of those entities to carry out joint transportation research and technology efforts.

''(f) FEDERAL SHARE.—

''(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of an activity carried out under subsection (e)(3) shall not exceed 50 percent.

''(2) EXCEPTION.—If the Secretary determines that the activity is of substantial public interest or benefit, the Secretary may approve a greater Federal share.

''(3) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, facility, and hardware development costs, shall be credited toward the non-Federal share of the cost of an activity described in subsection (e)(3).

''(g) PROGRAM EVALUATION AND OVERSIGHT.—For each of fiscal years 2016 through

2021, the Secretary is authorized to expend not more than 1 and a half percent of the amounts authorized to be appropriated for the coordination, evaluation, and oversight of the programs administered by the Office of the Assistant Secretary for Research and Technology.

''(h) USE OF TECHNOLOGY.—The research, development, or use of a technology under a contract, grant, cooperative research and development agreement, or other agreement entered into under this section, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

''(i) WAIVER OF ADVERTISING REQUIREMENTS.—Section 6101 of title 41 shall not apply to a contract, grant, or other agreement entered into under this section.''.

(c) CLERICAL AMENDMENT.—The item relating to section 330 in the analysis of chapter 3 of title 49, United States Code, is amended to read as follows:

''330. Research activities.''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 5 AMENDMENTS.—

(A) POSITIONS AT LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking ''The Under Secretary of Transportation for Security.''.

(B) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended in the undesignated item relating to Assistant Secretaries of Transportation by striking ''(4)'' and inserting ''(5)''.

(C) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by striking ''Associate Deputy Secretary, Department of Transportation.''.

(2) BUREAU OF TRANSPORTATION STATISTICS.—Section 6302(a) of title 49, United States Code, is amended to read as follows:

''(a) IN GENERAL.—There shall be within the Department of Transportation the Bureau of Transportation Statistics.''.

SEC. 6011. RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION.

(a) REPEAL.—Section 112 of title 49, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by striking the item relating to section 112.

SEC. 6012. OFFICE OF INTERMODALISM.

(a) REPEAL.—Section 5503 of title 49, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 55 of title 49, United States Code, is amended by striking the item relating to section 5503.

SEC. 6013. UNIVERSITY TRANSPORTATION CENTERS.

Section 5505 of title 49, United States Code, is amended to read as follows:

''§ 5505. University transportation centers program

''(a) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—

''(1) ESTABLISHMENT AND OPERATION.—The Secretary shall make grants under this section to eligible nonprofit institutions of higher education to establish and operate university transportation centers.

''(2) ROLE OF CENTERS.—The role of each university transportation center referred to in paragraph (1) shall be—

''(A) to advance transportation expertise and technology in the varied disciplines that comprise the field of transportation through education, research, and technology transfer activities;

''(B) to provide for a critical transportation knowledge base outside of the Department of Transportation; and

''(C) to address critical workforce needs and educate the next generation of transportation leaders.

''(b) COMPETITIVE SELECTION PROCESS.—

''(1) APPLICATIONS.—To receive a grant under this section, a consortium of nonprofit institutions of higher education shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

''(2) LIMITATION.—A lead institution of a consortium of nonprofit institutions of higher education, as applicable, may only submit 1 grant application per fiscal year for each of the transportation centers described under paragraphs (2), (3), and (4) of subsection (c).

''(3) COORDINATION.—The Secretary shall solicit grant applications for national transportation centers, regional transportation centers, and Tier 1 university transportation centers with identical advertisement schedules and deadlines.

''(4) GENERAL SELECTION CRITERIA.—

''(A) IN GENERAL.—Except as otherwise provided by this section, the Secretary shall award grants under this section in nonexclusive candidate topic areas established by the Secretary that address the research priorities identified in section 503 of title 23.

''(B) CRITERIA.—The Secretary, in consultation with the Assistant Secretary for Research and Technology and the Administrator of the Federal Highway Administration, shall select each recipient of a grant under this section through a competitive process based on the assessment of the Secretary relating to—

''(i) the demonstrated ability of the recipient to address each specific topic area described in the research and strategic plans of the recipient;

''(ii) the demonstrated research, technology transfer, and education resources available to the recipient to carry out this section;

''(iii) the ability of the recipient to provide leadership in solving immediate and long-range national and regional transportation problems;

''(iv) the ability of the recipient to carry out research, education, and technology transfer activities that are multimodal and multidisciplinary in scope;

''(v) the demonstrated commitment of the recipient to carry out transportation workforce development programs through—

''(I) degree-granting programs or programs that provide other industry-recognized credentials; and

''(II) outreach activities to attract new entrants into the transportation field, including women and underrepresented populations;

''(vi) the demonstrated ability of the recipient to disseminate results and spur the implementation of transportation research and education programs through national or statewide continuing education programs;

''(vii) the demonstrated commitment of the recipient to the use of peer review principles and other research best practices in the selection, management, and dissemination of research projects;

''(viii) the strategic plan submitted by the recipient describing the proposed research to be carried out by the recipient and the performance metrics to be used in assessing the performance of the recipient in meeting the stated research, technology transfer, education, and outreach goals; and

''(ix) the ability of the recipient to implement the proposed program in a cost-efficient manner, such as through cost sharing and overall reduced overhead, facilities, and administrative costs.

''(5) TRANSPARENCY.—

''(A) IN GENERAL.—The Secretary shall provide to each applicant, upon request, any materials, including copies of reviews (with any information that would identify a reviewer redacted), used in the evaluation process of the proposal of the applicant.

''(B) REPORTS.—The Secretary shall submit to the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the overall review process under paragraph (3) that includes—

''(i) specific criteria of evaluation used in the review;

''(ii) descriptions of the review process; and

''(iii) explanations of the selected awards.

''(6) OUTSIDE STAKEHOLDERS.—The Secretary shall, to the maximum extent practicable, consult external stakeholders such as the Transportation Research Board of the National Research Council of the National Academies to evaluate and competitively review all proposals.

''(c) GRANTS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, Assistant Secretary for Research and Technology, and the Administrator of the Federal Highway Administration shall select grant recipients under subsection (b) and make grant amounts available to the selected recipients.

''(2) NATIONAL TRANSPORTATION CENTERS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall provide grants to 5 consortia that the Secretary determines best meet the criteria described in subsection (b)(4).

''(B) RESTRICTIONS.—

''(i) IN GENERAL.—For each fiscal year, a grant made available under this paragraph shall be not greater than $4,000,000 and not less than $2,000,000 per recipient.

''(ii) FOCUSED RESEARCH.—A consortium receiving a grant under this paragraph shall focus research on 1 of the transportation issue areas specified in section 508(a)(2) of title 23.

''(C) MATCHING REQUIREMENT.—

''(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 100 percent of the amounts made available under the grant.

''(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

''(I) section 504(b) of title 23; or

''(II) section 505 of title 23.

''(3) REGIONAL UNIVERSITY TRANSPORTATION CENTERS.—

''(A) LOCATION OF REGIONAL CENTERS.—One regional university transportation center shall be located in each of the 10 Federal regions that comprise the Standard Federal Regions established by the Office of Management and Budget in the document entitled 'Standard Federal Regions' and dated April 1974 (circular A–105).

''(B) SELECTION CRITERIA.—In conducting a competition under subsection (b), the Secretary shall provide grants to 10 consortia on the basis of—

''(i) the criteria described in subsection (b)(4);

''(ii) the location of the lead center within the Federal region to be served; and

''(iii) whether the consortium of institutions demonstrates that the consortium has a well-established, nationally recognized program in transportation research and education, as evidenced by—

''(I) recent expenditures by the institution in highway or public transportation research;

''(II) a historical track record of awarding graduate degrees in professional fields closely related to highways and public transportation; and

''(III) an experienced faculty who specialize in professional fields closely related to highways and public transportation.

''(C) RESTRICTIONS.—For each fiscal year, a grant made available under this paragraph shall be not greater than $3,000,000 and not less than $1,500,000 per recipient.

''(D) MATCHING REQUIREMENTS.—

''(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 100 percent of the amounts made available under the grant.

''(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

''(I) section 504(b) of title 23; or

''(II) section 505 of title 23.

''(E) FOCUSED RESEARCH.—The Secretary shall make a grant to 1 of the 10 regional university transportation centers established under this paragraph for the purpose of furthering the objectives described in subsection (a)(2) in the field of comprehensive transportation safety.

''(4) TIER 1 UNIVERSITY TRANSPORTATION CENTERS.—

''(A) IN GENERAL.—The Secretary shall provide grants of not greater than $2,000,000 and not less than $1,000,000 to not more than 20 recipients to carry out this paragraph.

''(B) MATCHING REQUIREMENT.—

''(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 50 percent of the amounts made available under the grant.

''(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

''(I) section 504(b) of title 23; or

''(II) section 505 of title 23.

''(C) FOCUSED RESEARCH.—In awarding grants under this section, consideration shall be given to minority institutions, as defined by section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k), or consortia that include such institutions that have demonstrated an ability in transportation-related research.

''(d) PROGRAM COORDINATION.—

''(1) IN GENERAL.—The Secretary shall—

''(A) coordinate the research, education, and technology transfer activities carried out by grant recipients under this section; and

''(B) disseminate the results of that research through the establishment and operation of a publicly accessible online information clearinghouse.

''(2) ANNUAL REVIEW AND EVALUATION.—Not less frequently than annually, and consistent with the plan developed under section 508 of title 23, the Secretary shall—

''(A) review and evaluate the programs carried out under this section by grant recipients; and

''(B) submit to the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing that review and evaluation.

''(3) PROGRAM EVALUATION AND OVERSIGHT.—For each of fiscal years 2016 through 2021, the Secretary shall expend not more than 1 and a half percent of the amounts made available to the Secretary to carry out this section for any coordination, evaluation, and oversight activities of the Secretary under this section.

''(e) LIMITATION ON AVAILABILITY OF AMOUNTS.—Amounts made available to the Secretary to carry out this section shall remain available for obligation by the Secretary for a period of 3 years after the last day of the fiscal year for which the amounts are authorized.

''(f) INFORMATION COLLECTION.—Any survey, questionnaire, or interview that the Secretary determines to be necessary to carry out reporting requirements relating to any program assessment or evaluation activity under this section, including customer satisfaction assessments, shall not be subject to chapter 35 of title 44.''.

SEC. 6014. BUREAU OF TRANSPORTATION STATISTICS.

(a) BUREAU OF TRANSPORTATION STATISTICS.—Section 6302(b)(3)(B) of title 49, United States Code, is amended—

(1) in clause (vi)(III) by striking ''section 6310'' and inserting ''section 6309'';

(2) by redesignating clauses (vii), (viii), (ix), and (x) as clauses (x), (xi), (xii), and (xiii), respectively; and

(3) by inserting after clause (vi) the following:

''(vii) develop and improve transportation economic accounts to meet demand for methods for estimating the economic value of transportation infrastructure, investment, and services;

''(viii) not be required to obtain the approval of any other officer or employee of the Department in connection with the collection or analysis of any information;

''(ix) not be required, prior to publication, to obtain the approval of any other officer or employee of the Federal Government with respect to the substance of any statistical technical reports or press releases that the Director has prepared in accordance with the law;''.

(b) TECHNICAL AMENDMENT.—Section 6311(5) of title 49, United States Code, is amended by striking ''section 6310'' and inserting ''section 6309''.

SEC. 6015. SURFACE TRANSPORTATION SYSTEM FUNDING ALTERNATIVES.

(a) IN GENERAL.—The Secretary shall establish a program to provide grants to States to demonstrate user-based alternative revenue mechanisms that utilize a user fee structure to maintain the long-term solvency of the Highway Trust Fund.

(b) APPLICATION.—To be eligible for a grant under this section, a State or group of States shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

(c) OBJECTIVES.—The Secretary shall ensure that the activities carried out using funds provided under this section meet the following objectives:

(1) To test the design, acceptance, and implementation of 2 or more future user-based alternative revenue mechanisms.

(2) To improve the functionality of such user-based alternative revenue mechanisms.

(3) To conduct outreach to increase public awareness regarding the need for alternative funding sources for surface transportation programs and to provide information on possible approaches.

(4) To provide recommendations regarding adoption and implementation of user-based alternative revenue mechanisms.

(5) To minimize the administrative cost of any potential user-based alternative revenue mechanisms.

(d) USE OF FUNDS.—A State or group of States receiving funds under this section to test the design, acceptance, and implementation of a user-based alternative revenue mechanism—

(1) shall address—

(A) the implementation, interoperability, public acceptance, and other potential hurdles to the adoption of the user-based alternative revenue mechanism;

(B) the protection of personal privacy;

(C) the use of independent and private third-party vendors to collect fees and operate the user-based alternative revenue mechanism;

(D) market-based congestion mitigation, if appropriate;

(E) equity concerns, including the impacts of the user-based alternative revenue mechanism on differing income groups, various geographic areas, and the relative burdens on rural and urban drivers;

(F) ease of compliance for different users of the transportation system; and

(G) the reliability and security of technology used to implement the user-based alternative revenue mechanism; and

(2) may address—

(A) the flexibility and choices of user-based alternative revenue mechanisms, including the ability of users to select from various technology and payment options;

(B) the cost of administering the user-based alternative revenue mechanism; and

(C) the ability of the administering entity to audit and enforce user compliance.

(e) CONSIDERATION.—The Secretary shall consider geographic diversity in awarding grants under this section.

(f) LIMITATIONS ON REVENUE COLLECTED.—Any revenue collected through a user-based alternative revenue mechanism established using funds provided under this section 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) $15,000,000 shall be used to carry out this section for fiscal year 2016; and

(2) $20,000,000 shall be used to carry out this section for each of fiscal years 2017 through 2021.

(k) GRANT FLEXIBILITY.—If, by August 1 of each fiscal year, the Secretary determines that there are not enough grant applications that meet the requirements of this section for a fiscal year, Secretary shall transfer to the program under section 503(b) of title 23, United States Code—

(1) any of the funds reserved for the fiscal year under subsection (j) that the Secretary has not yet awarded under this section; and

(2) an amount of obligation limitation equal to the amount of funds that the Secretary transfers under paragraph (1).

SEC. 6016. FUTURE INTERSTATE STUDY.

(a) FUTURE INTERSTATE SYSTEM STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the Transportation Research Board of the National Academies to conduct a study on the actions needed to upgrade and restore the Dwight D. Eisenhower National System of Interstate and Defense Highways to its role as a premier system that meets the growing and shifting demands of the 21st century.

(b) METHODOLOGIES.—In conducting the study, the Transportation Research Board

shall build on the methodologies examined and recommended in the report prepared for the American Association of State Highway and Transportation Officials titled ''National Cooperative Highway Research Program Project 20–24(79): Specifications for a National Study of the Future 3R, 4R, and Capacity Needs of the Interstate System'', dated December 2013.

(c) CONTENTS OF STUDY.—The study—

(1) shall include specific recommendations regarding the features, standards, capacity needs, application of technologies, and intergovernmental roles to upgrade the Interstate System, including any revisions to law (including regulations) that the Transportation Research Board determines appropriate; and

(2) is encouraged to build on the institutional knowledge in the highway industry in applying the techniques involved in implementing the study.

(d) CONSIDERATIONS.—In carrying out the study, the Transportation Research Board shall determine the need for reconstruction and improvement of the Interstate System by considering—

(1) future demands on transportation infrastructure determined for national planning purposes, including commercial and private traffic flows to serve future economic activity and growth;

(2) the expected condition of the current Interstate System over the period of 50 years beginning on the date of enactment of this Act, including long-term deterioration and reconstruction needs;

(3) features that would take advantage of technological capabilities to address modern standards of construction, maintenance, and operations, for purposes of safety, and system management, taking into further consideration system performance and cost; and

(4) the resources necessary to maintain and improve the Interstate System.

(e) CONSULTATION.—In carrying out the study, the Transportation Research Board—

(1) shall convene and consult with a panel of national experts, including operators and users of the Interstate System and private sector stakeholders; and

(2) is encouraged to consult with—

(A) the Federal Highway Administration;

(B) States;

(C) planning agencies at the metropolitan, State, and regional levels;

(D) the motor carrier industry;

(E) freight shippers;

(F) highway safety groups; and

(G) other appropriate entities.

(f) REPORT.—Not later than 3 years after the date of enactment of this Act, the Transportation Research Board shall make available to the public on an Internet Web site the results of the study conducted under this section.

(g) FUNDING.—From funds made available to carry out section 503(b) of title 23, United States Code, the Secretary may use to carry out this section up to $5,000,000 for fiscal year 2016.

SEC. 6017. HIGHWAY EFFICIENCY.

(a) STUDY.—

(1) IN GENERAL.—The Assistant Secretary of Transportation for Research and Technology may examine the impact of pavement durability and sustainability on vehicle fuel consumption, vehicle wear and tear, road conditions, and road repairs.

(2) METHODOLOGY.—In carrying out the study, the Assistant Secretary shall—

(A) conduct a thorough review of relevant peer-reviewed research published during at least the past 5 years;

(B) analyze impacts of different types of pavement on all motor vehicle types, including commercial vehicles;

(C) specifically examine the impact of pavement deformation and deflection; and

(D) analyze impacts of different types of pavement on road conditions and road repairs.

(3) CONSULTATION.—In carrying out the study, the Assistant Secretary shall consult with—

(A) experts from the different modal administrations of the Department and from other Federal agencies, including the National Institute of Standards and Technology;

(B) State departments of transportation;

(C) local government engineers and public works professionals;

(D) industry stakeholders; and

(E) appropriate academic experts active in the field.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Assistant Secretary shall publish on a public Web site the results of the study.

(2) CONTENTS.—The report shall include—

(A) a summary of the different types of pavements analyzed in the study and the impacts of pavement durability and sustainability on vehicle fuel consumption, vehicle wear and tear, road conditions, and road repairs; and

(B) recommendations for State and local governments on best practice methods for improving pavement durability and sustainability to maximize vehicle fuel economy, ride quality, and road conditions and to minimize the need for road and vehicle repairs.

SEC. 6018. MOTORCYCLE SAFETY.

(a) STUDY.—The Assistant Secretary for Research and Technology of the Department of Transportation may enter into an agreement, within 45 days after the date of enactment of this Act, with the National Academy of Sciences to conduct a study on the most effective means of preventing motorcycle crashes.

(b) PUBLICATION.—The Assistant Secretary may make available the findings on a public Web site within 30 days after receiving the results of the study from the National Academy of Sciences.

SEC. 6019. HAZARDOUS MATERIALS RESEARCH AND DEVELOPMENT.

Section 5118 of title 49, United States Code, is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A) by striking ''and'' at the end;

(B) in subparagraph (B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) coordinate, as appropriate, with other Federal agencies.''; and

(2) by adding at the end the following new subsection:

''(c) COOPERATIVE RESEARCH.—

''(1) IN GENERAL.—As part of the program established in subsection (a), the Secretary may carry out cooperative research on hazardous materials transport.

''(2) NATIONAL ACADEMIES.—The Secretary may enter into an agreement with the National Academies to support such research.

''(3) RESEARCH.—Research conducted under this subsection may include activities related to—

''(A) emergency planning and response, including information and programs that can be readily assessed and implemented in local jurisdictions;

''(B) risk analysis and perception and data assessment;

''(C) commodity flow data, including voluntary collaboration between shippers and first responders for secure data exchange of critical information;

''(D) integration of safety and security;

''(E) cargo packaging and handling;

''(F) hazmat release consequences; and

''(G) materials and equipment testing.''.

SEC. 6020. WEB-BASED TRAINING FOR EMERGENCY RESPONDERS.

Section 5115(a) of title 49, United States Code, is amended by inserting '', including online curriculum as appropriate,'' after ''a current curriculum of courses''.

SEC. 6021. TRANSPORTATION TECHNOLOGY POLICY WORKING GROUP.

To improve the scientific pursuit and research procedures concerning transportation, the Assistant Secretary for Research and Technology may convene an interagency working group to—

(1) develop within 1 year after the date of enactment of this Act a national transportation research framework;

(2) identify opportunities for coordination between the Department and universities and the private sector, and prioritize these opportunities;

(3) identify and develop a plan to implement best practices for moving transportation research results out of the laboratory and into application; and

(4) identify and develop a plan to address related workforce development needs.

SEC. 6022. COLLABORATION AND SUPPORT.

The Secretary may solicit the support of, and identify opportunities to collaborate with, other Federal research agencies and national laboratories to assist in the effective and efficient pursuit and resolution of research challenges identified by the Secretary.

SEC. 6023. PRIZE COMPETITIONS.

Section 502(b)(7) of title 23, United States Code, is amended—

(1) in subparagraph (D)—

(A) by inserting ''(such as www.challenge.gov)'' after ''public website'';

(B) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(C) by inserting after clause (ii) the following:

''(iii) the process for participants to register for the competition;''; and

(D) in clause (iv) (as redesignated by subparagraph (B)) by striking ''prize'' and inserting ''cash prize purse'';

(2) in subparagraph (E) by striking ''prize'' both places it appears and inserting ''cash prize purse'';

(3) by redesignating subparagraphs (F) through (K) as subparagraphs (G) through (L), respectively;

(4) by inserting after subparagraph (E) the following:

''(F) USE OF FEDERAL FACILITIES; CONSULTATION WITH FEDERAL EMPLOYEES.—An individual or entity is not ineligible to receive a cash prize purse under this paragraph as a result of the individual or entity using a Federal facility or consulting with a Federal employee related to the individual or entity's participation in a prize competition under this paragraph unless the same facility or employee is made available to all individuals and entities participating in the prize competition on an equitable basis.'';

(5) in subparagraph (G) (as redesignated by paragraph (3) of this section)—

(A) in clause (i)(I) by striking ''competition'' and inserting ''prize competition under this paragraph'';

(B) in clause (ii)(I)—

(i) by striking ''participation in a competition'' and inserting ''participation in a prize competition under this paragraph''; and

(ii) by striking ''competition activities'' and inserting ''prize competition activities''; and

(C) by adding at the end the following:

''(iii) INTELLECTUAL PROPERTY.—

''(I) PROHIBITION ON REQUIRING WAIVER.—The Secretary may not require a participant to waive claims against the Department arising out of the unauthorized use or disclosure

by the Department of the intellectual property, trade secrets, or confidential business information of the participant.

''(II) PROHIBITION ON GOVERNMENT ACQUISITION OF INTELLECTUAL PROPERTY RIGHTS.—The Federal Government may not gain an interest in intellectual property developed by a participant for a prize competition under this paragraph without the written consent of the participant.

''(III) LICENSES.—The Federal Government may negotiate a license for the use of intellectual property developed by a participant for a prize competition under this paragraph.'';

(6) in subparagraph (H)(i) (as redesignated by paragraph (3) of this section) by striking ''subparagraph (H)'' and inserting ''subparagraph (I)'';

(7) in subparagraph (I) (as redesignated by paragraph (3) of this section) by striking ''an agreement with a private, nonprofit entity'' and inserting ''a grant, contract, cooperative agreement, or other agreement with a private sector for-profit or nonprofit entity'';

(8) in subparagraph (J) (as redesignated by paragraph (3) of this section)—

(A) in clause (i)—

(i) in subclause (I) by striking ''the private sector'' and inserting ''private sector for-profit and nonprofit entities, to be available to the extent provided by appropriations Acts'';

(ii) in subclause (II) by striking ''and metropolitan planning organizations'' and inserting ''metropolitan planning organizations, and private sector for-profit and nonprofit entities''; and

(iii) in subclause (III) by inserting ''for-profit or nonprofit'' after ''private sector'';

(B) in clause (ii) by striking ''prize awards'' and inserting ''cash prize purses'';

(C) in clause (iv)—

(i) by inserting ''competition'' after ''A prize''; and

(ii) by striking ''the prize'' and inserting ''the cash prize purse'';

(D) in clause (v)—

(i) by striking ''amount of a prize'' and inserting ''amount of a cash prize purse'';

(ii) by inserting ''competition'' after ''announcement of the prize''; and

(iii) in subclause (I) by inserting ''competition'' after ''prize'';

(E) in clause (vi) by striking ''offer a prize'' and inserting ''offer a cash prize purse''; and

(F) in clause (vii) by striking ''cash prizes'' and inserting ''cash prize purses'';

(9) in subparagraph (K) (as redesignated by paragraph (3) of this section) by striking ''or providing a prize'' and inserting ''a prize competition or providing a cash prize purse''; and

(10) in subparagraph (L)(ii) (as redesignated by paragraph (3) of this section)—

(A) in subclause (I) by striking ''The Secretary'' and inserting ''Not later than March 1 of each year, the Secretary''; and

(B) in subclause (II)—

(i) in item (cc) by striking ''cash prizes'' both places it appears and inserting ''cash prize purses''; and

(ii) in item (ee) by striking ''agency'' and inserting ''Department''.

SEC. 6024. GAO REPORT.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall make available to the public a report that—

(1) assesses the status of autonomous transportation technology policy developed by public entities in the United States;

(2) assesses the organizational readiness of the Department to address autonomous vehicle technology challenges; and

(3) recommends implementation paths for autonomous transportation technology, applications, and policies that are based on the assessment described in paragraph (2).

SEC. 6025. INTELLIGENT TRANSPORTATION SYSTEM PURPOSES.

Section 514(b) of title 23, United States Code, is amended—

(1) in paragraph (8) by striking ''and'' at the end;

(2) in paragraph (9) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(10) to assist in the development of cybersecurity standards in cooperation with relevant modal administrations of the Department of Transportation and other Federal agencies to help prevent hacking, spoofing, and disruption of connected and automated transportation vehicles.''.

SEC. 6026. INFRASTRUCTURE INTEGRITY.

Section 503(b)(3)(C) of title 23, United States Code, is amended—

(1) in clause (xviii) by striking ''and'' at the end;

(2) in clause (xix) by striking the period at the end and inserting ''; and'' ; and

(3) by adding at the end the following:

''(xx) corrosion prevention measures for the structural integrity of bridges.''.

TITLE VII—HAZARDOUS MATERIALS TRANSPORTATION

SEC. 7001. SHORT TITLE.

This title may be cited as the ''Hazardous Materials Transportation Safety Improvement Act of 2015''.

SEC. 7002. AUTHORIZATION OF APPROPRIATIONS.

Section 5128 of title 49, United States Code, is amended to read as follows:

''§ 5128. Authorization of appropriations

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119)—

''(1) $53,000,000 for fiscal year 2016;

''(2) $55,000,000 for fiscal year 2017;

''(3) $57,000,000 for fiscal year 2018;

''(4) $58,000,000 for fiscal year 2019;

''(5) $60,000,000 for fiscal year 2020; and

''(6) $62,000,000 for fiscal year 2021.

''(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(h), the Secretary may expend, for each of fiscal years 2016 through 2021—

''(1) $21,988,000 to carry out section 5116(a);

''(2) $150,000 to carry out section 5116(e);

''(3) $625,000 to publish and distribute the Emergency Response Guidebook under section 5116(h)(3); and

''(4) $1,000,000 to carry out section 5116(i).

''(c) HAZARDOUS MATERIALS TRAINING GRANTS.—From the Hazardous Materials Emergency Preparedness Fund established pursuant to section 5116(h), the Secretary may expend $5,000,000 for each of fiscal years 2016 through 2021 to carry out section 5107(e).

''(d) CREDITS TO APPROPRIATIONS.—

''(1) EXPENSES.—In addition to amounts otherwise made available to carry out this chapter, the Secretary may credit amounts received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, Indian tribe, authority, or entity.

''(2) AVAILABILITY OF AMOUNTS.—Amounts made available under this section shall remain available until expended.''.

SEC. 7003. NATIONAL EMERGENCY AND DISASTER RESPONSE.

Section 5103 of title 49, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) FEDERALLY DECLARED DISASTERS AND EMERGENCIES.—

''(1) IN GENERAL.—The Secretary may by order waive compliance with any part of an applicable standard prescribed under this chapter without prior notice and comment and on terms the Secretary considers appropriate if the Secretary determines that—

''(A) it is in the public interest to grant the waiver;

''(B) the waiver is not inconsistent with the safety of transporting hazardous materials; and

''(C) the waiver is necessary to facilitate the safe movement of hazardous materials into, from, and within an area of a major disaster or emergency that has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(2) PERIOD OF WAIVER.—A waiver under this subsection may be issued for a period of not more than 60 days and may be renewed upon application to the Secretary only after notice and an opportunity for a hearing on the waiver. The Secretary shall immediately revoke the waiver if continuation of the waiver would not be consistent with the goals and objectives of this chapter.

''(3) STATEMENT OF REASONS.—The Secretary shall include in any order issued under this section the reason for granting the waiver.''.

SEC. 7004. ENHANCED REPORTING.

Section 5121(h) of title 49, United States Code, is amended by striking ''transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate'' and inserting ''make available to the public on the Department of Transportation's Internet Web site''.

SEC. 7005. WETLINES.

(a) WITHDRAWAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall withdraw the proposed rule described in the notice of proposed rulemaking issued on January 27, 2011, entitled ''Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids'' (76 Fed. Reg. 4847).

(b) SAVINGS CLAUSE.—Nothing in this section shall prohibit the Secretary from issuing standards or regulations regarding the safety of external product piping on cargo tanks transporting flammable liquids after the withdrawal is carried out pursuant to subsection (a).

SEC. 7006. IMPROVING PUBLICATION OF SPECIAL PERMITS AND APPROVALS.

Section 5117 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) by striking ''an application for a special permit'' and inserting ''an application for a new special permit or a modification to an existing special permit''; and

(B) by inserting after the first sentence the following: ''The Secretary shall make available to the public on the Department of Transportation's Internet Web site any special permit other than a new special permit or a modification to an existing special permit and shall give the public an opportunity to inspect the safety analysis and comment on the application for a period of not more than 15 days.''; and

(2) in subsection (c)—

(A) by striking ''publish'' and inserting ''make available to the public'';

(B) by striking ''in the Federal Register'';

(C) by striking ''180'' and inserting ''120''; and

(D) by striking ''the special permit'' each place it appears and inserting ''a special permit or approval''; and

(3) by adding at the end the following:

''(g) DISCLOSURE OF FINAL ACTION.—The Secretary shall periodically, but at least every 120 days—

''(1) publish in the Federal Register notice of the final disposition of each application for a new special permit, modification to an existing special permit, or approval during the preceding quarter; and

''(2) make available to the public on the Department of Transportation's Internet Web site notice of the final disposition of any other special permit during the preceding quarter.''.

SEC. 7007. GAO STUDY ON ACCEPTANCE OF CLASSIFICATION EXAMINATIONS.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States shall evaluate and transmit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, a report on the standards, metrics, and protocols that the Secretary uses to regulate the performance of persons approved to recommend hazard classifications pursuant to section 173.56(b) of title, 49, Code of Federal Regulations (commonly referred to as ''third-party labs'').

(b) EVALUATION.—The evaluation required under subsection (a) shall—

(1) identify what standards and protocols are used to approve such persons, assess the adequacy of such standards and protocols to ensure that persons seeking approval are qualified and capable of performing classifications, and make recommendations to address any deficiencies identified;

(2) assess the adequacy of the Secretary's oversight of persons approved to perform the classifications, including the qualification of individuals engaged in the oversight of approved persons, and make recommendations to enhance oversight sufficiently to ensure that classifications are issued as required;

(3) identify what standards and protocols exist to rescind, suspend, or deny approval of persons who perform such classifications, assess the adequacy of such standards and protocols, and make recommendations to enhance such standards and protocols if necessary; and

(4) include annual data for fiscal years 2005 through 2015 on the number of applications received for new classifications pursuant to section 173.56(b) of title 49, Code of Federal Regulations, of those applications how many classifications recommended by persons approved by the Secretary were changed to another classification and the reasons for the change, and how many hazardous materials incidents have been attributed to a classification recommended by such approved persons in the United States.

(c) ACTION PLAN.—Not later than 120 days after receiving the report required under subsection (a), the Secretary shall make available to the public a plan describing any actions the Secretary will take to establish standards, metrics, and protocols based on the findings and recommendations in the report to ensure that persons approved to perform classification examinations required under section 173.56(b) of title 49, Code of Federal Regulations, can sufficiently perform such examinations in a manner that meets the hazardous materials regulations.

(d) REGULATIONS.—If the report required under subsection (a) recommends new regulations in order for the Secretary to have confidence in the accuracy of classification recommendations rendered by persons approved to perform classification examinations required under section 173.56(b) of title 49, Code of Federal Regulations, the Secretary shall issue such regulations not later than 24 months after the date of enactment of this Act.

SEC. 7008. IMPROVING THE EFFECTIVENESS OF PLANNING AND TRAINING GRANTS.

(a) PLANNING AND TRAINING GRANTS.—Section 5116 of title 49, United States Code, is amended—

(1) by redesignating subsections (c) through (k) as subsections (b) through (j), respectively,

(2) by striking subsection (b); and

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

''(a) PLANNING AND TRAINING GRANTS.—(1) The Secretary shall make grants to States and Indian tribes—

''(A) to develop, improve, and carry out emergency plans under the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.), including ascertaining flow patterns of hazardous material on lands under the jurisdiction of a State or Indian tribe, and between lands under the jurisdiction of a State or Indian tribe and lands of another State or Indian tribe;

''(B) to decide on the need for regional hazardous material emergency response teams; and

''(C) to train public sector employees to respond to accidents and incidents involving hazardous material.

''(2) To the extent that a grant is used to train emergency responders under paragraph (1)(C), the State or Indian tribe shall provide written certification to the Secretary that the emergency responders who receive training under the grant will have the ability to protect nearby persons, property, and the environment from the effects of accidents or incidents involving the transportation of hazardous material in accordance with existing regulations or National Fire Protection Association standards for competence of responders to accidents and incidents involving hazardous materials.

''(3) The Secretary may make a grant to a State or Indian tribe under paragraph (1) of this subsection only if—

''(A) the State or Indian tribe certifies that the total amount the State or Indian tribe expends (except amounts of the Federal Government) for the purpose of the grant will at least equal the average level of expenditure for the last 5 years; and

''(B) any emergency response training provided under the grant shall consist of—

''(i) a course developed or identified under section 5115 of this title; or

''(ii) any other course the Secretary determines is consistent with the objectives of this section.

''(4) A State or Indian tribe receiving a grant under this subsection shall ensure that planning and emergency response training under the grant is coordinated with adjacent States and Indian tribes.

''(5) A training grant under paragraph (1)(C) may be used—

''(A) to pay—

''(i) the tuition costs of public sector employees being trained;

''(ii) travel expenses of those employees to and from the training facility;

''(iii) room and board of those employees when at the training facility; and

''(iv) travel expenses of individuals providing the training;

''(B) by the State, political subdivision, or Indian tribe to provide the training; and

''(C) to make an agreement with a person (including an authority of a State, a political subdivision of a State or Indian tribe, or a local jurisdiction), subject to approval by the Secretary, to provide the training—

''(i) if the agreement allows the Secretary and the State or Indian tribe to conduct random examinations, inspections, and audits of the training without prior notice;

''(ii) the person agrees to have an auditable accounting system; and

''(iii) if the State or Indian tribe conducts at least one on-site observation of the training each year.

''(6) The Secretary shall allocate amounts made available for grants under this subsection among eligible States and Indian tribes based on the needs of the States and Indian tribes for emergency response training. In making a decision about those needs, the Secretary shall consider—

''(A) the number of hazardous material facilities in the State or on land under the jurisdiction of the Indian tribe;

''(B) the types and amounts of hazardous material transported in the State or on such land;

''(C) whether the State or Indian tribe imposes and collects a fee on transporting hazardous material;

''(D) whether such fee is used only to carry out a purpose related to transporting hazardous material;

''(E) the past record of the State or Indian tribe in effectively managing planning and training grants; and

''(F) any other factors the Secretary determines are appropriate to carry out this subsection.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 5108(g) of title 49, United States Code, is amended by striking ''5116(i)'' each place it appears and inserting ''5116(h)''.

(2) Section 5116 of such title is amended—

(A) in subsection (d), as redesignated by this section, by striking ''subsections (a)(2)(A) and (b)(2)(A)'' and inserting ''subsection (a)(3)(A)'';

(B) in subsection (h), as redesignated by this section—

(i) in paragraph (1) by inserting ''and section 5107(e)'' after ''section'';

(ii) in paragraph (2) by striking ''(f)'' and inserting ''(e)''; and

(iii) in paragraph (4) by striking ''5108(g)(2) and 5115'' and inserting ''5107(e) and 5108(g)(2)'';

(C) in subsection (i), as redesignated by this section, by striking ''subsection (b)'' and inserting ''subsection (a)''; and

(D) in subsection (j), as redesignated by this section—

(i) by striking ''planning grants allocated under subsection (a), training grants under subsection (b), and grants under subsection (j)'' and inserting ''planning and training grants under subsection (a) and grants under subsection (i)''; and

(ii) by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively.

(c) ENFORCEMENT PERSONNEL.—Section 5107(e) of title 49, United States Code, is amended by inserting '', State and local personnel responsible for enforcing the safe transportation of hazardous materials, or both'' after ''hazmat employees'' each place it appears.

SEC. 7009. MOTOR CARRIER SAFETY PERMITS.

Section 5109(h) of title 49, United States Code, is amended to read as follows:

''(h) LIMITATION ON DENIAL.—The Secretary may not deny a non-temporary permit held by a motor carrier pursuant to this section based on a comprehensive review of that carrier triggered by safety management system scores or out-of-service disqualification standards, unless—

''(1) the carrier has the opportunity, prior to the denial of such permit, to submit a written description of corrective actions taken and other documentation the carrier wishes the Secretary to consider, including a corrective action plan; and

''(2) the Secretary determines the actions or plan is insufficient to address the safety

concerns identified during the course of the comprehensive review.''.

SEC. 7010. THERMAL BLANKETS.

(a) REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to require that each tank car built to meet the DOT–117 specification and each non-jacketed tank car modified to meet the DOT–117R specification be equipped with an insulating blanket with at least ½-inch-thick material that has been approved by the Secretary pursuant to section 179.18(c) of title 49, Code of Federal Regulations.

(b) SAVINGS CLAUSE.—Nothing in this section shall prohibit the Secretary from approving new or alternative technologies or materials as they become available that provide a level of safety at least equivalent to the level of safety provided for under subsection (a).

SEC. 7011. COMPREHENSIVE OIL SPILL RESPONSE PLANS.

(a) IN GENERAL.—Chapter 51 of title 49, United States Code, is amended by inserting after section 5110 the following:

''§ 5111. Comprehensive oil spill response plans

''(a) REQUIREMENTS.—Not later than 120 days after the date of enactment of this section, the Secretary shall issue such regulations as are necessary to require any railroad carrier transporting a Class 3 flammable liquid to maintain a comprehensive oil spill response plan.

''(b) CONTENTS.—The regulations under subsection (a) shall require each railroad carrier described in that subsection to—

''(1) include in the comprehensive oil spill response plan procedures and resources, including equipment, for responding, to the maximum extent practicable, to a worst-case discharge;

''(2) ensure that the comprehensive oil spill response plan is consistent with the National Contingency Plan and each applicable Area Contingency Plan;

''(3) include in the comprehensive oil spill response plan appropriate notification and training procedures and procedures for coordinating with Federal, State, and local emergency responders;

''(4) review and update its comprehensive oil spill response plan as appropriate; and

''(5) provide the comprehensive oil spill response plan for acceptance by the Secretary.

''(c) SAVINGS CLAUSE.—Nothing in the section may be construed to prohibit the Secretary from promulgating differing comprehensive oil response plan standards for Class I railroads, Class II railroads, and Class III railroads.

''(d) RESPONSE PLANS.—The Secretary shall—

''(1) maintain on file a copy of the most recent comprehensive oil spill response plans prepared by a railroad carrier transporting a Class 3 flammable liquid; and

''(2) provide to a person, upon written request, a copy of the plan, which may exclude, as the Secretary determines appropriate—

''(A) proprietary information;

''(B) security-sensitive information, including information described in section 1520.5(a) of title 49, Code of Federal Regulations;

''(C) specific response resources and tactical resource deployment plans; and

''(D) the specific amount and location of worst-case discharges, including the process by which a railroad carrier determines the worst-case discharge.

''(e) RELATIONSHIP TO FOIA.—Nothing in this section may be construed to require disclose of information or records that are exempt from disclosure under section 552 of title 5.

''(f) DEFINITIONS.—

''(1) AREA CONTINGENCY PLAN.—The term 'Area Contingency Plan' has the meaning given the term in section 311(a) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)).

''(2) CLASS 3 FLAMMABLE LIQUID.—The term 'Class 3 flammable liquid' has the meaning given the term flammable liquid in section 173.120 of title 49, Code of Federal Regulations.

''(3) CLASS I RAILROAD; CLASS II RAILROAD; AND CLASS III RAILROAD.—The terms 'Class I railroad', 'Class II railroad', and 'Class III railroad' have the meaning given those terms in section 20102.

''(4) NATIONAL CONTINGENCY PLAN.—The term 'National Contingency Plan' has the meaning given the term in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701).

''(5) RAILROAD CARRIER.—The term 'railroad carrier' has the meaning given the term in section 20102.

''(6) WORST-CASE DISCHARGE.—The term 'worst-case discharge' means the largest foreseeable discharge of oil in the event of an accident or incident, as determined by each railroad carrier in accordance with regulations issued under this section.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 51 of title 49, United States Code, is amended by inserting after the item relating to section 5110 the following:

''5111. Comprehensive oil spill response plans.''.

SEC. 7012. INFORMATION ON HIGH-HAZARD FLAMMABLE TRAINS.

(a) INFORMATION ON HIGH-HAZARD FLAMMABLE TRAINS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue regulations to require each applicable railroad carrier to provide information on high-hazard flammable trains to State emergency response commissions consistent with Emergency Order Docket No. DOT–OST–2014–0067, and include appropriate protections from public release of proprietary information and security-sensitive information, including information described in section 1520.5(a) of title 49, Code of Federal Regulations.

(b) HIGH-HAZARD FLAMMABLE TRAIN.—The term ''high-hazard flammable train'' means a single train transporting 20 or more tank cars loaded with a Class 3 flammable liquid, as such term is defined in section 173.120 of title 49, Code of Federal Regulations, in a continuous block or a single train transporting 35 or more tank cars loaded with a Class 3 flammable liquid throughout the train consist.

SEC. 7013. STUDY AND TESTING OF ELECTRONICALLY CONTROLLED PNEUMATIC BRAKES.

(a) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an independent evaluation of ECP brake systems, pilot program data, and the Department's research and analysis on the costs, benefits, and effects of ECP brake systems.

(2) STUDY ELEMENTS.—In completing the independent evaluation under paragraph (1), the Comptroller General of the United States shall examine the following issues related to ECP brake systems:

(A) Data and modeling results on safety benefits relative to conventional brakes and to other braking technologies or systems, such as distributed power and 2-way end-of-train devices.

(B) Data and modeling results on business benefits, including the effects of dynamic braking.

(C) Data on costs, including up-front capital costs and on-going maintenance costs.

(D) Analysis of potential operational benefits and challenges, including the effects of potential locomotive and car segregation, technical reliability issues, and network disruptions.

(E) Analysis of potential implementation challenges, including installation time, positive train control integration complexities, component availability issues, and tank car shop capabilities.

(F) Analysis of international experiences with the use of advanced braking technologies.

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the independent evaluation under paragraph (1).

(b) EMERGENCY BRAKING APPLICATION TESTING.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the National Academy of Sciences to—

(A) complete testing of ECP brake systems during emergency braking application, including more than 1 scenario involving the uncoupling of a train with 70 or more DOT–117-specification or DOT–117R-specification tank cars; and

(B) transmit, not later than 18 months after the date of enactment of this Act, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the testing.

(2) INDEPENDENT EXPERTS.—In completing the testing under paragraph (1)(A), the National Academy of Sciences may contract with 1 or more engineering or rail experts, as appropriate, that—

(A) are not railroad carriers, entities funded by such carriers, or entities directly impacted by the final rule issued on May 8, 2015, entitled ''Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains'' (80 Fed. Reg. 26643); and

(B) have relevant experience in conducting railroad safety technology tests or similar crash tests.

(3) TESTING FRAMEWORK.—In completing the testing under paragraph (1), the National Academy of Sciences and each contractor described in paragraph (2) shall ensure that the testing objectively, accurately, and reliably measures the performance of ECP brake systems relative to other braking technologies or systems, such as distributed power and 2-way end-of-train devices, including differences in—

(A) the number of cars derailed;

(B) the number of cars punctured;

(C) the measures of in-train forces; and

(D) the stopping distance.

(4) FUNDING.—The Secretary shall provide funding, as part of the agreement under paragraph (1), to the National Academy of Sciences for the testing required under this section—

(A) using sums made available to carry out sections 20108 and 5118 of title 49, United States Code; and

(B) to the extent funding under subparagraph (A) is insufficient or unavailable to fund the testing required under this section, using such sums as are necessary from the amounts appropriated to the Secretary, the Federal Railroad Administration, or the Pipeline and Hazardous Materials Safety Administration, or a combination thereof.

(5) EQUIPMENT.—The National Academy of Sciences and each contractor described in paragraph (2) may receive or use rolling

stock, track, and other equipment or infrastructure from a private entity for the purposes of conducting the testing required under this section.

(c) EVIDENCE-BASED APPROACH.—

(1) ANALYSIS.—The Secretary shall—

(A) not later than 90 days after the report date, fully incorporate and update the regulatory impact analysis of the final rule described in subsection (b)(2)(A) of the costs, benefits, and effects of the applicable ECP brake system requirements;

(B) as soon as practicable after completion of the updated analysis under subparagraph (A), solicit public comment on the analysis for a period of not more than 30 days; and

(C) not later than 60 days after the end of the public comment period under subparagraph (B), post the final updated regulatory impact analysis on the Department of Transportation's Internet Web site.

(2) DETERMINATION.—Not later than 180 days after the report date, the Secretary shall—

(A) determine, based on whether the final regulatory impact analysis described in paragraph (1)(C) demonstrates that the benefits, including safety benefits, of the applicable ECP brake system requirements exceed the costs of such requirements, whether the applicable ECP brake system requirements are justified;

(B) if the applicable ECP brake system requirements are justified, publish in the Federal Register the determination and reasons for such determination; and

(C) if the Secretary does not publish the determination under subparagraph (B), repeal the applicable ECP brake system requirements.

(3) SAVINGS CLAUSE.—Nothing in this section shall be construed to prohibit the Secretary from implementing the final rule described under subsection (b)(2)(A) prior to the determination required under subsection (c)(2) of this section, or require the Secretary to promulgate a new rulemaking on the provisions of such final rule, other than the applicable ECP brake system requirements, if the Secretary determines that the applicable ECP brake system requirements are not justified pursuant to this subsection.

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

(1) APPLICABLE ECP BRAKE SYSTEM REQUIREMENTS.—The term ''applicable ECP brake system requirements'' means sections 174.310(a)(3)(ii), 174.310(a)(3)(iii), 174.310(a)(5)(v), 179.202–12(g), and 179.202–13(i) of title 49, Code of Federal Regulations, and any other regulation in effect on the date of enactment of this Act requiring the installation of ECP brakes or operation in ECP brake mode.

(2) CLASS 3 FLAMMABLE LIQUID.—The term ''Class 3 flammable liquid'' has the meaning given the term flammable liquid in section 173.120(a) of title 49, Code of Federal Regulations.

(3) ECP.—The term ''ECP'' means electronically controlled pneumatic when applied to a brake or brakes.

(4) ECP BRAKE MODE.—The term ''ECP brake mode'' includes any operation of a rail car or an entire train using an ECP brake system.

(5) ECP BRAKE SYSTEM.—

(A) IN GENERAL.—The term ''ECP brake system'' means a train power braking system actuated by compressed air and controlled by electronic signals from the locomotive or an ECP–EOT to the cars in the consist for service and emergency applications in which the brake pipe is used to provide a constant supply of compressed air to the reservoirs on each car but does not convey braking signals to the car.

(B) INCLUSIONS.—The term ''ECP brake system'' includes dual mode and stand-alone ECP brake systems.

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

(7) REPORT DATE.—The term ''report date'' means the date that the reports under subsections (a)(3) and (b)(1)(B) are required to be transmitted pursuant to those subsections.

SEC. 7014. ENSURING SAFE IMPLEMENTATION OF POSITIVE TRAIN CONTROL SYSTEMS.

(a) SHORT TITLE.—This section may be cited as the ''Positive Train Control Enforcement and Implementation Act of 2015''.

(b) IN GENERAL.—Section 20157 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking ''18 months after the date of enactment of the Rail Safety Improvement Act of 2008'' and inserting ''90 days after the date of enactment of the Positive Train Control Enforcement and Implementation Act of 2015'';

(B) by striking ''develop and'';

(C) by striking ''a plan for implementing'' and inserting ''a revised plan for implementing'';

(D) by striking ''December 31, 2015'' and inserting ''December 31, 2018''; and

(E) in subparagraph (B) by striking ''parts'' and inserting ''sections'';

(2) by striking subsection (a)(2) and inserting the following:

''(2) IMPLEMENTATION.—

''(A) CONTENTS OF REVISED PLAN.—A revised plan required under paragraph (1) shall—

''(i) describe—

''(I) how the positive train control system will provide for interoperability of the system with the movements of trains of other railroad carriers over its lines; and

''(II) how, to the extent practical, the positive train control system will be implemented in a manner that addresses areas of greater risk before areas of lesser risk;

''(ii) comply with the positive train control system implementation plan content requirements under section 236.1011 of title 49, Code of Federal Regulations; and

''(iii) provide—

''(I) the calendar year or years in which spectrum will be acquired and will be available for use in each area as needed for positive train control system implementation, if such spectrum is not already acquired and available for use;

''(II) the total amount of positive train control system hardware that will be installed for implementation, with totals separated by each major hardware category;

''(III) the total amount of positive train control system hardware that will be installed by the end of each calendar year until the positive train control system is implemented, with totals separated by each hardware category;

''(IV) the total number of employees required to receive training under the applicable positive train control system regulations;

''(V) the total number of employees that will receive the training, as required under the applicable positive train control system regulations, by the end of each calendar year until the positive train control system is implemented;

''(VI) a summary of any remaining technical, programmatic, operational, or other challenges to the implementation of a positive train control system, including challenges with—

''(aa) availability of public funding;

''(bb) interoperability;

''(cc) spectrum;

''(dd) software;

''(ee) permitting; and

''(ff) testing, demonstration, and certification; and

''(VII) a schedule and sequence for implementing a positive train control system by the deadline established under paragraph (1).

''(B) ALTERNATIVE SCHEDULE AND SEQUENCE.—Notwithstanding the implementation deadline under paragraph (1) and in lieu of a schedule and sequence under paragraph (2)(A)(iii)(VII), a railroad carrier or other entity subject to paragraph (1) may include in its revised plan an alternative schedule and sequence for implementing a positive train control system, subject to review under paragraph (3). Such schedule and sequence shall provide for implementation of a positive train control system as soon as practicable, but not later than the date that is 24 months after the implementation deadline under paragraph (1).

''(C) AMENDMENTS.—A railroad carrier or other entity subject to paragraph (1) may file a request to amend a revised plan, including any alternative schedule and sequence, as applicable, in accordance with section 236.1021 of title 49, Code of Federal Regulations.

''(D) COMPLIANCE.—A railroad carrier or other entity subject to paragraph (1) shall implement a positive train control system in accordance with its revised plan, including any amendments or any alternative schedule and sequence approved by the Secretary under paragraph (3).

''(3) SECRETARIAL REVIEW.—

''(A) NOTIFICATION.—A railroad carrier or other entity that submits a revised plan under paragraph (1) and proposes an alternative schedule and sequence under paragraph (2)(B) shall submit to the Secretary a written notification when such railroad carrier or other entity is prepared for review under subparagraph (B).

''(B) CRITERIA.—Not later than 90 days after a railroad carrier or other entity submits a notification under subparagraph (A), the Secretary shall review the alternative schedule and sequence submitted pursuant to paragraph (2)(B) and determine whether the railroad carrier or other entity has demonstrated, to the satisfaction of the Secretary, that such carrier or entity has—

''(i) installed all positive train control system hardware consistent with the plan contents provided pursuant to paragraph (2)(A)(iii)(II) on or before the implementation deadline under paragraph (1);

''(ii) acquired all spectrum necessary for implementation of a positive train control system, consistent with the plan contents provided pursuant to paragraph (2)(A)(iii)(I) on or before the implementation deadline under paragraph (1);

''(iii) completed employee training required under the applicable positive train control system regulations;

''(iv) included in its revised plan an alternative schedule and sequence for implementing a positive train control system as soon as practicable, pursuant to paragraph (2)(B);

''(v) certified to the Secretary in writing that it will be in full compliance with the requirements of this section on or before the date provided in an alternative schedule and sequence, subject to approval by the Secretary;

''(vi) in the case of a Class I railroad carrier and Amtrak, implemented a positive train control system or initiated revenue service demonstration on the majority of territories, such as subdivisions or districts, or route miles that are owned or controlled by such carrier and required to have operations governed by a positive train control system; and

''(vii) in the case of any other railroad carrier or other entity not subject to clause (vi)—

''(I) initiated revenue service demonstration on at least 1 territory that is required to have operations governed by a positive train control system; or

''(II) met any other criteria established by the Secretary.

''(C) DECISION.—

''(i) IN GENERAL.—Not later than 90 days after the receipt of the notification from a railroad carrier or other entity under subparagraph (A), the Secretary shall—

''(I) approve an alternative schedule and sequence submitted pursuant to paragraph (2)(B) if the railroad carrier or other entity meets the criteria in subparagraph (B); and

''(II) notify in writing the railroad carrier or other entity of the decision.

''(ii) DEFICIENCIES.—Not later than 45 days after the receipt of the notification under subparagraph (A), the Secretary shall provide to the railroad carrier or other entity a written notification of any deficiencies that would prevent approval under clause (i) and provide the railroad carrier or other entity an opportunity to correct deficiencies before the date specified in such clause.

''(D) REVISED DEADLINES.—

''(i) PENDING REVIEWS.—For a railroad carrier or other entity that submits a notification under subparagraph (A), the deadline for implementation of a positive train control system required under paragraph (1) shall be extended until the date on which the Secretary approves or disapproves the alternative schedule and sequence, if such date is later than the implementation date under paragraph (1).

''(ii) ALTERNATIVE SCHEDULE AND SEQUENCE DEADLINE.—If the Secretary approves a railroad carrier or other entity's alternative schedule and sequence under subparagraph (C)(i), the railroad carrier or other entity's deadline for implementation of a positive train control system required under paragraph (1) shall be the date specified in that railroad carrier or other entity's alternative schedule and sequence. The Secretary may not approve a date for implementation that is later than 24 months from the deadline in paragraph (1).'';

(3) by striking subsections (c), (d), and (e) and inserting the following:

''(c) PROGRESS REPORTS AND REVIEW.—

''(1) PROGRESS REPORTS.—Each railroad carrier or other entity subject to subsection (a) shall, not later than March 31, 2016, and annually thereafter until such carrier or entity has completed implementation of a positive train control system, submit to the Secretary a report on the progress toward implementing such systems, including—

''(A) the information on spectrum acquisition provided pursuant to subsection (a)(2)(A)(iii)(I);

''(B) the totals provided pursuant to subclauses (III) and (V) of subsection (a)(2)(A)(iii), by territory, if applicable;

''(C) the extent to which the railroad carrier or other entity is complying with the implementation schedule under subsection (a)(2)(A)(iii)(VII) or subsection (a)(2)(B);

''(D) any update to the information provided under subsection (a)(2)(A)(iii)(VI);

''(E) for each entity providing regularly scheduled intercity or commuter rail passenger transportation, a description of the resources identified and allocated to implement a positive train control system;

''(F) for each railroad carrier or other entity subject to subsection (a), the total number of route miles on which a positive train control system has been initiated for revenue service demonstration or implemented, as compared to the total number of route miles required to have a positive train control system under subsection (a); and

''(G) any other information requested by the Secretary.

''(2) PLAN REVIEW.—The Secretary shall at least annually conduct reviews to ensure that railroad carriers or other entities are complying with the revised plan submitted under subsection (a), including any amendments or any alternative schedule and sequence approved by the Secretary. Such railroad carriers or other entities shall provide such information as the Secretary determines necessary to adequately conduct such reviews.

''(3) PUBLIC AVAILABILITY.—Not later than 60 days after receipt, the Secretary shall make available to the public on the Internet Web site of the Department of Transportation any report submitted pursuant to paragraph (1) or subsection (d), but may exclude, as the Secretary determines appropriate—

''(A) proprietary information; and

''(B) security-sensitive information, including information described in section 1520.5(a) of title 49, Code of Federal Regulations.

''(d) REPORT TO CONGRESS.—Not later than July 1, 2018, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of each railroad carrier or other entity subject to subsection (a) in implementing a positive train control system.

''(e) ENFORCEMENT.—The Secretary is authorized to assess civil penalties pursuant to chapter 213 for—

''(1) a violation of this section;

''(2) the failure to submit or comply with the revised plan required under subsection (a), including the failure to comply with the totals provided pursuant to subclauses (III) and (V) of subsection (a)(2)(A)(iii) and the spectrum acquisition dates provided pursuant to subsection (a)(2)(A)(iii)(I);

''(3) failure to comply with any amendments to such revised plan pursuant to subsection (a)(2)(C); and

''(4) the failure to comply with an alternative schedule and sequence submitted under subsection (a)(2)(B) and approved by the Secretary under subsection (a)(3)(C).'';

(4) in subsection (h)—

(A) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(2) PROVISIONAL OPERATION.—Notwithstanding the requirements of paragraph (1), the Secretary may authorize a railroad carrier or other entity to commence operation in revenue service of a positive train control system or component to the extent necessary to enable the safe implementation and operation of a positive train control system in phases.'';

(5) in subsection (i)—

(A) by redesignating paragraphs (1) through (3) as paragraphs (3) through (5), respectively; and

(B) by inserting before paragraph (3) (as so redesignated) the following:

''(1) EQUIVALENT OR GREATER LEVEL OF SAFETY.—The term 'equivalent or greater level of safety' means the compliance of a railroad carrier with—

''(A) appropriate operating rules in place immediately prior to the use or implementation of such carrier's positive train control system, except that such rules may be changed by such carrier to improve safe operations; and

''(B) all applicable safety regulations, except as specified in subsection (j).

''(2) HARDWARE.—The term 'hardware' means a locomotive apparatus, a wayside interface unit (including any associated legacy signal system replacements), switch position monitors needed for a positive train control system, physical back office system equipment, a base station radio, a wayside radio, a locomotive radio, or a communication tower or pole.''; and

(6) by adding at the end the following:

''(j) EARLY ADOPTION.—

''(1) OPERATIONS.—From the date of enactment of the Positive Train Control Enforcement and Implementation Act of 2015 through the 1-year period beginning on the date on which the last Class I railroad carrier's positive train control system subject to subsection (a) is certified by the Secretary under subsection (h)(1) of this section and is implemented on all of that railroad carrier's lines required to have operations governed by a positive train control system, any railroad carrier, including any railroad carrier that has its positive train control system certified by the Secretary, shall not be subject to the operational restrictions set forth in sections 236.567 and 236.1029 of title 49, Code of Federal Regulations, that would apply where a controlling locomotive that is operating in, or is to be operated in, a positive train control-equipped track segment experiences a positive train control system failure, a positive train control operated consist is not provided by another railroad carrier when provided in interchange, or a positive train control system otherwise fails to initialize, cuts out, or malfunctions, provided that such carrier operates at an equivalent or greater level of safety than the level achieved immediately prior to the use or implementation of its positive train control system.

''(2) SAFETY ASSURANCE.—During the period described in paragraph (1), if a positive train control system that has been certified and implemented fails to initialize, cuts out, or malfunctions, the affected railroad carrier or other entity shall make reasonable efforts to determine the cause of the failure and adjust, repair, or replace any faulty component causing the system failure in a timely manner.

''(3) PLANS.—The positive train control safety plan for each railroad carrier or other entity shall describe the safety measures, such as operating rules and actions to comply with applicable safety regulations, that will be put in place during any system failure.

''(4) NOTIFICATION.—During the period described in paragraph (1), if a positive train control system that has been certified and implemented fails to initialize, cuts out, or malfunctions, the affected railroad carrier or other entity shall submit a notification to the appropriate regional office of the Federal Railroad Administration within 7 days of the system failure, or under alternative location and deadline requirements set by the Secretary, and include in the notification a description of the safety measures the affected railroad carrier or other entity has in place.

''(k) SMALL RAILROADS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall amend section 236.1006(b)(4)(iii)(B) of title 49, Code of Federal Regulations (relating to equipping locomotives for applicable Class II and Class III railroads operating in positive train control territory) to extend each deadline under such section by 3 years.

''(l) REVENUE SERVICE DEMONSTRATION.—When a railroad carrier or other entity subject to (a)(1) notifies the Secretary it is prepared to initiate revenue service demonstration, it shall also notify any applicable tenant railroad carrier or other entity subject to subsection (a)(1).''.

(c) CONFORMING AMENDMENT.—Section 20157(g), is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(2) CONFORMING REGULATORY AMENDMENTS.—Immediately after the date of the enactment of the Positive Train Control Enforcement and Implementation Act of 2015, the Secretary—

''(A) shall remove or revise the date-specific deadlines in the regulations or orders implementing this section to the extent necessary to conform with the amendments made by such Act; and

''(B) may not enforce any such date-specific deadlines or requirements that are inconsistent with the amendments made by such Act.

''(3) REVIEW.—Nothing in the Positive Train Control Enforcement and Implementation Act of 2015, or the amendments made by such Act, shall be construed to require the Secretary to issue regulations to implement such Act or amendments other than the regulatory amendments required by paragraph (2) and subsection (k).''.

SEC. 7015. PHASE-OUT OF ALL TANK CARS USED TO TRANSPORT CLASS 3 FLAMMABLE LIQUIDS.

(a) IN GENERAL.—Except as provided for in subsection (b), beginning on the date of enactment of this Act, all railroad tank cars used to transport Class 3 flammable liquids shall meet the DOT–117 or DOT–117R specifications in part 179 of title 49, Code of Federal Regulations, regardless of train composition.

(b) PHASE-OUT SCHEDULE.—Certain tank cars not meeting DOT–117 or DOT–117R specifications on the date of enactment of this Act may be used, regardless of train composition, until the following end-dates:

(1) For transport of unrefined petroleum products in Class 3 flammable service, including crude oil—

(A) January 1, 2018, for non-jacketed DOT–111 tank cars;

(B) March 1, 2018, for jacketed DOT–111 tank cars;

(C) April 1, 2020, for non-jacketed CPC–1232 tank cars; and

(D) May 1, 2025, for jacketed CPC–1232 tank cars.

(2) For transport of ethanol—

(A) May 1, 2023, for non-jacketed and jacketed DOT–111 tank cars;

(B) July 1, 2023, for non-jacketed CPC–1232 tank cars; and

(C) May 1, 2025, for jacketed CPC–1232 tank cars.

(3) For transport of Class 3 flammable liquids in Packing Group I, other than Class 3 flammable liquids specified in paragraphs (1) and (2), May 1, 2025.

(4) For transport of Class 3 flammable liquids in Packing Groups II and III, other than Class 3 flammable liquids specified in paragraphs (1) and (2), May 1, 2029.

(c) RETROFITTING SHOP CAPACITY.—The Secretary may extend the deadlines established under paragraphs (3) and (4) of subsection (b) for a period not to exceed 2 years if the Secretary determines that insufficient retrofitting shop capacity will prevent the phase-out of tank cars not meeting the DOT–117 or DOT–117R specifications by the deadlines set forth in such paragraphs.

(d) IMPLEMENTATION.—Nothing in this section shall be construed to require the Secretary to issue regulations to implement this section.

(e) SAVINGS CLAUSE.—Nothing in this section shall be construed to prohibit the Secretary from implementing the final rule issued on May 08, 2015, entitled ''Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains'' (80 Fed. Reg. 26643), other than the provisions of the final rule that are inconsistent with this section.

(f) CLASS 3 FLAMMABLE LIQUID DEFINED.—In this section, the term ''Class 3 flammable liquid'' has the meaning given the term flammable liquid in section 173.120(a) of title 49, Code of Federal Regulations.

TITLE VIII—MULTIMODAL FREIGHT TRANSPORTATION

SEC. 8001. MULTIMODAL FREIGHT TRANSPORTATION.

(a) IN GENERAL.—Subtitle IX of title 49, United States Code, is amended to read as follows:

''Subtitle IX—Multimodal Freight Transportation

''Chapter Sec.
''701. Multimodal freight policy 70101
''702. Multimodal freight transportation planning and information 70201

''CHAPTER 701—MULTIMODAL FREIGHT POLICY

''Sec.
''70101. National multimodal freight policy.
''70102. National freight strategic plan.
''70103. National Multimodal Freight Network.

''§ 70101. National multimodal freight policy

''(a) IN GENERAL.—It is the policy of the United States to maintain and improve the condition and performance of the National Multimodal Freight Network established under section 70103 to ensure that the Network provides a foundation for the United States to compete in the global economy and achieve the goals described in subsection (b).

''(b) GOALS.—The goals of the national multimodal freight policy are—

''(1) to identify infrastructure improvements, policies, and operational innovations that—

''(A) strengthen the contribution of the National Multimodal Freight Network to the economic competitiveness of the United States;

''(B) reduce congestion and eliminate bottlenecks on the National Multimodal Freight Network; and

''(C) increase productivity, particularly for domestic industries and businesses that create high-value jobs;

''(2) to improve the safety, security, efficiency, and resiliency of multimodal freight transportation;

''(3) to achieve and maintain a state of good repair on the National Multimodal Freight Network;

''(4) to use innovation and advanced technology to improve the safety, efficiency, and reliability of the National Multimodal Freight Network;

''(5) to improve the economic efficiency of the National Multimodal Freight Network;

''(6) to improve the short- and long-distance movement of goods that—

''(A) travel across rural areas between population centers;

''(B) travel between rural areas and population centers; and

''(C) travel from the Nation's ports, airports, and gateways to the National Multimodal Freight Network;

''(7) to improve the flexibility of States to support multi-State corridor planning and the creation of multi-State organizations to increase the ability of States to address multimodal freight connectivity; and

''(8) to reduce the adverse environmental impacts of freight movement on the National Multimodal Freight Network.

''§ 70102. National freight strategic plan

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Secretary of Transportation shall—

''(1) develop a national freight strategic plan in accordance with this section; and

''(2) publish the plan on the public Internet Web site of the Department of Transportation.

''(b) CONTENTS.—The national freight strategic plan shall include—

''(1) an assessment of the condition and performance of the National Multimodal Freight Network;

''(2) forecasts of freight volumes for the succeeding 5-, 10-, and 20-year periods;

''(3) an identification of major trade gateways and national freight corridors that connect major population centers, trade gateways, and other major freight generators;

''(4) an identification of bottlenecks on the National Multimodal Freight Network that create significant freight congestion, based on a quantitative methodology developed by the Secretary, which shall, at a minimum, include—

''(A) information from the Freight Analysis Framework of the Federal Highway Administration; and

''(B) to the maximum extent practicable, an estimate of the cost of addressing each bottleneck and any operational improvements that could be implemented;

''(5) an assessment of statutory, regulatory, technological, institutional, financial, and other barriers to improved freight transportation performance, and a description of opportunities for overcoming the barriers;

''(6) an identification of best practices for improving the performance of the National Multimodal Freight Network;

''(7) a process for addressing multistate projects and encouraging jurisdictions to collaborate; and

''(8) strategies to improve freight intermodal connectivity.

''(c) UPDATES.—Not later than 5 years after the date of completion of the national freight strategic plan under subsection (a), and every 5 years thereafter, the Secretary shall update the plan and publish the updated plan on the public Internet Web site of the Department of Transportation.

''(d) CONSULTATION.—The Secretary shall develop and update the national freight strategic plan in consultation with State departments of transportation, metropolitan planning organizations, and other appropriate public and private transportation stakeholders.

''§ 70103. National Multimodal Freight Network

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary of Transportation shall establish the National Multimodal Freight Network in accordance with this section—

''(1) to focus Federal policy on the most strategic freight assets; and

''(2) to assist in strategically directing resources and policies toward improved performance of the National Multimodal Freight Network.

''(b) NETWORK COMPONENTS.—The National Multimodal Freight Network shall include—

''(1) the National Highway Freight Network, as established under section 167 of title 23;

''(2) the freight rail systems of Class I railroads, as designated by the Surface Transportation Board;

''(3) the public ports of the United States that have total annual foreign and domestic trade of at least 2,000,000 short tons, as identified by the Waterborne Commerce Statistics Center of the Army Corps of Engineers, using the data from the latest year for which such data is available;

''(4) the inland and intracoastal waterways of the United States, as described in section

206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804);

''(5) the Great Lakes, the St. Lawrence Seaway, and coastal routes along which domestic freight is transported;

''(6) the 50 airports located in the United States with the highest annual landed weight, as identified by the Federal Aviation Administration; and

''(7) other strategic freight assets, including strategic intermodal facilities and freight rail lines of Class II and Class III railroads, designated by the Secretary as critical to interstate commerce.

''(c) OTHER STRATEGIC FREIGHT ASSETS.—In determining network components in subsection (b), the Secretary may consider strategic freight assets identified by States, including public ports if such ports do not meet the annual tonnage threshold, for inclusion on the National Multimodal Freight Network.

''(d) REDESIGNATION.—Not later than 5 years after the date of establishment of the National Multimodal Freight Network under subsection (a), and every 5 years thereafter, the Secretary shall update the National Multimodal Freight Network.

''(e) CONSULTATION.—The Secretary shall establish and update the National Multimodal Freight Network in consultation with State departments of transportation and other appropriate public and private transportation stakeholders.

''(f) LANDED WEIGHT DEFINED.—In this section, the term 'landed weight' means the weight of an aircraft transporting only cargo in intrastate, interstate, or foreign air transportation, as such terms are defined in section 40102(a).

''CHAPTER 702—MULTIMODAL FREIGHT TRANSPORTATION PLANNING AND INFORMATION

''Sec.
''70201. State freight advisory committees.
''70202. State freight plans.
''70203. Data and tools.

''§ 70201. State freight advisory committees

''(a) IN GENERAL.—The Secretary of Transportation shall encourage each State to establish a freight advisory committee consisting of a representative cross-section of public and private sector freight stakeholders, including representatives of ports, freight railroads, shippers, carriers, freight-related associations, third-party logistics providers, the freight industry workforce, the transportation department of the State, and local governments.

''(b) ROLE OF COMMITTEE.—A freight advisory committee of a State described in subsection (a) shall—

''(1) advise the State on freight-related priorities, issues, projects, and funding needs;

''(2) serve as a forum for discussion for State transportation decisions affecting freight mobility;

''(3) communicate and coordinate regional priorities with other organizations;

''(4) promote the sharing of information between the private and public sectors on freight issues; and

''(5) participate in the development of the freight plan of the State described in section 70202.

''§ 70202. State freight plans

''(a) IN GENERAL.—Each State shall develop a freight plan that provides a comprehensive plan for the immediate and long-range planning activities and investments of the State with respect to freight.

''(b) PLAN CONTENTS.—A freight plan described in subsection (a) shall include, at a minimum—

''(1) an identification of significant freight system trends, needs, and issues with respect to the State;

''(2) a description of the freight policies, strategies, and performance measures that will guide the freight-related transportation investment decisions of the State;

''(3) a description of how the plan will improve the ability of the State to meet the national freight goals described in section 70101;

''(4) evidence of consideration of innovative technologies and operational strategies, including intelligent transportation systems, that improve the safety and efficiency of freight movement;

''(5) in the case of routes on which travel by heavy vehicles (including mining, agricultural, energy cargo or equipment, and timber vehicles) is projected to substantially deteriorate the condition of roadways, a description of improvements that may be required to reduce or impede the deterioration; and

''(6) an inventory of facilities with freight mobility issues, such as truck bottlenecks, within the State, and a description of the strategies the State is employing to address those freight mobility issues.

''(c) RELATIONSHIP TO STATE PLANS.—

''(1) IN GENERAL.—A freight plan described in subsection (a) may be developed separately from or incorporated into the statewide transportation plans required by section 135 of title 23.

''(2) UPDATES.—If the freight plan described in subsection (a) is developed separately from the State transportation improvement program, the freight plan shall be updated at least every 5 years.

''§ 70203. Data and tools

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall—

''(1) begin development of new tools or improve existing tools to support an outcome-oriented, performance-based approach to evaluate proposed freight-related and other transportation projects, including—

''(A) methodologies for systematic analysis of benefits and costs;

''(B) tools for ensuring that the evaluation of freight-related and other transportation projects may consider safety, economic competitiveness, environmental sustainability, and system condition in the project selection process; and

''(C) other elements to assist in effective transportation planning;

''(2) identify transportation-related freight travel models and model data elements to support a broad range of evaluation methods and techniques to assist in making transportation investment decisions; and

''(3) at a minimum, in consultation with other relevant Federal agencies, consider any improvements to existing freight flow data collection efforts, including improved methods to standardize and manage the data, that could reduce identified freight data gaps and deficiencies and help improve forecasts of freight transportation demand.

''(b) CONSULTATION.—The Secretary shall consult with Federal, State, and other stakeholders to develop, improve, and implement the tools and collect the data described in subsection (a).''.

(b) CLERICAL AMENDMENT.—The analysis of subtitles for title 49, United States Code, is amended by striking the item relating to subtitle IX and inserting the following:

''IX. Multimodal Freight Transportation ..... 70101''.

(c) REPEALS.—Sections 1117 and 1118 of MAP–21 (Public Law 112–141), and the items relating to such sections in the table of contents in section 1(c) of such Act, are repealed.

TITLE IX—NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU

SEC. 9001. NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

''§ 116. National Surface Transportation and Innovative Finance Bureau

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a National Surface Transportation and Innovative Finance Bureau in the Department.

''(b) PURPOSES.—The purposes of the Bureau shall be—

''(1) to administer the application processes for programs within the Department in accordance with subsection (d);

''(2) to promote innovative financing best practices in accordance with subsection (e);

''(3) to reduce uncertainty and delays with respect to environmental reviews and permitting in accordance with subsection (f);

''(4) to reduce costs and risks to taxpayers in project delivery and procurement in accordance with subsection (g); and

''(5) to carry out subtitle IX of this title.

''(c) EXECUTIVE DIRECTOR.—

''(1) APPOINTMENT.—The Bureau shall be headed by an Executive Director, who shall be appointed in the competitive service by the Secretary, with the approval of the President.

''(2) DUTIES.—The Executive Director shall—

''(A) report to the Under Secretary of Transportation for Policy;

''(B) be responsible for the management and oversight of the daily activities, decisions, operations, and personnel of the Bureau;

''(C) support the Council on Credit and Finance established under section 117 in accordance with this section; and

''(D) carry out such additional duties as the Secretary may prescribe.

''(d) ADMINISTRATION OF CERTAIN APPLICATION PROCESSES.—

''(1) IN GENERAL.—The Bureau shall administer the application processes for the following programs:

''(A) The infrastructure finance programs authorized under chapter 6 of title 23.

''(B) The railroad rehabilitation and improvement financing program authorized under sections 501 through 503 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821–823).

''(C) Amount allocations authorized under section 142(m) of the Internal Revenue Code of 1986.

''(D) The nationally significant freight and highway projects program under section 117 of title 23.

''(2) CONGRESSIONAL NOTIFICATION.—The Secretary shall ensure that the congressional notification requirements for each program referred to in paragraph (1) are followed in accordance with the statutory provisions applicable to the program.

''(3) REPORTS.—The Secretary shall ensure that the reporting requirements for each program referred to in paragraph (1) are followed in accordance with the statutory provisions applicable to the program.

''(4) COORDINATION.—In administering the application processes for the programs referred to in paragraph (1), the Executive Director of the Bureau shall coordinate with appropriate officials in the Department and its modal administrations responsible for administering such programs.

''(5) STREAMLINING APPROVAL PROCESSES.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and

Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Environment and Public Works of the Senate a report that—

''(A) evaluates the application processes for the programs referred to in paragraph (1);

''(B) identifies administrative and legislative actions that would improve the efficiency of the application processes without diminishing Federal oversight; and

''(C) describes how the Secretary will implement administrative actions identified under subparagraph (B) that do not require an Act of Congress.

''(6) PROCEDURES AND TRANSPARENCY.—

''(A) PROCEDURES.—The Secretary shall, with respect to the programs referred to in paragraph (1)—

''(i) establish procedures for analyzing and evaluating applications and for utilizing the recommendations of the Council on Credit and Finance;

''(ii) establish procedures for addressing late-arriving applications, as applicable, and communicating the Bureau's decisions for accepting or rejecting late applications to the applicant and the public; and

''(iii) document major decisions in the application evaluation process through a decision memorandum or similar mechanism that provides a clear rationale for such decisions.

''(B) REVIEW.—

''(i) IN GENERAL.—The Comptroller General of the United States shall review the compliance of the Secretary with the requirements of this paragraph.

''(ii) RECOMMENDATIONS.—The Comptroller General may make recommendations to the Secretary in order to improve compliance with the requirements of this paragraph.

''(iii) REPORT.—Not later than 3 years after the date of enactment of this section, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under clause (i), including findings and recommendations for improvement.

''(e) INNOVATIVE FINANCING BEST PRACTICES.—

''(1) IN GENERAL.—The Bureau shall work with the modal administrations within the Department, the States, and other public and private interests to develop and promote best practices for innovative financing and public-private partnerships.

''(2) ACTIVITIES.—The Bureau shall carry out paragraph (1)—

''(A) by making Federal credit assistance programs more accessible to eligible recipients;

''(B) by providing advice and expertise to State and local governments that seek to leverage public and private funding;

''(C) by sharing innovative financing best practices and case studies from State and local governments with other State and local governments that are interested in utilizing innovative financing methods; and

''(D) by developing and monitoring—

''(i) best practices with respect to standardized State public-private partnership authorities and practices, including best practices related to—

''(I) accurate and reliable assumptions for analyzing public-private partnership procurements;

''(II) procedures for the handling of unsolicited bids;

''(III) policies with respect to noncompete clauses; and

''(IV) other significant terms of public-private partnership procurements, as determined appropriate by the Bureau;

''(ii) standard contracts for the most common types of public-private partnerships for transportation facilities; and

''(iii) analytical tools and other techniques to aid State and local governments in determining the appropriate project delivery model, including a value for money analysis.

''(3) TRANSPARENCY.—The Bureau shall—

''(A) ensure transparency of a project receiving credit assistance under a program identified in subsection (d)(1) and procured as a public-private partnership by—

''(i) requiring the project sponsor of such project to undergo a value for money analysis or a comparable analysis prior to deciding to advance the project as a public-private partnership;

''(ii) requiring the analysis required under subparagraph (A) and other key terms of the relevant public-private partnership agreement, to be made publicly available by the project sponsor at an appropriate time;

''(iii) not later than 3 years after the completion of the project, requiring the project sponsor of such project to conduct a review regarding whether the private partner is meeting the terms of the relevant public private partnership agreement for the project; and

''(iv) providing a publicly available summary of the total level of Federal assistance in such project; and

''(B) develop guidance to implement this paragraph that takes into consideration variations in State and local laws and requirements related to public-private partnerships.

''(4) SUPPORT TO PROJECTS SPONSORS.—At the request of a State or local government, the Bureau shall provide technical assistance to the State or local government regarding proposed public-private partnership agreements for transportation facilities, including assistance in performing a value for money analysis or comparable analysis.

''(5) FIXED GUIDEWAY TRANSIT PROCEDURES REPORT.—Not later than 1 year after the date of enactment 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 agencies as required under this title and title 23, to improve delivery timelines for projects.

''(2) ACTIVITIES.—The Bureau shall carry out paragraph (1)—

''(A) by serving as the Department's liaison to the Council on Environmental Quality;

''(B) by coordinating Department-wide efforts to improve the efficiency and effectiveness of the environmental review and permitting process;

''(C) by coordinating Department efforts under section 139 of title 23;

''(D) by supporting modernization efforts at Federal agencies to achieve innovative approaches to the permitting and review of projects;

''(E) by providing technical assistance and training to field and headquarters staff of Federal agencies on policy changes and innovative approaches to the delivery of projects;

''(F) by identifying, developing, and tracking metrics for permit reviews and decisions by Federal agencies for projects under the National Environmental Policy Act of 1969; and

''(G) by administering and expanding the use of Internet-based tools providing for—

''(i) the development and posting of schedules for permit reviews and permit decisions for projects; and

''(ii) the sharing of best practices related to efficient permitting and reviews for projects.

''(3) SUPPORT TO PROJECT SPONSORS.—At the request of a State or local government, the Bureau, in coordination with the other appropriate modal agencies within the Department, shall provide technical assistance with regard to the compliance of a project sponsored by the State or local government with the requirements of the National Environmental Policy Act 1969 and relevant Federal environmental permits.

''(g) PROJECT PROCUREMENT.—

''(1) IN GENERAL.—The Bureau shall promote best practices in procurement for a project receiving assistance under a program identified in subsection (d)(1) by developing, in coordination with the Federal Highway Administration and other modal agencies as appropriate, procurement benchmarks in order to ensure accountable expenditure of Federal assistance over the life cycle of such project.

''(2) PROCUREMENT BENCHMARKS.—The procurement benchmarks developed under paragraph (1) shall, to the maximum extent practicable—

''(A) establish maximum thresholds for acceptable project cost increases and delays in project delivery;

''(B) establish uniform methods for States to measure cost and delivery changes over the life cycle of a project; and

''(C) be tailored, as necessary, to various types of project procurements, including design-bid-build, design-build, and public private partnerships.

''(h) ELIMINATION AND CONSOLIDATION OF DUPLICATIVE OFFICES.—

''(1) ELIMINATION OF OFFICES.—The Secretary may eliminate any office within the Department if the Secretary determines that the purposes of the office are duplicative of the purposes of the Bureau, and the elimination of such office shall not adversely affect the obligations of the Secretary under any Federal law.

''(2) CONSOLIDATION OF OFFICES.—The Secretary may consolidate any office within the Department into the Bureau that the Secretary determines has duties, responsibilities, resources, or expertise that support the purposes of the Bureau.

''(3) STAFFING AND BUDGETARY RESOURCES.—

''(A) IN GENERAL.—The Secretary shall ensure that the Bureau is adequately staffed and funded.

''(B) STAFFING.—The Secretary may transfer to the Bureau a position within the Department from any office that is eliminated or consolidated under this subsection if the Secretary determines that the position is necessary to carry out the purposes of the Bureau.

''(C) BUDGETARY RESOURCES.—

''(i) TRANSFER OF FUNDS FROM ELIMINATED OR CONSOLIDATED OFFICES.—The Secretary may transfer to the Bureau funds allocated to any office that is eliminated or consolidated under this subsection to carry out the purposes of the Bureau.

''(ii) TRANSFER OF FUNDS ALLOCATED TO ADMINISTRATIVE COSTS.—The Secretary shall transfer to the Bureau funds allocated to the administrative costs of processing applications for the programs referred to in subsection (d)(1).

''(4) REPORT.—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate a report that—

''(A) lists the offices eliminated under paragraph (1) and provides the rationale for elimination of the offices;

''(B) lists the offices consolidated under paragraph (2) and provides the rationale for consolidation of the offices; and

''(C) describes the actions taken under paragraph (3) and provides the rationale for taking such actions.

''(i) SAVINGS PROVISIONS.—

''(1) LAWS AND REGULATIONS.—Nothing in this section may be construed to change a law or regulation with respect to a program referred to in subsection (d)(1).

''(2) RESPONSIBILITIES.—Nothing in this section may be construed to abrogate the responsibilities of an agency, operating administration, or office within the Department otherwise charged by a law or regulation with other aspects of program administration, oversight, and project approval or implementation for the programs and projects subject to this section.

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

''(1) BUREAU.—The term 'Bureau' means the National Surface Transportation and Innovative Finance Bureau of the Department.

''(2) DEPARTMENT.—The term 'Department' means the Department of Transportation.

''(3) MULTIMODAL PROJECT.—The term 'multimodal project' means a project involving the participation of more than one modal administration or secretarial office within the Department.

''(4) PROJECT.—The term 'project' means a highway project, public transportation capital project, freight or passenger rail project, or multimodal project.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''116. National Surface Transportation and Innovative Finance Bureau.''.

SEC. 9002. COUNCIL ON CREDIT AND FINANCE.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following:

''§ 117. Council on Credit and Finance

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a Council on Credit and Finance in accordance with this section.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Council shall be composed of the following members:

''(A) The Under Secretary of Transportation for Policy.

''(B) The Chief Financial Officer and Assistant Secretary for Budget and Programs.

''(C) The General Counsel of the Department of Transportation.

''(D) The Assistant Secretary for Transportation Policy.

''(E) The Administrator of the Federal Highway Administration.

''(F) The Administrator of the Federal Transit Administration.

''(G) The Administrator of the Federal Railroad Administration.

''(2) ADDITIONAL MEMBERS.—The Secretary may designate up to 3 additional officials of the Department to serve as at-large members of the Council.

''(3) CHAIRPERSON AND VICE CHAIRPERSON.—

''(A) CHAIRPERSON.—The Under Secretary of Transportation for Policy shall serve as the chairperson of the Council.

''(B) VICE CHAIRPERSON.—The Chief Financial Officer and Assistant Secretary for Budget and Programs shall serve as the vice chairperson of the Council.

''(4) EXECUTIVE DIRECTOR.—The Executive Director of the National Surface Transportation and Innovative Finance Bureau shall serve as a nonvoting member of the Council.

''(c) DUTIES.—The Council shall—

''(1) review applications for assistance submitted under the programs referred to in section 116(d)(1);

''(2) make recommendations to the Secretary regarding the selection of projects to receive assistance under the programs referred to in section 116(d)(1);

''(3) review, on a regular basis, projects that received assistance under the programs referred to in section 116(d)(1); and

''(4) carry out such additional duties as the Secretary may prescribe.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following:

''117. Council on Credit and Finance.''.

TITLE X—SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY

SEC. 10001. ALLOCATIONS.

(a) AUTHORIZATION.—Section 3 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777b) is amended by striking ''57 percent'' and inserting ''58.012 percent''.

(b) IN GENERAL.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a)—

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

(i) by striking ''For each'' and all that follows through ''the balance'' and inserting ''For each fiscal year through fiscal year 2021, the balance''; and

(ii) by striking ''multistate conservation grants under section 14'' and inserting ''activities under section 14(e)'';

(B) in paragraph (1), by striking ''18.5'' percent and inserting ''18.673 percent'';

(C) in paragraph (2) by striking ''18.5 percent'' and inserting ''17.315 percent'';

(D) by striking paragraphs (3) and (4);

(E) by redesignating paragraph (5) as paragraph (4); and

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

''(3) BOATING INFRASTRUCTURE IMPROVEMENT.—

''(A) IN GENERAL.—An amount equal to 4 percent to the Secretary of the Interior for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note) and section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

''(B) LIMITATION.—Not more than 75 percent of the amount under subparagraph (A) shall be available for projects under either of the sections referred to in subparagraph (A).'';

(2) in subsection (b)—

(A) in paragraph (1)(A) by striking ''for each'' and all that follows through ''the Secretary'' and inserting ''for each fiscal year through fiscal year 2021, the Secretary'';

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

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

''(2) SET-ASIDE FOR COAST GUARD ADMINISTRATION.—

''(A) IN GENERAL.—From the annual appropriation made in accordance with section 3, for each of fiscal years 2016 through 2021, the Secretary of the department in which the Coast Guard is operating may use no more than the amount specified in subparagraph (B) for the fiscal year for the purposes set forth in section 13107(c) of title 46, United States Code. The amount specified in subparagraph (B) for a fiscal year may not be included in the amount of the annual appropriation distributed under subsection (a) for the fiscal year.

''(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—

''(i) for fiscal year 2016, $7,800,000;

''(ii) for fiscal year 2017, $7,900,000;

''(iii) for fiscal year 2018, $8,000,000;

''(iv) for fiscal year 2019, $8,100,000;

''(v) for fiscal year 2020, $8,200,000; and

''(vi) for fiscal year 2021, $8,300,000.''; and

(D) in paragraph (3), as so redesignated—

(i) in subparagraph (A), by striking ''until the end of the fiscal year.'' and inserting ''until the end of the subsequent fiscal year.''; and

(ii) in subparagraph (B) by striking ''under subsection (e)'' and inserting ''under subsection (c)'';

(3) in subsection (c)—

(A) by striking ''(c) The Secretary'' and inserting ''(c)(1) The Secretary,'';

(B) by striking ''grants under section 14 of this title'' and inserting ''activities under section 14(e)'';

(C) by striking ''57 percent'' and inserting ''58.012 percent''; and

(D) by adding at the end the following:

''(2) The Secretary shall deduct from the amount to be apportioned under paragraph (1) the amounts used for grants under section 14(a).''; and

(4) in subsection (e)(1), by striking ''those subsections,'' and inserting ''those paragraphs,''.

(c) SUBMISSION AND APPROVAL OF PLANS AND PROJECTS.—Section 6(d) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777e(d)) is amended by striking ''for appropriations'' and inserting ''from appropriations''.

(d) UNEXPENDED OR UNOBLIGATED FUNDS.—Section 8(b)(2) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777g(b)(2)) is amended by striking ''57 percent'' and inserting ''58.012 percent''.

(e) COOPERATION.—Section 12 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777k) is amended—

(1) by striking ''57 percent'' and inserting ''58.012 percent''; and

(2) by striking ''under section 4(b)'' and inserting ''under section 4(c)''.

(f) OTHER ACTIVITIES.—Section 14 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777m) is amended—

(1) in subsection (a)(1), by striking ''of each annual appropriation made in accordance with the provisions of section 3''; and

(2) in subsection (e)—

(A) in the matter preceding paragraph (1) by striking ''Of amounts made available under section 4(b) for each fiscal year—'' and inserting ''Not more than $1,200,000 of each annual appropriation made in accordance with the provisions of section 3 shall be distributed to the Secretary of the Interior for use as follows:''; and

(B) in paragraph (1)(D) by striking ''; and'' and inserting a period.

(g) REPEAL.—The Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) is amended—

(1) by striking section 15; and

(2) by redesignating section 16 as section 15.

SEC. 10002. RECREATIONAL BOATING SAFETY.

Section 13107 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''(1) Subject to paragraph (2) and subsection (c),'' and inserting ''Subject to subsection (c),'';

(B) by striking ''the sum of (A) the amount made available from the Boat Safety Account for that fiscal year under section 15 of the Dingell-Johnson Sport Fish Restoration Act and (B)''; and

(C) by striking paragraph (2); and

(2) in subsection (c)—

(A) by striking the subsection designation and paragraph (1) and inserting the following:

''(c)(1)(A) The Secretary may use amounts made available each fiscal year under section 4(b)(2) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(b)(2)) for payment of expenses of the Coast Guard for investigations, personnel, and activities directly related to—

''(i) administering State recreational boating safety programs under this chapter; or

''(ii) coordinating or carrying out the national recreational boating safety program under this title.

''(B) Of the amounts used by the Secretary each fiscal year under subparagraph (A)—

''(i) not less than $2,000,000 is available to ensure compliance with chapter 43 of this title; and

''(ii) not more than $1,500,000 is available to conduct a survey of levels of recreational boating participation and related matters in the United States.''; and

(B) in paragraph (2)—

(i) by striking ''No funds'' and inserting ''On and after October 1, 2016, no funds''; and

(ii) by striking ''traditionally''.

In such matter, strike division C, except—

(1) the division designation and heading; and

(2) in title XXXIV—

(A) the title designation and heading; and

(B) subtitles B, C, and D.

In such matter, strike divisions D, G, and H.

AMENDMENT NO. 1 OFFERED BY MR. SHUSTER

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 114–325.

Mr. SHUSTER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 62, line 19, before the semicolon insert ''and critical commerce corridors''.

Page 77, strike lines 6 and 7 and insert the following:

''§ 207. Tribal transportation self-governance program

Page 218, beginning on line 6, amend the heading for section 1416 to read as follows:

SEC. 1416. NATIONAL ELECTRIC VEHICLE CHARGING, HYDROGEN, PROPANE, AND NATURAL GAS FUELING CORRIDORS.

Page 218, line 12, insert ''**propane,**'' after ''**hydrogen,**''.

Page 218, line 17, insert ''propane,'' after ''hydrogen,''.

Page 218, line 20, insert ''propane fueling infrastructure,'' after ''hydrogen infrastructure,''.

Page 218, line 24, insert ''propane,'' after ''fuel cell,''.

Page 219, lines 5 and 6, insert ''stations'' after ''electric vehicle charging''.

Page 219, line 6, insert ''propane fueling stations,'' after ''hydrogen fueling stations,''.

Page 219, line 10, insert ''stations'' after ''electric vehicle charging''.

Page 219, line 11, insert ''propane fueling stations,'' after ''stations,''.

Page 219, line 19, insert ''propane,'' after ''fuel cell electric,''.

Page 220, line 12, insert ''infrastructure'' after ''electric vehicle charging''.

Page 220, line 13, insert ''propane fueling infrastructure,'' after ''infrastructure,''.

Page 220, line 20, insert ''infrastructure'' after ''electric vehicle charging''.

Page 220, line 21, insert ''propane fueling infrastructure,'' after ''hydrogen infrastructure,''.

Page 221, amend the matter following line 2 to read as follows:

''151. National electric vehicle charging, hydrogen, propane, and natural gas fueling corridors.''.

Page 276, line 14, strike the first semicolon and insert ''; and''.

Page 324, line 1, strike ''**High visibility**'' and insert ''**High-visibility**''.

Page 393, line 23, add ''and'' at the end.

Page 537, line 15, before the period insert ''and planning''.

Page 543, line 11, strike ''disclose'' and insert ''disclosure''.

Page 553, strike line 11 and all that follows through line 2 on page 571.

Page 604, line 8, strike the closing quotation marks.

Page 604, line 9, insert closing quotation marks after ''percent''.

Page 606, strike lines 5 through 12 and insert the following:

''(i) for fiscal year 2016, $7,300,000;

''(ii) for fiscal year 2017, $7,400,000;

''(iii) for fiscal year 2018, $7,500,000;

''(iv) for fiscal year 2019, $7,600,000;

''(v) for fiscal year 2020, $7,700,000; and

''(vi) for fiscal year 2021, $7,800,000.''; and

The CHAIR. Pursuant to House Resolution 507, the gentleman from Pennsylvania (Mr. SHUSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, the manager's amendment that I am offering makes technical and conforming changes to the Rules Committee Print.

This amendment was developed in cooperation with Ranking Member DEFAZIO. So I would urge all Members to support my amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. SWALWELL OF CALIFORNIA

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 114–325.

Mr. SWALWELL of California. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 26, after line 2, insert the following:

''(4) by adding at the end the following:

'' ''(35) SHARED-USE PROGRAMS & TECHNOLOGIES.—The term ''Shared-Use Programs & Technologies'' refers to projects and programs that utilize innovative mobility technologies to provide alternatives to driving alone, including, but not limited to, carshare, Bikeshare, carpool/vanpool, transportation network companies, multimodal fare payment system, app based mobility providers, and other innovative projects. '.''.

Page 53, line 3, strike the period and insert ''; or''.

Page 53, after line 3, insert the following new paragraph:

''(10) shared-Use Programs & Technologies that have a demonstrated ability to reduce vehicle miles traveled or improve air quality as determined by the Secretary.''.

Page 241, strike lines 9 through 10 and insert the following:

(1) in paragraph (1)—

(A) in subparagraph (C) by striking ''landscaping'';

(B) in subparagraph (F) by striking ''or'';

(C) in subparagraph (G) by striking period and inserting ''; or''; and

(D) by adding at the end the following:

''(H) Transit Oriented Shared-Use Programs and Technologies.''.

Page 241, after line 20, add the following:

''(26) TRANSIT ORIENTED SHARED-USE PROGRAMS & TECHNOLOGIES.—The term 'Transit Oriented Shared-Use Programs & Technologies' refers to projects and programs that utilize innovative mobility technologies to better connect users with a transit system including, but not limited to, carshare, Bikeshare, carpool/vanpool, transportation network companies, multimodal fare payment system, app based mobility providers, and other innovative projects that help connect users to transit.''.

The CHAIR. Pursuant to House Resolution 507, the gentleman from California (Mr. SWALWELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. SWALWELL of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chair, I rise to offer a bipartisan amendment with the gentleman from Arizona (Mr. SCHWEIKERT) that would make it easier for public entities to better utilize the benefits of new and innovative technologies to deliver more and better transportation outcomes.

I thank my friend, Congressman SCHWEIKERT, for cosponsoring this important amendment. I also thank the gentleman from Indiana (Mr. ROKITA) for his work in the subcommittee on a similar issue.

In recent years, the Internet, new technologies, and shared-use programs have revolutionized the way we travel. Our Federal transportation policies, however, must take advantage of these new technologies and shared programs to help reduce traffic congestion, help improve air quality, and better connect users with mass transportation options.

My amendment is simple. It would make eligible projects and programs that utilize innovative mobility technologies to provide alternatives to driving alone under the Congestion Mitigation and Air Quality Improvement Program, also known as CMAQ, and the associated transit improvement program to better connect users to mass transit systems.

Allowing States and cities to have the flexibility to choose how to better improve transportation outcomes under CMAQ and associated transit improvement programs can help spur innovation to create better results for

transit users, ultimately allowing people to spend less time in their car and more time at home with their families.

I know from driving in my district, California's 15th Congressional District, the East Bay, where traffic congestion is among the worst in our country, we need to give our States and local governments every opportunity to utilize new technologies and shared programs to reduce traffic.

Under both CMAQ and associated transit improvement programs, State and local entities are already able to partner with private companies. Why not include these new technologies and shared programs to achieve these goals?

Let me be clear, Mr. Chair. This amendment does not mandate that any funding go to any entity, and this amendment does not increase Federal spending by a dime.

I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. SHUSTER. Mr. Chair, while this amendment is well intended, the amendment would dilute the eligibilities currently available to States to combat congestion and air.

We have not had adequate time to determine if there are any unintended consequences of providing eligibility for broadly expanding the eligibilities to include things like car share, bike share, and transportation network companies.

Additionally, this amendment includes these new eligibilities in the associated transit improvement mandate. The mandate hurts local flexibility and could have serious unintended consequences.

Our bill worked to reform this mandate. So I reluctantly urge all Members to oppose this amendment.

I reserve the balance of my time.

Mr. SWALWELL of California. Mr. Chairman, I yield myself 2 minutes.

My amendment also would allow States and local governments to partner with innovative technologies that best serve transit systems. For example, by explicitly including car-sharing and bike-sharing companies, like Lyft, a California-based company, we can both reduce congestion and improve air quality while ensuring people have access to mass transportation.

According to a research done by UC Berkeley, there are 32 car-sharing operators in the United States with over 1.1 million members and 16,754 vehicles. These car-sharing and bike-sharing examples are just a few of the many opportunities that would be explicitly available to States and local governments.

Thirty cities have bike-sharing systems with over 17,000 bikes available. In 2013, a survey of Capital Bikeshare here in the Capital City found that users drove 4.4 million fewer miles to access this program.

Also, it is important to note that these technologies and shared programs are already being implemented by cities across the country. Companies like Lyft and Uber are working in coordination with city governments to better connect workers to transit options. Lyft, for one, is now integrated in the Dallas Area Rapid Transit app, offering riders another option to start or end their transit trips.

This amendment makes an important step toward using technology and shared programs to create a fully integrated transit system and improve its effectiveness.

With that, Mr. Chairman, I yield to the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. Mr. Chair, I thank my friend from California and my fellow Members who I just pushed out of the way.

Look, I know that we are discussing a transportation bill. But if you look at an amendment like this, the understanding of what is coming at us technology-wise, information, its ability to change how we look at moving ourselves, moving people, moving goods, moving freight, the amendment just basically directs the embracing of the information age and the opportunity that provides to actually deal with crowded roads, deal with congestion, and actually provide us some optionality out there.

That is one of the reasons I stand behind this microphone and actually sort of stand behind my friend's amendment.

Mr. SWALWELL of California. Mr. Chairman, I yield back the balance of my time.

Mr. SHUSTER. Mr. Chair, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. SWALWELL).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. SWALWELL of California. Mr. Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. WALDEN

The CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 114–325.

Mr. WALDEN. Mr. Chairman, I offer my amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 67, strike lines 1 and 2 and insert the following:

''(ii) a highway or bridge project carried out on the National Highway System, including—

''(I) a project to add capacity to the Interstate System to improve mobility; and

''(II) a project in a national scenic area;

The CHAIR. Pursuant to House Resolution 507, the gentleman from Oregon (Mr. WALDEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WALDEN. Mr. Chair, I rise today in support of this bipartisan amendment, which clarifies the eligibility of projects within national scenic areas under the nationally significant freight and highway project section of this legislation.

I thank Representatives JAIME HERRERA BEUTLER, EARL BLUMENAUER, and GARRET GRAVES for cosponsoring this important amendment with me. I thank Chairman SHUSTER, Ranking Member DEFAZIO, Chairman GRAVES, and Ranking Member HOLMES NORTON for their support as well.

Across the Nation, there are 12 national scenic areas in 8 States, including the Columbia River Gorge National Scenic Area, which is the largest scenic area in the United States.

This Federal overlay consists of 292,500 acres along 85 miles of the Columbia River in Oregon and Washington, encompassing 6 counties in 13 different communities and subjecting the area to unique land use development restrictions. Ninety percent of the scenic area is subject to strict land use and development restrictions, including 114,600 acres of special management area and 71,000 acres of national forestlands.

While scenic areas like the Columbia Gorge provide tourist opportunities to thousands of visiting Americans from all across the country, this unique Federal involvement provides distinct challenges in promoting growth of the local economy while conserving natural beauty of the lands within the gorge.

□ 1530

Transportation infrastructure is an essential component to efficiently serve the interests of both local residents and visitors to the scenic area.

There is a strong need for regional transportation planning and improvement to major transportation elements. That would include things such as the Hood River interstate bridge and the Bridge of the Gods at Cascade Locks. Together these amount to 5.2 million bridge crossings each year and the transfer of $110 million in goods, but they are deteriorating and deficient, and they are in need of major improvements. In fact, one of the bridges, the Hood River interstate bridge, was recently hit by a barge, which has caused some consternation about the damage that may have occurred there.

Clarifying the eligibility of the scenic areas throughout the Nation for transportation grant funding would help ensure that these areas are eligible for meaningful funding opportunities to enhance infrastructure within these unique federally managed areas.

Mr. Chairman, I urge adoption of this amendment to ensure that federally designated scenic areas like the Columbia River Gorge are eligible for these funds.

I yield to the gentleman from Louisiana (Mr. GRAVES), the coauthor of this amendment, for his comments.

Mr. GRAVES of Louisiana. Mr. Chairman, I want to thank Chairman SHUSTER, Ranking Member DEFAZIO, Congressman WALDEN, Congresswoman HERRERA BEUTLER, Congressman BLUMENAUER, and others who worked to get to a point where we all could come to common agreement on this.

The chairman included in this bill an important program called the Nationally Significant Freight and Highway Projects program. This program establishes a competitive grant opportunity for States, for metropolitan planning organizations, and for local governments to the tune of over $740 million annually.

Mr. Chairman, this recognizes the fact that we have massive needs in transportation infrastructure that remain unaddressed. In my home city of Baton Rouge, you can see right here on this poster board, Mr. Chairman, that, for a midsized city, we have the worst traffic in the Nation. This is a snapshot of Google Maps taken just a few hours ago showing all the extraordinary traffic.

Right here is one place in the Nation where the interstate going from California to Florida drops down to one lane. It shouldn't be a surprise to anyone that it is all red and shows extraordinarily backed-up traffic. An average of 47 hours a year folks from this region sit in traffic.

What this amendment does is it actually provides criteria for the United States Department of Transportation to consider when awarding grants under this competitive program. One of the criteria is ensuring mobility for addressing bottlenecks like this in substandard interstate systems to ensure the flow of traffic, to give back those 47 hours to the folks from the capital region of Louisiana so they can spend time with their families, so they can spend more time at work, so they can be more productive citizens, and so we can have lower emissions.

Mr. Chairman, I want to thank Chairman SHUSTER and Ranking Member DEFAZIO for working with us on this amendment. I urge adoption of this amendment.

Mr. WALDEN. Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, although I am not opposed to the amendment, I ask unanimous consent to claim the time in opposition so I may comment.

The CHAIR. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, I strongly support this amendment and both its objectives, the Nationally Significant Freight and Highway Projects, under section 1111 of the rules, and the National Scenic Areas. I am quite familiar with the area mentioned by Representative WALDEN and the very scenic $1 tolled one-way Bridge of the Gods. It is a critical link. If it is not repaired or replaced, it is quite a long drive in either direction. This eligibility is potentially critical to getting Federal partnership in that project. There are other areas around the country which suffer from similar problems. I recommend this amendment to my colleagues.

I yield back the balance of my time.

Mr. WALDEN. Mr. Chairman, I want to thank my colleague from southern Oregon. I appreciate his support and that of my other colleagues in the Northwest and the chairman of the committee. I would urge adoption of this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. WALDEN).

The amendment was agreed to.

The CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 114–325.

AMENDMENT NO. 5 OFFERED BY MR. GOSAR

The CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 114–325.

Mr. GOSAR. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 144, line 6, before the semicolon insert the following: ''(to include, at a minimum, the total number of environmental reviews initiated through a notice of intent, the total average cost for environmental reviews to taxpayers and contractors, and the total average time it takes agencies to get from a notice of intent to publication of a final environmental review)''.

The CHAIR. Pursuant to House Resolution 507, the gentleman from Arizona (Mr. GOSAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GOSAR. Mr. Chairman, I rise today to offer a commonsense amendment to this transportation bill. This simple amendment requires the Federal Government to start keeping track of costs and time required for an environmental review undertaken for transportation projects in the new online database established by this bill.

Last year GAO released a comprehensive audit of NEPA and found that there is currently no system in place for the Federal Government to track such information. It defies common sense that the Federal Government has no idea how long environmental reviews take or how much these reviews actually cost taxpayers and job creators.

While scant information on this matter is available, GAO was able to identify that, within the Department of Energy, the average cost paid for a NEPA review was $6.6 million and that, shockingly, some environmental reviews cost nearly $90 million.

In addition to the GAO report, a new report issued by the National Association of Environmental Professionals released just last week found that:

It took agencies an average of 1,709 days to get from a notice of intent, the first step in preparing an EIS, to publication of a final EIS. That is 4 days longer than the previous record set in 2013 and up from fewer than 1,200 days in 2000.

The report found that it takes the National Highway Administration 6½ years to complete an environmental study, 6½ years before we can start work on construction projects. But the Federal Government can't even verify or dispute that number because they don't even track that information. These unnecessary delays would make Buzz Lightyear from ''Toy Story'' blush. His time mantra, ''to infinity and beyond,'' is inappropriate for NEPA. NEPA studies should not be allowed to linger in perpetuity.

Contractors and folks in the construction industry are sitting on the sidelines losing time and money. Some have reported waiting as long as 10 years on environmental studies before beginning work. The current system fails to provide certainty, and the current bureaucracy associated with this process is killing jobs.

While the Federal Government doesn't seem to care to track this information, these reports confirm what exasperated contractors and frustrated taxpayers have known for years: the average time it takes to conduct an environmental review is growing. Each year more than a month is added to the average time it takes to complete these studies.

My amendment will increase transparency for this process by requiring the Federal Government to start keeping track of the time, cost, and number of environmental studies conducted for transportation projects.

This amendment is a responsible, commonsense step that a government accountable to the people should take to show proper stewardship of the public's dollar, time, and resources. If you support government accountability and transparency, you should support this amendment.

I thank the chair and the ranking member for their tireless efforts to find a long-term transportation solution. I urge my colleagues to support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, we are still in the process of implementing environmental streamlining from MAP–21, and yet this bill contains additional environmental streamlining that I

think will yield great results. We already have an accountability section at DOT with the Dashboard, and I would argue, given the fact that another section of this bill does further environmental streamlining on top of that which is still pending to be implemented, that it is unnecessary and, in fact, would be perhaps contradictory to the intent of the gentleman because of the time involved. It would essentially be like a billing in the private sector where every 15 minutes you are writing down that you had to call this agency to talk about this or you had to review this letter or this document, and that is attributable to the environmental review versus some other part of the review. I think it would be problematic.

I would urge Members to oppose this amendment and to support the bill because of the environmental streamlining that is in there. Let that environmental streamlining take effect; and a year or two down the road, if we feel that there are unaccountable delays, then we can look at ways to track that better.

Mr. Chairman, I reserve the balance of my time.

Mr. GOSAR. Mr. Chairman, I would ask my colleagues to vote for this amendment in the fact that transparency doesn't hurt anybody. We need to look back at the process, and that should be for everybody—for the taxpayer, for the construction companies, for the States in which this is occurring. Transparency will show it all and leave nothing behind. It is great to implement this at the start of the process, not later on in the implementation. That is where common sense beleaguers me.

Mr. Chairman, I ask everybody to vote for this amendment.

I yield back the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I would urge my colleagues to oppose the amendment as it is unnecessary and, actually, time consuming, given the environmental streamlining in the bill.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GOSAR).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. BABIN

The CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 114–325.

Mr. BABIN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 198, line 24, after the first period insert the following: ''The route referred to in subsection (c)(84) is designated as Interstate Route I–14.''.

The CHAIR. Pursuant to House Resolution 507, the gentleman from Texas (Mr. BABIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BABIN. Mr. Chairman, I would like to begin by thanking Chairman SHUSTER and Ranking Member DEFAZIO and their staffs for their cooperation and assistance in moving this amendment forward. I would also like to thank the commissioners and the staff of the Texas Department of Transportation.

I insert in the RECORD a letter of support for these efforts from Retired Lieutenant General Joe Weber.

TEXAS DEPARTMENT OF TRANSPORTATION,
Austin, TX, October 29, 2015.

Re High Priority Corridors on the National Highway System in Texas

Hon. BILL SHUSTER,
House of Representatives, Washington, DC.
Hon. PETER DEFAZIO,
House of Representatives, Washington, DC.

DEAR CHAIRMAN SHUSTER AND RANKING MEMBER DEFAZIO: The Texas Department of Transportation (TxDOT) is supportive of Congressional action to enhance the highway system in Texas and designate additional portions of that system as high priority corridors and future interstates.

TxDOT has facilitated communication with affected communities and interested parties along the Central Texas Corridor and U.S. 190, which is proposed to be a future section of the interstate 14 corridor. The route is important for east-west connectivity within the state and provides an important link to military facilities, to metropolitan areas, and Texas' existing and future interstate system.

If I can be of additional assistance, please contact me or your staff may contact Melissa Meyer in the TxDOT Federal Affairs Section.

Sincerely,
LTGEN J.F. WEBER, USMC (RET),
Executive Director.

Mr. BABIN. Mr. Chairman, I am honored to offer on behalf of my State of Texas, our military, and all Americans this amendment to designate the central Texas corridor as the first segment of what I truly believe will be America's next great highway, Interstate 14.

As Supreme Allied Commander of Europe, General Dwight D. Eisenhower understood the critical importance of a reliable system of high-speed, high-capacity roadways to move across great distances the hardware and personnel that a modern military requires.

As Commander in Chief, President Eisenhower applied these same principles to his domestic agenda with his championing of the Interstate Highway System. This allows our military to maintain maximum effectiveness and readiness, both in times of peace and in times of crisis. But even President Eisenhower could not have foreseen the incredible impact that the interstate system has had for almost every American family and business on a daily basis.

Congress should not be in the business of designating a new interstate just because it can. A new interstate should truly serve the national interests on a number of levels. I am pleased to say, though, that the proposal of I–14 does not just meet these requirements; it far exceeds them. There is a reason this interstate already has a nickname, ''Forts to Ports,'' as it provides either direct or very close access for some of our country's most strategically important military and shipping assets.

I want to be very clear to my colleagues that this amendment that I am offering today only impacts my State of Texas and is just the first step in a long process for establishing a new interstate highway. Even one that builds upon many roadways that are already interstate grade is no small task. It requires buy-in from all the States involved, and the Interstate 14 coalition is working to get the consensus and the support that we have in Texas from all of these State DOTs and other stakeholders.

Mr. Chairman, I urge my colleagues to adopt my amendment.

I yield the balance of my time to the gentleman from Texas (Mr. WILLIAMS), my friend and colleague, a strong supporter of this amendment and former member of the Committee on Transportation and Infrastructure whose work in years past on this issue has helped lead us to where we are today.

□ 1545

Mr. WILLIAMS. Mr. Chairman, I rise today in support of Mr. BABIN's amendment to designate 30 miles of existing freeway from Copperas Cove, Texas, to I–35 in Belton as U.S. Interstate 14.

As the Texas Department of Transportation has previously acknowledged, the route is important for east-west connectivity and provides an important link to military facilities, metropolitan areas, and Texas' existing and future interstate systems.

This highway will connect two of the Nation's largest military bases: Fort Bliss and Fort Hood. U.S. 190, the freeway from the front gate of Fort Hood to I–35 is already at interstate standards.

Mr. Chairman, we are seeking Federal statutory designation as a high-priority corridor and future interstate highway in order to save travel time, make this route the heart of a connector for freight, and link Army installations and strategic ports.

In God we trust.

Mr. BABIN. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. BABIN).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. MASSIE

The CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 114–325.

Mr. MASSIE. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 221, before line 3, insert the following new subsection:

(c) OPERATION OF BATTERY RECHARGING STATIONS IN PARKING AREAS USED BY FEDERAL EMPLOYEES.—

(1) AUTHORIZATION.—

(A) IN GENERAL.—The Administrator of General Services may install, construct, operate, and maintain on a reimbursable basis a battery recharging station in a parking area that is in the custody, control, or administrative jurisdiction of the General Services Administration for the use of only privately owned vehicles of employees of the General Services Administration, tenant Federal agencies, and others who are authorized to park in such area to the extent such use by only privately owned vehicles does not interfere with or impede access to the equipment by Federal fleet vehicles.

(B) DELEGATION.—The Administrator of General Services may install, construct, operate, and maintain on a reimbursable basis a battery recharging station in a parking area that is in the custody, control, or administrative jurisdiction of another Federal agency, at the request of such agency, or delegate such authority to another Federal agency to the extent such use by only privately owned vehicles does not interfere with or impede access to the equipment by Federal fleet vehicles.

(C) USE OF VENDORS.—The Administrator of General Services, with respect to subparagraphs (A) and (B), or the head of a Federal agency delegated authority, with respect to subparagraph (B), may carry such subparagraph through a contract with a vendor, under such terms and conditions (including terms relating to the allocation between the Federal agency and the vendor of the costs of carrying out the contract) as the Administrator or the head of the Federal agency, as the case may be, and the vendor may agree to.

(2) IMPOSITION OF FEES TO COVER COSTS.—

(A) FEES.—The Administrator of General Services or the head of the Federal agency delegated authority under paragraph (1)(B) shall charge fees to the individuals who use the battery recharging station in such amount as is necessary to ensure that the respective agency recovers all of the costs such agency incurs in installing, constructing, operating, and maintaining the station.

(B) DEPOSIT AND AVAILABILITY OF FEES.—Any fees collected by the Administrator of General Services or the Federal agency, as the case may be, under this paragraph shall be—

(i) deposited monthly in the Treasury to the credit of the respective agency's appropriations account for the operations of the building where the battery recharging station is located; and

(ii) available for obligation without further appropriation during—

(I) the fiscal year collected; and

(II) the fiscal year following the fiscal year collected.

(3) NO EFFECT ON EXISTING PROGRAMS FOR HOUSE AND SENATE.—Nothing in this subsection may be construed to affect the installation, construction, operation, or maintenance of battery recharging stations by the Architect of the Capitol—

(A) under Public Law 112–170 (2 U.S.C. 2171), relating to employees of the House of Representatives and individuals authorized to park in any parking area under the jurisdiction of the House of Representatives on the Capitol Grounds; or

(B) under Public Law 112–167 (2 U.S.C. 2170), relating to employees of the Senate and individuals authorized to park in any parking area under the jurisdiction of the Senate on the Capitol Grounds.

(4) NO EFFECT ON SIMILAR AUTHORITIES.—Nothing in this subsection may be construed as repealing or limiting any existing authorities of a Federal agency to install, construct, operate, or maintain battery recharging stations.

(5) ANNUAL REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter for 10 years, the Administrator of General Services shall submit to the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works a report describing—

(A) the number of battery recharging stations installed by the Administrator on its own initiative under this subsection;

(B) requests from other Federal agencies to install battery recharging stations;

(C) delegations of authority to other Federal agencies under this subsection; and

(D) the status and disposition of requests from other Federal agencies.

(6) FEDERAL AGENCY DEFINED.—In this subsection, the term ''Federal agency'' has the meaning given that term in section 102 of title 40, United States Code.

(7) EFFECTIVE DATE.—This subsection shall apply with respect to fiscal year 2016 and each succeeding fiscal year.

The CHAIR. Pursuant to House Resolution 507, the gentleman from Kentucky (Mr. MASSIE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. MASSIE. Mr. Chair, I am honored to offer this amendment today with my Democrat colleagues from California, Ms. LOFGREN and Ms. ESHOO.

This amendment would allow the General Services Administration, or the GSA, to construct, install, and operate electric vehicle charging stations for private vehicle use at Federal facilities at no cost to the taxpayer.

In 2012, Congress passed legislation with broad bipartisan support to allow Members of Congress and their staff to access EV charging stations on Capitol grounds for a fee. Federal agencies currently lack the authority to install and operate electric vehicle charging stations. So Federal employees are unable to charge their electric vehicles while at work.

I yield 4 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I am pleased that we are considering this amendment today. In fact, the genesis of this idea came to me in a constituent letter in February 2014. I was contacted by a constituent who works at a local Federal facility who was surprised and dismayed that he was unable to charge his electric car at work.

We found that, due to a quirk in the reading of current law, Federal agencies were prevented from providing EV charging facilities for personal use by their employees.

Thanks to this constituent's suggestions, I introduced a bill last Congress, the EV-COMUTE Act, to allow Federal agencies to provide charging stations for their employees at no cost to the taxpayer.

I am grateful to my colleagues, Mr. MASSIE and Ms. ESHOO, for joining me in this effort, both as cosponsors of the EV-COMUTE and of this amendment.

This story is a great example of democracy at work and the power of citizen participation in generating ideas. After two Congresses of introducing the EV-COMUTE, I am happy to support this amendment here today.

It is a straightforward amendment that will make Federal workplaces more efficient, flexible, and innovative by allowing the GSA to install and operate electric car charging stations at Federal facilities for use by employees at no cost to the taxpayer, fully covered by user fees.

Currently, if Members of Congress and their staff choose to drive an electric vehicle to work at the U.S. Capitol, we have the option to pay a fee to plug in our vehicle so that it will be fully charged and ready to go when we leave. But our constituents that work at Federal agencies outside the Capitol don't have the option.

My district in Silicon Valley continues to lead in advancing innovation in the EV charging industry. Yet, nearly 5,000 Federal employees in my district do not have access to charging facilities at work.

Congress approved electric vehicle recharging at the U.S. Capitol complex with strong bipartisan support in the House and Senate. This amendment corrects the disparity and allows Federal employees more choices in how they commute; gives the GSA and agencies flexibility on whether to provide charging, how to provide it, including through contractors; improves air quality while reducing reliance on foreign oil; and does so at no cost to the taxpayer.

I urge my colleagues to support this amendment to expand workplace charging and transportation options. I thank Mr. MASSIE for being my partner in supporting and pursuing this innovation.

Mr. MASSIE. Mr. Chair, American companies are leading the world in development of electric vehicle technology. All we are asking for in this amendment is to enable the infrastructure to be built at no cost to the taxpayer.

Providing access to electric vehicle charging stations will give Federal employees enhanced flexibility in purchasing vehicles and more options in their commute. The construction, installation, and operation of the charging stations would be covered by user fees. So taxpayers would incur no cost.

I urge my colleagues to vote for this amendment.

I yield back the balance of my time.

Ms. ESHOO. Mr. Chair, this amendment makes a very simple change to existing law that will allow federal employees to plug in their electric vehicles at work.

I was surprised to learn last year that my constituents who work and volunteer at federal

facilities cannot charge their electric vehicle (EV) at their workplace. As the nation's largest employer, the federal government should lead by example in terms of offering workplace charging. However, a quirk in existing law prohibits federal agencies from constructing charging stations or even entering into contracts with third parties to build charging infrastructure.

This amendment would simply authorize the federal government to install EV charging stations at federal facilities. It is based on the text of the bipartisan H.R. 3509, which I introduced together with Representatives MASSIE, LOFGREN, and WOODALL, and it was recently approved by the Energy and Commerce Committee by voice vote as an amendment to H.R. 8.

This straightforward amendment does not contain any mandates or new spending, it simply allows federal agencies to offer EV charging stations and charge a fee for their use. The amendment is modeled after a successful initiative here at the U.S. Capitol. It requires stations to be installed and operated with funds collected from the use of the stations. This small but commonsense change to the law will ensure the U.S. remains a leader in clean energy deployment and would expand transportation options for many of our constituents at no cost to the taxpayer.

I urge my colleagues to support this simple, bipartisan amendment.

The CHAIR. The question is on the amendment offered by the gentleman from Kentucky (Mr. MASSIE).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. FLEISCHMANN

The CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 114–325.

Mr. FLEISCHMANN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end of subtitle D of title I of division A the following new section:

SEC. 1431. USE OF DURABLE, RESILIENT, AND SUSTAINABLE MATERIALS AND PRACTICES.

To the extent practicable, the Secretary shall encourage the use of durable, resilient, and sustainable materials and practices, including the use of geosynthetic materials and other innovative technologies, in carrying out the activities of the Federal Highway Administration.

The CHAIR. Pursuant to House Resolution 507, the gentleman from Tennessee (Mr. FLEISCHMANN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. FLEISCHMANN. Mr. Chairman, I rise in support of this amendment, which will support the geosynthetic materials industry in this country.

My amendment encourages the Federal Highway Administration to use geosynthetic material. Similar language, Mr. Chairman, encouraging the U.S. Army Corps of Engineers was in the WRRDA bill and has been passed into law.

If I may, Mr. Chairman, geosynthetics are a family of civil engineering solutions used in our national infrastructure. Since their introduction in the 1960s, geosynthetics are a proven versatile and cost-effective roadway reinforcement solution to our transportation needs.

Their use has expanded into nearly all areas of civil and environmental engineering. This is a complementary material to traditional roadway and provides an alternative to traditional methods.

If I may, the cost savings are tremendous. Geosynthetics are less costly to produce, transport, and install than comparable products and involves cost savings to the United States taxpayer.

Reduced maintenance costs over time of the roadway have been proven with geosynthetic use. In addition, they have rapid construction and deployment. It is very flexible and quick to employ, including in inclement weather.

Most of all, Mr. Chairman, this is an American jobs amendment. Over 40 manufacturers in North America produce geosynthetic materials. Also, 13,200 American jobs are involved in this. It is cost-effective, and it increases American jobs. This is something Members from both sides of the aisle support.

I respectfully urge my colleagues to support this amendment to this transportation bill.

I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I claim time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Oregon is recognized for 5 minutes.

There was no objection.

Mr. DEFAZIO. Mr. Chair, I yield myself such time as I may consume.

In the base bill, we have included measures to encourage States to build smart or right-size projects for practical design, and this amendment complements those efforts.

Specifically, it mentions the use of geosynthetic materials, which the Federal Highway Administration has been promoting to speed up and reduce the cost of bridge construction as part of its Every Day Counts initiative.

Use of geosynthetic fabrics to reinforce soil can reduce erosion at the point where bridge and road meet, which reduces maintenance costs and provides environmental benefits.

All of these approaches help ensure that we are able to stretch the limited dollars we have to make meaningful improvements to our roads and bridges. It is a meritorious amendment by the gentleman. I urge my colleagues to support it.

I yield back the balance of my time.

Mr. FLEISCHMANN. I want to thank my colleague.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. FLEISCHMANN).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. GIBBS

The CHAIR. It is now in order to consider amendment No. 9 printed in part B of House Report 114–325.

Mr. GIBBS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 233, after line 17, insert the following:

SEC. 1431. 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 materials and the impact of those methods on project costs, including the extent to which such methods take into account environmental principles, engineering principles, and the varying needs of projects based on geographic location.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the findings of the study conducted under subsection (a).

The CHAIR. Pursuant to House Resolution 507, the gentleman from Ohio (Mr. GIBBS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. GIBBS. Mr. Chairman, I want to also congratulate Chairman SHUSTER and Ranking Member DEFAZIO for bringing this important bill to the floor.

I am pleased to offer this bipartisan amendment with my colleague from California (Mrs. NAPOLITANO) to study culvert and storm sewer procurement methods.

Culvert and storm sewer materials have been subject to a unique procurement process in recent years. In previous legislation, SAFETEA-LU, States were instructed to provide for competition in culvert procurement similar to the process for other construction materials used in highway projects. In MAP–21, States were given full autonomy, accounting for engineering principles.

My simple amendment instructs the Secretary of Transportation to study methods used by States to procure culvert and storm sewer materials and report their findings to the Transportation and Infrastructure Committee. This study will enable us to better understand how costs, environmental and engineering principles, and other unique factors impact the States' procurement process.

I yield to the gentlewoman from California (Mrs. NAPOLITANO) to speak in support of the amendment.

Mrs. NAPOLITANO. Mr. Chairman, I certainly want to thank my colleague, Mr. GIBBS, for introducing this very important amendment.

I do strongly support this amendment that requests a DOT study regarding the federally funded materials used by the States for culvert and stormwater pipes.

This issue was brought to my attention in my area in Los Angeles by companies that were being forced out of competition for federally funded transportation projects. The States were having a little problem and were the local governments that sole-sourced materials.

State and local governments should be allowed to have open and fair competition on the best products available for use in these sewer and culvert systems.

Mr. GIBBS' amendment, which I am happy to cosponsor, requires the Department again to study and report to Congress on these materials in order to ensure that taxpayer funds are being spent in a most cost-effective and efficient way.

I am very grateful to my colleague. I thank him for allowing me to co-offer this amendment. I urge my colleagues to support it.

Mr. GIBBS. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. GIBBS).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. GIBSON

The CHAIR. It is now in order to consider amendment No. 10 printed in part B of House Report 114–325.

Mr. GIBSON. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. 1431. STRATEGY TO ADDRESS STRUCTURALLY DEFICIENT BRIDGES.

The Secretary shall develop a comprehensive strategy to address structurally deficient and functionally obsolete bridges, as defined by the National Bridge Inventory, to identify the unique challenges posed by bridges in each of these respective categories, and to address such separate challenges and improve the condition of such bridges. Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit a report containing initial recommendations to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. Not later than 1 year after such date of enactment, the Secretary shall transmit to such committees the final strategy required by this section.

The CHAIR. Pursuant to House Resolution 507, the gentleman from New York (Mr. GIBSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. GIBSON. Mr. Chairman, I rise today in support of an amendment I offered along with my fellow colleagues from New York, Representative SEAN PATRICK MALONEY, JOHN KATKO, and JERRY NADLER. This amendment will improve the safety of bridges across New York State and, indeed, across the Nation.

As you are aware, Mr. Chairman, our national bridges are in desperate need of repair. In New York, this is especially true. In 2015, the American Society of Civil Engineers graded New York's network of bridges as a dismal D-plus. New York ranks second worst in the Nation in functionally obsolete bridges and 12th worst when it comes to structurally deficient bridges.

This is not an issue limited to New York. Across the Nation, more than one in nine bridges are graded as structurally deficient, and more than 84,000 functionally obsolete bridges are still in use.

Mr. Chairman, our amendment does something positive and constructive about it by directing the DOT to develop a strategy to address structurally deficient and functionally obsolete bridges.

□ 1600

Notably, these two categories require different policy solutions but too often they are treated the same. By requiring this strategy, we will allow for effective oversight by the people through their Representatives here in the U.S. House.

I want to thank Chairman SHUSTER and Ranking Member DEFAZIO for their strong work in the committee. I urge support of this amendment so we can develop a strategy to address the quality of bridges across this Nation which will help keep our people safe and help strengthen our economy.

Mr. Chairman, I yield back the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I claim time in opposition to the amendment, although I am not opposed to it.

The CHAIR. Without objection, the gentleman from Oregon is recognized for 5 minutes.

There was no objection.

Mr. DEFAZIO. Mr. Chair, I yield myself such time as I may consume.

I really appreciate the gentleman's work here in pointing out the problem with our bridges, not just in New York, but nationwide, 147,000 deficient bridges. In fact, as one of the few Democrats who opposed the so-called stimulus bill, I said at the time we would have been better served had we invested that money in projects, real projects, as opposed to tax cuts.

One thing I suggested was how about a plan to rebuild all of the deficient bridges in America, put a million or so people to work, and solve a long-term problem. That wasn't to be, but this brings new focus to the issue, and, hopefully, we will get around to dealing with this issue in the near future with the information to be gleaned from this report.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. GIBSON).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. GUINTA

The CHAIR. It is now in order to consider amendment No. 11 printed in part B of House Report 114–325.

Mr. GUINTA. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. 1431. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON COST OF COMPLIANCE.

Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that describes the cost to the Federal Highway Administration of compliance with Federal statutes and regulations as a percentage of the overall spending by such Administration.

The CHAIR. Pursuant to House Resolution 507, the gentleman from New Hampshire (Mr. GUINTA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. GUINTA. Mr. Chairman, I rise today in support of my amendment to the bipartisan Surface Transportation Reauthorization and Reform Act.

Each year, we authorize funding for highway projects all across America. The underlying bill we are discussing today provides both much-needed Federal funding, but also necessary long-term certainty for planning transportation projects.

The funds provided are critical for maintaining our current roads and highways, improving our infrastructure, and creating new infrastructure across the country, something that is especially important for many rural areas like those in the Granite State. But like many projects that use taxpayer dollars, burdensome regulations and inefficiencies often drive up the cost of projects and cause delays in the final project.

My amendment is simple. It would require the Government Accountability Office to conduct a study to understand the purchasing power of the Federal highway dollars and quantify the things that weaken it, such as these burdensome regulations.

At a time when we face immense budgetary constraints, we should be examining how each and every dollar is being spent. Granite Staters sent me to Washington to shed light on how we spend their tax dollars, and this amendment achieves just that.

There is no doubt that these highway projects are beneficial and necessary for millions of Americans, but even the necessary and important projects should have proper oversight. It is just simply about good government.

Hardworking Granite Staters know how to stretch a dollar, and it should be no different for the Federal Government. This amendment allows us to identify the true cost of infrastructure projects. We should be doing all we can to ensure our tax dollars are being spent wisely and efficiently so these projects are completed on time and on budget.

I want to thank the chair and the ranking member, and I urge my colleagues to support my amendment.

I yield back the balance of my time.

Mr. DEFAZIO. Madam Chair, I claim the time in opposition to the amendment.

The Acting CHAIR (Ms. ROS-LEHTINEN). The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Madam Chair, I agree that regulations often need scrutiny and revision and sometimes elimination, but this bill undertakes a good deal of streamlining, both in the environmental area and in other processes.

So, if we were to go down the road of a study looking at these programs, I would say a study that is a little broader, which would look at both the costs and benefits of regulation, would be useful. I don't think this one-sided study would be particularly useful.

If we want to understand the purchasing power of our highway dollars, we only need to look at the fact that Congress has failed to increase the gas tax since 1993, during which time the purchasing power, due to inflation and construction costs, has diminished by a good 40 percent or more. Whether or not we will be allowed to take action on significant revenues under this bill is still being deliberated upstairs in the Rules Committee with amendments that might or might not be allowed to be offered.

I urge opposition to the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Hampshire (Mr. GUINTA).

The amendment was rejected.

AMENDMENT NO. 12 OFFERED BY MR. HANNA

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part B of House Report 114–325.

Mr. HANNA. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. 1431. SENSE OF CONGRESS.

It is the sense of Congress that the Nation's engineering industry continues to provide critical technical expertise, innovation, and local knowledge to Federal and State agencies in order to efficiently deliver surface transportation projects to the public, and Congress recognizes the valuable contributions made by the Nation's engineering industry and urges the Secretary to reinforce those partnerships by encouraging State and local agencies to take full advantage of engineering industry capabilities to strengthen project performance, improve domestic competitiveness, and create jobs.

The Acting CHAIR. Pursuant to House Resolution 507, the gentleman from New York (Mr. HANNA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. HANNA. Madam Chairman, this bipartisan amendment presents a simple, nonbinding sense of Congress recognizing the value of private sector engineering services in delivering road, bridge, and public transportation projects of all natures. Nearly identical language was included in the Water Resources Reform and Development Act last year, which we adopted with overwhelming support on both sides of the aisle.

Local engineering firms in each of our districts play an important role in partnering with State and local agencies to deliver transportation projects. Just as States use private contractors to build roads and bridges, they utilize private engineering companies to design them.

While many DOTs partner well with private engineering firms, some States do not take advantage of the services and expertise available. Local firms are essentially shut out from competing for federally funded projects.

There is no one-size-fits-all approach to balancing private and public sector engineering expertise. But let me be clear: This amendment is not about privatization; it is about options.

Private firms will be the first to argue that we must have trained and experienced engineers within the DOTs to manage, design, and oversee the many programs. This is about encouraging States to strike the balance that works best for them. Collaboration between public and private engineers is essential in delivering the highest quality and most cost-effective projects.

I urge my colleagues to support this commonsense, bipartisan bill.

I reserve the balance of my time.

Mrs. NAPOLITANO. Madam Chair, I claim time in opposition to the amendment.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Mrs. NAPOLITANO. Madam Chair, I rise in opposition to the amendment because it does encourage State DOTs to utilize the private sector for engineering and design services. The States deserve that flexibility to decide whether it is more cost effective and efficient to utilize their own staff or to contract with the private sector to deliver such transportation projects.

The adoption of this language will encourage outsourcing and will waste already scarce transportation dollars. Countless studies from across the Nation confirm that outsourcing engineering and design services on transportation projects is more expensive than using publicly owned engineers and does not speed up project delivery.

In California alone, they spend $237,000 per outsourced engineer per year, compared to $116,000 per State-employed engineer, according to the 2014 State budget.

Louisiana spends $197,942 per outsourced engineer per year, compared to $82,364 for a State-employed engineer, according to the consulting firm contracted by the State in 2014 to recommend cost-savings measures.

Tennessee DOT found they could save 15 percent if it brought in more in-house engineers.

Colorado DOT also studied the issue, and they saved 29 percent by bringing the engineering and design services in-house.

Adding this language into Federal law would be a first step toward incentivizing, or even mandating, the use of private sector for engineering and design services.

States should be allowed to use public engineers if they believe that the public engineers are the most effective at, one, protecting the public interest, and two, ensuring public safety.

I would like to mention that the professional engineers in California and the Governor are opposed, as are the transportation trades.

Madam Chair, I ask my colleagues to oppose this amendment.

I yield back the balance of my time.

Mr. HANNA. Madam Chair, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the full committee.

Mr. SHUSTER. I thank the gentleman, and I support this bipartisan amendment.

It presents a simple sense of Congress on the value of utilizing private sector engineering and design services for enhanced project delivery, so I commend Mr. HANNA and Mr. SEAN PATRICK MALONEY from New York.

There was identical language in WRRDA last year, so I urge all Members to support this amendment.

Mr. HANNA. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. HANNA).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. MULLIN

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part B of House Report 114–325.

Mr. MULLIN. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. _____. ELIMINATION OF BARRIERS TO IMPROVE AT-RISK BRIDGES.

(a) TEMPORARY AUTHORIZATION.—

(1) IN GENERAL.—Until the Secretary of the Interior takes the action described in subsection (b), the take of nesting swallows to facilitate a construction project on a bridge eligible for funding under title 23, United States Code, with any component condition rating of 3 or less (as defined by the National Bridge Inventory General Condition Guidance issued by the Federal Highway Administration) is authorized under the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) between April 1 and August 31.

(2) MEASURES TO MINIMIZE IMPACTS.—

(A) NOTIFICATION BEFORE TAKING.—Prior to the taking of nesting swallows authorized under paragraph (1), any person taking that action shall submit to the Secretary of the Interior a document that contains—

(i) the name of the person acting under the authority of paragraph (1) to take nesting swallows;

(ii) a list of practicable measures that will be undertaken to minimize or mitigate significant adverse impacts on the population of that species;

(iii) the time period during which activities will be carried out that will result in the taking of that species; and

(iv) an estimate of the number of birds, by species, to be taken in the proposed action.

(B) NOTIFICATION AFTER TAKING.—Not later than 60 days after the taking of nesting swallows authorized under paragraph (1), any person taking that action shall submit to the Secretary of the Interior a document that contains the number of birds, by species, taken in the action.

(b) AUTHORIZATION OF TAKE.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary, shall promulgate a regulation under the authority of section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) authorizing the take of nesting swallows to facilitate bridge repair, maintenance, or construction—

(A) without individual permit requirements; and

(B) under terms and conditions determined to be consistent with treaties relating to migratory birds that protect swallow species occurring in the United States.

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

(c) SUSPENSION OR WITHDRAWAL OF TAKE AUTHORIZATION.—If the Secretary of the Interior, in consultation with the Secretary, determines that taking of nesting swallows carried out under the authority provided in subsection (a)(1) is having a significant adverse impact on swallow populations, the Secretary of the Interior may suspend that authority through publication in the Federal Register.

The Acting CHAIR. Pursuant to House Resolution 507, the gentleman from Oklahoma (Mr. MULLIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. MULLIN. Madam Chair, I rise today to offer an amendment that is critical to the safety of our traveling public.

Over 2 million trips are taken every day across failing bridges in the United States. This is unacceptable. We need to make sure repairs are made in a timely and efficient manner so human lives can be protected. We can start by removing unnecessary and overly burdensome barriers to maintenance.

Barn or cliff swallows, whichever you want to call them, nest under bridges, sometimes in the thousands. Their nesting period can last from April to August, which is prime construction season. These birds are not endangered, but they are protected under the Migratory Bird Treaty Act. Because of this law, the birds cannot be disturbed, and State Departments of Transportation must develop plans for dealing with the birds in every bridge maintenance, repair, rehab, or replacement project.

Because these plans are so burdensome, contractors often delay their work until after the nesting period so they don't have to risk violating the Migratory Bird Treaty Act and face Federal prosecution. Delaying the work puts the safety of the traveling public at risk.

My amendment allows the bridge work to be done, despite the presence of swallows, if the bridge has a condition rating of 3 or less until the issue is addressed by the Department of the Interior. A condition rating of 3 means that the bridge is in serious need of repair: sections can be lost, the primary structural components have been damaged, and there are cracks in the steel or concrete.

My amendment also directs the Secretary of the Interior to start the process for developing a rule to allow for the bridge work under the Migratory Bird Treaty Act. This amendment has already been negotiated and included in the Senate's DRIVE Act.

This is a commonsense amendment that puts the safety of the public first, and I urge my colleagues to support it.

I reserve the balance of my time.

Mrs. NAPOLITANO. Madam Chair, I claim time in opposition to the amendment.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Mrs. NAPOLITANO. Madam Chair, I rise in opposition to this amendment offered by the gentleman from Oklahoma (Mr. MULLIN).

The Migratory Bird Treaty Act, first enacted in 1918, makes it unlawful to take, kill, or capture any migratory bird. This landmark legislation is the product of treaties with Canada, with Mexico, and with Japan, and is credited with protecting over 800 species of endangered birds.

The amendment's supporters claim that it is a waiver of the Migratory Bird Treaty Act solely for emergency situations. However, the amendment is overly broad and would act as a blanket waiver to allow the taking of swallows for any bridge construction, any repair, or any maintenance without a permit if certain conditions are met.

Further, the amendment is unnecessary, as section 704(a) of the Migratory Bird Treaty Act already provides the Secretary of the Interior with the authority to allow the taking of migratory birds, including swallows, if certain conditions are met, and it also directs the Secretary of the Interior to promulgate regulations allowing the taking in those circumstances.

As a waiver process already exists allowing for the taking of the migratory birds in emergency situations, I cannot support this amendment. I ask my colleagues to join me in opposing this amendment.

I yield back the balance of my time.

Mr. MULLIN. Madam Chair, I encourage my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oklahoma (Mr. MULLIN).

The amendment was rejected.

□ 1615

AMENDMENT NO. 14 OFFERED BY MR. RIBBLE

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part B of House Report 114–325.

Mr. RIBBLE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. _____. MODERNIZED WEIGHT LIMITATIONS FOR CERTAIN VEHICLES.

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

''(n) ADDITIONAL EXCEPTION TO WEIGHT REQUIREMENTS.—

''(1) IN GENERAL.—Notwithstanding subsection (a), a State may authorize a vehicle with a maximum gross weight, including all enforcement tolerances, that exceeds the maximum gross weight otherwise applicable under subsection (a) to operate on Interstate System routes in the State, if—

''(A) the vehicle is equipped with at least 6 axles;

''(B) the weight of any single axle on the vehicle does not exceed 20,000 pounds, including enforcement tolerances;

''(C) the weight of any tandem axle on the vehicle does not exceed 34,000 pounds, including enforcement tolerances;

''(D) the weight of any group of 3 or more axles on the vehicle does not exceed 45,000 pounds, including enforcement tolerances;

''(E) the gross weight of the vehicle does not exceed 91,000 pounds, including enforcement tolerances; and

''(F) the vehicle complies with the bridge formula in subsection (a)(2) of this section.

''(2) SPECIAL RULES.—

''(A) OTHER EXCEPTIONS NOT AFFECTED.—This subsection shall not restrict—

''(i) a vehicle that may operate under any other provision of this section or another Federal law; or

''(ii) a State's authority with respect to a vehicle that may operate under any other provision of this section or another Federal law.

''(B) MEANS OF IMPLEMENTATION.—A State may implement this subsection by any means, including statute or rule of general applicability, by special permit, or otherwise.

''(3) ADDITIONAL EQUIPMENT.—

''(A) IN GENERAL.—The Secretary may issue such regulations as are necessary to require a vehicle operating pursuant to this subsection to include 1 item of additional equipment not otherwise required by law. The Secretary may issue such regulations only if the equipment item to be required is available at the time a rule is proposed.

''(B) COMMENT.—In issuing regulations pursuant to this paragraph, the Secretary shall invite comment on the effective date of any proposed equipment requirement.

''(C) LIMITED AUTHORITY.—The authority to issue regulations pursuant to this paragraph applies only to a rule that is published as a final rule in the Federal Register not later than the date that is 6 months after the date of enactment of this subsection.

''(4) REPORTING REQUIREMENTS.—

''(A) TRIENNIAL REPORT.—If a State, pursuant to paragraph (1), authorizes vehicles described in such paragraph to operate on Interstate System routes in the State, the State shall submit to the Secretary a triennial report containing—

''(i) an identification of highway routes in the State, including routes not on the Interstate System, on which the State so authorizes such vehicles to operate;

''(ii) a description of any gross vehicle weight limit applicable to such vehicles so authorized and of any operating requirements applicable to such vehicles that are in addition to requirements applicable to all commercial motor vehicles;

''(iii) the number of crashes that occurred in the State involving such vehicles so authorized on the Interstate System, the number of such crashes involving fatalities, and the number of such crashes involving nonfatal injuries;

''(iv) estimated vehicle miles traveled on the Interstate System in the State by such vehicles so authorized; and

''(v) other information, such as the gross vehicle weight of a vehicle operating pursuant to the authority of this subsection at the time of a crash, as the Secretary and the State jointly determine necessary.

''(B) PUBLIC AVAILABILITY.—The Secretary shall make all information required under subparagraph (A) available to the public.

''(5) TERMINATION AS TO ROUTE SEGMENT.—The Secretary may terminate the operation of vehicles authorized by a State under this subsection on a specific Interstate System route segment if, after the effective date of a decision of a State to allow vehicles to operate pursuant to paragraph (1), the Secretary determines that such operation poses an unreasonable safety risk based on an engineering analysis of the route segment or an analysis of safety or other applicable data from the route segment.

''(6) WAIVER OF HIGHWAY FUNDING REDUCTION.—Notwithstanding subsection (a), the total amount of funds apportioned to a State under section 104(b)(1) for any period may not be reduced under subsection (a) if the State authorizes a vehicle described in paragraph (1) to operate on the Interstate System in the State in accordance with this subsection.

''(7) PRESERVING STATE AND LOCAL AUTHORITY REGARDING NON-INTERSTATE SYSTEM HIGHWAYS.—Subsection (b) of this section shall not apply to motor vehicles operating on the Interstate System solely under the authority provided by this subsection.''.

The Acting CHAIR. Pursuant to House Resolution 507, the gentleman from Wisconsin (Mr. RIBBLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. RIBBLE. Madam Chair, I include in the RECORD a letter dated last Friday, October 30, from the Federal Highway Administration. This letter states that the configuration I am proposing today is compliant with the federal bridge formula.

The second letter is from Peter Rogoff, Under Secretary for the Department of Transportation, to Chairman SHUSTER.

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION,
Washington, DC, October 30, 2015.

Hon. REID J. RIBBLE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN RIBBLE: I am writing to provide a technical correction to my letter of April 24 (copy enclosed) which responded to your inquiry regarding the Comprehensive Truck Size and Weight Limits Study (CTSWLS) required by Section 32801 of the Moving Ahead for Progress in the 21st Century Act (MAP–21) P.L. 112–141.

In your letter, you asked whether the 91,000-pound gross vehicle weight six-axle configuration under analysis as part of the CTSWLS is in compliance with the Federal bridge formula set forth in 23 U.S.C. 127. The Federal Highway Administration recently revisited the question of whether the 91,000-pound, six-axle configuration used in the CTSWLS was in compliance with the Federal bridge formula (FBF).

Our letter of April 24 confirmed that the configuration met the FBF, which was our understanding at the time of the CTSWLS based on a review of three standard tests of weight and axle spacing. However, we have discovered that the placement of axles and loading of the tridem for the specific type studied in the CTSWLS did not meet a fourth test for compliance. There is more than one way to design and load a six-axle vehicle; the variations can affect whether the vehicle is fully FBF-compliant. In order for a vehicle to meet all tests of the FBF and be designed for safe and practical operation, the maximum tridem axle weight would need to be not more than 45,000 pounds in conjunction with 12-foot spacing between the 4th and 6th axles.

I have sent similar letters to the cosigners of your original letter. If you have additional questions about the Study, please contact Mr. David Kim of the Federal Highway Administration.

Sincerely,

GREGORY G. NADEAU,
Administrator.

Enclosure.

U.S. DEPARTMENT OF TRANSPORTATION, OFFICE OF THE SECRETARY OF TRANSPORTATION,
Washington, DC, June 5, 2015.

Hon. BILL SHUSTER,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN SHUSTER: The U.S. Department of Transportation is releasing for public comment and peer review the technical reports of the Federal Highway Administration's (FHWA) comprehensive study of certain safety, infrastructure, and efficiency impacts surrounding potential changes to the Federal truck size and weight (TS&W) limits. This study is required by the Moving Ahead for Progress in the 21st Century Act (MAP–21; P.L. 112–141, §32801) which dictated very precise parameters for the study's scope. The FHWA will consider any comments from the peer review of the study to be conducted by the Transportation Research Board (TRB) and the public for the final report that we expect to deliver to Congress later this year.

FHWA's technical work was able to employ the latest modeling techniques in the areas of truck stability and control performance as well as in bridge and pavement structural impacts. It also featured the first-ever accounting of violations and citations by truck configuration in a study of this kind. Even so, the research also revealed very significant data limitations that severely hampered FHWA's efforts to conclusively study the effects of the size and weight of various truck configurations. These limitations are discussed below.

Among the data issues is the lack of descriptive information in crash reports involving trucks—especially the weight of the vehicle at the time of an incident—which undermines our ability to conduct adequate highway safety and truck crash analyses. So, while FHWA was able to identify significantly higher crash rates in six-axle trucks compared to five-axle trucks in the State of Washington, the lack of available and consistently reported data from other states prevented the Department from drawing national conclusions on the crash rates of this and other truck configurations. We also were constrained in fully accounting for modal shift of freight traffic to short line and regional railroads due to the absence of publicly available data in this area. Our modeling did suggest one potentially important finding: that the expected Vehicle Miles Traveled (VMT) reductions that might result from heavier or larger trucks would be relatively small, resulting in little noticeable impact to real freight VMT.

Other data limitations, which are fully explored in the attached technical studies, include:

The profound absence of weight data in crash reporting, which prevents us from knowing whether trucks were fully loaded, at legal capacity for their axle configurations, had unevenly distributed weight, or were running overweight prior to a crash.

The lack of acceptable models that can predict bridge deck deterioration over time, which makes it difficult to extrapolate long-term maintenance costs over time.

Difficulty separating truck weight enforcement program costs from overall truck safety enforcement costs.

These findings were anticipated. The TRB's April 2014 peer review report acknowledged weaknesses in the available methods and data; however and notably, the TRB panel was not able to identify better modeling approaches or data sets that FHWA could employ. Additionally, a 2000 FHWA ''Comprehensive Truck Size and Weight'' report also identified many of these same insufficiencies.

The Department sought the input of the public and subject matter experts, including members of academia in an effort to overcome these limitations and provide expertise and objective analysis. We held several public meetings and webinars to solicit feedback on the data, methodology, and prior work, as well as to share the status of the study effort. Additionally, we made information on the project plans available on our website, and invited comments from the public. We used only data available to the public to maximize the transparency of the Department's work. Despite our efforts, these data weaknesses could not be overcome as the study progressed. The study will now be subjected to peer review and public comment. At this time, the Department believes that the current data limitations are so profound that the results cannot accurately be extrapolated to predict national impacts. As such, the Department believes that no changes in the relevant truck size and weight laws and regulations should be considered until these data limitations are overcome.

To make a genuine, measurable improvement in the knowledge needed for these study areas, a more robust study effort should start with the design of a research program that can identify the areas, mechanisms and practices needed to establish new data sets and models to advance the state of practice. This research plan could be developed by an expert panel, such as the TRB, and should include a realistic estimation of timelines and costs.

As stated above, we are providing the technical reports from the study effort for peer review and public comment. FHWA will provide you with a final report once it incorporates these additional observations into the Study. In addition to the technical reports, attached is a summary sheet of the steps with the findings of this study.

Please feel free to contact me should you have any questions.

Sincerely,

PETER M. ROGOFF,
Under Secretary.

Mr. RIBBLE. Madam Chair, we are facing a capacity crunch in the United States today. Overall freight tonnage is projected to increase by 25 percent over the next decade. Our Federal truck weight policy is two decades old, and it must be updated if we are going to stay competitive with our trading partners, especially those in this hemisphere.

My bipartisan amendment would give States the option of increasing truck weight limits on their interstate highways from 80,000 pounds to 91,000 pounds if those trucks add a sixth axle. I want to remind everyone it is an option, not a mandate, and it does not govern weight limits on State and local roads.

Twenty-five of the 50 States, including my home State of Wisconsin, already allow heavier trucks on their State or local roads. So here we have an opportunity to move those trucks over to the interstate system, the safest place for trucks to travel.

Under current laws, in many States, heavier trucks are forced to share smaller roads with moms and dads driving to work or taking their kids to school rather than on the interstate where they belong.

The U.S. Department of Transportation found numerous safety and efficiency benefits for this configuration in their technical report of its truck size and weight study. Four main findings of the DOT report are, first, a 91,000-pound, six-axle truck would actually stop faster than trucks currently allowed on the highways; second, this configuration would reduce life-cycle pavement costs by up to 4 percent relative to trucks currently on the road; third, this configuration would reduce truck vehicle miles traveled and would lead to reduced fuel costs and carbon dioxide emissions.

Finally, Madam Chairman, this configuration would result in no additional onetime rehabilitation costs for bridges on the Interstate Highway System. I repeat, no additional onetime rehab costs for the interstate system bridges.

Madam Chair, I urge Members to vote ''yes'' on my amendment to support transportation safety and efficiency.

Madam Chair, I reserve the balance of my time.

Mr. CAPUANO. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. CAPUANO. Madam Chair, this is all well and good, but that presumes that moms, dads, and kids don't use the Interstate Highway System to go to school. Well, in my district they do, and especially in urban districts they do.

When it comes to these humongously long trucks, what are we talking about? We are talking about a 14 percent increase in weight in a truck that is up to 100 feet long.

Now, if you want your moms, dads, and kids to be driving next to them, that is your prerogative in your State. I don't want them in my State, and that is up to us. As a Member of Congress, I don't want them on the Interstate Highway System.

By the way, if we are going to talk about the DOT study, let's be sure we understand the conclusion of that study, which basically says, ''At this time, the Department believes that the current data limitations are so profound that the results cannot accurately be extrapolated to predict national impacts. As such, the Department believes that no changes in the relevant truck size and weight laws and regulations should be considered.''

That is their conclusion after the study that they did that was just cited.

I will end on this particular note. We have to understand who else is with us who opposes this at this time. The National Troopers Association, the National Sheriffs' Association, the International Association of Chiefs of Police, the National Association of Police Organizations, the AAA organization, the United States Conference of Mayors, the Advocates for Auto Safety, and the Teamsters Union.

Madam Chair, I think those all speak for themselves who is on the side of safety and who is not on the side of safety. I hope that this amendment is not adopted.

Madam Chair, I reserve the balance of my time.

Mr. RIBBLE. Madam Chair, I appreciate the gentleman from Massachusetts' comments, although my amendment doesn't address truck size whatsoever. My amendment doesn't include any change in configuration to the truck size. It does take existing truck sizes, and it requires the additional axle to that.

I also find it a tad bit striking that someone from Massachusetts would be challenging a 91,000-pound truck weight when their own State allows 99,000 pounds on State roads and county roads in certain types of trucks.

What I am trying to do, rather than having those trucks driving on a two-lane highway, is to get them on a separated highway where everyone is moving in the same direction and moving them off of the smaller roads.

I also would like to talk about the policy recommendations. What the gentleman from Massachusetts just referred to was a cover letter on the study, but not the study itself. I am referring to the actual study.

The scientists that actually did the study came to the conclusions that I mentioned before. I'm not speaking of a political cover letter by the administration who opposes this.

If we want to talk about agencies and organizations that support my amendment, there are over 80 of those. We could go on and on, but time does not allow.

I would emphasize once again that my amendment is compliant with the Federal Bridge Formula. I would also note that my amendment gives the DOT the flexibility to prevent the operation of heavier trucks on certain roads if DOT determines that there is a safety risk. It also allows the States to opt out.

Madam Chair, I reserve the balance of my time.

Mr. CAPUANO. Madam Chair, I yield 2 minutes to the gentleman from Pennsylvania (Mr. BARLETTA).

Mr. BARLETTA. Madam Chairman, I rise today to strongly oppose the amendment. This is bad policy because our local communities cannot afford to spend billions in new damages to our local roads and bridges.

As a former mayor, I stand with the mayors, cities, and counties in opposition. When heavy trucks get off the highway to fuel up their tanks or to make their deliveries, they end up on roads and bridges paid for by the counties, the cities, and the States.

More than 25 percent of the Nation's bridges are structurally deficient, and a majority of these are locally owned. In Pennsylvania alone, we have over 5,000 structurally deficient bridges. It doesn't matter how many axles are on that truck.

Additionally, Madam Chairman, I worked in the construction industry building roads and bridges. A local street only has a few inches of asphalt while the interstates have over a foot of concrete. Our local roads are not designed for the increased damage, and our local communities cannot afford billions in new maintenance costs.

This is not just fiscally irresponsible; it is indefensible. It is wrong to force our mayors and county commissioners to subsidize this special perk, a perk that many truck drivers are afraid to take on. This weight increase is strongly opposed by truck drivers and companies.

There are serious safety concerns, such as braking problems and increased crash rates. That is why I stand with the troopers, the sheriffs, and the first responders. Please vote ''no'' on this amendment.

Mr. RIBBLE. Madam Chair, how much time is remaining?

The Acting CHAIR. The gentleman from Wisconsin has 1½ minutes remaining.

Mr. RIBBLE. Madam Chair, I continue to reserve the balance of my time.

Mr. CAPUANO. Madam Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from Massachusetts has 2 minutes remaining.

Mr. CAPUANO. I yield 1½ minutes to the gentleman from New York (Mr. NADLER), my friend.

Mr. NADLER. Madam Chairman, I rise in opposition to the Ribble amendment to allow heavier and bigger trucks on the Nation's highways.

Every time we move a transportation bill, proponents of bigger trucks on behalf of certain industries try to weaken

the restrictions Congress has put in place to protect the safety of the traveling public and to reduce wear and tear on the highways.

According to DOT, there is an $800 billion backlog of investment needs on highways and bridges, including $480 billion in critical repair work. The underlying bill does not provide any increase in funding. If this amendment passes, heavier trucks will further damage our roadways and add to the backlog, burdening our transportation agencies.

In MAP–21, rather than consider an increase in truck weight, we required DOT to conduct a study. The DOT found there is insufficient data to support an increase in truck size or weight. But we do know that bigger trucks are damaging and dangerous.

The DOT study found that 91,000-pound trucks would damage thousands of bridges and divert more than 2½ million tons of freight from rail to truck, further congesting our roadways, further damaging our roadways, and further contaminating our air, since trucks are three times less energy efficient and more emissions-polluting than rail.

It is also well known that heavier trucks aren't safe. In 2013, there were over 134,000 accidents involving large trucks, resulting in 4,000 fatalities. The DOT study found that 91,000-pound trucks resulted in a 47 percent higher crash rate when compared to 80,000-pound trucks in State testing.

That is why the public is overwhelmingly opposed to bigger trucks. That is why the National Association of Police Organizations, the National Sheriffs' Association, and other law enforcement organizations oppose this proposed increase in truck weight. That is why we should oppose this increase in truck weight and this amendment.

Mr. RIBBLE. Madam Chair, in response to the gentleman from Pennsylvania earlier, Pennsylvania doesn't have to adopt this policy. It is totally optional for that State to do so.

I find it interesting that the gentleman from New York is concerned about this while the State of New York already allows these heavier trucks on their roads in their State, as does the State of Wisconsin.

The study supports the fact that this configuration would actually reduce life-cycle payment costs. That is in the study by the scientists, not the cover letter.

So we have this dichotomy where 25 States already are running these heavier trucks. All my bill would do is allow them to move toward the interstate system.

Madam Chair, I reserve the balance of my time.

Mr. CAPUANO. Madam Chair, again, just two points. I think everything has been said. I do want to add that I have been informed that the independent owners and operators of trucking, which represents 90 percent of the owners of trucks in this country, oppose this bill.

This bill will help only the largest truckers in the company. It will hurt the little guy. It will hurt the drivers of trucks. It will put my family and other families in danger for virtually no advancement in the economy.

It is a bad proposal. I understand the desire. I know that some States have done it. And, God forbid, if they have done it, that is their prerogative. But they are the ones who are going to have to answer to their increased deaths and damages on the highways.

I yield back the balance of my time.

Mr. RIBBLE. Madam Chair, I will wrap this up. I appreciate this debate. I will say this: I am not interested in whether truckers make more money or rails make more money.

I am interested in the poor family that has to pay higher prices for food, for clothing, for goods and services, and for electricity because of this weight restriction.

I also am concerned about the States that already are allowing these trucks—25 of them—but we can't drive them on the interstate system, which makes no sense whatsoever.

I also want to remind everyone that any State can choose not to do this if they don't want to. This would just allow the ones that would like to be able to do that. It is in full compliance with the study.

Madam Chair, I yield back the balance of my time.

Mr. PETERSON. Madam Chair, I rise in support of the Ribble-Schrader-Rouzer-Peterson amendment that would give states the option of allowing more productive trucks on the road if they are equipped with a sixth-axle.

In rural America, this amendment will mean that farmers will be able to get their harvest to market more efficiently, with fewer trips on the road.

Fewer trips back and forth from the field saves fuel and saves time, which is especially important when farmers are racing the clock during the busy harvest season.

Unlike other businesses, farmers can't just pass along the cost of transporting their crops to market.

Staying competitive means that we need to take advantage of safe transportation options, like the one that would be allowed by the amendment we are considering today.

This amendment has the support of a broad coalition of agriculture organizations including the American Farm Bureau Federation, the National Council of Farmer Cooperatives, the National Milk Producers Federation and the American Soybean Association to name a few.

This amendment, as part of a long-term reauthorization bill, is a necessary step towards modernizing our transportation system, and I urge my colleague to vote in support of this commonsense amendment.

Again, Madam Chair, I strongly support the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. RIBBLE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. RIBBLE. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

AMENDMENT NO. 15 OFFERED BY MS. BROWN OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in part B of House Report 114–325.

Ms. BROWN of Florida. Madam Chair, I have amendment No. 15 at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. ___ . NATIONAL ADVISORY COMMITTEE ON TRAVEL AND TOURISM INFRASTRUCTURE.

(a) FINDINGS.—Congress finds that—

(1) 1 out of every 9 jobs in the United States depends on travel and tourism, and the industry supports 15,000,000 jobs in the United States;

(2) the travel and tourism industry employs individuals in all 50 States, the District of Columbia, and all of the territories of the United States;

(3) international travel to the United States is the single largest export industry in the Nation, generating a trade surplus balance of approximately $74,000,000,000;

(4) travel and tourism provide significant economic benefits to the United States by generating nearly $2,100,000,000,000 in annual economic output; and

(5) the United States intermodal transportation network facilitates the large-scale movement of business and leisure travelers, and is the most important asset of the travel industry.

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory committee to be known as the National Advisory Committee on Travel and Tourism Infrastructure (in this section referred to as the ''Committee'') to provide information, advice, and recommendations to the Secretary on matters relating to the role of intermodal transportation in facilitating mobility related to travel and tourism activities.

(c) MEMBERSHIP.—The Committee shall—

(1) be composed of members appointed by the Secretary for terms of not more than 3 years; and

(2) include a representative cross-section of public and private sector stakeholders involved in the travel and tourism industry, including representatives of—

(A) the travel and tourism industry, product and service providers, and travel and tourism-related associations;

(B) travel, tourism, and destination marketing organizations;

(C) the travel and tourism-related workforce;

(D) State tourism offices;

(E) Sate departments of transportation;

(F) regional and metropolitan planning organizations; and

(G) local governments.

(d) ROLE OF COMMITTEE.—The Committee shall—

(1) advise the Secretary on current and emerging priorities, issues, projects, and funding needs related to the use of the Nation's intermodal transportation network to facilitate travel and tourism;

(2) serve as a forum for discussion for travel and tourism stakeholders on transportation issues affecting interstate and interregional mobility of passengers;

(3) promote the sharing of information between the private and public sectors on transportation issues impacting travel and tourism;

(4) gather information, develop technical advise, and make recommendations to the Secretary on policies that improve the condition and performance of an integrated national transportation system that is safe, economical, and efficient, and that maximizes the benefits to the Nation generated through the United States travel and tourism industry;

(5) identify critical transportation facilities and corridors that facilitate and support the interstate and interregional transportation of passengers for tourism, commercial, and recreational activities;

(6) provide for development of measures of condition, safety, and performance for transportation related to travel and tourism;

(7) provide for development of transportation investment, data, and planning tools to assist Federal, State, and local officials in making investment decisions relating to transportation projects that improve travel and tourism; and

(8) address other issues of transportation policy and programs impacting the movement of travelers for tourism and recreational purposes, including by making legislative recommendations.

(e) NATIONAL TRAVEL AND TOURISM INFRASTRUCTURE STRATEGIC PLAN.—

(1) INITIAL DEVELOPMENT OF NATIONAL TRAVEL AND TOURISM INFRASTRUCTURE STRATEGIC PLAN.—Not later than 3 years after the date of enactment of this act, the Secretary shall, in consultation with the Committee, State departments of transportation, and other appropriate public and private transportation stakeholders, develop and post on the Department's public Internet Web site a national travel and tourism infrastructure strategic plan that includes—

(A) an assessment of the condition and performance of the national transportation network;

(B) an identification of the issues on the national transportation network that create significant congestion problems and barriers to long-haul passenger travel and tourism,

(C) forecasts of long-haul passenger travel and tourism volumes for the 20-year period beginning in the year during which the plan is issued;

(D) an identification of the major transportation facilities and corridors for current and forecasted long-haul travel and tourism volumes, the identification of which shall be revised, as appropriate, in subsequent plans;

(E) an assessment of statutory, regulatory, technological, institutional, financial, and other barriers to improved long-haul passenger travel performance (including opportunities for overcoming the barriers);

(F) best practices for improving the performance of the national transportation network; and

(G) strategies to improve intermodal connectivity for long-haul passenger travel and tourism.

The Acting CHAIR. Pursuant to House Resolution 507, the gentlewoman from Florida (Ms. BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. BROWN of Florida. Madam Chair, the amendment I am offering with my colleagues, Representatives TITUS and RICE of South Carolina, simply creates a national advisory committee on travel and tourism infrastructure.

The committee will advise the Secretary on current and emerging priorities and funding needs related to the use of the Nation's transportation system to help facilitate travel and tourism.

The advisory committee will gather information, develop technical advice, and make recommendations to the Secretary on policies that maximize the benefits to the Nation that are generated through the United States travel and tourism industry.

The committee will then share this information with Federal, State, and local officials making investment decisions relating to transportation projects that improve travel and tourism.

Advisory committee members will be appointed by the Secretary of Transportation and will include representatives from public and private sector stakeholders involved in the travel and tourism industry. The travel industry generates $1.8 trillion in economic output and supports 14.1 million jobs.

I represent central Florida, which includes Disney World, Universal Studios, SeaWorld, NASA, the Citrus Bowl, world famous beaches, and hundreds of other tourist attractions with over 50 million visitors each year.

□ 1630

Not only is it critical to ensure the best infrastructure for the efficient flow of these visitors, but ensuring best practices and sharing information will help move people out of harm's way in case of a manmade or natural disaster.

I encourage my colleagues to support this bipartisan amendment, and I reserve the balance of my time.

Mr. SHUSTER. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. SHUSTER. Madam Chair, in the interest of the amendment's sponsors, it is already directly addressed in the bill by section 1201 and section 1202. They specifically add travel and tourism as considerations in the metropolitan and State planning process.

I appreciate the importance of travel and tourism to local economies. In fact, in Pennsylvania, it is one of the most important in the Pennsylvania economy.

A national advisory committee does not need to be mandated by Congress, in my view. The stakeholder community will now be able to address travel and tourism in the development of State and metropolitan transportation plans.

Further, there is nothing to prevent public and private interests from coordinating their efforts to promote tourism and travel in the absence of a national advisory committee.

I urge all Members to oppose this. This is redundant. We already have it in the bill. I think it stands on its own merits in the bill.

I reserve the balance of my time.

Ms. BROWN of Florida. Madam Chair, how much time do I have remaining?

The Acting CHAIR. The gentlewoman from Florida has 3½ minutes remaining.

Ms. BROWN of Florida. Madam Chair, I yield 1½ minutes to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. Madam Chair, I thank my colleague for yielding.

I rise in support of the Brown-Titus-Rice amendment to establish a national travel infrastructure strategy and advisory committee, and I urge all of my colleagues to do the same.

I represent the heart of the Las Vegas Valley, where more than 42 million travelers board planes, buses, and cars to come and enjoy some holiday time and bask in the sun and the bright lights of the Las Vegas Strip. Others come to attend some of the largest professional and business meetings in the country.

Like so many places, our economy is built on the hospitality industry, and its success depends on a strong transportation network to bring and move those millions of visitors around, as well as the freight needed to serve those visitors. That is why I was proud to work with my colleague from Florida (Mr. WEBSTER) on an amendment just referenced to ensure that State and local planning processes would consider the needs of the traveler as part of the long-term planning process. This amendment was approved by voice vote just 2 weeks ago in the committee.

Today, we are here with a similar bipartisan amendment that ensures that travel and tourism are part of our national policy for transportation. Our policies are enhanced when we consult and collaborate with leaders who rely on our transportation networks. Their guidance and experience can ensure that our DOT decisionmakers are aware of the changing needs and trends in travel and tourism, and can tailor investments and strategies to meet those needs.

We often hear people in this very body rail against Washington bureaucrats not knowing what is going on back home. This amendment would address that. I urge your support.

Mr. SHUSTER. Madam Chair, I continue to reserve the balance of my time.

Ms. BROWN of Florida. Madam Chair, I yield the balance of my time to the gentleman from South Carolina (Mr. RICE).

Mr. RICE of South Carolina. Madam Chair, I thank the gentlewoman for yielding.

I certainly appreciate and respect the chairman's hard work in gathering up this bill. While I respectfully disagree with him that the bill adequately addresses tourism, I think a national committee reporting directly to the Secretary of Transportation, similar to other aspects of the travel industry, like freight, trucking, and other

things, would certainly benefit the tourism industry and give a more balanced perspective.

I rise in support of this amendment. It is important for the Department of Transportation not to lose focus on the movement of people in their strategic planning of our Federal network. Congestion is at an all-time high, and new construction is at an all-time low. To best address these issues, the Department of Transportation should consult with experts in moving people efficiently: the travel and tourism industry.

Creating a national advisory committee on travel and tourism will ensure that most knowledgeable private sector stakeholders have a role in the planning of our most important corridors.

Travel and tourism supports 15 million jobs in the United States and is important to every region of the country. Establishing a forum to collaborate, strategize, and develop infrastructure that allows the industry to exist is necessary to ensuring America's competitiveness in the tourism global market.

Determining a long-term plan for anything is rare here in Washington. That is exactly what this amendment does; it determines a long-term strategic plan for the travel and tourism industry.

Madam Chair, in my district in South Carolina, Myrtle Beach welcomes over 16 million visitors annually. Tourism is the driver of our economy in the Grand Strand. We are one of the most visited destinations in the country and do not have interstate access. In fact, we are the most visited destination that does not have interstate access. If a destination attracts 16 million visitors without an interstate, imagine what areas like ours could do with one.

The national advisory committee on travel and tourism will identify, prioritize, and make recommendations to the DOT on areas in need of infrastructure advances, like Myrtle Beach, South Carolina. That is why I am a cosponsor of this important amendment.

Mr. SHUSTER. Madam Chair, again, I continue to oppose the amendment offered by the gentleman from Myrtle Beach, the gentlewoman from Las Vegas, and the gentlewoman from central Florida. I understand completely their concern with tourism.

As I pointed out earlier, this is already in the bill. I believe Ms. TITUS and Mr. WEBSTER got it into the bill in markup. So, again, this is redundant. This is not necessary. Section 1201 and section 1202 specifically add travel and tourism, so I believe it is in the bill.

I yield back the balance of my time.

Ms. BROWN of Florida. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. BROWN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. BROWN of Florida. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. DESAULNIER

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in part B of House Report 114–325.

Mr. DESAULNIER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. ___. IDENTIFICATION OF ROADSIDE HIGHWAY SAFETY HARDWARE DEVICES.

(a) STUDY.—The Secretary shall conduct a study on methods for identifying roadside highway safety hardware devices to improve the data collected on the devices, as necessary for in-service evaluation of the devices.

(b) CONTENTS.—In conducting the study, the Secretary shall evaluate identification methods based on the ability of the method to—

(1) convey information on the devices, including manufacturing date, factory of origin, product brand, and model;

(2) withstand roadside conditions; and

(3) connect to State and regional inventories of similar devices.

(c) IDENTIFICATION METHODS.—The identification methods to be studied under this section include stamped serial numbers, radio-frequency identification, and such other methods as the Secretary determines appropriate.

(d) REPORT TO CONGRESS.—Not later than January 1, 2018, the Secretary shall submit to Congress a report on the results of the study.

The Acting CHAIR. Pursuant to House Resolution 507, the gentleman from California (Mr. DESAULNIER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. DESAULNIER. Madam Chair, this commonsense amendment directs the U.S. Department of Transportation to study ways to improve data collection on highway safety hardware devices. Today, these devices, which include guardrails, barriers, terminals, and railings, are critical to the safety of our roadways yet are often taken for granted.

In November of last year, Darryl Blackmon, a 24-year-old San Francisco Bay Area resident, a beloved family member who supported his mom, amongst other family members, community volunteer, and football star at Kansas State University, was killed in a collision with a guardrail that 40 States and the District of Columbia have stopped installing due to safety concerns.

In response to tragedies like Darryl Blackmon's death and thanks to a whistleblower who highlighted the fraudulent actions taken by this particular guardrail manufacturer, earlier this year, a Federal judge handed down a $663 million judgment against the manufacturer for failing to disclose information to Federal and State regulators about modifications made to their guardrail specifications after they were approved by the Federal Highway Administration.

Despite Federal tests dating back to 2005, suggesting these guardrails are safe, just last month, Virginia's attorney general said that the guardrails tested by the Virginia Department of Transportation ''failed miserably.'' According to media reports, more than 200,000 of these particular guardrails may still be in service on our Nation's highways. Unfortunately, there is no existing mechanism to accurately verify this number or locate all the guardrails. That is why this amendment is critically important. Without a practical mechanism for identifying defective guardrails, many States are still assessing their ability to remove defective products from our roadways and incurring additional liability.

Unfortunately, these events have highlighted the need to reform our current system of identifying and inventorying our highway hardware. This amendment makes progress towards reassessing FHWA's hardware review process to enhance accountability, promote transparency, and improve responsiveness to future safety concerns.

It is critical to the safety of the traveling public that products installed on our roadways and using Federal dollars are properly evaluated and accounted for when safety concerns arise. Madam Chair, I urge my colleagues to support this commonsense amendment.

I reserve the balance of my time.

Mr. SHUSTER. Madam Chair, I claim the time in opposition, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Madam Chair, I support the gentleman's amendment. It is a thoughtful amendment.

I yield back the balance of my time.

Mr. DESAULNIER. Madam Chair, I thank the chairman.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. DESAULNIER).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. SCOTT OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in part B of House Report 114–325.

Mr. SCOTT of Virginia. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. ___. USE OF MODELING AND SIMULATION TECHNOLOGY.

It is the sense of Congress that the Department should utilize, to the fullest and most economically feasible extent practicable, modeling and simulation technology to analyze highway and public transportation projects authorized by this Act to ensure that these projects—

(1) will increase transportation capacity and safety, alleviate congestion, and reduce travel time and environmental impacts; and

(2) are as cost effective as practicable.

The Acting CHAIR. Pursuant to House Resolution 507, the gentleman from Virginia (Mr. SCOTT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. SCOTT of Virginia. Madam Chair, this is a fairly simple amendment that I offer with my Virginia colleague, RANDY FORBES. It simply encourages the use of modeling and simulation technology in designing and analyzing federally funded transportation projects so that those projects can be most efficient and save money in the process.

I reserve the balance of my time.

Mr. SHUSTER. Madam Chair, I claim the time in opposition, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Madam Chair, the gentleman's amendment is a smart, thoughtful amendment, and I support the amendment.

I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in part B of House Report 114–325.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 238, strike line 10 and all that follows through page 239, line 5, and insert the following:

(1) by striking paragraph (4); and

The Acting CHAIR. Pursuant to House Resolution 507, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chair, my amendment represents an important effort to preserve the existing budget authority for the Transportation Infrastructure Finance and Innovation Act, TIFIA, program. In essence, this simple amendment would strike DOT's ability to reallocate budget authority for TIFIA, ensuring that this authority remains available for the TIFIA program.

The TIFIA program was first authorized by Congress in 1998 to fill a critical gap in financing for large-scale transportation projects. Since that time, the Department of Transportation has provided low-interest credit assistance to State and local governments in order to help finance projects of regional and national significance. Current law directs the Department of Transportation to redistribute uncommitted budget authority for TIFIA to States for use by their formula programs.

Due to unforeseen delays in allocating budget authority, DOT redistributed approximately $640 million of budget authority for TIFIA as recently as April of this year. This reduced capacity for project financing will have serious consequences. Texas alone, for example, has more than $1 billion in potential projects that will utilize the TIFIA program.

Make no mistake, this funding capacity has been lost not because of a lack of demand for the program, but because of the inability to commit budget authority in a timely manner.

□ 1645

Unfortunately, the highway bill being considered on the floor also cuts TIFIA drastically from the current level of $1 billion per year to just over $200 million per year. Allowing a redistribution clause to remain in place could result in further cuts to the program. My amendment would simply protect what has proven to be an invaluable financing tool for State and local governments.

I urge the adoption of this amendment so that we can preserve the loan capacity for this time-tested program.

I want to express my appreciation to Chairman SHUSTER and Ranking Member DEFAZIO for supporting this amendment.

I reserve the balance of my time.

Mr. SHUSTER. Madam Chairman, I claim the time in opposition, although I am not opposed.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Madam Chairman, the gentlewoman from Texas has been a long-term member of the committee, and she has thought this through well. We appreciate her bringing this amendment to the floor, and we support it.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I yield 1 minute to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. I thank my colleague for yielding.

Madam Chairman, I rise in strong support of the Johnson amendment, and I thank my colleague from Texas for offering it.

This amendment would allow unused TIFIA funds to be reprogrammed into—in other words, to be put back into—the TIFIA account.

The L.A. Metro, in my region, is one of the biggest recipients of the financing from TIFIA. TIFIA is an incredibly important tool in Los Angeles County that allows us to use our two transportation sales tax measures to complete projects in 10 years instead of 30 years. Speeding up project construction saves money in the long run, and it allows our transportation users the benefits of an improved multimodal system.

I understand the need to reduce TIFIA from $1 billion to $200 million for transportation funding in the underlying bill in order to provide for other important programs, such as a freight program. This amendment would help reduce the burden that decreased TIFIA funding will have on local communities.

Madam Chairman, I support the Johnson amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MR. WELCH

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in part B of House Report 114–325.

Mr. WELCH. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 3010 of division A.

The Acting CHAIR. Pursuant to House Resolution 507, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH. Madam Chairman, one of the major challenges for a comprehensive transportation bill is to have it facilitate the creation of livable communities, and we have, across this country, more and more communities that, as part of creating that space for good transportation, want to include and have included bike paths.

Biking transportation has become a real attraction for younger people who are moving into urban areas. It is something that has taken cars off the road and has put people on bikes. People are getting exercise and are finding beautiful ways to get around their communities. It is something that adds to the overall quality of life in communities across the country. It used to be that biking was seen as something that just individuals would do. It is now seen, as a result of transportation policy, as integral to a livable community approach.

In the current legislation before us, the Federal match would be reduced

from 90 and 95 percent to 80 percent. This amendment would propose to keep the status quo, keeping that Federal contribution at 90 to 95 percent. It makes a huge difference in our communities to get that extra boost as it makes a difference as to whether or not they can proceed on some bikeway improvements. So let's keep what we have. We have a good thing going. With this amendment, the ability to keep it going will be even stronger.

In Vermont, bike commuting has increased by over 70 percent from 2005 to 2014. Vermont has 19 bike and pedestrian facility projects across the State, totaling $38.9 million. There is a lot of local money in that. By the way, the young and old and middle-aged are all getting out, taking advantage of those things. Burlington has proposed a fully integrated bike network, and this amendment would help that city in Vermont complete that goal.

The benefits to biking are tremendous. It is good for the environment. It is good for us when we get on bikes and get a little exercise. It is a good healthcare benefit. It is good for taking cars and congestion off the road. There are incidental benefits and economic. It has been demonstrated in Vermont that there are significant revenue gains to local businesses by having as robust a bike system as we can have.

In summary, biking is integral in Vermont and in the Nation. EARL BLUMENAUER is the patron of biking in this country. It is a really big, important component, and I urge the passage of this amendment.

I reserve the balance of my time.

Mr. SHUSTER. Madam Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. SHUSTER. Madam Chairman, unfortunately, I rise in opposition to this amendment by my good friend from Vermont. I know there are a lot of health benefits and other benefits to this. The main reason that I rise in opposition is that, with the gentleman's amendment, there will be less money being invested in transit.

The higher Federal share means that a bike project can eat up the funds the transit agencies need to address their needs. In addition, this amendment would mean that a bicycle project gets a higher Federal share than the acquisition of an ADA-compliant vehicle, which will support mobility for disabled individuals.

Almost every other type of project we authorize in this bill—roads, bridges, bus stations—requires a partnership of up to 80 percent Federal, 20 percent non-Federal. These bike projects shouldn't be the exception; so I would urge all Members to oppose this amendment.

I reserve the balance of my time.

Mr. WELCH. Madam Chairman, may I inquire as to my remaining time.

The Acting CHAIR. The gentleman from Vermont has 2½ minutes remaining.

Mr. WELCH. Madam Chairman, I have one comment.

We have a budgetary issue because we don't have as robustly funded a transportation bill as we need. I appreciate the comments of the chairman of the committee, but that problem is something that is going to be hamstringing every activity we do, whether it is mass transit or bikes. My hope is that, by the end of this process, we are finally going to put the money into our infrastructure—every component of it that we need.

I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER), my friend, who we all know in the United States House of Representatives is the champion of bikers everywhere.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak and for his raising this issue.

Madam Chairman, it is important that we have a balanced transportation system, and there are already problems in terms of being able to promote nonmotorized transportation in terms of bike and pedestrian. Being able to maintain the ability for the Federal funding, I think, is important. I don't think we should relegate this to being a second-class type of transportation.

I was in Brooklyn on Friday night, and people were engaged in their initiatives with cycling. I started the week in Dallas. Texas cities are incorporating these mechanisms into their basic approach to transportation.

This is not the end of the world, but I think it is ill-advised, and it is the wrong signal for us to be sending. There are several dozen women from the bicycle industry here—executives from companies—who are involved with hundreds of millions of dollars of economic activity. This is something that does not deserve to be downgraded. This is not going to upset the apple cart by any stretch of the imagination.

I appreciate my colleague for putting the spotlight on this. We are watching cycling explode from Washington, D.C., to Seattle, to Rochester, New York, to Indianapolis, Indiana. This is a small but important step backwards.

Mr. SHUSTER. Madam Chairman, I continue to oppose, and I urge all Members to oppose the gentleman's amendment.

I yield back the balance of my time.

Mr. WELCH. I thank the gentleman from Oregon, and I reiterate his strong arguments.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The amendment was rejected.

AMENDMENT NO. 20 OFFERED BY MS. SEWELL OF ALABAMA

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in part B of House Report 114–325.

Ms. SEWELL of Alabama. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title III, add the following:

SEC. _____. 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 the safety of certain facilities and locations, focusing on any property damage, injuries or deaths, and other incidents that occur or originate at locations intended to encourage public use of alternative transportation, including—

(1) car pool lots;

(2) mass transit lots;

(3) local, State, or regional rail stations;

(4) rest stops;

(5) college or university lots;

(6) bike paths or walking trails; and

(7) any other locations that the Secretary considers appropriate.

(b) RECOMMENDATIONS.—Included with the report, the Secretary shall make recommendations to Congress on the best ways to use innovative technologies to increase safety and ensure a better response by transit security, local, State, and Federal law enforcement to address threats to public safety.

The Acting CHAIR. Pursuant to House Resolution 507, the gentlewoman from Alabama (Ms. SEWELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Alabama.

Ms. SEWELL of Alabama. Madam Chairman, I am offering this amendment on behalf of myself and as the designee of the gentlewoman from Texas, Congresswoman SHEILA JACKSON LEE.

I wish to thank the chair and the ranking member of the Rules Committee for making this amendment in order.

I want to thank the Transportation and Infrastructure chairman, BILL SHUSTER, as well as the ranking member, PETER DEFAZIO, for their efforts to bring the Surface Transportation Reauthorization and Reform Act to the floor. I thank them for this opportunity to explain the Jackson Lee-Sewell amendment, which makes a good bill even better by ensuring that the national goals of strengthening our Nation's transportation and infrastructure is aided by innovation.

The Jackson Lee-Sewell amendment improves this good bill by ensuring that the goals of improving transportation efficiency and safety take into consideration the topic of rest stop and other parking and the topic of public safety.

This amendment seeks a public safety report to be provided to the House and the Senate Transportation Committees on the security of locations that are intended to encourage the public use of alternative transportation as well as personal transportation parking areas. More than 1 in 10 property crimes occurs in parking lots

or in garages, and this study will provide an opportunity for Congress to do more to enhance the safety of parking areas that are used by the most vulnerable in our communities: students, women, seniors, the disabled, and other vulnerable members of the public.

The Jackson Lee-Sewell amendment will make surface transportation travel safer. More importantly, it will increase safety for the traveling public, especially for women, seniors, students, disabled persons, and children.

Madam Chairman, I ask my colleagues to support the Jackson Lee-Sewell amendment.

I reserve the balance of my time.

Mr. SHUSTER. Madam Chairman, I claim the time in opposition, although I am not opposed.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Madam Chairman, I think the gentlewoman from Alabama offers a sound safety provision, and I support the amendment.

I yield back the balance of my time.

Ms. SEWELL of Alabama. I thank the chairman for his agreeing to the Jackson Lee-Sewell amendment.

Madam Chairman, I yield back the balance of my time.

Ms. JACKSON LEE. Madam Chair, I am offering this amendment on behalf of Congresswoman SEWELL and myself.

I wish to thank the Chair and Ranking Member of the Rules Committee for making this Amendment in order.

I thank Transportation and Infrastructure Chairman BILL SHUSTER and Ranking Member PETER A. DEFAZIO for their efforts to bring the Surface Transportation Reauthorization and Reform Act to the floor.

I thank them all for this opportunity to explain the Jackson Lee/Sewell Amendments, which makes a good bill even better by ensuring that the national goals of strengthening our nation's transportation and infrastructure is aided by innovation.

The work of the Transportation and Infrastructure Committee in bringing this bipartisan forward thinking bill to the floor is appreciated.

This Jackson Lee/Sewell amendment improves this good bill by ensuring that the goals of improving transportation efficiency and safety take into consideration the topic of rest stop, and other parking and the topic of public safety.

This Amendment seeks a public safety report to be provided to the House and Senate Transportation Committees on the security of locations that are intended to encourage public use of alternative transportation, as well as personal transportation parking areas.

An essential part of the success of public transportation usage is the ability of automobile drivers to park their vehicles in safety.

More than 1 in 10 property crimes occur in parking lots or garages.

The report will provide an opportunity for Congress to do more to enhance the safety of parking areas that are used by students, women, seniors, disabled, and other vulnerable members of the public.

The Bureau of Justice Statistics provides a detailed report on the place of occurrence for violent and property crimes from 2004 through 2008.

For example, purse snatchings and pocket pickings typically occur away from home.

According to Bureau of Justice Statistics 28.2% of purses snatched occur in open areas such as the street or on public transportation.

This amendment will lead to enhanced safety of car pool parking lots, mass transit parking; local, state, and regional rail station parking; college or university parking; bike paths, walking trails, and other locations the Secretary deems appropriate.

The Bureau of Justice Statistics reports that victimization and property crimes occurring between 2004 and 2008 in parking lots and garages include: 213,540 victimization crimes that occurred in noncommercial parking lots and garages; and 864,190 property crimes.

The Bureau's report on victimization crimes that occur at public transportation or in stations was 49,910 and property crimes was 132,190.

The Jackson Lee/Sewell Amendment will make surface transportation travel safer.

More importantly, it will increase Safety of the traveling public, especially women, seniors, students, disabled persons, and children.

Madam Chair, I ask my colleagues to support the Jackson Lee/Sewell amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Alabama (Ms. SEWELL).

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MS. SEWELL OF ALABAMA

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in part B of House Report 114–325.

Ms. SEWELL of Alabama. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 315, after line 20, insert the following:

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.

The Acting CHAIR. Pursuant to House Resolution 507, the gentlewoman from Alabama (Ms. SEWELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Alabama.

Ms. SEWELL of Alabama. Madam Chairman, I am offering this amendment on behalf of myself and as the designee of the gentlewoman from Texas, Congresswoman SHEILA JACKSON LEE.

Once again, I want to thank the chair and ranking member of the Rules Committee for making this amendment in order.

I thank the Transportation and Infrastructure Committee chairman, BILL SHUSTER, as well as the ranking member, PETER DEFAZIO, for their bipartisan work in bringing the Surface Transportation Reauthorization and Reform Act to the floor.

This Jackson Lee-Sewell amendment provides a report to Congress from the Secretary of the Department of Transportation on the Internet of Things, IoT, as to its potential to improve transportation services to the elderly and persons with disabilities as well as to assist local, State, and Federal transportation planners in achieving better efficiencies and cost savings by protecting privacy and the security of persons who use IoT technology.

The IoT refers to the wireless environment that will support the networking of physical objects—or things—embedded with wireless electronic components, software sensors, and network connectivity. The IoT will introduce the functionality of computing into physical space as computing technology is integrated into devices and systems.

This Jackson Lee-Sewell amendment will allow Congress to take into consideration how IoT technologies can be used to make public transportation safer and more convenient to the elderly and to the disabled and how it may improve mass personal transportation efficiencies.

□ 1700

This Jackson Lee-Sewell amendment will help ensure that we harness the benefit of the Internet of things for the traveling public and minimize the threats to privacy and cybersecurity presented by this new technology.

I include in the RECORD, first, an article entitled ''How the Internet of Things is Improving Transportation and Logistics'' and, secondly, an article entitled, ''Mapping IoT into Today's Urban Transportation Systems.''

[From SupplyChain247, Sept. 9, 2015]

HOW THE INTERNET OF THINGS IS IMPROVING TRANSPORTATION AND LOGISTICS

Whether by air, ground or sea, transportation and logistics are essential components to many enterprises' productivity, and access to real-time data is critical.

Many businesses have already discovered the advantages of using mobile technologies; however, the unpredictable nature of fuel costs, rising labor rates, increased traffic and a changing regulatory environment, continue to make operations challenging.

What's more, inefficiencies caused by a lack of visibility create considerable costs.

As industry regulations force transportation and logistics organizations to do more with less, profitability is threatened. However, with visibility into personnel, equipment and transactions, enterprises can better support peak operations in real time—improving operational efficiency and performance.

With the advent of today's mobile technologies and the Internet of Things (IoT), enterprises can accelerate productivity, profitability and operations with solutions designed specifically for their processes. With the right IoT solution in place, enterprises can connect all devices across a centralized cloud network, and capture and share their mission-critical data, allowing them to gain real-time visibility of their operations.

This actionable insight is what provides organizations the Enterprise Asset Intelligence they need to make improvements. This enhanced business knowledge can be gained through a set of enabling technologies in the areas of asset management, cloud, mobile and Big Data.

By leveraging Enterprise Asset Intelligence, transportation and logistics can dramatically improve the following areas:

I. END-TO-END VISIBILITY

Transportation and logistics businesses around the globe are focused on maximizing supply chain efficiency in order to sustain profitability and viability.

However, to reach this level of performance, they need to make end-to-end improvements. Complete visibility facilitates more effective, timely decisions and reduces delays through quicker detection of issues.

Mobile devices, such as radio frequency identification (RFID), barcode scanners and mobile computers, have become a major influence in supply chain visibility and operations. Many transportation and logistics companies using RFID today are reaching nearly 100 percent shipping and receiving accuracy, 99.5 percent inventory accuracy, 30 percent faster order processing and 30 percent reduction in labor costs.

Mobile technologies provide businesses line of sight into equipment, inventory and business processes. This asset intelligence allows organizations to increase their efficiency by providing them real-time data across their entire supply chain.

Though these types of solutions have already helped transportation and logistics businesses make improvements over the years, leveraging them with enabling technologies like the IoT can deliver even more asset intelligence, leading to more informed decisions.

II. WAREHOUSE AND YARD MANAGEMENT

The warehouse and/or yard are at the core of transportation and logistics businesses. Their efficiency directly impacts the cost of doing business and the ability to compete. With IoT-enabled mobile devices designed to track inventory data, equipment and vehicles, enterprises can give their physical assets a digital voice.

By converting the physical to digital, transportation and logistics warehouses can capture and share their mission-critical data across the cloud, ensuring they have the right products in the right place at the right time.

Yard personnel are frequently moving around on foot or in vehicles, manually conducting their routine tasks. This process is time intensive and prone to error which causes a number of visibility-related problems including redundant trailer moves, yard gate congestion, product shrinkage, wasted fuel and lost time. To address these issues, organizations across the supply chain implement RFID systems that automate asset tracking and location.

By reducing human intervention and enabling more machine-to-machine information sharing, enterprises can greatly increase efficiency and accuracy.

III. FLEET MANAGEMENT

When it comes to transportation and logistics, fleet management plays a critical role in managing maintenance schedules, everyday vehicle usage and service routes. In order to maximize productivity and operational efficiency, fleet downtime must be minimized. With mobile scanners, computers and RFID systems alone, enterprises can gain visibility into their assets and better streamline operations to keep their fleet moving.

By replacing manual and hard-copy work orders with mobile devices, technicians save time and increase data accuracy. Furthermore, with realtime, accurate insight into maintenance history, parts availability and inventory records, technicians can relay information back to their central database.

By leveraging connected, mobile devices, enterprises can capture, share and manage data around their moving assets across the enterprise. Connectivity also enables enterprises to communicate with their technicians (drivers) anytime, anywhere, allowing them to be proactive with in-field repairs, maintenance, etc. With real-time updates on certain conditions such as bad weather or traffic, fleet technicians can better respond and/or prepare.

For field technicians, real-time visibility into driver and vehicle performance is critical. This visibility can be used to increase the safety of technicians, reduce damaged inventory and decrease insurance-related costs all of which are critical to an enterprise's bottom line. Additionally, with real-time insight, technicians and drivers can respond to customer service inquiries in a timely manner. This helps personnel know when and where to allocate their time—improving the organization's overall performance and customer service.

Furthermore, with the ability to securely monitor their equipment and environment in real time, field service technicians can take action before problems arise. With the IoT, companies can gain intelligence remotely around their assets in the field, allowing them to facilitate needbased maintenance and eliminating unnecessary and/or reactive responses.

Advances in mobile technology and the IoT are dramatically improving the way transportation and logistics businesses operate. The Enterprise Asset Intelligence delivered through these solutions is what enables organizations to pinpoint inefficiencies in real time, improving throughput and helping them build progressive plans to move toward innovation.

[From MassTransitMag.com, Nov. 2, 2015]

MAPPING IOT INTO TODAY'S URBAN TRANSPORTATION SYSTEMS

(By Ashwini Chharia)

Today, more than 54 percent of the world's population lives in urban areas, a number that is expected to increase to 66 percent in the coming decades. This results initially in higher urban density, followed by urban sprawl as people and businesses expand beyond the initial city boundaries. Such urban growth and sprawl results in a society with considerably more vehicles on the roads, amidst an increasing demand from commuters for faster and alternate transportation channels. We can all relate to experiencing more congestion, increased accidents and road construction, all of which are also resulting in safety issues and increase the amount of time the average person spends commuting. Traffic congestion wastes energy, contributes to global warming and costs individuals and businesses time and money.

Using mobile applications, users are promised real-time travel information in order to reach a destination in an efficient amount of time. Yet, even using map applications many people still find themselves spending an inordinate amount of time in commute due to traffic, accidents and other disruptions. Cities are also increasingly forced to compete amongst themselves to attract residents and businesses and be considered a more desirable place to live and work. A city's transportation and communication infrastructure is an important consideration that has direct and indirect economic impacts for government, businesses and residents.

To meet rising demand, cities require infrastructures and systems that are connected, energy-conscious and intelligent enough to quickly react to everyday traffic situations. This includes supporting machine-to-machine interactions that allow travelers to quickly reroute their trip or plan to take alternate transportation, should a disruption arise. Critical to achieving this is a strong foundation of information and communications technology (ICT), and resource management systems that operate under a supportive policy framework and enable an expanded public-private cooperation. This communication infrastructure needs to support reliable high-speed transmission of vast amounts of data and enable communication across people, organizations and systems. For example, intelligent traffic management systems that use wirelessly managed traffic lights at interchanges to help reduce congestion require a robust infrastructure that permits them to transmit large volumes of signal and video data to traffic control centers.

Mobile technologies today are already enabling residents to quickly inform and be informed of traffic situations and patterns that are emerging during their commute. In a traffic incident or natural catastrophe situation, mobile technologies provide a means for interactive exchange of information and quick guidance and action from other parties, such as medical and law enforcement organizations and insurance companies. With intelligent transportation systems that can be used for traffic management and are available on a cloud platform, even smartphones can be used to manage the traffic system at any time.

Ms. SEWELL of Alabama. I yield back the balance of my time.

Mr. SHUSTER. Madam Chair, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Mr. Chairman, the gentlewoman has a solid, sound amendment, and I support it.

I yield back the balance of my time.

Ms. JACKSON LEE. Madam Chair, I am offering this amendment on behalf of Congresswoman SEWELL and myself.

Once again, I wish to thank the Chair and Ranking Member of the Rules Committee for making this Amendment in order.

I thank the Transportation and Infrastructure Committee Chairman BILL SHUSTER and Ranking Member PETER A. DEFAZIO for their bipartisan work to bring the Surface Transportation Reauthorization and Reform Act to the floor.

This Jackson Lee/Sewell Amendment provides a report to Congress from the Secretary of the Department of Transportation on the "Internet of Things" (IoT) and its potential to improve transportation services to the elderly and persons with disabilities as well as assist local, state and federal transportation planners in achieving better inefficiencies and cost effectiveness, while protecting privacy and security of persons who use IoT technology.

The IoT refers to the wireless environment that will support networking of physical objects or ''things'' embedded with wireless electronic components, software, sensors, and network connectivity technology, which enables these objects to collect and exchange data on people, places and things.

The IoT will introduce the functionality of computing into physical space as computing technology is integrated into devices and systems.

It will also challenge the privacy and security of users of the technology if precautions are not taken to ensure that information on these devices is not protected.

This Jackson Lee/Sewell amendment will allow Congress to take into consideration how IoT technologies can be used to make public transportation, safer, more convenient to the elderly and disabled, and how it may improve mass and personal transportation efficiency.

The ability to include wireless technology into physical things or support communication among digital devices that may be nearby or at distances will offer many benefits to consumers.

IoT products are already being deployed for personal, recreational, city planning, public safety, energy consumption management, healthcare, and many other applications.

Today, local governments are working to incorporate IoT services into transportation; garbage pickup, as well as the provision of wireless connectivity for their residents.

The Jackson Lee/Sewell Amendment will help ensure that we harness the benefits of the ''Internet of Things'' for the traveling public and minimize the threats to privacy and cybersecurity presented by this new and exciting technology.

I urge support for the Jackson Lee/Sewell Amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Alabama (Ms. SEWELL).

The amendment was agreed to.

AMENDMENT NO. 22 OFFERED BY MR. BLUMENAUER

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in part B of House Report 114–325.

Mr. BLUMENAUER. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 326, line 10, strike ''13 percent'' and insert ''11 percent''.

Page 326, beginning line 18, strike ''14.5 percent'' and insert ''13.5 percent''.

Page 326, line 25, strike ''52.5 percent'' and insert ''50.5 percent''.

Page 327, line 20, strike ''5 percent'' and insert ''10 percent''.

Page 348, line 17, strike ''15 percent'' and insert ''2 percent''.

The Acting CHAIR. Pursuant to House Resolution 507, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Madam Chair, I appreciate the work that has been done in this underlying legislation to put more national priority dealing with nonmotorized safety.

This new program gives States funding for Vision-Zero-type activities that are on the forefront of what is happening in communities around the country that are not accepting the carnage on the highways for pedestrians and cyclists being able to use these tools, to be able to re-engineer and to enforce and protect some of our most vulnerable citizens.

Being struck by a motor vehicle is the leading cause of injury-related death for children under 14, and being struck by a motor vehicle is the second-leading cause of injury-related death for senior citizens. This is our young and our old.

In low-income neighborhoods, there is a much higher pedestrian fatality rate than in higher income areas. Fatalities on our roadways have declined overall, but the number of pedestrians killed annually rose 16 percent over the course of the last 5 years.

We spend billions of dollars on surface transportation every year, not as much as we should, but a significant amount of money. Yet, we are spending less than a billion on critical bike and pedestrian Federal projects.

That is why I strongly support the new nonmotorized public safety program. However, I have one modest concern. Only States where 15 percent or more of the traffic fatalities are nonmotorized are eligible for this funding. My reckoning is that only 20 States and the District of Columbia would qualify. This seems backwards to me.

When we have this carnage occurring in communities large and small across the country, this provision would actually reward States with Federal money that are more dangerous for bicyclists and pedestrians and doesn't provide incentives for those States who have lowered the number of bike and pedestrian incidents and are working to move forward.

I have introduced this legislation with my colleague, Congressman BUCHANAN of Florida, who is the co-chair of the Bike Caucus, to make this funding available to virtually every State by lowering the eligibility threshold to 2 percent of the fatalities and double the funding for a nonmotorized safety program.

Madam Chair, this is serious business. I have encountered people from around the country who are part of this revolution in terms of enhancing bike and pedestrian facilities. This Congress has been in the forefront of moving it forward. I think extending the eligibility of this program would be in keeping with this record of accomplishment.

I reserve the balance of my time.

Mr. SHUSTER. Madam Chair, I claim time in opposition.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. SHUSTER. Madam Chair, I do oppose this amendment.

In this bill, we have created a competitive grant program for nonmotorized users. In this program, it stood up for the first time. We should let NHTSA stand this program up before we judge the success and before we award it more funding.

This amendment would cut funding for critical safety programs that keep drunk drivers off our highways, encourage seat belt use, and improve State safety data programs. The funds would be reallocated in a new program created in this bill, as I mentioned, to focus on bike and pedestrian safety.

I commend the gentleman for his passion and commitment to cyclists and their safety, but this is a new program that has been set up. So I would just urge that we should let NHTSA stand the program up and then judge its success and whether we should allocate more money or not.

I oppose the amendment.

I yield back the balance of my time.

Mr. BLUMENAUER. Madam Chair, I appreciate what the committee has done putting this new program in. I think it is important. I look forward to its success.

Since it is a competitive grant program, allowing most States to be eligible doesn't take that away.

The other areas that the gentleman is talking about have much more generous funding than programs that hit our youth and our senior citizens in term of bike and pedestrian.

I think, by any rational reallocation, we would be putting more in. This is a drop in the bucket, $28 million overall. It would be money well spent and would allow the program to be able to evaluate which programs are the best, particularly some that have successfully lowered their accident rate a little bit below the 15 percent threshold. Maybe they have got something going. Maybe they have got something that we could use for national applications.

I respectfully request that the amendment be approved.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was rejected.

AMENDMENT NO. 23 OFFERED BY MRS. KIRKPATRICK

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in part B of House Report 114–325.

Mrs. KIRKPATRICK. Madam Chair, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 333, line 18, strike ''OR STOPPED IN TRAFFIC''.

Page 333, line 22, strike ''or stopped in traffic''.

Page 333, line 24, strike ''and''.

Page 334, line 2, strike the period and insert ''; and''.

Page 334, after line 2, insert the following:

''(D) does not provide for an exemption that specifically allows a driver to text through a personal wireless communication device while stopped in traffic.''.

Page 334, line 9, strike ''or stopped in traffic'' and insert ''if the driver is''.

Page 334, line 15, strike ''and''

Page 334, line 16, strike ''first''.

Page 334, line 17, strike the period and insert ''; and''.

Page 334, after line 17, insert the following:

''(D) does not provide for an exemption that specifically allows a driver to text through a personal wireless communication device while stopped in traffic.''.

Page 337, beginning on line 14, strike '', including operation while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise''.

The Acting CHAIR. Pursuant to House Resolution 507, the gentlewoman from Arizona (Mrs. KIRKPATRICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Arizona.

Mrs. KIRKPATRICK. Madam Chair, I thank Chairman SHUSTER, Ranking Member DEFAZIO, Subcommittee Chair GRAVES, and Subcommittee Ranking Member HOLMES NORTON for accepting my amendment on distracted driving.

Madam Chair, texting is an extremely dangerous activity as it requires drivers to take their eyes, hands, and minds off the task of driving. Drivers aged 16 to 24 have the highest propensity to text while driving. Cell phone conversations with handheld or hands-free devices are dangerous as well, especially for young, novice drivers.

A Carnegie Mellon University study of MRIs shows that the area of the brain responsible for processing moving visual information, a vital part of driving, has 37 percent less capacity when talking on the phone. A driver texting may miss seeing up to 50 percent of his or her driving environment, even when looking through the windshield. This includes stop signs, pedestrians, and red lights, according to the University of Utah Applied Cognition Laboratory.

This simple, commonsense amendment ensures that States that have enacted texting and teen cell phone bans qualify for incentive grant funding. This amendment will also allow additional States to qualify for distracted driving incentive grant funding while maintaining the core safety requirement of the grant.

The amendment has the support of AAA, Advocates for Highway and Auto Safety, Governors Highway Safety Association, MADD, the National Safety Council, and Safe Kids Worldwide.

We want to ensure that States that make necessary improvements to their distracted driving laws qualify for incentive grant funding.

I reserve the balance of my time.

Mr. SHUSTER. Madam Chair, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Madam Chair, this amendment makes an important change to the distracted driver incentive grant program that will ensure more States can qualify for funding.

It is a good amendment. I urge its adoption.

I yield back the balance of my time.

Mrs. KIRKPATRICK. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Arizona (Mrs. KIRKPATRICK).

The amendment was agreed to.

AMENDMENT NO. 24 OFFERED BY MISS RICE OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in part B of House Report 114–325.

Miss RICE of New York. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 340, strike line 9 and all that follows through page 347, line 25, and insert the following:

(f) STATE GRADUATED DRIVER LICENSING INCENTIVE GRANT.—Section 405(g)(2) of title 23, United States Code, is amended—

(1) in subparagraph (A) by striking ''21'' and inserting ''18''; and

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

''(B) LICENSING PROCESS.—A State is in compliance with the 2-stage licensing process described in this subparagraph if the State's driver's license laws include—

''(i) a learner's permit stage that—

''(I) is at least 6 months in duration;

''(II) contains a prohibition on the driver using a personal wireless communications device (as defined in subsection (e)) while driving except under an exception permitted under paragraph (4) of that subsection, and makes a violation of the prohibition a primary offense;

''(III) requires applicants to successfully pass a vision and knowledge assessment prior to receiving a learner's permit;

''(IV) requires that the driver be accompanied and supervised at all times while the driver is operating a motor vehicle by a licensed driver who is at least 21 years of age or is a State-certified driving instructor;

''(V) has a requirement that the driver—

''(aa) complete a State-certified driver education or training course; or

''(bb) obtain at least 50 hours of behind-the-wheel training, with at least 10 hours at night, with a licensed driver; and

''(VI) remains in effect until the driver—

''(aa) reaches 16 years of age and enters the intermediate stage; or

''(bb) reaches 18 years of age;

''(ii) an intermediate stage that—

''(I) commences immediately after the expiration of the learner's permit stage and successful completion of a driving skills assessment;

''(II) is at least 6 months in duration;

''(III) prohibits the driver from using a personal wireless communications device (as defined in subsection (e)) while driving except under an exception permitted under paragraph (4) of that subsection, and makes a violation of the prohibition a primary offense;

''(IV) for the first 6 month of the intermediate stage, restricts driving at night between the hours of 10:00 p.m. and 5:00 a.m. when not supervised by a licensed driver 21 years of age or older, excluding transportation to work, school, religious activities, or emergencies;

''(V) prohibits the driver from operating a motor vehicle with more than 1 nonfamilial passenger younger than 21 years of age unless a licensed driver who is at least 21 years of age is in the motor vehicle; and

''(VI) remains in effect until the driver reaches 17 years of age; and

''(iii) a learner's permit and intermediate stage that require, in addition to any other penalties imposed by State law, the granting of an unrestricted driver's license be automatically delayed for any individual who, during the learner's permit or intermediate stage, is convicted of a driving-related offense during the first 6 months, including—

''(I) driving while intoxicated;

''(II) misrepresentation of the individual's age;

''(III) reckless driving;

''(IV) driving without wearing a seat belt;

''(V) speeding; or

''(VI) any other driving-related offense, as determined by the Secretary.''.

The Acting CHAIR. Pursuant to House Resolution 507, the gentlewoman from New York (Miss RICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Miss RICE of New York. Madam Chairwoman, over the course of my career, one issue that has taken on tremendous importance to me is reducing the number of traffic fatalities that occur on our roads and highways.

One of the ways we can keep making progress in this area is by focusing on young drivers. As any parent with a teenaged child can tell you, young people do not have the knowledge, experience, and maturity to drive safely 100 percent of the time, and that can have deadly consequences for themselves and for others.

In 2013, more than 4,000 people were killed in crashes involving teen drivers. For drivers aged 16 to 19, the fatal crash risk is three times higher than for drivers over age 20.

My amendment will help reduce those risks by encouraging all 50 States to adopt core graduated driver's license requirements that we know will help keep teens safe as they learn to drive.

This amendment encourages States to enact meaningful requirements to help keep everyone safe on our roads. The amendment would require young drivers to go through two stages of licensing, a learner's permit followed by an intermediate stage.

Drivers must have a learner's permit for at least 6 months. They have to pass vision and knowledge tests. They have to be supervised when they drive. They have to gain 50 hours of experience behind the wheel, with 10 of those hours at night.

They must be strictly prohibited from using a cell phone or other device while driving, as all drivers should be, regardless of age, because even the most experienced driver in the world becomes dangerous when they are texting or taking selfies behind the wheel of a car.

A learner who passes a driving test advances to the intermediate stage,

which lasts at least another 6 months. The cell phone ban remains in place, and violating that restriction must be a primary offense.

Intermediate drivers cannot drive after 10 p.m., with reasonable exceptions. Eighty percent of crashes involving 16- and 17-year-old drivers happen between 9 o'clock at night and midnight, and this restriction reduces crashes by up to 60 percent during the overnight hours.

Intermediate drivers cannot have any drunk driving violations, fake ID violations, reckless driving, failure to wear a seat belt, speeding, or other violations.

These are some of the very basic requirements that we know are necessary to help keep young people safe as they learn how to drive. This should be the law in every American State.

My amendment helps move us toward that goal by providing grant funding to States that adopt and implement these requirements in full.

I want to note that this amendment is supported by the National Safety Council, as well as AAA, Advocates for Highway and Auto Safety, the Governors Highway Safety Association, Mothers Against Drunk Driving, and Safe Kids Worldwide.

The language in this amendment is the same as the language in the DRIVE Act, which passed in the Senate with overwhelming bipartisan support.

I believe it deserves the same bipartisan support in the House. I urge my colleagues to vote for this amendment.

I reserve the balance of my time.

□ 1715

Mr. SHUSTER. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. SHUSTER. Madam Chair, this amendment would actually gut the reforms in this bill that ensures more States with graduated driver's license programs can qualify for these important safety grant funding programs.

MAP–21 established an incentive grant program to improve teen driver safety by encouraging States to adopt graduated driver's license programs. Unfortunately, the Federal requirements for the program were too prescriptive, which happens so many times we put out something. As a result, over 40 States have graduated driver's license programs in place today. None of them qualified for grant funds in 2014.

The STRR Act reforms the Federal requirements and ensures more States will qualify for funding.

This amendment does little to reform the Federal requirements. Few, if any, States will qualify for funds if this amendment passes.

I urge all my colleagues to oppose this amendment.

Madam Chair, I reserve the balance of my time.

Miss RICE of New York. Madam Chairwoman, I ask the Chairman if he would be willing to work with us in conference on this.

I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chair, I would be glad to continue to work with the gentlewoman on this. The issue is important. Again, I think we have reforms in here. We would love to work with the gentlewoman and move this forward to make sure that these reforms get into place when we have a final bill on the floor.

Miss RICE of New York. Madam Chair, I ask unanimous consent to withdraw this amendment.

The Acting CHAIR. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

The Chair understands that amendment No. 25 will not be offered.

AMENDMENT NO. 26 OFFERED BY MR. DUNCAN OF TENNESSEE

The Acting CHAIR. It is now in order to consider amendment No. 26 printed in part B of House Report 114–325.

Mr. DUNCAN of Tennessee. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title V, add the following:

SEC. _____. SAFETY STUDY REGARDING DOUBLE-DECKER MOTORCOACHES.

(a) STUDY.—The Secretary of Transportation, in consultation with State transportation safety officials, shall conduct a study regarding the safety operations, fire suppression capability, tire loads, and pavement impacts of operating a double-decker motorcoach equipped with a device designed by the motorcoach manufacturer to attach to the rear of the motorcoach for use in transporting passenger baggage.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report containing the results of the study to—

(1) the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) the Committee on Commerce, Science, and Transportation of the Senate.

The Acting CHAIR. Pursuant to House Resolution 507, the gentleman from Tennessee (Mr. DUNCAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. DUNCAN of Tennessee. Madam Chairman, my amendment requires the Department of Transportation to conduct a study on the operations of a double-decker motorcoach equipped with a luggage carrier on the rear of the vehicle. The Department of Transportation will be required to report its findings back to the Congress 60 days after the enactment of the bill.

Federal law does not limit the length of buses but provides that States cannot limit buses to less than 45 feet. A majority, but not all, States adopted laws providing for a 45-foot maximum limit for buses years ago when all intercity buses were no longer than that length. However, the 45-foot limits in these States effectively precludes the attachment of a luggage carrier, known commonly as a luggage box, to the back of modern double-decker intercity motorcoaches of the sort now used by several intercity bus companies because the luggage boxes extend the bus by about 2 feet and several inches over the 45-foot limit.

Luggage boxes have been in use, Madam Chairwoman, for many years in Europe, where they are used by over 600 bus operators. They are also currently in use in Florida and Georgia, neither of which State has a 45-foot bus length limit. Even with the luggage box, these buses are much shorter than most truck-trailer combinations.

Further, an intensive study undertaken by two respected ex-NHTSA engineers last year has confirmed that the luggage box poses no hazard to the bus, its passengers, or highway safety. In fact, no Federal or State vehicle safety agency has raised any objection to the use of the luggage box.

While there is no evidence that the use of these luggage boxes is unsafe, I do think we would benefit from an independent study by the Department of Transportation so everyone will be completely assured that there is no safety risk involved in these luggage boxes at all.

I hope my colleagues will support this very minor amendment to have the Department of Transportation conduct this study.

Madam Chair, I reserve the balance of my time.

Mr. DEFAZIO. Madam Chairman, I claim the time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Oregon is recognized for 5 minutes.

There was no objection.

Mr. DEFAZIO. Madam Chair, I congratulate the gentleman on his amendment. I think that this will help provide us with more factual knowledge in terms of looking at any future changes as might relate to these sorts of buses and also will provide useful information to consumers. I think it is very well thought out, and I congratulate the gentleman. I urge support of the amendment.

Madam Chair, I yield back the balance of my time.

Mr. DUNCAN of Tennessee. Madam Chair, I certainly appreciate that support from the ranking member, Mr. DEFAZIO. I urge passage of this amendment.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. DUNCAN).

The amendment was agreed to.

AMENDMENT NO. 27 OFFERED BY MRS. COMSTOCK

The Acting CHAIR. It is now in order to consider amendment No. 27 printed in part B of House Report 114–325.

Mrs. COMSTOCK. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 494, lines 13 through 18, amend paragraph (2) to read as follows:

''(2) RESTRICTION.—

''(A) LIMITATION.—A lead institution of a consortium of nonprofit institutions of higher education, as applicable, may only submit 1 grant application per fiscal year for each of the transportation centers described under paragraphs (2), (3), and (4) of subsection (c).

''(B) EXCEPTION FOR CONSORTIUM MEMBERS THAT ARE NOT LEAD INSTITUTIONS.—Subparagraph (A) shall not apply to a nonprofit institution of higher education that is a member of a consortium of nonprofit institutions of higher education but not the lead institution of such consortium.

Page 502, line 10, insert '', congestion, connected vehicles, connected infrastructure, and autonomous vehicles'' after ''transportation safety''.

Page 525, after line 16, insert the following:

SEC. 6027. TRANSPORTATION RESEARCH AND DEVELOPMENT 5-YEAR STRATEGIC PLAN.

(a) IN GENERAL.—The Secretary shall develop a 5-year transportation research and development strategic plan for fiscal years 2018 through 2022 to guide future Federal transportation research and development activities.

(b) CONSISTENCY.—The strategic plan developed under subsection (a) shall be consistent with—

(1) section 306 of title 5, United States Code;

(2) sections 1115 and 1116 of title 31, United States Code;

(3) section 508 of title 23, United States Code; and

(4) any other research and development plan within the Department.

(c) CONTENTS.—The strategic plan developed under subsection (a) shall—

(1) describe the primary purposes of the transportation research and development program;

(2) list the proposed research and development activities that the Department intends to pursue to accomplish under the strategic plan, which may include—

(A) fundamental research pertaining to the applied physical and natural sciences;

(B) applied science and research;

(C) technology development research; and

(D) social science research; and

(3) for each research and development activity—

(A) identify the anticipated annual funding levels for the period covered by the strategic plan; and

(B) describe the research findings the Department expects to discover at the end of the period covered by the strategic plan.

(d) CONSIDERATIONS.—The Secretary shall ensure that the strategic plan developed under this section—

(1) reflects input from external stakeholders;

(2) includes and integrates the research and development programs of all of the Department's modal administrations and joint programs;

(3) takes into account research and development by other Federal, State, local, private sector, and nonprofit institutions; and

(4) is published on a public website by December 31, 2016.

(e) REPORT.—

(1) NATIONAL RESEARCH COUNCIL REVIEW.—The Secretary shall enter into an agreement with the National Research Council for a review and analysis of the Department's 5-year research and development strategic plan described in this section. By March 31, 2017, the Secretary shall publish on a public website the National Research Council's analysis of the Department's plan.

(2) INTERIM REPORT.—By June 30, 2019, the Secretary shall publish on a public website an interim report that—

(A) provides an assessment of the Department's 5-year research and development strategic plan described in this section that includes a description of the extent to which the research and development is or is not successfully meeting the purposes described under subsection (c)(1); and

(B) addresses any concerns and identifies any gaps that may have been raised by the National Research Council analysis under paragraph (1), including how the plan is or is not responsive to the National Research Council review.

SEC. 6028. TRAFFIC CONGESTION.

(a) CONGESTION RESEARCH.—The Assistant Secretary may conduct research on the reduction of traffic congestion.

(b) CONSIDERATION.—The Assistant Secretary shall—

(1) recommend research to accelerate the adoption of transportation management systems that allow traffic to flow in the safest and most efficient manner possible while alleviating current and future traffic congestion challenges;

(2) assess and analyze traffic, transit, and freight data from various sources relevant to efforts to reduce traffic congestion so as to maximize mobility, efficiency, and capacity while decreasing congestion and travel times;

(3) examine the use and integration of multiple data types from multiple sources and technologies, including road weather data, private vehicle (including Global Positioning System) data, arterial and highway traffic conditions, transit vehicle arrival and departure times, real time navigation routing, construction zone information, and reports of incidents, to suggest improvements in effective communication of such data and information in real time;

(4) develop and disseminate suggested strategies and solutions to reduce congestion for high-density traffic regions and to provide mobility in the event of an emergency or natural disaster; and

(5) collaborate with other relevant Federal agencies, State and local agencies, industry and industry associations, and university research centers to fulfill goals and objectives under this section.

(c) IDENTIFYING INFORMATION.—The Assistant Secretary shall ensure that information used pursuant to this section does not contain identifying information of any individual.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Assistant Secretary shall make available on a public website a report on its activities under this section.

SEC. 6029. RAIL SAFETY.

Not later than 1 year after the date of enactment of this Act, the Assistant Secretary of Transportation for Research and Technology may transmit to Congress a report containing—

(1) the results of a study to examine the state of rail safety technologies and an analysis of whether the passenger, commuter, and transit rail transportation industries are keeping up with innovations in technologies to make rail cars safer for passengers and transport of commerce; and

(2) a determination of how much additional time and public and private resources will be required for railroad carriers to meet the positive train control system implementation requirements under section 20157 of title 49, United States Code.

The Acting CHAIR. Pursuant to House Resolution 507, the gentlewoman from Virginia (Mrs. COMSTOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Virginia.

Mrs. COMSTOCK. Madam Chair, I rise today in support of my amendment, which incorporates important provisions from a bill of mine, H.R. 3585, the Surface Transportation Research and Development Act of 2015.

I appreciate that I serve on two committees that are very important to my district: the Committee on Transportation and Infrastructure and the Committee on Science, Space, and Technology. I am also honored to chair the Subcommittee on Research and Technology, which came together to pass this measure.

This amendment, which consists of parts of this bill, is common sense and bipartisan. It provides for more and better solutions to ease traffic congestion and provide key research for transportation.

The first part of the amendment further clarifies language in the underlying bill regarding universities' abilities to submit grant applications for the University Transportation Centers program as either the lead or partnering applicant. This provides more universities the opportunity to seek these funds.

The second part directs the Secretary of Transportation to develop a 5-year Strategic Plan for Transportation Research and Development.

The third part of the amendment covers an issue that will be appreciated by Members representing urban and suburban areas of the country, and that is traffic congestion. It provides authority for the Transportation Assistant Secretary for Research and Technology to conduct research to reduce traffic congestion.

That research would ask the Assistant Secretary to:

First, help accelerate the adoption of transportation management systems that allow traffic better to flow in safe and more efficient ways;

Second, to assess traffic, transit, and freight data from various sources;

Third, develop and disseminate strategies to reduce congestion for high-density traffic regions; and

Fourth, to collaborate with other Federal, State, and local governments as well as industry and universities.

The fourth and final part of this amendment authorizes the Assistant Secretary to transmit a report to Congress on rail safety issues.

I urge my colleagues to support this bipartisan amendment.

Madam Chair, I yield 2½ minutes to the gentleman from Texas (Mr. SMITH), the chairman of the House Science, Space, and Technology Committee.

Mr. SMITH of Texas. Madam Chair, I support the amendment sponsored by

Representative BARBARA COMSTOCK, chair of the Subcommittee on Research and Technology of the Committee on Science, Space, and Technology, and the subcommittee's ranking minority member, DAN LIPINSKI.

The Committee on Science, Space, and Technology has jurisdiction over research, development, and technology programs at the Department of Transportation. In anticipation of a House surface transportation authorization bill, the committee exercised its jurisdiction with a transportation research and development hearing in June. In September the Subcommittee on Research and Technology marked up H.R. 3585, the Surface Transportation Research and Development Act of 2015.

It is essential that we find a way to maintain a healthy, substantive research base for America's transportation initiatives. We have to ensure that Congress gets its priorities right and that taxpayers receive maximum value for their hard-earned tax dollars. H.R. 3585 does just that. This makes the Committee on Science, Space, and Technology's jurisdiction over R&D programs at the Department of Transportation particularly relevant.

Since the introduction and subsequent markup of the underlying bill, members and staff of the Committee on Science, Space, and Technology have worked closely with our counterparts on the House Committee on Transportation and Infrastructure to ensure inclusion of some of the Committee on Science, Space, and Technology's priorities into the highway bill.

I want to thank Chairman SHUSTER for working with Congresswoman COMSTOCK and me in this venture.

I look forward to further discussions after the House passes this bill, as we continue to work cooperatively on policy deliberations and resolution of individual R&D provisions during the House-Senate conference.

Again, I thank Chairman SHUSTER for his support of this amendment, and I thank the gentlewoman from Virginia for introducing the underlying bill that has been put into this underlying bill as well.

Mr. DEFAZIO. Madam Chair, I claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Oregon is recognized for 5 minutes.

There was no objection.

Mr. DEFAZIO. Madam Chair, I yield myself such time as I consume. I actually rise in support of the amendment, and I particularly want to congratulate my colleague, DAN LIPINSKI, who serves on both the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure, for his work on this amendment.

I yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Madam Chair, I thank the ranking member for his support of this amendment. I thank Chairwoman COMSTOCK and Chairman SMITH for working with me and working together on this amendment.

The piece of the amendment that I want to address is the language based on a small piece of the Future TRIP Act, which I introduced, cosponsored by Chairwoman COMSTOCK, and that we passed in the Subcommittee on Research and Technology of the Committee on Science, Space, and Technology. The gentlewoman is chair of that committee. I am ranking member on that subcommittee.

The language in this amendment from my bill calls for a regional transportation center on connected vehicles and connected infrastructure. Connected and autonomous vehicles hold enormous promise for safe, efficient transportation. This research center could play a big part in developing new technologies in this area, so I am very pleased to have it included in this amendment.

The amendment also contains language from my bill in regard to University Transportation Centers. It allows universities to lead one proposal for each type of center. It also permits universities to collaborate on as many awards as they like, as long as they are not leading the proposal. This gives increased flexibility to those universities that have special expertise in this area.

I want to thank Chairman SHUSTER and Ranking Member DEFAZIO for their support in working with us.

I urge my colleagues to support this.

Mrs. COMSTOCK. Madam Chairman, I thank Chairman SMITH, and I thank Ranking Member LIPINSKI for their support. I also thank Chairman SHUSTER and our ranking member for working with us on this amendment. I urge passage of this amendment that will help bring our transportation system into the 21st century.

I yield back the balance of my time.

Mr. DEFAZIO. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Virginia (Mrs. COMSTOCK).

The amendment was agreed to.

□ 1730

AMENDMENT NO. 28 OFFERED BY MR. BARLETTA

The Acting CHAIR. It is now in order to consider amendment No. 28 printed in part B of House Report 114–325.

Mr. BARLETTA. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title VII, add the following:

SEC. ___. MINIMUM REQUIREMENTS FOR TOP FITTINGS PROTECTION FOR CLASS DOT–117R TANK CARS.

(a) PROTECTIVE HOUSING.—Except as provided in subsections (b) and (c), top fittings on DOT specification 117R tank cars shall be located inside a protective housing not less than ½-inch in thickness and constructed of a material having a tensile strength not less than 65 kilopound per square inch and conform to the following specifications:

(1) The protective housing shall be as tall as the tallest valve or fitting involved and the height of a valve or fitting within the protective housing must be kept to the minimum compatible with their proper operation.

(2) The protective housing or cover may not reduce the flow capacity of the pressure relief device below the minimum required.

(3) The protective housing shall provide a means of drainage with a minimum flow area equivalent to six 1-inch diameter holes.

(4) When connected to the nozzle or fittings cover plate and subject to a horizontal force applied perpendicular to and uniformly over the projected plane of the protective housing, the tensile connection strength of the protective housing shall be designed to be—

(A) no greater than 70 percent of the nozzle to tank tensile connection strength;

(B) no greater than 70 percent of the cover plate to nozzle connection strength; and

(C) no less than either 40 percent of the nozzle to tank tensile connection strength or the shear strength of twenty ½-inch bolts.

(b) PRESSURE RELIEF DEVICES.—

(1) The pressure relief device shall be located inside the protective housing, unless space does not permit. If multiple pressure relief devices are equipped, no more than 1 may be located outside of a protective housing.

(2) The highest point on any pressure relief device located outside of a protective housing may not be more than 12 inches above the tank jacket.

(3) The highest point on the closure of any unused pressure relief device nozzle may not be more than 6 inches above the tank jacket.

(c) ALTERNATIVE PROTECTION.—As an alternative to the protective housing requirements in subsection (a) of this section, the tank car may be equipped with a system that prevents the release of product from any top fitting in the case of an incident where any top fitting would be sheared off.

(d) IMPLEMENTATION.—Nothing in this section shall be construed to require the Secretary to issue regulations to implement this section.

(e) SAVINGS CLAUSE.—Nothing in this section shall prohibit the Secretary from approving new technologies, methods or requirements that provide a level of safety equivalent to or greater than the level of safety provided for in this section.

The Acting CHAIR. Pursuant to House Resolution 507, the gentleman from Pennsylvania (Mr. BARLETTA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. BARLETTA. Madam Chairwoman, I am offering an amendment to make the transportation of crude oil by railroads safer.

My amendment would require all tank cars moving flammable liquids to be retrofitted with new safety equipment. This is in addition to the strong safety measures included in the Federal Rail Administration's recent tank car rule.

The safety measures would place top-fitting protections on the tank car. These top fittings protect the pressure relief valve, which protects the integrity of a tank car.

The valve can slowly release the gases in the unlikely event that the

tank car is exposed to pressure buildup in a fire as a result of a derailment. This decreases the likelihood of a major incident and provides first responders additional time.

The newer tank cars have this type of protection, but the majority of DOT 111 legacy tank cars do not have this enhanced protection. That is about 50 percent of the expected retrofit tank car fleet, making this reform very important. A similar requirement was considered and rejected during the tank car rulemaking process due to cost-benefit concerns.

This proposal is a less costly option that is supported by the Association of American Railroads, the American Chemistry Council, the Railway Supply Institute, the American Petroleum Institute, and the Renewable Fuels Association.

I am proud to offer this amendment to improve the safety of moving crude oil by rail. This is an issue that is very important to Pennsylvania.

I thank Chairman SHUSTER and Ranking Member DEFAZIO for working with me on this amendment. I also thank Mr. LIPINSKI for cosponsoring the amendment.

I reserve the balance of my time.

Mr. DEFAZIO. Madam Chair, I rise to claim the time in opposition, although I am not in opposition.

The Acting CHAIR. Without objection, the gentleman from Oregon is recognized for 5 minutes.

There was no objection.

Mr. DEFAZIO. Madam Chair, I yield myself such time as I may consume.

I thank the two gentlemen involved for noting this deficiency in the rule. It is inexplicable to me that, although they certainly noted the need in the new design to have a protective housing around the pressure relief valve so they wouldn't shear off in a rollover accident, they did not extend that to retrofitted cars. This amendment ensures that they will meet those stronger standards. I think this amendment has tremendous merit.

I yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI), the Democratic sponsor of the amendment.

Mr. LIPINSKI. I thank the ranking member for yielding, and I thank the gentleman from Pennsylvania (Mr. BARLETTA) for all his work on this amendment. I rise in support of this amendment and ask my colleagues to support it.

Madam Chair, this amendment is common sense and will strengthen the Department of Transportation's tank car rule by providing all legacy tank cars retrofitted for class III flammable liquid service to include enhanced top fittings protections for pressure relief valves.

The pressure relief valve on a new tank car standard allows tank cars to vent gases to reduce the chance of a tank car rupturing from vapor pressure, which can happen if it is heated after a derailment or an accident. However, this pressure relief valve is susceptible to damage in the event of an accident, as it can easily be torn off, thus eliminating any safety benefit.

To mitigate this issue, this amendment would require the installation of a small, protective device that will help keep this valve in place after an accident and save lives in the process.

This amendment is supported by the American Petroleum Institute, Association of American Railroads, the American Chemistry Council, and Renewable Fuels Association, and is something that has been called for by first responders who have a lot of these trains going through these districts.

I know it is very important to me in my district in the Chicagoland area. We are the rail hub of the Nation, with nearly 40 percent of America's rail traffic flowing through, and my district is host to track owned by six out of the seven class I railroads.

More crude oil passes through Chicago than anywhere else in the Nation, with upwards of 40-mile-long unit trains snaking through neighborhoods in the region each week, making them a common sight at the 195 at-grade crossings in my district, a few of which are as close to within a mile of my own home.

While the energy renaissance has brought relief to many in the form of lower gas prices, it requires the use of rail to ensure that this commodity is transported in the safest possible manner. This amendment makes it even safer.

I ask my colleagues to support this amendment.

Mr. BARLETTA. Madam Chairwoman, I urge a ''yes'' vote.

Mr. DEFAZIO. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. BARLETTA).

The amendment was agreed to.

AMENDMENT NO. 29 OFFERED BY MR. LYNCH

The Acting CHAIR. It is now in order to consider amendment No. 29 printed in part B of House Report 114–325.

Mr. LYNCH. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 573, after line 11, insert the following:

SEC. 7016. SAFETY OF PIPELINE TRANSPORTATION INFRASTRUCTURE PROJECTS.

The Secretary shall, at the request of a State or tribal government, conduct a review of the safety and safety-related aspects of a pipeline transportation infrastructure project.

The Acting CHAIR. Pursuant to House Resolution 507, the gentleman from Massachusetts (Mr. LYNCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. LYNCH. Madam Chair, first of all, I want to come to the floor and say thank you to Chairman SHUSTER and Ranking Member DEFAZIO for their great work in bringing a long-term transportation bill to the floor.

They need to really be congratulated on the work that they have done in negotiating the finer points of this bill, which I think is nearly perfect, with one small flaw, which I will attempt to cure with my amendment.

Madam Chair, in my district and in many districts across the United States, we are dealing with a situation where high-pressure natural gas lines are being extended and expanded in some urban areas and some rural areas.

I have three areas in my district that are impacted severely in some respects: the town of Dedham, the town of Weymouth, and the neighborhood of West Roxbury. I think the neighborhood of West Roxbury offers the most clear example of what my concern is.

In the neighborhood of West Roxbury, we have an active gravel quarry. It is located a matter of yards away from a residential area. You could throw a baseball from the blasting zone of the quarry to the residential homes next door. You have got kids there. You have got schools there. It is a densely settled population there and is a beautiful neighborhood.

FERC, in its wisdom, has authorized the placement of a high-pressure gas line that runs through the active blast zone adjacent to the residential area where my constituents live and are raising their families, where their kids go to bed at night. We cannot get entrance into the process because FERC controls the whole process. They make their decision, and then, in your appeal, they get to review their own decision.

So what this amendment would do in those situations—like the West Roxbury situation where you have a pipeline company putting in a high-pressure gas line through an active blast zone next to a residential area—is to have an appeal process where the public safety officers of the State could ask for a review on public safety grounds of that decision of where to place that pipeline.

In all fairness to the community, they are just asking them to relocate the pipeline out of the blast zone. It would seem to make sense that that would be a reasonable request. But I think, obviously, the pipeline company is interested in reducing costs and delivering their product.

I am trying to intervene, as any Member of Congress would, just to get them to take a good, hard second look at this, a fresh set of eyes on the request that the pipeline company has made and FERC has authorized.

So that is the purpose of my amendment here. I am just trying to get a fair hearing on this decision, which I think is a horrendous decision and may result in the loss of life here, if they are not careful. We don't have much of a buffer zone between the pipeline, the quarry, and the homes where the people live.

That is the purpose of my amendment. I am urging my colleagues here to consider themselves being in my position, trying to defend your constituents from a palpable danger, hoping that this body would recognize the wisdom in having a real appeal process.

I reserve the balance of my time.

Mr. SHUSTER. Madam Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. SHUSTER. Madam Chair, I certainly understand where the gentleman from Massachusetts is coming from. I don't know all the details, but it sounds troubling.

His amendment, as it is written, would go far beyond the mandate by inserting PHMSA into the approval process to construct a pipeline at the request of a State or tribe. This could significantly slow down construction to complete some of these pipelines around the country or even to start them.

Pipelines are extremely safe. Again, I understand and empathize with the gentleman and the situation he is talking about, but pipelines carry 99.997 percent of all hazardous material safely to their destination. Again, we need to make sure PHMSA's scarce resources are focused on its mission to ensure pipelines are operated and maintained safely.

This is a time where the country desperately needs to get more pipeline. The gentleman's amendment is just too broadly written, and the unintended consequences would go far beyond what he is talking about.

So I would have to vote in opposition to his amendment, but I certainly would like to help the gentleman, if I can, if it is a situation where we can be of any help to him. But this amendment is too broadly written. So I would oppose it.

I reserve the balance of my time.

Mr. LYNCH. Madam Chair, can I ask how much time I have remaining?

The Acting CHAIR. The gentleman from Massachusetts has 1 minute remaining.

Mr. LYNCH. Madam Chair, we do have a pipeline safety bill that is coming up later in the session. So I would appreciate the opportunity to work with the chairman to try to address that.

But I do want to remind him that these are very, very unique situations. You don't have many cases where you have a high-pressure gas line being put through a blast zone adjacent to residential homes.

So this is a special danger, and it would require that special danger to exist before the State could take action. We are only asking for extra review.

I would remind the Members that there was a tragic incident in 2010 in San Bruno, California, where 8 people were killed and 38 homes were destroyed during a Pacific Gas and Electric natural gas line pipe explosion. That is what I am trying to prevent.

This is a rare situation. I realize you have got to build pipelines, but I think you ought to be able to do it without, as I have said before multiple times, putting a pipeline through a blast zone adjacent to residential homes. I think you can find another route that wouldn't go through that blast zone. It is the one quarry I have got in my district, and they chose to go right through it.

I know the gentleman from Pennsylvania. I know the hard work he has put into this bill. I am just looking for some relief for people that I care about. I am very fearful of the consequences if this is allowed to continue.

I yield back the balance of my time.

Mr. SHUSTER. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. LYNCH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. LYNCH. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 30 OFFERED BY MR. LEWIS

The Acting CHAIR. It is now in order to consider amendment No. 30 printed in part B of House Report 114–325.

Mr. LEWIS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 36, after line 23, insert the following (and redesignate accordingly):

''(12) Planning, design, or construction of a Type II noise barrier (as described in section 772.5 of title 23, Code of Federal Regulations).''.

Page 38, line 7, strike ''(11)'' and insert ''(12)''.

Page 47, after line 10, insert the following:

(8) NATIONAL HIGHWAY SYSTEM DESIGNATION ACT.—Section 339 of the National Highway System Designation Act of 1995 (23 U.S.C. 106 note) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) through (j) as subsections (b) through (i), respectively.

The Acting CHAIR. Pursuant to House Resolution 507, the gentleman from Georgia (Mr. LEWIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

□ 1745

Mr. LEWIS. Madam Chair, I appreciate the chairman and the ranking member's hard work on this bill.

I rise to offer an amendment that is very important to the people of metro Atlanta. My amendment would allow Federal funds from the Surface Transportation Block Grant Program to be used to construct type II noise barriers. These are barriers built to cut down noise along existing highways.

Current Federal law ties the hands of State transportation agencies. It limits their ability to address key quality-of-life concerns in the planning process.

Madam Chair, my office has been working with the Georgia Department of Transportation for years to address these concerns. Many communities in metro Atlanta are tired of the noise and just want some peace and quiet. We are ready to move forward, but we need Congress to untie our hands.

My amendment does not cost one cent, not one dime. If anything, it improves the effectiveness of the money we already send to the States.

It does not require that States build these barriers; instead, it allows them the flexibility they need to minimize Federal funds, to raise property values, and to improve the quality of life in frustrated communities across America. Madam Chair, we have the opportunity to do something that would make our citizens' lives better.

Living next to a loud highway can be a headache. When you have a good and quiet neighborhood, when you can get some sleep, you can be happy. I urge the adoption of my amendment.

I reserve the balance of my time.

Mr. SHUSTER. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. SHUSTER. Madam Chair, I rise in opposition to this amendment.

The prohibition on installing noise barriers on existing roads is put in place for a reason. Residents and businesses that have coexisted with highways for years, or even decades, should not be entitled to noise barriers. People built their houses, built their businesses.

I understand there is increased traffic, certainly here in the Washington, D.C., area; but these noise barriers should be reserved for new highways or a significant highway expansion as a result of changing conditions in the neighborhoods.

Again, if a homebuilder is willing to build his house next to a highway or an airport, they know what the consequences are; and to have to put this burden on the taxpayers just is something that I don't believe is fair. Given that we have limited resources, funding should be reserved for highway and bridge construction, and not used for noise barriers on existing roads.

Again, if people have been there, then it is up to the local folks, it is up to the developer if they are building a development along that road to pay that bill, and again, not the taxpayer. So I oppose this amendment.

Mr. DEFAZIO. Will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Madam Chair, I would suggest that I would like to continue

the discussion. I think there are different conditions.

Certainly if a developer buys a large tract of land next to an existing interstate and then expects the taxpayers to pay for sound protection, that is not right. But I think there are cases where you have found that a lot of interstates were built in areas where there wasn't a lot of traffic. The houses have been there for quite some time, and now the traffic has grown phenomenally, particularly truck traffic and things that create more noise. I think there may be a way to do it in certain circumstances where it is merited, where it isn't due to new development but due to growth and traffic and noise and that.

I don't know if the chairman has considered that.

Mr. SHUSTER. I think the gentleman from Oregon has a reasonable argument. I think those things do occur, and that would be something I would continue to work with him and work in the future on as we move forward on this.

As the amendment stands right now, I would have to oppose it. But I am fully willing to accept what the gentleman from Oregon says and work with him, and I have great respect for the gentleman from Georgia.

I reserve the balance of my time.

Mr. LEWIS. Madam Chair, with the discussion and the words of the chairman and the ranking member, I ask unanimous consent to withdraw the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENT NO. 31 OFFERED BY MR. TAKANO

The Acting CHAIR. It is now in order to consider amendment No. 31 printed in part B of House Report 114–325.

Mr. TAKANO. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 68, after line 21, insert the following:

''(3) SPECIAL RULE.—The Secretary may treat a program of eligible projects as a single project for purposes of meeting the requirement of paragraph (1)(B)(i).

The Acting CHAIR. Pursuant to House Resolution 507, the gentleman from California (Mr. TAKANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. TAKANO. Madam Chair, the Nationally Significant Freight and Highway Projects program in this bill will address critical infrastructure needs that will improve America's economic competitiveness, but will also bring tremendous benefit to our communities, especially districts like mine, which is the epicenter of the international supply chain flowing through the Ports of L.A. and Long Beach.

Freight corridors that run through districts such as mine, and those in Chicago, Houston, Florida, Charleston, New York, New Jersey, and Seattle, bring jobs and spur economic growth. However, they also create congestion, pollution, and safety concerns.

One of the primary strategies to alleviate these issues—congestion, air pollution, and accidents—is to build rail grade separations that allow trains and cars to flow freely. In fact, grade separations are explicitly mentioned in the bill as eligible to receive funding from the Nationally Significant Freight and Highway Projects program. However, the $100 million threshold far exceeds the cost of most grade separation projects.

To better achieve the intent of this bill, my amendment simply clarifies that a program of eligible projects, such as a corridor of grade separations, be eligible to receive funding from this program.

There is ample legislative precedent for ''programs of projects'' to be eligible for funding, most notably, in the TIFIA loan program, the National Highway Performance Program, and Highway Safety and Improvement Program.

This amendment recognizes that addressing nationally significant transportation challenges are not always best addressed through one major project but, instead, a comprehensive package of related projects that achieve a meaningful national objective.

An example of this type of project is the Alameda Corridor-East, which was first recognized 10 years ago by this House in SAFETEA-LU. The Alameda Corridor-East was designated as a Project of National and Regional Significance, spanning four counties in the Nation's largest urban area, stretching over 100 miles of rail.

In my county alone, Riverside County, this Federal funding, in partnership with local self-help tax dollars, has made possible nearly a half billion dollars in freight projects that are cleaning our air, making our constituents safer, and making the national economy more efficient. However, of these 16 projects on the same corridor, the highest cost project was $67 million. Yet, together, they have had a tremendous impact on the transportation system.

My amendment ensures that this momentum can continue, not just in my district, but in all communities that are impacted by our national freight system. This is an easy technical fix, and I urge my colleagues to support this amendment.

Madam Chair, I reserve the balance of my time.

Mr. SHUSTER. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. SHUSTER. The Nationally Significant Freight and Highway Projects program is the core reform, a new program in this bill. It is fundamental to this bill's redirecting us back to our national interests on these freight corridors and these major projects.

Allowing a group of small projects to count toward the $100 million threshold for eligibility would actually destroy the very purpose of the program, to provide funding for large-scale projects, that is, large-scale projects that States cannot fund with their $4 million that they get.

In our bill, it is very different from what the Senate bill does. The Senate bill puts it out in formula. That is not going to solve the problem. This program will solve some of those problems that States cannot fund with, again, the money that is coming from their formulas.

Many bridge projects, for example, fall under this category, as do large highway expansion projects. The only exception is a 10 percent set-aside for smaller freight projects with an impact on interstate commerce.

Again, the Nationally Significant Freight and Highway Projects program in this bill was carefully crafted and negotiated with our ranking member and the folks on the other side of the aisle, and we believe the program is properly structured. So, again, I would oppose this amendment.

I reserve the balance of my time.

Mr. TAKANO. Madam Chair, I yield 2 minutes to the gentleman from California (Mr. AGUILAR).

Mr. AGUILAR. I thank the gentleman for yielding.

Madam Chair, today I rise in support of my fellow Inland Empire colleague, Mr. TAKANO's amendment to the surface transportation bill, which would clarify project eligibility under the Nationally Significant Freight and Highway Projects program.

Improving our roads, rails, and bridges is crucial for the Inland Empire, a region of San Bernardino and Riverside Counties that Congressman TAKANO and I represent.

Working families need reliable transportation and infrastructure to get to and from work, to get their children to school, and to have the ability to play a role in our regional, State, and national economies.

This amendment would allow more local projects to meet that $100 million threshold to qualify for the Nationally Significant Freight and Highway Projects program that otherwise wouldn't meet the requirements and would be excluded from Federal funding.

The Valley Boulevard grade separation in Colton is just one program in San Bernardino County that would benefit directly from this project, one of many throughout California and the Nation.

This amendment would help San Bernardino and Riverside County residents, as well as millions of working families and public safety officials who

require the grade separations throughout our country, who rely on transportation and infrastructure each and every day.

I urge my colleagues to vote in favor of the amendment.

Mr. SHUSTER. Madam Chair, I will just again say I know where the gentlemen are coming from. I have not been there once. I have not been there twice. I have been there several times.

Southern California has got every known problem in the transportation world because of the congestion, your ports. It is an important part of the country, but, again, this Nationally Significant Freight and Highway Projects program was carefully crafted to make sure that there are other places in the country that we can get those projects.

Cobbling together a couple of smaller ones is really going to take away from the focus of this program and the focus of this bill, to try to get us looking back at what our national priorities are, when that has to be moving freight.

One of those key places is the Port of Los Angeles, Long Beach, but there are places around the country, and we think this program is going to be able to address those with large sums of money, not bits and pieces flowing out there.

So again, at this time, I understand where you are coming from. I have been there. I understand the problems in southern California, but I would have to oppose this amendment.

I yield back the balance of my time.

Mr. TAKANO. Madam Chair, I appreciate the sentiment of the gentleman from Pennsylvania, that he has been to our region and understands the importance of making sure that freight through rail is moved expeditiously.

I do urge my colleagues to support this amendment. I wish that the gentleman would have a change of heart.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. TAKANO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. TAKANO. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 32 OFFERED BY MS. BROWNLEY OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 32 printed in part B of House Report 114–325.

Ms. BROWNLEY of California. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 70, line 24, strike ''10 percent'' and insert ''20 percent''.

The Acting CHAIR. Pursuant to House Resolution 507, the gentlewoman from California (Ms. BROWNLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. BROWNLEY of California. Madam Chair, I would like to begin by thanking the chairmen and ranking members of the full committee and the subcommittee for their work on this bipartisan bill.

I worked very hard to become a member of the Transportation and Infrastructure Committee because I wanted very much to be part of a team that gets things done.

□ 1800

When I first joined the committee, many of my constituents back in Ventura County questioned whether the 114th Congress could get a surface transportation bill through the House.

The progress that we have made so far on the bill is a testament to the good work that Congress can do when we work together in a bipartisan way, through the committee process, to get things done for the American people. I am also very appreciative of the Rules Committee for making my amendment in order this evening.

Madam Chair, my amendment would fix a small problem with the new freight program and would allow small- and mid-sized communities an opportunity to compete for a slightly larger piece of the pie.

I agree with many of my colleagues that we absolutely must address capacity issues along long-haul routes and freight corridors. We must address the costly and time-consuming bottlenecks within congested metropolitan areas. We must also address the first- and last-mile connections to our ports, freight yards, and other job centers in our communities.

However, Madam Chair, I am concerned that the freight program created in this bill includes a minimum project threshold of $100 million. Let me repeat: $100 million is the minimum threshold. Many of us represent small- and mid-sized communities.

In my district of Ventura County, we have struggled over the past few years to address freight bottlenecks in our community, including along Rice Avenue, where we have seen far too many deadly accidents in recent years.

But as this bill is currently drafted, Ventura County and many other small- and mid-sized communities across the country won't be able to fully compete for the freight program. We just don't have the resources back home to compete with these large projects.

But that doesn't mean that we don't have freight bottlenecks. All that I am seeking is to ensure that small- and mid-sized communities like my county, Ventura County, can better compete.

Madam Chairman, my simple amendment would increase the small project set-aside from 10 percent to 20 percent of the available resources to allow more communities across the country to compete for these limited resources. The small project threshold is $5 million or more.

My amendment will still leave 80 percent of the money for larger projects. Increasing the small project set-aside will not guarantee funds for any specific project, but it will give many of our districts at least a fighting chance to compete for one-fifth of the funds under the new freight program.

Madam Chairman, I urge my colleagues to support the amendment.

I reserve the balance of my time.

Mr. SHUSTER. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. SHUSTER. Madam Chair, let me say first to the gentlewoman from California thank you for your valuable contribution in putting this bill together and your hard work in committee. We thank you for that. You played an important role in developing this bill.

Once again, the Nationally Significant Freight and Highways Projects program in the bill was carefully crafted. We do have a 10 percent set-aside, as you mentioned, for some of these smaller programs and projects, but the idea is to really have these large projects. Let's focus on them.

Once again, in southern California and that region, you have numerous projects there that are going to far exceed $100 million. Around the country, whether it is in Texas or in New Jersey or in New York, we have got these projects. We believe that we have crafted this to be able to really get those dollars to those projects to be able to move them forward.

Again, just like the last amendment, if you cobble together a couple of smaller ones, then you take away money for smaller projects. Then we are not going to get the impact that we need.

So, again, I appreciate the gentlewoman's passion, and I appreciate her work on the committee. But at this time, I have to oppose the amendment.

Madam Chair, I yield back the balance of my time.

Ms. BROWNLEY of California. Madam Chair, I will close. I just would like to reiterate that my amendment will simply increase the small project set-aside, which will leave 80 percent of the limited funds in the program for large projects.

This is allowing the large projects to win. A small project may not win at all, but it is just giving us, the small- and mid-sized communities, an opportunity to compete.

Again, for many, many districts, $100 million is just an insurmountable sum, but we can and want to compete under the freight program for very important projects.

Again, I thank the chairman for all of his work on this important bill. I urge my colleagues to vote ''yes.''

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. BROWNLEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. BROWNLEY of California. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 33 OFFERED BY MR. COSTELLO

The Acting CHAIR. It is now in order to consider amendment No. 33 printed in part B of House Report 114–325.

Mr. COSTELLO of Pennsylvania. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 71, line 2, strike ''(i)''.

The Acting CHAIR. Pursuant to House Resolution 507, the gentleman from Pennsylvania (Mr. COSTELLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. COSTELLO of Pennsylvania. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I rise to ask for a simple bipartisan amendment along with my fellow Transportation and Infrastructure Committee member, Representative DAN LIPINSKI of Illinois.

This amendment would make a minor modification to the Nationally Significant Freight and Highway Projects grant program. This amendment would not change any dollar threshold or increase funding to the program, nor would it increase the cost of the overall bill.

Under the program set forth in the bill, large grants, as they are defined, meaning those in excess of $100 million, are eligible for four types of programs: one, freight projects on the National Highway Freight Network; two, highway or bridge projects on the National Highway System; three, intermodal or freight rail projects on the National Multimodal Freight Network; and, four, railway-highway grade crossings and grade separations.

However, the bill sets aside 10 percent of program funding for small projects defined as those projects that are less than $100 million. However, the bill only allows one of the previously mentioned four programs, freight projects on the National Highway Freight Network, to be eligible for this reserved small project funding.

Madam Chair, in my home State of Pennsylvania, the structural integrity of our aging bridges and roadways is a major concern of my constituents and a personal priority of mine. I seek to add the other three programs to be eligible under the small projects definition.

So I ask: Should a $50 or $95 million project to restore a crumbling bridge have less of a shot at program funding than a $100 million project? Or for the 55 short-line railroads in Pennsylvania, including three in my district, if they would otherwise be eligible for program funding to improve roadway grade separations, why should they not be eligible to compete for those dollars set forth for small projects?

Madam Chair, this amendment addresses this discrepancy.

Madam Chair, I reserve the balance of my time.

Mr. DEFAZIO. Madam Chair, I ask unanimous consent to claim the time in opposition, although I am not opposed to it.

The Acting CHAIR. Is there objection to the request of the gentleman?

There was no objection.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Madam Chair, I yield myself such time as I may consume.

Madam Chair, this is a very meritorious amendment offered by the gentleman. It provides flexibility for small projects under the Nationally Significant Freight and Highways Projects program.

Rather than only highway freight, States and localities will be able to apply for funds to carry out a variety of project types, such as highways, bridges, intermodal, freight rail, and grade crossings.

This is giving more control to local governments to do the most cost-effective solutions to their problems that they know best. So I think it has great merit. I support it and recommend our colleagues support it.

Madam Chair, I yield back the balance of my time.

Mr. COSTELLO of Pennsylvania. Madam Chair, I urge support for this meritorious amendment.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. COSTELLO).

The amendment was agreed to.

AMENDMENT NO. 34 OFFERED BY MRS. RADEWAGEN

The Acting CHAIR. It is now in order to consider amendment No. 34 printed in part B of House Report 114–325.

Mrs. RADEWAGEN. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 74, after line 15, insert the following new section:

SEC. 1112A. TERRITORIAL HIGHWAY PROGRAM.

Section 165(c) of title 23, United States Code, is amended by adding at the end the following:

''(8) DIVISION OF FUNDS BETWEEN TERRITORIES.—In carrying out this subsection, the Secretary shall allocate the funds made available to the territories each fiscal year among the territories according to quantifiable measures that are indicative of the surface transportation requirements of each of the territories, which may include the use of population, land area, roadway mileage, or another measure determined appropriate by the Secretary.''.

The Acting CHAIR. Pursuant to House Resolution 507, the gentlewoman from American Samoa (Mrs. RADEWAGEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from American Samoa.

Mrs. RADEWAGEN. Madam Chair, the amendment that I am offering together with my colleague from the Northern Mariana Islands (Mr. SABLAN) brings rationality and logic to the allocation of Territorial Highway Program funds among the four smaller U.S. territories. At present, these funds are simply allocated as the Department of Transportation sees fit using a formula set back in 1992, I understand.

That system may have been okay for the last 23 years, but now that I am representing the people of American Samoa, I want to be sure that Federal funds are distributed among the territories in a way that has some rational basis.

I cannot say to my constituents that we just have to live with the way things have always been done. I want to say to them that the assistance we get from the Federal Government is based on our real needs.

Madam Chair, I also believe that my constituents deserve to have their elected representative participate in decisions like the distribution of highway funds. We elected no one at the Department of Transportation where the decision is now made.

The amendment that I am offering, however, does not override the experts at the Department. The amendment simply instructs the experts to use the data they have to set up an allocation based on objective, quantifiable measures that apply to all the territories.

If it turns out that American Samoa gets less as a result of that, so be it. Whether it is road distance or traffic volume—whatever it may be—let the Department ground its decision in some transportation reality. That would be a responsible use of Federal dollars.

Madam Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Madam Chair, I certainly am sympathetic. I have heard from all of the territories throughout this process, and because of the paucity of funding in this bill, the funding to the territories, no matter what formula you use, is inadequate to the growth and the problems that they are experiencing.

I am not opposed to the idea of developing and updating statistical measures to target the limited funds. My preference would be there would be more funds.

This funding formula was set in 1992 by the Federal Highway Administration. They included consideration of population, land area, and road mileage of each of the four covered territories.

Based on that review, they came up with these allocations—obviously, that was 23 years ago—40 percent each to Guam and the U.S. Virgin Islands and 10 percent to American Samoa and Northern Mariana Islands.

Before we unilaterally take steps to change the formula that has been in place for two decades, I think we need to hear from the delegates of all four. I have been contacted by the other two territories that would be impacted who are strongly opposed, and I would certainly like to work with the gentlewoman and all of the delegates to see what we could do to have a fair and balanced update of the formula.

Again, formulas are some of the most tricky things around here. You change just one factor and you get dramatic differences at the other end. So we would have to first agree on criteria and proper factors and then direct the FHWA to run those numbers.

So, Madam Chair, I reluctantly rise in opposition and urge my colleagues to oppose the amendment.

Madam Chair, I reserve the balance of my time.

Mrs. RADEWAGEN. Madam Chairman, I yield 3 minutes to the gentleman from the Northern Mariana Islands (Mr. SABLAN).

Mr. SABLAN. Madam Chair, let me make one thing very clear. The amendment that the distinguished lady from American Samoa and I have introduced does not change the formula.

But I also want to take the time to thank Chairman SHUSTER and Ranking Member DEFAZIO and all the committee members who worked together successfully to bring this bipartisan bill to the floor.

□ 1815

I want to thank the committee, also, for deciding to increase funding for the Territorial Highway Program from $40 million to $42 million per year.

The territories are some of the poorest parts of our country. We face a financial challenge providing transportation on separate islands and from one island to another island. I think the only territory that doesn't have to do that is the southernmost territory in the Mariana Islands.

We are grateful for the assistance we receive from our fellow Americans. It is in the spirit of bipartisanship and with a deep respect for the wise use of Federal funds that Congressman RADEWAGEN of American Samoa and I are offering the amendment at the desk.

The amendment simply requires the Department of Transportation to use some rational basis for allocating the Territorial Highway Program funds among the territories.

Currently, the Department is on autopilot. It uses a fixed allocation it devised back in 1992 and has continued to use ever since, without thinking about any changes that have occurred in the last 23 years.

I believe that Federal dollars should not be spent willy-nilly. There should be some connection with the needs on the ground.

I would like to make clear that this amendment does not slice up the pie to take money from one area and give it to another. In fact, thanks to the Transportation and Infrastructure Committee, the pie is actually getting a little larger.

Our amendment does not even specify what objective measures the Department uses in allocating the territorial funds. It could be road distance, traffic volume, population, land area, or a combination, as long as the decision is based on some concrete reality related to highways.

We think that linking the dollars to the need is simply good stewardship of Federal resources and American taxpayers' money. We hope that the House agrees to this responsible approach and agrees to this bipartisan amendment.

Mr. DEFAZIO. Madam Chair, I yield back the balance of my time.

Mrs. RADEWAGEN. Madam Chair, I want to thank the chairman and the committee for their consideration.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from American Samoa (Mrs. RADEWAGEN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. RADEWAGEN. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from American Samoa will be postponed.

AMENDMENT NO. 35 OFFERED BY MS. EDWARDS

The Acting CHAIR. It is now in order to consider amendment No. 35 printed in part B of House Report 114–325.

Ms. EDWARDS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 110, strike lines 3 and 4 and insert the following:

''(I) improve the reliance and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and''.

Page 113, strike lines 22 and 23 and insert the following:

''(I) improve the reliance and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and''.

The Acting CHAIR. Pursuant to House Resolution 507, the gentlewoman from Maryland (Ms. EDWARDS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Maryland.

Ms. EDWARDS. Madam Chair, the amendment at the desk is consistent with the streamlining effort that has already been underway in this bill.

I want to thank Chairman SHUSTER and Ranking Member DEFAZIO because they have put in yeoman's work to make this a bipartisan effort.

Ultimately, my amendment will reduce the overall cost of projects and the need for mitigation. If implemented, it will save money.

As we know all too well, highway storm water is a growing threat to water quality, aquatic ecosystems, and the fish and wildlife that depend on the health of these ecosystems. Moreover, the high volumes and rapid flow of storm water runoff from highways and roads poses a serious threat to the condition of our Nation's water and transportation infrastructure.

Impervious surfaces create rapidly moving high volumes of untreated polluted storm water that rush off road surfaces, erode unnatural channels next to and ultimately underneath roadways compromising the integrity of roadway infrastructure, and increase the stress on storm water sewer systems, shortening the life of all of this infrastructure.

The total coverage of impervious surfaces in an area is usually expressed as a percentage of the total land area. According to the Chesapeake Bay program, impervious surfaces compose roughly 17 percent of all urban and suburban lands in the Chesapeake Bay watershed. The greatest concentration of impervious surfaces in the bay watershed is the Baltimore-Washington metropolitan areas of D.C., Maryland, and Virginia. In fact, the Virginia Tidewater area, Philadelphia's western suburbs, and Lancaster, Pennsylvania, are also regions in our watershed where impervious surfaces are greater than 10 percent of the total land area.

While there are serious water quality concerns with not adequately controlling roadway infrastructure runoff, there are also serious infrastructure costs that are ultimately passed on to taxpayers and ratepayers. These can be avoided if transportation authorities do more to control and manage storm water runoff with the infrastructure assets they plan and manage.

The aim of the amendment, of course, is to improve highway design to better manage storm water to avoid the costly damage that poorly managed storm water causes, and to move this up in the planning process so that thought goes in at the beginning how best to plan, design, and construct effectively, while also reducing costs. Now, that work is done near the end of the process, where mitigation is often used and costs are much higher.

My amendment would simply move up the consideration of storm water issues in statewide and metropolitan

planning. Specifically, it would require consideration of projects and strategies that will improve the resiliency and reliability of the transportation system and reduce or mitigate storm water impacts on surface transportation.

I urge my colleagues to support this amendment to address the problem that is facing America's waterways and infrastructure, and to do that early in the planning, which is more efficient and less costly.

I reserve the balance of my time.

Mr. SHUSTER. Madam Chair, I claim the time in opposition, even though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Madam Chair, I yield back the balance of my time.

Ms. EDWARDS. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Maryland (Ms. EDWARDS).

The amendment was agreed to.

AMENDMENT NO. 36 OFFERED BY MR. CALVERT

The Acting CHAIR. It is now in order to consider amendment No. 36 printed in part B of House Report 114–325.

Mr. CALVERT. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 164, line 8, strike ''up to 10'' and insert ''up to 25''.

Page 164, line 10, strike ''up to 10'' and insert ''up to 25''.

The Acting CHAIR. Pursuant to House Resolution 507, the gentleman from California (Mr. CALVERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CALVERT. Madam Chair, the highway bill, crafted by my friends, Chairman BILL SHUSTER and Ranking Member PETER DEFAZIO and the rest of our colleagues on the Transportation and Infrastructure Committee, contains a number of important reforms to our highway programs that will benefit commuters across this country.

One of those provisions, section 1313, establishes a pilot program that would allow States to conduct environmental reviews and make approvals for projects under State environmental laws and regulations instead of Federal laws and regulations. It is expected that this pilot program will save highway projects time and money, while maintaining the same environmental standards.

The bill permits the State to designate 10 local governments to administer local projects under the new pilot program. However, for large States like California, New York, Texas, and Florida, limiting the program to 10 localities is simply not enough. My amendment would increase the allowable number of localities to 25 in order to allow more communities to take advantage of bringing down the cost and shrinking the amount of time required to complete highway projects.

The amendment is supported by the California State Association of Counties, local transit authorities, and CalTrans is not opposed.

We are well aware that our need for highway infrastructure continues to outpace the resources we have available. That is exactly why we need to support efforts like my amendment that can make more highway projects a reality by bringing their costs down and completing them more quickly.

I urge all my colleagues to support the amendment which will help our communities, counties, and commuters.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CALVERT).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 114–325 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. SWALWELL of California.

Amendment No. 5 by Mr. GOSAR of Arizona.

Amendment No. 14 by Mr. RIBBLE of Wisconsin.

Amendment No. 15 by Ms. BROWN of Florida.

Amendment No. 29 by Mr. LYNCH of Massachusetts.

Amendment No. 31 by Mr. TAKANO of California.

Amendment No. 32 by Ms. BROWNLEY of California.

Amendment No. 34 by Mrs. RADEWAGEN of American Samoa.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. SWALWELL OF CALIFORNIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. SWALWELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 237, not voting 15, as follows:

[Roll No. 586]

AYES—181

Adams
Aguilar
Amodei
Ashford
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brooks (IN)
Brown (FL)
Buck
Bustos
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Costello (PA)
Courtney
Crowley
Cummings
Curbelo (FL)
Davis (CA)
Davis, Rodney
DeGette
Delaney
DelBene
Denham
Dent
DeSaulnier
Deutch
Dingell
Doggett
Dold
Doyle, Michael F.
Duckworth
Ellison
Engel
Eshoo
Esty
Farr
Fitzpatrick
Fortenberry
Foster
Frankel (FL)
Franks (AZ)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Green, Al
Green, Gene
Griffith
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Herrera Beutler
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jeffries
Johnson (GA)
Johnson, E. B.
Joyce
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
LaMalfa
Langevin
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McDermott
McGovern
McNerney
McSally
Meehan
Meng
Moulton
Murphy (FL)
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Reichert
Ribble
Rice (NY)
Rohrabacher
Rokita
Ros-Lehtinen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schweikert
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Stefanik
Swalwell (CA)
Takano
Thompson (CA)
Tipton
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Velázquez
Visclosky
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)

NOES—237

Abraham
Aderholt
Allen
Amash
Babin
Barletta
Barr
Barton
Becerra
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brownley (CA)
Buchanan
Bucshon
Burgess
Butterfield
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cooper
Costa
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Davis, Danny
DeFazio
DeLauro
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Emmer (MN)
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Foxx
Frelinghuysen
Garrett
Gibbs
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grayson
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Higgins
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kaptur
Kelly (MS)
Kelly (PA)
King (IA)

King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Labrador
LaHood
Lamborn
Lance
Larsen (WA)
Latta
LoBiondo
Long
Loudermilk
Love
Lowey
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McCollum
McHenry
McKinley
McMorris Rodgers
Meadows
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rooney (FL)
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schakowsky
Schrader
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stewart
Stivers
Stutzman
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Trott
Turner
Upton
Valadao
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoho
Young (AK)
Young (IA)
Zeldin
Zinke

NOT VOTING—15

Brady (PA)
Ellmers (NC)
Fattah
Gohmert
Jackson Lee
Jolly
Larson (CT)
Meeks
Moore
Nadler
Takai
Van Hollen
Yarmuth
Yoder
Young (IN)

□ 1855

Mr. JOHNSON of Ohio, Ms. KAPTUR, Messrs. GRAVES of Georgia, POLIQUIN, WITTMAN, Mlles. MCCOLLUM and EDWARDS, and Mr. WALZ changed their votes from ''aye'' to ''no.''

Mr. ROHRABACHER, Ms. HAHN, Messrs. HASTINGS, CARSON of Indiana, CONYERS, CAPUANO, DENT, Ms. ROS-LEHTINEN, Messrs. DENHAM, NOLAN, CLEAVER, MEEHAN, and TIPTON changed their votes from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MOORE. Mr. Chair, on rollcall No. 586, had I been present, I would have voted "yes."

Mr. VAN HOLLEN. Mr. Chair, on the evening of November 3, 2015, I was unavoidably detained and missed rollcall vote 586. Had I been present, I would have voted "yea."

(By unanimous consent, Mr. MCCARTHY was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. MCCARTHY. Mr. Chairman, we are in the middle of a healthy and bipartisan debate on the highway bill. This is an important process, and I am encouraged by the enthusiasm of all Members' participation.

I am encouraged, all right.

While we rarely schedule votes later than 7 p.m., Members are advised that due to the number of amendments expected to be considered, it is likely we will need to vote late tomorrow evening. Members should be prepared for both late and multiple votes series tomorrow night.

Members are further advised to expect a full day on Thursday as we will not leave until the House completes its work for the week.

Mr. HOYER. Will the gentleman yield?

Mr. MCCARTHY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding.

As a former majority leader, I want to tell my friend that the enthusiasm of the Members for late nights has a very short fuse, but I appreciate his efforts.

Mr. MCCARTHY. Well, I do thank the gentleman from Maryland. We are into the process of regular order and giving feedback for everybody having an amendment.

Tonight's work has gone very fast, faster than we expected. I did not want to keep people too late, but I do expect tomorrow night will very likely be a late night and a multiple series.

AMENDMENT NO. 5 OFFERED BY MR. GOSAR

The Acting CHAIR (Mr. COLLINS of Georgia). Without objection, 2-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. GOSAR) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 196, noes 225, not voting 12, as follows:

[Roll No. 587]

AYES—196

Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (UT)
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buck
Bucshon
Burgess
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Conaway
Cook
Cramer
Crawford
Culberson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Garrett
Gibbs
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (LA)
Griffith
Grothman
Guinta
Guthrie
Hardy
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (MS)
Kelly (PA)
King (IA)
Kinzinger (IL)
Knight
Labrador
LaHood
LaMalfa
Lamborn
Latta
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Neugebauer
Newhouse
Noem
Nugent
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Sinema
Smith (MO)
Smith (NE)
Smith (TX)
Stewart
Stivers
Stutzman
Thornberry
Tipton
Valadao
Walberg
Walden
Walker
Walorski
Weber (TX)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—225

Abraham
Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Bishop (MI)
Black
Blumenauer
Bonamici
Boustany
Boyle, Brendan F.
Brown (FL)
Brownley (CA)
Buchanan
Bustos
Butterfield
Byrne
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Cohen
Collins (NY)
Comstock
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Granger
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanna
Harper
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jeffries
Jenkins (KS)
Johnson (GA)
Johnson, E. B.
Jolly
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
King (NY)
Kirkpatrick
Kline
Kuster
Lance
Langevin
Larsen (WA)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meng
Messer
Moore
Moulton
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Nolan
Norcross
Nunes
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan

Polis
Price (NC)
Quigley
Rangel
Reichert
Rice (NY)
Richmond
Ros-Lehtinen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stefanik
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)

NOT VOTING—12

Brady (PA)
Ellmers (NC)
Fattah
Franks (AZ)
Gohmert
Jackson Lee
Larson (CT)
Meeks
Takai
Webster (FL)
Yarmuth
Yoder

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1901

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MR. RIBBLE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. RIBBLE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 236, not voting 10, as follows:

[Roll No. 588]

AYES—187

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Benishek
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Byrne
Calvert
Carter (GA)
Castro (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Collins (GA)
Collins (NY)
Comstock
Conaway
Costa
Cramer
Crawford
Cuellar
Culberson
Curbelo (FL)
Davis, Rodney
Dent
DeSantis
DesJarlais
Duffy
Duncan (SC)
Emmer (MN)
Fincher
Fleischmann
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Fudge
Garrett
Gibbs
Gowdy
Graham
Graves (GA)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Hinojosa
Holding
Hudson
Huelskamp
Huizenga (MI)
Hurt (VA)
Issa
Jenkins (KS)
Johnson (OH)
Jolly
Jordan
Katko
Kind
King (IA)
Kline
Knight
Kuster
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Lummis
Marino
Massie
McCarthy
McCaul
McClintock
McMorris Rodgers
McSally
Messer
Miller (FL)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Neugebauer
Newhouse
Noem
Nunes
Palmer
Paulsen
Payne
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Polis
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Ribble
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rohrabacher
Rokita
Rooney (FL)
Roskam
Ross
Rothfus
Rouzer
Ruiz
Sanford
Scalise
Schrader
Schweikert
Scott, Austin
Sessions
Sewell (AL)
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (TX)
Smith (WA)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tipton
Trott
Valadao
Vela
Wagner
Walberg
Walden
Walker
Walz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Wilson (SC)
Wittman
Womack
Woodall
Yoho
Young (AK)
Young (IA)
Young (IN)
Zinke

NOES—236

Adams
Aguilar
Ashford
Barletta
Barr
Barton
Bass
Beatty
Becerra
Bera
Beyer
Bilirakis
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brown (FL)
Brownley (CA)
Bucshon
Burgess
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter (TX)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly
Conyers
Cook
Cooper
Costello (PA)
Courtney
Crenshaw
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Esty
Farenthold
Farr
Fitzpatrick
Fleming
Foster
Frankel (FL)
Frelinghuysen
Gabbard
Gallego
Garamendi
Gibson
Goodlatte
Gosar
Granger
Graves (LA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Harper
Harris
Hastings
Heck (NV)
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Hultgren
Hunter
Hurd (TX)
Israel
Jeffries
Jenkins (WV)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Joyce
Kaptur
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
King (NY)
Kinzinger (IL)
Kirkpatrick
Langevin
Larsen (WA)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Matsui
McCollum
McDermott
McGovern
McHenry
McKinley
McNerney
Meadows
Meehan
Meng
Mica
Miller (MI)
Moore
Moulton
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Nolan
Norcross
Nugent
O'Rourke
Olson
Palazzo
Pallone
Pascrell
Pelosi
Perlmutter
Peters
Pingree
Pocan
Price (NC)
Quigley
Rangel
Reichert
Rice (NY)
Richmond
Rigell
Rogers (KY)
Ros-Lehtinen
Roybal-Allard
Royce
Ruppersberger
Rush
Russell
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sherman
Shimkus
Shuster
Sires
Slaughter
Smith (NJ)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tiberi
Titus
Tonko
Torres
Tsongas
Turner
Upton
Van Hollen
Vargas
Veasey
Velázquez
Visclosky
Walorski
Walters, Mimi
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Whitfield
Williams
Wilson (FL)
Zeldin

NOT VOTING—10

Brady (PA)
Ellmers (NC)
Fattah
Gohmert
Jackson Lee
Larson (CT)
Meeks
Takai
Yarmuth
Yoder

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1905

Mr. CARSON of Indiana changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MS. BROWN OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. BROWN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 216, noes 207, not voting 10, as follows:

[Roll No. 589]

AYES—216

Adams
Aguilar
Amodei
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bilirakis
Bishop (GA)
Blumenauer
Bonamici
Bost
Boyle, Brendan F.
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Byrne
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Comstock
Connolly
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeGette
Delaney
DeLauro
DelBene
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fitzpatrick
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Grayson
Green, Al
Green, Gene
Grijalva
Guinta
Gutiérrez
Hahn
Harris
Hastings
Heck (NV)
Heck (WA)
Higgins
Hill
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jeffries

Johnson (GA)
Johnson, E. B.
Jolly
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Lance
Langevin
Larsen (WA)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meehan
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pocan
Poliquin
Polis
Price (NC)
Quigley
Rangel
Reed
Rice (NY)
Rice (SC)
Richmond
Roe (TN)
Rogers (AL)
Rooney (FL)
Ros-Lehtinen
Ross
Rouzer
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Shimkus
Sinema
Sires
Slaughter
Smith (WA)
Speier
Stefanik
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Webster (FL)
Welch
Wilson (FL)
Wilson (SC)
Womack
Zinke

NOES—207

Abraham
Aderholt
Allen
Amash
Babin
Barletta
Barr
Barton
Benishek
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
DeFazio
Denham
DeSantis
DesJarlais
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Emmer (MN)
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Hanna
Hardy
Harper
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Latta
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price, Tom
Ratcliffe
Reichert
Renacci
Ribble
Rigell
Roby
Rogers (KY)
Rohrabacher
Rokita
Roskam
Rothfus
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stewart
Stivers
Stutzman
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wittman
Woodall
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin

NOT VOTING—10

Brady (PA)
Ellmers (NC)
Fattah
Gohmert
Jackson Lee
Larson (CT)
Meeks
Takai
Yarmuth
Yoder

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1909

Mr. CONYERS changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 29 OFFERED BY MR. LYNCH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. LYNCH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 263, not voting 10, as follows:

[Roll No. 590]

AYES—160

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Brown (FL)
Brownley (CA)
Bustos
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Costello (PA)
Crowley
Cummings
Davis (CA)
Davis, Danny
DeGette
Delaney
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Duckworth
Edwards
Ellison
Eshoo
Farr
Fitzpatrick
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Grayson
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Hinojosa
Honda
Hoyer
Huffman
Hurt (VA)
Israel
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Lance
Langevin
Larsen (WA)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Loebsack
Lofgren
Lowenthal
Lowey
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Vela
Velázquez
Visclosky
Walker
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)

NOES—263

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Boyle, Brendan F.
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Butterfield
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Conyers
Cook
Costa
Courtney
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Curbelo (FL)
Davis, Rodney
DeFazio
DeLauro
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Doyle, Michael F.
Duffy
Duncan (SC)
Duncan (TN)
Emmer (MN)
Engel
Esty
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Himes
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Latta
Lipinski
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Norcross
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perlmutter
Perry
Peters
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Ruiz
Russell
Salmon
Sanford
Scalise
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus

Shuster
Simpson
Sinema
Sires
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Veasey
Wagner
Walberg
Walden
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—10

Brady (PA)
Ellmers (NC)
Fattah
Gohmert
Jackson Lee
Larson (CT)
Meeks
Takai
Yarmuth
Yoder

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1913

Mr. CONYERS changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 31 OFFERED BY MR. TAKANO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. TAKANO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 248, not voting 11, as follows:

[Roll No. 591]

AYES—174

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Calvert
Capps
Capuano
Cárdenas
Carney
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cook
Cooper
Costa
Courtney
Cuellar
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Eshoo
Esty
Farr
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Higgins
Himes
Hinojosa
Honda
Hoyer
Hunter
Israel
Issa
Jeffries
Jenkins (WV)
Johnson (GA)
Johnson, E. B.
Jolly
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kind
Knight
Kuster
Langevin
Larsen (WA)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McGovern
McNerney
Mooney (WV)
Moore
Moulton
Murphy (FL)
Napolitano
Neal
Norcross
O'Rourke
Pallone
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Poliquin
Polis
Price (NC)
Quigley
Rangel
Richmond
Roybal-Allard
Royce
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Zinke

NOES—248

Abraham
Aderholt
Allen
Amash
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Carson (IN)
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Costello (PA)
Cramer
Crawford
Crenshaw
Crowley
Culberson
Davis, Rodney
DeFazio
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Emmer (MN)
Engel
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hurd (TX)
Hurt (VA)
Jenkins (KS)
Johnson (OH)
Johnson, Sam
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
Kilmer
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McDermott
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mullin
Mulvaney
Murphy (PA)
Nadler
Neugebauer
Newhouse
Noem
Nolan
Nugent
Nunes
Olson
Palazzo
Palmer
Pascrell
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Russell
Salmon
Sanchez, Loretta
Sanford
Scalise
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sires
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin

NOT VOTING—11

Amodei
Brady (PA)
Ellmers (NC)
Fattah
Gohmert
Jackson Lee
Larson (CT)
Meeks
Takai
Yarmuth
Yoder

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1916

Mr. ROYCE changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 32 OFFERED BY MS. BROWNLEY OF CALIFORNIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. BROWNLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 263, not voting 10, as follows:

[Roll No. 592]

AYES—160

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Calvert
Capps
Capuano
Cárdenas
Carney
Cartwright
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cook
Cooper
Courtney
Cuellar
Cummings
Davis (CA)
Davis, Danny
Davis, Rodney
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doyle, Michael F.
Duckworth
Edwards
Ellison
Eshoo
Esty
Farr
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graves (LA)
Grayson
Green, Al
Grijalva
Hahn
Hastings
Heck (WA)
Herrera Beutler
Higgins
Himes
Hinojosa
Honda
Hoyer
Israel
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Larsen (WA)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McGovern

McNerney
Moore
Moulton
Murphy (FL)
Neal
Noem
Nolan
Norcross
O'Rourke
Pallone
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Poliquin
Polis
Price (NC)
Quigley
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Russell
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott, David
Serrano
Sewell (AL)
Sherman
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Zinke

NOES—263

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Boyle, Brendan F.
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Carson (IN)
Carter (GA)
Carter (TX)
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Crowley
Culberson
Curbelo (FL)
DeFazio
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Doggett
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Emmer (MN)
Engel
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffith
Grothman
Guinta
Guthrie
Gutiérrez
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Latta
LoBiondo
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McCollum
McDermott
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Nadler
Napolitano
Neugebauer
Newhouse
Nugent
Nunes
Olson
Palazzo
Palmer
Pascrell
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price, Tom
Rangel
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Rush
Salmon
Sanford
Scalise
Schweikert
Scott (VA)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Sires
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin

NOT VOTING—10

Brady (PA)
Ellmers (NC)
Fattah
Gohmert
Jackson Lee
Larson (CT)
Meeks
Takai
Yarmuth
Yoder

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1921

Messrs. ELLISON and JOHNSON of Georgia changed their vote from ''no'' to ''aye.''

Mr. GUTIÉRREZ changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 34 OFFERED BY MRS. RADEWAGEN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from American Samoa (Mrs. RADEWAGEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 113, noes 310, not voting 10, as follows:

[Roll No. 593]

AYES—113

Aderholt
Aguilar
Ashford
Barr
Bass
Benishek
Bilirakis
Bishop (UT)
Black
Bost
Brat
Buck
Bucshon
Burgess
Cárdenas
Carney
Chabot
Chu, Judy
Cohen
Cole
Collins (GA)
Comstock
Conyers
Cook
Costello (PA)
Cuellar
Curbelo (FL)
Davis, Rodney
Delaney
Dent
Dingell
Duncan (TN)
Emmer (MN)
Eshoo
Farr
Foxx
Franks (AZ)
Gabbard
Gibson
Goodlatte
Graves (GA)
Graves (LA)
Grayson
Griffith
Guthrie
Gutiérrez
Hardy
Hartzler
Hensarling
Hice, Jody B.
Hinojosa
Honda
Huffman
Hultgren
Hurt (VA)
Jeffries
Johnson (GA)
Katko
Kind
Kline
Kuster
LaMalfa
Lamborn
Lewis
Lieu, Ted
Lofgren
Loudermilk
Luetkemeyer
Lynch
Maloney, Sean
McCarthy
McHenry
Mica
Miller (FL)
Mooney (WV)
Mullin
Murphy (FL)
Newhouse
Paulsen
Pearce
Peters
Pingree
Pitts
Polis
Posey
Price (NC)
Price, Tom
Quigley
Ros-Lehtinen
Ross
Rouzer
Ruiz
Ruppersberger
Russell
Sanchez, Loretta
Scalise
Serrano
Sessions
Sinema
Smith (MO)
Speier
Stivers
Takano
Vargas
Velázquez
Visclosky
Webster (FL)
Westmoreland
Wilson (SC)
Woodall
Young (AK)
Young (IA)
Zinke

NOES—310

Abraham
Adams
Allen
Amash
Amodei
Babin
Barletta
Barton
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Bishop (MI)
Blackburn
Blum
Blumenauer
Bonamici
Boustany
Boyle, Brendan F.
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bustos
Butterfield
Byrne
Calvert
Capps
Capuano
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chaffetz
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Coffman
Collins (NY)
Conaway
Connolly
Cooper
Costa
Courtney
Cramer
Crawford
Crenshaw
Crowley
Culberson
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
Denham
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Duffy
Duncan (SC)
Edwards
Ellison
Engel
Esty
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Frankel (FL)
Frelinghuysen
Fudge
Gallego
Garamendi
Garrett
Gibbs
Gosar
Gowdy
Graham
Granger
Graves (MO)
Green, Al
Green, Gene
Grijalva
Grothman
Guinta
Hahn
Hanna
Harper
Harris
Hastings
Heck (NV)
Heck (WA)
Herrera Beutler
Higgins
Hill
Himes
Holding
Hoyer
Hudson
Huelskamp
Huizenga (MI)
Hunter
Hurd (TX)
Israel
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Kaptur
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Knight
Labrador
LaHood
Lance
Langevin
Larsen (WA)
Latta
Lawrence
Lee
Levin
Lipinski
LoBiondo
Loebsack
Long
Love
Lowenthal
Lowey
Lucas
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
MacArthur
Maloney, Carolyn
Marchant
Marino
Massie
Matsui
McCaul
McClintock
McCollum
McDermott
McGovern
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meng
Messer
Miller (MI)
Moolenaar
Moore
Moulton
Mulvaney
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Noem
Nolan
Norcross
Nugent
Nunes
O'Rourke
Olson
Palazzo
Pallone
Palmer
Pascrell
Payne
Pelosi
Perlmutter
Perry
Peterson
Pittenger
Pocan
Poe (TX)
Poliquin
Pompeo
Rangel
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Roskam
Rothfus
Roybal-Allard
Royce
Rush
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanford
Sarbanes
Schakowsky
Schiff
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter

Smith (NE)	Torres	Wasserman Schultz
Smith (NJ)	Trott	Waters, Maxine
Smith (TX)	Tsongas	Watson Coleman
Smith (WA)	Turner	Weber (TX)
Stefanik	Upton	Welch
Stewart	Valadao	Wenstrup
Stutzman	Van Hollen	Westerman
Swalwell (CA)	Veasey	Whitfield
Thompson (CA)	Vela	Williams
Thompson (MS)	Wagner	Wilson (FL)
Thompson (PA)	Walberg	Wittman
Thornberry	Walden	Womack
Tiberi	Walker	Yoho
Tipton	Walorski	Young (IN)
Titus	Walters, Mimi	Zeldin
Tonko	Walz	

NOT VOTING—10

Brady (PA)	Jackson Lee	Yarmuth
Ellmers (NC)	Larson (CT)	Yoder
Fattah	Meeks	
Gohmert	Takai	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1925

Ms. MAXINE WATERS of California changed her vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 37 OFFERED BY MRS. HARTZLER

The Acting CHAIR (Mr. STEWART). It is now in order to consider amendment No. 37 printed in part B of House Report 114–325.

Mrs. HARTZLER. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 226, strike line 13 and all that follows through ''HONEY BEES.—'' on line 13 of page 227.

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

SEC. ___. LANDSCAPING AND SCENIC ENHANCEMENT FUNDING DISCONTINUED.

(a) REPEAL.—Section 319 of title 23, United States Code, and the item relating to that section in the analysis for chapter 1 of such title, are repealed.

(b) EFFECTIVE DATE.—Section 319 of title 23, United States Code, as in effect on the day before the date of enactment of this Act, shall apply to landscape and roadside development as part of a construction project of Federal-aid highways if funds were obligated for the project before such date of enactment.

The Acting CHAIR. Pursuant to House Resolution 507, the gentlewoman from Missouri (Mrs. HARTZLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Missouri.

MODIFICATION TO AMENDMENT OFFERED BY MRS. HARTZLER

Mrs. HARTZLER. Mr. Chair, I ask unanimous consent that my amendment be modified in the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mrs. HARTZLER:

Page 226, strike lines 13 through 21 and insert the following:

(a) IN GENERAL.—

(1) USE OF FUNDS UNDER CHAPTER 1 PROGRAMS.—Section 319 of title 23, United States Code, is amended to read as follows:

''§ 319. Encouragement of pollinator habitat and forage development and protection on transportation rights-of-way

''In carrying out any

Page 227, after line 10, insert the following:

(2) EFFECTIVE DATE.—Section 319 of title 23, United States Code, as in effect on the day before the date of enactment of this Act, shall apply to landscape and roadside development as part of a construction project of Federal-aid highways if funds were obligated for the project before such date of enactment.

(3) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 319 and inserting the following:

''319. Encouragement of pollinator habitat and forage development and protection on transportation rights-of-way.''.

Mrs. HARTZLER (during the reading). Mr. Chair, I ask unanimous consent to dispense with the reading of the modification.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

The Acting CHAIR. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIR. The Chair recognizes the gentlewoman from Missouri.

Mrs. HARTZLER. Mr. Chair, my amendment gets our priorities right in our highway funding by prohibiting Federal funds from being used for landscaping and scenic beautification on highway projects.

□ 1930

We should spend our Federal highway dollars to improve our roads and bridges, not plant flowers.

From 1992 to 2013, over $1.3 billion was spent on landscaping and scenic beautification. With data showing over 61,000 bridges classified as structurally deficient and 65 percent of the roads in the United States in less-than-good condition, this is outrageous.

I appreciate roadside landscaping, but given today's limited highway dollars, these initiatives are best left to volunteer organizations such as the popular Adopt-a-Highway program.

We must ensure that Federal funds are applied where they are needed most, and that is upgrading and improving our National infrastructure.

I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chair, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chair, I appreciate the gentlewoman's concern about the condition of our bridges, and I have spent, as I spoke earlier tonight, a lot of time on that issue and, in fact, opposed the so-called stimulus bill because of the lack of investment in infrastructure, particularly bridges.

But in this case, I think perhaps there are some drafting errors in the amendment because it would preclude using these funds for rest areas, which I think is problematic.

We have a crisis in terms of safe places for people to pull over, both commercial truck drivers and individuals. So I assume that the gentlewoman did not mean to preclude the use for rest areas.

Also, I don't know Missouri well, but I know in the West, actually, we have used these landscaping funds when we do new construction or significant construction to reduce maintenance costs because we have high wildfire danger in the West and, if you can plant, basically, natives that will dominate, that are not tall, are not fire-prone, then you don't have to go in and mow two or three times a year in case some idiot throws their cigarette or cigar out of the car and starts a catastrophic forest fire.

So, actually, leaving the discretion to the States to use these funds in that way, depending upon their conditions, I think is important.

There have been a couple of instances in past bills where they went overboard with this kind of stuff. I think the current restrictions on the program are such—and there is no mandate for the projects like resurfacing or anything else that is new construction. And doing it, as appropriate, to state ''and including rest areas.''

I think, because of all those things, I reluctantly oppose the gentlewoman's amendment.

I reserve the balance of my time.

Mrs. HARTZLER. Mr. Chair, I appreciate the gentleman's concerns. I, too, share his concern. I want to make sure that rest areas are still allowed.

In fact, there is another provision in the code that does still allow and permit rest areas, for States to be able to build them. This amendment does not address that section. So there still would be that option.

My amendment simply wants to make sure our highway tax dollars go where they are needed. This picture points out where they are needed and that 65 percent of our road system in our country now is in failing or is in bad condition.

In fact, there are many, many deaths caused every year due to the crumbling of our highways. We also have 61,000 bridges that are considered structurally deficient.

So this makes sure that our dollars that the people spend every time they go fill up their car with gas—that those highway road dollars will go to roads and they are not going to go to highway beautification.

I ask for the support of my colleagues.

I yield back the balance of my time.

Mr. DEFAZIO. Mr. Chair, I yield myself such time as I may consume.

Unfortunately, the Department of Transportation disagrees. We sent this language to them, and they said, yes, it appears, by repealing 23 USC 319, the amendment would remove the Secretary's authority to approve, as part of the construction of Federal aid highways, the costs of landscape and roadside development, including acquisition and development of publicly

owned and controlled rest and recreation areas and sanitary and other facilities reasonably necessary to accommodate the traveling public.

So I am pleased that it was not her intention. But, according to DOT, this amendment would do that, and that would be very deleterious to the traveling public. So I would oppose the amendment, as drafted.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Missouri (Mrs. HARTZLER), as modified.

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. HARTZLER. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Missouri will be postponed.

AMENDMENT NO. 38 OFFERED BY MR. FARENTHOLD

The Acting CHAIR. It is now in order to consider amendment No. 38 printed in part B of House Report 114–325.

Mr. FARENTHOLD. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

Page 229, after line 23, insert the following:

''(n) OPERATION OF VEHICLES ON CERTAIN TEXAS HIGHWAYS.—If any segment in Texas of United States Route 59, United States Route 77, United States Route 281, United States Route 84, Texas State Highway 44, or another roadway is designated as Interstate Route 69, a vehicle that could operate legally on that segment before the date of such designation may continue to operate on that segment, without regard to any requirement under this section.''.

The Acting CHAIR. Pursuant to House Resolution 507, the gentleman from Texas (Mr. FARENTHOLD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. FARENTHOLD. Mr. Chairman, I yield myself 90 seconds.

This bipartisan amendment would allow trucks with current weight exemptions to be allowed to continue to operate at those higher weight exemptions after certain segments of highways in Texas are reclassified and redesignate as Interstate 69.

This language will not increase truck weights, nor will it allow for weight exemptions for new trucks. This is a narrow amendment that does not include new trucks. It only allows those that are currently operating to continue to operate.

In the last omnibus, the State of Kentucky was able to include this exact language for their State whose industries were facing this exact problem. This amendment models Kentucky's language, except that it includes Texas highways.

I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I claim the time in opposition, although I do not oppose the bill.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. I support the amendment.

I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BABIN).

Mr. BABIN. Mr. Chairman, every one of us on the Transportation and Infrastructure Committee hears a lot about trucks, bigger trucks and heavier trucks. I think by now it is safe to say that all 435 of us have heard a lot about trucks. It is a tough issue with strong feelings on both sides.

But this amendment isn't talking about bigger trucks or heavier trucks, as my colleague, Mr. FARENTHOLD, said. All we are talking about here is allowing the State of Texas, through a rigorous licensing and approval process, to keep the same weight limits that are in place right now for certain trucks on certain stretches of our road, not bigger, not heavier, but the same.

Unless we get this amendment adopted, the new blue signs for Interstate 69 in East Texas won't just mean a new interstate. It could mean financial ruin for our loggers who already have a very thin profit margin and a very tough time for our timber industry.

It will mean a dramatic decrease in the amount of weight that all the loggers can haul on their trucks, which they have been doing safely and effectively on these roads for generations, even back when these same Texas counties were represented by our colorful Texas Democrat Congressman, Timber Charlie Wilson.

I am asking all of my colleagues, no matter where you stand on bigger trucks, to join me, Congressman FARENTHOLD, and Congressman GENE GREEN in supporting this bipartisan amendment to allow the State of Texas to be treated in the exact same way that this same body treated the States of Kentucky and Mississippi just last year and help save these jobs.

Mr. FARENTHOLD. Mr. Chairman, I would like to add it is not just the forestry industry as well. Various farm and ranch, cotton industries, in certain areas, especially in south Texas, as U.S. Highways 77 and 281 are becoming Interstate 69, is making it very difficult for the very concrete trucks necessary to make improvements to those roads to travel on that road.

So I urge my colleagues to support this amendment. I thank Chairman SHUSTER for his work on this bill and his not opposing this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. FARENTHOLD).

The amendment was agreed to.

AMENDMENT NO. 39 OFFERED BY MR. ROONEY

The Acting CHAIR. It is now in order to consider amendment No. 39 printed in part B of House Report 114–325.

Mr. ROONEY of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. ___. VEHICLE WEIGHT LIMITATIONS FOR INTERSTATE SYSTEM HIGHWAYS.

Section 127(a) of title 23, United States Code, as amended by this Act, is further amended by adding at the end the following:

''(15) HAULING OF LIVESTOCK.—A State may allow, by special permit, the operation of vehicles with a gross vehicle weight of up to 95,000 pounds for the hauling of livestock. The cost of a special permit issued under this paragraph may not exceed $200 per year for a livestock trailer.''.

The Acting CHAIR. Pursuant to House Resolution 507, the gentleman from Florida (Mr. ROONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. ROONEY of Florida. Mr. Chairman, I rise today to ask my colleagues to support my amendment to H.R. 22, which would allow for States to give ranchers the flexibility they need in transporting livestock by truck.

Today Florida is home to more than 1.7 million head of cattle. Of that, there are nearly 1 million head of beef cattle cared for by the 15,000 beef producers across the State.

Nationally, Florida comes in ninth place in overall cattle numbers. In fact, the top three ranking counties for cattle in my State are in my backyard, Okeechobee, Highlands, and Osceola Counties.

Florida is what is referred to in the cattle industry as a cow-calf operation State. This means cows are bred and calved in Florida, but the calves are then shipped out West for development and processing. Because of this, our cattle ranchers and beef producers rely on the shipping of cattle through the State and across the country in order to succeed.

Unlike most goods shipped by truck or rail, livestock needs special attention. That is why shipments are carefully organized to consider the needs and welfare of the animals being shipped. The livestock industry's goal is to move the cattle between locations safely and as fast as possible to minimize the stress on the animals.

Unfortunately, this is where Washington regulations get in the way. The current gross weight limit restriction for all trucks on Federal highways is 80,000 pounds, which limits how many cows can be hauled in one load. This restriction results in a partially empty livestock trailer, increasing the needs for more shipments, and ends up putting more trucks on the road.

The patchwork of State and national truck weight laws creates inefficiencies and forces livestock transporters to take indirect and longer routes.

For cow-calf operations that rely on shipping their hauls nationwide, these constraints reduce the efficiency of their operation and reduce the slim profits for our hardworking ranchers.

My amendment allows States to issue special permits for the transportation of livestock on trailers for up to 95,000 pounds. Focusing only on livestock shipping and allowing States to opt in to this program, my amendment would greatly benefit not only ranchers, but all American producers and consumers.

This amendment means fewer trucks on the road and lower costs for transporting livestock. I encourage my colleagues to support my amendment and take overly restrictive government red tape out of the equation of beef production.

My amendment is supported by the National Cattlemen's Beef Association, the oldest and largest national trade association supporting America's cattle producers.

I encourage my colleagues to support this amendment and make Washington work for America's cattle ranchers instead of the other way around.

Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Earlier this evening, an amendment was defeated to go to 90,000 pounds. This would go to 95,000. At least the amendment on 90,000 had an additional axle, which made it compliant with the Federal bridge formula that is not causing undue damage every time a truck went over a bridge. This amendment does not require an additional axle and goes even 5,000 pounds higher.

□ 1945

So it would violate the Federal Bridge Formula, and Federal Highway says that it has estimated that a truck at this weight with the number of axles they have is currently paying about 43 percent of the cost of the damage they cause to the system, and that is an underpayment of about $6,000 a year. The bill does allow them to be charged another $200 a year, but that is a pretty big deficit with an already substantially deteriorated system.

Raising truck weights is always a very controversial and difficult proposition because we have to look out for the taxpayers in terms of undue wear and tear to an already fragile and deteriorated system. 140,000 bridges, as we mentioned numerous times already, need repair or replacement, and, unfortunately, I believe this would accelerate that problem. So I appreciate the gentleman's advocacy for a significant industry in his district, but I would have to oppose that increase.

I reserve the balance of my time.

Mr. ROONEY of Florida. Mr. Chairman, I would just say in response that, yes, the amendment increases the cap of weight on these trucks; but if we look at it from the standpoint of each individual State, including my own, we have to think about things like trucks hiding on local roads, and some of those bridges you were talking about that are most vulnerable are on those local roads. We also allow for States to be able to charge a small yearly fee to livestock haulers so that they can more efficiently transport their loads.

So when we talk about actually reducing the number of trucks on the roads, getting them from outside of the shadows of these small, local county and municipal roads so that they are avoiding the interstates, plus the fee that we will be able to charge, I think that the overall result will be actual safer roadways.

Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my State is unique. We actually have a weight mile formula we charge to the trucking industry. Federally, when I first served here, the industry tried to preempt it a number of times and never did. It is now widely recognized as one of the fairer systems in the States because it apportions according to scientifically based research, much of it done at Oregon State University in the labs there, the impacts of individual vehicles.

In this case, DOT says that these vehicles would cause an additional $6,000-per-vehicle per-year damage on the Federal system, and they would be charged $200. I don't think that is a fair return to the taxpayer, and I urge Members to oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ROONEY of Florida. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. ROONEY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. ROONEY of Florida. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 40 OFFERED BY MR. ROTHFUS

The Acting CHAIR. It is now in order to consider amendment No. 40 printed in part B of House Report 114–325.

Mr. ROTHFUS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. _____. EMERGENCY EXEMPTIONS.

Any road, highway, railway, bridge, or transit facility that is damaged by an emergency that is declared by the Governor of the State and concurred in by the Secretary of Homeland Security or declared as an emergency by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and that is in operation or under construction on the date on which the emergency occurs—

(1) may be reconstructed in the same location with the same capacity, dimensions, and design as before the emergency; and

(2) shall be exempt from any environmental reviews, approvals, licensing, and permit requirements under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344);

(C) division A of subtitle III of title 54, United States Code;

(D) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(E) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(F) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(G) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), except when the reconstruction occurs in designated critical habitat for threatened and endangered species;

(H) Executive Order 11990 (42 U.S.C. 4321 note; relating to the protection of wetland); and

(I) any Federal law (including regulations) requiring no net loss of wetland.

The Acting CHAIR. Pursuant to House Resolution 507, the gentleman from Pennsylvania (Mr. ROTHFUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. ROTHFUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to discuss the need to help communities impacted by a national disaster get back on their feet without facing unnecessary regulatory obstacles. Families, businesses, and all members of the community may face significant challenges when the roads, bridges, transit, and other infrastructure they use on a daily basis are not acceptable and not repaired in a timely manner.

We can all agree that we should do what we can to protect the environment from harm. However, we should carefully consider regulations currently in place that delay transportation infrastructure projects and remove or reform regulations that are inefficient, redundant, or harmful.

I would include the redundant and time-consuming environmental reviews required for rebuilding disaster-damaged infrastructure in this category. Those who might argue there is already enough flexibility in current law, in communities to efficiently restore their critical infrastructure after a natural disaster or during a state of emergency should consider the following information from the Federal Highway Administration:

FHA estimates that it takes an average of 58 months—that is almost 5 years—for transportation projects to complete the NEPA process, and, since 2010, Federal permitting holdups have delayed at least nine transportation

projects in my State of Pennsylvania by more than a year.

At the very least, we should consider removing reconstruction projects for critical disaster-damaged infrastructure from this drawn-out process. No community trying to rebuild and restore its critical infrastructure after a natural disaster should have to endure such a long delay simply to rebuild infrastructure that has already been built before.

My amendment, which was inspired by legislation introduced by Senator TOOMEY in the last Congress and Democratic Senator Ben Nelson before him, is intended to speed up reconstruction efforts. My proposal would exempt projects to rebuild any road, highway, railway, bridge, or transit facility that is damaged in a declared emergency from additional environmental permitting.

Mr. Chairman, it is important to note that my amendment may only apply to projects where the same structure its being rebuilt. In other words, damaged infrastructure would need to be reconstructed in the same location and with the same capacity, dimensions, and design as before the emergency.

It should be common sense that additional environmental reviews of this sort aren't a good use of taxpayer money and aren't helpful to disaster victims. Some commonsense streamlining is appropriate in these challenging cases. Because of this, this proposal has been supported by a number of groups, including CamTran, the transit agency for Cambria County, Pennsylvania; the National Association of Counties; the Pennsylvania Association of Township Supervisors; the Pennsylvania State Association of Boroughs; the County Commissioners Association of Pennsylvania; Southeast Pennsylvania Transit Authority; and National Stone, Sand & Gravel; as well as Americans for Prosperity.

Mr. Chairman, I urge all my colleagues to advance this commonsense reform and help communities recover after natural disasters by voting ''yea'' on my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Actually, Mr. Chairman, most of the statutes that the gentleman is talking about already specifically have waivers and exceptions for natural disasters for emergency reconstruction under the Clean Water Act, under the Endangered Species Act, under NEPA just enacted 3 years ago in MAP–21, so this seems perhaps to be broader. I don't fully understand the implications. But if you look at the Minnesota bridge collapse, you look at the reconstruction of Vermont after the catastrophic hurricane flooding a few years ago, if you look at work in Louisiana, all these waivers were put into effect, and the projects were not unnecessarily delayed.

This seems to be a broader and more general grant, and I don't fully understand the implications and feel it could potentially usurp necessary review, so I would oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ROTHFUS. Mr. Chairman, this is a simple remedy to follow after a natural disaster. Again, I look at my State of Pennsylvania with its many valleys and riverbeds, and I look at the people supporting or who have supported this type of proposal before: again, the National Association of Counties, Pennsylvania Association of Township Supervisors, and Southeast Pennsylvania Transit Authority.

We need to make sure that our communities have a robust capacity and ability to respond in the event of a disaster, and that is what the point of this amendment is.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ROTHFUS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. ROTHFUS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 41 OFFERED BY MR. DESAULNIER

The Acting CHAIR. It is now in order to consider amendment No. 41 printed in part B of House Report 114–325.

Mr. DESAULNIER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. ____. ADDITIONAL REQUIREMENTS FOR CERTAIN TRANSPORTATION PROJECTS.

(a) IN GENERAL.—Section 106 of title 23, United States Code, is amended by adding at the end the following:

''(k) MEGAPROJECTS.—

''(1) MEGAPROJECT DEFINED.—In this subsection, the term 'megaproject' means a project that has an estimated total cost of $2,500,000,000 or more, and such other projects as may be identified by the Secretary.

''(2) COMPREHENSIVE RISK MANAGEMENT PLAN.—A recipient of Federal financial assistance under this title for a megaproject shall, in order to be authorized for construction, submit to the Secretary a comprehensive risk management plan that contains—

''(A) a description of the process by which the recipient will identify, quantify, and monitor the risks that might result in cost overruns, project delays, reduced construction quality, or reductions in benefits with respect to the megaproject;

''(B) examples of mechanisms the recipient will use to track risks identified pursuant to subparagraph (A);

''(C) a plan to control such risks; and

''(D) such assurances as the Secretary considers appropriate that the recipient will, with respect to the megaproject—

''(i) regularly submit to the Secretary updated cost estimates; and

''(ii) maintain and regularly reassess financial reserves for addressing known and unknown risks.

''(3) PEER REVIEW GROUP.—

''(A) IN GENERAL.—A recipient of Federal financial assistance under this title for a megaproject shall, not later than 90 days after the date when such megaproject is authorized for construction, establish a peer review group for such megaproject that consists of at least 5 individuals (including at least 1 individual with project management experience) to give expert advice on the scientific, technical, and project management aspects of the megaproject.

''(B) MEMBERSHIP.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall establish guidelines describing how a recipient described in subparagraph (A) shall—

''(i) recruit and select members for a peer review group established under such subparagraph;

''(ii) ensure that no member of the peer group has a conflict of interest relating to the project; and

''(iii) make publicly available the criteria for such selection and the identity of members so selected.

''(C) TASKS.—A peer review group established under subparagraph (A) by a recipient of Federal financial assistance for a megaproject shall—

''(i) meet annually until completion of the megaproject;

''(ii) not later than 90 days after the date of the establishment of the peer review group and not later than 90 days after the date of any significant change, as determined by the Secretary, to the scope, schedule, or budget of the megaproject, review the scope, schedule, and budget of the megaproject, including planning, engineering, financing, and any other elements determined appropriate by the Secretary; and

''(iii) submit a report on the findings of each review under clause (ii) to the Secretary, Congress, and the recipient.

''(4) TRANSPARENCY.—A recipient of Federal financial assistance under this title for a megaproject shall publish on the Internet Web site of such recipient—

''(A) the name, license number, and license type of each engineer supervising an aspect of the megaproject; and

''(B) the report submitted under paragraph (3)(C)(iii), not later than 90 days after such submission.''.

(b) APPLICABILITY.—The amendment made by subsection (a) applies with respect to projects that are authorized for construction on or after the date that is 1 year after the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 507, the gentleman from California (Mr. DESAULNIER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. DESAULNIER. Mr. Chairman, this bipartisan amendment establishes an independent peer review group to assess the quality assurance, cost containment, and risk management and, in addition, creates a stricter cost

management plan for Federal transportation projects that cost over $2.5 billion. So it is only Federal projects over $2.5 billion. It doesn't apply to anything below $2.5 billion.

As we all know, large infrastructure projects are vital to our country's development and its economic growth. Unfortunately, 9 out of every 10 megaprojects experience cost overruns and suffer significant delays. This is according to an extensive research project out of Cambridge University in England. Current law already requires financial reporting for projects costing more than $500 million, but no additional oversight, such as what we have in this bill, exists for the largest and most complex megaprojects.

Projects like the San Francisco-Oakland Bay Bridge, the I–265 bridge between Kentucky and Indiana, the Big Dig in Boston, the Tappan Zee Bridge in New York, and Denver International Airport—all of these projects would have benefited greatly from a comprehensive risk management plan and an independent peer review group, according to the experts.

Mr. Chairman, the public deserves a system that manages costs, foresees risks, and holds decisionmakers accountable. In my prior life as a member of the California State Legislature and the State senate, we had a bipartisan investigation and public hearings as to what went wrong and what lessons could be learned from our overruns on the Oakland-San Francisco Bay Bridge replacement that was replaced, a project that was $5 billion overbudget and 10 years late.

The project started, unfortunately, in 1989 because of the Loma Prieta earthquake. The idea in this bipartisan review was just to learn what we could from our experience and not to cast any judgments. Amongst the most significant things we were told were the implementation of a rigorous, with the least conflict of interest possible, peer review group and a more rigorous cost assessment and cost review process.

Mr. Chairman, this amendment establishes that independent peer review group consisting of at least five individuals, without conflicts of interest, tasked with giving expert advice on scientific, technical, and management aspects of the megaproject. The amendment saves taxpayer dollars and reduces project timelines by requiring a comprehensive risk management plan that includes a description of identified risks associated with the project, proposed mechanisms to manage such risks, and updated cost estimates, among others.

I urge my colleagues to support this commonsense bipartisan amendment.

Mr. Chair, I yield 2 minutes to the gentleman from California (Mr. LAMALFA).

Mr. LAMALFA. Mr. Chairman, I am pleased to join my colleague from California to support this effort to rein in cost overruns on large, complex projects that end up costing taxpayers far more than original estimates.

Too often, extremely large projects suffer from extreme cost overruns that not only fail to provide good value to taxpayers, but damage other infrastructure by absorbing funds that could support other transportation projects.

In California, for example, the State's high-speed rail proposal is estimated to cost over twice what voters were promised, and no honest observer actually believes that estimate is even high enough at twice. The project's growing costs threaten funding for every other aspect of California's transportation system, including key infrastructure that people are demanding like roads and highways, or in this time of record drought in California, with unlimited funds, maybe even for water storage projects in that area.

Mr. Chairman, if this amendment were in place today, Congress would have the benefit of an independent peer review analysis when determining whether to provide funding, and the project would have prepared a detailed risk management plan to control costs—very similar to when I was a State senator in California, S. 22, to do this very same thing similarly on high-speed rail at the time.

□ 2000

Policymakers need accurate and partial information to make decisions, and this amendment will ensure that information is available.

Mr. Chairman, I urge support for this amendment.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. SHUSTER. Mr. Chairman, this amendment, I believe, is unnecessary. Special requirements and protections are already in place for any project costing more than $500 million, a much lower threshold than proposed by the gentleman's amendment.

Each project must have a project management plan that documents procedures to manage the scope, costs, schedules, and Federal requirements applicable to the project. The plan must also document the role of the agency's leadership and the project management team in delivering the project.

Each major project must have in place an annual financial plan that provides detailed estimates of the cost to complete the project, including future increases in the cost of the project.

Again, it is already in the bill. It is at a much lower threshold than the gentleman's amendment.

I urge all Members to oppose the amendment.

I yield back the balance of my time.

Mr. DESAULNIER. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR (Mr. CHAFFETZ). The gentleman from California has 30 seconds remaining.

Mr. DESAULNIER. Mr. Chairman, I want to thank the chairman. I also want to thank him for his coaching and helping me through a prospective working mistake.

With all due respect—and, of course, the chairman is much more knowledgeable than I am—it is the intention at least of the author that this would be in addition to.

I would respectfully ask for an ''aye'' vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. DESAULNIER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. DESAULNIER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 42 OFFERED BY MR. BEYER

The Acting CHAIR. It is now in order to consider amendment No. 42 printed in part B of House Report 114–325.

Mr. BEYER. Mr. Chairman, I rise as the designee of the gentleman from Maryland. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. _____. REGULATION OF MOTOR CARRIERS OF PROPERTY.

Section 14501(c)(2)(C) of title 49, United States Code, is amended by striking ''the price of'' and all that follows through ''transportation is'' and inserting ''the regulation of tow truck operations''.

The Acting CHAIR. Pursuant to House Resolution 507, the gentleman from Virginia (Mr. BEYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. BEYER. Mr. Chairman, I would like to begin by thanking Chairman SHUSTER and Ranking Member DEFAZIO for their hard work on the underlying bill and for considering Congressman VAN HOLLEN's and my amendment.

Our amendment is simple. It would merely restore the ability of State and local governments to regulate the tow truck industry.

Through a provision slipped into the Federal Aviation Administration Act of 1994 that defined the tow truck industry as an interstate carrier, State and local regulation of tow truck operations has been preempted.

But the very next year, passage of the Interstate Commerce Termination Act struck down the Federal regulatory body that was overseeing the towing industry. So it essentially left it without any oversight despite widely reported consumer abuses.

In the years since, a number of conflicting court rulings have been made on cases between tow operators and localities. Some decisions have upheld some aspects of local regulations and others have stayed silent.

With no Federal regulator and a confusing patchwork of Federal preemption and judicial rulings, no level of government has been able to adequately regulate the towing industry.

This lack of regulatory authority has led to more than two decades of major misconduct by some unscrupulous towing companies, and these bad operators continue to taint an otherwise much-needed and respectable profession.

State and localities are the logical towing regulators. They have an established body of law in place to do so.

Mr. Chairman, in my family automobile business, we have long run our own tow trucks. We have contracted with independent tow truck companies for decades. Most of them are hard-working, honest, small businesses. They work long days and nights, weekends, in all kinds of weather, but they are given a bad name by the few, but real, irresponsible operators in the industry.

I would just like to note our amendment is supported by the largest trade association representing small business trucking professionals and professional truck drivers, the Owner-Operator Independent Drivers Association.

In their letter of support, they talk about nonconsensual tows and say:

These are situations where there is no opportunity for motorists to negotiate services or compare prices among multiple towing operators. So it is critical that States have the ability to enact important consumer protections.

I urge my colleagues to support this amendment and end unnecessary and impractical Federal overreach. Return this important authority to the States and help end our constituents' frustrations with abusive towing practices.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I claim the time in opposition, even though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Mr. Chairman, I believe the gentleman's amendment is a sound amendment. I support it.

I yield back the balance of my time.

Mr. BEYER. Mr. Chairman, I thank the chair.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. BEYER).

The amendment was agreed to.

AMENDMENT NO. 43 OFFERED BY MR. MICA

The Acting CHAIR. It is now in order to consider amendment No. 43 printed in part B of House Report 114–325.

Mr. MICA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 229, after line 7, insert the following:

''(m) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON THE INTERSTATE.—

''(1) IN GENERAL.—A State may not prohibit the operation of an automobile transporter with a gross weight of 84,000 pounds or less on—

''(A) any segment of the Interstate System (except a segment exempted under section 31111(f) of title 49); or

''(B) those classes of qualifying Federal-aid primary highways designated by the Secretary under section 31111(e) of title 49.

''(2) REASONABLE ACCESS.—A state may not enact or enforce a law denying reasonable access to automobile transporters, to and from highways described in paragraph (1), to loading or unloading points or facilities for food, fuel, repair, or rest.

''(3) AXLE WEIGHT TOLERANCE.—A State shall allow an automobile transporter a tolerance of no more than 5 percent on axle weight limitations set forth in subsection (a).

''(4) AUTOMOBILE TRANSPORTER DEFINED.—In this subsection, the term 'automobile transporter' has the meaning given that term in section 31111(a) of title 49.''.

The Acting CHAIR. Pursuant to House Resolution 507, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Mr. Chairman, my colleagues, I know the chairman and the ranking member have done yeoman's work in bringing this bill forward, and the staff have also done great work.

This is a special achievement. I have been there and tried to do this, done it, and it is very difficult. Sometimes you try not to interfere in the process, but from time to time an issue comes up that you try to negotiate and make sense out of.

My amendment is pretty simple. In the committee bill, the bill before us, the committee has already allowed for a very limited number of automobile transporter vehicles to increase their length from 75 to 80 feet, some 5 feet, which will accommodate approximately one more vehicle.

However, there is no consideration for the way to correspondingly provide for, again, the increase in the length. I have tried to negotiate between the industry. I do not support 91,000 pounds. I do not support 88,000 pounds. I do not support 86,000 pounds.

What I said is: What would it take to transport one more vehicle? There are 12,000 of these vehicles across the country. About what weight would it take to add one more vehicle to the length that is already in this bill? And it is about 4,000 pounds.

This amendment is simple. It says we would allow in this limited instance to go to 4,000 pounds because the committee draft and bill before us has, again, a provision to increase and allow, again, the additional 5-foot length.

Forty percent of these carriers travel empty. We could actually force more vehicles on the road by not allowing this amendment. Actually, giving them the length, but not the capacity to carry, doesn't make sense. So that is my amendment.

I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Mrs. NAPOLITANO. Mr. Chairman, I rise in opposition to this particular amendment offered by the gentleman from Florida (Mr. MICA).

This amendment would raise the allowable gross vehicle weight of automobile transporters to 84,000 pounds, as was stated. It would also allow higher allowable axle weight, up to 5 percent above levels set in current law.

We have agreed in the base bill to provide an exemption for the extra length to allow additional vehicles to be added to an automobile transporter.

Amendments to raise truck weights are very controversial and have the potential to weaken support for an otherwise carefully negotiated bill.

I ask my colleagues to vote ''no.''

I yield back the balance of my time.

Mr. MICA. Mr. Chairman, I am very disappointed that the other side of the aisle would not consider this a well-thought-out, reasonable amendment.

The underlying bill does allow, again, 5 additional feet. It would accommodate another vehicle, but no accommodation for weight. That just does not make sense. We are talking about a very limited number of transporting vehicles.

So even having offered on many occasions folks on the other side to present reasonable amendments and given that opportunity and not being allowed that tonight, Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENT NO. 44 OFFERED BY MS. DELBENE

The Acting CHAIR. It is now in order to consider amendment No. 44 printed in part B of House Report 114–325.

Ms. DELBENE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 268, after line 17, insert the following:

''(E) REPORT TO CONGRESS.—The Secretary shall make publically available a report on the Frontline Workforce Development Program for each fiscal year, not later than December 31 of the year in which that fiscal year ends. The report shall include a detailed description of activities carried out under this paragraph, an evaluation of the program, and policy recommendations to improve program effectiveness.

The Acting CHAIR. Pursuant to House Resolution 507, the gentlewoman from Washington (Ms. DELBENE) and a

Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Washington.

Ms. DELBENE. Mr. Chairman, I would like to thank Chairman SHUSTER and Ranking Member DEFAZIO as well as subcommittee Chairman GRAVES and Ranking Member HOLMES NORTON for their work on this important bill. I would also like to thank Congresswoman FOXX for cosponsoring this amendment.

This amendment is bipartisan, straightforward, and will ensure the Federal Government is getting the best return on our investment while helping the greatest number of people.

The underlying bill provides grants through an innovative frontline workforce development program to train and recruit underrepresented populations for career pathways in transit maintenance and operations.

By establishing apprenticeships and forging local and regional training partnerships, these grants will provide targeted, hands-on training for workers across the country. This is critical for identifying potential workforce shortages in the future and filling those gaps with skilled workers.

Workforce development programs are often referred to as ladders of opportunity. Helping people find good-paying, long-term employment is the best way to ensure everyone has access to economic opportunities.

The program included in today's bill is a great example of this. It will help low-income Americans become self-sufficient by giving them specialized training to secure a career in the transit field and increase their earning potential, and it will identify the best ways to help the most people succeed.

My amendment would simply require a report on the frontline workforce development program for each fiscal year. The report would include an evaluation of the overall program and would include policy recommendations to improve the program's effectiveness.

The amendment would not affect direct spending or revenue and is budget-neutral, according to the Congressional Budget Office.

I firmly believe that this amendment improves the underlying bill, which will inject a sorely needed boost to our Nation's infrastructure and economy. I urge my colleagues to support this bipartisan amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I claim the time in opposition, even though I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Mr. Chairman, I appreciate the gentlewoman's work on the amendment, and I support her amendment.

I yield back the balance of my time.

Ms. DELBENE. Mr. Chairman, I thank the gentleman for his support of the amendment and encourage others to support it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Washington (Ms. DELBENE).

The amendment was agreed to.

AMENDMENT NO. 45 OFFERED BY MRS. NAPOLITANO

The Acting CHAIR. It is now in order to consider amendment No. 45 printed in part B of House Report 114–325.

Mrs. NAPOLITANO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 184, line 22, strike ''and'' at the end.

Page 185, line 7, strike ''and'' at the end.

Page 185, after line 15, insert the following:

(iv) by adding at the end the following:

''(G) WAIVER.—

''(i) IN GENERAL.—Upon the request of a public authority, the Secretary may waive the requirements of subparagraph (E) for a facility, and the corresponding program sanctions under subparagraph (F), if the Secretary determines that—

''(I) the waiver is in the best interest of the traveling public; and

''(II) the public authority has made a good faith effort to improve the performance of the facility.

''(ii) CONDITION.—The Secretary may require, as a condition of issuance of a waiver under this subparagraph, that a public authority take additional actions, determined by the Secretary, to improve the performance of the facility.''; and

The Acting CHAIR. Pursuant to House Resolution 507, the gentlewoman from California (Mrs. NAPOLITANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. NAPOLITANO. Mr. Chairman, I, too, want to give thanks to both Mr. SHUSTER and Mr. DEFAZIO for their great work on this bill. It is absolutely amazing. Thank you so very much.

Mr. Chairman, this is a bipartisan amendment with Mr. ROYCE and Mr. CALVERT and would allow a State or local transportation agency to apply for a waiver from the current HOV degradation standard if the Secretary of Transportation determines that a waiver is in the best interest of the traveling public and that the State or local agency has made a good faith effort to improve the performance of the HOV lane.

□ 2015

The Secretary may require the public authority to take additional actions to improve the HOV lane.

The current HOV degradation standard requires HOV lanes to maintain an average speed above 45 miles per hour 90 percent of the time during peak hours. I repeat: during peak hours. This arbitrary standard does not take into consideration or account the specific transportation concerns of each State.

Over 60 percent of California's highways are noncompliant by this Federal degradation standard, which means that California will be forced to spend limited resources on transportation projects that do not meet the needs of the general public. California will also have to reduce the amount of energy-efficient vehicles that it allows in the HOV lane.

In California, we have studied the issue and have found that they do not meet the minimum driving speed standard because of accidents, weather events, and other unpredictable events. The degradation standard is supposed to address manageable recurring congestion, but California is noncompliant in the standard based on manageable traffic events.

This amendment would allow the DOT to recognize that there are special circumstances in each State that lead to lane degradation and that they do not always include recurring congestion. The amendment would allow the DOT to grant waivers to States and local agencies that apply based on their local congestion concerns. It would protect States against a one-size-fits-all Federal policy that does not work for each State.

I ask for the support of my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I claim the time in opposition, although I am not opposed.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. I thank the gentlewoman from California.

Mr. Chairman, I understand that California has unique issues with HOV degradation, and I believe a waiver process is appropriate. One size does not fit all. I think this is another example we can all learn from. California is different from Pennsylvania. Pennsylvania is different from Minnesota.

I appreciate the gentlewoman for continuing to fight for this amendment. I know that Mrs. MIMI WALTERS, from southern California, was also an advocate for this. We went back and forth on the negotiations as it was in one minute and out the next; but I appreciate your perseverance and Mrs. MIMI WALTERS' perseverance in that we were finally able to get this amendment to the floor and come to agreement on it. I support this amendment, and I think it is the right thing to do.

Mr. Chairman, I yield back the balance of my time.

Mrs. NAPOLITANO. I thank the chairman for those kind words. I thank Mrs. MIMI WALTERS and Messrs. ROYCE and CALVERT for their support of this amendment.

I certainly look forward to continuing to work on transportation, and I thank the gentleman for hanging in there this late in the evening. I look forward to working with the gentleman and with Ranking Member DEFAZIO on this issue during the conference.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. NAPOLITANO).

The amendment was agreed to.

Mr. SHUSTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCHENRY) having assumed the chair, Mr. CHAFFETZ, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the Senate amendments to the bill (H.R. 22) to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act, had come to no resolution thereon.

COMMUNICATION FROM COUNSEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

The SPEAKER pro tempore laid before the House the following communication from Aaron T. Weston, counsel, of the Committee on Science, Space, and Technology:

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, DC, November 3, 2015.

Hon. PAUL D. RYAN,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a subpoena issued by the United States Merit Systems Protection Board.

After consultation with the Office of General Counsel regarding the subpoena, I will make the determinations required under Rule VIII.

Sincerely,

AARON T. WESTON,
Counsel, Committee on Science, Space, and Technology.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 20 minutes p.m.), the House stood in recess.

□ 2323

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. FOXX) at 11 o'clock and 23 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF SENATE AMENDMENTS TO H.R. 22, HIRE MORE HEROES ACT OF 2015

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 114–326) on the resolution (H. Res. 512) providing for further consideration of the Senate amendments to the bill (H.R. 22) to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LARSON of Connecticut (at the request of Ms. PELOSI) for today.

Mr. TAKAI (at the request of Ms. PELOSI) for November 2 and the balance of the week.

PUBLICATION OF BUDGETARY MATERIAL

REVISIONS TO THE AGGREGATES AND ALLOCATIONS OF THE FISCAL YEAR 2016 BUDGET RESOLUTION RELATED TO THE SENATE AMENDMENT TO H.R. 22

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, November 3, 2015.

Mr. Speaker, I hereby submit for printing in the Congressional Record revisions to the budget allocations and aggregates of the Fiscal Year 2016 Concurrent Resolution on the Budget, S. Con. Res. 11, pursuant to section 4509, a deficit-neutral reserve fund for transportation. For purposes of budget enforcement, this adjustment is made pursuant to section 3110, which prohibits the use of guarantee fees as an offset in legislation, and section 3302, which requires transfers from the general fund of the Treasury to the Highway Trust Fund to be counted as new budget authority and outlays equal to the amount of the transfer in the fiscal year in which such transfer occurs, of such concurrent resolution. These revisions are designated for the Senate amendment to H.R. 22, the DRIVE Act, as amended by H. Res. 507. Corresponding tables are attached.

This revision represents an adjustment for purposes of budgetary enforcement. These revised allocations and aggregates are to be considered as the aggregates and allocations included in the budget resolution, pursuant to S. Con. Res. 11, as adjusted. Pursuant to section 3403 of such concurrent resolution, this revision to the allocations and aggregates shall apply only while the Senate amendment to H.R. 22, as amended, is under consideration or upon its enactment.

Sincerely,

TOM PRICE, M.D.,
Chairman,
Committee on the Budget.

TABLE 1.—REVISION TO ON-BUDGET AGGREGATES—BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal Year	
	2016	2016–2025
Current Aggregates:		
Budget Authority	3,040,743	[1]
Outlays	3,092,541	[1]
Revenues	2,675,967	32,233,099
Adjustment for SA to H.R. 22, the DRIVE Act:		
Budget Authority	35,672	[1]
Outlays	34,998	[1]
Revenues	1,155	25,289
Revised Aggregates:		
Budget Authority	3,076,415	[1]
Outlays	3,127,539	[1]
Revenues	2,677,122	32,258,388

[1] Not applicable because annual appropriations acts for fiscal years 2017–2025 will not be considered until future sessions of Congress.

TABLE 2.—REVISION TO COMMITTEE ALLOCATIONS—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS

[On-budget amounts, in millions of dollars]

House Committee on Ways and Means	2016		2016–2025 total	
	Budget Authority	Outlays	Budget Authority	Outlays
Current Allocation	963,250	962,255	13,218,695	13,217,578
Adjustment for SA to H.R. 22, the DRIVE Act	22	22	−3,216	−3,216
Revised Allocation	963,272	962,277	13,215,479	13,214,362

TABLE 3.—REVISION TO COMMITTEE ALLOCATIONS—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS

[On-budget amounts, in millions of dollars]

House Committee on Energy & Commerce	2016		2016–2025 total	
	Budget Authority	Outlays	Budget Authority	Outlays
Current Allocation	389,635	392,001	4,341,991	4,346,043
Adjustment for SA to H.R. 22, the DRIVE Act	0	0	−9,050	−9,050
Revised Allocation	389,635	392,001	4,332,941	4,336,993

TABLE 4.—REVISION TO COMMITTEE ALLOCATIONS—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS

[On-budget amounts, in millions of dollars]

House Committee on Transportation & Infrastructure	2016		2016–2025 total	
	Budget Authority	Outlays	Budget Authority	Outlays
Current Allocation	57,975	16,407	520,762	184,208
Adjustment for SA to H.R. 22, the DRIVE Act	35,650	34,976	−319,429	35,196
Revised Allocation	93,625	51,383	201,333	219,404

TABLE 5.—REVISION TO COMMITTEE ALLOCATIONS—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS

[On-budget amounts, in millions of dollars]

House Committee on Natural Resources	2016		2016–2025 total	
	Budget Authority	Outlays	Budget Authority	Outlays
Current Allocation	4,823	5,759	25,492	27,975
Adjustment for SA to H.R. 22, the DRIVE Act	0	0	−320	−320
Revised Allocation	4,823	5,759	25,172	27,655

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on November 2, 2015, she presented to the President of the United States, for his approval, the following bills:

H.R. 1314. To amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

H.R. 623. To amend the Homeland Security Act of 2002 to authorize the Department of Homeland Security to establish a social media working group, and for other purposes.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
October 29, 2015.

Hon. JOHN R. KASICH,
Governor of Ohio, Columbus, Ohio.

DEAR GOVERNOR KASICH: I am writing to inform you that I will resign my congressional seat in the U.S. House of Representatives, effective 11:59 p.m. October 31, 2015. ,

Some 25 years ago, I asked the people of Ohio's Eighth District to send me to Washington on a mission to help build a smaller, less costly, and more accountable government. First and foremost, that has meant helping constituents and local officials cut through gridlock and navigate the bureaucratic maze to get things done. In Hamilton, we brought together the Army Corps of Engineers and local officials to get the Meldahl Lock and Dam power plant off the ground. In Butler County, we worked with officials at all levels to keep the veterans highway and Union Centre Blvd. projects on track. We made sure that Wright Patterson Air Force Base and the Springfield Air National Guard Base had the resources they need to support our men and women in uniform. And not to mention the tens of thousands of constituents we helped through casework, letters, phone calls, my open door program, and of course, Farm Forum. None of this would have been possible without the hard work of my staff, which has been first-rate from start to finish. Together, we did the right things for the right reasons and good things happened.

It has been an honor to serve.

Sincerely,

JOHN A. BOEHNER.

ADJOURNMENT

Mr. WOODALL. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 24 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, November 4, 2015, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3364. A letter from the Counsel, Legal Division, Bureau of Consumer Financial Protection, transmitting the Bureau's Major final rule — Home Mortgage Disclosure (Regulation C) [Docket No.: CFPB-2014-0019] (RIN: 3170-AA10) received November 2, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Financial Services.

3365. A letter from the General Counsel, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received November 2, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Education and the Workforce.

3366. A letter from the Director, Office of Government Relations, VISTA, Corporation for National and Community Service, transmitting the Corporation's final rule — Volunteers in Service to America (RIN: 3045-AA36) received November 2, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Education and the Workforce.

3367. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting the Administration's FY 2015 report on Inventories of Commercial and Inherently Governmental Activities, pursuant to 31 U.S.C. 501 note; Public Law 105-270, Sec. 2(c); to the Committee on Oversight and Government Reform.

3368. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Transaction of Interest Notice for Basket Contracts [Notice 2015-74] (NOT-127221-15) received November 2, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Ways and Means.

3369. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — 2016 Cost-of-Living Adjustments to the Internal Revenue Code Tax Tables and Other Items (Rev. Proc. 2015-53) received November 2, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Ways and Means.

3370. A letter from the Deputy Director, ODRM, Department of Health and Human Services, transmitting the Department's Major final rule — Medicare Program; End-Stage Renal Disease Prospective Payment System, and Quality Incentive Program [CMS-1628-F] (RIN: 0938-AS48) received October 30, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; jointly to the Committees on Energy and Commerce and Ways and Means.

3371. A letter from the Deputy Director, ODRM, Department of Health and Human Services, transmitting the Department's Major final rule — Medicare and Medicaid Programs; CY 2016 Home Health Prospective Payment System Rate Update; Home Health Value-Based Purchasing Model; and Home Health Quality Reporting Requirements [CMS-1625-F] (RIN: 0938-AS46) received October 30, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOODALL: Committee on Rules. House Resolution 512. Resolution providing for further consideration of the Senate amendments to the bill (H.R. 22) to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act (Rept. 114–326). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. O'ROURKE (for himself and Mr. COFFMAN):

H.R. 3879. A bill to amend title 38, United States Code, to provide for covered agreements and contracts between the Secretary

of Veterans Affairs and eligible academic affiliates for the mutually beneficial coordination, use, or exchange of health-care resources, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PALMER (for himself, Mr. MOONEY of West Virginia, Mr. BARR, Mr. HARRIS, Mr. AUSTIN SCOTT of Georgia, Mr. LOUDERMILK, Mr. FLORES, Mr. FARENTHOLD, Mr. GIBBS, Mr. WENSTRUP, Mr. BYRNE, Mr. BABIN, Mr. WESTERMAN, Mrs. MILLER of Michigan, Mr. BOUSTANY, Mr. HARDY, Mrs. LUMMIS, Mr. BENISHEK, Mr. NEWHOUSE, Mr. BRAT, Mr. MCKINLEY, Mr. ROUZER, Mr. SCHWEIKERT, Mr. VALADAO, Mr. ROSS, Mr. NUNES, Mrs. BLACK, Mr. COLLINS of Georgia, Mr. LAMALFA, Mr. LAMBORN, Mr. CARTER of Georgia, Mr. JENKINS of West Virginia, Mr. LUCAS, Mr. HILL, Mr. GROTHMAN, Mr. CHAFFETZ, Mr. SMITH of Missouri, Mr. HENSARLING, Mr. DUNCAN of South Carolina, Mr. MILLER of Florida, Mr. BRIDENSTINE, Mr. JORDAN, Mr. SENSENBRENNER, Mr. DUNCAN of Tennessee, Mr. JODY B. HICE of Georgia, Mr. BARTON, Mr. PITTS, Mr. CARTER of Texas, Mr. FLEMING, Mr. RATCLIFFE, Mr. ROTHFUS, Mr. BUCK, Mr. MARCHANT, Mr. BRADY of Texas, Mr. YODER, Mr. SMITH of Texas, Mr. BARLETTA, Mr. GOHMERT, Mr. AMODEI, Mr. WALKER, Mr. MULLIN, Mr. STUTZMAN, Mrs. BLACKBURN, Mrs. ROBY, Mr. SALMON, Mrs. LOVE, Mr. MCCAUL, Mr. MULVANEY, Mr. KELLY of Pennsylvania, Mr. ROGERS of Alabama, Mr. BROOKS of Alabama, Mr. GOSAR, Mr. OLSON, Mr. SESSIONS, Mr. ROE of Tennessee, Mr. NEUGEBAUER, Mr. WEBER of Texas, Mr. ABRAHAM, Mr. LABRADOR, Mr. RIBBLE, Mrs. ELLMERS of North Carolina, Mr. ALLEN, Mr. WOODALL, Mr. ADERHOLT, Mr. WILLIAMS, Mr. SAM JOHNSON of Texas, Mr. DESJARLAIS, Mr. GARRETT, Mr. PERRY, Mr. PEARCE, Mr. KING of Iowa, Mr. KNIGHT, Mr. PALAZZO, Mr. POE of Texas, Mr. YOHO, Mr. MASSIE, Mr. HUELSKAMP, Mr. WALBERG, Mr. ROKITA, Mr. COLE, Mr. MCCLINTOCK, Mr. TOM PRICE of Georgia, Mr. RICE of South Carolina, Mr. FRANKS of Arizona, Mr. KELLY of Mississippi, Mrs. HARTZLER, Mr. JONES, and Mr. HURD of Texas):

H.R. 3880. A bill to prevent the Environmental Protection Agency from exceeding its statutory authority in ways that were not contemplated by the Congress; to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, Transportation and Infrastructure, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Pennsylvania (for himself and Mr. LAMALFA):

H.R. 3881. A bill to amend the Mineral Leasing Act to repeal provisions relating only to the Allegheny National Forest; to the Committee on Natural Resources.

By Mr. GRIJALVA:

H.R. 3882. A bill to designate the Greater Grand Canyon Heritage National Monument in the State of Arizona, and for other purposes; to the Committee on Natural Resources.

By Mr. WITTMAN:

H.R. 3883. A bill to improve the provision of health care by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WITTMAN:

H.R. 3884. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program to promote and encourage collaboration between the Department of Veterans Affairs and nonprofit organizations and institutions of higher learning that provide administrative assistance to veterans; to the Committee on Veterans' Affairs.

By Mr. WITTMAN:

H.R. 3885. A bill to amend title 10, United States Code, to include a single comprehensive disability examination as part of the required Department of Defense physical examination for separating members of the Armed Forces, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BONAMICI (for herself and Ms. STEFANIK):

H.R. 3886. A bill to amend the Richard B. Russell National School Lunch Act to improve the child and adult care food program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CHABOT:

H.R. 3887. A bill to amend title 49, United States Code, to increase certain penalties relating to commercial motor vehicle safety, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RUSH:

H.R. 3888. A bill to provide for the implementation of a system of licensing for purchasers of certain firearms and for a record of sale system for those firearms, and for other purposes; to the Committee on the Judiciary.

By Ms. CLARKE of New York:

H.R. 3889. A bill to require certain practitioners authorized to prescribe controlled substances to complete continuing education; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAWSON of Florida:

H.R. 3890. A bill to exempt safe and sound depository institutions, credit unions, and depository institution holding companies from certain titles of the Dodd-Frank Wall Street Reform and Consumer Protection Act, and for other purposes; to the Committee on Financial Services.

By Mr. CLAWSON of Florida:

H.R. 3891. A bill to amend the Sarbanes-Oxley Act of 2002 to exempt issuers with a total market capitalization of less than $2,000,000,000 from the auditor attestation requirement for internal control assessments; to the Committee on Financial Services.

By Mr. DIAZ-BALART (for himself, Mr. GOHMERT, Mr. WEBER of Texas, Mrs. BLACK, and Mr. POMPEO):

H.R. 3892. A bill to require the Secretary of State to submit a report to Congress on the designation of the Muslim Brotherhood as a foreign terrorist organization, and for other purposes; to the Committee on the Judiciary.

By Ms. GABBARD (for herself, Ms. PINGREE, Mr. GARAMENDI, Mr. MCNERNEY, and Mr. PIERLUISI):

H.R. 3893. A bill to amend the Agricultural Research, Extension, and Education Reform Act of 1998 with respect to grants for certain areawide integrated pest management projects, and for other purposes; to the Committee on Agriculture.

By Ms. GABBARD (for herself and Mr. TAKAI):

H.R. 3894. A bill to amend title 10, United States Code, to require the prompt notification of State Child Protective Services by military and civilian personnel of the Department of Defense required by law to report suspected instances of child abuse and neglect; to the Committee on Armed Services.

By Mr. GRAYSON:

H.R. 3895. A bill to amend the Internal Revenue Code of 1986 to extend for two years the credit for combined heat and power system property; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 3896. A bill to amend the Internal Revenue Code of 1986 to extend for two years the credit for qualified fuel cell property; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 3897. A bill to amend the Internal Revenue Code of 1986 to extend for two years the credit for qualified microturbine property; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 3898. A bill to amend the Internal Revenue Code of 1986 to extend for two years the credit for qualified small wind energy property; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 3899. A bill to amend the Internal Revenue Code of 1986 to extend for two years the credit for residential energy efficient property; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 3900. A bill to amend the Internal Revenue Code of 1986 to extend for two years the credit for solar energy property; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 3901. A bill to amend the Internal Revenue Code of 1986 to extend for two years the credit for thermal energy property; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 3902. A bill to amend the Internal Revenue Code of 1986 to extend for one year the credit for combined heat and power system property; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 3903. A bill to amend the Internal Revenue Code of 1986 to extend for one year the credit for qualified fuel cell property; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 3904. A bill to amend the Internal Revenue Code of 1986 to extend for one year the credit for qualified microturbine property; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 3905. A bill to amend the Internal Revenue Code of 1986 to extend for one year the credit for qualified small wind energy property; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 3906. A bill to amend the Internal Revenue Code of 1986 to extend for one year the credit for residential energy efficient property; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 3907. A bill to amend the Internal Revenue Code of 1986 to extend for one year the credit for solar energy property; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 3908. A bill to amend the Internal Revenue Code of 1986 to extend for one year the credit for thermal energy property; to the Committee on Ways and Means.

By Mr. GUINTA:

H.R. 3909. A bill to amend the Veterans Access, Choice, and Accountability Act of 2014 to expand the Veterans Choice Program, to amend title 38, United States Code to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other

purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself, Mr. LARSON of Connecticut, Ms. SLAUGHTER, Mr. CLYBURN, Mr. GARAMENDI, and Mr. HASTINGS):

H.R. 3910. A bill to change the date for regularly scheduled Federal elections and establish polling place hours; to the Committee on House Administration.

By Mrs. KIRKPATRICK:

H.R. 3911. A bill to make technical amendments to the Act of December 22, 1974, relating to lands of the Navajo Tribe, and for other purposes; to the Committee on Natural Resources.

By Ms. KUSTER:

H.R. 3912. A bill to amend the Small Business Jobs Act of 2010 to extend and expand the State Trade and Export Promotion (STEP) Grant Program; to the Committee on Small Business.

By Mr. LANGEVIN (for himself and Mr. HARPER):

H.R. 3913. A bill to amend title XXIX of the Public Health Service Act to reauthorize the program under such title relating to lifespan respite care; to the Committee on Energy and Commerce.

By Mr. ROUZER:

H.R. 3914. A bill to require that the United States flag be flown at half-staff in honor of members of the Armed Forces who die in the line of duty in the United States; to the Committee on the Judiciary.

By Mr. SCHRADER:

H.R. 3915. A bill to ensure that United States Government personnel, including members of the Armed Forces and contractors, assigned to United States diplomatic missions are given the opportunity to designate next-of-kin for certain purposes in the event of the death of the personnel; to the Committee on Foreign Affairs.

By Ms. TSONGAS:

H.R. 3916. A bill to prohibit entities from using Federal funds to contribute to political campaigns or participate in lobbying activities; to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Indiana (for himself, Ms. LINDA T. SÁNCHEZ of California, Mr. NUNES, Mr. TIBERI, Mr. REICHERT, Mr. KELLY of Pennsylvania, Mr. RENACCI, Mr. PAULSEN, Mr. ROSKAM, Mr. REED, Mr. BOUSTANY, Mrs. NOEM, Mrs. BLACK, Mr. KIND, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. NEAL, Mr. RANGEL, Mr. DANNY K. DAVIS of Illinois, Mr. PASCRELL, and Mr. BLUMENAUER):

H.R. 3917. A bill to amend the Internal Revenue Code of 1986 to modify the substantiation rules for the donation of vehicles valued between $500 and $2,500; to the Committee on Ways and Means.

By Mrs. HARTZLER (for herself, Mr. FLEMING, Mr. HUELSKAMP, and Mr. PITTS):

H. Res. 510. A resolution supporting the designation of the week beginning November 8, 2015, as ''National Pregnancy Center Week'' to recognize the vital role that pregnancy care and resource centers play in saving lives and serving women and men faced with difficult pregnancy decisions; to the Committee on Energy and Commerce.

By Mr. CHABOT (for himself, Mr. PETERS, Mr. HARDY, Mr. KIND, Ms. VELÁZQUEZ, Mr. HANNA, Mr. CURBELO of Florida, Mr. BOST, Mr. JOYCE, Mr. KNIGHT, Mr. LUETKEMEYER, Mr. MARINO, Mr. RENACCI, Mr. KELLY of Mississippi, Mr. SMITH of Texas, Mrs. BROOKS of Indiana, Mrs. BLACKBURN, Mr. CRAMER, Mr. BUCHANAN, Mrs. BLACK, Mr. MCCAUL, Mr. GIBSON, Mr. KING of Iowa, Mr. CONAWAY, Mr. HENSARLING, Mrs. RADEWAGEN, Mr. BRAT, Ms. BROWNLEY of California, Mr. HASTINGS, Mr. CARTWRIGHT, Mr. LARSEN of Washington, Mr. HONDA, Mr. TAKAI, Ms. JUDY CHU of California, Mrs. LAWRENCE, Mr. MOULTON, Ms. DELBENE, Ms. KUSTER, Ms. JACKSON LEE, Mr. RYAN of Ohio, Mr. TONKO, Ms. TSONGAS, Mr. VARGAS, Ms. HAHN, Mrs. DAVIS of California, Ms. MENG, and Ms. ADAMS):

H. Res. 511. A resolution expressing support for designation of the third Tuesday in November as ''National Entrepreneurs' Day''; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Ms. ROS-LEHTINEN, and Ms. SCHAKOWSKY):

H. Res. 513. A resolution honoring the life, legacy, and example of Israeli Prime Minister Yitzhak Rabin on the twentieth anniversary of his death; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

146. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 156, urging the United States Congress and the U.S. Department of the Army to accelerate federal funding to improve military vehicle safety from rollover accidents; to the Committee on Armed Services.

147. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 104, urging the Congress of the United States to reject the U.S.-led nuclear agreement with Iran and press for a new agreement that will prevent all pathways to an Iranian nuclear weapon; to the Committee on Foreign Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. O'ROURKE:

H.R. 3879.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article 1 of the Constitution of the United States

By Mr. PALMER:

H.R. 3880.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: The Congress shall have Power * * * To make all Laws which shall be necessary and propoer for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. THOMPSON of Pennsylvania:

H.R. 3881.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution which gives Congress the power ''to regulate Commerce with foreign Nations, and among the several states, and within the Indian Tribes.''

By Mr. GRIJALVA:

H.R. 3882.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const. art. I, sec. 8, cl. 3

To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes;

U.S. Cont. art. IV, sec. 3, cl. 2, sen. a

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States;

By Mr. WITTMAN:

H.R. 3883.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and Clause 18 of the United States Constitution

By Mr. WITTMAN:

H.R. 3884.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and Clause 18 of the United States Constitution

By Mr. WITTMAN:

H.R. 3885.

Congress has the power to enact this legislation pursuant to the following:

By Article 1, Section 8 of the United States Constitution (clause 14), which grants Congress the power to make rules for the government and regulation of the land and naval forces and by Article I, Section 8, Clause 1 and Clause 18.

By Ms. BONAMICI:

H.R. 3886.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article I of the Constitution

By Mr. CHABOT:

H.R. 3887.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 3 and Article I, section 8, clause 18

By Mr. RUSH:

H.R. 3888.

Congress has the power to enact this legislation pursuant to the following:

Art. 1, §8, Cl. 1: ''The Congress shall have Power To . . . provide for the . . . general Welfare of the United States;''

Art. 1, §8, Cl. 3: ''To regulate Commerce . . . among the several States . . .''

Art. 1, §8, Cl. 18: ''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing powers . . .''

By Ms. CLARKE of New York:

H.R. 3889.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. CLAWSON of Florida:

H.R. 3890.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. CLAWSON of Florida:

H.R. 3891.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. DIAZ-BALART:

H.R. 3892.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8, Clause 3 and Article I, Sec8, Clause 18

By Ms. GABBARD:

H.R. 3893.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution including Article 1, Section 8.

By Ms. GABBARD:

H.R. 3894.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution including Article 1, Section 8.

By Mr. GRAYSON:

H.R. 3895.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution.

By Mr. GRAYSON:

H.R. 3896.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution.

By Mr. GRAYSON:

H.R. 3897.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution.

By Mr. GRAYSON:

H.R. 3898.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution.

By Mr. GRAYSON:

H.R. 3899.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution.

By Mr. GRAYSON:

H.R. 3900.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution.

By Mr. GRAYSON:

H.R. 3901.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution.

By Mr. GRAYSON:

H.R. 3902.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution.

By Mr. GRAYSON:

H.R. 3903.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution.

By Mr. GRAYSON:

H.R. 3904.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution.

By Mr. GRAYSON:

H.R. 3905.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution.

By Mr. GRAYSON:

H.R. 3906.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution.

By Mr. GRAYSON:

H.R. 3907.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution.

By Mr. GRAYSON:

H.R. 3908.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution.

By Mr. GUINTA:

H.R. 3909.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII, Clause 18. The Congress shall have power . . . to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States

By Mr. ISRAEL:

H.R. 3910.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to the Congress by Article I, Section 4, Clause 1 of the United States Constitution

By Mrs. KIRKPATRICK:

H.R. 3911.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 (18) To make all Laws which shall be necessary and proper for carrying into Executive the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department of Officer therefore.

By Ms. KUSTER:

H.R. 3912.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States), and Article 1, Section 8, Clause 3 (relating to the power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes) of the United States Constitution.

By Mr. LANGEVIN:

H.R. 3913.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 3

By Mr. ROUZER:

H.R. 3914.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 14 of the United States Constitution. To make Rules for the Government and Regulation of the land and naval forces.

By Mr. SCHRADER:

H.R. 3915.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under:

U.S. Const. art. 1, §1; and

U.S. Const. art. 1, §8, cl. 18.

By Ms. TSONGAS:

H.R. 3916.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article 1 of the United States Constitution.

By Mr. YOUNG of Indiana:

H.R. 3917.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have the Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debt and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 170: Mr. HUELSKAMP.

H.R. 303: Mr. RATCLIFFE.

H.R. 344: Mr. GUTIÉRREZ,

H.R. 353: Mr. POE of Texas.

H.R. 381: Mr. FATTAH.

H.R. 456: Ms. LORETTA SANCHEZ of California.

H.R. 472: Mr. COLE.

H.R. 543: Mr. FLEMING.

H.R. 546: Mr. MCGOVERN.

H.R. 556: Mr. KILDEE.

H.R. 563: Mr. COLE.

H.R. 592: Mr. SMITH of Texas.

H.R. 600: Mr. REICHERT.

H.R. 674: Ms. KUSTER.

H.R. 699: Mr. PAYNE and Mr. WALBERG.

H.R. 704: Mr. BRIDENSTINE.

H.R. 815: Mr. HARDY.

H.R. 824: Mr. FLEMING.

H.R. 836: Mr. FLEMING and Mr. CLAWSON of Florida.

H.R. 840: Mr. KEATING, Mr. HUFFMAN, Mr. MCNERNEY, and Ms. BROWNLEY of California.

H.R. 842: Mrs. WALORSKI and Mr. PEARCE.

H.R. 863: Mr. BOUSTANY and Mr. HARPER.

H.R. 921: Mr. FLEMING.

H.R. 953: Mr. LEVIN and Mr. WELCH.

H.R. 964: Mr. RANGEL.

H.R. 985: Mr. WOMACK and Ms. EDWARDS.

H.R. 990: Mr. TONKO and Mr. RUPPERSBERGER.

H.R. 1057: Mr. PETERSON.

H.R. 1197: Mr. SIRES.

H.R. 1220: Mr. WENSTRUP and Mr. HUIZENGA of Michigan.

H.R. 1271: Mr. KING of New York.

H.R. 1288: Mr. ROSKAM, Mr. LATTA, and Ms. LORETTA SANCHEZ of California.

H.R. 1301: Mr. KIND.

H.R. 1312: Ms. BONAMICI.

H.R. 1340: Mr. LEVIN.

H.R. 1343: Mr. SHUSTER and Mr. SMITH of Texas.

H.R. 1401: Mr. HILL and Mr. RICE of South Carolina.

H.R. 1423: Mr. BARLETTA.

H.R. 1453: Mr. POMPEO and Mrs. WALORSKI.

H.R. 1454: Ms. TSONGAS.

H.R. 1457: Mrs. BLACKBURN.

H.R. 1475: Mr. FRELINGHUYSEN.

H.R. 1516: Mr. TOM PRICE of Georgia.

H.R. 1533: Ms. ESTY.

H.R. 1538: Mr. RICE of South Carolina and Mr. VISCLOSKY.

H.R. 1545: Mr. RIBBLE and Mr. GROTHMAN.

H.R. 1550: Mr. FOSTER and Mrs. LOVE.

H.R. 1559: Mr. JEFFRIES.

H.R. 1567: Mr. ROONEY of Florida, Ms. NORTON, Ms. JENKINS of Kansas, and Mr. COHEN.

H.R. 1571: Mr. SCHIFF, Mr. FARR, Ms. NORTON, Mr. SWALWELL of California, Mr. DELANEY, Mr. BRADY of Pennsylvania, and Ms. MOORE.

H.R. 1625: Ms. TITUS.

H.R. 1627: Mr. POSEY and Mr. DUNCAN of South Carolina.

H.R. 1631: Mr. KELLY of Pennsylvania.

H.R. 1671: Mr. BUCSHON, Mr. HUDSON, Mr. CRENSHAW, and Mr. BRIDENSTINE.

H.R. 1726: Mr. JEFFRIES.

H.R. 1737: Mr. FARR.

H.R. 1763: Mr. KENNEDY, Ms. DELBENE, Ms. SINEMA, Mr. KEATING, Ms. VELÁZQUEZ, Ms. MOORE, and Ms. CLARK of Massachusetts.

H.R. 1786: Ms. ROS-LEHTINEN and Mr. AMODEI.

H.R. 1814: Mr. HANNA.

H.R. 1859: Mr. ZELDIN.

H.R. 1902: Mr. PRICE of North Carolina.
H.R. 1921: Mr. BROOKS of Alabama.
H.R. 1942: Mr. GALLEGO and Ms. LINDA T. SÁNCHEZ of California
H.R. 1969: Mr. CICILLINE, Ms. LORETTA SANCHEZ of California, Mr. DEFAZIO, and Mr. SMITH of New Jersey.
H.R. 1986: Mr. CRAWFORD.
H.R. 2017: Mr. KINZINGER of Illinois and Mr. MCKINLEY.
H.R. 2050: Mr. THOMPSON of Pennsylvania and Mr. VALADAO.
H.R. 2144: Mrs. BROOKS of Indiana.
H.R. 2264: Mr. ROE of Tennessee and Mr. YOUNG of Iowa.
H.R. 2285: Mrs. LOWEY.
H.R. 2307: Ms. TITUS.
H.R. 2403: Mrs. KIRKPATRICK, Mrs. WATSON COLEMAN, and Mr. CARSON of Indiana.
H.R. 2450: Mr. AGUILAR.
H.R. 2515: Mr. ROONEY of Florida and Mr. SWALWELL of California.
H.R. 2536: Mr. HASTINGS.
H.R. 2540: Mr. MICHAEL F. DOYLE of Pennsylvania.
H.R. 2627: Ms. PINGREE.
H.R. 2641: Ms. CLARK of Massachusetts and Ms. PINGREE.
H.R. 2646: Mr. GOODLATTE, Mr. ABRAHAM, and Mr. EMMER of Minnesota.
H.R. 2654: Ms. ROYBAL-ALLARD, Mr. CASTRO of Texas, and Ms. LORETTA SANCHEZ of California.
H.R. 2699: Ms. TSONGAS.
H.R. 2710: Mr. RATCLIFFE and Mr. JORDAN.
H.R. 2715: Mr. AGUILAR.
H.R. 2716: Mr. LAMALFA.
H.R. 2758: Mr. ABRAHAM.
H.R. 2844: Mr. GRAYSON.
H.R. 2867: Ms. KUSTER, Ms. LORETTA SANCHEZ of California, Mrs. DAVIS of California, and Mr. SMITH of Washington.
H.R. 2871: Ms. TSONGAS.
H.R. 2880: Mr. THOMPSON of Mississippi.
H.R. 2894: Mr. KENNEDY.
H.R. 2902: Mr. NOLAN, Mr. GRAYSON, Mr. KENNEDY, Mr. BRADY of Pennsylvania, Mr. CONYERS, Ms. LORETTA SANCHEZ of California, Mrs. WATSON COLEMAN, Mr. BISHOP of Georgia, Ms. DELAURO, Mr. CUMMINGS, Mr. HIGGINS, Mr. AL GREEN of Texas, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CAROLYN B. MALONEY of New York, Mr. BERA, Ms. WASSERMAN SCHULTZ, Mr. JEFFRIES, Mr. RUSH, and Mr. VEASEY.
H.R. 2903: Mr. MURPHY of Florida and Mr. LATTA.
H.R. 2915: Ms. LORETTA SANCHEZ of California.
H.R. 3036: Mr. COLE.
H.R. 3051: Ms. TSONGAS.
H.R. 3063: Ms. MICHELLE LUJAN GRISHAM of New Mexico.
H.R. 3095: Mr. GARAMENDI.
H.R. 3229: Mr. DUNCAN of South Carolina, Mr. KING of New York, Mr. TOM PRICE of Georgia, and Ms. PINGREE.
H.R. 3263: Mr. SCHIFF and Ms. CASTOR of Florida.
H.R. 3314: Mr. CARTER of Texas, Mr. RICE of South Carolina, Mr. GRAVES of Louisiana, and Mr. MCKINLEY.
H.R. 3326: Ms. JENKINS of Kansas.
H.R. 3356: Mr. JOHNSON of Georgia.
H.R. 3410: Mr. LOWENTHAL and Mr. TED LIEU of California.
H.R. 3411: Mr. NADLER, Mrs. DAVIS of California, Mr. HUFFMAN, Mr. GALLEGO, Ms. EDWARDS, Mr. CONNOLLY, Ms. BROWNLEY of California, Mrs. LOWEY, Mr. LIPINSKI, and Mr. TAKANO.
H.R. 3423: Mrs. KIRKPATRICK and Mr. VALADAO.
H.R. 3459: Mr. CALVERT, Mr. MULVANEY, Mr. DOLD, Mr. BOUSTANY, Mr. HURD of Texas, Mr. POSEY, Mr. LAMBORN, Mr. NUGENT, Mr. ZINKE, Mrs. ELLMERS of North Carolina, Mr. GIBBS, Mr. STEWART, Mr. MACARTHUR, Mr. STIVERS, Mr. TIPTON, Mr. CULBERSON, and Mr. KELLY of Pennsylvania.
H.R. 3488: Mr. STUTZMAN.
H.R. 3516: Mrs. WALORSKI.
H.R. 3522: Mr. LEVIN.
H.R. 3558: Mr. LEVIN.
H.R. 3630: Mrs. MCMORRIS RODGERS.
H.R. 3651: Mr. SESSIONS, Mr. PALAZZO, Mr. KILDEE, Mr. POLIQUIN, Mr. SMITH of Texas, Mr. AUSTIN SCOTT of Georgia, and Mr. JOHNSON of Ohio.
H.R. 3652: Mr. CÁRDENAS.
H.R. 3666: Mr. WELCH.
H.R. 3684: Mr. BISHOP of Georgia.
H.R. 3686: Mr. BOUSTANY.
H.R. 3687: Mr. WEBER of Texas.
H.R. 3706: Mr. KILMER and Mr. RIBBLE.
H.R. 3733: Mr. QUIGLEY.
H.R. 3741: Mr. CARNEY.
H.R. 3756: Mr. JOLLY.
H.R. 3766: Mr. CRENSHAW, Mr. MEADOWS, Mr. YOHO, Mr. RIBBLE, Mr. WEBER of Texas, Mr. CICILLINE, Mr. DONOVAN, Mr. BLUMENAUER, Mr. PERRY, Mr. CARTWRIGHT, and Mr. CHABOT.
H.R. 3780: Mrs. LOVE.
H.R. 3782: Mr. MCGOVERN.
H.R. 3783: Mr. MCGOVERN and Ms. SLAUGHTER.
H.R. 3799: Mr. WOMACK.
H.R. 3801: Mr. HUFFMAN and Mr. YARMUTH.
H.R. 3802: Mr. TOM PRICE of Georgia, Mr. CRENSHAW, Mr. MOONEY of West Virginia, and Mrs. WALORSKI.
H.R. 3806: Mr. MCDERMOTT.
H.R. 3815: Miss RICE of New York.
H.R. 3841: Ms. NORTON, Mrs. NAPOLITANO, Mr. VAN HOLLEN, Mrs. CAPPS, Mr. HASTINGS, and Ms. JUDY CHU of California.
H.R. 3842: Mr. LOUDERMILK.
H.R. 3845: Ms. JENKINS of Kansas and Mr. BOST.
H.R. 3856: Mr. PETERS and Mr. PASCRELL.
H.R. 3859: Mr. LOUDERMILK.
H.R. 3863: Mr. MEEKS.
H.R. 3865: Mr. VALADAO and Mr. EMMER of Minnesota.
H.J. Res. 50: Mr. PITTENGER.
H.J. Res. 70: Mrs. BROOKS of Indiana and Mr. MOONEY of West Virginia.
H. Con. Res. 28: Mrs. ELLMERS of North Carolina.
H. Con. Res. 50: Ms. BORDALLO.
H. Res. 28: Mr. RENACCI and Mr. COSTELLO of Pennsylvania.
H. Res. 32: Ms. ESHOO, Mr. AL GREEN of Texas, and Mr. MURPHY of Florida.
H. Res. 54: Mr. THOMPSON of Mississippi.
H. Res. 56: Mr. ROSKAM.
H. Res. 112: Mr. MCGOVERN, Mr. POCAN, and Mr. WILLIAMS.
H. Res. 194: Ms. KELLY of Illinois.
H. Res. 502: Mr. LOWENTHAL, Mr. SMITH of Washington, Mr. GUTIÉRREZ, Ms. MOORE, Mrs. WATSON COLEMAN, Mr. RUSH, and Ms. LEE.
H. Res. 508: Ms. LEE.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to Rules Committee Print 114–32 offered by Mr. SHUSTER does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *114th* CONGRESS, FIRST SESSION

Vol. 161 WASHINGTON, TUESDAY, NOVEMBER 3, 2015 *No. 163*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM COTTON, a Senator from the State of Arkansas.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Father Patrick J. Conroy, the Chaplain of the U.S. House of Representatives.

The guest Chaplain offered the following prayer:

Let us pray.

Loving God, we give You thanks for giving us another day. We thank You for Your ongoing presence and sustaining grace in us all and Your concern for our Nation.

Continue to bless and inspire the men and women who serve in the Senate. May they be encouraged by any movement that has occurred and may the hopes and prayers of the American people, and indeed the world, for healthy and productive legislation be met with results inspired by Your Spirit.

Forgive our failures, our lack of faith. May the good intentions of all acting in this Chamber be rewarded by solutions to our struggles that benefit our Nation.

May all that is done be for Your greater honor and glory. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 3, 2015.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM COTTON, a Senator from the State of Arkansas, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. COTTON thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

FEDERAL WATER QUALITY PROTECTION BILL

Mr. MCCONNELL. Mr. President, two Federal courts have already found that the Obama administration's plan to regulate the land around nearly every pothole and ditch is illegal. It is hardly a surprise. The administration's so-called waters of the United States regulation is a cynical and overbearing power grab dressed awkwardly as some clean water measure. It is not. Many argue it actually violates the Clean Water Act.

The true aim of this massive regulatory overreach is pretty clear. After all, if you are looking for an excuse to extend the reach of the Federal bureaucracy as widely and intrusively as possible, why not just issue a regulation giving bureaucrats dominion over land that has touched a pothole or a ditch or a puddle at some point? That would seem to be pretty much everything, and that is why the waters of the United States regulation is so worrying. It would force Americans who live near potholes and ditches and puddles to ask bureaucrats for permission to do just about anything on their own property.

Want to spray some weeds? Fill out a permit. Want to put a small pond in your back yard? Ask Uncle Sam. Want to build a barn or just about anything else on the land you own? Good luck getting approval from the Feds on that.

One court said that this regulation was so ridiculous it had to be the result ''of a process that is inexplicable, arbitrary, and devoid of a reasoned process.'' That sounds about right. It certainly wasn't a process that appropriately involved the untold number of stakeholders sure to be affected by such a wide-ranging regulation. Let me read you something I received from a constituent in West Liberty, KY. Here is what he wrote:

I'm disappointed [that] small businesses like mine were not considered in this rule making process. Government regulations, like the proposed rule, are complicated, expensive to navigate and a real obstacle to growing my business. This change, and its ridiculous overreach and restrictions could decrease land value and hinder my ability to expand, develop and use my own private land.

''Please,'' he said, ''support S. 1140, the Federal Water Quality Protection Act.''

I have good news for this Kentuckian and for the many Americans who feel the same way. I do support the Federal Water Quality Protection Act. I actually worked with Senator BARRASSO to introduce it and will take a vote to move the bipartisan bill forward this afternoon.

A bipartisan majority of the Senate supports the Federal Water Quality Protection Act. What it says is pretty simple. If the administration is actually serious about protecting waterways and not just cynically using this regulation as a ploy to extend the bureaucracy's reach, then it should follow the proper process to get to a balanced outcome. It should appropriately consult with the Americans who would be

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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the most affected by the regulation, especially farmers, ranchers, and small businesses, not to mention the homebuilders, manufacturers, mine operators, and utility providers that would be particularly impacted in my State. It should appropriately consult with the States. It should actually conduct the regulatory impact analyses required of it.

In short, what this bipartisan bill would do is require the administration to actually follow the balanced approach it should have followed in the first place. It is commonsense, bipartisan legislation that would protect our waterways while protecting the American people from a heavy-handed regulation that threatens their property rights and their very livelihoods. A similar bill has already passed the House with bipartisan support.

Americans in places like Eastern Kentucky have suffered enough from this administration's regulatory onslaught already. This latest regulation threatens to turn the screws even tighter for almost no benefit at all.

I call on every colleague to join me in standing up for the middle class instead of defending cynical, job-crushing regulations. I ask them to join me in supporting the bipartisan Federal Water Quality Protection Act this afternoon.

I thank my colleague from Iowa for her hard work on this issue. She has introduced a measure that would allow Congress to overturn this massive regulation in its entirety. It is another avenue the Senate can pursue as we seek to protect the middle class from this unfair regulatory attack.

I know the Senator from Iowa is actually with us on the floor right now. She is here for a different reason, which is the subject that I am turning to right now.

CONGRATULATING SENATOR GRASSLEY ON CASTING HIS 12,000TH VOTE

Mr. MCCONNELL. Mr. President, last week the Senate marked two milestones. First, our colleague from Vermont cast vote No. 15,000. We all noted it at the time. And then our colleague from Iowa cast vote No. 12,000, and that is what we would like to note now.

It is true that Senator GRASSLEY still has some catching up to do if he wants to overtake the Senator from Vermont, but there is more to this story than the top-line number. Out of those 12,000 votes our colleague has taken, the last 7,474 of them were taken consecutively. He hasn't missed a single vote since 1993. He has the second-longest consecutive voting record in Senate history, second place out of 1,963 Senators. That is pretty impressive.

Even so, we know our colleague never likes to settle for second. It is good for him, then, that he will soon grab gold in a different way. He is just a few months out from becoming the longest serving Senator in Iowa history, and yet he is one of the most energetic guys around here—a runner in every sense of the term.

He has a lot of fans in Iowa too. I don't think it is any great mystery why the people of Iowa keep sending him here. This is a Senator with a deep love for his State and a simple philosophy. When he is here in Washington, he is voting. When he is back in Iowa, he is out meeting Iowans. He makes a point to hold townhall-type events in each of Iowa's 99 counties every single year. He hasn't missed a single county in over three decades. No wonder he began his ascent into Twitter legend with four simple words: ''Attending events in Iowa.'' That tweet is hardly as infamous as ''assume deer dead'' or ''staff has now informed me of what a Kardashian is, I'm only left with more questions.'' It captures our colleague perfectly in less than 140 characters.

Here is something that captures him in at least that many calories. At the end of every annual 99-county swing, Senator GRASSLEY has a ritual. He gets a Blizzard from Dairy Queen—sometimes chocolate, sometimes vanilla, but always, always swirled with Snickers. This year, he got to DQ so early he had to wait in the parking lot for it to open, and of course since this is the senior Senator from Iowa, he tweeted about it. Here is what he said: ''I'm at the Jefferson Iowa DairyQueen,'' he wrote, doing ''you know what!!!'' That is some tweet. But in this Dairy Queen story, you have the perfect metaphor for our colleague from Iowa—early riser, driven, devoted to tradition, open to change, and never afraid to mix it up. For this lover of dairy and devotee of his home State, it makes perfect sense. The people of Iowa are lucky to have him here fighting on their behalf.

Here is to another 99 counties. Here is to the 12,000-vote milestone the Senator from Iowa crossed last week.

REMEMBERING FRED THOMPSON

Mr. MCCONNELL. Finally, Mr. President, on an entirely different and sad matter, there was never any doubt when our colleague from Tennessee was nearby—6 feet 6 inches tall, deep, booming voice, and a magnetic personality that lit up any room he was in. Fred Thompson may have towered over the Senate in a very literal sense, but he was one of the most down-to-earth guys you will ever meet. He was a true gentleman with a kind heart.

This Senator, who lived life to the very fullest, the first in his family to ever attend college, never forgot where he came from.

Now, in a weird twist of fate, it turns out that Fred and I actually came from the same place. We were both born in what was then known as the Colbert County Hospital in Sheffield, AL. But getting back to Fred's humility, how many successful actors can you say that about? You see, Senator Thompson hardly fit the Hollywood stereotype. Senator Thompson didn't fit the political stereotype either. He was just Fred. He had one of the most interesting careers you could ever imagine—Senate colleague, Watergate lawyer, Presidential candidate, and radio personality. And he was an icon of the silver and small screen alike, one who didn't just take on criminals as an actor but as a real-life prosecutor as well. That was Fred Thompson. That was the man many of us had the pleasure to serve with.

I am reminded of some words shared recently by Fred's friend of 50 years, a friend who succeeded him here in the Senate. ''Very few people could light up a room the way that Fred Thompson did,'' he said. ''I will miss him greatly.''

I join the senior Senator from Tennessee in the same sentiment. I know the entire Senate does as well, just as the Senate joins together in sending condolences to Fred's loved ones, Jeri and his children, in particular, in this very difficult time.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

PAID FAMILY LEAVE

Mr. REID. Mr. President, for many decades the American people have heard that their elected officials and political hopefuls taught family values, but right now we need more than talk. We need Members of Congress to step up to the plate to help working families.

Our country has fallen well behind the rest of the world when it comes to paid family leave. We are the only developed country in the world that does not mandate paid medical leave for workers. Think about that. The most industrialized and successful country in the history of the world mandates less paid and protected family leave than Malta, Slovakia, and Estonia. What does this mean for working American families? It means parents can't stay home and take care of their sick children. It means mothers need to rush back to work after giving birth to a child. It means working Americans have to choose between a paycheck and their family responsibilities.

Right now the United States provides paid family leave for only 12 percent of its private sector workforce. We are one of three nations without paid maternity leave: Papua New Guinea, Oman, and the United States. Those are the three nations without paid maternity leave: America, Oman, and New Guinea. That is really unfair, and it doesn't qualify as family values.

I was pleased recently to learn that the new Speaker, PAUL RYAN, told House Republicans his family is off-limits. I don't know if that means Friday afternoons or just Saturday and

Sunday. He wants to spend more time with his family, and I applaud him for that. There were some people who mocked Congressman RYAN for that, and they are wrong. All parents should work to protect that time with their families.

Here is the problem. For millions of Americans, the concept of work-family life balance is nothing more than a fantasy. For far too many Americans, more time at work and less time with family is the only way to put food on the table and a roof over their heads. Still, these hard-working families are falling behind. An unpaid day off is out of the question.

Contrast that with the Senate. The Republican-controlled Senate doesn't work 5-day weeks. Yet millions of Americans can't get a day off when a loved one dies or a child is confined to a hospital bed. If you play baseball, the average salary is more than $2 million a year. If your wife has a baby, you take off. But they make millions of dollars a year. Middle-class Americans don't make that.

While Speaker RYAN insists on a family-friendly work schedule for himself, he is blocking legislation that would give the bare minimum in paid leave for hard-working Americans. Before we worry about ourselves, we should worry about the millions of Americans who can't get a day off work to care for a sick child—can't get a half day off work. That would be real family values.

DRINKING WATER PROTECTIONS

Mr. REID. Mr. President, this week the Senate will vote on two pieces of legislation that will nullify drinking water protections for 117 million Americans.

The Obama administration's clean water rule will restore important safeguards to protect American water sources from pollution and contamination. This landmark rule from the Obama administration will finally resolve years of confusion and provide regulatory certainty for businesses, farmers, local governments, and communities without creating any new permitting requirements and maintaining all previous exemptions and exclusions.

The Republicans in Congress are intent on undermining these important protections. The Republican leader and his colleagues unfortunately are forcing the Senate to vote on legislation to roll back President Obama's clean water rule. This legislation will fail, of course, and Republicans know it will fail.

Last week, the junior Senator from Texas said this:

> [N]ext week we will have a show vote on the waters of the United States. Leadership is very happy. We will have a show vote. We will get to vote, and it will fail.

Perhaps the junior Senator is right; this is another Republican charade. I hope not. If these bills were to pass, President Obama will veto them. Yet Republicans are content to waste the Senate's time just so they can launch another attack on the environment. This is the first of a series of environmental attacks we expect this month from Republicans. They are also preparing to nullify the President's rules to address climate change. They have no solutions and no plan to keep our water clean or address climate change. They are wasting valuable Senate time on these show votes.

CONGRATULATING SENATOR GRASSLEY ON CASTING HIS 12,000TH VOTE

Mr. REID. Mr. President, every year in the Senate we are sent to this distinguished body for one reason: to represent the people of our State and the people of this country. Our constituents expect us to legislate. They expect us to be here on the Senate floor voting and representing their interests. In the Senate, there is no one better at upholding that responsibility than the senior Senator from Iowa.

Last Thursday, CHARLES GRASSLEY cast his 12,000th vote as a U.S. Senator. As remarkable as that is, as my friend the senior Senator from Kentucky said, it is even more impressive that he has cast almost 7,500 consecutive votes on the Senate floor. He hasn't missed a vote since July 14, 1993. He holds the second longest consecutive vote streak in Senate history, behind our colleague Senator William Proxmire of Wisconsin. That is a lot of votes.

Senator GRASSLEY's constancy and unwavering work ethic comes as no surprise to those of us who have known him and are acquainted with his background. CHUCK GRASSLEY is a farmer. He is proud of that. He got started in politics when he was elected to the Iowa House in 1959. He served for 15 years. In 1974, he ran for Congress and served three terms in the House of Representatives.

He was elected to the Senate in 1980. Thirty-six years, 12,000 votes—that is remarkable, as is 7,474 consecutive votes. So I say congratulations to my friend CHUCK GRASSLEY on those incredible milestones.

REMEMBERING FRED THOMPSON

Mr. REID. Mr. President, over the weekend, the people of Tennessee lost a member of their family. Senator Fred Thompson, whom my friend the Republican leader has talked about, died after a recurring battle with lymphoma.

Those of us who served with him remember that wonderful voice. His voice was so good that many people said he should be an actor. Well, he was. He was an actor. He had a beautiful voice that projected so very well, but he was good wherever he was—the floor of the Senate, movie studio, the town square of his home.

He was a statesman in every sense of the word. His dedication to responsible public service fueled his commitment to bipartisanship and compromise. Fred Thompson was known for his courageous heart and straightforward approach to public service.

I will miss him a great deal. He was always very kind and thoughtful and friendly to me, and the Senate is a better place for having had him here.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FEDERAL WATER QUALITY PROTECTION ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1140, which the clerk will report.

The legislative clerk read as follows:

> Motion to proceed to Calendar No. 153, S. 1140, a bill to require the Secretary of the Army and the Administrator of the Environmental Protection Agency to propose a regulation revising the definition of the term ''waters of the United States,'' and for other purposes.

The PRESIDENT pro tempore. Under the previous order, the time until 12:30 p.m. will be equally divided between the two leaders or their designees.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO SENATOR CHARLES GRASSLEY'S 12,000TH VOTE

Mr. LEAHY. Mr. President, I have had the privilege of serving with several hundred Senators in this body over the years I have been here, and Senator GRASSLEY has been a very special friend during that time. He has represented the voices of Iowans for nearly three and a half decades. I think we have been friends for that three and a half decades.

When I think of Senator GRASSLEY—12,000 votes, hundreds of hearings, countless tweets, and probably four dozen sweater vests later—he is the same down to earth Iowa farmer who visits every one of the State's 99 counties every year. He is also the Iowa farmer who, when Vermont was hit with terrible flooding a few years back, was the first person to contact me to say, ''Vermont stood with Iowa when we were hit with a natural disaster. Iowa now stands with Vermont.''

He and I have worked together, and we have had a productive relationship that spans those decades. On the Judiciary Committee, we take our leadership responsibilities seriously. We have both made sure that, both as chairman and ranking members, that every Senator has a chance to be heard. We have found ways to come together on meaningful legislation. We enjoy each other's company. We are able to kid each

other, as I did on his recent birthday. But more importantly, we do what I was told to do when I first came to the Senate, and I am sure what Senator GRASSLEY was told when he did—we keep our word. We have always kept our word to each other.

It also helps that we both married above ourselves. His wonderful wife, Barbara, and my wife, Marcelle, are very close friends. They sometimes say that they belong to that special club that nobody wants to join, that of cancer survivors.

Senator GRASSLEY's willingness to listen and hard work was most recently on display in the Judiciary Committee, as we hammered out an important compromise on sentencing reform which brought the left and the right together—both parties together. I think every single Senator complimented his leadership.

And I must admit I was grateful for Senator GRASSLEY's comments last week when I, too, crossed a voting milestone. He said we have been good friends and hoped we could cast many more votes together. I share that hope and congratulate my friend on this achievement.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mrs. ERNST. Mr. President, I rise today to congratulate my friend, colleague, and Iowa's outstanding senior Senator on casting his 12,000th vote in the wee early hours of this last Friday morning. In fact, there are only 17 other Senators in history who have cast more votes than Senator CHUCK GRASSLEY. On top of that, he has the longest existing voting streak in Congress.

This farmer from Iowa serves as the chairman of the Senate Judiciary Committee and is one of the highest ranking members in the Senate. But that has not gone to his head—not for CHUCK GRASSLEY. Back home in Iowa, he travels all 99 counties every single year, and he has done this every year for 35 wonderful years. Today his travels across the State to all 99 counties have a name. It is called ''the full Grassley.'' It is something that now our elected officials and even the Presidential candidates who visit Iowa try to complete as well. Senator GRASSLEY has set a high bar, and I am very glad that he has.

Over the years I have learned quite a bit about my friend Senator CHUCK GRASSLEY. He is extremely thrifty. Because of that, he is always looking out for our taxpayer dollars. He fights tirelessly for accountability and transparency in Washington. I can always count on Senator GRASSLEY to stop by my office for doughnuts and coffee and to meet all of our wonderful Iowa constituents who happen to be visiting Washington, DC. He says he comes to visit the constituents. I actually think it is for the free doughnuts, but we are glad he stops by.

Senator GRASSLEY is the epitome of the Iowa way, and he has faithfully upheld these values in the Senate. He is a workhorse and has dedicated his entire career to serving Iowans. Iowa has no greater friend than Senator CHUCK GRASSLEY.

Congratulations, Senator, on your 12,000th vote. Congratulations to Barbara, also. Get your Twitter ready because at noon we are going to celebrate.

I thank the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank all my colleagues, in particular my colleague from Iowa but also the people who are very senior leaders of this body: Senator MCCONNELL, Senator REID, and my friend on the Judiciary Committee, Senator LEAHY, whom I have served with for 35 years. I thank them for their kind words and for what they said about my service to the people of Iowa as an elected representative.

I have interacted with tens of thousands of Iowans as their Senator, so I have a feeling that I know each Iowan personally at this point. Of course, I don't. I know that is technically impossible, but one of the benefits of a State that is not especially big geographically is that I have enough planning that I can get to every county every year, as has been said several times by my colleagues.

Every year, Iowans in each county host me at a question-and-answer session at their factories, schools, or their service clubs. Most of these are my own town meetings that I set up. At each stop, I might get a dozen or so questions on any topic under the Sun, and that is as it should be in representative government because that is a two-way street. The electorate's job is to ask the questions and my job is to answer them. If people are satisfied that I have answered their questions or that at least I have tried to answer them, then I hope I have demonstrated how much their participation means to the process of representative government and to casting my votes in Washington because I bring the benefits of every comment, question, and criticism heard from Iowans to that vote.

With these 12,000 votes, I think of the many conversations and pieces of correspondence behind each vote. Whether I am meeting with Iowans in the Hart Building in Washington or at the University of Northern Iowa volleyball matches near my farm in New Hartford, the time that people take to visit with me is well spent for me, and I hope they consider it a time well spent for them.

People ask me if I have any hobbies. I cannot say that I do, at least not in the way people usually think of hobbies. Spending time with the people of Iowa is part of my work. I get paid to listen and make sure that is what I do. It is my pleasure to spend time with Iowans. When someone stops me at the Village Inn in Cedar Falls, where I go for Sunday brunch after church, to talk about cyber security or sentencing reform, I am glad to do it.

What is important to the people of Iowa is my vocation. I am grateful for the opportunity to cast 12,000 votes. Thanks to the people of Iowa, thanks to my wife Barbara and the rest of my family who share my regard for what is important, representing the people of Iowa.

Mr. ALEXANDER. Mr. President, I thank the people of Iowa for sending us CHUCK GRASSLEY and want to say he does not just represent Iowa, he personifies it. I know of no Senator who better personifies his State than the Senator from Iowa.

Mr. President, I ask unanimous consent that I be recognized to say a few words about our departed colleague Fred Thompson and that following my remarks Senator CORKER be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING FRED THOMPSON

Mr. ALEXANDER. Mr. President, it is my sad duty, as was mentioned by our leaders this morning, to report that Fred Dalton Thompson, who served in this body from 1995 to 2003, representing our State of Tennessee, died in Nashville on Sunday. My wife, Honey, and I and the members of our family—every one of whom valued our friendship with Fred—as well as Members of the Senate, express to Fred's family—his wife Jeri, their children, Hayden and Sammy, and his sons by his earlier marriage to Sarah, Tony and Dan, and his brother Ken—our pride in Fred's life and our sympathy for his death.

Very few people can light up the room the way Fred Thompson did. The truth is, most public figures have always been a little jealous of Fred Thompson. His personality had a streak of magic that none of the rest of us have. That magic was on display when he was minority counsel to the Senate Watergate Committee in 1973, asking former White House aide Alexander Butterfield the famous question: ''Mr. Butterfield, are you aware of the installation of any listening devices in the Oval Office of the President?'' thereby publicly revealing the existence of tape-recorded conversations within the White House. National Public Radio later called that session and the discovery of the Watergate tapes ''a turning point in the investigation.''

The Thompson magic was evident again in 1985, when Fred was asked to play himself in the movie ''Marie.'' In real life, Fred had been the attorney for Marie Ragghianti, the truth-telling chairman of the Tennessee Pardon and Parole Board during a scandal in our State when pardons were sold for cash.

After that, Fred was cast in a number of movie roles as CIA Director, the head of Dulles Airport, an admiral, the President of NASCAR, three Presidents of the United States, and District Attorney Arthur Branch in the television

series ''Law and Order''. That same magic served him well when he ran for the United States Senate in 1994 for the last 2 years of Vice President Gore's unexpired term. It was a good Republican year and Fred's red pickup truck attracted attention, but he defeated a strong opponent by more than 20 percentage points, mostly because when he appeared on television, Tennesseans liked him, trusted him, and voted for him. Fred took on some big assignments during his time in the Senate, but sometimes he would become impatient with some of the foolishness around here. A Washington reporter once asked him if he missed making movies: ''Yes,'' he said, ''Sometimes I miss the sincerity of Hollywood.''

People ask me sometimes: How could an actor accomplish so much? In addition to those things I have already mentioned, during the 1980s Fred was invited twice to be special counsel to Senate investigative committees. When he retired from the Senate, he took over Paul Harvey's radio show. In 2008, he was a frontrunner for the Presidency of the United States. For the last several years, it has been hard to turn on the television without seeing Fred Thompson urging you to buy a reverse mortgage.

I believe there are three reasons his career was so extraordinary and so diverse. First, he was authentic, genuine, and bona fide. So far as I know, he never had an acting lesson. As he did in ''Marie'' and as he did in most of his movie roles, he played himself. There was no pretense in Fred Thompson on or off the stage. Second, he was purposeful. In 1992, when I was Education Secretary, I invited Fred to lunch in the White House lunchroom. For years I had urged him to be a candidate for public office. I hoped he might run in 1994. What struck me during our entire luncheon conversation was that not once did he raise any political concerns. His only question was: If I were to be elected, what do you suppose I could accomplish?

When he was elected, he was serious and principled. He was a strict Federalist, never a fan of Washington telling Americans what to do, even if he thought it was something Americans should be doing. He was not afraid to cast votes that were unpopular with his constituents if he was convinced he was right. The third reason for Fred Thompson's success was he worked hard. Saying that will come as something of a surprise to many.

He was notoriously easygoing. He grew up in modest circumstances in Lawrenceburg, Tennessee. His father Fletch was a car salesman. He was a double major in philosophy and political science at the University of Memphis. He did well enough to earn scholarships to Tulane and Vanderbilt law schools. To pay for school he worked at a bicycle plant, a post office, and a motel.

Before he was Watergate counsel, he was assistant U.S. attorney. The remainder of his busy life was filled with law practice, stage, and radio shows, counsel to Senate investigating committees, more than 20 movies, television commercials, and 8 years as a Senator. I have attended a number of memorial services for prominent figures. As a result, I have added a rule to ''Lamar Alexander's Little Plaid Book.'' It is this: ''When invited to speak at a funeral, be sure to mention the deceased as often as yourself.''

I mentioned this rule last year when I spoke at Howard Baker's funeral because there came a point in my remarks when I could not continue without mentioning my relationship with Senator Baker, and I therefore had to break my own rule. The same is true with Fred Thompson. We were friends for nearly 50 years.

In the late 1960s, both of us fresh out of law school were inspired by Senator Howard Baker to help build a two-party political system in Tennessee. Fred's political debut was campaign manager for John Williams for Congress, against Ray Blanton in 1968. My first political foray was Howard Baker's successful Senate campaign in 1966.

When Senator Baker ran for reelection in 1972, I recruited Fred to be the Senator's Middle Tennessee campaign manager. In 1973, Senator Baker asked me to be minority counsel to the Watergate Committee. I suggested he ask Fred instead because as a former U.S. attorney Fred was much better equipped for the job. When I lost the Governor's race in 1974, the Thompsons were one of two couples Honey and I invited to go to Florida to lick our wounds.

When I was sworn in as Governor in 1979, even without asking him, I announced that Fred Thompson would fly back to Nashville from Washington, DC, to review more than 60 pardons and paroles that had allegedly been issued because someone had paid cash for them. I wanted the celebrated Watergate personality to help restore confidence in Tennessee's system of justice. In the spring of 2002, Fred telephoned to say he would not run for reelection. So I sought and won the Senate seat both he and Howard Baker had held. I have the same phone number today that both of them had when they were here.

During my general election campaign in 2002, an opponent said: ''Why, Fred and Lamar are both in Howard Baker's stable.'' Fred replied: ''Stable hell, we are in the same stall.''

Several times I got a dose of Fred Thompson's magic during those humbling experiences when I asked him to campaign with me. Campaigning with Fred Thompson was a little like going to Dollywood with Dolly Parton. You can be sure no one is there to see you.

We have a tradition of scratching our names in the drawers of the desks that we occupy on the floor of the Senate. When I arrived in 2003, I searched high and low until I found what I wanted: a desk occupied by two predecessors, my friend Fred Thompson and our mentor Howard Baker. During one of those late-night Senate budget sessions a few years ago, I scratched my name after theirs. I am proud it will remain there as long as this desk does: Baker, Thompson, ALEXANDER.

Tennesseans and our country have been fortunate that public service attracted Fred Dalton Thompson. We will miss his common sense, his conservative principles, and his big booming voice. We have lost one of our most able and attractive public servants, and my wife Honey and I have lost a dear friend.

The PRESIDING OFFICER. The Senator from Tennessee

Mr. CORKER. Mr. President, I rise to share my voice with LAMAR ALEXANDER's at the loss of a great Tennessean and a great American. I appreciate so much Senator ALEXANDER's chronologically going through much of the great Senator Thompson's life and talking about the personal experiences. Elizabeth and I, too, want to share our condolences with Jeri, Hayden, and Sammy, along with Tony and Dan, his sons by his first marriage with Sarah, and his brother Ken.

I was able to talk to Tony last week as Fred was in hospice care. As you would expect, with Fred being the kind of person he was, never forgetting where he came from, they wanted to spend those last days together in quiet and didn't want a lot of phone calls or a lot happening to make people aware of what was happening. Fred had reached his end. No doubt, again, Tennessee has lost a great son as has our Nation.

Fred was one of those people, as LAMAR just mentioned, who had extraordinary talent. To me, what was so unique about him having that extraordinary talent is he also had the gift of knowing when and how to use it, from his extraordinary ability as a lawyer, as has been chronicled, to his ability when faced with a case that became something of national notoriety, to himself becoming an actor and playing a role that in this case he was in real life, and then to serving in the Senate in the way that he did.

I, too, had the extraordinary privilege to also know Fred, as I have had in knowing someone like LAMAR ALEXANDER, who I think is one of the great public servants of our State, and Howard Baker, who has been a mentor to all of us and had such an impact on me, LAMAR, and Fred. Back in 1994, as I was telling some Tennesseans earlier today, I was also running for the Senate in a race that no one remembers because of the results. As LAMAR mentioned, everywhere you went, people wanted to see Fred.

Fred had this extraordinary ability to capture people's imaginations. Fred was unabashedly proud of our Nation and never an apologist for what our Nation has done around the world to make the world a better place. I was

able to drive around and see hordes of people gather around Fred. People would pat Bill Frist, me, and the other folks running in the other primary on the head and say: Someday you, too, might be a Senator.

Fred was somewhat criticized that year because of the way he was going about the race. Again, it reminds me of how much talent he had and his ability to know how to use it. He told people: Look, the first time I run a television ad, this race will be over.

He did, and it was. As LAMAR mentioned, he went on to win by 20 points because of the way the people felt about him, not only around our State but around our country.

Fred was very impatient with serving in the Senate, and I had multiple conversations with him about that. Actually, serving here, one can understand with someone like Fred, who constantly wanted to make something happen, how that was a frustration. But I know for a fact from watching his early days—coming in, heading the homeland security committee, and doing the many things he did—that he affected our State and country in a very positive way, which is something all of us would hope to emulate.

We will miss him. He was a rare talent. He was one of those people who made you want to do better when you were around him.

I thank him for his tremendous service to our country, I thank him for the tremendous and deep friendships he created all around our State, and I thank him for causing all of us to constantly remember where we came from.

With that, I join Senator ALEXANDER in again expressing our deep condolences to his family and all who were around him, especially when the end came.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, first, I ask unanimous consent that Senator CARDIN manage our side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I am going to make a statement about S. 1140, which is before us.

Senator BARRASSO, may I make my statement, due to a hectic schedule? I won't go very long. Is that all right with you.

Thank you, my friend.

I thank Senator BARRASSO.

It is kind of commonplace here that it is another day and another attack on the environment. Today is no exception. Today it is an attack on the Clean Water Act. That is what I believe S. 1140 does.

The name of this bill is the Federal Water Quality Protection Act. I tell you, if we could sue for false advertising, we would have a great case because this bill doesn't protect anything. It allows for pollution of many bodies of water that provide drinking water to 117 million Americans, 1 in 3 Americans. Their drinking water will be at risk if my friend's bill passes. That is why I feel so strongly about it.

We see it on this poster: 117 million Americans are served by public drinking water systems. That is 94 percent of public drinking water systems that rely on these headwater streams. It affects 1 in 3 Americans in 48 States.

We are talking about a bill that is called the Federal Water Quality Protection Act, but it is about pollution, not protection. In a way, when we name these bills the opposite of what they are—remember, this is called the Federal Water Quality Protection Act when in fact it is going to lead to contamination of waterways. It reminds me of the book ''1984'' in which the government is making sure people believe different things, and they have slogans like ''war is peace,'' and you think about it, and finally you cannot tell the difference between war and peace.

Pollution is not protection, and this bill will lead to pollution because S. 1140 blocks the final clean water rule that clearly protects these waters while exempting ditches and storm water collection and treatment systems, artificial ponds, water-filled depressions, puddles, and recycled water facilities.

What you will hear from the other side is, oh, the Obama administration has written a rule that is protecting puddles. That is nonsense. The fact is, the clean water rule is going to bring certainty to the Clean Water Act, and it is going to protect the drinking water of 117 million Americans. Yet my Republican friends want to stop it. The exemptions that are in there would be gone, not only the exemption from ditches, storm water collection, artificial ponds, water-filled depressions, and recycled water facilities, but also the exemptions for agriculture and forestry. So we are going to have a situation where there is more chaos surrounding our water laws. It is going to lead to confusion for businesses and landowners, and it is going to take us back to square one to figure out a whole other rule. Following two Supreme Court decisions, we shouldn't pass legislation that would create even more uncertainty and invite years of new litigation.

The other thing you hear from the other side is, oh, this clean water rule the Obama administration wrote—they didn't listen to the public. Well, more than 1 million comments were received during a comment period that lasted over 200 days, and over 400 outreach meetings with stakeholders and State and local governments were conducted. So this bill—by sending us back to square one—ignores this robust outreach, and it will wind up wasting millions of taxpayer dollars, forcing EPA to go right back to square one. How many more comments do these friends of mine on the other side of the aisle want? My God, there were 400 outreach meetings over 200 days and more than 1 million comments. It makes no sense to me.

Nothing is more important than protecting the lives of the American people, and when we weaken the Clean Water Act, that is what we do.

I will show a photograph. This was the Cuyahoga River in Cleveland, OH, decades ago. It caught on fire. It caught on fire because there was no regulation and there were all kinds of toxic substances on the waterway. Our lakes were dying. And this one—when the people saw it on fire, they said enough is enough. They demanded the Clean Water Act. We passed it—I wasn't here then; it was 1972—by an overwhelmingly bipartisan majority. We have made tremendous progress. Today our rivers, lakes, and streams are far cleaner than they were, and the Clean Water Act has been one of our most successful laws.

Let's look at the support for the Clean Water Act. This is unbelievable, when you see this. This is overwhelming public support for the clean water rule that my friends on the other side of the aisle, the Republicans, want to stop in its tracks.

Seventy-nine percent of voters think Congress should allow the clean water rule to move forward, and 80 percent of small business owners support protections for upstream headwaters in the EPA's new clean water rule. So somebody has to explain to me—and I am sure my friends will try to, and I look forward to hearing their reasoning—why they are going against 79 percent of the voters and 80 percent of small businesses. It makes no sense.

The bill takes us in the wrong direction. That is why over 80 scientists with expertise in the importance of streams and wetlands, as well as the Society for Freshwater Science, oppose this bill. I have received opposition letters from so many groups, I am going to read them to you. And think about these groups. These are objective groups. These are nonpartisan groups.

Under public health, there is the American Public Health Association, the Physicians for Social Responsibility, and the Trust for America's Health.

Under scientists and legal experts, there are 82 scientists, 44 law professors, and the American Fisheries Society.

Under business, there is the American Sustainable Business Council representing 200,000 businesses that oppose this bill, and there are 35 U.S. breweries. That is kind of interesting. The breweries count on clean water. They are very upset about the Barrasso bill. They oppose it.

Under sportsmen, there is the American Fly Fishing Trade Association. I thought my Republican friends support outdoor recreation. The Backcountry Hunters and Anglers, the Illinois Council of Trout Unlimited, the International Federation of Fly Fishers, the Izaak Walton League of America, the

Florida Wildlife Federation, the National Wildlife Federation, the Theodore Roosevelt Conservation Partnership, and Trout Unlimited oppose this bill.

Under environmental, there is the Alliance for the Great Lakes, American Canoe Association, American Rivers, and the BlueGreen Alliance.

Mr. President, I am not going to go on that much longer. I am just going to finish reading this list because when I speak—OK, you know I am a strong environmentalist. I am wearing my green today on purpose. These groups are very concerned about the Barrasso bill, as are 79 percent of voters.

Here are the other groups that weighed in: BlueStream Communications, California River Watch, and Central Ohio Watershed Council. They know because they have algae blooms coming to their lakes. Continuing, there is Clean Water Action, Clean Up the River Environment, Coastal Environmental Rights Foundation, Defenders of Wildlife, Earthjustice, Endangered Habitats League, Environment America, Evangelical Environmental Network. Do you want to know why the Evangelical Environmental Network is here? Because they believe that with this bill we are harming God's creation. That is why they are involved. Continuing, Greenpeace, Gulf Restoration Network, Kentucky Waterways Alliance, Lake Champlain International, League of Conservation Voters, Massachusetts River Alliance, National Parks Conservation Association, Natural Resources Defense Council, Nature Coast Conservation, New Jersey Audubon Society, Northwest Environmental Advocates, Ohio Environmental Council, Ohio River Foundation, Prairie Rivers Network, River Network, Roots & Shoots, University of Tampa, Sierra Club, Southern Environmental Law Center, Surfrider Foundation.

Under rural development, there is the Center for Rural Affairs.

There are reasons all these groups—scientists and biologists—have come together. They want to protect the waterways of the United States of America. This bill will take us back to square one. This bill goes against the most incredible group of opponents. This bill ignores the will of the people. So I am very hopeful that we will have enough votes to stop the special interests that want to keep dumping toxic material and dangerous material into our waterways.

I know Senator BARRASSO and Senator INHOFE would like time.

With that, I yield the floor.

Mr. President, I ask unanimous consent that when the first Republican speaker is done, it goes back to a Democrat, then back to a Republican, if that is OK with everybody.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I wish to do three things quickly. One is a request, one is an apology, and one is the truth. The privileges of the floor request will appear in another section of the RECORD.

Secondly, I have an apology. I am very fortunate I have had the same staff for 21 years in the Senate. They have never made a mistake. My staff never made a mistake until last Friday. Last Friday I was informed by my staff that we had two votes starting at 1 o'clock in the morning—two votes, and yet there were three. So I am the guy who came down, thinking I had already voted. So I apologize to the leader, I apologize to the staff who was working, and more than anything else, I apologize to the young people on the front row, our pages, who had to stay up another 15 minutes at 4 o'clock in the morning because of me. I apologize.

On the truth side, first, let me put in the RECORD—my good friend from California was talking about all of the groups. I have five times as many groups now on record, many of which are from the State of California. I have a long list. I wish to make those 44 groups from California a part of the RECORD. And then there are the 480 very thoughtful groups nationally that are opposed to this rule.

I ask unanimous consent to have printed in the RECORD the two lists of supporters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CALIFORNIA ENTITIES SUPPORTING S. 1140

California Cattlemen's Association; California Chamber of Commerce; California Cotton Ginners Association; California Farm Bureau; Camarillo Chamber of Commerce; Central California Golf Course Superintendents Association; Chambers of Commerce Alliance of Ventura & Santa Barbara Counties; Corona Chamber of Commerce; County of San Joaquin, California; Elk Grove Chamber of Commerce; Fresno Chamber of Commerce; Fullerton Chamber of Commerce; Goleta Valley Chamber of Commerce.

Golf Course Superintendents Association of Southern California; Greater Bakersfield Chamber of Commerce; Greater Conejo Valley Chamber of Commerce; Greater Grass Valley Chamber of Commerce; Hi-Lo Desert Golf Course Superintendent Association; Inland Empire Golf Course Superintendents Association; Inland Empire Regional Chamber of Commerce; Long Beach Area Chamber of Commerce; Los Angeles Area Chamber of Commerce; Murrieta Chamber of Commerce; Oceanside Chamber of Commerce; Orange County Business Council; Oxnard Chamber of Commerce.

Rancho Cordova Chamber of Commerce; Redondo Beach Chamber of Commerce; Roseville Chamber of Commerce; Rural County Representatives of California; Sacramento Metropolitan Chamber of Commerce; San Diego Regional Chamber of Commerce; San Gabriel Valley Economic Partnership; San Joaquin Valley Quality Cotton Growers Association; Santa Clara Chamber of Commerce and Convention-Visitors Bureau; Santa Clarita Valley Chamber of Commerce; Santa Maria Valley Chamber of Commerce; South Bay Association of Chambers of Commerce; South Orange County Economic Coalition; Torrance Area Chamber of Commerce; Trinity Expanded Shale & Clay; Tuolumne County Chamber of Commerce; Western Agricultural Processors Association; Willows Chamber of Commerce.

SUPPORTERS OF THE FEDERAL WATER QUALITY PROTECTION ACT

U.S. Conference of Mayors; National Association of Counties; National League of Cities; National Association of Regional Councils; Patrick Morrisey, West Virginia Attorney General; Doug Peterson, Nebraska Attorney General; Tim Fox, Montana Attorney General; Wayne Stenehjem, North Dakota Attorney General; Scott Pruitt, Oklahoma Attorney General; Michael DeWine, Ohio Attorney General; Peter Michael, Wyoming Attorney General; Alan Wilson, South Carolina Attorney General; Luther Strange, Alabama Attorney General; Brad Schimel, Wisconsin Attorney General; Mark Brnovich, Arizona Attorney General; Terry Branstad, Iowa Governor; Leslie Rutledge, Arkansas Attorney General; Phil Bryant, Mississippi Governor; Agricultural Council of Arkansas; Agricultural Retailers Association; Agri-Mark, Inc.; Alabama Cattlemen's Association; Alabama Chapter of Golf Course Superintendents Association; Alaska; Alaska State Chamber of Commerce; Albany-Colonie Regional Chamber of Commerce; American Agri-Women.

American Exploration & Mining Association; American Farm Bureau Federation; American Forest & Paper Association; American Gas Association; American Horse Council; American Petroleum Institute; American Public Power Association; American Public Works Association; American Road & Transportation Builders Association; American Society of Golf Course Architects; American Soybean Association; American Sugar Alliance; AmericanHort; Ames Chamber of Commerce; Annapolis and Anne Arundel County Chamber of Commerce; Arctic Slope Regional Corporation; Area Development Partnership—Greater Hattiesburg; Arizona Cattle Feeders' Association; Arizona Cattle Growers' Association; Arizona Chamber of Commerce and Industry; Arizona Farm Bureau Federation; Arizona Mining Association; Arizona Rock Products Association; Arkansas Cattlemen's Association; Arkansas Pork Producers Association; Arkansas State Chamber of Commerce; Associated Builders & Contractors Associated Builders & Contractors Delaware Chapter.

Associated Builders & Contractors Empire State Chapter; Associated Builders & Contractors Florida East Coast Chapter; Associated Builders & Contractors Heart of America Chapter; Associated Builders & Contractors Illinois Chapter; Associated Builders & Contractors Mississippi Chapter; Associated Builders & Contractors New Orleans/Bayou Chapter; Associated Builders & Contractors Pelican Chapter; Associated Builders & Contractors Rocky Mountain Chapter; Associated Builders & Contractors Western Michigan Chapter; Associated Builders and Contractors; Associated Industries of Arkansas, Inc.; Association of American Railroads; Association of American Railroads; Association of Equipment Manufacturers (AEM); Association of Oil Pipe Lines; Association of Texas Soil and Water; Baltimore Washington Corridor Chamber; Billings Chamber of Commerce; Birmingham Business Alliance; Bismarck-Mandan Chamber of Commerce; Buckeye Valley Chamber of Commerce; Buffalo Niagara Partnership; Bullhead Area Chamber of Commerce; Business Council of Alabama; Cactus & Pine Golf Course Superintendents Association; California Cattlemen's Association; California Chamber of Commerce.

California Cotton Ginners Association; California Farm Bureau; Calusa Golf Course Superintendents Association; Camarillo Chamber of Commerce; Carson Valley Chamber of Commerce; Central California Golf

Course Superintendents Association; Central Delaware Chamber of Commerce; Central Florida Golf Course Superintendents Association; Central New York Golf Course Superintendents Association; Chamber of Reno, Sparks, and Northern Nevada; Chamber Southwest Louisiana; Chambers of Commerce Alliance of Ventura & Santa Barbara Counties; Chicago Southland Chamber of Commerce; Cincinnati USA Regional Chamber; City of Central Chamber of Commerce; Cleveland-Bolivar County Chamber of Commerce; Club Managers Association of America; Coeur d'Alene Chamber of Commerce; Colorado Association of Commerce & Industry; Colorado Cattlemen's Association; Colorado Competitive Council; Colorado Livestock Association; Colorado Nursery and Greenhouse Association; Colorado Pork Producers Council.

Columbia County Chamber of Commerce; Connecticut Association of Golf Superintendents; Conservation Districts; Corn Refiners Association; Corona Chamber of Commerce; County of San Joaquin, California; CropLife America; Crowley Chamber of Commerce; Dairy Producers of New Mexico; Dairy Producers of Utah; Dakota County Regional Chamber of Commerce; Darke County Chamber of Commerce; Dauphin Island Chamber of Commerce; Delaware State Chamber of Commerce; Delta Council; Denver Metro Chamber of Commerce; Development Association; Distribution Contractors Association; Dubuque Area Chamber of Commerce; Durango Chamber of Commerce; Earthmoving Contractors Association of Texas; Economic Progress (FEEP); Edison Electric Institute; Elk Grove Chamber of Commerce; Energy Piping Systems Division; Everglades Golf Course Superintendents Association; Exotic Wildlife Association.

Fall River Area Chamber of Commerce & Industry; Federal Forest Resources Coalition; Florida Cattlemen's Association; Florida Chamber of Commerce; Florida Golf Course Superintendents Association; Florida Sugar Cane League; Florida West Coast Golf Course Superintendents Association; Fort Collins Area Chamber of Commerce; Foundation for Environmental and; Fred Weber, Inc.; Fresno Chamber of Commerce; Fullerton Chamber of Commerce; Georgia Agribusiness Council; Georgia Cattlemen's Association; Georgia Chamber of Commerce; Georgia Cotton Commission; Georgia Golf Course Superintendents Association; Georgia Green Industry Association; Georgia Pork Producers Association; Glendale Chamber of Commerce; Goleta Valley Chamber of Commerce; Golf Course Builders Association of America; Golf Course Superintendents Association of America.

Golf Course Superintendents Association of Cape Cod; Golf Course Superintendents Association of New Jersey; Golf Course Superintendents Association of Southern California; Grand Junction Area Chamber of Commerce; Grand Rapids Area Chamber of Commerce; Grant County Chamber of Commerce & Tourism; Greater Bakersfield Chamber of Commerce; Greater Casa Grande Chamber of Commerce; Greater Cedar Valley Alliance & Chamber; Greater Conejo Valley Chamber of Commerce; Greater Elkhart Chamber of Commerce; Greater Fairbanks Chamber of Commerce; Greater Flagstaff Chamber of Commerce; Greater Grass Valley Chamber of Commerce; Greater Hall Chamber of Commerce; Greater Hernando County Chamber of Commerce; Greater Hyde County Chamber of Commerce; Greater Louisville Inc.; Greater North Dakota Chamber of Commerce; Greater Oak Brook Chamber of Commerce and Economic Development Partnership; Greater Oklahoma City Chamber.

Greater Omaha Chamber of Commerce; Greater Phoenix Chamber of Commerce; Greater Raleigh Chamber of Commerce; Greater Rome Chamber of Commerce; Green Valley Sahuarita Chamber of Commerce & Visitor Center; GROWMARK, Inc. Gulf County Chamber of Commerce; Hastings Area Chamber of Commerce; Hawaii Cattlemen's Council; Heart of America Golf Course Superintendents Association; Hi-Lo Desert Golf Course Superintendent Association; Holmes County Development Commission; Horseshoe Bend Area Chamber of Commerce; Houma-Terrebonne Chamber of Commerce; Idaho Association of Commerce & Industry; Idaho Cattle Association; Idaho Dairymen's Association; Idaho Golf Course Superintendents Association; Illinois Association of Aggregate Producers; Illinois Beef Association; Illinois Chamber of Commerce; Illinois Pork Producers Association; Independent Cattlemen's Association of Texas; Indiana Beef Cattle Association.

Indiana Chamber of Commerce; Indiana Pork Producers Association; Indianapolis Chamber of Commerce; Industrial Minerals Association—North America; Inland Empire Golf Course Superintendents Association; Inland Empire Regional Chamber of Commerce; International Council of Shopping Centers; International Council of Shopping Centers (ICSC); International Liquid Terminals Association (ILTA); Interstate Natural Gas Association of America (INGAA); Iowa Association of Business and Industry; Iowa Cattlemen's Association; Iowa Cattlemen's Association; Iowa Chamber Alliance; Iowa Golf Course Superintendent Association; Iowa Pork Producers Association; Iowa Seed Association; Irrigation Association; JAX Chamber; Jeff Davis Chamber of Commerce; Juneau Chamber of Commerce; Kalispell Chamber of Commerce; Kansas Agribusiness Retailers Association; Kansas Agribusiness Retailers Association; Kansas Chamber of Commerce.

Kansas Farm Bureau; Kansas Grain and Feed Association; Kansas Livestock Association; Kansas Livestock Association; Kansas Pork Association; Kentucky Cattlemen's Association; Kentucky Chamber of Commerce; Kentucky Pork Producers Association; Lafourche Chamber of Commerce; Lake Havasu Area Chamber of Commerce; Leading Builders of America; Lima/Allen County Chamber of Commerce; Lincoln Chamber of Commerce; Litchfield Area Chamber of Commerce; Long Beach Area Chamber of Commerce; Los Angeles Area Chamber of Commerce; Louisiana Association of Business and Industry; Louisiana Cattlemen's Association; Louisiana/Mississippi; Louisiana/Mississippi Golf Course Superintendents Association; Maine Arborist Association; Maine Landscape & Nursery Association; Marana Chamber of Commerce; McLean County Chamber of Commerce.

Mesa Chamber of Commerce; Metro Atlanta Chamber of Commerce; Metro Denver Economic Development Corporation; Michigan Cattlemen's Association; Michigan Cattlemen's Association; Michigan Chamber of Commerce; Michigan Golf Course Superintendents Association; Michigan Pork Producers Association; Mid-Atlantic Association of Golf Course Superintendents; MIDJersey Chamber of Commerce; Milk Producers Council; Minden-South Webster Chamber of Commerce; Minnesota AgriGrowth Council; Minnesota AgriWomen; Minnesota Crop Production Retailers; Minnesota Golf Course Superintendents Association; Minnesota Pork Producers Association; Minnesota State Cattlemen's Association; Minnesota State Cattlemen's Association; Mississippi Cattlemen's Association; Missouri Agribusiness Association; Missouri Cattlemen's Association; Missouri Cattlemen's Association; Missouri Cattlemen's Association.

Missouri Corn Growers Association; Missouri Dairy Association; Missouri Pork Association; Missouri Soybean Association; Mobile Area Chamber of Commerce; Molokai Chamber of Commerce; Monroe County Chamber of Commerce; Montana Chamber of Commerce; Montana Stockgrowers Association; Morris County Chamber of Commerce; Moultrie-Colquitt County Chamber of Commerce; Mulzer Crushed Stone, Inc.; Municipal and Industrial Division; Murrieta Chamber of Commerce; NAIOP, the Commercial Real Estate; Naperville Chamber of Commerce; Natchitoches Area Chamber of Commerce; National All-Jersey; National Association of Home Builders; National Association of Manufacturers; National Association of REALTORS®; National Association of State Departments of Agriculture; National Association of Wheat Growers; National Black Chamber of Commerce; National Cattlemen's Beef Association.

National Chicken Council; National Club Association; National Corn Growers Association; National Cotton Council; National Council of Farmer Cooperatives; National Federation of Independent Business; National Golf Course Owners Association of America; National Industrial Sand Association; National Mining Association; National Multifamily Housing Council; National Oilseed Processors Association; National Pork Producers Council; National Rural Electric Cooperative Association; National Sorghum Producers; National Stone, Sand and Gravel Association (NSSGA); National Turkey Federation; National Water Resources Association; Nebraska Cattlemen; Nebraska Cattlemen Association; Nebraska Chamber of Commerce and Industry; Nebraska Golf Course Superintendents Association; Nebraska Pork Producers Association, Inc; Nevada Cattlemen's Association; New Hampshire Business and Industry Association; New Jersey State Chamber of Commerce.

New Mexico Association of Commerce & Industry; New Mexico Cattle Growers Association; New York Beef Producers' Association; New York State Turfgrass Association; Norfolk Area Chamber of Commerce; North Carolina Aggregates Association; North Carolina Cattlemen's Association; North Carolina Cattlemen's Association; North Carolina Chamber; North Carolina Pork Council; North Country Chamber of Commerce; North Dakota Stockmen's Association; North Dakota Stockmen's Association; North Florida Golf Course Superintendents Association; North Western Illinois Course Superintendents Association; Northeast Dairy Farmers Cooperatives; Northeastern Golf Course Superintendents Association; Northern Colorado Legislative Alliance; Northern Kentucky Chamber of Commerce; Northern Ohio Golf Course Superintendents Association; Oceanside Chamber of Commerce; Ohio Aggregates & Industrial Minerals Association; Ohio AgriBusiness Association.

Ohio Cattlemen's Association; Ohio Cattlemen's Association; Ohio Chamber of Commerce; Oklahoma Cattlemen's Association; Oklahoma Farm Bureau; Oklahoma Pork Council; Olive Branch Chamber of Commerce; Opelika Chamber of Commerce; Orange County Business Council; Oregon Cattlemen's Association; Oregon Dairy Farmer's Association; Orlando Regional Chamber of Commerce; Ottawa Area Chamber of Commerce; Oxnard Chamber of Commerce; Palm Beach Golf Course Superintendents Association; Peaks & Prairies Golf Course Superintendents Association; Pennsylvania Cattlemen's Association; Pike County Chamber of Commerce; Plastic Pipe Institute; Pocatello-Chubbuck Chamber of

Commerce Illinois; Portland Cement Association; Power and Communications Contractors Association; Public Lands Council; Quad Cities Chamber of Commerce.

Rancho Cordova Chamber of Commerce; Redondo Beach Chamber of Commerce; Rehoboth Beach-Dewey Beach Chamber of Commerce Florida; Responsible Industry for a Sound Environment (RISE); Richland Chamber of Commerce; Ridge Golf Course Superintendents Association; Riverside & Landowners Protection Coalition; Roanoke Valley Chamber of Commerce; Rochester Area Chamber of Commerce; Rochester Business Alliance; Rocky Mountain Golf Course Superintendents Association; Rogers-Lowell Area Chamber of Commerce; Roseville Chamber of Commerce; Sacramento Metropolitan Chamber of Commerce; San Diego Regional Chamber of Commerce; San Gabriel Valley Economic Partnership; San Joaquin Valley Quality Cotton Growers Association; Santa Clara Chamber of Commerce and Convention-Visitors Bureau; Santa Clarita Valley Chamber of Commerce; Santa Maria Valley Chamber of Commerce; Savannah Area Chamber of Commerce; Scottsdale Area Chamber of Commerce.

Select Milk Producers, Inc.; Shoals Chamber of Commerce; Silver City Grant County Chamber of Commerce; South Baldwin Chamber of Commerce; South Bay Association of Chambers of Commerce; South Carolina Cattlemen's Association; South Dakota Cattlemen's Association; South Dakota Pork Producers Council; South East Dairy Farmers Association; South Florida Golf Course Superintendents Association; South Orange County Economic Coalition; South Texans' Property Rights Association; South Texas Cotton & Grain Association; Southeastern Lumber Manufacturers Association; Southern Cotton Growers, Inc.; Southern Crop Production Association; Southwest Council of Agribusiness; Southwest Indiana Chamber; Sports Turf Managers Association; Springer Chamber of Commerce; Springfield Area Chamber of Commerce; St. Albans Cooperative Creamery Inc.; St. Johns County Chamber of Commerce.

St. Joseph Chamber of Commerce; St. Joseph County Chamber of Commerce; Sugar Cane Growers Cooperative of Florida; Suncoast Golf Course Superintendents Association; Tempe Chamber of Commerce; Tennessee Cattlemen's Association; Texas & Southwestern Cattle Raisers Association; Texas Cattle Feeders Association; Texas Cattle Feeders Association; Texas Forestry Association; Texas Pork Producers Association; Texas Pork Producers Association; Texas Poultry Federation; Texas Seed Trade Association; Texas Sheep & Goat Raisers Association; Texas Wheat Producers Association; Texas Wildlife Association; Texas Wine and Grape Growers; The Associated General Contractors of America; The Business Council of New York State; The Fertilizer Institute; The Independent Petroleum Association of America (IPAA); Thompson Contractors, Inc.; Torrance Area Chamber of Commerce.

Treasure Coast Golf Course Superintendents Association; Treated Wood Council; Trinity Expanded Shale & Clay; Tucson Metro Chamber; Tuolumne County Chamber of Commerce; Tuscola Stone Co.; U.S. Cattlemen's Association; U.S. Chamber of Commerce; U.S. Poultry & Egg Association; United Egg Producers; USA Rice Federation; Utah Cattlemen's Association; Virginia Agribusiness Council; Virginia Cattlemen's Association; Virginia Pork Council, Inc.; Virginia Poultry Federation; Virginia State Dairymen's Association; Vocational Agriculture Teachers Association; Wabash County Chamber of Commerce; Washington Cattle Feeders Association; Washington Cattlemen's Association; Washington State Dairy Federation; Weldon Materials; West Virginia Cattlemen's Association; Western Agricultural Processors Association; Western DuPage Chamber of Commerce; Western Peanut Growers Association.

Western United Dairymen; White Pine Chamber of Commerce; Wickenburg Chamber of Commerce; Willoughby Western Lake County Chamber of Commerce; Willows Chamber of Commerce; Wilmington Chamber of Commerce; Wisconsin Cattlemen's Association; Wisconsin Pork Association; Wyoming Ag-Business Association; Wyoming Crop Improvement Association; Wyoming Stock Growers Association; Wyoming Wheat Growers Association; Yuma County Chamber of Commerce.

Mr. INHOFE. Now, the waters of the United States rule is not just another example of regulatory overreach. I chair the Committee on Environment and Public Works. We have jurisdiction over the EPA, yet they do not want to even come in and testify when requested, and that is something I don't think has ever happened before.

This rule we are talking about now is illegal. It is not supported by the science, it is not supported by the technical experience of the Corps of Engineers, and it is a political power grab. Thirty-one States—here is the chart—filed lawsuits against the WOTUS rule. If we don't act to send this rule back, States, local governments, farmers, and landowners could face years of abuse by the EPA until the courts inevitably strike the rule down.

Believe me, it is inevitable that the rule will be overturned. I think we know that. That is not just my opinion. This is the conclusion of the two courts that have looked at this rule so far.

On August 27, Judge Erickson of the District of North Dakota issued an injunction that prevented the WOTUS rule from going into effect in 13 States. Oklahoma, my State, was not one of the 13 States. According to Judge Erickson—and this is her court—''the rule allows EPA regulation of waters that do not bear any effect on the 'chemical, physical and biological integrity of any navigable-in-fact water.'''

As a result, Judge Erickson concluded this rule is ''likely arbitrary and capricious.'' That means it violates the law. That is what the judge said.

Now, on October 9, the Sixth Circuit Court of Appeals reached the same conclusion and issued a nationwide stay on the WOTUS rule.

My committee has conducted a lot of oversight. I believe we have had six hearings so far. We have memoranda from the Army Corps of Engineers that document the fact that EPA is claiming the authority to assert Federal control wherever they want no matter what the science says or what the technical or legal experts of the Corps say. So what we have is a rule that is not developed based on science or technical expertise. Instead, it is based on a political goal to call everything a water of the United States.

If we look at the chart that is set up right now, it is imperative we have to act right away. This is what we have right now around the country.

Let me make this comment. I am very much concerned about this. The ones who want this the most are the farmers and the ranchers, and a lot of other people too, but my State of Oklahoma is a farm State, and I can remember not too long a guy named Tom Buchanan. He was the chairman of the Oklahoma Farm Bureau. He said that, historically, it has not been this way. But as it is right now, the major problem farmers and ranchers have in my State of Oklahoma is not anything that is found in the farm bill, it is the overregulation of the EPA. Of all of the regulations of the EPA that are overregulating and putting farmers out of business, the one that is the worst is the waters of the United States rule.

Let me share this with you, Mr. President. Five years ago, the liberals—those who want all the power in Washington—made an effort to take the word innavigable out. Historically, this has always been in the jurisdiction of the States, except for navigable waters. I understand that, and everyone else does too. So Senator Feingold from the Senate and Congressman Oberstar from the House got together and introduced a bill to take the word navigable out and give all the power to the Federal Government. Not only did we defeat their legislation, but they were both defeated in the next election.

So this is a huge issue. It is one of regulation. It is one we need to go ahead with, since the courts have decided what is going to happen eventually. We need to go ahead and pass this legislation or we are going to be working in a direction that is contrary to our court system.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Mr. President, let me make it clear what this legislation would do. It is true it would stop the final rule on the waters of the United States that has been issued, but it would also change the underlying criteria in the Clean Water Act. So it not only blocks the rule from going forward, it weakens the Clean Water Act. So let me talk a little about both.

The final rule on the waters of the United States that has been issued restores clarity to the enforcement of the Clean Water Act. It restores it to what was commonly understood before a series of Supreme Court cases that really raised questions as to which water bodies, in fact, can be regulated under the Clean Water Act. The worst possible outcome is the lack of clarity because you don't know. You don't know what the rules are.

The final rule that has been proposed, and that now is final, would restore that clarity to what was generally understood to be waters of the United States. To say it in laymen's terms, it is waters that lead to, in effect, the water qualities of our streams and our waters and our lakes in America. It affects public health. It affects

public health directly by the health of our waters of the United States, as well as providing the source for safe drinking waters.

So what is at risk? If this final rule is blocked and does not become law, over half of our Nation's stream miles are at risk of not being regulated under the Clean Water Act. Twenty million acres of wetlands are at risk of not being adequately regulated under the Clean Water Act. The drinking source for water for one out of three Americans would be at risk.

So this legislation would not only block the implementation of the final rule, it would also weaken the Clean Water Act. It would drastically narrow the historic scope of the Clean Water Act, arbitrarily putting in nonscientific standards for how the rules would be developed.

Mr. President, since the enactment of the Clean Water Act, every Congress has tried to strengthen the Clean Water Act, not weaken it. The Clean Water Act was a piece of bipartisan legislation passed in 1972. As Senator BOXER pointed out, it was in response to rivers literally catching fire and dead zones being found in our lakes.

In the Chesapeake Bay we had the first marine dead zone that we were trying to respond to. In San Francisco Bay we had PCBs at unacceptably high levels. That is why we passed the Clean Water Act. The legacy of every Congress should be to strengthen the Clean Water Act, to make sure we do have clean waters in the United States. If this legislation were to become law, the legacy of this Congress would be to weaken the Clean Water Act. I don't think we want to do that.

As I pointed out, this legislation not only rescinds the final clean water rule, but it really changes the goal of the Clean Water Act. Currently, the goal is to ''restore and maintain the chemical, physical, and biological integrity of the Nation's waters.'' That is science based. Instead, it would be changed to protect traditional navigable waters from pollution, which is a far different standard than dealing with the health issues of the waters of the United States.

The arbiter of this would be the Department of Agriculture on the hydrological science. They are not qualified to do that. It is not their field. As I will point out in detail, the regulatory structure for agriculture is not changed under this final Clean Water Act. And the bill would ignore hydrological science by requiring a continuous flow of water to be regulated, ignoring the fact that there are seasonal variations where you can have water flows that dry up for a period of time but which are still critically important to the supply of clean water in the United States. It ignores the nexus test, which has been referred to in Supreme Court cases, using adjacent water—next to navigable waters—without any definition of what ''next to'' means. It puts public health at risk.

For all of those reasons, we don't want to jeopardize and move backwards on the Clean Water Act of 1972. We want to add to that. This piece of legislation would, in fact, move us in the wrong direction.

I just want to, for one moment, talk about the Chesapeake Bay. The people of Maryland and the people of our region know how important it is for our economy—the watermen who make their living off it and the recreational use of the bay. Millions of people every year depend upon the bay for their recreation. It is a way of life for our State and for our region. It is a national treasure—the largest estuary in our hemisphere. And it depends upon receiving clean water supplies that come in from other States, not just Maryland. You can't regulate the clean water of the Chesapeake Bay without having a national commitment to it because it knows no State boundary. That is why we need a strong Clean Water Act.

I have heard my colleagues talk about agricultural farmers being against this. Well, farmers will not be harmed by the EPA's final clean water rule. In fact, it actually is good for farmers because it provides certainty and clarity. In developing the rule, the EPA and the Army Corps of Engineers listened carefully to input from the agricultural community, the U.S. Department of Agriculture, and the State departments of agriculture. As Senator BOXER pointed out, there were over 400 meetings with stakeholders across the country.

The act requires a permit if a protected water is going to be polluted or destroyed. However, agricultural activities such as planting, harvesting, and moving stock across streams have long been excluded from permitting, and that won't change under the rule. In other words, farmers and ranchers won't need a permit for normal agricultural activities to happen in or around those waters.

The rule does preserve agricultural exemptions from permitting, including normal farming, silviculture and ranching practices. Those activities include plowing, seeding, cultivating minor drainage, and harvesting for production of food, fiber, and forest products. Soil and water conservation practices in dry land are preserved. As to agricultural storm water discharges, there are no changes. Return flows from irrigated agriculture, construction, and maintenance of farm and stock ponds or irrigation ditches on dry land are not regulated under this bill. Maintenance of drainage ditches is not regulated. Construction or maintenance of farm, forest, and temporary mining roads are not regulated. It ensures that fields flooded for rice are exempt and can be used for water storage and bird habitat.

The rule also does preserve and expand commonsense exclusions from jurisdiction, including—this is excluded—prior converted croplands, waste treatment systems, artificially irrigated areas that are otherwise dry land, artificial lakes or ponds constructed in dry land, water-filled depressions created as a result of construction activities, and the list goes on and on.

The rule does not—does not—protect any types of waters that have not historically been covered under the Clean Water Act. It does not add any new requirements for agriculture. It does not interfere with or change private property rights. It does not change policy on irrigation or water transfers. It does not address land use. It does not cover erosional features, such as gullies, rills, and nonwetland swells.

In other words, we have maintained the historic exemptions for agriculture from the Clean Water Act. They are not expanded under this rule.

So let me just cite a couple of quotes from people who are directly impacted by what is being done under the clean water rule and, of course, would be affected by the legislation before us.

As to the small business community, I quote from David Levine, who is the CEO of the American Sustainable Business Council:

> The Clean Water Rule will give the business community more confidence that streams and rivers will be protected. This is good for the economy and vital for businesses that rely on clean water for their success. . . . Business owners want a consistent regulatory system based on sound science. That's what this rule provides.

Ben Rainbolt, executive director of the Rocky Mountain Farmers Union:

> Water is critical to the livelihood of family farms and ranches. The rule employs a commonsense rationale for both clarifying what bodies of water and activities should fall under the Clean Water Act, as well as maintaining the existing exemptions for agriculture. This rule will result in cleaner, safer water for agriculture, rural communities, and all who count on healthy streams and rivers.

Andrew Lemley, government affairs representative, New Belgium Brewing:

> Our brewery and our communities depend on clean water. Beer is, after all, over 90 percent water and if something happens to our source water the negative affect on our business is almost unthinkable. . . . We all rely on responsible regulations that limit pollution and protect water at its source. Over the past 23 years we've learned that when smart regulations and clean water exists for all, business thrives.

I particularly like that one because we have all seen the ads on television about clean water. It affects small businesses. It affects all of our businesses.

I will conclude with those who depend upon recreation, who strongly support the clean water rule and oppose the legislation that is before us.

I will quote from Andy Kurkulis, owner of Chicago Fly Fishing Outfitters and DuPage Fly Fishing Company:

> Anyone who has ever swam in our beautiful Great Lakes, or fished or boated on our abundant rivers and waters has benefited immeasurably. Now is the time to raise our voices in support of clean water—our economy, and future generations of hunters and anglers, depend on it.

I think the verdict is clear. The rule which has been proposed will add to the protections the public deserves for public health and their drinking water. It is a sensible regulation. It is clearly under the authority of the Clean Water Act.

I urge my colleagues to reject this legislation and certainly the cloture motion so that we don't reject the rule and weaken the Clean Water Act.

I yield the floor.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I appreciate the opportunity today to move this legislation. It is bipartisan, and it protects our environment and helps small businesses all across the country.

S. 1140, the Federal Water Quality Protection Act, is legislation I introduced, along with a number of Democratic Senators—Senators DONNELLY, HEITKAMP, and MANCHIN—and many other Senators.

The Senator from California previously spoke. I would point out that the California Chamber of Commerce supports my legislation and the California Farm Bureau supports my legislation because this legislation will protect our Nation's navigable waters and the streams and wetlands that help our navigable waters stay clean. This bill is a testament to the hard work both sides of the aisle have done in achieving an agreement on an environmental protection bill.

Our rivers, our lakes, our wetlands, and all other waterways are among America's most treasured resources. In my home State of Wyoming, we have some of the most beautiful rivers in the world—the Snake River, the Wind River, and dozens of others. People from around the world come to Wyoming to visit because we have an environmental landscape that is second to none. Anyone who has come to my State and experienced Yellowstone National Park, Grand Teton, and the Big Horn Mountains comes away with a sense that Wyoming is a pristine and beautiful place. It is what Wyoming sells, and it is what makes Wyoming so unique.

The people of Wyoming are devoted to keeping our waterways safe. We want to preserve the water for our children and grandchildren. We understand there is a right way and a wrong way to do it.

It is possible to have reasonable regulations to help preserve our waterways while respecting the difference between State waters and Federal waters. This is the environmental legacy that my constituents want, and it is a legacy they have earned for their decades of sound management. It is the people of Wyoming who have kept Wyoming's waterways pristine and beautiful.

The EPA has now released new rules. The new rule is called the waters of the United States rule, WOTUS. This rule doesn't work for the people of Wyoming. It most likely doesn't work for any of your constituents, either—certainly not for those who have to put a shovel in the ground to make a living.

The courts have begun to weigh in with their concerns about this WOTUS rule, and they have actually given Congress and stakeholders a necessary pause. That is why we are here today.

In August of this year, Judge Erickson of the District of North Dakota issued an injunction that blocked the waters of the United States rule in 13 States. He did it because the rulemaking record was, in the judge's words, ''inexplicable, arbitrary, and devoid of a reasoned process.'' With regard to the rationale behind the EPA's threshold for what is and is not Federal water, he stated: ''On the record before the court, it appears that the standard is the right standard only because the Agencies say it is.''

The U.S. Sixth Circuit Court of Appeals then put a nationwide stay on the rule on October 9 of this year. In granting the stay, the court said, ''The sheer breadth of the ripple effects caused by the Rule's definitional changes counsel strongly in favor of maintaining the status quo for the time being.'' So keep it as it is for the time being. The court added that ''a stay temporarily silences the whirlwind of confusion that springs from uncertainty about the requirements of the new Rule and whether they will survive legal testing.''

So what the courts have basically done is said: Let Congress have time to act.

We don't have to sit on the sidelines and watch this rule slowly crumble under legal scrutiny. Contrary to some activist groups' rhetoric, we are not facing an immediate environmental water pollution crisis. In fact, in granting the stay, the Sixth Court stated that ''neither is there any indication that the integrity of the nation's water will suffer imminent injury if the new scheme is not immediately implemented and enforced.'' They even called it a ''scheme.''

We now have the opportunity to do better, and to do better, we must act now. That is why we must take this opportunity to pass the legislation before us that will have EPA do a new rule under a specific set of principles outlined by Congress. These are principles that protect navigable waters and adjacent wetlands, as well as farmers, ranchers, and other landowners.

I know some Senators gave the administration the benefit of the doubt with this rule despite concerns they heard from their constituents, and those Senators waited for the final result before making a judgment to see if those concerns would be addressed. I am here to say that whatever concessions the EPA says they made to address some of these serious problems raised by their proposed rule, the EPA added new provisions in the final rule that greatly expand their authority. This is disappointing because I believe the great majority of Senators voiced concerns in the process, and those concerns fell on deaf ears. The EPA has produced a final rule worse than the one originally proposed.

Here is an example. Instead of clarifying the difference between a stream and an erosion on the land, the rule defines ''tributaries'' to include anyplace where EPA thinks—where EPA thinks—it sees an ''ordinary high-water mark.'' What looks like, not what is; what looks like, what they think is this ordinary high-water mark. Even worse, EPA proposes to make those decisions from sitting at their desks using aerial photographs, laser-generated images, claiming that a visit to the location is not necessary.

Under the rule, the Environmental Protection Agency also has the power to regulate something as ''waters of the United States'' if it falls within a 100-year floodplain or if it is within 4,000 feet of a navigable water or a tributary and the EPA claims there is a ''significant nexus.'' What is a significant nexus? Under this rule, a ''significant nexus'' can mean a water feature that provides ''life cycle dependent aquatic habitat'' for a species. So if you are drawing 4,000-foot circles around anything the EPA defines or identifies as a tributary—remember, 4,000 feet, so we are talking over 13 football fields long, and everywhere there is a potential aquatic habitat. So essentially almost the entire United States, according to this, would be underwater. Actually, 100 percent of the State of Virginia is under this jurisdiction and 99.7 percent of the State of Missouri falls within this area—underwater, if you will, according to the EPA guidelines.

I would like to take a moment to talk about puddles because one of the previous speakers on the other side of the aisle talked about puddles. People know what they think about when they think about a puddle—like when it rains. The final rule does exempt puddles defined as ''very small, shallow, and highly transitory pools of water that forms on pavement or uplands during or immediately after a rainstorm or similar precipitation event.'' I guess that would mean like when the snow melts. The rule specifically does take control over other pools of water created by rain, like those we have all around Wyoming—prairie potholes, vernal pools—even if the land where these pools of water form is far away from any navigable water or even a tributary. Under this new regulation, nearly all of these pools of water created by rain will now be considered ''waters of the United States,'' giving the Environmental Protection Agency the power to regulate what you do on that land. These provisions are sweeping and will create uncertainty in communities all across the country.

There is plenty that I have already outlined in the waters of the United States rule that is bad for agriculture, with the many methods it provides for federalizing previously State-controlled water. The States have made these decisions in the past. Now we are

adding another level of government bureaucracy.

This rule is bad for agriculture, for those people who produce our food. Farmers, ranchers, and others are used to working with their States to protect their land and water under their own stewardship.

We heard from the Senator from California about groups opposing this, but 480 different groups support this bill, and they are major national groups: the American Farm Bureau, the Agricultural Retailers Association, the American Soybean Association, the American Sugar Alliance, the Milk Producers Council, the National Association of Wheat Growers, the National Cattlemen's Beef Association, the National Chicken Council, the National Corn Growers Association, the National Council of Farmer Cooperatives, the National Pork Producers Council, the National Turkey Federation, the U.S. Poultry and Egg Association, the United Egg Producers, the USA Rice Federation. I could go on and on. These are the food producers of America. They support the legislation in front of the Senate today.

The point is, not one State, not a single State in this country is out there that doesn't have a strong agriculture presence. We all do. So I urge all Senators to make sure, as they prepare to vote on this motion to proceed, that they check with their folks at home.

I would also note that many industries outside of agriculture are concerned with the rule as well. These include manufacturers, homebuilders, small businesses—you name it. They are all very concerned with this rule, and they want Congress to act now.

Action could mean Congress can pass a Congressional Review Act resolution, which will be considered possibly later in the process, but that would eliminate the WOTUS rule and prevent a substantially similar rule from being proposed. That would allow for a new rule as long as it was not substantially similar to the existing rule. We need to vote on this resolution.

I believe S. 1140 is a better route, the one we have here today. This is a bipartisan compromise. This is the bill that has a number of Senators from the Democratic side of the aisle cosponsoring the legislation. Most importantly, this piece of legislation on the floor today allows for Congress to establish the principles—Congress to establish the principles—of what the new EPA would look like.

I know a number of Democrats have ideas to improve the legislation that is on the floor today specific for their own States. If my colleagues vote to proceed to the motion to proceed at 2:30 this afternoon, we will have an open amendment process that would allow Members to improve S. 1140 in a bipartisan way. We are willing to work with anyone who wants to improve this rule in a bipartisan way. But let's not sit on the sidelines anymore.

Rather than support an EPA final rule that actually makes it worse and was worse than the proposed rule—a rule that will likely not survive legal scrutiny based on what we saw from the courts, a rule that doesn't represent the interests of our farmers, ranchers, families, small businesses, and communities—let's move forward with the bipartisan Federal Water Quality Protection Act to ensure the public that we hear and we understand their concerns.

At the same time, let's give EPA and the Army Corps the certainty they need to confidently move forward with a new rule—a rule that truly reflects the needs of the constituents we represent. Let's protect our Nation's waterways for the long term.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE: Mr. President, the famous Republican Senator from Rhode Island John Chafee, who was one of the authors of the Clean Water Act, would be sorry to see what has become of his party today and what is being done to the Clean Water Act that so many Republicans worked so hard on for over so many years. The pretense is that some evil bureaucratic force at the EPA has leapt out to take over American farmers and ranchers. That is not what has happened.

The Supreme Court made decisions about what the Clean Water Act says, defining the navigable waters of the United States, and the EPA had to follow the Supreme Court's guidance, which they did. I believe they have been faithful to that Supreme Court guidance. They went through more than 1,000 peer-reviewed scientific publications. They did 400 public meetings. They had over 1 million comments on the proposed rule. Guess what. The vast majority of those comments were in support of the rule.

What we have here is not some DC bureaucratic evil presence against ranchers and farmers across the country. What we have here is a fight between upstream and downstream.

As Senator BARRASSO very plainly said a moment ago, the big players in this are the big special interests in agriculture, the big pork producers with their ginormous manure lagoons, and the big commercial AG conglomerates. If you want to be with them fine, but let's not pretend this is about protecting little ranchers and farmers.

This is about upstream versus downstream. I come from Rhode Island. I am from a downstream State. I have to say that if I were in big agriculture and I saw this rule, instead of coming in here and whining and complaining and yanking people's chains in order to get changes made, I would grab this rule and run like a bank robber because this bill does so much for upstream agriculture at the expense of downstream fishermen, downstream aquaculture, and the downstream health of our rivers and bays. All agricultural exemptions and exclusions from Clean Water Act requirements that have existed for nearly 40 years have been retained. We have learned a little bit since then about what goes on.

One place I recently went to was Ohio. I spent the weekend in Ohio doing one of my climate tours of the difficult States of the Union. In Ohio, I went to Port Clinton on Lake Erie. I was taken by the folks from Stone Laboratory and from some of the leading charter captains in this area off to the Bass Islands just offshore. They told me about the algal bloom that took place in the Toledo area. Technically, this was not an algal bloom. Technically, it was cyanotic bacteria; it was a bacterial bloom. It was so thick that the fishing captains described how their boats slowed down in the muck. It was like running a powerboat through pudding.

Toledo had to stop providing freshwater to its citizens and spent millions of dollars having to import freshwater and provide bottled water. Lake Erie is 2 percent of the water of all the Great Lakes with 50 percent of the fish. Two percent of the water and 50 percent of the fish in the Great Lakes are in Lake Erie. It has a robust fishing economy for walleyes and perch. The folks who go out and make this their livelihood don't think it is very funny because this whole watershed feeds down into Lake Erie.

Because of climate change, phosphorous has driven rain bursts. The rains have powered up in this area. So the phosphorous is washing off the farmers' fields and is coming down, and that is what is creating the cyanotic bacterial bloom in Lake Erie.

This upstream stuff makes a big difference to people who are downstream. Wyoming doesn't have a lot of downstream. Wyoming is a landlocked State, so I appreciate why the Senator is so enthusiastic about this. But for those of us who are downstream, this is a rule that, frankly, is too weak. The fact that we have to stand here and fight it from getting even weaker—from putting our rivers and our bays at even more risk—is very unfortunate. It is not just phosphorous. Phosphorous is what happens to drive the bacteria growth in Lake Erie. It is insecticides, it is nitrogen, and they are doing immense damage in our waterways.

I will conclude where I began. If you are Big Agriculture and this is your special interest bill, you ought to run for it. Don't waste your time on this. Grab this existing Clean Water Act bill, and go for it like a bank robber with his money because you got away with being able to continue to do immense damage to downstream resources without any regulation at all. To now be here complaining—it is really amazing to those of us who are representing downstream States, downstream interests, downstream fisheries, downstream bays, and all the catchment areas such as Lake Erie that get clobbered as a result of pollutants that flow into our waters.

I yield the floor.

Ms. MIKULSKI. Mr. President, I wish to join my colleagues in support of the clean water rule issued by the Environmental Protection Agency and the Army Corps of Engineers and in opposition to efforts to derail this critical rule.

Clean water is the lifeblood of our society and the basic foundation of good public health. Our rivers, streams, and wetlands connect communities near and far through a common resource. For decades, the Clean Water Act has protected our waters from pollution so that Americans can rely on safe drinking water, can enjoy outdoor recreation, and can live in an environment that supports wildlife and a healthy ecosystem.

However, for the last 15 years uncertainty has muddied the Clean Water Act. The lack of clarity for which bodies of water are federally regulated has led the Army Corps of Engineers to a backlog of 18,000 requests from landowners seeking help in complying with the Clean Water Act. The new clean water rule resolves this uncertainty for our local governments, our businesses, and our farmers by clarifying which waters should be protected so that all Americans can rely on clean water. The rule restores historic coverage of the Clean Water Act for streams and wetlands that provide drinking water for one-third of Americans.

As one who has experienced the many benefits of the Chesapeake Bay my whole life, I know just how important it is to preserve and protect the world around us for future generations. The clean water rule would restore protections for more than half of Maryland's streams and many of its wetlands. Clean water means healthy families, healthy marine life to support Maryland watermen, and a healthy environment. The clean water rule is crucial to the health of the Chesapeake Bay and to countless other bodies of water in the United States. Let's stand up for our Nation's clean water and reject these attempts to derail the clean water rule.

Mr. REED. Mr. President, today I join many of my colleagues in opposing S. 1140 and S.J. Res. 22.

These measures would block or nullify the clean water rule, which seeks to safeguard our water and restore protections to drinking water sources for one in three Americans, according to the EPA, under the authority of the Clean Water Act.

The clean water rule helps to clarify ambiguities stemming from the 2001 and 2006 Supreme Court decisions that made the scope of the Clean Water Act uncertain.

This lack of protection has taken its toll, especially for wetlands and intermittent and headwater streams, slowing permitting decisions for responsible development, and reducing protections for drinking water supplies and critical habitat.

According to the National Parks Conservation Association, over 117 million Americans, including many visitors to national parks, get their drinking water from surface waters.

This includes many Rhode Islanders who get their drinking water from sources that rely on small streams that are protected by the clean water rule.

If Congress blocks the clean water rule, Rhode Island's streams and millions of acres of wetlands nationwide will again be at risk from pollution and degradation or destruction from development, oil and gas production, and other industrial activities.

Blocking this rule would potentially imperil drinking water sources, as well as the small businesses and communities that rely on clean water.

Thousands of acres of wetlands that provide flood protection, recharge groundwater supplies, filter pollution, and provide essential wildlife habitat are safeguarded under the clean water rule, including many of Rhode Island's streams, wetlands, waterways, and the bay.

Additionally, the clean water rule seeks to protect small streams and wetlands that support fish, wildlife, and recreational areas.

We depend on clean water to drink, and our economy depends on clean water from manufacturing to farming to tourism to recreation to energy production and more to function and flourish.

We must make clean water a priority throughout the nation.

I urge my colleagues to support the clean water rule and vote ''no'' on both S. 1140 and S.J. Res. 22.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I rise today in support of bipartisan legislation to fix intrusive regulation that will hurt job growth and that threatens to place a large share of our Nation's farmers, ranchers, and small businesses in the regulatory grip of the EPA. This burdensome regulation is the EPA and Army Corps' final rule on the waters of the United States. The bill to fix it is called the Federal Water Quality Protection Act. That is the bill we are seeking to proceed to today so that we can debate it, amend it, and pass it to deal with this onerous regulation.

The burdensome regulation we are talking about, of course, is the EPA and Army Corps' final rule on waters of the United States. The Federal Water Quality Protection Act is legislation to address it. It was authored by my good friend from Wyoming Senator BARRASSO, and I cosponsored this legislation, along with many others on our side of the aisle. This is also a bipartisan bill with our colleagues from across the aisle as well. This is bipartisan legislation. It has had bipartisan input, and I encourage Members on both sides of the aisle to proceed to this legislation. Let's have this very important debate on behalf of our farmers, ranchers, and so many other job creators across this country. As I say, let's offer amendments and have our votes, but we need to deal with this very important legislation for the benefit of the American people.

This waters of the United States final rule greatly expands the scope of the Clean Water Act regulation over America's streams and wetlands. It is a real power grab by the EPA, and it exceeds the statutory authority of the EPA. The Supreme Court has found that Federal jurisdiction under the Clean Water Act extends the ''navigable waters.'' I don't think anyone is arguing about the EPA's ability to regulate navigable bodies of water like the Missouri River, in my State, but the Supreme Court has also made clear that not all bodies of water are under the EPA's jurisdiction. Yet, under the administration's final rule, all water located within 4,000 feet of any other water, or within the 100-year flood plain, is considered a water of the United States as long as the EPA or the Army Corps of Engineers decides it has a ''significant nexus'' to that navigable water in the opinion of either the Corps or the EPA.

These agencies define significant nexus so that almost any body of water qualifies. For instance, if an area can hold rainwater or has water that can seep into ground water, which is almost any water anywhere, then there is significant nexus, according the EPA or the Army Corps of Engineers, not to mention the fact that areas like the Prairie Pothole region in my State of North Dakota are specifically targeted as waters of the United States. The result is that the vast majority of the Nation's water features are located within 4,000 feet of a covered body of water.

If this expansive rule sounds out of bounds to you, you are not alone. In fact, the waters of the United States rule is such an overreach by the EPA and the Corps that 31 States are suing to overturn it, including my State of North Dakota, which has led a lawsuit brought by 13 of those 31 States.

When granting a preliminary injunction against this rule, the North Dakota Federal District Court stated that ''the rule allows EPA regulation of waters that do not bear any effect on the 'chemical, physical and biological integrity' of any navigable-in-fact water.'' It went further to state that ''the rule asserts jurisdiction over waters that are remote and intermittent waters. No evidence actually points to how these intermittent and remote wetlands have any nexus to navigable-in-fact water.''

Meanwhile, the Sixth Circuit Court in Cincinnati, OH, issued a nationwide stay of the rule, citing that the EPA and the Corps did not identify ''specific scientific support substantiating the reasonableness of the bright-line standards they ultimately chose.''

This waters of the United States rule is clearly flawed from a legal perspective, but I think it is even more important to take a look at how this rule, if allowed to be implemented, will affect

hard-working Americans with excessive regulation.

For those of you who haven't had the opportunity to visit with a farmer from my State of North Dakota, know that dealing with excess water is a common issue, a daily issue, to say the least. Those farmers can tell you that if there is water in a ditch or a field one week, it doesn't mean there will be water there the next week. It certainly doesn't make that water worthy of being treated the same as a river.

A field with a low spot that has standing water during a rainy week and happens to be located near a ditch does not warrant Clean Water Act regulation from a legal or, more importantly, from a simple commonsense standpoint.

The Corps and EPA have responded to these concerns by saying they are exempting dozens of conservation practices, but these exemptions cover farmers and ranchers only for changes made before 1977 or for changes that don't disturb any water or land now considered to be a water of the United States. In other words, if you need a new Clean Water Act permit, you are not going to qualify for the EPA's exemption under this rule. Moreover, the exemption does not cover all Clean Water Act permits.

Because of this rule, the farmer with the low spot in the field next to a ditch, described above, may now be sued under the Clean Water Act's Section 402 National Pollutant Discharge Elimination System. This farmer now faces the risk of litigation costs for the United States of everyday weed control and fertilizer applicants, among other essential farming activities.

Farmers and ranchers are far from the only job creators who will suffer under this rule. In fact, the Small Business Administration Office of Advocacy has expressed concern about the impact it will have on other small businesses as well.

I am so concerned about this rule that I have led the effort on our Appropriations Committee to stop the rule in its tracks. We were successful in including language in the committee-passed Interior-EPA Appropriations bill to do just that. The Federal Water Quality Protection Act, however, offers a long-term solution by vacating the waters of the United States rule and sending the EPA and the Corps back to the drawing board to develop a new rule with instructions to consult with States, local governments, and small businesses.

America's farmers, ranchers, and entrepreneurs go to work every day to build a stronger nation. Thanks to these hard-working men and women, we live in a country where there is affordable food at the grocery store and where a dynamic private sector offers Americans the opportunity to achieve a brighter future. The Federal Government should be doing all it can to empower those who grow our food and create jobs. Yet, instead, regulators are stifling growth with burdensome regulations that generate cost and uncertainty. The final rule on the waters of the United States produced by the EPA and the Corps to regulate virtually every body of water—pretty much water anywhere in the United States—is not the way to go. Let's stop this regulation. Please join me in voting to proceed to the Federal Water Quality Protection Act.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BARRASSO). The Senator from Arizona.

Mr. FLAKE. Mr. President, I come before the Senate to talk about the waters of the United States rule and the legislation pending before us, S. 1140. I hope we can proceed to the bill. This is an important issue. Obviously, the definition of the waters of the United States sets the rules of the game of who is covered under the Clean Water Act. As has been stated, several Supreme Court decisions over the past decade and a half have created a lot of uncertainty for landowners and those who work the land who aren't sure whether they will be regulated. Regulated entities need a rule that is consistent and that has some predictability. That is not what we are getting with this rule.

The rule issued on June 29 defines jurisdiction very broadly, as we heard, especially when it comes to streams that don't flow year round, intermittent, ephemeral streams, of which Arizona has many. Several scientists who have been involved in the rulemaking process have told my staff that there is a disagreement between what the science says and what this rule says. Science says that some streams are strongly connected and others are not. There is a so-called spectrum of connectivity, but this rule assumes they are all strongly connected.

Let me show a picture of a stream. This is Dan Bell, a rancher in southern Arizona, near the border of Santa Cruz County, standing on a streambed or a dry wash or arroyo that will likely be covered under this rule. Like Dan, I grew up on a ranch in northern Arizona. My whole life I have ridden through a 7-mile draw, a 9-mile wash. The topography of the land was named for some of these dry washes, but they only had water after a good rain which lasted a few minutes and that was it. Those will likely, under the definition of this new rule, be defined as waters of the United States.

If you can imagine what ranchers and other agricultural users are feeling right now, thinking that the Federal Government, in regulating what goes on with these streambeds or these dry washes, is going to step in on other State regulations that already exist.

On August 27, a Federal district court judge blocked the implementation in 13 States, including Arizona, saying that ''it appears likely that the EPA has violated its congressional grant of authority in its promulgation of the rule at issue.'' As we know, on October 9 the Sixth Circuit Court of Appeals stayed the rule nationwide. There is not consensus, obviously, on what this rule does or does not do.

In internal memos, the Army Corps of Engineers assistant chief counsel of environmental and regulatory programs highlighted a number of ''serious areas of concern'' with the rule, including the ''assertion of jurisdiction over every stream bed,'' which would have ''the effect of asserting Clean Water Act jurisdiction over many thousands of miles of dry washes and arroyos in the desert southwest.''

When you hear people stand and say that it will not affect dry washes, that is not what the rule says. We need clarification. We need to pass this legislation. We need to actually invoke cloture so we can debate it and ultimately pass it. This is a bipartisan measure that will address this issue and will ultimately provide a new rule that has the consistency and uniformity that those who work the land really need. Arizona will benefit from it, and the entire country will benefit from it.

With that, I yield back.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from South Dakota.

Mr. THUNE. Mr. President, Americans have had a tough time during the Obama administration with a sluggish economic recovery that is barely worthy of the name, stagnant wages for middle-class families, a health care law that ripped away millions of Americans' preferred health care plans, and burdensome regulations that have made it more challenging for businesses, large and small, to grow and create jobs.

One Agency has done more than its fair share to make things difficult for Americans, and that is the Obama EPA. During the course of the Obama administration, this Agency has implemented one damaging rule after another—from a massive national backdoor energy tax that threatens hundreds of thousands of jobs to unrealistic new ozone standards that have the potential to devastate State economies. Reputed rebukes from various Federal courts have done little to check the EPA's enthusiasm for crippling, job-destroying regulations.

This week, the Senate is taking up legislation introduced by my colleague from Wyoming Senator BARRASSO to address one of the EPA's biggest overreaches—the so-called waters of the United States regulation. The EPA has long had authority under the Clean Water Act to regulate ''navigable waters,'' such as rivers, lakes, and major waterways. The inclusion of the term ''navigable'' in the Clean Water Act was deliberate. It was deliberate. The reason it was put there is because Congress intended to put limits—real limits—on the Federal Government's authority to regulate water and to leave the regulation of smaller bodies of water to the States. Defining the waters to be regulated as navigable

waters ensured that the Federal Government's authority would be limited to bodies of water of substantial size and would not infringe on minor bodies of water on private land, but over the last few years it became clear the EPA was eager to expand its reach.

The waters of the United States regulation, which the EPA finalized this year, expands the EPA's regulatory authority to waters such as small wetlands, creeks, stock ponds, and ditches—bodies of water that certainly don't fit the definition of ''navigable.'' It specifically targets the prairie pothole region, which covers five States, including nearly all of eastern South Dakota.

If we look at this chart, this is something that is a very normal landscape in South Dakota. It is a field that one would see in South Dakota, and of course when it gets some rain, some of the low-lying areas get a little water in them, but this is basically a puddle. If we look at what the regulation would do to the way in which farmers and ranchers manage and are able to use their lands for production agriculture, it has some profound impacts.

We are not talking about lakes and rivers. We are talking about small, isolated ponds that ranchers use to water their cattle or prairie potholes that are dry for most of the year but do collect some water after heavy rains and snows along the lines of what we see in this photo. Under this regulation, even dry creekbeds could be subject to the EPA's regulatory authority. That is how far-reaching this regulation is.

Let me talk about that authority for just a minute. When we talk about a body of water coming under the EPA's regulatory authority, we are not talking about having to follow a couple of basic rules and regulations. Waters that come under the EPA's jurisdiction under the Clean Water Act are subject to a complex array of expensive and burdensome regulatory requirements, including permitting and reporting requirements, enforcement, mitigation, and citizen suits. Fines for failing to comply with any of these requirements and regulations, such as the one that is now being filed by the EPA, can accumulate at the rate of $37,500 per day.

Under the EPA's new waters of the United States rule, creeks and ditches would be subject to this complex array of regulations. The irrigation ditches in a farmer's cornfield, for example—ditches where the water level rarely exceeds a couple of inches—would be subject to extensive regulatory requirements, including costly permits and time-consuming reports. Needless to say, these kinds of requirements will hit farmers and ranchers hard. Agriculture is a time-sensitive business, and these types of requirements would strain a farmer's ability to fertilize, plant, and irrigate their crops when the seasons and weather conditions dictate.

Farmers can't afford to wait for a Federal permit before carrying out basic land and resource management decisions. I have received numerous letters from South Dakota farmers and ranchers, as well as local governments, expressing their concern with the EPA's new rule. One constituent writes:

> We live in Deuel County, South Dakota, where we raise cattle and plant wheat, alfalfa, corn, and soybeans. . . . Our land consists of rolling hills and many shallow low spots. . . . According to the new rules, our entire farm would be under the jurisdiction of the EPA. . . .

That same constituent goes on to say:

> Mandatory laws by the EPA are just wrong and are often written and enforced by someone who has never lived or worked on a farm and doesn't understand how the forces of nature cannot be dictated. The weather is often extreme, and we must work with it. . . . Under this rule, it will be more difficult to farm and ranch, or make changes to the land even if those changes would benefit the environment.

That is from a constituent from my State of South Dakota.

Another constituent, also from my home State, said:

> [O]ur business is going to be put into acute peril if the EPA is not stopped. . . . By removing the word ''navigable'' from the Clean Water Act, they will be in control of EVERY drop of water in the United States, which is disastrous for those of us engaged in farming and ranching.

This is from the Pennington County Board of Commissioners in South Dakota. Pennington County is the second largest county and home to our second largest city, Rapid City. They wrote:

> In addition to tourism, agriculture is a critical piece of our local economy. . . . This proposal would cause significant hardships to local farmers and ranchers by taking away local control of the land uses. The costs to the local agricultural community would be enormous. This would lead to food and cattle prices increasing significantly.

The board also warned:

> If stormwater costs significantly increased due to this proposed rule, not only will it impact our ability to focus our available resources on real, priority water quality issues, but it may also require funds to be diverted from other government services that we are required to provide such as law enforcement, fire protection services, etc.

I have received letter after letter like these from farmers, ranchers, business owners, and local governments across my State, and they are not alone. Concern is high across all of the United States. That is why 31 States have filed lawsuits against the EPA's regulations, as have a number of industry groups. The courts have already granted them some temporary relief. Last month, the Sixth Circuit Court of Appeals expanded an earlier injunction and blocked implementation of the EPA's rule in all 50 States, but a final decision of the courts could be years away.

To protect Americans affected by this rule from years of litigation and uncertainty, this week the Senate is taking up the Federal Water Quality Protection Act, introduced by Senator BARRASSO, which would require the EPA to return to the drawing board and write a new waters of the United States rule in consultation with States, local governments, agricultural producers, and small businesses. It seems only fitting that you actually ought to consult with the people who are impacted by this. If that had happened, maybe there wouldn't be 31 States that have already filed lawsuits against the Federal Government, and maybe we wouldn't have all of these local governments, agricultural producers, small businesses, homeowners, and developers that are mortified about the impact this will have on them.

In my time in Washington, I have never seen an issue that has so galvanized opposition all across the country. Sometimes there might be an issue that might affect a specific area or industry sector in our economy, such as agriculture. We talk a lot about those issues in my State because this is our No. 1 industry, but there is rarely an issue which generates opposition from so many sectors of our economy. That is how far-reaching this regulation is. Arguably, this is the largest Federal land grab in our Nation's history.

What the legislation also does is explicitly prohibits the EPA from counting things like ditches, isolated ponds, and storm water as navigable waters that it can regulate under the Clean Water Act. It takes away these things we are talking about—the stock ponds, ditches, and frankly the puddles—from areas that the EPA can assert its jurisdiction in and regulate.

Everybody agrees on the importance of clean water. Farmers in my State depend on it, and the legislation we are considering today will ensure that the EPA retains the authority to make sure our lakes and rivers are clean and pollutant-free. Members of both parties should be able to agree that allowing the EPA to regulate what frequently amounts to seasonal puddles is taking things a step too far. The cost of this rule will be steep, and its burdens will be significant, impacting those who have an inherent interest in properly managing their water to protect their livelihoods and health.

Back in March, a bipartisan group of 59 Senators voted to limit the EPA's waters of the United States power grab, and 3 Democratic Senators are cosponsors of the legislation before us today. It is my hope that more will join us to protect farmers, ranchers, small businesses, and homeowners from the consequences of the EPA's dangerous new rule.

Americans have suffered enough under the Obama EPA. It is time to start reining in this out-of-control bureaucracy. I hope we will have a big bipartisan vote today in support of the legislation before the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. DONNELLY. Mr. President, whether you are a farmer or a small

business owner, a Republican, a Democrat or someone who works at the EPA, we all want clean water. If we are going to ensure that our clean water protections are effective, we need to work together and we need to use the feedback from the people who work with the land every single day. Unfortunately, the EPA's waters of the United States rule was written without sufficient collaboration with some of the people who care about this rule the most—our farmers, our small business owners, our cities and States. As a result, the U.S. Court of Appeals for the Sixth Circuit has blocked the implementation of the waters of the United States rule, known as WOTUS, nationwide.

This ruling was in line with the concerns we have raised all along. When you write a rule without significant input from all of those impacted, including our farmers, ranchers, small business owners, and local governments, legal challenges are inevitable. Instead of further lengthy and costly court battles, Congress should act to clarify the coverage of the Clean Water Act or the courts will do that job instead of us. It is time to roll up our sleeves and provide to our ag producers, conservationists, and county and local governments the regulatory certainty they need to continue efforts to improve water quality.

That is why I was proud to help author and introduce the Federal Water Quality Protection Act with a bipartisan group of Senators, including Senator JOHN BARRASSO, a Republican from Wyoming, Senator HEIDI HEITKAMP, a Democrat from North Dakota, and Senate Majority Leader MITCH MCCONNELL, a Republican from Kentucky.

Most Hoosiers believe we can get more accomplished when we work together, and I have worked across the aisle on what I believe is a very responsible solution. I hope today we will continue this debate. It will be difficult, but we have the ability to get this right. If Congress fails to act, our ag community will be faced with continued confusion and uncertainty, and we will not have strengthened our efforts to protect the waters of this country.

The WOTUS rule is a perfect example of the disconnect between Washington and the Hoosier ag community, farmers and ranchers around our country, small businesses, and our families. No one wants cleaner water or healthier land more than the families who live on those farms and who work on our farms every single day right next to those waters—the same waters their children play and swim in and with which they work every day. That is why countless Hoosier farmers are frustrated that Washington bureaucrats are calling the shots rather than working together with our ag community and our families to develop sensible environmental protection. This can be done if it is done the right way.

In Indiana we are already leading in many agricultural conservation and environmental protection efforts. We have more farmers than ever before doing things such as planting cover crops and using no-till farming techniques that keep soil in the fields and keep the inputs in the fields. We are leading the Nation in cover crop efforts. It is voluntary, and it is part of a program to make sure our waters—our rivers and streams—are cleaner. This is being done by people, not by bureaucrats.

Let's have some faith and confidence in the people of this country and in the wisdom of our ag community in Indiana and in every other State. If we work with our friends and our neighbors, we can do even more to improve water quality.

Listen to farmers such as Mike Shuter and Mark Legan. Mike is an Indiana Corn Growers Association member from Frankton, IN, who won the National Corn Growers Association Good Steward Award this year for sustainable corn farming practices. Mike said:

> I want clean drinking water for my wife, kids, and grandkids. We work hard to reduce the amount of pesticides, insecticides, and fertilizer on our farm. The EPA is going too far by attempting to unilaterally claim jurisdiction over my farmland.

Mark Legan is a farmer who received the American Soybean Association's Conservation Legacy Award in 2013. Here is what he had to say:

> Farmers have been good stewards of the land for generations. We have found ways to produce more while using less pesticides and fertilizers. Waters of the U.S. gives the EPA one-sided jurisdiction over our ditches and fields, makes it more difficult to grow crops, and makes it harder to feed the world.

After hearing these frustrations from Hoosier ag producers and from local and county governments about this rule, and because I am the hired help not only for Indiana but for our country, we wrote the Federal Water Quality Protection Act. The intention is to strike a reasonable, bipartisan compromise—what a unique concept. It is the concept that our country has been built on. The legislation is simple: Focus on common science principles to shape a final rule and to require straightforward procedures that the EPA skipped the first time. These are steps the EPA should have done in the first place, such as reviewing economic and small business impacts.

The bill is not designed to destroy or delay the rule. In fact, our bill asks the EPA to complete its rule by December 31 of next year. There is no long hide-the-ball game being played here. We want to have this done by the end of next year.

The legislation includes explicit protections for waters that almost everyone agrees should be covered. If a body of water impacts the quality of the Wabash or Kankakee Rivers, the Great Lakes or anything similar, our bill protects those waters. It protects commonsense exemptions for isolated ponds and agricultural or roadside ditches—most of which the EPA has indicated they never intended to cover.

We require consultation with stakeholders such as States and the ag community, including soil and water conservation districts. Giving the EPA principles, procedure, and a clear deadline this bipartisan effort is meant to be constructive.

I urge my colleagues, Republican and Democrat, to allow us to consider the bipartisan Federal Water Quality Protection Act. It is our obligation to debate this important issue. I am confident a bipartisan majority of my Senate colleagues will support this commonsense bipartisan bill.

This much I promise: I will continue to push Congress to pass a permanent solution. We will never stop advocating on behalf of Indiana's farmers and families, ranchers and small businesses, and those of the entire country.

I yield back my time.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, first of all I want to thank my colleague, who has been working so hard on this. It affects Indiana, West Virginia, and every State in the Union. I hope people realize what is going on. This isn't a partisan issue. This is definitely a bipartisan issue, and it affects everybody in our State.

I want to thank Senator MARKEY for allowing me to speak for a few minutes. I have a funeral in Arlington to attend for one of our dear soldiers.

I have spoken on the Senate floor many times before about the burdens the EPA has continued to impose on hard-working families and hard-working people in West Virginia. Today, however, I am not speaking about the mining jobs I have spoken about so much. I am speaking about everyday West Virginians. If you have any property whatsoever, if you have a small business or a large business, if you come from any walk of life, if you are in agriculture or are a small farmer or are in large agriculture, this affects you. This allows the overreach of the government, as we have talked about so many times.

If you are a government agency, if you are a city, a small town, if you are a county, any decisions you make will be affected or could be affected. If imposed, the agency's waters of the United States rule, known as WOTUS, would have a harmful impact all over this great country. Again, the WOTUS rule will not just impact certain industries; it impacts everybody. The EPA wrote these rules without consulting some of the people who care about clean water the most—everyday West Virginians and Americans all across this great country. The WOTUS rule would impose heavy financial penalties on all of us, including our small business owners, farmers, manufacturers, and property owners.

If you have ever seen the terrain of West Virginia, we are the most mountainous State east of the Mississippi.

There is very little flat land whatsoever. So anything can be affected and everybody will be affected. Whether you build a home, have a small business or are a little city or community, you are going to be affected. If they can show on an aerial map that there used to be a river or stream of any kind, that comes under their jurisdiction. If anyone thinks differently—that it is not going to happen—this is exactly what is going to happen. That is why all of these small towns and the counties in rural America are totally opposed to this.

There is nobody I know of who doesn't want clean drinking water. With that, we are not saying that the Federal Government shouldn't have oversight on all of our waters that are for drinking, are navigable and/or recreational. In fact, I live on the water, so I know what it is to have the clean waters in our streams and rivers. This is not what we are talking about.

As my good friend from Indiana and my good friend from North Dakota are going to be talking about, this affects everybody. It affects every puddle, ditch, and every runoff—you name it; it affects it—and that means it affects all of our lives. They are going to say: Don't worry. We are not going to do all that. We are going to exempt it.

We have heard that one before—until it is something they don't like, until basically it gives them a chance to shut down something. I have farmers who are concerned about basically the crops they grow, the wildlife, the poultry and the livestock they have to care for. All of this could be affected. We fought this before.

The Supreme Court instruction is to clarify the Clean Water Act jurisdiction over bodies of water in use. This proposal goes too far. In fact, the Supreme Court has already ruled that not all bodies of water fall under the Clean Water Act regulations. So why are they expanding it? If they have already ruled on it, why are they expanding these rules? Why do they believe they can grab this?

They claim they were not required to consult with local governments under the federalism Executive order, arguing the rule did not impact them. The EPA claims that even though it did not comply with the Executive order, it still reached out to local governments. That is not true. That is not true in West Virginia. I can tell you that.

The EPA claims it addressed the concerns of local governments by providing exemptions for public safety ditches and storm water control systems. That is not true either. So that being said, I can only tell you what my citizens, my communities, business owners, and local governments are being affected by and why they are concerned.

The bottom line is it is completely unreasonable that our country's ditches, puddles, and otherwise unnavigable waters be subjected to the same regulations of our greatest lakes and rivers. On that we all agree.

The WOTUS rule exempts ditches only if the local government can prove that no part of the entire length of a ditch is located in an area where there used to be a stream. The WOTUS rule exempts storm water management systems only if they were built on dry land. The WOTUS rule says EPA can rely on historical maps and historical aerial photographs to determine where the streams used to be—not where they are now.

These provisions of the WOTUS rules should strike terror in the heart of every mayor, county commissioner, and manager of a city that was founded before the last century. This is how asinine this is. It is unbelievable that with a sweep of the pen, the EPA is trying to take us back to the days of Lewis and Clark. According to a memo written in April, not even the Corps of Engineers knows how it will determine which ditches are exempt and which are former streams. This is our own government.

Morgantown, WV, was founded in 1785. Wheeling, WV, was established in 1795. To go back in time to determine where streams used to be would be near impossible. I don't want West Virginia cities to have to worry about the status of their municipal infrastructure.

There is no question that with the additional permitting and regulatory requirements, the implementation of this rule will place a significant burden on West Virginia's economy, which is already hurting very badly. That includes businesses, manufacturing, housing, and energy production. Many in my home State are already struggling to make ends meet. We are one of the highest unemployment States, have been hit harder than any other State. We are fighting like the dickens. We will continue to fight and persevere.

The new financial and regulatory burdens will set people up for failure in an already unstable economic climate which in large part is caused by harmful regulations the EPA and the administration have established. We all want to drink clean water and breathe clean air, but we can achieve this without regulating hard-working Americans out of business.

This rule represents broad overreach that has the force of law without congressional approval. I would say you cannot regulate what has not been legislated. Why are we here? Why are we elected to represent the people when we cannot even do it, when we have to fight our own government to do the job we have been charged with doing?

I urge my colleagues to support this motion to proceed to S. 1140.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, Boston's sports teams have had their share of great moments. After a win, you can hear the crowd celebrating by singing a song by the Standells that goes like this:

Yeah, down by the river,
Down by the banks of the river Charles.
Well I love that dirty water,
Oh, Boston, you're my home.

While dirty water signals a win for a Boston team when that is sung, the real victory has been beating the pollution in the Charles River and Boston Harbor since the passage of the Clean Water Act. That victory is thanks to the implementation of that law, which protects sources of our drinking water from pollution and restores dirty waters back to health.

We need to keep the Clean Water Act's winning streak alive. Unfortunately, the bill the Senate may consider today could end the record of wins for the Clean Water Act. Its history of success has made the Clean Water Act one of the greatest American success stories. Before the Clean Water Act, there was no Federal authority to limit dumping, set national water quality standards, or enforce pollution rules. City and household waste flowed untreated into rivers and harmful chemicals were poured into wetlands and streams from factories and powerplants. Back then, we were all on the honor system. Water supplies were managed by a patchwork of State laws and an appeal to the common good. The result: mass pollution on a historic scale, oozing rivers so toxic that they could ignite into flames, fish dead by the thousands. America's riversides became a theater of public hazards and chemical death.

In short, before the Clean Water Act and the Federal involvement that was necessary, America's waterways were its sewers. Then, in 1969, a public firestorm was touched off by a Time magazine photo of the Cuyahoga River on fire in Ohio. With full-throated support from the public, Congress mobilized and produced the Clean Water Act, one of the most important pieces of environmental law in the history of the United States. The ultimate goal of the Clean Water Act—making waterways safe for the public and wildlife—was so popular that in 1972 a bipartisan Congress overrode a veto by Richard Nixon.

The successes and the benefits yielded by the pursuit of the goal of clean waterways would prove tremendous in the years ahead.

The Clean Water Act guards the Nation's natural sources of drinking water by guiding how we use them. It protects the wetlands, the streams, and other surface waters that ultimately provide us with drinking water.

The Clean Water Act has slowed the loss of wetlands, known as the ''kidneys of the landscape'' because of their ability to remove pollution from the water. They do this for free, making wetlands the most fiscally responsible water system in the world. The only alternative to this free service is to put our waters on dialysis by constructing filtration plants for billions of dollars in long-term maintenance and building costs. Our wetlands support the $6.6

trillion coastal economy of the United States, which comprises about half of the Nation's entire gross domestic production and includes our nearly $7 billion annual fishery industry and $2.3 billion recreational industry.

The Clean Water Act has doubled the number of swimmable and fishable rivers in the United States. It has saved billions of tons of fertile soil from being washed off of our farms. It has fostered State and Federal collaboration, giving States a key role in managing poisonous runoffs from cities and farms. It established a permitting system to control what gets dumped into America's waterways. It developed fair and objective technology-based pollution control standards to help industries plan their compliance investments in advance. It sets science-based water quality standards and requires well-thought-out plans to meet them. Its environmental monitoring requirements prevent rehabilitated waterways from backsliding into unusable condition. It provides $2 billion annually in critical funding to States for water quality and infrastructure improvements. Among its most important contributions, it empowers citizens to enforce its provisions and actively guard the health of their families.

For all of its benefits and successes, however, the Clean Water Act has still not reached it goal. One-third of our rivers still have too much pollution. When these drain into coastal waters, they add to the problems being caused by ocean acidification and warming. The pollution can cause dead zones off of our coasts and in the Great Lakes, putting drinking water supplies at risk and threatening sea life. While the act has slowed their loss, wetlands continue to disappear, and gone with them are millions of wetland-dependent creatures, such as ducks and turtles and most of the species of fish we find on our plates.

Clearly, clean water must be preserved for the health of the public, the environment, and the economy. That is why the Environmental Protection Agency and the Army Corps have spent so much time developing the recently finalized clean water rule. The clean water rule clears up confusion caused by two U.S. Supreme Court rulings on the reach of Federal water pollution laws and restores protections that were eliminated for thousands of wetlands by President George W. Bush in his administration.

Specifically, the rule revises the definition of ''waters of the United States,'' a term that identifies which waters and wetlands are protected under the Clean Water Act. The rule was written in response to requests for increased predictability and consistency of Clean Water Act permitting programs made by stakeholders such as the National Association of Home Builders and the National Stone, Sand & Gravel Association.

The clean water rule restores clear protections to 60 percent of the Nation's streams and millions of acres of wetlands that were stripped away under the previous Republican administration. The EPA estimates that returning the clean water protections will provide roughly half a billion dollars in annual public benefits, including reducing flooding damage, filtering pollution, supporting over 6 million jobs in the over half-a-trillion-dollar outdoor recreation industry.

The rule protects public health by closing pollution loopholes that threaten drinking water supplies to one-third of Americans. In Massachusetts, the drinking water of nearly 3 in 4 people will now be protected.

The rule enjoys broad support from local governments, small businesses, scientists, and the general public, who submitted over 800,000 favorable public comments. Eighty percent of Americans support the clean water rule, and when asked if Congress should allow it to go forward, they responded with a resounding yes.

Despite public support for clean water and this commonsense rule, the Republicans want to bring a bill to the floor that would undermine the national goals and policy written by the Clean Water Act. If enacted, this water-polluting bill would undermine the legal framework that protects our water. It would once again leave one-third of the Nation's drinking water vulnerable to dangerous contamination. It would set up a fight over technical details that would prevent us from protecting the public health by preventing the dumping of toxic chemicals into natural public drinking water sources.

The critics falsely claim that the clean water rule overreaches because it enables broader Federal jurisdiction than is consistent with law and science.

So, ladies and gentlemen, I support the work the EPA and the Army Corps have done in putting together the clean water rule. It will continue the string of victories our Nation has enjoyed under the Clean Water Act. I urge my colleagues to oppose any legislative efforts to overturn the clean water rule. We need to keep the Clean Water Act working for all of America.

I want to make sure that the only place in Massachusetts people are talking about dirty water is after one of our great Boston sports teams have chalked up another victory. That is the only time we should be singing about dirty water because otherwise the health and well-being not just of people in Massachusetts but all across our country will be harmed.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, listening to this, you would think that people who want some commonsense regulation don't believe in clean water. You would think that if we do this, somehow the Charles River or the Cuyahoga River, having been navigable the whole while here under the Clean Water Act jurisdiction, would suddenly not be navigable. That is not the case. That is not the case. I think it is really important that we ratchet down the emotion and we start looking at the facts.

Let's start with where we are right now with this idea of what are, in fact, jurisdictional waters under the Clean Water Act. This has been a debate for 40 years. It has been in and out of the courts for 40 years. In 1985 the Court made a ruling. In 2001 the Court made a ruling. In 2006 the Court decided a case called Rapanos. What Rapanos said is—four Justices said EPA is right, four Justices said EPA is wrong, and one Justice said EPA may be right. As a result, we have created a system that has caused great uncertainty in America today as it relates to how we use land. Acting on that uncertainty, EPA promulgated a rule. That rule is inconsistent, in my opinion, with the direction they were given by the Court. That rule has created an incredible amount of uncertainty.

To suggest that all the major ag groups, all the groups that are out there, including the Association of Counties, including many of the Governors, are all wrong and they all love dirty water is absolutely insulting as we kind of move forward on this discussion.

I am going to show you why North Dakota is concerned about this regulation. This is an aerial picture of my State. You may not think there is a lot of water in North Dakota. This is a picture of my State and Devils Lake in the Devils Lake area. You might say: Oh she picked a picture that looks like this.

I ask and invite any of you to come to North Dakota and I will fly you anywhere in North Dakota. This is what North Dakota looks like. You see all this water here and you see all this water here and you see this. Do you see that? That is a pothole, what we call a prairie pothole. It used to be and seasonally is full of water. Sometimes it is farm, sometimes it is not. Is this waters of the United States? It is not connected to any navigable stream. It is not adjacent to any kind of navigable water, moving water. None of this is connected with any kind of cross-land connection.

I will tell you under the rule that we have and under the interpretations of the Corps of Engineers—which we always forget when we are talking about this—the Corps of Engineers and EPA, what they would say is: We don't know. We would have to send biologists to take a look at this. We would have to spend hundreds of thousands of dollars, of taxpayer dollars, to determine whether in fact there is substantial nexus.

We asked for a simple rule. First, just as a point of view, when the statute says navigable water, that water ought to be moving someplace other than into the ground. All water in the

world is interconnected. We know that. That is a matter of hydrology. That is a matter of science. Scientists would say there is no such thing as a discrete separation.

But you know what. Legally there is. It did not say every drop of water is controlled by the Environmental Protection Agency under the Clean Water Act, it said navigable water, and we have been in this fight for a lot of years, including 2006.

Mr. President, I know we are in excess of the time. I ask unanimous consent for just a little more time to conclude my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HEITKAMP. I want to make this point because it really is a question. The Senators who have come to the floor and talked about this rule talk about: Look, we are making progress. What they haven't told you is that rule has absolutely no legal effect anywhere in this country today. Do you know why? Because the courts of the United States have stayed it. It is not in effect while we litigate yet another case.

So when we looked at this problem and we looked at trying to give certainty to farmers who own this land—by the way, this land is not owned by the people of this country. This land is owned by farmers who need certainty, who need to know. So we looked at this and we said: It is time for Congress to do what Congress ought to do, which is to legislate, which is to actually make a decision—to not just get on either side of a regulatory agency and yell about whether they are right or wrong but actually engage in a dialogue.

That is why Senator DONNELLY, Senator BARRASSO, Senator INHOFE, and I sat down and said: Look, this will continue in perpetuity. We will spend millions of dollars litigating this and never get an answer because chances are we are back to 441, and that is not an answer.

So we put together a piece of legislation looking at how can we as legislators, as Congress provide some parameters on what this means. People who will vote no on a motion to proceed will tell you we want EPA to decide. I am telling you that people in this country expect Congress to decide. They expect Congress to make this decision, to step up, and resolve this controversy because 40 years and millions and millions of dollars spent in litigation is not a path forward.

As we look at this legislation simply on a motion to proceed on one of the most controversial issues in America today—which is waters of the United States—not voting to debate this issue, not voting to proceed on this issue is the wrong path forward.

I urge my colleagues to open the debate and let's talk about this map—not the Charles River and not the Cuyahoga River because I will concede that they are navigable water. I want to know in what world is this navigable water of the United States, what world should EPA have jurisdiction over this pond, and in what world—when you are the farmer who owns it—do you think you have any certainty as we move forward?

We are trying to give certainty to the American taxpayer. We are trying to give certainty to people who build roads and bridges. We are trying to actually have a debate on an important issue of our time.

I urge my colleagues to vote yes on the motion to proceed so we can have an open debate—it could be fun—as we talk about this issue.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak for up to 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President we will have a chance at 2:15 p.m., I believe, for 15 minutes to close the debate, and at 2:30 p.m. we are going to have a vote on a cloture motion. I urge my colleagues to vote against the cloture motion.

I agree with my friend Senator HEITKAMP that we need certainty. We have been debating this issue for a long time since the court cases. If this bill were to become law, you are not going to have certainty. It is going to be litigated. Whatever is done, it is going to be litigated. We know that. We have seen the litigious nature of what has happened over the course of the issues.

Yes, I want Congress to speak on this. Congress has spoken on this. Congress has said very clearly that we want the test of the Clean Water Act to be to restore and maintain the chemical, physical, and biological integrity of our Nation's waters.

I don't want Congress to say: No, we don't want that. We now want a pragmatic test that could very well jeopardize the Clean Water Act. The bottom line is each Congress should want to strengthen the Clean Water Act, not weaken it. This bill would weaken the Clean Water Act and prevent a rule that has been debated for a long time from becoming law.

I urge my colleagues to reject the motion for cloture, and we will have a little bit more to say about this at 2:15 p.m.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the mandatory quorum call under rule XXII be waived with respect to the cloture vote on the motion to proceed to S. 1140.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

FEDERAL WATER QUALITY PROTECTION ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the time until 2:30 p.m. will be equally divided in the usual form.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I rise today as the Senate considers an issue that is critically—critically—important to agriculture and to rural America.

It is my hope the Senate will advance landmark legislation that I, along with a bipartisan group of colleagues, have introduced in response to the U.S. Environmental Protection Agency's final rule that redefines waters of the United States—commonly referred to in farm country as WOTUS, among other acronyms—under the Clean Water Act. I am proud to be an original cosponsor of S. 1140 and represent agriculture and rural America's charge in pushing back against EPA's egregious Federal overregulation.

EPA's final WOTUS rule would adversely impact a vast cross-section of industries, including agriculture. As I have said before, I fear the sheer number of regulations imposed by this administration is causing the public to lose faith in our government. Too often I hear from my constituents that they feel ''ruled'' and not ''governed.'' S. 1140 is in response to exactly that sentiment.

As chairman of the Committee on Agriculture, Nutrition, and Forestry, I have heard directly from farmers, ranchers, State agency officials, and various industries in Kansas and all throughout our country that ultimately would be subject to these new burdensome and costly Federal requirements. The message is unanimous and clear. This is the wrong approach and the wrong rule for agriculture, rural America, and our small communities.

According to the Kansas Department of Agriculture, EPA's final rule would expand the number of water bodies in Kansas classified as ''waters of the United States,'' subject to all—subject to all—Clean Water Act programs and requirements by 460 percent, totaling 170,000 stream miles. This is just incredulous. The expanded scope will further exacerbate the burden of duplicative pesticide permitting requirements and the other overregulation by this administration. This simply is not going to work and makes zero sense, especially in places such as arid western Kansas. Furthermore, the final rule undercuts a State's sovereign ability as

the primary regulator of water resources, which administers and carries out Clean Water Act programs.

Even more troubling, in recent months it has become apparent through the release of internal government documents between the EPA and the U.S. Army Corps of Engineers that there are serious concerns and questions with regard to the legality of the EPA's role and actions during the famous or infamous public comment period to garner support for the final rule. The tactics employed by the EPA throughout this rulemaking process completely undermines the integrity of the interagency review process and the public's trust.

The EPA claims they have listened to farmers and ranchers about the concerns they have raised. EPA not only stacked the deck against farmers and ranchers, but EPA deliberately ignored them. This bill requires the EPA and the Army Corps of Engineers to withdraw the final rule and craft a new rule in meaningful consultation with stakeholders, State partners, and regulated entities, which are ready and waiting to work with EPA—if we can.

All of us want to protect clean water. No one here—especially agriculture—wants to threaten such a valuable and integral natural resource that sustains our livelihood. It is our water. It is time the administration listened and developed a rule that is effective for farmers, ranchers, and rural America.

This WOTUS regulation is the No. 1 concern I hear about in farm country—that the Committee on Agriculture, Nutrition, and Forestry hears about—and over 90 agriculture groups—90—have signed a letter in support of this legislation. Additionally, the ongoing litigation, which involves 31 States challenging the final rule, only adds further confusion about the implementation and applicability of the final rule across the rest of the country.

It is time for Congress to intervene. I thank my colleagues who have joined me in this effort, especially the Senator from Wyoming, and I urge all of my colleagues to support S. 1140 and vote yes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I yield 3 minutes to a real champion of clean water in the United States, Senator BOXER.

Mrs. BOXER. Mr. President, I thank very much my colleague and subcommittee ranking member, Senator BEN CARDIN, for taking the lead today on this opposition we are expressing to a very radical bill that will essentially, in my view, in many ways repeal the heart of the Clean Water Act.

The Clean Water Act came about because the Cuyahoga River in Ohio went up in flames because there was so much pollution and there were so many toxins in the water there, and people recognized—this was in the 1970s—that we were endangering our families and the health of our families. So the Clean Water Act was written, and it basically said that if a river or a stream or a body of water found its way into a source of drinking water or a recreational body of water, the people who were dumping this stuff into this natural environment had to get a permit and had to show us that it was safe. It is as simple as that.

That is why we have overwhelming support. I had a chart, and now I don't have it, reflecting 79 percent in support across this Nation for moving ahead with the clean water rule. Then comes the Barrasso bill, which has a beautiful name—protecting the waters of the United States—and it reminds me of the book ''1984'': War is peace, love is hate, and the rest. Big government is telling you what to think.

Really, this is not a bill that protects our water. It is not. It is a bill that essentially protects polluters and endangers 117 million people who want to drink clean water. This is a right in our country. You don't want to be frightened when your child swims in a stream or drinks water that might make him or her sick.

So what we do with this bill, what Senator BARRASSO, my friend—and he is my really good friend—does here is essentially to take the Clean Water Act and stands it on its head. He says we are not going to worry about all of these bodies of water that feed into the Nation's drinking water supply for 117 million people, and we are going to say you are free to dump into that water everything you want.

In closing, I have often said that when I go home, people come right up to me and say: BARBARA, you need to do this; and, BARBARA, you have to fight for that. Never, in all my years in elected life—40 years since I started, which is hard to believe—has anyone come up to me and said: The water is too pure. The water is too clean. My drinking water is perfect, don't make it safer. My air is pristine; don't pass any more laws. It is the opposite.

So what this would do today is take us back, back, back—back to the days when rivers caught on fire, back to the days when you worried a lot about drinking water. And as a person who wrote the law on protecting the quality of drinking water for children, this is a step backward. It is all about the farm bureau. And I get it, but I don't think they really understand the rule that is coming out, where millions of people actually commented on the rule, where they had hundreds of meetings. This is an EPA that wants to work with the people.

So I hope we will reject this and that we can move on and let this clean water rule work its way through the courts and become the law of the land.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, with this vote on the motion to proceed to S. 1140, the Federal Water Quality Protection Act, the Senate really has a unique opportunity today to pass a strong bipartisan bill—a bill that will direct the EPA to write a reasonable rule to protect our navigable waterways.

As I mentioned before, I introduced this legislation with my Democratic colleagues Senators DONNELLY, HEITKAMP, and MANCHIN, as well as many of my Republican colleagues. I appreciate all my colleagues who spoke out in favor of this legislation.

Let me just conclude this discussion with these thoughts. Our beautiful rivers and lakes deserve protection, and this bill does nothing to block legitimate efforts to safeguard the waters of the United States. By striking the right balance, we will restore Washington's attention to the country's traditional waterways, protecting these cherished natural resources. At the same time, we will give certainty to farmers, ranchers, and small business owners that they can use their property reasonably without fear of constant Washington intervention.

The existing rule on waters of the United States is the poster child of EPA overreach. The courts have already begun to weigh in with their concerns and have stayed the rule nationally. There is a great legal uncertainty about whether this waters of the United States rule will survive these legal challenges. These challenges could take years. Meanwhile, a long-term viable solution to protecting our waterways will not be in place.

Now, many of my colleagues, both Democratic and Republican—and particularly those from rural States—have talked about their concern with this rule, so I urge them to join with us today by showing their constituents they are ready to do something about it. I urge them to vote for this motion to proceed to S. 1140 and to work with me through an open amendment process to create an even better bill—a better bipartisan bill and a bill that gives the EPA the certainty they need to craft a rule to protect our Nation's waterways for the long term.

I urge a ''yes'' vote on the motion to proceed to S. 1140.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, this legislation does two things. First, it stops the final rule on the waters of the United States, and second, it weakens the underlying Clean Water Act, something I would hope none of us would want to do. I urge my colleagues to reject the motion to proceed.

Let me tell you what is at risk here. What is at risk is about one-half of our Nation's stream miles from being protected under the Clean Water Act. Their water supply would not be protected. What is at stake here? Twenty million acres of wetlands could go unprotected because of being denied protection under the Clean Water Act. What is at risk here? The water supply

for 117 million Americans—1 out of every 3 Americans. The source of their water could very well come from unregulated supplies being exempt from the Clean Water Act. I don't think we want to do that.

I agree with my colleagues that we want to have certainty. That is why we want the rule to move forward. But it does more than that—the underlying bill. It also changes the standard that would be judged in deciding what is to be regulated waters. The current law says it is to ''restore and maintain the chemical, physical, and biological integrity of the Nation's waters.''

In other words, it is science-based. If we need to regulate in order to protect our water supply, we can regulate. That is what we are trying to achieve—regulating waters that end up in our streams, waters that end up in our water supply. If, on the other hand, we take what is being done under this legislation to protect traditional navigable waters from pollution, we are exempting so many of the waters that are critically important. I mentioned a little earlier that it has to have a continuous flow. Well, there are seasonal variations of what enters into our water supply in this country. That would be exempt.

I want to dispel two things. First, this bill would remove certainty, not give certainty. The Supreme Court cases caused us to lose our traditional definitions of what was covered under the Clean Water Act. We need that. It returns certainty, which I think is in everyone's interest. The last point is—and I have said it many times, and the Department has confirmed this—this final rule on waters of the United States does not change the regulatory structure for permitting for agriculture. There are no additional requirements. They are exempt. The exemptions that exist today will continue to be exempt. The agency responded to the concerns of the agricultural community as they should.

The bottom line is that clean water and agriculture go together, and we all need to work together in that regard. So I urge my colleagues to allow this rule to go forward. I urge my colleagues not to have a legacy of weakening our protections for clean water in America, and that is what this bill would do.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 153, S. 1140, a bill to require the Secretary of the Army and the Administrator of the Environmental Protection Agency to propose a regulation revising the definition of the term ''waters of the United States,'' and for other purposes.

Mitch McConnell, Dean Heller, Jeff Flake, Steve Daines, Johnny Isakson, Mike Rounds, Ben Sasse, Roy Blunt, Daniel Coats, John Cornyn, John Boozman, Richard Burr, Cory Gardner, Shelley Moore Capito, Richard C. Shelby, David Perdue, John Barrasso.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1140, a bill to require the Secretary of the Army and the Administrator of the Environmental Protection Agency to propose a regulation revising the definition of the term ''waters of the United States,'' and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—57

Alexander	Ernst	Moran
Ayotte	Fischer	Murkowski
Barrasso	Flake	Paul
Blunt	Gardner	Perdue
Boozman	Graham	Portman
Burr	Grassley	Risch
Capito	Heitkamp	Roberts
Cassidy	Heller	Rounds
Coats	Hoeven	Rubio
Cochran	Inhofe	Sasse
Collins	Isakson	Scott
Corker	Johnson	Sessions
Cornyn	Kirk	Shelby
Cotton	Lankford	Sullivan
Crapo	Lee	Thune
Cruz	Manchin	Tillis
Daines	McCain	Toomey
Donnelly	McCaskill	Vitter
Enzi	McConnell	Wicker

NAYS—41

Baldwin	Heinrich	Reed
Bennet	Hirono	Reid
Blumenthal	Kaine	Sanders
Booker	King	Schatz
Boxer	Klobuchar	Schumer
Cantwell	Leahy	Shaheen
Cardin	Markey	Stabenow
Carper	Menendez	Tester
Casey	Merkley	Udall
Coons	Mikulski	Warner
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Franken	Nelson	Wyden
Gillibrand	Peters	

NOT VOTING—2

Brown	Hatch

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 41.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. MCCONNELL. Mr. President, I withdraw the motion to proceed to S. 1140.

The PRESIDING OFFICER. The motion is withdrawn.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2016—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 118, H.R. 2685.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

Motion to proceed to Calendar No. 118, H.R. 2685, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2016, and for other purposes.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to H.R. 2685, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, James M. Inhofe, John Hoeven, John Thune, Lamar Alexander, Richard Burr, Jerry Moran, John Cornyn, James E. Risch, Mike Crapo, Steve Daines, Jeff Flake, Cory Gardner, John Boozman, Thad Cochran, Pat Roberts, David Perdue.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska is recognized for his inaugural address.

SENATE CULTURE

Mr. SASSE. Mr. President, I rise to speak from the floor for the first time. I have never been in politics before, and I intentionally waited to speak here.

I wish to talk about the historic purposes and uses of the Senate, about the decades-long decline of the legislature relative to the executive branch, and about what baby steps toward institutional recovery might look like.

Before doing so, let me explain briefly why I chose to wait a year since election day before beginning to fully engage in floor debate. I have done two things in my adult work life. I am a historian by training and a strategy guy by vocation. Before becoming a college president, I helped over a dozen organizations through some very ugly strategic crises, and one important lesson I have learned again and again when you walk into any broken organization is that there is a very delicate balance between expressing human empathy on the one hand and not becoming willing to passively sweep hard

truths under the rug on the other. It is essential to listen first, to ask questions first, and to learn how a broken institution got to where it is because there are reasons. People very rarely try to break special institutions that they inherit. Things fray and break for reasons.

Still, empathy cannot change the reality that a bankrupt company is costing more to produce its products than customers are willing to pay for them, that a college that has too few students is out not only of money but out of spirit. This is the two-part posture I have tried to adopt during my rookie year here. Because of this goal of empathetic listening first and interviewing first and because of a pledge I made to Nebraskans—in deference to an old Senate decision—last year I have waited.

Please do not misunderstand. Do not confuse a deliberate approach with passivity. I ran because I think the public is right that we are not confronting the generational challenges we face. We do not have a foreign policy strategy for the age of jihad and cyber war, and our entitlement budgeting is entirely fake. We are entering an age where work and jobs will be more fundamentally disrupted than at any point in human history since hunter-gatherers first settled in agrarian villages, and yet we do not have many plans. I think the public is right that the Congress is not adequately shepherding our Nation into the serious debates we should be having about the future of this great Nation.

I will outline the key observations from my interviews with many of my Senate colleagues in summary form on another day, but for now let me flag just the painful top-line takeaway. I don't think anyone in this body truly believes we are laser-focused on the greatest challenges our Nation faces—no one. Some of us lament this fact, some of us are angered by this fact, some of us are resigned to it, some try to dispassionately explain how we got to the place where we are, but I don't think anyone actually disputes it.

If I can be brutally honest for a moment, I am home basically every weekend, and what I hear every weekend, I think, are most of the same things most all of my colleagues hear every weekend, which is some version of this: a pox on both parties and all of your houses. We don't believe that the politicians are even trying to solve the great problems we face—the generational problems.

To the Republicans, those of us who would claim that the new majority is leading the way, few people believe it. To the grandstanders who would try to use this institution chiefly just as a platform for outside pursuits, few believe that the country's needs are as important to you as your own ambitions.

To the Democrats who did this body great harm through nuclear tactics, few believe that bare-knuckled politics are a substitute for principled governing.

Who among us doubts that many—both on the right and on the left—are now salivating for more of these radical tactics? The people despise us all.

Why is this? Because we are not doing our job. We are not doing the primary things that the people sent us here to do. We are not tackling the great national problems that worry our bosses at home. I therefore propose a thought experiment. If the Senate isn't going to be the venue for addressing our biggest national problems, where should we tell people that venue is? Where should they look for long-term national prioritization if it doesn't happen on this floor? To ask it more directly of ourselves, Would anything really be lost if the Senate didn't exist?

To be clear, this is a thought experiment, and I think that many great things would be lost if the Senate didn't exist, if our Federal Government didn't have the benefit of this body, but game out with me the question of why. What precisely would be lost if we only had a House of Representatives, a simple majoritarian body instead of both bodies? The growth of the administrative state, the fourth branch of government, is increasingly hollowing out the Senate and the entire article I branch, the legislature. Oddly, many in the Congress have been complicit in this hollowing out of our own powers. Would anything really be lost if we doubled down on Woodrow Wilson's obsession and inclination toward greater efficiency in government, his desire to remove more of the clunkiness of the legislative process? What would be lost? We could approach this thought experiment from the inside out and ask: What is unique about the Senate? What can this body do particularly well? What are the essential characteristics of just this place, which has often been called the gem of the Founders' structure. What was the Senate built for? Let's consider its attributes.

We have 6-year terms, not 2-year terms, and the Founders actually deliberated about whether Senators should have lifetime appointments. We have proportional representation of States, not of census counts, reflecting a Federalist concern that we would always maintain a distinction between perhaps agreeing that government has a responsibility to address certain problems and yet guarding against a routinized assumption that only a centralized, nationalized, one-size-fits-all government could tackle X or Y.

Third, we have rules designed to empower individual Senators, not to the end of obstruction but for the purpose of ensuring full debate and engagement with dissenting points of views, for the Founders didn't share Wilson's concern with governmental efficiency, they were preoccupied with protecting minority rights and culturally unpopular views in this big and diverse Nation.

Fourth, we didn't even have any rules in this body that recognized political parties until the 1970s. There was merely an early 20th century convention that gave right of first recognition in floor debate to the leaders of the two largest voting blocks. We have explicit constitutional duties related to providing the Executive with advice—it is a pretty nebulous thing—about building his or her human capital team and about the long-term foreign policy trajectory of this Nation. Six-year terms, representation of States, not census counts, nearly limitless debate to protect dissenting views, almost no formal rules for political parties, what does all this add up to? What is the best answer to the question, What is the Senate for?

Probably the best shorthand is this: to shield lawmakers from obsession with short-term popularity so we can focus on the biggest long-term challenges we face.

Why does the Senate's character matter? Precisely because the Senate is built to insulate us from ''short-termism.'' That is the point of the Senate. This is a place built to insulate us from opinion fads and from the bickering of 24-hour news cycles. That is the point of the Senate. The Senate is a place to focus on the biggest stuff. The Senate was built to be the antidote to sound bites.

I have asked many of you what you think is wrong with the Senate. What is wrong with us? As in most struggling organizations, in private it is amazing how much common agreement there actually is. There is so much common agreement about what around here incentivizes short-term thinking and behavior over long-term thinking, behaving, and planning.

The incessant fundraising, the ubiquity of cameras everywhere that we talk, the normalization over the last decade of using many Senate rules as just shirts-and-skins exercises, the constant travel—again, fundraising—meaning, sadly, many families around here get ripped up. That is one of the things we hear about most in private in this body. This is not to suggest that there is unanimity among you in these private conversations. The divergence is actually most pronounced at the question of what comes next and whether permanent institutional decline is inevitable in this body. Some of you are hopeful for a recovery of a vibrant institutional culture, but I think the majority of you, from my conversations, are pessimistic. The most common framing of this question or this worry is this: OK. So maybe this isn't the high moment in the history of the Senate, but isn't the dysfunction in here merely an echo of the broader political polarization out there? It is an important question. Isn't the Senate broken merely because of a larger shattered consensus of shared belief across 320 million people in this land? Surely that is part of the story, but there is much more to say.

First, the political polarization beyond Washington is so often overstated. We could talk about the election of 1800, the runup to the Civil War, the response to Catholic immigration waves at the beginning of the last century, the bloodiest summers of the Civil Rights movement, the experience of troops returning from Vietnam, if you want to mark some really high-water marks of political polarization in American life.

Second, civic disengagement is arguably a much larger problem than political polarization. It isn't so much that most regular folks we run into back home are really locked into predictably Republican and predictably Democratic positions on every issue, it is that they tuned us out altogether. Despite the echo chambers of those of us who have these jobs, are we aware that according to the Pew Research Center, the 24-hour viewership of CNN, FOX, and MSNBC is about 2 million. That is it.

Third, one of our jobs is to flesh out competing views with such seriousness and respect that we, the 100 of us, should be mitigating, not exacerbating, the polarization that does exist. This is one of the reasons we have a representative rather than a direct democracy.

Fourth, surveys reveal that the public is actually much more dissatisfied with us than they are even scared about the intractability of the big problems we face. Consider the contrast. Somewhere between two-thirds and three-quarters of the country think the Nation is on a bad track; that the experiences of their kids and grandkids will be less than the experience of their parents and grandparents. That is bad. Consider this: Only 1-in-10 of them is comforted that we are here doing these jobs.

Let's be very clear what this means. If the American people were actually given a choice to decide whether to fire all 100 of us and all 535 people in the Congress, do any of us doubt at all what they would do?

There are good and bad reasons to be unpopular. A good reason would be to suffer for waging an honorable fight for the long term that has near-term political downsides, like telling seniors the truth that the amount they have paid in for Social Security and Medicare is far less than they think and far less than they are currently receiving. That would be a good reason to be unpopular, but deep down we all know the real reason the political class is unpopular is not because of our relentless truth-telling but because of politicians' habit of regularized pandering to those who most easily already agree with us.

The sound-bite culture, whether in our standups for 90-second TV in the Russell rotunda or our press releases or what we all experienced on our campaigns—both for and against—the sound-bite culture is everywhere around us. We understand that, but do we also understand and affirm in this body that this place was built expressly to combat that kind of reductionism, that short-termism?

The Senate is a word with two meanings. It is the 100 of us as a community, as a group, as a body—that is an important metaphor—and it is this room. This is the Chamber where we assemble supposedly to debate the really big things. What happens in this Chamber now is what is most disheartening to a newbie like me. As our constituents know, something is awry here. We, in recent decades—again, this is a body and not just us but what we have inherited—have allowed short-termism and the sound-bite culture to invade this Chamber and to reduce so many of our debates to fact-free zones.

I mentioned that I have done two kinds of work before coming here. I was a historian/college president and crisis turnaround guy. Although they sound very different, they actually have a lot of similarities because they are both driven by a kind of deliberation, a Socratic speech.

Good history is good storytelling, and good storytelling demands empathy. It requires understanding different actors, differing motivations, and competing goals. Reducing everything immediately to good versus evil is bad history—not only because it isn't true and because it is unpersuasive but because it is really boring. Good history, on the other hand, demands that one be able to talk Socratically so you can present alternate viewpoints, not straw-man arguments, and explain how people got to where they are.

Similarly, can you imagine a business strategist who presents just one idea and immediately announces that it is the only right idea, the only plausible idea, and every other idea is both stupid and wicked? How would companies respond to such a strategist? They would fire him. A good strategist, by contrast, puts the best construction on a whole range of scenarios, outlines the best criticisms of each option, especially including the option you plan to argue for most passionately, and then you assume that your competitors will upgrade their game in response to your opening moves. This is a kind of Socratic speech. But bizarrely, we don't do that very much around here. We don't have many actual debates.

This is a place that would be difficult today to describe as the greatest deliberative body in the world, something that was true through much of our history. Socrates said it is dishonorable to make the lesser argument appear the greater or to take someone else's argument and distort it so that you don't have to engage their strongest points. Yet here, on this floor, we regularly devolve into a bizarre politician speech. We hear the robotic recitation of talking points.

Well, guess what. Normal people don't talk like this. They don't like that we do, and more important than whether or not they like us, they don't trust our government because we do.

It is weird, because one-on-one, when the cameras are off, hardly anyone around here really thinks the Senators from the other party are evil or stupid or bribed. There is actually a great deal of human affection around here, but again, it is private, when the cameras aren't on.

Perhaps I should pause and acknowledge that I am really uncomfortable with this as an opening speech. It is awkward, and I recognize that talking honestly about the recovery of more honest Socratic debate runs the risk of being written off as being overly romantic and naively idealistic. To add to the discomfort, I am brand new to politics, 99th in seniority, and occasionally mistaken for a page. But talking bluntly about what is not working in the Senate in recent decades—not just this year or last year—but talking bluntly about what is not working around here is not naive idealism; it is aspirational realism. Here is why. I think that a cultural recovery inside this body is a partial prerequisite for a national recovery.

I don't think that generational problems such as the absence of a long-term strategy for combatting jihad and cyber war, such as telling the truth about entitlement overpromising, and such as developing new human capital and job retraining strategies for an era of much more rapid job change than our Nation has ever known—I don't think that long-term problems such as these are solvable without a functioning Senate. And a functioning Senate is a place that rejects short-termism, both in substance and in tone.

The Senate has always had problems. This is a body made up of sinful human beings, but we haven't always had today's problems. There have been glorious high points in the Senate. There have been times when this place has flourished, and I believe a healthier Senate is possible again. But it will require models and guides.

To that end, I have been reflecting on three towering figures over the last half-century who used this floor quite differently than we usually use it today, and who thereby have much to teach us. Before naming them, let me clarify my purpose. I don't think there is a magic bullet to the restoration of the Senate. My purpose in speaking today is really just to move into public conversations I have been having with lots of you in private as I try to define a personal strategy for how to use the floor. I want advice, and I am opening a conversation on how to contribute to the broader theme. There are many of you here who want an upgrading of our debate, of the culture, of the prioritization, and of our seriousness of what are truly the biggest long-term challenges we face.

Two weeks ago, in a discussion with one of you about these problems, I was asked: So you are going to admit our institutional brokenness and issue a call for more civility? No. While I am in favor of more civility, my actual call here is for more substance. This is

not a call for less fighting. This is a call for more meaningful fighting. This is a call for bringing our A game to the biggest debates about the biggest issues facing our people and with much less regard for 24-month election cycles and 24-hour news cycles. This is a call to be for things that are big enough that you might risk your reelection over.

So let's name the three folks who have something on which to instruct us because they brought a larger approach to the floor.

First, I sit quite intentionally at Daniel Patrick Moynihan's desk. The New Yorker who cast a big shadow around here for a quarter century famously cautioned that each of us is entitled to our own opinions, but we are most certainly not entitled to our own set of facts. He read social science prolifically and sought constantly to bring data to bear on the debates in this Chamber. Like any genuinely curious person, he asked a lot of questions. So you couldn't automatically know what policy he might ultimately advocate for because he asked hard questions of everyone. He had the capacity to surprise people. We should do that.

Second, in a time when circling partisan wagons and castigating the opposing party feels reflexively easy, we can all benefit from reading again Margaret Chase Smith's heroic ''Declaration of Conscience'' speech on this floor in June of 1950. The junior Senator from Maine was a committed anti-Communist. She was also called the first female cold warrior in the Nation. For her, that meant not knee-jerk opposition to competing views but rather the full-throated defense of what she called ''Americanism.'' She defined it as ''the right to criticize; the right to hold unpopular beliefs; the right to protest; and the right of independent thought.'' Senator Smith was rightly worried about Alger Hiss and the infiltration of the State Department by actual Communist spies. This was actually happening. So for her, grandstanding and lazy character smearing were not only dishonest, they were distracting and therefore inherently dangerous. Thus, the freshman Senator—at this point she was the only woman in the body—came to the floor to demand publicly what she repeatedly sought unsuccessfully in private from Joe McCarthy. Was there any evidence for all of these scandalous claims? Think of that. As a committed truth-teller, she was willing to challenge someone not just in her own party but someone with whom she had lots of ideological alignment. She wanted to reject straw-man arguments and disingenuous attacks. Because of that moment, 4 years later the Senate would censure McCarthy and banish McCarthyist tactics from this floor.

Finally, and for my purposes today most importantly, I would like us to recall Robert Byrd, one of the larger figures in the two-and-a-half-century history of this body. As a historian, I have long been a student of the West Virginian, troubled though he was.

We sometimes conceive of our role today here as merely policy advocates—as those who argue for our respective party's position on short-term policy fights, and that is sometimes important, but that is only one of our roles, for we don't have a parliamentary system and we don't have one on purpose. With Moynihan and Margaret Chase Smith, we also need to contextualize our debates about our largest national challenges with facts and data. We need to agree on what problems we are trying to solve before we bicker about which programs would be more or less effective toward those ends. We need to challenge those in our own party not to construct straw-men arguments with those we are debating. But there is something else we need as well.

Beyond policy advocating and policy clarifying, we need an overarching shared narrative of what America means. We need to pause to regularly recall the larger American principles that bind us together—our constitutional creed, our shared stories, and our exceptional American commitment to a dream of life, liberty, and the pursuit of happiness for all 320 million of our country men and women.

We all know in our marriages that sometimes the only way around a small disagreement is to pause to embrace again our larger shared commitments and our history. We need more of that here. We need to be able to more often agree on some big things before we get to the work of honorably disagreeing about smaller things.

One of the important legacies of Senator Byrd—and again this is no commentary on other aspects of his messy past—but one of the important legacies of Senator Byrd is that he forced this Senate to grapple with our history, with the 100 of our specific duties, and with the unique place in the architecture of Madisonian separation of powers that this body and this body alone sets.

To return to our thought experiment, do we think the Founders would have regarded a 9-percent congressional approval rating—a stunning level of distrust in representative government—do we think they would have regarded that as an existential crisis? Is it conceivable we can get away with just drifting along like this or must we fix it? Count me emphatically among those who think we need to fix it. We should not be OK with this.

If we are going to restore this place, part of it will center on recovering the executive-legislative distinction. The American people should be demanding more of us as legislators, and they should be demanding more of the next President as a competent administrator of the laws that we pass. This is possible only if we again recover a sense of our identity that has some connection not just to Republican and Democrat but to the Constitution's article I legislative duties and some tension on purpose with the duties of the article II executive branch. Everything cannot be simply Republican versus Democrat. We need Democrats who will stand up to a Democratic President who exceeds his or her power, and I promise you that I plan to speak up the next time a President of my party seeks to exceed his or her legitimate constitutional powers.

Despite all of his other failings, Robert Byrd labored hard to mark these nonpartisan lines, and we should too. To that end, in the coming months I plan a series of floor speeches on the historic growth of the administrative state. This will not be a partisan effort. It will not be a Republican Senator criticizing the current administration because it is Democratic. Rather, it will be a constructive attempt to try to understand how we got to the place where so much legislating now happens inside the executive branch. Our Founders wouldn't be able to make sense of the system we are living right now.

This kind of executive overreach came about partly because of a symbiotic legislative underreach. Republicans and Democrats are both to blame for grabbing more power when they have the Presidency. Republicans and Democrats are both to blame in this legislature for not wanting to take on hard issues and to lead through hard votes but rather to sit back and let successive Presidents gobble up more and more power. We can and we must do better than this.

A century-long look at the growth of executive branch legislating over the next many months will be an attempt to contribute to the efforts of all here, both Republicans and Democrats, who want to see the Senate recover some of its authorities and to recover some of its trustworthiness in the eyes of the people for whom we work.

Each of us has an obligation to be able to answer this question: Why doesn't Congress work and what is your plan for fixing the Senate? If your only answer to this question is to blame the other party, then you don't get it, and the American people think you are part of the problem, not part of the solution.

This institution wasn't built for the two political parties, and this institution wasn't built just to advocate policy X versus new policy Y for next month. We must serve as a forum for helping our Nation understand and navigate the hardest generational debates before us. Our ways of speaking should mitigate, not exacerbate, the polarization that does exist. As was well said around here last week:

> We will not always agree—not all of us, not all of the time. But we should not hide our disagreements. We should embrace them. We have nothing to fear from honest differences honestly stated . . . [for] I believe a greater clarity between us can lead to greater charity among us.

Again, saying that we should be reducing polarization doesn't mean we

should be watering down our convictions. I mean quite the contrary. We do not need fewer conviction politicians around here; we need more. We don't need more compromising of principles; we need a clearer articulation and understanding of the competing principles so that we can actually make things work better and not merely paper over the deficits of vision that everyone in the country knows exist.

We should be bored by lazy politician speech. We should be bored by knee-jerk certainties on every small issue. We should primarily be doing the harder work of trying to understand competing positions on the larger issues.

Good teachers don't shut down debate; they try to model Socratic seriousness by putting the best construction on their arguments, even and especially to those on which they don't agree. Our goal should not be to attack straw men but rather to strengthen and clarify meaningful contests of ideas for the American people.

Representative government will require civic reengagement. Our people need to know that we in this body are up to the task of leading during a time of nearly universal angst about whether this Nation is on a path of decline.

A 6-year term is a terrible thing to waste. A 2-year term requires hamster-wheel frenzy; our jobs do not. I think we can do better, and I pledge to work with all of those who want to figure out how.

Thank you, Mr. President.

(Applause, Senators rising.)

The PRESIDING OFFICER (Mr. LANKFORD). The majority leader.

CONGRATULATING SENATOR SASSE

Mr. MCCONNELL. Mr. President, I would like to congratulate our new colleague, Senator SASSE. There was a good deal of suspense attached to wondering what the junior Senator from Nebraska would have to say, as he chose to wait until the end of the year and to listen and begin to study the institution. I expect most people would not have predicted that the best lesson we were to hear about what is wrong with the Senate and what needs to change would come from somebody who just got here.

I think the fact that there were so many Senators on the floor to listen was a tribute to the great work the Senator has done here and the study he has put into this institution and what needs to be done on all of our parts to make it work better.

On behalf of all of the Senate, I congratulate the junior Senator from Nebraska on an extraordinary maiden speech.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, that was a wise speech. It was a speech that made me think of the comment someone once said—that the Senate was the one authentic piece of genius in the American political system. What Senator SASSE has done is put fresh eyes on a subject, and sometimes fresh eyes are the best eyes.

What he has reminded us is to remember what a privilege it is to serve here and that if we are temporarily entrusted with the responsibility and opportunity to give real meaning to the idea that this is the one authentic piece of genius in the American political system, we have some work to do.

I am delighted he is here. I am delighted he took the time to wait, study, listen, and make his comments. I listened very carefully. I hope every single Member of the Senate did. I pledge to work with him toward the goal he set out. I look forward to serving with him for a long time.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, for the information of all Senators, we should expect a rollcall vote around 4 o'clock on the motion to proceed to S.J. Res. 22, which is the Congressional Review Act on the waters of the United States.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. ERNST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATERS OF THE UNITED STATES RULE

Mrs. ERNST. Mr. President, I rise today to talk about this ill-conceived and harmful waters of the United States rule—better known as WOTUS—and how its implementation threatens the livelihoods of many of my fellow Iowans.

As the Presiding Officer knows, recent court decisions have forced this rule—EPA's latest power grab—to come to a screeching halt across the country because of the likelihood that EPA has overstepped its authority. To be clear, it is not just me saying that; it is the court.

As my colleague and friend, the senior Senator from Iowa, CHUCK GRASSLEY, often says, Washington is an island surrounded by reality. There is not a more perfect phrase to describe how the events and processes have unfolded surrounding this confusing rule. Only in Washington do unelected bureaucrats take 300 pages to simplify and provide clarity. This rule is so complex and so ambiguous that folks in my State are concerned that any low spot on a farmer's field or a ditch or a puddle after a rainstorm may now fall under the EPA's watch.

We all want clean water and clean air. That is not disputable. Time and again, I have emphasized that the air we breathe and the water we drink need to be clean and safe. Statements suggesting otherwise cannot be further from the truth. It is unfortunate that the EPA continues to fuel that line of false attack through their election-style tactics and controversial lobbying efforts on social media.

This rule and this debate are not about clean water. The heart of this debate is about how much authority the Federal Government and unelected bureaucrats should have to regulate what is done on private land.

You can see the map behind me. Look at my State of Iowa. This rule would give the EPA extensive power to regulate water on 97 percent of the land in the State of Iowa—97 percent. If you compare that to Iowa's Federal land percentage in acreage of 0.3 percent, it is quite a shift in the current makeup of Federal authority over the land in Iowa.

I spent the weekend going back through letters my fellow Iowans have sent me on this issue. So many of them are frustrated with the lack of common sense coming out of Washington. They are taking this issue personally because their livelihood depends on it. Many of the letters I get are from farmers who spend their days working land that has been in their families for generations, some going back over 100 years. They have an incentive to take care of their land and conserve it for future generations. Caring for the land and conserving is a way of life in the heartland. It is as if the EPA turns a blind eye to that fact.

One Iowan wrote:

> This proposed rule is so vague, long, and very unclear, that I feel they are wanting farmers to fail so a large fine can be assessed. Why am I taking this so personal? Because for me and my family, we live off this land. If we don't take care of it, it will not take care of us. So I will do whatever I can to protect this land and water for my children. My family lives on well water. My cattle drink from the same wells. I don't want either to get sick.

That is what one Iowan wrote. I believe the same exactly.

This rule would give EPA the authority to expand its power over family farms, small businesses, ranches, and other landowners in our rural community. Iowans are so concerned about this rule because they know it will actually create a negative impact on conservation and it is contradictory to the commonsense and voluntary work that is taking place in communities across Iowa today.

In Iowa, we have had a State-level clean water initiative in place for several years now. It is a partnership between the State legislature, the Department of Natural Resources, the Iowa Department of Agriculture and Land Stewardship, Iowa State University, and a myriad of stakeholders across the State.

The voluntary Nutrient Reduction Strategy is based on extensive research and provides a path forward for conservation efforts that individual farmers can pursue with matching funds from the State. This science-based approach provides incentives for farmers and other landowners to make sustainable decisions on their own land rather than be forced to adhere to a one-size-fits-all regulation that would do far more harm than good. A farm in Iowa is not the same as one in Montana, and the rolling plains of Texas are very different from the hills and valleys of

Pennsylvania. This is simply one more reason this WOTUS rule is the wrong approach. A one-size-fits-all solution from inside the beltway could have disastrous effects nationwide.

As I mentioned, I have heard from constituents across the State of Iowa who have grave concerns with the ambiguity of this rule. They are holding off on making conservation improvements to their land for fear of being later found out of compliance with this WOTUS rule and facing significant fines. Maybe it is because we are so ''Iowa nice'' that we are inclined to work together collaboratively rather than simply issuing more onerous regulations.

Take the Middle Cedar Partnership, for example. This project in Eastern Iowa uses local dollars and State funding, coupled with Federal grants from the USDA, to organize and advocate for land practices that improve water quality downstream. The coalition is made up of city, county, and State officials, businesspeople, farmers, environmentalists, and other concerned citizens. Together they are making meaningful progress on multiple watershed projects within the Cedar River basin and sharing what they have learned. This approach is now being adopted by other municipalities within the State.

Contrary to what some claim, Iowa has done all of this on its own, not at the behest of the EPA. In fact, the EPA has asked the leaders of Iowa's efforts to come to DC and explain how they are able to get such grassroots buy-in on voluntary conservation projects and programs. The other States in the Mississippi River Basin look to Iowa as a leader on water quality and are modeling their own State-level efforts after ours in the State of Iowa. While there are clear indications that this WOTUS rule is illegal and likely to be scrapped by the courts, that process could take years to play out—and all at the expense of the average American.

Let's not wait around for the inevitable and force our small farmers and businesses to operate in the dark while they wait. Let's fix this now and give American families the certainty they deserve. We can do that by passing the legislation before us.

I have led the charge in the Senate on this joint resolution of disapproval which would scrap the rule entirely. My legislation is the necessary next step in pushing back against this blatant power grab by the EPA. We will send this to the President, and he will be forced to decide between the livelihood of our rural communities nationwide and his unchecked Federal agency.

I also voted for S. 1140, which provides the EPA with clear principles and directions on how best to craft a waters of the United States rule. It spells out steps they should have taken prior to finalizing this rule to guarantee they can take into consideration the thoughtful comments from folks such as farmers, ranchers, small businesses, and manufacturers. Congress is acting because it is evident that the EPA did not seriously consider the comments and perspective from those whom this rule will directly impact, and it is clear they are far outside the bounds of the congressional intent of the Clean Water Act.

Iowa is bounded by rivers. The very shape of our State is dictated by the mighty Mississippi and Missouri Rivers. Take one look at commerce and recreation happening on them, and it is easy to see why these are considered navigable waters. When Congress passed the Clean Water Act, this was the type of water it intended to protect, not a grass waterway running across a farmer's field or a ditch bordering it. This rule ignores congressional intent and is nothing more than a power grab by the EPA.

The EPA continues to run roughshod over Iowans, acting as if they are a legislative body—something they have no business doing. It is no wonder they have lost the trust of the American people and many in Congress. Every community wants clean water and to protect our Nation's waterways, but we simply cannot allow mounting, unnecessary regulations to overwhelm the commonsense voice of hard-working Americans, especially when they are not based on sound science. Again, it is not just me saying that, the courts and the Army Corps have both called the EPA on their shaky data, or lack thereof. Yet unelected bureaucrats remained committed to making a political decision instead of the right decision.

As Iowa's U.S. Senator, it is my responsibility to speak for the folks I represent and hold the Federal Government accountable when it is clear they have gone too far. And make no mistake—they have here.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I rise in strong support of this effort to turn back this rule. The rule has been well explained by the Senator from Iowa. Her efforts are about all that Congress can currently do. Frankly, I would hope that we can figure out how to go further so that the Congress has to approve every rule that is issued by every agency of government that has significant economic impact.

It is, frankly, hard to imagine a rule that has a more wide-ranging impact or more economic impact than this one does. As has been well pointed out, the authority given to the EPA under the Clean Water Act was very consistent with Federal discussions and debates for 170 years. I think 1846 was the first time the term ''navigable waters'' was used in Federal law, in a bill that James Knox Polk—President Polk actually vetoed the bill, but the term was understood, and it quickly came back into Federal law, and it meant exactly what it said: navigable waters of the United States.

Why would that be a Federal responsibility? Because ''navigable'' means you can move something on it. ''Moving something on it'' means commerce, and one of the principal reasons for the Constitution was to regulate interstate commerce. So this is a long-established principle. Yes, there is some Federal responsibility for those avenues of commerce in the country—areas, rivers, waterways you can navigate. But, of course, that is not good enough for the EPA—170 years of Federal law, total and complete understanding around the country and, it appears, even on the part of Federal judges of what ''navigable'' means.

There is a way to get expanded jurisdiction if the EPA wanted expanded jurisdiction, and that is to come to Congress and say: Give us not just responsibility over navigable waters but all the water that can run into all of the water that can run into any water that can run into any water that can run into navigable waters.

If the EPA got this jurisdiction, you wouldn't be able to come up with enough Federal bureaucrats to oversee this level of jurisdiction. In a map that is not nearly as large as the map we have on the poster but a map that the Missouri Farm Bureau put out in our State, this is how much of the State of Missouri would be under the jurisdiction of the EPA under this law.

Even if you are standing very close to this map, you can't see the non-red areas. The red area is the new Federal jurisdiction. The non-red area is three-tenths of 1 percent of the State. So anything that goes on in 99.7 percent of our State is really founded on the basis of the rivers that cut through the middle of it, that bind it on the east, and would be, obviously, waters that are in most cases navigable and inarguably navigable, but all the water that runs into any water that could ever run into any water that runs into that water is clearly not navigable.

That is why county commissioners all over our State are calling and saying: If this passes, what does it mean? Can we mow the right-of-way without a Federal permit?

There is no question that if this passes, every roadside ditch in the entire State of Missouri would be navigable waters. There is nowhere outside the offices of the EPA and the most extreme among us where anybody would want to argue that every ditch along every road and highway is navigable waters. The EPA wants jurisdiction they couldn't exercise.

This is a moment when Congress can stand and say: We do not want this rule to go into effect. We are going to pass a resolution that puts this on the President's desk, and if the President is going to be for this no matter what the courts say, no matter what the Corps of Engineers says, no matter what the Congress says, the President has to take a position on this rule. It is his EPA; it is out of control on this rule.

I hope my colleagues join the Senator from Iowa and me and many others in saying we don't want this rule to go into effect.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE CORPS OF ENGINEERS AND THE ENVIRONMENTAL PROTECTION AGENCY—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, pursuant to the provisions of the Congressional Review Act, I move to proceed to S.J. Res. 22, a joint resolution providing the congressional disapproval of the rule submitted by the Corps of Engineers and the EPA relating to the definition of ''waters of the United States'' under the Federal Water Pollution Control Act.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 286, S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Corps of Engineers and the Environmental Protection Agency relating to the definition of ''waters of the United States'' under the Federal Water Pollution Control Act.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN) is necessarily absent.

The PRESIDING OFFICER (Ms. AYOTTE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—55

Alexander	Corker	Flake
Ayotte	Cornyn	Gardner
Barrasso	Cotton	Grassley
Blunt	Crapo	Hatch
Boozman	Cruz	Heitkamp
Burr	Daines	Heller
Capito	Donnelly	Hoeven
Cassidy	Enzi	Inhofe
Coats	Ernst	Isakson
Cochran	Fischer	Johnson
Kirk	Perdue	Shelby
Lankford	Portman	Sullivan
Lee	Risch	Thune
Manchin	Roberts	Tillis
McCain	Rounds	Toomey
McConnell	Rubio	Vitter
Moran	Sasse	Wicker
Murkowski	Scott	
Paul	Sessions	

NAYS—43

Baldwin	Heinrich	Reed
Bennet	Hirono	Reid
Blumenthal	Kaine	Sanders
Booker	King	Schatz
Boxer	Klobuchar	Schumer
Cantwell	Leahy	Shaheen
Cardin	Markey	Stabenow
Carper	McCaskill	Tester
Casey	Menendez	Udall
Collins	Merkley	Warner
Coons	Mikulski	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden
Franken	Nelson	
Gillibrand	Peters	

NOT VOTING—2

Brown	Graham

The motion was agreed to.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE CORPS OF ENGINEERS AND THE ENVIRONMENTAL PROCTECTION AGENCY

The PRESIDING OFFICER. The clerk will report the joint resolution.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 22) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Corps of Engineers and the Environmental Protection Agency relating to the definition of ''waters of the United States'' under the Federal Water Pollution Control Act.

The PRESIDING OFFICER. Pursuant to 5 USC 802(d)(2), there is 10 hours of debate, equally divided, on the joint resolution.

The Senator from Iowa.

Mrs. ERNST. Madam President, I wish to take a quick moment and thank my friends, my colleagues for supporting this effort, and I look forward to some lively discussion on the EPA's overreach and this WOTUS rule. I encourage my fellow Republicans and my fellow Democrats to carefully consider what this overreach by the EPA does to their home States. Just as it does in Iowa—it covers 97 percent of our land. I encourage them to listen to their constituents very carefully as we move forward on this debate and this vote.

Again, I thank my colleagues for supporting this effort.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I wish to congratulate our friend and colleague, the Senator from Iowa, on this strong vote on the motion to proceed to this congressional resolution of disapproval of this overreaching regulation issued by the Environmental Protection Agency. I want to talk a little bit about this rule, but I also want to talk about how symptomatic this is of the overreach we are seeing coming from the executive branch, particularly when it involves rulemaking.

This rule is a response to a Supreme Court decision and a number of other decisions by the lower courts which held previously that the Federal Government had overreached when it comes to trying to regulate so-called navigable waters of the United States.

I think there is no real question in anybody's mind that under the interstate commerce provisions of the U.S. Constitution, the Federal Government has a responsibility when it comes to navigable waters, but, as the Sixth Circuit Court of Appeals said in a decision it handed down on October 9, the plaintiffs in the case against the Environmental Protection Agency and this particular rule established a substantial possibility of success on the merits of their claims where they said that the rule's treatment of tributaries, adjacent waters, and waters having a significant nexus to navigable waters is at odds with the Supreme Court's decision in the Rapanos case, which was handed down in 2006. It said also that the provisions of the rule make it unclear as to the distance limitations, whether it is harmonious with the decisions of the Supreme Court. So, for example, if you could say the tributary that feeds another body of water that feeds another body of water that then feeds another body of water that eventually gets into navigable water is subject to the rulemaking authority of the Environmental Protection Agency is in conflict with the decision in the Rapanos case, and I don't believe it would ever withstand constitutional scrutiny.

Moreover, the Sixth Circuit Court of Appeals said the rulemaking process by which the so-called distance limitations were adopted is suspect. They said it did not include any proposed distance limitation in use of the terms such as ''adjacent waters'' or ''significant nexus.'' So under the opinion of the Sixth Circuit Court of Appeals, a body of water could be far removed from that navigable water and still be determined as an adjacent water or have a significant nexus and be subject to the far-reaching provisions of the rule.

The Sixth Circuit Court of Appeals also said that there was no scientific support for the distance limitations that were included in the final rule.

The plaintiffs contended and the Sixth Circuit agreed that this rule is not the product of reasoned decisionmaking and is vulnerable to attack as impermissibly arbitrary or capricious under the Administrative Procedure Act.

Ordinarily, the Court of Appeals for the Sixth Circuit said, they would not issue a stay pending the resolution of the challenge to the rule, but they said the sheer breadth of the ripple effect caused by the rule's definitional changes counsel strongly in favor of maintaining the status quo for the time being. They also noted that the rule had already been stayed in 13 different States where previous litigation had been filed and decided. So, as a result, on October 9, the Sixth Circuit

Court of Appeals issued a nationwide stay for the very rule that is the subject of this Congressional Review Act vote that we just had and that we will have after 10 hours of debate.

But beyond the arcane provisions of the Administrative Procedure Act and what is navigable water and what is adjacent water, what has a sufficient nexus and the like, I think what we need to recognize is that this rule represents the single largest private property grab perhaps in American history because it claims as Federal jurisdiction private property that previously had not been thought of as having any nexus or connection with Federal authority or even interstate commerce—potholes, drainage ditches, culverts, stock ponds, things such as that that are arguably now within the ambit of this rule, and that cannot be the case.

That is why so many of us have heard not just from our farmers, cattle raisers, and agriculture producers, but we have heard from people in the construction business, people who are concerned about this private property grab, and they said this cannot be the case. As I said, farmers and ranchers, homebuilders, manufacturers, utilities, the concrete industry—any entity that builds or develops on real estate will likely be impacted.

I am very happy that under the leadership of the Senator from Iowa, we have gotten this far on this congressional resolution of disapproval, and I hope that after this debate—perhaps tomorrow—we will be in a position to send this to the President of the United States stating views of the U.S. Senate and Congress that this rule simply is too broad and cannot stand.

The Sixth Circuit Court's opinion is not a substitute for what we do under the Congressional Review Act. It is part of our responsibility as Members of the U.S. Congress.

In my State, as, I am sure, in other places around the country, farming and ranching is more than a job. It is a way of life. It is part of our culture and very definitely a family affair. In fact, about 98 percent of all farms and ranches in Texas are family-owned. When I am back home and have the chance to visit with those who provide the food and the fiber to feed and clothe us, they are very concerned about this legislation—as they should be—because it not only represents a threat to their way of life and their ability to provide for their families and for our States and our country, it is a power grab unprecedented in U.S. history.

In May, the Environmental Protection Agency released the final rule that is supposed to protect our water. Who could be opposed to that? Well, nobody if they had done it within the Constitution and within the law. That sounds innocuous enough. But in reality, it acts as a Federal land grab, one which would add significant costs to our farmers and ranchers and which has the potential to greatly intrude on the private property of landowners.

While we all can agree that clean water is a priority, the Obama administration has overstepped that goal and pitted the EPA and the Army Corps of Engineers against the hard-working farmers and ranchers in Texas and across the country. But it is not just the agriculture sector, as I mentioned a moment ago. I have been hearing from a lot of stakeholders back home who are incredibly concerned about the negative potential impact this rule will have on their business. This rule is such a vast expansion of Federal jurisdiction that multiple sectors of our economy could be adversely affected—as I said, homebuilders, the oil and gas industry, mining companies, and manufacturers.

This rule is not just some simple, straightforward provision to protect water; it is a veiled threat against the private sector and a blueprint for stifling economic growth in our country.

In 2014 the economy in my State grew roughly 5.2 percent. We were among the most fortunate States in the Nation to see a lot of job growth and opportunity. That is why people are moving to Texas—because that is where the jobs are. Conversely, in 2014 we saw across the country our economy grow at roughly 2.2 percent.

While we have been encouraged to see the unemployment rate tick down little by little, the truth is that when you start getting into the numbers, you realize that the labor participation rate—the percentage of people actually actively looking for work—is at a 30-year low, thus making that lower unemployment rate look better than it really is.

This is an important piece of legislation, and I know a lot of people are paying attention to it back home and across the country because of its impact. I am frustrated we weren't able to move the earlier legislation forward due to a filibuster by the minority, in this case, who are clearly trying to do everything they can to protect this administration and its overreach, but of course all of us are going to be held accountable at the ballot box, as we should be. Anyone who has voted against proceeding with this commonsense legislation to rein in an out-of-control Federal agency, I believe, will live to regret that decision.

CONGRATULATING SENATOR GRASSLEY ON CASTING HIS 12,000TH VOTE

Madam President, I just have one other thing to say on a different topic. It has sort of been the quiet after we celebrated the 15,000th vote by the Senator from Vermont very publicly the other day. Our more reticent, and perhaps even occasionally shy, Mr. CHUCK GRASSLEY, the senior Senator from Iowa, celebrated his 12,000th vote in the Senate.

Senator GRASSLEY is well known for his consistency and steadfast commitment to the people of Iowa. I have to say, I don't know of any Senator who works harder to get and to keep the trust and confidence of the people he represents. This 12,000th vote should come as no surprise. He actually hasn't even missed a vote since 1993. Every year for more than 30 years, Senator GRASSLEY has demonstrated his commitment to the people of Iowa by visiting every one of the State's 99 counties.

I know he keeps his colleague, the junior Senator from Iowa, Mrs. ERNST, running just trying to keep up with him. That is an impressive record for anyone, and one that many—including our Presidential candidates—sometimes need to try to duplicate.

I will speak, for just a second, beyond statistics about Senator GRASSLEY because I have the honor of serving with him on both the Finance and Judiciary Committees. He has worked tirelessly, not just for the people of Iowa but for all Americans. Indeed, my colleague shares my concern for creating a more open and transparent government. As somebody who is conservative by ideology and by nature, I was not sent by my constituents in Texas to pass more rules and regulations. I am here to hold the government, and particularly the bureaucracy, accountable. One way we can do that, without adding additional regulations, rules, and costs to the taxpayer, is by encouraging an open and more transparent government because with that comes accountability.

Senator GRASSLEY has used his role as chairman of the Judiciary Committee to advance these values and to hold government and the bureaucracy accountable for the benefit of not just Iowans but for the benefit of the American people.

I thank the Senator from Iowa for the great example he sets for the rest of us and applaud him for casting his 12,000th vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Madam President, I rise to speak in support of the CRA, Congressional Review Act amendment on the waters of the United States, of my colleague from Iowa. West Virginia is no stranger to the crushing consequences of harmful regulations. Our unemployment rate is the largest in the Nation. Layoff notices keep coming and declining revenues from coal severance taxes are eroding our State's budget. I read an article earlier today saying that this far into the fiscal year in the State of West Virginia we have a deficit of $91 million.

The EPA and the Army Corps of Engineers waters of the United States rule, known as the WOTUS rule, is just the latest example of a regulatory environment that threatens to put West Virginians and other Americans out of business. Everyone can agree—and the Senator from Texas just talked about this and I know the Senator from Iowa has talked about it frequently—that we must protect our drinking water resources, and we also must protect our precious natural resources, but a rule that subjects puddles and ditches to

regulations just goes too far. The EPA's unprecedented expansion of Federal authority has very serious consequences, both in the State I represent, West Virginia, and throughout the rest of the country.

In my State of West Virginia, the steep mountainous terrain means that the EPA would have oversight over any land located in the valley or low-lying area. If you have been to West Virginia, you know you are either on a mountain or in a valley in a low-lying area. There is very little flat land.

The West Virginia Coal Association pointed out that the WOTUS rule would trigger ''an alphabet soup of statutes, regulatory programs and federal regulatory agencies'' involved in traditionally nonregulated activities. Something as simple as digging a ditch on a farm or building a home on privately owned property could be under the purview of the EPA and a failure to comply with that rule could result in fines as high as $37,500 a day.

A county commissioner from Monongalia County recently wrote to my office expressing concerns that this WOTUS rule would impede the county's attempt to create developable tracks of land needed to attract large employers in West Virginia.

I will remind everyone that developable land in a State like mine is very difficult to create because it is not natural and it would create a lot of those low-lying areas, ditches, and puddles that this regulation goes way beyond to regulate.

A small business owner in Scott Depot, WV, shared her concern that small businesses were not adequately considered in the WOTUS rule. She said:

> Government regulations, like the proposed rule, are complicated, expensive to navigate, and a real obstacle to my growing business. This change, and its ridiculous overreach and restrictions could decrease land value and hinder my ability to expand, develop and use my own private land.

We talk a lot about creating jobs in this country. This is a quote from a small business owner who is concerned about her ability to control her own destiny with her own small business on her own privately owned land. I think this is the reason that 31 States, including West Virginia, are suing to overturn this misguided rule, and two courts have already found it likely illegal.

Rather than incorporating thoughts from Congress and concerned Americans, this misguided rule doubles down on overreach and threatens to impede small businesses, agriculture, manufacturing, coal, natural gas production, and many other vital sectors of the economy as the Senator from Texas just talked about.

The decision by the Sixth Circuit Court of Appeals to block the implementation of the WOTUS rule nationwide confirms that WOTUS was the wrong approach to protecting our water resources and reinforces the need to rein in this administration's unprecedented and overreaching regulations.

Along with colleagues on both sides of the aisle—just this afternoon at 2:30 p.m.—I proudly supported Senator BARRASSO's Federal Water Quality Protection Act, which would have directed the EPA and the Corps of Engineers to withdraw this rule, go back to the drawing board, and issue an alternative approach that is crafted in consultation with State and local governments and small businesses.

The bill we voted on earlier today received bipartisan support from 57 Senators but only partisan opposition. Both Republicans and Democrats supported moving forward on the Federal Water Quality Protection Act because we wanted to offer a real solution that would bring clarity and common sense to the protection of our Nation's waters.

This legislation would have provided certainty to farmers, manufacturers, energy producers, State and local governments, and anyone seeking to do virtually anything on private land. Unfortunately, 41 Democrats stopped a bipartisan majority from considering this bill. We must now consider other options to block the misguided WOTUS regulation issued by the EPA and Corps of Engineers.

I am glad we will have the opportunity to vote on a Congressional Review Act resolution of disapproval offered by the Senator from Iowa. This resolution would protect hard-working West Virginia families, small businesses, energy producers, and others across the country who would be unfairly burdened by this onerous and deeply flawed WOTUS rule. The WOTUS rule would lead to a massive expansion, again, of costly permitting requirements and hinder our already struggling economy, an outcome West Virginia and the Nation simply cannot afford.

I urge my colleagues to join with me and the Senator from Iowa, who is leading the charge in such an admiral way in supporting this important effort to block the harmful WOTUS rule.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

FEDERAL WATER QUALITY PROTECTION BILL

Mrs. FISCHER. Madam President, I rise not only in support of the critical bipartisan legislation that was before the Senate earlier today but also in support of the proposal of the Senator from Iowa that is before us now. While the measure failed to secure the necessary votes earlier today, the fight is not over.

The Federal Water Quality Protection Act would have enabled American citizens to maintain control over their water resources, and it would have stopped the administration's WOTUS rule. Congress has already limited the Federal Government's regulatory authority under the Clean Water Act to only navigable waterways, but instead of following the law, this administration has broadened the definition of ''waters of the United States'' and extended Federal authority far beyond the law's original intent.

The rule, which is commonly referred to as WOTUS, exponentially expands Federal jurisdiction over all water—from prairie potholes to ditches and everything in between. Ultimately, this rule prevents State and local agencies from effectively regulating our water by placing control in the hands of Washington bureaucrats.

I am proud to have worked with my colleagues on a bipartisan effort to overturn this dangerous rule and force both the EPA and the Army Corps of Engineers to go back to the drawing board. Our legislation, known as the Federal Water Quality Protection Act, would have required the administration to consult with States and local stakeholders before imposing the Federal regulations on our State-owned water resources. Additionally, the bill would have ensured a thorough economic analysis to make sure that was conducted before restricting States from managing their own natural resources.

The importance of allowing our States to manage these resources hit home during a Senate Environment and Public Works Committee field hearing that I chaired in Lincoln, NE, this past March. At the hearing, a wide variety of Nebraska stakeholders provided personal accounts of how this will affect families, businesses, and communities all across our State.

One witness from the Nebraska State Home Builders Association noted that 25 percent of the current cost associated with building a new home are due to existing regulations. Adding more Federal rules and regulations will only put that American dream of owning a home out of reach for most of us. That is not right, and that is not the kind of government people want.

Additionally, the Common Sense Nebraska Coalition noted that the sweeping impact of this rule would affect everyone, from county officials trying to build a road to farmers trying to manage that rainwater runoff.

The WOTUS rule affects much more than rural America. Our municipalities are charged with wastewater, storm water, and flood control systems, as well as providing drinking water, electricity, and natural gas to our citizens. Taxpayers will shoulder these added costs. We are going to pay more for road construction. We will pay more for levees that protect our drinking water. We will pay more for wastewater improvements, and that will cost our families. Those higher taxes will hurt our families.

With the expanded definition of ''navigable water'' under this rule and our extensive aquifer system, the Federal Government can assert control over nearly all the water in the State of Nebraska. Nebraskans take their role in protecting and conserving our natural resources very seriously. Responsible

resource management, including the careful stewardship of our water, is the cornerstone of my State's economy.

We all also understand that the people closest to a resource are the ones who manage it best. That is a principle that is shared across this country. That is why I am committed to working with my colleagues to manage responsibly our Nation's water for our current and future generations. I don't believe the Federal Government should focus on ways to make life harder for people. That is not what we were sent to do. Instead we need to explore policy options that will promote growth and conservation.

I am proud to be an original cosponsor of the Federal Water Quality Protection Act. This important bipartisan legislation would have set clear limits on the Federal regulation of water. I am disappointed the Obama administration would force this irresponsible, overreaching rule on hard-working Americans. We have a duty to roll back this rule. We have a duty to prevent the harm it will inflict.

I encourage all of my colleagues to come together on this so we can ensure that job creators, communities, and families from across the country can continue to prosper.

Thank you, Madam President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. GARDNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARDNER. Madam President, there is a saying by Thomas Hornsby Ferrill engraved on the walls of the Colorado State Capitol that reads, ''Here is a land where life is written in water. . . . '' I come to the floor to talk about the most precious natural resource in the West; that is, of course, our water. Water in the West has helped shape communities, agriculture, tourism, and industry. The management of that water has been traditionally controlled at the State and local level, not the Federal Government.

Colorado is the State of origin for four major river basins: The Colorado, the Arkansas, the Platte, and the Rio Grande. These water basins help make for a robust agricultural economy throughout the State. According to the Colorado Department of Agriculture, this industry contributes nearly $41 billion to the State economy and employs nearly 173,000 people. Colorado has more than 35,000 farms and ranches and more than 31 million acres for farming and ranching.

The State ranks in the top five nationwide for production of products ranging from potatoes and cantaloupes to sunflowers and wheat. Unfortunately, the Environmental Protection Agency has decided to put forth a rule that would endanger many of these farms as well as the jobs and local economies they help support. The waters of the United States rule, known as WOTUS, would significantly expand the definition of navigable waters under the Clean Water Act. With this rule, the EPA and the Army Corps of Engineers have unilaterally decided that isolated ponds and irrigation ditches may be subject to the same Federal oversight as the Mississippi River. They are doing all of this based on authority passed by Congress more than 40 years ago.

Instead, this rule could have significant negative impacts on agriculture, industry, local utilities, and water districts, merely by the uncertainty it creates with local entities trying to determine if their water is subject to Federal oversight.

According to the Colorado Farm Bureau, an additional 1.3 million acres of land and an additional 170,000 stream miles in Colorado alone could be subject to Federal Government jurisdiction. It is important to point out that Colorado is a lower 48 State, one of the only lower 48 States that has all water flowing out of it and no water flowing into it. Farmers and ranchers would likely be subjected to increased permitting requirements under Section 404 of the Clean Water Act to canals and ditches on their own land. Even if their land is exempted, as some would have you believe from the WOTUS rule under the proposed exclusions, there is already an air of uncertainty for these farmers and ranchers who will have to try and navigate the Federal bureaucracy to determine if they have to apply for the increased permitting requirements.

It is no secret that the Environmental Protection Agency often works very slowly in the regulatory and permitting process. Two water projects in Colorado with bipartisan support, the Northern Integrated Supply Project and Gross Reservoir Expansion, have languished in the regulatory process for more than a decade. The waters of the United States rule is simply not the answer.

The Federal Government should not be passing expansive new laws without the consent of Congress to regulate every drop of water. The EPA wants you to believe that the proposed WOTUS rule is not a major expansion of power and that this rule does not add any new requirements for agriculture or interfere with private property rights or include the regulation of most irrigation ditches.

Fortunately, our Nation maintains a separation of power. On October 9, the U.S. Court of Appeals for the Sixth Circuit issued a nationwide stay for the waters of the United States rule after a lawsuit was filed by 18 States, including the State of Colorado. The order of stay specifically states that the rule effectively redraws the jurisdictional lines over our Nation's waters and that the States and others would be harmed if the justice system did not act.

I applaud the Sixth Circuit for their action and for the 18 States that moved forward to protect control of the water within their boundaries. Now I believe it is time for Congress to act. Unfortunately, yesterday we watched as a strictly partisan minority blocked S. 1140, the Federal Water Quality Protection Act authored by Senator BARRASSO of Wyoming.

This legislation, which had moved through the Senate under regular order and in a bipartisan fashion, would seek to have the EPA and others make significant revisions to the WOTUS rule and would throw out the current rule. It calls for significant consultations with State and local governments who actually control the water. I believe this consultation process is a significant step forward.

I have heard from many water districts and utilities throughout Colorado. They all have major concerns with the WOTUS rule in its current form and the unintended consequences of the rule. But because of this partisan minority of Senators blocking the legislative vehicle to try to address the many shortcomings of the WOTUS rule, I believe we have no other choice but to move forward in disapproving of the rule in its entirety. I applaud my friend and colleague Senator ERNST of Iowa for her work in introducing S.J. Res. 22, which provides for Congressional disapproval of the waters of the United States rule.

That is why I have come to the floor today, to urge a ''yes'' vote on S.J. Res. 22 because in Colorado, we know that we have to stick up for our water rights. In Colorado, we know we have to stand up for our water law. In Colorado, we know that we have to keep the Feds' hands off our water rights. I urge the adoption of this measure.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER (Mr. GARDNER). Without objection, it is so ordered.

Mr. HOEVEN. Mr. President, I am here to actually address some of the recent developments on the Keystone XL Pipeline. Before going into that, I would like to take a minute, though, and mention the Congressional Review Act that is before us now and how important it is that we pass it.

I want to commend Senator ERNST for her diligence on this very important matter. The waters of the United States is a regulation issued by the EPA that goes far beyond their statutory authority, far beyond the statutory authority that Congress has given them under a legal theory referred to as ''significant nexus.'' It is something I have worked on for a long time. In fact, I have included a bill that would defund the regulation as part of the EPA appropriations bill in our appropriations, both at the subcommittee and the full committee level.

So I certainly hope and feel that the good Senator from Iowa will be successful in this CRA effort, as far as getting it through Congress. I think it will go through in strong fashion in both the Senate and the House, thanks to her good work and, of course, the underlying importance of the issue.

Of course, our challenge will be with the administration. I hope the administration will look at the strong support here in Congress and listen to the people of this great country, the farmers and ranchers across our country, and the small business people across the country who know so well that WOTUS is a serious problem for them. I hope the President will consider them and not veto the legislation, but I am concerned that he will veto it. And if he does, then we will continue to work through the appropriations process to defund this legislation.

Again, even if we are not able to deauthorize it through the CRA process, we will work to defund it. Of course, the disadvantage with defunding is that only goes for a year, but obviously that would take us through most of the balance of the Obama administration and hopefully get us to a fresh start.

I think the key point, though, is that we rescind this onerous regulation. That can be through deauthorizing it, it can be through defunding it, and, in fact, it can be through litigation. I think in excess of 30 States have joined in litigation across the country pushing back on this onerous regulation. In fact, the Federal district court in North Dakota stayed the regulation. That stay was upheld, that injunction was upheld by the Sixth Circuit Court of Appeals in Cincinnati, OH. So right now there is a national stay on this regulation, which I think just goes to show that we are on the right track here because we are coming at it from so many angles with so many people who are saying: Look, this is common sense. This is a big-time overreach by EPA. It adversely affects farmers, ranchers, small businesses, and property rights. In fact, in this great country, it adversely affects property rights. So through deauthorization, defunding, and the legal process, we will work to rescind it.

Again, I wish to echo the strong comments of my esteemed colleague from the great State of Colorado and also acknowledge and commend the good Senator from the State of Iowa on her efforts to lead the charge.

KEYSTONE XL PIPELINE

Mr. President, I wish to speak, as I said, for up to 10 minutes as in morning business on the subject of the Keystone XL Pipeline.

Yesterday, after 7 years—7 years starting in September of 2008—the TransCanada company asked the U.S. State Department to pause or suspend its application to build the Keystone XL Pipeline. The company asked for that pause because it is working through an application process for route approval by the Public Service Commission in Nebraska. The Governor and the legislature in Nebraska actually approved the route for the pipeline in Nebraska, but after many lawsuits in the State of Nebraska and demonstrations, often led by movie stars and other celebrities, the company has chosen what I would call a belt-and-suspenders approach. Essentially, they have decided that in spite of the fact that they have received approval from the Governor, the legislature, and that that decision has been upheld by the Nebraska Supreme Court, they are going back and they are going through the process with the Nebraska Public Service Commission. So that is why I say it is really a belt-and-suspenders approach. Now they are going back, and in addition to the approvals they have already received, in addition to the decision by the Nebraska Supreme Court, now they are going back through the Public Service Commission process in Nebraska as well. The thing about that is it will take about a year to do it.

So now TransCanada is asking for forbearance from the Obama administration—not because the company hasn't met all the legal and regulatory requirements. It has. It has met all of them and it spent millions of dollars doing so. But, rather, TransCanada is asking for forbearance on the project because the company is once again going through all of the requirements, all the regulations, and all the redtape to get every approval—State, local, and ultimately Federal—for the project. That is why I call it, as I said, the belt-and-suspenders approach.

Now we will see what the Obama administration does with TransCanada's request. Will they now hold off or wait on their denial decision, which the Obama administration obviously wants to make based on their environmental agenda, or will they honor TransCanada's request to pause or suspend the project, just as they have made TransCanada wait now for 7 years pending all of the administration's requirements, including the Obama administration's adamant concern that the process in Nebraska be fully completed before the administration render a decision. Remember, this administration made a big deal about waiting until the Nebraska process was fully completed before the administration would make a decision. So let's see what they do. As I have just outlined, that process would probably take another year.

So will they forbear on making a decision now after they held the process up 7 years? Will they honor the request by TransCanada to pause while the company completes this process in Nebraska or will they say no, in spite of their concern that that be fully completed? Will they go ahead and in essence reverse themselves on process and deny the project? Well, we will see. We will see what they do. But if they don't grant this pause or suspend the application pending completion of the project in Nebraska, it seems to me like a double standard. On the one hand, they hold up the project for 7 years and they say the company must go fully through the process in Nebraska. So for them now to say ''No, we are not going to provide the time to do that'' seems, in fact, very much like a double standard.

As I have talked about in this Chamber before and as I think the administration is very well aware—and I think that is part of the reason they have held up on making a decision rather than turning down the project—this is a project which is overwhelmingly supported by the American people. In poll after poll, there is 65 percent to 70 percent support by the American people. Also, it is supported by Congress. It passed overwhelmingly with more than 60 votes in this Chamber. It passed with a big bipartisan majority in the House.

Another consideration obviously now for the administration is, what about the new administration in Canada? The Trudeau administration is coming in, and the new Prime Minister in Canada supports the project. So what is the message to Canada if the administration says ''No, we are not going to honor that company's request for a stay or a pause or an extension on the project now'' and instead goes ahead and turns it down?

The administration's own Quadrennial Energy Review dedicates a whole chapter to the benefits of integrating North American energy markets. The administration states that ''energy system integration is in the long term interest of the United States, Canada, and Mexico, as it expands the size of energy markets, creates economies of scale to attract private investment, lowers capital costs, and reduces energy costs for consumers.'' That is right out of their own Quadrennial Energy Review, prepared by their own Department of Energy, which says we need to work with Canada on energy.

So what will they do? In spite of all of that, will they turn down the project now or will they treat the company fairly and give them due process?

Well, regardless of the decision the Obama administration makes, I think in the final analysis the project will be approved. It might take a year, it might take a little over a year, but I think in the final analysis this project will be approved. It should be approved because the people of this country overwhelmingly support it and recognize that it is in their interest and to their benefit. But what it really comes down to is the merits. In the final analysis, a project should be approved or disapproved on the merits, right? And the merits are these, very simple: To build the kind of energy plan that we want for this country, where we are energy secure—meaning we produce more energy than we consume—we have to build the energy infrastructure we need to move that energy safely and efficiently from where it is produced to

where it is consumed. That means we need pipelines, we need transmission lines, we need rail, and we need road to move that energy as safely and cost-effectively as possible.

If you think about it, that doesn't mean just oil and gas; that means all types of energy. That means renewables too, right, to move those electrons through transmission lines. We need the energy infrastructure for the right kind of energy plan for this country—energy from sources, traditional and renewable, to move that energy as safely and as cost-effectively as possible.

So what is the message here? The message is very simple: If we want companies to step up and invest the hundreds of millions and billions of dollars it takes to build that infrastructure, then we have to have a legal and regulatory process where they know that if they go through it and they meet all the requirements, they can then get approval for the hundreds of millions that they invest to get that done and to build these projects.

That is energy infrastructure we need to build so that we don't continue to rely on OPEC or let Russia dominate the energy markets or rely on countries such as Venezuela, and ultimately, that is what the American people want. That energy security, that energy independence, if you will, working with our closest friend and ally, like Canada, and developing energy in this country, is what the American people want. That is what the American people want because it makes us strong and secure.

This is just one project, but it is about all of the projects we need to build to make this Nation energy secure. That is why ultimately this project will be approved on the merits.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

THE BUDGET

Mr. TOOMEY. Mr. President, I wish to speak this evening a little bit about the budget deal that was recently enacted. There are three parts of that I wish to address. One is the spending increases, another is the debt ceiling, and finally there is the Crime Victims Fund, which—I am very upset about this.

Starting with spending, it shouldn't be controversial—but of course it is—that we spend too much money here. We spend way too much money. There are any number of metrics that would confirm and demonstrate how much we overspend, but I think the most compelling is the size of the deficit that all this spending is creating, with record revenue. I want to underscore that. The Federal Treasury is taking in record amounts of tax revenue. So with alltime-record levels of revenue, we are still spending so much above and beyond that that this year we are going to run about a $450 billion deficit.

There are some people in this town who practically sprained their arms patting themselves on their backs because it used to be a $1 trillion deficit. That is true, but $450 billion is still way too much. We have too much debt now, and a $450 billion deficit this year is going to add $450 billion to a debt level that is already too big. And guess what. All forecasts, everybody's forecasts—liberal, conservative, Democrat, Republican, CBO, private sector—everybody agrees the deficits are on path to get worse. So we are spending too much. Our deficits are too big. They are adding to a debt that is already too high, already doing damage to our economy, our ability to create jobs, because of all the uncertainty and the risk that all this debt creates. And what happens? The only spending discipline we have been able to achieve in recent years—the spending caps that were enacted in 2011—the President insists we have to bust them.

Many of us believe we should be spending more on defense. If we are going to do that—I think part of our job is to prioritize spending. National security, defending our country, should be our No. 1 priority, and since we need to spend more there, you offset that with spending reductions somewhere else. That would be the prudent thing to do. But that is not what the President insisted on. The President insisted that if we were going to spend anything more on defense, we had to match that dollar-for-dollar with increased spending elsewhere. So not only were we not offsetting the increase in defense spending, but we were compounding the spending by increasing the nondefense spending. So this deal busts the spending caps, and, in fact, the deficits will be larger than they otherwise would be.

That leads me to the second point, and that is the debt ceiling. Let's think about the context of where we are. When President Obama took office, the total amount of debt owed to the public—the amount of money the Treasury had borrowed because of previous deficits was less than $6 trillion. It was a very big number, but it was less than $6 trillion. By the end of next year, it is going to be over $13 trillion. So this President, by the time he leaves office, will have more than doubled the total amount of debt we have borrowed to fund these deficits. Another way to think about it is that this President will have added to our debt burden by an amount greater than the sum total of every single one of his predecessors combined, from George Washington to George W. Bush. This is a staggering amount of debt that we have imposed on ourselves, our kids, our grandkids, our economy, and on our ability to be a productive country.

And what did the President say in response to all this debt? Give me the authority to borrow more with no conditions. We are not even going to have a discussion or a negotiation about the underlying problem that is causing all of this debt.

I think that is, frankly, outrageous, and it is extremely unusual because for decades now American Presidents have met with Congress, and when we have had discussions in the past about the level of debt and what we are going to do about it—when the Presidents have said we need to increase our debt ceiling so that we can borrow more money—that has very typically included a discussion about dealing with the underlying problems.

There are many examples of this. Back in 1985, during the Reagan administration, it was in the context of a debt ceiling debate that we passed the Gramm-Rudman-Hollings measure, which was about limiting our deficits and reducing the amount of debt we would incur going forward. In 1990 George Herbert Walker Bush negotiated with Congress the Budget Enforcement Act, which again was related to a debt ceiling increase at the time and which adopted measures to deal with the deficits of that day. In 1997, William Jefferson Clinton—President Clinton—with a Republican Congress sat down and negotiated a balanced budget agreement. And you know what happened? They balanced the budget. So President Clinton decided to work with Republicans in Congress to deal with this underlying problem, and within a few years we actually had balanced budgets.

Then in 2011, in the context of the debt ceiling increase that was discussed at the time and eventually raised, these spending caps were established as a way to at least do something about this runaway spending and these excessive deficits and the debt. But this time the President had a different view. His view was that he would not even have a discussion. There would be no negotiations, no consideration. We are not even going to talk about the underlying problem. He wanted to have unlimited authority to borrow more money through the end of his Presidency, and that is what is in this deal.

So what can we expect? We can expect a whole lot more debt. That is exactly what is going to happen. By the way, contrary to what some in the administration like to say, this has nothing to do with paying for past bills. We have paid for those bills. This is to enable excessive spending going forward—the deficits we are going to incur because this President is insisting on this overspending.

Let me get to the last point I wanted to stress today, which is one of the really disturbing things about this budget deal and what it has done with the Crime Victims Fund. By way of background, the Crime Victims Fund was a fund established in 1984. It consists exclusively of monies that are assessed to convicted criminals—corporate or individuals. As part of their punishment, they are made to pay a fine, and the fine goes into an account with the Federal Government. It actually is quite substantial. Year in and year out this ends up being actually billions of dollars.

The statute requires, first of all, that all this money go to victims of crimes and their advocates, and specifically, it requires a priority for victims of child abuse, sexual assault, and domestic violence and that those three categories of crimes be given a special priority. There are organizations that do wonderful work across Pennsylvania and across the country in helping people who are victims of these terrible, terrible crimes that are so difficult to recover from. There are groups of people who do great work in helping these victims to recover.

The whole idea of the Crime Victims Fund is to take these dollars from the criminals—not a penny of tax dollars—and give it to the victims of crimes and the people who are advocates for them. But what this budget deal does is it takes $1.5 billion out of the Crime Victims Fund and it spends it on other things.

I think this is outrageous. This is not taxpayer money in the first place. It is not as though we don't have victims of crimes anymore. Obviously, we still do. And we have organizations that can do great work if they had the resources. But in the absence of resources, it means that children who are victims of child abuse don't get the counseling and the care they need. It means a victim of domestic violence doesn't have a place to stay when she needs protection from an abusing spouse. It means people who really need these services are going to go without because we are diverting this money that is supposed to be going to crime victims and we are spending it somewhere else.

The most important thing I want to say tonight is that it is not too late to fix this. What the Congress passed and the President signed last week paves the way to misallocate this money from the Crime Victims Fund, but it doesn't require that to happen. So I have a bill that will fix this problem. I have a bill called the Fairness for Crime Victims Act, and what it will do is it will require that the money go to the victims, as it was always intended.

By the way, the idea that we should not be diverting the Crime Victims Fund to these other miscellaneous spending categories is a bipartisan idea. There is broad bipartisan support for the idea that the money in the Crime Victims Fund should go to victims of crime. The Wall Street Journal ran an article on Sunday, and they quoted a crime advocate describing the budget deal saying, this deal ''violates the integrity of a decades-old program that funds safe havens for domestic violence victims, counseling for abused children and financial aid for murder victims' families, among other programs.''

Josh Shapiro is the chairman of the Pennsylvania Commission on Crime and Delinquency, and he wrote about this provision in the budget deal. He said that it ''puts in danger our commitment to victims of crime throughout our country.'' Democratic members of the Pennsylvania State House agree with me that this money should not be diverted this way. They sent a letter, among other things, saying that the budget deal increases spending to ''the detriment of current and future crime victims'' and that this constitutes ''a terrible precedent.''

I couldn't agree more, and that is why I hope we will pass my legislation, the Fairness for Crime Victims Act. It ends this injustice. Here is the way it works. It is very simple. It simply requires that Congress allocate to crime victims and their advocates an amount equal to the sum of the previous 3-year average that went into the fund. So the short way to think about it is that it means we are going to send to crime victims the money that comes in for crime victims, and we are not going to send it somewhere else.

This means that victims of crime and their advocates are going to see a big increase in this funding, because for years Congress has refused to allocate all of the money that has been coming in. In the past, they just refused to allocate it. There are budgetary gimmickry reasons for doing that, and this needs to come to end. We certainly can't continue diverting this fund for other purposes.

We have had colleagues—Members of this body—come to the floor and make the point that we shouldn't use Medicare and Social Security funds as an ATM to fund other programs. I agree. We also shouldn't use the Crime Victims Fund, which is not a single dime of taxpayer money. We shouldn't use that to fund other programs either. It is not too late to do the right thing for victims of some of the most heinous crimes that are committed anywhere.

I urge my colleagues to help pass this piece of legislation. This was reported out of the Committee on the Budget unanimously. There was very broad bipartisan support. What happened in this budget deal is an illustration of why my legislation is necessary. Money that is left around in a pot somewhere in this town gets spent pretty quickly by someone for something. This money needs to go to crime victims. If we pass my legislation, that is where it will go.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I want to talk about what we have been debating today on the Senate floor, the waters of the United States rule, and legislation that has received bipartisan support so far. We think it needs a lot more support on why this is so important for the country.

I was a cosponsor of Senator BARRASSO's bill. Unfortunately, that bill didn't get the 60 votes necessary, but Senator ERNST has a resolution that I think is going to be very important to pass that would stop this rule from being enacted by the EPA. Hopefully, we will see if the President, once this is put on his desk, has the common sense to sign it rather than veto it.

I want to put this rule in a much broader context, to put the debate we are having on the waters of the United States rule into the broader context of actually what is happening in our country and how the EPA's waters of the United States rule is actually a symbol for much broader problems that I think the vast majority of Americans recognize.

The other night I went to a premiere of a short film on the Trans-Alaska Pipeline system, what we call in Alaska TAPS. It is Alaska's 800-mile artery of steel that was done in the most responsible manner, in terms of the environment, that brings much energy to our country. When it was built, it was actually one of the biggest private sector construction projects ever in the history of our great Nation, and literally directly and indirectly employed tens of thousands of Americans. It has carried almost 17 billion barrels of American oil to energy-thirsty American markets and continues to provide thousands and thousands of jobs, not only in Alaska but throughout the country. It is certainly a technological and environmental marvel. Here is the thing: That kind of huge project was built in 3 years.

Think about that, 800 miles of steel pipeline, crossing 3 mountain ranges, more than 30 major rivers and streams, and it took Americans 3 years to build it. Go to Alaska and it is functioning incredibly well today. We are reminded of how, when this Nation puts its mind to something, we can get great things done. In many ways, Congress played a critical role in making sure that incredible energy infrastructure system happened.

We are a great nation, but I must admit when I was watching this movie last week with a bunch of Alaskans—Senator MURKOWSKI, DON YOUNG, and others—I did feel a sense of unease, almost a little nostalgia, when we were watching this film about this great project that Americans came together from all over the country to build. We all know we used to do great things here and built great things. Let me give a few examples.

In Alaska is what is called the Alcan Highway, the Alaska-Canada Highway, through some of the world's most rugged terrain, 1,700 miles, built in under 1 year. We built the Empire State Building in 410 days. We built the Pentagon in 16 months, the Hoover Dam, the Interstate Highway System, putting a man on the Moon—I could go on and on and on. When we look at the history of this country, it is a history of getting big things done, and it is not just getting big things done. These projects were a symbol of American pride, of American greatness, and they also created tens of thousands of jobs—great jobs, middle-class jobs, which gave workers a sense that what they were doing was very important in their daily lives and very important to their country.

In Alaska still, when you talk to someone who worked on TAPS, who

constructed this—for the country—they talk about it in terms of pride, in terms of what they were doing for their State but also what they were doing for America and how everybody came together to build this.

Here is a sad fact: These kind of projects are not being built today. Instead, we have become a redtape Nation. Instead of symbols of technological wonder, national pride, and American ingenuity, we now hear story after story—and we have all heard them in the Senate—of delay and discord and disappointment, all of which symbolizes a country that can't get things done. The main culprit—the main culprit—is right here: Washington, DC, the ''Capital of Dysfunction.'' Whether it is the Keystone Pipeline, transmission lines in California or bridges or highways or runways across the country, killing crucial development in infrastructure projects through permitting and regulatory delay and Federal agency overreach with new rules upon new rules—and all they do is stop development—this certainly has been a hallmark of the Obama administration. The WOTUS rule—the EPA's waters of the United States rule—is just the latest manifestation of this. As we know, this is happening all over the country.

Frequently, because of the political risks, the President and members of his administration, like Gina McCarthy, will not openly oppose economic development projects. Instead, they will wrap them in redtape until they delay them to death. Let me give some examples.

In 2008, Shell acquired leases in the Arctic Ocean off the coast of Alaska for over $2 billion. That is a company going to the Federal Government. The Federal Government is saying: We want to lease this land to you. A company says: We will give you billions in return—the Federal Government; that money has already been spent, the billions—to develop natural resources. Of course, this was big news in Alaska. New production of oil would have filled up three-quarters of TAPS, which I talked about earlier. It would have created jobs, some estimates are in the tens of thousands of jobs, direct and indirect jobs, and provided much needed State and local revenue and energy security for our country.

So what happened? Remember, the Federal Government is inviting a private sector company to do this. It didn't take long for this project to run into a maddening array of often conflicting and confusing permitting challenges, drilling moratoriums, new regulations, environmental lawsuits, permitting confusions, that year after year kept the drill bit above the ground.

Now, jump to 2015. What had once been a very robust exploration program has resulted in what happened this summer: The permission, finally, to drill one exploration well off the coast of Alaska where hundreds of wells have already been drilled safely. We have been doing this safely in Alaska for decades.

Let me sum it up. It took 7 years, $7 billion, to get permission to drill one exploration well in 100 feet of water; 7 years, $7 billion, to finally get the Federal Government's permission to drill one single exploration well in 100 feet of water. No company in the world can endure that. This was a project that was meant to be delayed, delayed, delayed until it was killed.

Some of my colleagues have been celebrating this—celebrating this. I think that is sad because what they are really celebrating is the loss of very good jobs for Americans throughout the country. In many ways they are celebrating what is a symbol of America's decline.

These resources in the Arctic are going to be developed one way or the other, and it is either going to be by countries like us who have the highest, most responsible standards on the environment or countries like Russia and China who don't. So the Russians and Chinese are now going to be in charge. They are going to be producing the energy, they are going to be getting the jobs, and they are not going to care at all about the environment. So instead of a win-win-win for the United States, this is a lose-lose-lose. Yet we have Members of this body celebrating this. Again, this is not a problem confined to my State or energy programs in terms of the delay, delay, delay. Let me provide a few examples.

We had a recent Senate commerce committee hearing on aviation infrastructure. Everybody thinks aviation infrastructure is important. I certainly do. The manager of the Seattle airport was testifying. As part of his role as CEO of the American Association of Airport Executives, he talked about how it took almost 4 years to build the Seattle airport's new runway. It seems like a fair amount of time. Maybe a construction project like that takes a fair amount of time. I had a question for him, which I didn't know the answer to. I asked him: How long did it take to get the Federal permits, to go through the Federal permitting system to build this additional runway at the Seattle airport?

His answer: 15 years—15 years to get the Federal permits to build a runway. You could have heard—well, you did hear the whole committee, the whole audience. They gasped. Then he said: They built the Great Pyramids of Egypt faster than that.

This is what is going on in our country, and this town is to blame. It is happening all over the country. Americans need to know this. It only took 9 years to permit a desalinization plan, which would provide much needed fresh water to drought-stricken California. Simply razing a bridge in New York—not building a new bridge, razing one—took 5 years and 20,000 pages of Federal permitting requirements.

The average time it now takes in America to get Federal approval for a major highway project is more than 6 years—again, not to build a highway but to get the Federal permission. It took almost 20 years, if you include the litigation, to get Federal permission to build a single gold mine in Alaska—20 years. We had to take that all the way to the U.S. Supreme Court because the Federal Government was not supporting us. Now the Kensington mine employs over 300 people at an average wage of $100,000 per person. Those are great jobs. We have a Federal Government that wants to delay, delay, delay.

Let's talk about the Keystone Pipeline. We had a debate here—7 years and counting to build a pipeline in terms of the Federal permits. Who is hurt by this? Our friends on the other side talk a lot about the companies and everything—TransCanada. The people who are hurt by this are American families, middle-class workers, union members.

One of the most surprising things I saw as a freshman this year when we were debating the override of the Keystone Pipeline—the State Department had predicted this would create as many as 30,000 jobs. These are good jobs—construction jobs, real jobs, real Americans working to build something important. I was presiding in the Chair like you, Mr. President, and some of the Members on the other side of the aisle started arguing that these aren't real jobs because they are temporary, that this isn't going to create 30,000 jobs because they are temporary jobs. I about fell out of my chair. Construction jobs aren't real jobs? Since when is that the case?

According to the President's own Small Business Administration, the regulatory costs on small businesses in the United States are close to $2 trillion per year. That is $15,000 per family. The bottom line is, we know we can do better. We have to do better if we want to grow this country and create jobs.

I believe there is a silver lining. I believe things have gotten so bad that this delay is happening everywhere on projects that matter to us as a nation. Projects that are so weighted down under redtape are making Americans, regardless of party, start to take note. I have seen a silver lining here. Both Democrats and Republicans are starting to demand change. They are demanding bold and serious regulatory reform.

I have had conversations with Members of both sides of the aisle here about how important this is for our economy, how important it is for jobs. That is why this debate today on the waters of the United States is so important.

Unfortunately, we didn't get the number of bills. We did have a pretty strong bipartisan group. I think we would have gotten to 59—1 vote short to move forward. It is unfortunate that the other side couldn't see the merits of this. But this rule will not help grow our economy. This rule will continue to stifle growth. This rule will certainly continue to kill jobs. It takes

what we all want—certainly, the whole idea of protecting our water, clean water. In my State of Alaska we have the cleanest water of any State in the country. We win awards every year for our clean, pristine water. It is not because the EPA is making that happen; it is because Alaskans are making that happen. But it takes the Clean Water Act and somehow, through a rule that the EPA itself has devised, it gives the EPA the power to regulate not major rivers but water in our backyards, literally.

Almost certainly this rule doesn't comport with Federal law. We have now had two courts say that. There is a stay on it nationally. The Sixth Circuit has put a stay on this rule. Over 30 States have sued to stop this rule—a bipartisan coalition of States—because it is almost certainly not legal.

I asked Administrator McCarthy about the legal opinion, the legal basis they had for this rule. I have never gotten an answer from the EPA Administrator. I am not sure they even care. In the last two Supreme Court terms, the EPA has lost two big cases in the U.S. Supreme Court. They have lost the Sixth Circuit case for now. Unfortunately, we had the Administrator of the EPA on TV a few months ago, on the eve of this Supreme Court case—EPA vs. Michigan. When asked if she was going to win the case, she said: We think we are going to win, but ultimately it doesn't really matter because the companies have already had to comply with hundreds of millions of dollars. Think about that. Think about what she said.

This rule is going to have a huge, profound impact on my State. Alaska has more waters under the jurisdiction of the Clean Water Act than any other State in the country. Over 50 percent of America's wetlands are located in Alaska.

I held multiple field hearings as a chairman of the subcommittee on fisheries, water, and wildlife on the waters of the United States rule. It is clear to me that Alaskans of vastly different backgrounds, ideologies, and different parts of the State are opposed to this rule. One group in my State said the rule would ''straitjacket any development.'' Another said that it would have negative impacts on ''virtually any economic development project'' in Alaska.

One project we are very focused on in Alaska—we are having a special session right now in our State legislature—is the Alaska LNG Project, a very large-scale LNG project that, like TAPS, will be great for the country and create thousands of jobs and energy security for Americans and our allies. This rule, if left in its present form, will very negatively impact the cost and timeline of that project.

Simply put, the waters of the United States is one of the largest land grabs in history, and it is an example of the kind of challenges we need to address here to get our economy moving again, to create good jobs for Americans. It is why this debate we are having is so important.

These are problems we can fix. We know we can fix them. Americans sent us here to fix these problems, and we need to start by stopping rules like the waters of the United States that undermine our country's future and the jobs that we need throughout this country.

Mr. President, I yield the floor.

Mr. WHITEHOUSE. Mr. President, I see a number of Senators on the floor. I don't know if there is an order at this point that has been established. What is our manner of proceeding? Senator ISAKSON is here.

The PRESIDING OFFICER. There is no time agreement.

Mr. ISAKSON. I ask unanimous consent that the Chair recognize Senator WHITEHOUSE from Rhode Island, followed by Senator ISAKSON, and then Senator DAINES.

The PRESIDING OFFICER. Is there objection?

Mr. WHITEHOUSE. Before that matter is settled, reserving the right to object, I will be speaking for about 15 minutes. If one of you is going to be quicker than that, particularly significantly quicker—not 14 minutes—I would be happy to yield and let somebody go first.

Mr. ISAKSON. The Senator from Montana is going to preside at 6:30 p.m., so I think he is the one who will need to go, and I will go after the Senator from Rhode Island.

Mr. WHITEHOUSE. Why doesn't the Senator from Montana proceed with his remarks.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Chair recognize the Senator from Montana, Mr. DAINES, followed by Senator WHITEHOUSE, followed by Senator ISAKSON.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Montana.

Mr. DAINES. Mr. President, today the Senate came a few votes shy of passing legislation to protect our farmers, ranchers, and small business owners from major new costs and regulatory burdens. I appreciate the bipartisan support demonstrated today by four key Senate Democrats. I have to say, I am disappointed that others chose instead to put loyalty to President Obama before the concerns of the constituents, the concerns of those people they represent.

Montanans know that this power grab has more to do with controlling Montanans' land-use decisions than ensuring access to clean water as the Clean Water Act intended. This is an ill-conceived rule that provides the EPA unprecedented power to regulate virtually any spot across Montana that is occasionally wet. This could have a devastating impact on Montana jobs, on Montana's natural resources and ag industries, and on Montanans' property rights.

Don't just take my word for it. POLITICO recently described it as having the potential to ''give bureaucrats carte blanche to swoop in and penalize landowners every time a cow walks through a ditch.'' The EPA's own estimates show this rule will cost Americans between $158 million and $465 million a year.

The New York Times describes how harrowing this situation is for Montana farmers: ''Farmers fear that the rule could impose major new costs and burdens, requiring them to pay fees for environmental assessments and obtain permits just to till the soil near gullies, ditches, or dry streambeds where water flows only when it rains.''

In Montana, this rule has received a severe rebuke from our farmers, our ranchers, and our small businesses who simply can't afford this overreach. The Montana chamber president and CEO, Webb Brown, said:

> If this rule stands, there will be tremendous cost to our states, our economies, and our employers, and their employees' families. Under this unprecedented extension of federal power, land and water use decisions will be made in Washington, D.C., far from the affected local communities.

Here is what Gene Curry of Valier, MT, from the Montana Stockgrowers Association says: ''This rule is an unwise and unwarranted expansion of EPA's regulatory authority over Montana's waters, and would have a significant detrimental impact on Montana's ranchers.''

Listen to Charlie Bumgarner, president of the Montana Grain Growers. I met with Charlie a week ago in Montana. Charlie says this: ''If implemented, the final WOTUS rule would have a devastating impact on grain growers across the state.''

Listen to Dustin Stewart with the Montana Homebuilders Association. I grew up in the home building industry. My dad is a home builder. Here is what Dustin had to say: ''The EPA's waters of the U.S. regulation is an incurably flawed rule. . . . ''

Dave Galt, the executive director of the Montana Petroleum Association, said:

> The EPA's new water rule is an unnecessary expansion of jurisdiction for the Federal Government. The EPA's rule will negatively impact all land-use industries including agriculture and energy production.

Yet, despite this broad opposition, President Obama is moving forward with yet another out-of-touch Washington, DC, regulation. But already two Federal courts have issued a stay on this misguided rule, demonstrating the questionable legal ground this regulation stands on. This is a rule issued by the same Federal Agency that has continued to perpetuate a war on American energy. In fact, earlier this year we saw the Supreme Court issue a severe rebuke of the EPA's mercury and air toxic standards which would have a direct and lasting impact on our economy in Montana. This MATS rule, just like WOTUS, is just one of the new, burdensome regulations cooked up by the Obama administration and

has the potential to eliminate good-paying jobs and devastate the livelihoods of hard-working Montana families and hard-working American families.

Throughout my home State of Montana, we have tremendous opportunities to develop our State's natural resources and create new jobs, and that is a good thing. Rather than hitting pause on our energy production, we need to encourage it. But the Obama administration is doing exactly the opposite.

President Obama's full assault on American energy independence has most recently resulted in TransCanada's decision to suspend its application to build the commonsense Keystone XL Pipeline, which, by the way, first enters Montana from Canada. This pipeline would have created new opportunities for good-paying jobs, helped advance American energy independence, and lowered American energy prices.

Well, the suspension on Keystone is bad news, but it is not the end of the line. We are going to keep fighting for this job-creating project that has the overwhelming bipartisan approval of Congress as well as the support of the American people because America can and America should power the world. But the Obama administration's relentless attacks on affordable energy and good-paying union jobs, as well as tribal jobs, through this so-called Clean Power Plan continue to hinder innovation. Under the final so-called Clean Power Plan, the Colstrip powerplant in Montana will likely be shuttered, putting thousands of jobs at risk.

Our farmers, ranchers, and local business owners should be empowered to drive local land use decisions, not a bunch of Washington, DC, bureaucrats who can't even find Montana on a map. We can only do it if the Obama administration steps back from its extreme overreach and allows American innovation to thrive once again.

I look forward to casting my vote tomorrow to permanently stop this misguided waters of the United States rule. It is time to ditch this rule.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLEAN POWER PLAN

Mr. WHITEHOUSE. Mr. President, I guess in the order proceeding here, I am here to bring the opposing views. Every week we are here, I remind this body of the damage carbon pollution is doing to our atmosphere and to our oceans. I have traveled to Senator ISAKSON's State to see what the University of Georgia is measuring off of Sapelo Island, and I hope to have the chance to go west to continue this.

We have to wake up to climate change, and we have to move toward a clean-energy economy and the jobs and innovation that support it. Clear measurements exist of the harm that is already happening: climbing sea levels, we measure; climbing global temperatures, we measure; acidifying oceans, we measure.

Virtually every respected scientific and academic institution agrees that climate change is happening and that human activities—specifically carbon emissions—are driving it. Carbon pollution is affecting our economy, it is affecting agriculture and wildfires, and it is affecting storms and insurance costs.

There are so many people—doctors and health professionals, military and security leaders, insurance and reinsurance industry folks, our major utilities, American corporations, and our faith leaders all agree that climate change is a serious challenge and an important priority. Yet here, despite the growing chorus around the country calling for climate action, we hear congressional Republicans, such as the majority leader, claim they are here to stand up for our people by blocking the President's Clean Power Plan.

As carbon pollution piles up in the atmosphere, who are they standing up for? Certainly not the American people. Eighty-three percent of Americans, including 6 in 10 Republicans, want action to reduce carbon emissions. The Clean Power Plan delivers.

For the first time, we have a national plan to reduce carbon pollution from the largest source of U.S. carbon emissions, which is powerplants. The 50 dirtiest coal plants in America together emit more carbon pollution than all of South Korea and more than all of Canada. Are we going to do nothing about that?

Too often we hear on the Republican side folks who trumpet these industry-backed, one-sided reports that point only to the cost of action. They don't even measure or consider the cost of inaction. If you were an accountant and did the books that way, you would go to jail. Well, if you look at both sides of the ledger, the EPA shows that the projected health benefits of the Clean Power Plan will avoid 300,000 missed work and school days, 1,700 heart attacks, 90,000 asthma attacks, and 3,600 premature deaths every year. Every dollar invested through the Clean Power Plan will keep up to $4 in American families' pockets. The savings are also passed on to electricity consumers, with the average American family projected to save almost $85 per year on their electric bill by 2030.

I am from New England. We have the Regional Greenhouse Gas Initiative, RGGI, and it is proving that States grow their economies at the same time that they cut emissions. Putting a price on carbon and plowing that money back into clean energy products is saving us billions of dollars and helping to reduce carbon pollution.

The EPA put the States in the driver's seat to come up with plans that suit them. An analysis from the Union of Concerned Scientists shows that ''31 States are already on track to be more than halfway toward meeting their 2022 Clean Power Plan benchmarks.'' These States include both cap-and-trade States, such as California and the Northeast RGGI States, and coal-heavy States, such as Iowa, Ohio, and Kentucky.

''We can meet it,'' says Kentucky energy and environment secretary Leonard Peters about the plan. ''We can meet it.'' In fact, Dr. Peters praised the EPA for working with States like Kentucky to build this rule. ''The outreach they've done, I think, is incredible,'' he said. The EPA had an ''open door policy. You could call them, talk to them, meet with them.''

The Kentucky experience was echoed around the country, as EPA listens closely to hundreds of concerns, holds hundreds of public meetings, and the final rule includes significant adjustments to accommodate individual State's concerns.

Even with all of this, the majority leader, the senior Senator from Kentucky, will brook no serious conversation about climate change. We just never have that come up as a subject. The Republican leader, in a modern, massive resistance effort, wrote to all 50 Governors urging defiance of Federal regulation, calling the regulations ''extremely burdensome and costly.'' That might have been a more credible allegation about the regulations if he had not reached it months before the regulations were even finalized.

The Clean Power Plan, says the majority leader, is the latest battle in a great ''War on Coal.'' He says, ''[W]e have a depression in central Appalachia created because of the President's zeal to have an impact worldwide on the issue of climate.'' It seems that the head of one of his region's biggest electric utilities doesn't agree. Appalachian Power president and CEO Charles Patton told a meeting of energy executives last week that coal can no longer compete against cheaper alternatives such as natural gas and wind power. Coal, he said, will continue to decline with or without the Clean Power Plan. It has nothing to do with the President. ''If we believe we can just change administrations and this issue is going to go away,'' Patton said, ''we're making a terrible mistake.''

Mr. President, I ask unanimous consent that the article titled ''Coal not coming back, Appalachian Power president says'' and editorial titled ''Reality check on coal, future'' be printed in the RECORD at the conclusion of my remarks.

It says:

> With or without the Clean Power Plan, the economics of alternatives to fossil-based fuels are making end roads in the utility plan, companies are making decisions today where they are moving away from coal-fired generation. The debate largely at this time has been lost.

Mr. Patton is not alone. In September, financial giant Goldman Sachs released several bleak reports on the future of the global coal market. The latest report was in September, where they drew the conclusion that ''[t]he industry does not require a new investment given the ability of existing assets to satisfy flat demand, so prices

will remain under pressure as the deflationary cycle continues.'' In plain English, market forces are driving coal's decline. I seriously doubt that any colleague would think Goldman Sachs is a bunch of liberal greenies who launched a war on coal. This is their clear economic thought.

Since the clean power rule was finalized in August, the massive resistance the majority leader sought has not ensued.

Kentucky Governor Steve Beshear has so far not heeded the majority leader's call to rebel.

Oklahoma Governor Mary Fallin, the first to publicly pledge to resist the President's plan, recently hinted that Oklahoma would submit a compliance plan after all.

Indeed, even while West Virginia leads the multistate lawsuit against EPA, Governor Earl Tomblin announced last week that his administration will begin working on a compliance plan. In the heart of coal country, in Charleston, WV, the newspaper, Gazette-Mail, praised the Governor's move, writing on its editorial page:

It is the right thing to do—both to decrease emissions that contribute to human-caused climate change—

Here is a newspaper in the heart of coal country conceding that emissions contribute to human-caused climate change, and I don't know why we can't get over that in the Senate—

and as the governor says, to make sure West Virginia's interests are best represented in how the plan is carried out.

They described Kentucky Senator MITCH MCCONNELL's urge to rebel against the rule as petulant and foolish. That is from the heart of coal country.

The coal industry, like an aging ship at sea, is taking on water. Between the costs of old, dirty powerplants and the competitive advantage of cheaper natural gas, coal is struggling to stay afloat. As Mr. Patton from Appalachian Power pointed out, those circumstances have nothing to do with whoever is sitting in the Oval office.

For States that have relied on coal for generations, the Clean Power Plan is actually a lifeboat. It is a chance to kick-start new industries and innovative technologies and to choose the path forward that is best for your State and your citizens. It is a way off a sinking ship.

Recognizing the costs of carbon pollution is another lifeboat. I know this sounds strange to my colleagues, but please bear with me. You can't build the carbon capture plants that could keep coal plants operating if they are free to pollute. There is no economic value to a carbon capture plant if it is free to pollute. The truculent insistence on this market failure by Big Coal is ironically coal's own undoing. Yet congressional Republicans won't engage. They waste time with the useless Gingrich-era Congressional Review Act efforts to block carbon pollution controls on powerplants—controls that Americans overwhelmingly support.

Beyond that, our Republican friends simply have no plan—nothing. There is no plan B to the President's Clean Power Plan. If you have something else, please bring it forward. We can debate which is better, but you can't just pretend this isn't a problem. They have no plan to deal with climate change, no plan to help coal-reliant communities find safe passage to a more sustainable economic future.

I ask my colleagues to please read what the CEO of Appalachian Power said. Please take it to heart. Please read the Charleston Gazette-Mail editorial. Please engage with us while we can still do some good because when the market completely collapses, when there is nothing left to do, when coal is priced out by solar and wind and natural gas and other fuels, then it is too late to come back and say: Now we need help. When the market has acted and someone suffers as a result, they don't get any sympathy in this building.

Now is the time when people who want to make this a smooth transition for coal economies need to come forward in the interests of their own people, in the interests of their own miners who need their pensions filled and fixed, in the interests of communities that need transitions, in the interests of their economy.

I thank the distinguished Senator from Georgia for his patience.

I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Charleston Gazette-Mail, Oct. 27, 2015]

COAL NOT COMING BACK, APPALACHIAN POWER PRESIDENT SAYS

(By David Gutman)

ROANOKE.—Coal consumption is not likely to increase, regardless of whether new federal regulations on power plants go into effect, and, from coal's perspective, the national debate on coal and climate change has largely been lost, the president of West Virginia's largest electric utility told a roomful of energy executives Tuesday.

The Clean Power Plan, the Obama administration's proposal to regulate greenhouse gas emissions from power plants, would cut coal consumption—but even if the regulations are blocked, coal consumption will not increase, Appalachian Power President Charles Patton said at the state Energy Summit at the Stonewall Resort.

''You just can't go with new coal [plants] at this point in time,'' Patton said. ''It is just not economically feasible to do so.''

Patton acknowledged that entire communities, particularly across Southern West Virginia, are being decimated by coal's decline. However, he laid out a series of stark economic realities.

By 2026, Patton said, Appalachian Power expects its use of coal power to be down 26 percent, with or without the Clean Power Plan.

That's because of cheaper alternatives and already-imposed environmental regulations that make coal uncompetitive, Patton said.

The cost of natural gas electricity, including construction of power plants and infrastructure, is about $73 per megawatt hour, Patton said. For a conventional coal plant, it's $95 per megawatt hour.

Even wind power, which is less dependable than coal, is still significantly cheaper, at $73 per megawatt hour, when a longstanding tax credit for wind energy production is factored in.

An advanced coal power plant, with carbon capture and storage to lower emissions, costs nearly twice as much, at $144 per megawatt hour, Patton said.

''With or without the Clean Power Plan, the economics of alternatives to fossil-based fuels are making inroads in the utility plan,'' Patton said. ''Companies are making decisions today where they are moving away from coal-fired generation.''

What's more, the debate over the ''war on coal,'' which sucks up so much of the political air in West Virginia, has largely been settled in other states, Patton said

He said 72 percent of Americans believe the earth is getting warmer and that man-made causes are partly attributable. Nearly two-thirds of Americans favor stricter emissions limits on greenhouse gases, Patton said, with even larger majorities among young people.

''Americans believe there is a problem, and while we in West Virginia believe that's ludicrous and we have our view on coal, it's really important to understand, if you're not in a coal-producing state, your affinity for coal is not there,'' Patton said. ''The debate largely, at this point in time, has been lost.''

Patton reminded the audience that the closest the United States ever came to a carbon tax was the cap-and-trade bill pushed by Sens. Joe Lieberman and John McCain. ''I don't see John McCain as a flaming liberal,'' Patton said.

He said he opposes the Clean Power Plan and said West Virginia should continue its lawsuit to block it. However, Gov. Earl Ray Tomblin said Tuesday that West Virginia will submit a plan to comply with the Clean Power Plan—despite Republican calls to boycott it—while those lawsuits play out.

Patton said the federal regulations, intended to help stave off the worst effects of climate change, would cause a reduction in coal use, but even defeating the regulations won't make the push to address climate change disappear.

He urged the crowd to ''think globally'' and work to advance cleaner-burning coal technologies.

''If we believe that we can just change administrations and this issue is going to go away,'' Patton said, ''we're making a terrible mistake.''

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[From the Charleston Gazette-Mail, Oct. 30, 2015]

GAZETTE EDITORIAL: REALITY CHECK ON COAL, FUTURE

To his credit, Gov. Earl Ray Tomblin says West Virginia will participate in the federal Clean Power Plan by submitting its own proposal for cutting greenhouse gas emissions. He may be doing it with an air of resignation and distaste, but then again, no one likes the fact that West Virginians are struggling as market forces undercut an industry that has employed generations of people.

It is the right thing to do—both to decrease emissions that contribute to human-caused climate change, and as the governor says, to make sure West Virginia's interests are best represented in how the plan is carried out. States that choose not to come up with their own plan, as Kentucky's Sen. Mitch McConnell has petulantly and foolishly urged, will be handed one by the federal government. Gov. Tomblin is right. Better to have a say in how drastic changes will play out in your own state.

Arguments against trying to head off the worst effects of climate change are hollow.

Some elected officials (and their fossil fuel industry promoters) seem to think that because China is a big polluter, for example, the United States should just shrug and give up. That is no way to be a world leader. That is no way to stimulate new technological developments and industries.

Indeed, the Clean Power Plan is part of the reason why China has committed to limiting its own carbon dioxide emissions. Where the United States goes, the world follows.

The War on Coal public relations campaign has been a smashing success, convincing the most vulnerable working people and retirees that if only they could get the nasty federal government off their backs, all would right itself to some vague and misty perfection, circa 1955. West Virginians, in turn, convince their elected leaders to defend the status quo at all costs.

Senators Joe Manchin and Shelley Moore Capito are steady on the job, clinging to the past, signing on to a resolution that seeks to block the Clean Power Plan.

Of course, defeating efforts to further clean up the air locally won't bring coal back. The people pushing the campaign know it. The rest of the country knows it.

Appalachian Power CEO Charles Patton, who buys more coal than anyone, knows it. Also speaking at the state Energy Summit at the Stonewall Resort this week, he reiterated a message he has shared before: Coal isn't coming back, even without the Clean Power Plan, because of price. Coal is more expensive than wind or natural gas, partly because of existing environmental regulations, partly because natural gas is so cheap.

The goal now is to manage this change, to help people into new livelihoods and meaningful work, to minimize the predictable suffering of families and communities. West Virginia has wasted enough time.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Georgia.

Mr. ISAKSON. Mr. President, I appreciate the words of the distinguished Senator from Rhode Island, and I always enjoy his speeches, whether I am on the floor or watching him back in my office. He is an articulate spokesman for what he believes, which is one of the things that make this Senate an important body. While from time to time I differ in terms of carbon emissions because of nuclear energy, that is part of the solution to the problems of the future, and I will speak about that on another day.

Mr. WHITEHOUSE. Mr. President, I would be glad to speak with the Senator from Georgia about that because he may find we agree more than we disagree.

Mr. ISAKSON. I think we probably would, and that is why I brought it up, and I look forward to that.

We are hear to talk about the rule for the waters of the United States undertaken by the EPA.

When I started working this afternoon and preparing myself for what I would say to try to make my point and express myself, I listened at 3 p.m. to the speech by Senator BEN SASSE from Nebraska. Today he made his maiden speech on the floor of the Senate. Because I had an important appointment to get to, I do know exactly how long he spoke. He spoke for 27 minutes—because that is how late I was for my appointment. But his speech was so good and so important and it affected so much this rule of the waters of the United States that I wanted to include it in my remarks tonight.

What Senator SASSE said very simply is this: In his 1 year in the U.S. Senate, observing the Senate and how it operates, how we all operate, he went back to his constituents and spoke to them. One thing he talked about is how we are moving more and more toward the government of an executive branch and a judicial branch and moving away from the legislative branch. We have administrations like the current administration which is trying to enforce the law through administrative rules and executive orders, not through legislation. He didn't just point out that being a Democratic situation, it is Republican as well.

If we look over the last 35 years, there has been a growth in the number of edicts that have come down regulatory-wise rather than legislatively. It is important for us to return the legislative branch of government to its appropriate place so we have a balance between legislative, executive, and judicial.

I use the waters of the U.S.A. rule to explain to my colleagues why that is so important. This is a horrible rule. It is a rule that is going to be litigated in court for the next 30 to 40 years. Why? Because the clean water bill, which is its predecessor, has been litigated for 30 or 40 years, and eventually we have come to good water policies—not because that is where we started, it is because that is where we ended.

I wish to take a few experiences that I had working on the Clean Water Act in the 1970s, 1980s, and 1990s to make the point of why the waters of the United States bill is so dangerous.

The Clean Water Act passed with almost unanimous support. There was some opposition. Almost everybody said: I can't be against clean water; everybody wants clean water. But then there is the word ''promulgate.'' We passed a law that expressed the intent of Congress, and then we said it is up to the agencies responsible for promulgating the laws, the rules, and regulations necessary to carry out the intent of the law. Therein lies the problem because agencies like the EPA start promulgating rules which take the force and effect of the law, which cause the wrong thing to happen.

Let me tell my colleagues what is going to happen with the waters of the U.S.A. if it becomes a rule. We are going to give the power to the EPA that we have given under eminent domain to cities and counties and States in the United States. Eminent domain is the way the government was allowed under the Constitution to take property but reimburse the owner of the property for the damage done by the government in the taking for road rights-of-way, sewer lines, water projects, and things of that nature. This is a grant for eminent domain to an agency without any requirement to compensate the person from whom they have taken the land or restricted the use of the land.

The Presiding Officer mentioned that his father and family were in the homebuilding industry. I was in the homebuilding industry too and the land development industry. What we do is we add value to the land. We add value to its resources. We improve its drainage and use of water. But if we have a regulatory agency that makes it too expensive to develop the land, we go out of business and the community goes out of business because there is no new housing. The effect of the rule is it shuts down the economy, growth, and opportunity; it doesn't add to it.

So it is very important to understand that when somebody says ''We are going to pass a waters of the U.S.A. rule that is going to improve the quality of our water, and we are going to do so by delegating to the EPA—an unelected appointment agency—the power to tell you what you have to do,'' they are in effect saying that they are giving the power of eminent domain to the EPA without a requirement that you as a landowner be compensated.

The reason America is different from every other country on the face of this Earth is because we are a nation of individual landowners. We own our country, and we are still good stewards of our land, and we appreciate that opportunity. In most countries around the world, people don't have the opportunity to own the land and have private ownership. They lease their little place in life and that is where they go. America is different, and that is what made us different. But if we are landowners and we come under a waters of the U.S.A. rule and the EPA provides edicts that have the force and effect of law without the requirement to be compensated by an unjust agency that is enforcing a rule or regulation, we are becoming nothing better than a European country or, worse than that, a country that no longer has the benefit of private ownership of land.

So it is very important that we understand that the quality of water is important, protecting our water is important, but it is a balance, and it is a balance between the user, the landowner, and the government. What we need to do is come together to develop policies that are necessary to see to it that we have a good quality of water and we have good use of our water but not a dictatorial agency in the Federal Government given the total priority to control our land and its use.

I love this country. I love the opportunity it has given to me and the opportunity to serve in the U.S. Senate, to take my life experiences and try to add to the quality of legislation we pass here. I hope we will pass the Ernst legislation and stop the growth of the waters of the U.S.A. rule and get everybody—all the users—to come to the table and talk about positive ways to protect the quality of our water and

the use and the management of our water but not the confiscation of our property and the dictates of an agency rather than an elected body.

We do not need America to become a dictatorial country. We need to continue to be a country of participation and negotiation, where everybody at the table has a stake and where in the end we work for the best interests of all, not just the interests of an agency or, worse than that, a central belief within that agency.

This rule is a rule that is bad for farmers, developers, landowners, cities, counties, water authorities, wastewater authorities, sewer treatment plants, and anybody else who has water.

I want to read what the EPA's coverage is in this bill. It says:

> The flawed rule of the EPA to regulate nearly all water includes manmade water management systems, water that infiltrates into the ground or moves over land, and any other water the EPA decides has a significant nexus to downstream water based on the use by animals, insects, birds, and on water storage considerations.

There is no other provision in there. It includes all water. It is the authority for EPA to regulate it.

We have a farm bureau in Georgia that came up with the right slogan. They just simply said, after talking about the rule, after talking about waters in the U.S.A., there is only one thing we need to do: We need to ditch the rule.

It is time tonight for the Senate to adopt the Ernst provision, ditch the rule, and go back to the table and pass laws that are partnership laws between landowners, land developers, the local communities, local city councils, local county commissions, the local States. Let's not be a nation that edicts from the top down, but let's have solutions from the bottom up that always protect land ownership and land distribution and never take control of the water out of the hands of the States and move it to Washington, DC, where there is no accountability.

Last but not least, do not give the power of eminent domain—by that name or any other name—to the U.S. Government and take away the right to compensate because if you do, you become no better than a third-world nation, and it would be no good for the United States of America.

I see the majority leader has come to the floor, and I am anxious to hear his remarks because I know his name was invoked a few moments ago, so I will yield back my time. I am sure the majority leader would like to speak.

MORNING BUSINESS

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING JOHN DAVID GOODLETTE

Mr. MCCONNELL. Mr. President, I wish to pay tribute to a distinguished Kentuckian who is being honored by the Commonwealth and by the many people who know and respect his life's work. The late John David Goodlette came from small town beginnings: he was born in Hazard, KY, in 1925 to Dudley and Lillian Goodlette. He would go on to become a highly respected rocket engineer who was instrumental in the Viking missions to land American spacecraft on the surface of the planet Mars.

From a young age, John had a passion for flight and aircraft. He would assemble model aircraft as a hobby, and this hobby soon grew to include piloting gliders and small aircraft. John's interest in flight led him to study engineering, and after graduating from Hazard High School in 1943, he would enroll at the University of Kentucky, where he studied mechanical engineering. His studies were interrupted by his service in the U.S. Army during World War II, when John served as a tugboat captain in the South Pacific. After resuming his studies at UK, he graduated in 1949.

The majority of John's professional career was spent at the Martin Marietta Corp., now known as Lockheed Martin, where he worked for 39 years. His research initially focused on jet propulsion, heat transfer, and thermodynamics, but he soon found himself immersed in developing rocket programs for the company.

In 1956, John was selected to lead Martin Marietta's Titan intercontinental ballistic missile project. The project led him to increase his familiarity with nuclear physics, high-speed gas dynamics, and electrical engineering.

Then came the project that would be the highlight of John's career: the Viking project. John served as chief engineer on this project for 10 years, which culminated with the successful landing of two Viking spacecraft on the surface of Mars in July and September of 1976.

''The Viking was one of those heart-in-the-mouth things,'' John has been quoted as saying. ''We never knew for sure it was going to work. That kept us going at a fever pitch to make sure all went right.''

The Viking program was the most expensive and ambitious mission to Mars to that point and resulted in the bulk of our knowledge of the Red Planet for the next several decades. They were highly successful missions for which John Goodlette rightfully deserves a large share of the credit.

John is being inducted into the Kentucky Aviation Hall of Fame for his pioneering role in aviation and space exploration. Students and aviation enthusiasts from all over the Commonwealth, but especially from Hazard, can be proud of what this son of Kentucky accomplished in a brilliant career devoted to technology and science.

John also serves as an inspiration at the Challenger Learning Center of Kentucky, which uses space exploration as a tool to excite and inspire students to learn science, technology, engineering, and mathematics. The Center is located in Hazard, John's hometown.

John would go on to serve as a vice president of Martin Marietta and retire in 1991 after 39 years with the company. He has sadly passed on now and is unable to witness this historic occasion in his honor, but members of his family will be present at the Kentucky Aviation Hall of Fame induction ceremony.

I know John's three children, Sarah, David, and Alice, must be proud of all their father accomplished in his remarkable career. John not only served his country in uniform, he also added greatly to the sum total of knowledge in the universe for the benefit of his country and all of mankind.

On behalf of the Commonwealth of Kentucky, I want to thank the Goodlette family and express my admiration and respect for John David Goodlette's life and work. We are truly grateful for his passion to exploration and his service.

RECOGNIZING THE 125TH ANNIVERSARY OF THE ESTABLISHMENT OF YOSEMITE NATIONAL PARK

Mrs. BOXER. Mr. President, I ask my colleagues to join me in celebrating the 125th anniversary of Yosemite National Park, a California treasure nestled against the stunning backdrop of the Sierra Nevada mountain range.

In 1864, President Abraham Lincoln signed the Yosemite Grant Act, a landmark bill granting 39,000 acres of Yosemite Valley and the Mariposa Big Tree Grove to the State of California. This was the first time the United States had ever set aside land to protect it for the public to enjoy. Three decades later, Yosemite became the Nation's third national park—1,500 square miles of stunning waterfalls, magnificent sequoia trees, breathtaking mountain peaks, and portions of ancestral homeland for several American Indian tribes and groups.

Over the years, Yosemite National Park has been a leader, becoming the first national park to hire a female law enforcement ranger, open a museum, and establish partnerships to help preserve Yosemite for future generations. Yosemite has also championed efforts to reduce waste and pollution by establishing recycling programs in the 1970s and operating a fleet of hybrid electric shuttle buses.

Since its earliest days, Yosemite National Park has provided sanctuary, comfort, and inspiration to millions of visitors from across the globe who come to experience its natural splendor, rich geologic history, and abundant wildlife. The timeless beauty of Yosemite National Park is a testament to the vision and commitment of countless dedicated people and institutions over the past 125 years. I want to

express my deep gratitude to the staff, volunteers, and friends of Yosemite for all they do to protect this natural wonder, and I am pleased to join in honoring this special anniversary occasion.

OBSERVING ADOPTION AWARENESS MONTH

Mr. KING. Mr. President, each November we celebrate National Adoption Awareness Month to recognize the families that choose to adopt and the organizations that support them. During this month, we honor those who welcome these children into their homes and hearts, help them to grow to their full potential, and give them a better future. Today I would like to draw attention to the importance of adoption and raise awareness about youth in foster care programs, especially in Maine.

There are over 400,000 children in the foster care system, many of them waiting and hoping that the right family will come to adopt them. While many of these children are successfully returned to their birth parents and relatives, almost half are left in the system to fend for themselves. The absence of a stable family structure can be disastrous for children who are still developing psychologically and are trying to find their way in the world.

This issue has very real impacts on the future of these children and our society as a whole. Young adults who age out of the foster care system before being placed with a family are at a significantly higher risk for homelessness, incarceration, and unemployment. Alternatively, children who are adopted from foster care are more likely to achieve academic success and emotional security than their counterparts who remain in foster care. Nearly 80 percent of Americans, myself included, believe that more should be done to encourage adoption; yet, each year, tens of thousands of available children remain in the system, without families. Every child deserves to grow up in a permanent, safe, and loving home. This month, as we thank all those who have opened their hearts and homes to these children, we must acknowledge that there is still much work ahead of us.

I am proud of the important roles Maine citizens have played in promoting adoption awareness. Adoptive & Foster Families of Maine, Inc., AFFM, has been instrumental in helping children find the security they deserve and in providing support to the families who welcome them into their homes. Fostering or adopting a child can be an emotional process, and AFFM offers many services to all Maine adoptive families, including support groups, resource mentors, material goods, and a referral database for legal matters and mental health support. The adoption process is an emotional, transformative, and sometimes even stressful time for children and for their new families; therefore, the services provided by AFFM are an integral aspect of cultivating safe, joyful adoptions across the State. I have witnessed their hard work in action, and I am proud of all they have done for families and children across Maine.

My wife, Mary, and I have been blessed with two adoptions. I know firsthand what an amazing process adoption can be. Our experience would not have been possible without the loving support of our family, friends and community. Mary and I have been so fortunate with the joy all of our children bring to our lives every day, and I am proud to celebrate National Adoption Awareness Month.

I would like to recognize and thank Adoptive & Foster Families of Maine, Inc., and all others who facilitate adoptions throughout the country and make it possible for children in foster care to find their forever homes. Selfless, caring individuals and programs like AFFM help bring children one step closer to their dreams. They offer the hope of love and security to future generations, and for that, they deserve our immense gratitude.

RECOGNIZING COWBOYS AGAINST CANCER

Mr. BARRASSO. Mr. President, today I come to the floor to recognize one of Wyoming's most generous groups, Cowboys Against Cancer. Founded in 1994 by cancer survivor Margaret Parry, Cowboys Against Cancer raises funds for residents of Sweetwater County who have been diagnosed with cancer. Touched by those who aided and encouraged her during her own battle with cancer, Margaret created Cowboys Against Cancer in order to provide the same comfort to those battling this awful disease. Margaret's mission—and that of Cowboys Against Cancer—is one of compassion and support. From offering the comfort of a shoulder to lean on to awarding grants to support overburdened individuals and families, Cowboys Against Cancer has waged a tireless battle against cancer.

As a nonprofit volunteer organization, Cowboys Against Cancer is a proud group devoted exclusively to charity. The organization's volunteers work without compensation, and Cowboys Against Cancer employs no staff members. Without staff on the payroll, no office space, and very little overhead, the majority of the profits generated are donated directly to those in need. Since the organization's inception, Cowboys Against Cancer has given hundreds of grants to local cancer patients, including more than 150 grants in 2015 alone. In addition to these grants, the group has also worked to fund the development of cancer treatment infrastructure throughout Sweetwater County to better serve the regional population.

This year marks the 21st and final Cowboys Against Cancer Annual Benefit and Banquet. Over 1,000 people will gather to both celebrate the memories of those who are no longer with us and recognize the exemplary courage and determination exhibited by cancer survivors. Including the donations raised from this capstone gala, Cowboys Against Cancer estimates that they will have awarded a total of $5 million of grants to folks in Wyoming. This is a remarkable achievement.

Margaret has a tremendous team of volunteers who have helped her make this dream a reality. Over the years, dozens upon dozens of folks have worked for this great organization. I would like to recognize the current board of directors and the people who have volunteered for 10 years or more. The Cowboys Against Cancer board of directors are: Margaret Parry, president and founder; George Lemich, vice president and auction officer; Cindy Petersen, historian; Kristi Parry, secretary; Erika Kosher, banquet; Anita Punders, treasurer; Terry Warren, grant disbursements; Kathy Devoy, invitations and tickets; Cindy Rodriguez, advertising; and Geannie Berg, auction item data base.

The kind, generous, and energetic volunteers who have lent a hand for over 10 years are Sandra DaRif, Danella ''Prune'' Devries, Pat Devoy, Debbie Gunn, Mary Hardy, Beth Ice, Mary Juel, Veldon Kraft, Don Melvin, Vance Petersen, Kyle and Patsy Rossetti, Becky Sanchez, Kelly Shablo, Bess Stevenson, Liz Strannigan, Tim Warren, and Donald Wiggen. Students from Western Wyoming Community College, Rock Springs High School, and Green River High School have always been generous with their time. And, finally, a special note of thanks to Al Harris who serves as the event's master of ceremonies.

Please join me in offering my heartfelt congratulations to Margaret Parry and her Cowboys Against Cancer team for their efforts toward creating a cancer-free world. This organization has exemplified the nature of the cowboy spirit: tough, but neighborly. Sweetwater County—and Wyoming—are better, thanks to the selfless contributions of Margaret Parry and Cowboys Against Cancer.

ADDITIONAL STATEMENTS

TRIBUTE TO ASHLEY MITCHELL

• Mr. CASSIDY. Mr. President, I wish to celebrate and congratulate the recent accomplishments of Ms. Ashley Mitchell. At only 4–foot–9–inches tall and 94 pounds, Ashley holds the title of Weight Lifting World Champion.

The daughter of Anticia S. Mitchell and a native of Alexandria, LA, Ashley is a hard-working honor roll senior with a 3.0 GPA at Alexandria Senior High School, ASH. In addition to her academic triumphs, Ashley is also a dynamic athlete. During Ashley's freshman year of high school, ASH powerlifting coach Duane Urbina introduced her to the sport. With her mother's encouragement to take a risk and

to try something new, Ashley embraced the opportunity wholeheartedly.

Ashley has achieved several impressive titles as a result of her hard work. Ashley is a three-time first place North Regional Champion, as well as the North Regional Most Outstanding Lifter on the light-weight platform. Additionally, Ashley broke the bench and deadlift records at North Regionals. Moreover, Ashley is a three-time first place Louisiana State Champion. Ashley has earned the Billy Jack Talton Award for Best Lifter in the State of Louisiana and has placed second at both the national meet in Killeen, TX, for 2013–2014 and the national meet in Milwaukee, WI, for 2014–2015.

On May 15, 2015, Ashley earned first place at the Men's and Women's Powerlifting National Meet in San Antonio, TX; Ashley's first place award qualified her to join TEAM USA and to compete at the International Powerlifting Federation, IPF, Championship held in Prague, Czech Republic, on August 28–September 6, 2015.

Talented competitors from 28 nations competed at the IPF Championship. Ashley rose to the challenge, receiving the gold medal in the 94.5 pound weight class for the Sub-Junior and Junior USA Team. Ashley earned the second place silver medal for squatting 275 pounds, the first place gold medal for benching 159.5 pounds, and the first place gold medal for deadlifting 326.5 pounds. Each lift event included three attempts. On Ashley's second attempt for the deadlift, she broke the world record by lifting 309.1 pounds; Ashley immediately broke this record on her third attempt by lifting 326.5 pounds, now the new world record. Ashley also set the new world record for total weight lifted, by lifting a combined 761 pounds during the squat, bench, and deadlift events.

Powerlifting is both physically and mentally demanding, but not insurmountable for Ashley, who finds support in God, her family, her coach, and her powerlifting team. Through blood, sweat, and tears, Ashley welcomes the challenges and celebrates how the sport teaches her about how to overcome life's obstacles.

Ashley Mitchell makes our community, State, and country very proud. Today I join my colleagues in honoring this young woman's tremendous effort and dedication.●

RECOGNIZING THE 366TH FIGHTER WING

● Mr. CRAPO. Mr. President, I wish to honor Mountain Home Air Force Base's 366th Fighter Wing, which recently earned the Air Force Outstanding Unit Award. Congratulations to the skilled and dedicated men and women who serve in the 366th Fighter Wing for their outstanding service to our Nation.

The Outstanding Unit Award was created 61 years ago. According to the Air Force Personnel Center, it is awarded by the Secretary of the Air Force to units that ''distinguished themselves by exceptionally meritorious service or outstanding achievement.''

The 366th FW earned the award for the period of June 1, 2014, to May 31, 2015, and is credited with 9,200 hours spent in the air. When making the nomination, U.S. Air Force Lt. Gen. Mark C. Nowland cited the fighter wing's ''determination and relentless pursuit of excellence.'' He noted a number of the wing's accomplishments: the successful use of airpower during Republic of Korea theater security package operations; the Gunfighters expanded their airspace by 25 percent, supporting seven military branches from five countries during five major exercises; and the achievement of an impeccable personal training pass rate. Lieutenant General Nowland wrote, ''Whether at home training for current and future contingencies or sending Airmen downrange to complete combat operations, the Gunfighters exemplify the Fly, Fight and Win ethos.''

The more than 4,680 military and civilian members and approximately 4,590 family members of the 366th FW have a long history of excellence. It has been awarded the Air Force Outstanding Unit Award 17 times, dating back to its accomplishments in 1966 and as recent as 2012. The work of the wing's servicemembers also earned Meritorious Unit Awards in both 2008 and 2009. These are just a few of its recognitions.

Various divisions of the wing have also received numerous awards. The wing's maintenance group was acknowledged as ''Outstanding Maintenance Unit'' for their efforts during a massive aerial combat training exercise at Nellis Air Force Base in Nevada. The 366th Security Forces Squadron was also named ''Most Outstanding Security Forces Medium Unit in Air Combat Command.'' The 366th Force Support Squadron was selected as the best force support squadron in Air Combat Command, ACC, and the base's medical group is the top rated in ACC.

The commitment and dedication of the thousands of courageous and accomplished Americans who call Idaho home is beyond impressive. We are blessed to have many knowledgeable and brave individuals and their families protecting our Nation. I congratulate the 366th Fighter Wing on its many successes.●

TRIBUTE TO DR. DONALD WILLIAMSON

● Mr. SESSIONS. Mr. President, it is with great pleasure and the highest regard that I speak on the accomplishments of my valued constituent and friend, Dr. Donald Williamson. On October 31, 2015, Dr. Williamson concluded 23 years as Alabama's State health officer and 29 years of service in the Department of Public Health.

Dr. Williamson has served the public health community for more than 30 years, first in his home State of Mississippi and in Alabama since 1986. He began his career in Alabama as the director of the Division of Disease Control from 1986 to 1988. He then served as the director of the Bureau of Preventative Health Services from 1988 to 1992, when he was appointed as the State health officer and director of the Alabama Department of Public Health.

Dr. Williamson received his medical degree, cum laude, from the University of Mississippi School of Medicine and completed a residency in internal medicine at the University of Virginia Hospital.

His devotion to health and public service has been recognized on numerous occasions. He received the 2011 Nathan Davis Award from the AMA for outstanding public service by a career public servant at the State level; the 2009 Wallace Alexander Clyde Award from Children's Hospital; the 2000 Arthur T. McCormack Award from the Association of State and Territorial Health Officials for dedication and excellence in public health; the 1999 Theodore R. Ervin Award from the Public Health Foundation; and the 1999 Child Health Advocate Award from the American Academy of Pediatrics. He also was the recipient of the 1997 D.G. Gill Award from the Alabama Public Health Association for outstanding contribution to public health in Alabama and the 1998 Internist of the Year Award from the Alabama Society of Internal Medicine. In addition, he has held leadership roles in several national and State organizations, including the Association of State and Territorial Health Officials.

For the last 3 years, Dr. Williamson has held two of the largest jobs in State government, serving both as health officer and chairman of the Alabama Medicaid Transition Taskforce. Governor Robert Bentley appointed Dr. Williamson to serve as chairman of the transition taskforce at a time when the Medicaid Program was on the brink of failing.

During his tenure, All Kids, Alabama's public health insurance for children, was recognized nationally for its success in reducing the number of uninsured children. As the chairman of the Medicaid transition taskforce, he helped rescue the Alabama Medicaid Agency and restructured the Medicaid Program. Under his direction, the Medicaid Program will be transformed into Regional Care Organizations and Patient Care Networks. This new structure represents a shift from treating an illness or injury to focusing on overall health and well-being and will lead to improved health outcomes for many Alabamians.

Dr. Williamson has demonstrated the ability to find solutions for seemingly insurmountable challenges and has been a calm, strong voice of reason and common sense in the most difficult of times. Throughout his career, he continued to find new ways of making Medicaid work for its patients and the physicians who treat them.

However, it is good to note that this is not the end of Dr. Williamson's healthcare service. He will become the CEO and president of the Alabama Hospital Association in November. His tremendous knowledge of health care will continue to be a valuable resource to Alabama and to this critically important organization.

I have known this able, energetic leader for many years. I share the views of the great majority of health professionals that he is a treasure for Alabama and the Nation. No one was surprised and all were pleased when Governor Bentley asked him to take over as chairman of the Medicaid transition taskforce at a truly critical time. His reputation throughout the State, the awards he has received, and the sustained effort he has given for the betterment of the health of all Alabamians, especially the poor, truly sets him apart and makes him worthy of the highest accolades.

In light of these and all of his many accomplishments, I want to congratulate him on his outstanding career and to wish him the very best in his next important and challenging endeavor.●

RECOGNIZING DONG PHUONG BAKERY & RESTAURANT

● Mr. VITTER. Mr. President, Louisianians share a long history of triumph and resilience over hardship, and as a result, folks from all backgrounds pursue the American Dream with dedication and commitment. This is particularly true of the Vietnamese community and local small businesses in southeast Louisiana who came together to rebuild New Orleans East after Hurricane Katrina. In honor of National Women's Small Business Month, I am proud to recognize Dong Phuong Bakery & Restaurant of New Orleans, LA, as this week's Small Business of the Week.

Amidst an intense postwar political climate following the end of the Vietnam war, De and Huong Tran immigrated to the United States in 1980 in search of a more peaceful life and greater opportunities for their young family. The Trans and their three young children settled in an area with a fast-growing Vietnamese presence, the Versailles neighborhood of New Orleans. Shortly after settling into their new community, De enrolled at the University of New Orleans and found work at a local grocery store. Given De's busy class and work schedule, Huong cared for the young Tran children as they adjusted to their new home and culture. Searching for ways to reconnect with her beloved Vietnamese culture and provide extra income for her young family, Huong drew from her past working in her father's bakery in Vietnam and began baking a variety of Vietnamese delicacies, selling them to friends, family, and local shops in her community. Realizing they had a hit, Huong and De opened the Dong Phuong Oriental Bakery in 1981, selling traditional Vietnamese pastries and items with a French flair.

During the rebuilding process after Hurricane Katrina, De and Huong Tran provided support and hope to their community, and today the Dong Phuong Bakery & Restaurant remains in their original location in the Vietnamese neighborhood of Versailles, operating out of a 4,000-square-foot restaurant space. Now under the ownership of Huong Tran and Linh Tran Garza, the bakery continues to prepare and sell traditional French-Vietnamese cuisine, as well as their beloved fresh French bread to restaurants and customers across south Louisiana.

Congratulations again to Dong Phuong Bakery & Restaurant for being Small Business of The Week and to Huong and Linh for their praiseworthy entrepreneurial spirit and for setting an example for women entrepreneurs across the Nation.●

TRIBUTE TO JOSEPH J. COX

● Mr. WHITEHOUSE. Mr. President, it is with gratitude and appreciation that I congratulate Joseph J. Cox of Virginia on his retirement as president and chief executive officer of the Chamber of Shipping of America.

Upon graduating from the U.S. Merchant Marine Academy in 1967, Mr. Cox served honorably as a deck officer on commercial ships in the Vietnam war. He worked for 8 years at the U.S. Department of Labor in the Marine Standards Office. In 1981, he joined the Chamber of Shipping of America, the association of American ship owners, operators, and charterers. He rose to president and CEO and led the organization from 1997 until his retirement earlier this year.

Mr. Cox is widely respected as a valued representative of the American maritime community. He has actively advocated for domestic legislation and regulation to advance the interests of the shipping and maritime industry. He has participated in the development of transnational treaties at the International Maritime Organization and the International Labor Organization.

At the helm of the Chamber of Shipping of America, he elevated the nearly 100-year-old association to its respected status in the global maritime community. He will continue to serve as an adviser to the organization.

I thank Joe Cox for his decades of service to his country and to the marine trades, and I wish him and his family smooth sailing on the next leg of their voyage.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neimann, one of his secretaries.

PRESIDENTIAL MESSAGE

NOTIFICATION OF THE PRESIDENT'S INTENT TO TERMINATE THE DESIGNATION OF THE REPUBLIC OF BURUNDI AS A BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY UNDER THE AFRICAN GROWTH AND OPPORTUNITY ACT (AGOA), RECEIVED DURING ADJOURNMENT OF THE SENATE ON OCTOBER 30, 2015—PM 31

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with section 506A(a)(3)(B) of the African Growth and Opportunity Act, as amended (AGOA) (19 U.S.C. 2466a(a)(3)(B)), I am providing notification of my intent to terminate the designation of the Republic of Burundi (Burundi) as a beneficiary sub-Saharan African country under AGOA.

I am taking this step because I have determined that the Government of Burundi has not established or is not making continual progress toward establishing the rule of law and political pluralism, as required by the AGOA eligibility requirements outlined in section 104 of the AGOA (19 U.S.C. 3703). In particular, the continuing crackdown on opposition members, which has included assassinations, extra-judicial killings, arbitrary arrests, and torture, have worsened significantly during the election campaign that returned President Nkurunziza to power earlier this year. In addition, the Government of Burundi has blocked opposing parties from holding organizational meetings and campaigning throughout the electoral process. Police and armed youth militias with links to the ruling party have intimidated the opposition, contributing to nearly 200,000 refugees fleeing the country since April 2015. Accordingly, I intend to terminate the designation of Burundi as a beneficiary sub-Saharan African country under AGOA as of January 1, 2016.

BARACK OBAMA.

THE WHITE HOUSE, *October 30, 2015.*

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 2015, the Secretary of the Senate, on November 2, 2015, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. MESSER) had signed the following enrolled bills:

H.R. 623. An act to amend the Homeland Security Act of 2002 to authorize the Department of Homeland Security to establish a social media working group, and for other purposes.

H.R. 1314. An act to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

Under the authority of the order of the Senate of January 6, 2015, the enrolled bills were signed on November 2, 2015, during the adjournment of the Senate, by the Acting President pro tempore (Mr. COCHRAN).

MESSAGE FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1853. An act to direct the President to develop a strategy to obtain observer status for Taiwan in the International Criminal Police Organization, and for other purposes.

H.R. 2494. An act to support global anti-poaching efforts, strengthen the capacity of partner countries to counter wildlife trafficking, designate major wildlife trafficking countries, and for other purposes.

H.R. 3361. An act to amend the Homeland Security Act of 2002 to establish the Insider Threat Program, and for other purposes.

H.R. 3503. An act to require an assessment of fusion center personnel needs, and for other purposes.

H.R. 3505. An act to amend the Homeland Security Act of 2002 to improve the management and administration of the security clearance processes throughout the Department of Homeland Security, and for other purposes.

H.R. 3598. An act to amend the Homeland Security Act of 2002 to enhance the partnership between the Department of Homeland Security and the National Network of Fusion Centers, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1853. An act to direct the President to develop a strategy to obtain observer status for Taiwan in the International Criminal Police Organization, and for other purposes; to the Committee on Foreign Relations.

H.R. 2494. An act to support global anti-poaching efforts, strengthen the capacity of partner countries to counter wildlife trafficking, designate major wildlife trafficking countries, and for other purposes; to the Committee on Foreign Relations.

H.R. 3361. An act to amend the Homeland Security Act of 2002 to establish the Insider Threat Program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3503. An act to require an assessment of fusion center personnel needs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3505. An act to amend the Homeland Security Act of 2002 to improve the management and administration of the security clearance processes throughout the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3598. An act to amend the Homeland Security Act of 2002 to enhance the partnership between the Department of Homeland Security and the National Network of Fusion Centers, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2232. A bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3403. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Teflubenzuron; Pesticide Tolerances'' (FRL No. 9933–25) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3404. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Methoxyfenozide; Pesticide Tolerances'' (FRL No. 9934–14) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3405. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Agriculture Priorities and Allocations System'' (RIN0560–AH68) received in the Office of the President of the Senate on October 28, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3406. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Long Range Strike Bomber (LRS–B) system or program (OSS–2015–1699); to the Committee on Armed Services.

EC–3407. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: New Designated Countries—Montenegro and New Zealand'' ((RIN0750–AI71) (DFARS Case 2015–0049)) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Armed Services.

EC–3408. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Removal of Cuba from the List of State Sponsors of Terrorism'' ((RIN0750–AI67) (DFARS 2015-D032)) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Armed Services.

EC–3409. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Requirements Relating to Supply Chain Risk'' ((RIN0750–AH96) (DFARS Case 2012–D050)) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Armed Services.

EC–3410. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2015–0001)) received in the Office of the President of the Senate on October 28, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3411. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Protection System, Automatic Reclosing, and Sudden Pressure Relaying Maintenance Reliability Standard'' (Docket No. RM15–9–000) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Energy and Natural Resources.

EC–3412. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Air Plan; Arizona; Stationary Sources; New Source Review'' (FRL No. 9930–43–Region 9) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Environment and Public Works.

EC–3413. A communication from the Associate Administrator, Office of Congressional and Intergovernmental Relations, Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''2015 Report to the U.S. Environmental Protection Agency Administrator'' ; to the Committee on Environment and Public Works.

EC–3414. A communication from the General Counsel, National Science Foundation, transmitting draft legislation entitled ''Antarctic Environmental Liability Act of 2015'' ; to the Committee on Environment and Public Works.

EC–3415. A communication from the Deputy Director, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Programs; Methods for Assuring Access to Covered Medicaid Services'' (RIN0938–AQ54) received in the Office of the President of the Senate on October 29, 2015; to the Committee on Finance.

EC–3416. A communication from the Deputy Director, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Programs; Final Waivers in Connection With the Shared Savings Program'' (RIN0938–AR30) received in the Office of the President of the Senate on October 29, 2015; to the Committee on Finance.

EC–3417. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act of 1938, as amended, for the six months ending December 31, 2014''; to the Committee on Foreign Relations.

EC–3418. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–098); to the Committee on Foreign Relations.

EC–3419. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report prepared by the Department of State on progress toward a negotiated solution of the Cyprus question covering the period June 1, 2015 through July 31, 2015; to the Committee on Foreign Relations.

EC–3420. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2015–0117—2015–0133); to the Committee on Foreign Relations.

EC–3421. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, the Performance Report of the Food and Drug Administration's Office of Combination Products for fiscal year 2014; to the Committee on Health, Education, Labor, and Pensions.

EC–3422. A communication from the Principal Deputy Chief Financial Officer, Office of the Chief Financial Officer, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Administrative Wage Garnishment Procedures'' (RIN1290–AA27) received in the Office of the President of the Senate on October 19, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–3423. A communication from the Acting Director, Merit System Accountability and Compliance, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations'' (RIN3206–AM68) received in the Office of the President of the Senate on October 28, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3424. A communication from the Acting Director, Planning and Policy Analysis, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees Health Benefits Program: Enrollment Options Following the Termination of a Plan or Plan Option'' (RIN3206–AN07) received in the Office of the President of the Senate on October 28, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3425. A communication from the Deputy Assistant Administrator, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Table of Excluded Nonnarcotic Products: Nasal Decongestant Inhaler/Vapor Inhaler'' ((RIN1117–ZA30) (Docket No. DEA–409)) received in the Office of the President of the Senate on October 27, 2015; to the Committee on the Judiciary.

EC–3426. A communication from the Deputy Assistant Administrator, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Table of Excluded Nonnarcotic Products: Vicks VapoInhaler'' ((RIN1117–AB39) (Docket No. DEA–367)) received in the Office of the President of the Senate on October 27, 2015; to the Committee on the Judiciary.

EC–3427. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Rule to List the Dusky Sea Snake and Three Foreign Corals Under the Endangered Species Act'' (RIN0648–XD370) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3428. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fishery Management Council Freedom of Information Act Requests Regulations; Technical Amendments to Regulations'' (RIN0648–BE73) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3429. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Effort and Catch Limits and Other Restrictions and Requirements'' (RIN0648–BE84) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3430. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2015–2016 Biennial Specifications and Management Measures; Amendment 24; Correction'' (RIN0648–BE27) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3431. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Pacific Tuna Fisheries; Establishment of Tuna Vessel Monitoring System in the Eastern Pacific Ocean'' (RIN0648–BD54) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3432. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; State Waters Exemption'' (RIN0648–BF20) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3433. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Quotas'' (RIN0648–BE81) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3434. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Regulatory Amendment 22'' (RIN0648–BE76) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3435. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XE223) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3436. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Reef Fish Fishery of the Gulf of Mexico; 2015 Recreational Accountability Measures and Closure for Gulf of Mexico Greater Amberjack'' (RIN0648–XE182) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3437. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Mexico'' (RIN0648–XE168) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–102. A resolution adopted by the House of Representatives of the State of Michigan urging the President of the United States and the United States Congress to take action to halt the illegal dumping of foreign steel into the U.S. market; to the Committee on Finance.

HOUSE RESOLUTION NO. 87

Whereas, Steel is the backbone of the modern economy, and it contributes to every level of daily life. It supports our bridges, takes our buildings to new heights, and can be found in the everyday appliances in our homes. Michigan's strong manufacturing sector, particularly our automotive industry, relies extensively on the metal, as does the energy sector's domestic oil and gas extraction efforts. In fact, in 2014, Michigan and Minnesota shipped 93 percent of usable iron ore products in the United States; and

Whereas, Iron ore mining and manufacturing has been significantly undermined by low-price steel imports from foreign nations. Companies in places like China, South Korea, India, the Philippines, Vietnam, Thailand, Taiwan, and Saudi Arabia are selling their products in the United States at predatory prices. Some estimates state that certain Chinese steel firms retail their products in the United States at 75 percent of the domestic cost of production. A South Korean firm recently retailed its products even lower at 48 percent of the domestic cost of production. This unfair trade puts American mills, and the mines that feed them, at risk; and

Whereas, The economic consequences of steel dumping have begun and will have a lasting detrimental impact on the Michigan economy and the entire nation. Across the Midwest, thousands of steelworkers have already been laid off in recent years, and as mills continue to operate well below their operational capacity, more steelworkers and miners are at risk. As the percentage of foreign steel used in the United States increases, the impacts on American manufacturing will only increase. This could lead to the erosion of enterprises that are critical to our economy and national defense; and

Whereas, The dumping of foreign steel into the United States is a violation of international trade agreements and must be halted, Article VI of the General Agreement on Tariffs and Trade 1994 states that products

from another country shall not be introduced into the commerce of another country at a value less than the product's normal price in the destination country. The Department of Commerce has used the provisions of this article to investigate and take antidumping measures against nations in the past. However, this process is slow. So, while nations and companies are being identified, investigated, and punished, American workers are being laid off. Action must be taken to more aggressively identify those violating international trade agreements and punish them accordingly: Now, therefore, be it

Resolved by the House of Representatives, That we urge the President and Congress of the United States to take action to halt the illegal dumping of foreign steel into the U.S. market; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–103. A joint resolution adopted by the Legislature of the State of California urging the President of the United States and the United States Congress to enact S. 664, the Foster Care Tax Credit Act, which would provide tax relief to short-term foster parents by helping to cover the actual costs of caring for a foster child; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 17

Whereas, Foster parents make a positive and tremendous difference in the lives of so many vulnerable children by opening their hearts and homes, and yet California faces constant challenges in recruiting and retaining enough foster families to ensure each child is placed in a family-like setting; and

Whereas, Caring for a child in foster care can be more expensive than caring for one's own biological children. Children placed into foster care often have experienced significant emotional and physical trauma and have higher incidences of medical and behavioral health issues, resulting in additional costs to foster parents. On average, current foster care rates would have to increase almost 40 percent nationwide to provide for basic care; and

Whereas, Foster parents do not always begin full-time foster parenting immediately. It is not uncommon for foster parents to first provide shorter-term respite or emergency care before ''graduating'' into more full-time foster parenthood. Likewise, foster parents may intend to be full-time; however, children placed with them may be reunified with their biological families after short lengths of time. Foster parents may have multiple placements for three to four months at a time. According to the Public Policy Institute of California, in California in 2010, 31 percent of children left foster care within three months; and

Whereas, The shortage of foster homes has been widely reported. According to the Los Angeles Times in 2015, ''Demand for foster beds exceeds supply by more than 30% nationally. Forty percent of parents withdraw during their first year, and an additional 20% say they want out, national studies show. Those families that remain are often stuck in deep poverty themselves''; and

Whereas, Encouraging individuals to become foster parents can contribute to a greater number of children being adopted from foster care. According to the United States Department of Health and Human Services, of the children adopted from foster care in 2012, 54 percent were adopted by former foster parents. In 2012, that would have equated to 27,358 children adopted by former foster parents; and

Whereas, Senate Bill 664 of the 114th United States Congress, known as the federal Foster Care Tax Credit Act, would seek to help the many families who care for foster children for six months or less, who unlike longer term foster, families, are not eligible for tax credit assistance under the federal Child Tax Credit, to cover the actual cost of caring for foster children; and

Whereas, The Foster Care Tax Credit Act provides tax relief to short-term foster parents and helps cover the actual costs of caring for a foster child by establishing an inflation-adjusted, refundable tax credit of up to $1,000 per year, per foster child, which is prorated by the number of months a foster child is in a family's care; Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That because foster parents make significant and meaningful contributions to the lives of so many vulnerable children by opening their hearts and homes, the Legislature urges the President and the Congress of the United States to enact Senate Bill 664 of the 114th United States Congress, known as the Foster Care Tax Credit Act, which would provide tax relief to short term foster parents by helping to cover the actual costs of caring for a foster child; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker and Minority Leader of the House of Representatives, the Majority Leader and Minority Leader of the Senate, and each member of the California delegation to the United States Congress.

POM–104. A resolution adopted by the Senate of the State of Michigan urging the United States Congress to reject the U.S.-led nuclear agreement with Iran and press for a new agreement that will prevent all pathways to an Iranian nuclear weapon; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 104

Whereas, On July 14, 2015, a six-member coalition of nations, including the governments of Great Britain, France, Russia, China, and Germany and led by the United States, reached an agreement with the Islamic Republic of Iran. This agreement, formally known as the Joint Comprehensive Plan of Action, seeks to limit Iran's capacity to refine, store, and use weapons-grade nuclear material and develop nuclear weapons in exchange for international sanctions relief; and

Whereas, The Joint Comprehensive Plan of Action, commonly referred to as the Iranian nuclear agreement, is not in the strategic interest of the United States and its allies. With the notable exception of the Arak heavy-water nuclear facility, this agreement leaves in place much of Iran's nuclear infrastructure, including 5,060 centrifuges. Moreover, this deal allows Iran to continue researching and developing advanced centrifuges capable of refining weapons-grade nuclear material for use in intercontinental ballistic missiles that can strike the United States and short-range missiles capable of hitting targets throughout the Middle East. This creates a direct threat to our national security at home and the national security interests of Israel and other allies; and

Whereas, The Iranian nuclear agreement legitimizes Iran's nuclear program and does not definitively block a path to a nuclear weapon. While the agreement restricts the amount of nuclear material Iran may store and allows for international inspections, these provisions will slow—but not halt—the advancement of Iran's weapons program. The inspections also do not meet the ''anytime, anywhere'' standard needed in this case, but rather uses the ''managed access'' approach that is insufficient to ensure Iran is not developing or hiding nuclear weaponry and weapon components. Given Iran's history of deceiving the International Atomic Energy Agency and its refusal to recognize its nuclear program's military dimension, the international community will be challenged keeping Iran's nuclear weapons program in line with the agreement. With some of the toughest restrictions ending in ten years, Iran is 15 years from manufacturing a nuclear arsenal, which could sink the Middle East into a nuclear arms race; and

Whereas, International sanctions relief would allow Iran to further support terrorist organizations. The Joint Comprehensive Plan of Action, if enacted, would unfreeze an estimated $150 billion in assets currently isolated in foreign banks almost immediately. These assets, alongside additional revenue from sanctions relief, could be redirected by the Iranian government to more substantially support terrorist organizations in Iraq, Syria, Yemen, Lebanon, Palestine, and others. Sanctions relief could also allow more money to support a domestic military buildup that could be used against area nations, like Israel, which Iran has long committed to destroying. This emboldens the autocratic state to continue its conflict with the United States, destabilize the region, and marginalize Iranian moderates; and

Whereas, The Joint Comprehensive Plan of Action is not the best agreement for the United States, the Middle East, and the world. The agreement fails to set free imprisoned Michigan resident and former Marine Amir Hekmati and other Americans. It fails to address Iran's human rights situation, a situation that, according to a 2015 State Department report, continues to deteriorate. The agreement does not allow the inspection of Iranian military installations, which are needed to ensure secret research is not conducted and weaponry and components are not hidden; and

Whereas, Israel's support of the Iranian nuclear agreement is crucial to reaching long-term peace. However, the agreement does not have the support necessary to reach that goal. Repeated Israeli public opinion polls have shown a broad consensus, seemingly traversing conventional political divides, against the Iranian nuclear deal: Now, therefore, be it

Resolved by the Senate, That we to urge the Congress of the United States to reject the U.S.-led nuclear agreement with Iran and press for a new agreement that will prevent all pathways to an Iranian nuclear weapon; and be it further

Resolved, That copies of this resolution he transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–105. A petition by a citizen from the State of Texas urging the United States Congress to propose an amendment to the United States Constitution which would require both houses of Congress approve, by a three-fifths vote of all members elected and serving in each body, any declaration of martial law, or suspension of the writ of habeas corpus, by the President of the United States, and further providing that such Congressionally-approved martial law declaration, or suspension of the writ of habeas corpus, not exceed 30 days duration, and clearly describe the geographic territory covered by such declaration or suspension; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1550. A bill to amend title 31, United States Code, to establish entities tasked with improving program and project management in certain Federal agencies, and for other purposes (Rept. No. 114–162).

By Mr. ISAKSON, from the Committee on Veterans' Affairs:

Report to accompany S. 1082, a bill to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes (Rept. No. 114–163).

By Mr. VITTER, from the Committee on Small Business and Entrepreneurship, with amendments:

S. 2138. A bill to amend the Small Business Act to improve the review and acceptance of subcontracting plans, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. AYOTTE (for herself, Mr. WHITEHOUSE, Mrs. CAPITO, and Ms. KLOBUCHAR):

S. 2226. A bill to amend the Public Health Service Act to reauthorize the residential treatment programs for pregnant and postpartum women and to establish a pilot program to provide grants to State substance abuse agencies to promote innovative service delivery models for such women; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MANCHIN (for himself and Mr. WICKER):

S. 2227. A bill to amend the National Telecommunications and Information Administration Organization Act to permit the National Telecommunications and Information Administration to authorize Federal agencies to accept certain payments related to spectrum efficiency and reallocation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself, Ms. STABENOW, Mr. CORNYN, and Mr. SCHUMER):

S. 2228. A bill to amend title XVIII of the Social Security Act to permit review of certain Medicare payment determinations for disproportionate share hospitals, and for other purposes; to the Committee on Finance.

By Mrs. SHAHEEN:

S. 2229. A bill to require the Comptroller General of the United States to conduct audits relating to the timely access of veterans to hospital care, medical services, and other health care from the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. CRUZ:

S. 2230. A bill to require the Secretary of State to submit a report to Congress on the designation of the Muslim Brotherhood as a foreign terrorist organization, and for other purposes; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself, Mr. DURBIN, Mr. MURPHY, Mr. MCCAIN, Mr. REED, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. PETERS, Mr. RUBIO, Mr. MENENDEZ, Mr. CARDIN, Mr. COONS, Mr. MARKEY, and Mrs. FEINSTEIN):

S. 2231. A bill to express the sense of Congress that the Government of the Maldives should immediately release former President Mohamed Nasheed from prison and release all other political prisoners in the country, as well as guarantee due process for and respect the human rights of all of the people of the Maldives; to the Committee on Foreign Relations.

By Mr. PAUL (for himself, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mrs. CAPITO, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. GARDNER, Mr. GRASSLEY, Mr. HELLER, Mr. ISAKSON, Mr. LEE, Mr. MCCONNELL, Mr. PORTMAN, Mr. RISCH, Mr. RUBIO, Mr. TOOMEY, Mr. VITTER, Mr. CORNYN, and Mr. SCOTT):

S. 2232. A bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes; read the first time.

By Mr. VITTER:

S. 2233. A bill to amend section 3716 of title 31, United States Code, to reestablish the period of limitations for claims of the United States that may be collected by garnishing payments received from the Government; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BLUMENTHAL (for himself, Ms. AYOTTE, Mr. WYDEN, Mr. GRAHAM, Mr. BENNET, Mr. KIRK, Mrs. MURRAY, Mr. RUBIO, Mr. SCHUMER, Mr. CORNYN, Mrs. GILLIBRAND, Ms. MURKOWSKI, Mr. CARDIN, Mr. TOOMEY, Mr. PORTMAN, and Mr. HELLER):

S. Res. 302. A resolution expressing the sense of the Senate in support of Israel and in condemnation of Palestinian terror attacks; to the Committee on Foreign Relations.

By Mr. ALEXANDER (for himself and Mr. MERKLEY):

S. Res. 303. A resolution designating the week beginning November 8, 2015, as ''National Nurse-Managed Health Clinic Week''; to the Committee on the Judiciary.

By Mr. VITTER (for himself, Mrs. SHAHEEN, Mr. RISCH, Mr. COONS, Mr. RUBIO, Mr. MARKEY, Mrs. FISCHER, Mr. PETERS, Ms. AYOTTE, Mr. CARDIN, Mr. ENZI, Ms. CANTWELL, Mr. GARDNER, Mr. BOOKER, Mr. SCOTT, Ms. HIRONO, Mrs. ERNST, Mr. SCHATZ, Mr. BOOZMAN, Mr. HOEVEN, Mr. UDALL, Ms. HEITKAMP, Mr. KING, Mr. CRAPO, Mr. DAINES, Mr. INHOFE, Ms. MIKULSKI, Mrs. MURRAY, Mr. TESTER, Mr. PORTMAN, Mr. WYDEN, Mr. ROBERTS, Mr. ISAKSON, and Mr. MANCHIN):

S. Res. 304. A resolution recognizing November 28, 2015, as ''Small Business Saturday'' and supporting efforts to increase awareness of the value of locally owned small businesses; considered and agreed to.

ADDITIONAL COSPONSORS

S. 123

At the request of Mr. RUBIO, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 123, a bill to prevent a taxpayer bailout of health insurance issuers.

S. 183

At the request of Mr. BARRASSO, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 183, a bill to repeal the annual fee on health insurance providers enacted by the Patient Protection and Affordable Care Act.

S. 264

At the request of Mr. PAUL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 264, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

S. 265

At the request of Mr. SCOTT, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 265, a bill to expand opportunity through greater choice in education, and for other purposes.

S. 271

At the request of Mr. REID, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 271, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 334

At the request of Mr. PORTMAN, the names of the Senator from Nebraska (Mrs. FISCHER), the Senator from Montana (Mr. DAINES), the Senator from Missouri (Mr. BLUNT), the Senator from Texas (Mr. CORNYN), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 334, a bill to amend title 31, United States Code, to provide for automatic continuing resolutions.

S. 352

At the request of Ms. AYOTTE, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 352, a bill to amend section 5000A of the Internal Revenue Code of 1986 to provide an additional religious exemption from the individual health coverage mandate, and for other purposes.

S. 366

At the request of Mr. TESTER, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 366, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 368

At the request of Mr. TOOMEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 368, a bill to amend title 18, United States Code, to require that the Director of the Bureau of Prisons ensure that each chief executive officer of

a Federal penal or correctional institution provides a secure storage area located outside of the secure perimeter of the Federal penal or correctional institution for firearms carried by certain employees of the Bureau of Prisons, and for other purposes.

S. 391

At the request of Mr. PAUL, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 391, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 439

At the request of Mr. FRANKEN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 439, a bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 481

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 481, a bill to amend the Controlled Substances Act and the Federal Food, Drug, and Cosmetic Act with respect to drug scheduling recommendations by the Secretary of Health and Human Services, and with respect to registration of manufacturers and distributors seeking to conduct clinical testing, and for other purposes.

S. 488

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 488, a bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.

S. 540

At the request of Ms. COLLINS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 540, a bill to amend the Richard B. Russell National School Lunch Act to require the Secretary of Agriculture to make loan guarantees and grants to finance certain improvements to school lunch facilities, to train school food service personnel, and for other purposes.

S. 569

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 569, a bill to reauthorize the farm to school program, and for other purposes.

S. 578

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 578, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 586

At the request of Mrs. SHAHEEN, the names of the Senator from Alaska (Mr. SULLIVAN) and the Senator from Iowa (Mrs. ERNST) were added as cosponsors of S. 586, a bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes, diabetes, and the chronic diseases and conditions that result from diabetes.

S. 624

At the request of Mr. BLUMENTHAL, his name was added as a cosponsor of S. 624, a bill to amend title XVIII of the Social Security Act to waive coinsurance under Medicare for colorectal cancer screening tests, regardless of whether therapeutic intervention is required during the screening.

At the request of Ms. HIRONO, her name was added as a cosponsor of S. 624, supra.

S. 681

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 681, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 804

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 804, a bill to amend title XVIII of the Social Security Act to specify coverage of continuous glucose monitoring devices, and for other purposes.

S. 849

At the request of Mr. ISAKSON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 849, a bill to amend the Public Health Service Act to provide for systematic data collection and analysis and epidemiological research regarding Multiple Sclerosis (MS), Parkinson's disease, and other neurological diseases.

S. 862

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 862, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 865

At the request of Mr. TESTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 865, a bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to military sexual trauma, and for other purposes.

S. 898

At the request of Mr. KIRK, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to provide for the participation of optometrists in the National Health Service Corps scholarship and loan repayment programs, and for other purposes.

S. 928

At the request of Mrs. GILLIBRAND, the names of the Senator from Alaska (Mr. SULLIVAN) and the Senator from Nebraska (Mrs. FISCHER) were added as cosponsors of S. 928, a bill to reauthorize the World Trade Center Health Program and the September 11th Victim Compensation Fund of 2001, and for other purposes.

S. 1079

At the request of Mr. CARDIN, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 1079, a bill to amend titles XI and XVIII of the Social Security Act and title XXVII of the Public Health Service Act to improve coverage for colorectal screening tests under Medicare and private health insurance coverage, and for other purposes.

S. 1082

At the request of Mr. RUBIO, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1082, a bill to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes.

S. 1140

At the request of Mr. DONNELLY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1140, a bill to require the Secretary of the Army and the Administrator of the Environmental Protection Agency to propose a regulation revising the definition of the term ''waters of the United States'' , and for other purposes.

S. 1149

At the request of Mr. VITTER, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 1149, a bill to amend title XVIII of the Social Security Act to require reporting of certain data by providers and suppliers of air ambulance services for purposes of reforming reimbursements for such services under the Medicare program, and for other purposes.

S. 1169

At the request of Mr. WHITEHOUSE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1169, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 1555

At the request of Ms. HIRONO, the names of the Senator from Alaska (Mr. SULLIVAN), the Senator from Oregon (Mr. WYDEN), the Senator from Minnesota (Mr. FRANKEN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S.

1555, a bill to award a Congressional Gold Medal, collectively, to the Filipino veterans of World War II, in recognition of the dedicated service of the veterans during World War II.

S. 1559

At the request of Ms. AYOTTE, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1559, a bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets.

S. 1711

At the request of Mr. SCOTT, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S. 1711, a bill to provide for a temporary safe harbor from the enforcement of integrated disclosure requirements for mortgage loan transactions under the Real Estate Settlement Procedures Act of 1974 and the Truth in Lending Act, and for other purposes.

S. 1714

At the request of Mr. MANCHIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1714, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan and the 1974 United Mine Workers of America Pension Plan, and for other purposes.

S. 1798

At the request of Mr. RUBIO, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1798, a bill to reauthorize the United States Commission on International Religious Freedom, and for other purposes.

S. 1831

At the request of Mr. TOOMEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1831, a bill to revise section 48 of title 18, United States Code, and for other purposes.

S. 1883

At the request of Mr. REED, the names of the Senator from California (Mrs. BOXER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1883, a bill to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes.

S. 1885

At the request of Mr. BLUMENTHAL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1885, a bill to amend title 38, United States Code, to improve the provision of assistance and benefits to veterans who are homeless, at risk of becoming homeless, or occupying temporary housing, and for other purposes.

S. 1926

At the request of Ms. MIKULSKI, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1926, a bill to ensure access to screening mammography services.

S. 1942

At the request of Mr. GARDNER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1942, a bill to require a land conveyance involving the Elkhorn Ranch and the White River National Forest in the State of Colorado, and for other purposes.

S. 1970

At the request of Mr. SANDERS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1970, a bill to establish national procedures for automatic voter registration for elections for Federal Office.

S. 1982

At the request of Mr. CARDIN, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Massachusetts (Mr. MARKEY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1982, a bill to authorize a Wall of Remembrance as part of the Korean War Veterans Memorial and to allow certain private contributions to fund the Wall of Remembrance.

S. 2042

At the request of Mrs. MURRAY, the names of the Senator from California (Mrs. BOXER) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 2042, a bill to amend the National Labor Relations Act to strengthen protections for employees wishing to advocate for improved wages, hours, or other terms or conditions of employment and to provide for stronger remedies for interference with these rights, and for other purposes.

S. 2044

At the request of Mr. THUNE, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 2044, a bill to prohibit the use of certain clauses in form contracts that restrict the ability of a consumer to communicate regarding the goods or services offered in interstate commerce that were the subject of the contract, and for other purposes.

S. 2067

At the request of Mr. WICKER, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 2067, a bill to establish EUREKA Prize Competitions to accelerate discovery and development of disease-modifying, preventive, or curative treatments for Alzheimer's disease and related dementia, to encourage efforts to enhance detection and diagnosis of such diseases, or to enhance the quality and efficiency of care of individuals with such diseases.

S. 2103

At the request of Mr. DONNELLY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2103, a bill to modify a provision relating to adjustments of certain State apportionments for Federal highway programs, and for other purposes.

S. 2137

At the request of Mr. BLUNT, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2137, a bill to amend title 10, United States Code, to provide a period for the relocation of spouses and dependents of certain members of the Armed Forces undergoing a permanent change of station in order to ease and facilitate the relocation of military families.

S. 2144

At the request of Mr. GARDNER, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 2144, a bill to improve the enforcement of sanctions against the Government of North Korea, and for other purposes.

S. 2145

At the request of Mr. LEAHY, the names of the Senator from Delaware (Mr. COONS), the Senator from Oregon (Mr. MERKLEY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2145, a bill to make supplemental appropriations for fiscal year 2016.

S. 2175

At the request of Mr. TESTER, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 2175, a bill to amend title 38, United States Code, to clarify the role of podiatrists in the Department of Veterans Affairs, and for other purposes.

S. 2220

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 2220, a bill to amend title XXVII of the Public Health Service Act to provide for a special enrollment period for pregnant women, and for other purposes.

S. 2221

At the request of Mr. ROBERTS, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 2221, a bill to preserve the companionship services exemption for minimum wage and overtime pay, and the live-in domestic services exemption for overtime pay, under the Fair Labor Standards Act of 1938.

S. 2223

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 2223, a bill to transfer administrative jurisdiction over certain Bureau of Land Management land from the Secretary of the Interior to the Secretary of Veterans Affairs for inclusion in the Black Hills National Cemetery, and for other purposes.

S. RES. 282

At the request of Mrs. SHAHEEN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Oklahoma (Mr. INHOFE) were added as

cosponsors of S. Res. 282, a resolution supporting the goals and ideals of American Diabetes Month.

S. RES. 299

At the request of Mrs. FEINSTEIN, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from Colorado (Mr. BENNET), the Senator from Massachusetts (Mr. MARKEY), the Senator from Ohio (Mr. BROWN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from New Mexico (Mr. HEINRICH) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. Res. 299, a resolution honoring the life, legacy, and example of former Israeli Prime Minister Yitzhak Rabin on the twentieth anniversary of his death.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. DURBIN, Mr. MURPHY, Mr. MCCAIN, Mr. REED, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. PETERS, Mr. RUBIO, Mr. MENENDEZ, Mr. CARDIN, Mr. COONS, Mr. MARKEY, and Mrs. FEINSTEIN):

S. 2231. A bill to express the sense of Congress that the Government of the Maldives should immediately release former President Mohamed Nasheed from prison and release all other political prisoners in the country, as well as guarantee due process for and respect the human rights of all of the people of the Maldives; to the Committee on Foreign Relations.

Mr. LEAHY. Mr. President, since January 2015, President Abdulla Yameen of the Maldives has increasingly cracked down on dissent within his own party and the political opposition, presided over the erosion of judicial impartiality, and put increasing pressure on civil society. The arrest of former president Mohamed Nasheed, who was convicted in a widely condemned trial that UN High Commissioner for Human Rights Zeid Ra'ad described as containing ''flagrant irregularities'', and who remains imprisoned today, is indicative of the current situation.

That is why today I am introducing, together with a bipartisan coalition of 13 other Senators, a bill expressing the sense of Congress that the Government of the Maldives should immediately release former president Nasheed and all other political prisoners in the country, and guarantee due process for, and respect the human rights of, all of the people of the Maldives.

The United States and the Maldives have common interests in maritime security, commerce, and addressing climate change. But we also expect our partners to respect the fundamental rights of their people, including those who disagree with the government's policies, and to uphold the basic principles of justice. I thank the cosponsors of this legislation for their support.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 302—EXPRESSING THE SENSE OF THE SENATE IN SUPPORT OF ISRAEL AND IN CONDEMNATION OF PALESTINIAN TERROR ATTACKS

Mr. BLUMENTHAL (for himself, Ms. AYOTTE, Mr. WYDEN, Mr. GRAHAM, Mr. BENNET, Mr. KIRK, Mrs. MURRAY, Mr. RUBIO, Mr. SCHUMER, Mr. CORNYN, Mrs. GILLIBRAND, Ms. MURKOWSKI, Mr. CARDIN, Mr. TOOMEY, Mr. PORTMAN, and Mr. HELLER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 302

Whereas Israel is a democratic ally and major strategic partner of the United States, as codified by the United States-Israel Strategic Partnership Act of 2014 (Public Law 113–296), and cooperation between Israel and the United States continues to increase in importance with a swiftly shifting security situation in the Middle East and North Africa;

Whereas Jerusalem is an undivided city, eternal capital of Israel, holiest city for the Jewish people, central to the worship of three monotheistic religions, and unique in the Middle East region as a city of religious tolerance where Israel guarantees access, security, and respect for the three monotheistic religions to worship in peace at holy sites;

Whereas, upon Israel securing control of Jerusalem in 1967, it has maintained a policy of keeping the Haram Al Sharif specifically open for Muslim prayer, welcoming over 3,500,000 regular worshipers annually;

Whereas the Government of Israel upholds the 1994 Treaty of Peace Between the State of Israel and the Hashemite Kingdom of Jordan, which states in Article Nine that each party ''will provide freedom of access to places of religious and historical significance,'' as well as ''act together to promote interfaith relations among the three monotheistic religions, with the aim of working toward religious understanding, moral commitment, freedom of religious worship, and tolerance and peace'';

Whereas Yasser Arafat, Chairman of the Palestine Liberation Organization (PLO), committed in his exchange of letters with Israeli Prime Minister Yitzhak Rabin on September 9, 1993, that ''the PLO renounces the use of terrorism and other acts of violence and will assume responsibility over all PLO elements and personnel in order to assure their compliance,'' and under the subsequent 1995 Oslo II Accord, the Palestinians pledged to ''abstain from incitement, including hostile propaganda . . . [and to] take legal measures to prevent such incitement by any organizations, groups or individuals within their jurisdiction'';

Whereas the President of the Palestinian Authority, Mahmoud Abbas, wrongly announced during the tenth anniversary of Yasser Arafat's death in November 2014 that Israel has no claim to Jerusalem, that the Temple Mount will not be allowed to be ''contaminated'' by Jews, and that Jewish prayer on the Temple Mount would lead to a ''devastating religious war'';

Whereas President Abbas falsely claimed during his address to the United Nations General Assembly in September 2015 that the Government of Israel has used ''brutal force to impose its plans to undermine the Islamic and Christian sanctities in Jerusalem'' and announced that the Palestinian Authority is no longer bound by the Oslo Accords;

Whereas Israel has in recent weeks been subjected to an alarming wave of terrorism directed against innocent civilians by Palestinians armed with knives, meat cleavers, guns, and cars;

Whereas there have been approximately 69 such attacks since the beginning of October 2015, leaving 11 Israelis dead and another 145 wounded;

Whereas United States citizens have lost their lives as a result of these terrorist attacks, including Richard Lakin and Eitam Henkin;

Whereas these random, gruesome attacks are intended to instill a sense of fear among the people of Israel leading their normal lives, and also destabilize security for both Palestinians and Israelis;

Whereas Israel, Jordan, and the United States have reached an agreement regarding the installation of surveillance cameras on the Temple Mount in accordance with the respective responsibilities of the Israelis authorities and the Jordanian Waqf.

Whereas President Abbas has helped to fuel the current violence in recent weeks by falsely casting Israel as the brutal aggressor in multiple public speeches, refusing to condemn the lethal terror attacks, and failing to acknowledge Israel's right to self-defense;

Whereas President Abbas' statements are part of a pattern of incitement among Palestinian leaders that includes denial of the Jewish heritage of Jerusalem, paying monthly salaries to the families of imprisoned Palestinian terrorists, praising slain terrorists as martyrs, demonizing Jews in official Palestinian Authority media, and encouraging attacks on social media; and

Whereas Palestinian leaders have repeatedly threatened to suspend cooperation and further encouraged violence by blaming Israel for killing Palestinian perpetrators of these heinous crimes: Now, therefore, be it

Resolved, That the Senate—

(1) condemns these brutal attacks in the harshest terms possible;

(2) welcomes Israel's commitment to the continued maintenance of the status quo on the Temple Mount;

(3) urges the President and the international community to join in forcefully condemning these Palestinian terror attacks;

(4) clarifies that there is no justification for these types of attacks and that there is a direct correlation between the recent upsurge in violence and Arab incitement regarding the Temple Mount;

(5) stands with the people of Israel during these difficult days;

(6) supports Israel's right to self-defense and rejects any suggestion of the moral equivalence of Israeli security personnel protecting its citizens from senseless violence and terrorists intent to deliberately take innocent lives;

(7) supports the agreement reached to install surveillance cameras on the Temple Mount according to the arrangements to be determined between the parties;

(8) calls upon President Abbas to stop all incitement by Palestinian officials and by Palestinian media, to strongly and unequivocally demand an end to the violence, and to take all steps necessary to halt these attacks;

(9) expresses support and admiration for individuals and organizations working to encourage cooperation between Israelis and Palestinians;

(10) encourages President Abbas to continue strengthening and maintaining security cooperation with Israel;

(11) reiterates that Palestinian political goals will never be achieved through violence; and

(12) calls on all parties to return to the negotiating table immediately and without preconditions, as direct discussions remain the best avenue to ending the Israeli-Palestinian conflict.

SENATE RESOLUTION 303—DESIGNATING THE WEEK BEGINNING NOVEMBER 8, 2015, AS ''NATIONAL NURSE-MANAGED HEALTH CLINIC WEEK''

Mr. ALEXANDER (for himself and Mr. MERKLEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 303

Whereas a nurse-managed health clinic is a nonprofit community-based health care site that offers primary care and wellness services based on the nursing model;

Whereas the nursing model emphasizes—

(1) protection, promotion, and optimization of health;

(2) prevention of illness;

(3) alleviation of suffering; and

(4) diagnosis and treatment of illness;

Whereas an advanced practice nurse leads each nurse-managed health clinic and an interdisciplinary team of highly qualified health care professionals staffs each nurse-managed health clinic;

Whereas each nurse-managed health clinic offers a broad scope of services, including—

(1) treatment for acute and chronic illnesses;

(2) routine physical exams;

(3) immunizations for adults and children;

(4) disease screenings;

(5) health education;

(6) prenatal care;

(7) dental care; and

(8) drug and alcohol treatment;

Whereas, as of September 2015, approximately 500 nurse-managed health clinics—

(1) provided care in the United States; and

(2) recorded more than 2,500,000 patient encounters annually;

Whereas nurse-managed health clinics serve a unique, dual role as healthcare safety net access points and health workforce development sites, because the majority of nurse-managed health clinics—

(1) are affiliated with schools of nursing; and

(2) serve as clinical education sites for students entering the health profession;

Whereas nurse-managed health clinics strengthen the healthcare safety net by expanding access to primary care and chronic disease management services for vulnerable and medically under-served populations in diverse rural, urban, and suburban communities;

Whereas research has shown that—

(1) nurse-managed health clinics experience high rates of—

(A) patient retention; and

(B) patient satisfaction; and

(2) nurse-managed health clinic patients, compared to patients of other similar safety net providers, experience—

(A) higher rates of generic medication fills; and

(B) lower hospitalization rates;

Whereas the 2013 Health Affairs article, ''Nurse-Managed Health Centers And Patient-Centered Medical Homes Could Mitigate Expected Primary Care Physician Shortage'', highlights the ability of each nurse-managed health clinic to bring high-quality care to individuals who may not otherwise receive needed services; and

Whereas each nurse-managed health clinic that offers primary care and wellness services provides quality care in a cost-effective manner: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning November 8, 2015, as ''National Nurse-Managed Health Clinic Week'';

(2) supports the ideals and goals of National Nurse-Managed Health Clinic Week; and

(3) encourages the continued support of nurse-managed health clinics so that nurse-managed health clinics may continue to serve as healthcare workforce development sites for the next generation of primary care providers.

SENATE RESOLUTION 304—RECOGNIZING NOVEMBER 28, 2015, AS ''SMALL BUSINESS SATURDAY'' AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF THE VALUE OF LOCALLY OWNED SMALL BUSINESSES

Mr. VITTER (for himself, Mrs. SHAHEEN, Mr. RISCH, Mr. COONS, Mr. RUBIO, Mr. MARKEY, Mrs. FISCHER, Mr. PETERS, Ms. AYOTTE, Mr. CARDIN, Mr. ENZI, Ms. CANTWELL, Mr. GARDNER, Mr. BOOKER, Mr. SCOTT, Ms. HIRONO, Mrs. ERNST, Mr. SCHATZ, Mr. BOOZMAN, Mr. HOEVEN, Mr. UDALL, Ms. HEITKAMP, Mr. KING, Mr. CRAPO, Mr. DAINES, Mr. INHOFE, Ms. MIKULSKI, Mrs. MURRAY, Mr. TESTER, Mr. PORTMAN, Mr. WYDEN, Mr. ROBERTS, Mr. ISAKSON, and Mr. MANCHIN) submitted the following resolution; which was considered and agreed to:

S. RES. 304

Whereas there are 28,443,856 small businesses in the United States;

Whereas small businesses represent 99.7 percent of all businesses with employees in the United States;

Whereas small businesses employ over 48.5 percent of the employees in the private sector in the United States;

Whereas small businesses pay over 42 percent of the total payroll of the employees in the private sector in the United States;

Whereas small businesses constitute 97.7 percent of firms exporting goods;

Whereas small businesses are responsible for more than 46 percent of private sector output;

Whereas small businesses generated 63 percent of net new jobs created over the past 20 years;

Whereas 87 percent of consumers in the United States agree that the success of small businesses is critical to the overall economic health of the United States;

Whereas 89 percent of consumers in the United States agree that small businesses contribute positively to local communities by supplying jobs and generating tax revenue;

Whereas 93 percent of consumers in the United States agree that it is important to support the small businesses in their communities; and

Whereas November 28, 2015 is an appropriate day to recognize ''Small Business Saturday'': Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and encourages the observance of ''Small Business Saturday'' on November 28, 2015; and

(2) supports efforts—

(A) to encourage consumers to shop locally; and

(B) to increase awareness of the value of locally owned small businesses and the impact of locally owned small businesses on the economy of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2762. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1140, to require the Secretary of the Army and the Administrator of the Environmental Protection Agency to propose a regulation revising the definition of the term ''waters of the United States'', and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2762. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1140, to require the Secretary of the Army and the Administrator of the Environmental Protection Agency to propose a regulation revising the definition of the term ''waters of the United States'', and for other purposes; which was ordered to lie on the table; as follows:

Strike section 5 and insert the following:

SEC. 5. SUPPLEMENTAL SCIENTIFIC REVIEW AND ADVISORY COMMITTEE.

(a) SUPPLEMENTAL SCIENTIFIC REVIEW PANEL.—

(1) ESTABLISHMENT.—The Secretary and the Administrator shall establish a panel, to be known as the ''Supplemental Scientific Review Panel'' (referred to in this subsection as the ''Panel''), to submit to the Secretary and the Administrator recommendations regarding metrics, based on the best available scientific information, to quantify the degree of connectivity between any body of water or wetland and a traditionally navigable water.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Panel shall be composed of 9 members, of whom—

(i) 2 shall be appointed by the Majority Leader of the Senate;

(ii) 2 shall be appointed by the Minority Leader of the Senate;

(iii) 2 shall be appointed by the Speaker of the House of Representatives;

(iv) 2 shall be appointed by the Minority Leader of the House of Representatives; and

(v) 1 shall be appointed by the President of the National Academy of Engineering.

(B) DATE OF APPOINTMENTS.—The appointment of a member of the Panel shall be made not later than 45 days after the date of enactment of this Act.

(C) QUALIFICATIONS.—Each member of the Panel shall be appointed from among individuals who possess—

(i) expertise in a field of the biogeosciences, such as hydrology, ecology, or geomorphology;

(ii)(I) academic excellence, as determined in accordance with criteria including peer-reviewed journal publications and invited academic conference presentations; or

(II) practical expertise demonstrated by a record of employment as a professional with equivalent experience as an academic scientist; and

(iii) experience regarding collecting and interpreting field measurements of streams and wetlands.

(D) REQUIREMENT.—In appointing members of the Panel, each appointing officer referred

to in subparagraph (A) shall ensure that the Panel includes balanced representation of research expertise across all Level I ecoregions (as defined in section III of the 1997 publication of the Commission for Environmental Cooperation publication entitled ''Ecological Regions of North America Toward a Common Perspective'').

(E) CHAIRPERSON.—At the first meeting of the Panel, a majority of the members of the Panel present and voting shall elect the Chairperson of the Panel from among the members of the Panel.

(F) VACANCIES.—A vacancy on the Panel—

(i) shall not affect the powers of the Panel; and

(ii) shall be filled in the same manner as the original appointment was made.

(G) COMPENSATION.—

(i) IN GENERAL.—A member of the Panel—

(I) shall not be considered to be a Federal employee for any purpose by reason of service on the Panel; and

(II) shall serve without pay.

(ii) TRAVEL EXPENSES.—A member of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Panel.

(H) INITIAL MEETING.—The Panel shall hold the initial meeting of the Panel by not later than 90 days after the date of enactment of this Act.

(I) MEETINGS.—The Panel shall meet at the call of a majority of the members of the Panel.

(J) QUORUM.—Of the members of the Panel, 5 shall constitute a quorum.

(K) RULES OF PROCEDURE.—The Panel may establish rules for the conduct of business of the Panel, subject to the condition that those rules shall not be inconsistent with this Act or any other applicable law.

(3) DUTIES.—The Panel shall—

(A) recommend metrics, based on the best available scientific information and considering the duration, magnitude, and frequency of flows, to quantify the degree of connectivity between any body of water or wetland and a traditionally navigable water;

(B) ensure the recommended metrics account for regional variability in all types of waterbodies and across all States, the District of Columbia, Puerto Rico, and other territories and possessions of the United States; and

(C) not later than 1 year after the date on which the Panel first convenes, submit to the Secretary and Administrator a report describing each recommendation of the Panel to which not fewer than 6 members have agreed.

(4) ADMINISTRATIVE SUPPORT.—

(A) IN GENERAL.—The Secretary and the Administrator shall provide to the Panel such staff and administrative services as may be necessary and appropriate for the Panel to perform the duties under paragraph (3).

(B) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—An employee of the Federal Government may be detailed to the Panel without reimbursement.

(ii) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(5) FUNDING.—The Secretary and the Administrator shall provide to the Panel such funds as the Secretary and the Administrator determine to be appropriate from amounts made available to the Secretary and the Administrator in appropriations Acts.

(6) TERMINATION.—The Panel shall terminate on the earlier of—

(A) the date that is 180 days after the date on which the report is submitted under paragraph (3)(C); and

(B) the date that is 2 years after the date of enactment of this Act.

(7) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

(A) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Panel.

(B) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Panel shall—

(i) hold public hearings and meetings to the extent appropriate; and

(ii) release public versions of the report required under paragraph (3)(C).

(C) PUBLIC HEARINGS.—Any public hearings of the Panel shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Panel as required by any applicable law, regulation, or Executive order.

(b) EPHEMERAL AND INTERMITTENT STREAMS ADVISORY COMMISSION.—

(1) ESTABLISHMENT.—The Secretary and the Administrator shall establish a commission, to be known as the ''Ephemeral and Intermittent Streams Advisory Commission'' (referred to in this subsection as the ''Commission''), to develop criteria to define whether a waterbody or wetland has a significant nexus to a traditional navigable water using the metrics developed by the Panel.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Commission shall be composed of 15 members, of whom—

(i) 2 shall be appointed by the Majority Leader of the Senate;

(ii) 2 shall be appointed by the Minority Leader of the Senate;

(iii) 2 shall be appointed by the Speaker of the House of Representatives;

(iv) 2 shall be appointed by the Minority Leader of the House of Representatives; and

(v) 7 shall be appointed jointly by the Administrator and the Secretary.

(B) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than the date that is 45 days after the date on which the report of the Panel is submitted under subsection (a)(3)(C).

(C) QUALIFICATIONS.—Each member of the Commission shall be appointed from among individuals who possess—

(i) experience regarding the permitting process under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) experience serving on the Panel; or

(iii)(I) expertise in a field of the biogeosciences, such as hydrology, ecology, or geomorphology; and

(II) academic excellence, as determined in accordance with criteria including peer-reviewed journal publications and invited academic conference presentations.

(D) REQUIREMENTS.—In appointing members of the Commission, each appointing officer referred to in subparagraph (A) shall ensure that the Commission includes—

(i) balanced representation of research expertise across all Level I ecoregions (as defined in section III of the 1997 publication of the Commission for Environmental Cooperation publication entitled ''Ecological Regions of North America Toward a Common Perspective''); and

(ii) equal representation of the following groups:

(I) Individuals who represent—

(aa) the interests of builders and developers;

(bb) agricultural interests;

(cc) energy and mineral development; or

(dd) the commercial timber industry.

(II) Individuals who represent—

(aa) nationally or regionally recognized environmental organizations;

(bb) sport, recreational, and commercial fishing interests;

(cc) sportsman's organizations; or

(dd) municipal water supply interests.

(III) Individuals who—

(aa) hold a State, county, or local elected office;

(bb) are employed by a State agency responsible for the management of the environment or natural interests; or

(cc) represent the affected public at-large.

(E) CHAIRPERSON.—At the first meeting of the Commission, a majority of the members of the Commission present and voting shall elect the Chairperson of the Commission from among the members of the Commission.

(F) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment was made.

(G) COMPENSATION.—

(i) IN GENERAL.—A member of the Commission—

(I) shall not be considered to be a Federal employee for any purpose by reason of service on the Commission; and

(II) shall serve without pay.

(ii) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(H) INITIAL MEETING.—The Commission shall hold the initial meeting of the Commission not earlier than the date on which the report of the Panel is submitted under subsection (a)(3)(C).

(I) MEETINGS.—The Commission shall meet at the call of a majority of the members of the Commission.

(J) QUORUM.—Of the members of the Commission, 9 shall constitute a quorum.

(K) RULES OF PROCEDURE.—The Commission may establish rules for the conduct of business of the Commission, subject to the condition that those rules shall not be inconsistent with this Act or any other applicable law.

(3) DUTIES.—The Commission shall—

(A) develop criteria to define whether a waterbody or wetland has a significant nexus to traditional navigable water using the metrics developed by the Panel, including the measures of flow described in paragraphs (2)(C) and (3)(E) of section 4(b);

(B) ensure those criteria account for regional variability in all types of waterbodies and wetlands and across all States, the District of Columbia, Puerto Rico, and other territories and possessions of the United States;

(C) not later than 180 days after the date on which the Commission holds the initial meeting under paragraph (2)(H), submit to the Secretary and the Administrator a draft report that—

(i) describes the criteria developed by the Commission; and

(ii) is subject to a 60-day period for public comment; and

(D) after addressing the comments received during the 60-day comment period under subparagraph (C)(ii), submit to the Secretary and the Administrator a final report.

(4) ADMINISTRATIVE SUPPORT.—

(A) IN GENERAL.—The Secretary and the Administrator shall provide to the Commission such staff and administrative services

as may be necessary and appropriate for the Commission to perform the duties under paragraph (3).

(B) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(ii) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(5) FUNDING.—The Secretary and the Administrator shall provide to the Commission such funds as the Secretary and the Administrator determine to be appropriate from amounts made available to the Secretary and the Administrator in appropriations Acts.

(6) TERMINATION.—The Commission shall terminate on the earlier of—

(A) the date that is 180 days after the date on which the final report is submitted under paragraph (3)(D); and

(B) the date that is 3 years after the date of enactment of this Act.

(7) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

(A) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Commission.

(B) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(i) hold public hearings and meetings to the extent appropriate; and

(ii) release public versions of the reports required under subparagraphs (C) and (D) of paragraph (3).

(C) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable law, regulation, or Executive order.

(c) REVISED DEFINITION.—A revision to or guidance on a regulatory definition described in section 4(a) shall have no force or effect until after the Secretary and the Administrator carry out each action described in this section.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 3, 2015, at 9:30 A.M.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 3, 2015, at 2:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 3, 2015, at 9:30 a.m., to conduct a hearing entitled ''Nominations.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 3, 2015, at 2:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPE AND REGIONAL SECURITY COOPERATION

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Foreign Relations Subcommittee on Europe and Regional Security Cooperation be authorized to meet during the session of the Senate on November 3, 2015, at 2:30 p.m., to conduct a hearing entitled ''Putin's Invasion of Ukraine and the Propaganda that Threatens Europe.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PRIVACY, TECHNOLOGY, AND THE LAW

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Privacy, Technology, and the Law be authorized to meet during the session of the Senate on November 3, 2015, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Data Brokers—Is Consumers' Information Secure?''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that Chuck Podolack, a legislative fellow in Senator FLAKE's office, be granted floor privileges for the remainder of this year.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HEITKAMP. Mr. President, I ask unanimous consent that Amy Crane, an intern in my office, be granted floor privileges for the duration of today's session of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The majority leader.

SMALL BUSINESS SATURDAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 304, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 304) recognizing November 28, 2015, as ''Small Business Saturday'' and supporting efforts to increase awareness of the value of locally owned small businesses.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 304) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

MEASURE READ THE FIRST TIME—S. 2232

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (S. 2232) to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

Mr. MCCONNELL. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, NOVEMBER 4, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, November 4; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate then resume consideration of S.J. Res. 22, with the time until 12 noon equally divided in the usual form; finally, that at 12 noon, the Senate vote on passage of S.J. Res. 22.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator PORTMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

TAX CODE REFORM

Mr. PORTMAN. Mr. President, I rise this evening to talk about an issue

that is critical to keeping jobs here in America and keeping investment in this country and not driving it overseas.

We had another reminder just last week of just how broken our Tax Code is when a huge company, Pfizer, a pharmaceutical company, decided it could no longer compete as a U.S. corporation. Instead it is seeking a merger with an Irish-based drugmaker called Allergan. They want to move their corporate headquarters to Ireland. It is another in a long line of companies that have made this decision because our Tax Code is broken.

Unfortunately, these kinds of transactions are called inversions, where a U.S. company buys a smaller company overseas and merges with them to become a foreign company. That is just the tip of the iceberg. It is actually bigger than these inversions. It also has to do with foreign companies buying U.S. companies because they can do so because they have a higher aftertax profit and pay a premium. These kinds of transactions are causing our jobs and investments to go overseas.

Yesterday we had another indication of that. It was announced that the Irish drug company Shire is going to buy the Massachusetts-based biotech company Dyax for $6.5 billion. By the way, this isn't the first acquisition Shire has made this year. In January they acquired a New Jersey-based company NPS Pharmaceuticals, and in August they bought a privately held company called Foresight Biotherapeutics.

A foreign company coming in and buying U.S. companies and moving the headquarters overseas is an example of why what the Obama administration is doing to counter this is not working, because their solution to this is not to reform the Tax Code but rather to change the way the tax laws are interpreted and put out regulations they called a tax notice that tries to block these so-called inversions. This very company we are talking about, Shire, was the subject of an inversion. It is true that AbbVie, a company in Illinois, was going to merge with them and do one of these inversions. They chose not to because of the administration's new tax notice—these new regulations. What happened instead, Shire said: Fine, we will not merge with this U.S. company through an inversion. We will just buy U.S. companies—and they bought three this year. So this is only going to be solved if we actually reform the Tax Code.

Interestingly, we have also seen this with another pharmaceutical company. It is called Salex. Salex wanted to do a merger—one of these inversions—and they were blocked from doing it by the regulations, so then they decided to become a target for a foreign takeover. Sure enough, a Canadian company, Valeant, which had already moved from the United States to Canada in a merger, in an inversion, came to the United States and bought, in this case, Salex, which is a North Carolina company. This is happening just about every week we are hearing about another company that is leaving our shores because of our Tax Code. To the administration's credit they haven't just put out these regulations saying let's slow down on inversions, they have just said we do need to reform the Tax Code. That is the truth.

This town is not doing its work. We are not doing what the people have elected us to do, which is to fix problems like this. We are letting this fester. Again, every week we have another example of this. It is no secret why this is happening. At a combined 39-percent tax rate, the United States now has the highest business tax rate of any of the industrialized countries. It is a No. 1 that you don't want to be.

Second, we don't let companies that are American companies bring their profits back here without paying that prohibitively high tax, so they have locked up their profits overseas. You probably heard this, but they say there is about $2.5 trillion in earnings that are locked up overseas that could come back to create jobs right here, expanding plants and equipment and adding more employees. Instead, because of our Tax Code, it is not coming back—$2.5 trillion.

Importantly, the burden of this falls on American workers—think about it—No. 1, because these companies in America are not as competitive as they should be because of our Tax Code. According to the studies, wages are lower, benefits are lower, U.S. workers are caught. This is one reason among others that we have wage stagnation in this country, because our Tax Code is so out of date. Just by fixing the Tax Code we could give the economy a shot in the arm and help lift up those wages. Instead, so many workers in my home State of Ohio and around this country are working hard, playing by the rules, and doing everything right. Yet their wages are flat—even, on average, declining.

This is a new phenomenon for us in this country, but in the last 6 years wages have gone down, on average, not just stayed flat. By the way, expenses are up: health care, thanks to ObamaCare, tuition costs, energy costs, electricity bills, food costs. It is called the middle-class squeeze—flat wages, higher expenses. One way to fix that is to put forward pro-growth policies that can actually make a difference in getting this economy moving. Specifically, we have an example where if we had a better Tax Code based on the economic analysis, it would result not just in more jobs but better jobs. It is a way we can help, not just to bring back the jobs but to bring back better jobs.

Almost all of our competitors—think of the UK, Japan—have lowered their rates, and they have also gone to a competitive international tax code where their companies can bring their earnings back to invest in their country. So they are beating us. America is falling behind because of this problem.

American companies are much more valuable as foreign headquarters then they are in the hands of U.S. owners. It is the primary reason, by the way, that last year the number of acquisitions of U.S. companies by foreign companies doubled.

Let me say that again. Last year there were twice as many foreign takeovers as there was the year before—twice as many. Something is happening here. By the way, this year the $275 billion worth of takeovers we saw last year is likely to go to over $400 billion, we are told. So it is not quite a doubling this year but pretty darn close. Again, there is something happening.

My concern is, if we don't do something about this, we are going to look back 4 or 5 years from now and say what happened, all these great U.S. companies have gone overseas. It is not just pharmaceutical companies, it is across the board. It is all kinds of industries. Try to buy an American beer. The largest U.S. beer companies are now Sam Adams, with about 1.4 percent market share, and Yuengling, with about the same market share. All the rest are foreign-owned—all of them—because of our Tax Code. Anheuser-Busch went overseas. Miller is overseas. Coors is overseas. You go right down the line of American businesses that are affected by this, and it is thousands and thousands of jobs.

We did a little investigation of this in the subcommittee that I had, called the Permanent Subcommittee on Investigations. I cochair it with CLAIRE MCCASKILL, who is a Democrat from Missouri. We looked into these issues, did some research, and said it was worth having a hearing to bring some of these facts to light. We did this a couple of months ago. This is what we found out. Having reviewed more than a dozen foreign acquisitions of U.S. companies and mergers where the headquarters end up being overseas, we found out that jobs are being lost, investments are being lost—not a surprise. It is not just the headquarters that move, it is the people, the money.

One prominent case study we looked at was the acquisition of this Valeant pharmaceutical company that I talked about earlier. Valeant is now a company in Quebec. They merged with a company in Canada. When they went up there they decided: You know what. We are now going to start buying U.S. companies because we have such an advantage. We can pay a premium. They have now managed to acquire more than a dozen U.S. companies worth more than $30 billion.

We reviewed some of the key deal documents to understand how the tax advantages affected these acquisitions, specifically. How did it affect them? We were able to look at the 2013 sale of the New York-based eye care firm, Bausch & Lomb. Anybody who wears contact lenses has probably heard of them. We looked at the 2015 sale of this North Carolina company called Salex that I talked about a moment ago. In

those two acquisitions alone, Valeant determined they could shave more than $3 billion off the tax bill just by integrating these companies into their Canadian-based operations. Think about that.

What do these deals mean to the American worker? Well, the three recent Valeant acquisitions we studied resulted in the loss of about 2,300 U.S. jobs, plus a loss of about $16 million per year of contract manufacturing that was moved from the United States to Canada—additional jobs being lost. Again, this is happening as we talk tonight. There are companies considering leaving our shores because our Tax Code is so outdated and so antiquated.

We talked about the beer industry. The subcommittee took testimony from a guy named Jim Cook. Jim Cook is the founder and chairman of the Boston Beer Company. You might know him as the maker of Sam Adams. The market share is about 1.4 percent. Mr. Cook testified that if we fail to reform our Tax Code, his company could be next. He explained that he regularly gets offers from investment bankers to facilitate a sale. He comes back to his office after being away for a week and what does he find in his inbox, a bunch of proposals from investment banking firms saying: Why don't you go overseas? We will show you how do it. We will save you all kinds of money. Become a foreign corporation. This is happening all over the country.

Mr. Cook, to his credit, is a real patriot. He doesn't want to become a foreign company. He has declined all these offers, but he also informed us that when he is gone he believes that company will be driven by financial pressure to become an overseas company. He owns a majority of the company's voting shares. He is fortunate. Not all CEOs are in that position, of course. They can't afford—because they have a fiduciary responsibility to their shareholders—to be able to withstand this pressure to go overseas.

So in our subcommittee hearing and in some of the dialogue on the floor and elsewhere, we heard a lot of criticism of these companies that have gone overseas. I will say the plain truth, which is, if there is any villain in this story, it is not those companies. I wish they would stay here, but it is not those companies. It is our Tax Code and it is Washington.

Just another example, along with regulatory relief, as we talked about earlier tonight, along with expanding exporting and being sure imports are fairly traded, along with dealing with our education system and our worker retraining system at the Federal level that is not working—all of these things need to be changed. Our energy approach to have a one-size-fits-all policy, that is Washington that can and should do that.

There are so many issues that we are not addressing in terms of the debt and the deficit, economic issues. This is another one and this one is just so obvious.

Mr. Cook is famous today, the founder and chairman of Boston Beer Company Sam Adams, because he was in a Wall Street Journal editorial. I commend that editorial to you. It talks about exactly what I mentioned earlier, which is because the aftertax profit is greater for a foreign company, they can pay a premium. It talks about the fact that as compared to being able to bring a dollar back from overseas as a U.S. company and having 39 percent of it taxed, with a foreign entity—for instance, what could happen with Pfizer—they can go overseas, become an Irish company, and only pay 12 percent. They can bring 88 cents of that dollar back to this country. What an irony. They can invest more in America by being a foreign company. We would like them to be able to be an American company, bring that money back that is overseas, and build investments, jobs, plants, equipment, and people.

The Wall Street Journal editorial was wrong in one regard; that is, they said Jim Cook is a bearded brewer. He doesn't have a beard, but he is a brewer. They also said this is an issue that divides Democrats and Republicans. I would say with respect, as a Republican on this side of the aisle, it is not that simple. There are Democrats who actually think we should be reforming the Tax Code. There are a lot of Republicans who think that too. In the Presidential debate you can see a lot of Republicans talking about it. Hillary Clinton, on the other hand, doesn't seem much interested in it. She wants to punish these companies that go overseas. That is not going to help. That will cause more companies to go overseas. They will vote with their feet, but I don't believe this is a partisan issue.

I actually believe there are people of good will on both sides of the aisle who get this.

Senator SCHUMER and I did a report after a working group that we were asked to chair by our leadership where we came up with the conclusion that we had to fix this system. Senator SCHUMER is a Democrat and I am a Republican. We don't agree on a lot of things. But we agreed on this because after hearing testimony from people, including CEOs of companies that were struggling with this decision, we realized we had to deal with it. We have to deal with it. I believe ultimately that what we have to do is to overhaul our entire Tax Code. We should deal with the individual side of the code, we should lower that rate and broaden the base, in other words, get rid of a lot of the preferences and loopholes.

On the corporate side, we should do the same thing and get the corporate rate so it is competitive. A 25-percent rate rather than a 35-percent rate would make a big difference.

The overhaul is necessary for us to be able to give the economy the real shot in the arm it deserves. But in the short term, we have a President who refuses to reform the taxes on the individual side without raising significant new revenues—in other words, increasing taxes dramatically, a couple of trillion dollars in his budget. We are not going to do that because that would hurt the economy too much. But even with a President who believes that on the individual side, there does seem to be more consensus on this business issue—what to do with the business tax code—particularly as it relates to the international tax code we talked about. So my feeling is, let's take a first step. Let's do what we can do on a bipartisan basis. Let's build on that consensus that we have reached—that we have to fix this problem now or we are going to see more and more companies and jobs and investment go overseas. Let's come up with something that addresses that specific problem.

In July, in this report that Senator SCHUMER and I released, we suggested three things where we can find a consensus. One, let's move to that international tax system where we can allow people to bring their earnings home. Let's not lock those earnings up overseas. Let's have what you would call a permanent repatriation and allow that money to come back. By the way, that money could be used for all kinds of things, including infrastructure. So it could be tied to the highway bill. But it is important for me that we change the system to allow those funds to come back here and create jobs and opportunity in America. There is $2.5 trillion locked up overseas.

Second, we said we ought to have incentives to be able to keep intellectual property, which is highly mobile, here in America, because a lot of countries around the world now are setting up what they call patent boxes or innovation boxes, and they are attracting our best and brightest. They are creating now a nexus between the lower rate you get if you move that intellectual property overseas and the researchers. In other words, they will give you a low tax rate, but you have to move the expertise there too.

Again, we are going to look back a few years from now if we don't deal with this and say: What happened? Some of our best researchers, some of our best colleges and universities here are now not doing the work anymore because it is being done overseas, because they are providing the inventive and we are not.

Third, we agree we do need to have some sensible base erosion protections that would discourage companies from shifting their income to low-tax jurisdictions, to tax havens, just for that purpose. By the way, the businesses that we talked to around the country agree with that. They would like to see a lower tax rate also. That is incredibly important. That is the obvious next step. But I do think there is an opportunity for us to act and to act now to be able to help give the economy a shot in the arm, to bring back the trillions of dollars from overseas, and to

help us stop this exodus of jobs and investment in U.S. companies overseas.

I also believe we could act this year on this. We know what to do. There have been plenty of reports and studies. There is actually a tax proposal introduced by Dave Camp, who was the chairman of the Ways and Means Committee prior to PAUL RYAN. PAUL RYAN, who is now Speaker of the House, is very interested in this. He has done a lot of good work on this. The Ways and Means Committee and the Finance Committee have held literally dozens of hearings. We know what to do. It is a question of political will to get it done.

As we do that, we should also be sure to address the annual tax extenders. These are provisions for the Tax Code that are only in place for a short period of time. Right now they have already expired. The idea is that at the end of the year we might once again retroactively extend these tax provisions. Think of the R&D tax credit, for instance, or the research and development tax credit. That is very important.

We think we should make those extenders that are good policy permanent. If we did that and we did this tax reform we talked about earlier, which by the way would be revenue neutral, this is the one area where the President of the United States and other Democrats are willing to say: Let's not try to wring more taxes out of the system; let's try to do this on a revenue-neutral basis.

By the way, it is going to be so pro-growth that it will result in more revenue coming in, not because you raise taxes, but because it is the right thing to do to encourage jobs, investment, and opportunity. But if you did these tax extenders along with it, you would be making the policies permanent, which would provide a huge boost to the economy. The Joint Committee on Taxation found that the short-term extenders that were passed by the Senate Finance Committee last month—this is just a short-term one for a 2-year extension, would create $10.4 billion in new tax revenue over the next 10 years. Think about that. That is just a short-term extension. Imagine the growth if those were made permanent.

So we do have the opportunity here to do something good for our country, for our companies, and, most importantly, for American workers, and one that is going to result in growth in the economy and, therefore, in revenue through growth, not through higher taxes but in fact by getting the tax rates down and having a competitive international tax system.

The last thing we want to do is to look back a few years from now and say: We had this opportunity. In this area, at least, we have a President willing to work with us. We have some Democrats and Republicans willing to join hands and get something done. We missed the opportunity. Now we are seeing this unfortunate movement of more and more of our great American companies overseas. We are seeing the American tax base being eroded. We are seeing something that would take away the opportunity for us to help get this economy back on track for everybody, for the shared prosperity that we all seek.

If that happens, we will have no one to blame but ourselves here in this town. So I would encourage my colleagues again: Look at what is happening. Look at what happened with Pfizer last week, with Shire this week, and with yet another company I am sure next week. We need to wake up and realize that if we don't act—and we alone can act because this requires a change in tax policy. It cannot happen through more regulations. It has to happen by changing the law. If we don't act, we are not doing our duty to those who sent us here to represent them.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:18 p.m., adjourned until Wednesday, November 4, 2015, at 10 a.m.

EXTENSIONS OF REMARKS

RECOGNIZING VALPARAISO UNIVERSITY'S HONORS COLLEGE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Mr. VISCLOSKY. Mr. Speaker, I rise today to commemorate the 50th anniversary of the National Collegiate Honors Council (NCHC). For the past 50 years, the NCHC has been committed to excellence in honors education.

In particular, I rise to honor Valparaiso University's honors college, Christ College, an NCHC member located in Indiana's First Congressional District, for its commitment to teaching America's finest students. Dedicated to the cultivation of intellectual, moral, and spiritual virtues, Christ College seeks to emphasize history, literature, art, philosophy, and religious studies. Small discussion-centered classes offer stimulating interdisciplinary study with master teacher-scholars appointed full-time to the honors college. The students enrolled in the honors program not only take rigorous honors coursework, but are concurrently enrolled in one of Valparaiso University's other excellent colleges from which they earn their degrees.

Prominent Christ College alumni include federal district court judge Rebecca R. Pallmeyer, class of 1976, and the Principal Deputy Assistant Secretary of State for the Bureau of Energy Resources, Mary Burce Warlick. These outstanding examples, and the many other successful alumni of the honors program, are a testament to the dedication that Valparaiso University's Christ College has towards its students.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating the National Collegiate Honors Council on its 50th anniversary and in recognizing the exemplary commitment to education at Christ College. For its passionate dedication to the institute of education, the NCHC and Christ College are worthy of the highest praise. Founded in 1859, Valparaiso University has been a true asset to Northwest Indiana since its inception, and its faculty, staff, and students are a source of pride for the First Congressional District.

CONGRESSIONAL BLACK CAUCUS

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2015

Ms. LEE. Mr. Speaker, I rise today as a proud member of the Congressional Black Caucus to participate in this special order hour on "Saving Our Communities" and to discuss how we can work together to address the militarization of law enforcement, the high rate of arrest of our African American youth in our school systems, and the importance of criminal justice reform.

First, let me thank my colleague Congresswoman ROBIN KELLY, for organizing this special order and for her continued leadership on so many issues, especially as chair of the CBC's Health Braintrust. Her leadership is so critical for these important discussions.

Mr. Speaker, I rise tonight to speak about our broken criminal justice system and how its institutional biases overwhelmingly and negatively affect African Americans. Black bodies are criminalized, our police forces are becoming more and more militarized and we see astronomical arrest rates amongst African American youth.

From the East Bay to New York City, we see a common story of African Americans living in a different version of America. Their version is one filled with fear, distrust, and vicious cycles of incarceration, unemployment, poverty and recidivism.

Mass incarceration and a lack of reintegration policies have greatly hurt African American communities and I am frankly tired of waiting for "the people's" house to act.

For too long, we have ignored issues affecting African American communities. It is time to do the good work needed to save our communities. Let's pass criminal justice reform, end the militarization of our police forces, and work so that no student will have to go through what that young woman in South Carolina went through.

I applaud the President for his announcement today, and his bold and continued leadership to advance criminal justice reform. Yet much work remains to be done.

The cycle of incarceration and recidivism start early for African American students. The school to prison pipeline is very real and it pushes young people into prisons before they even have a chance.

While black students represent just 18 percent of preschool enrollment, they account for 42 percent of preschool student expulsions. We are talking about kids that are 2–5 years old—these kids don't even get a start, let alone a head start.

This carries over to high-school. Look at the incident at Spring Valley High school in South Carolina—it speaks to issues around black criminalization and the unnecessary escalation of discipline for African American students.

Having a phone out in class does not warrant a police call, and it certainly does not justify a student—a child, really—from being thrown out of a chair and dragged across a classroom floor.

Yet we see today that young African American girls are disciplined 10.5 times more than their white counterparts. Black girls are expelled and suspended at higher rates as well—what is going on?

We live in a country where black and brown youth are punished more often and more severely than their white counterparts. Yet few seem to raise an eyebrow at these gross disparities—disparities that have landed thousands of young people in jail, without hope and without a future.

As the mother of black men and the grandmother of two black boys, I find statistics like that troubling. For African Americans, we have allowed our school system to be turned into a prison pipeline. We must act now to stop it.

The sad thing about the Spring Valley incident is that this is not the first time we have seen students be brutalized at school. And while I commend the police department for firing this out of line officer and applaud the Justice Department for investigating, more must be done to prevent these miscarriages of justice.

We must address the systemic issues facing our education and criminal justice systems.

Nationwide, our local police forces have become increasingly militarized. Images from the unrest in Ferguson caused an outcry as we saw citizens being repelled by police officers in tanks. It looked like a scene from a battlefield than the streets of a suburban Missouri town.

For too long excess military equipment has been sent to local jurisdictions with the obligation to use them within one year. Weapons of war have no place on Main Street.

That is why I am a proud co-sponsor of the Stop Militarizing Law Enforcement Act (H.R. 1232) a bipartisan bill that reins in the transfer of military equipment to civilian law enforcement agencies.

Instead of finding ways to arm our police forces, let's find ways to provide them with greater racial sensitivity training and work to build greater trust between law enforcement and the communities in which they serve.

That is why I introduced H. Res. 262, a resolution supporting community-oriented policing and encouraging greater diversity in law enforcement hiring and retention.

Our local law enforcement agencies must reflect the communities they serve.

Finally Mr. Speaker, it is past time that we tackle criminal justice reform. The President made some bold announcements today but Congress must act.

Let us ban the box, implement policies that increase integration, and address issues of income inequality and poverty that keep too many people and families trapped in a cycle of mass incarceration, unemployment, poverty and recidivism.

Systemic and institutional racial biases have broken our criminal justice system and eroded trust between law enforcement and the communities that they serve.

Thoughtful criminal justice reform is what is necessary to mend these relationships and work to "save our community" from the inside and out.

I am proud to be a member of the CBC's Ferguson Task Force that is putting forth real, actionable legislation that should come forward for an immediate vote—

Legislation like the Police Accountability Act (H.R. 1102) and the Grand Jury Reform Act (H.R. 429, which together would ensure that deadly force cases are heard by a judge and ensure police accountability by expanding the DOJ's power to persecute cases.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Let's work to save these communities. Let's end excessive force in our schools, work to stop the decriminalization of black bodies, and find effective solutions to the end the school to prison pipeline.

EXPRESSING CONCERN OVER ANTI-ISRAEL AND ANTI-SEMITIC INCITEMENT WITHIN THE PALESTINIAN AUTHORITY

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2015

Ms. JACKSON LEE. Mr. Speaker, I stand in support of H. Res. 293, expressing concerns over anti-Semitic incitement within the Palestinian Authority.

I continue to support the safety and security of Jewish people across the globe.

Indeed, last week, I signed on to the Royce-Engel letter to President Mahmoud Abbas of the Palestinian National Authority to express my deep concern over the recent wave of violence in Israel and the West Bank.

It is imperative that political leaders across the globe help to set the tone for peace by advocating non-violence.

Over the past two months, news reports inform us that scores of attacks on innocent Israelis have occurred.

This bipartisan legislation condemns these attacks and urges Palestinian Authority leaders to discontinue all incitement and exert political influence to discourage any form of violence by the Palestinian civil society.

This legislation also expresses support for individuals and organizations working to encourage cooperation between Israelis and Palestinians.

This legislation encapsulates the United States' unwavering support as Israel's strongest ally.

Indeed, among other things, the 1995 Interim Agreement on the West Bank and the Gaza Strip, also known as Oslo II, asks all parties to abstain from incitement without derogation for the principle of freedom of expression to prevent incitement by any organization, groups or individuals within their jurisdiction.

Moreover, Oslo II admonishes Israel and the Palestinian Authority to ascertain that their respective educational systems facilitate peace between Israeli and Palestinian peoples, working together towards peace in the region.

This legislation encourages and recognizes the work of individuals and organizations focused on facilitating the cooperation towards peace between Israelis and Palestinians.

Thus, I support and urge continued efforts to urge an end to language that incites any form of violence and I encourage efforts to help facilitate peace between all parties involved.

EXPRESSING THE SENSE OF THE HOUSE REGARDING SAFETY AND SECURITY OF EUROPEAN JEWISH COMMUNITIES

SPEECH OF

HON. PATRICK MURPHY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2015

Mr. MURPHY of Florida. Mr. Speaker, I strongly support this resolution regarding the safety and security of Jewish communities in Europe. Seventy years after the Holocaust, we are seeing an alarming spike in anti-Semitic activity and violence targeting Jews throughout Europe. In the past year alone, there have been hundreds of violent acts targeting the Jewish community, including deadly attacks at a kosher supermarket in Paris and the Great Synagogue in Copenhagen.

As a world leader, the United States must make every effort to work with our European partners to keep the Jewish community safe and secure. This resolution does just that by encouraging the United States to work with European governments to create partnerships with Jewish community groups to improve preparedness and responsiveness to anti-Semitic attacks, create open lines of communication to share information about potential threats, expand relationships with local law enforcement, and to help develop baseline security standards for Jewish organizations and facilities. It also urges European allies to appoint senior officials to coordinate efforts to combat anti-Semitism and hold law enforcement accountable for training to monitor and respond to anti-Semitic violence. Additionally, this resolution commends the work of the United States Special Envoy to Monitor and Combat Anti-Semitism and its efforts in promoting religious freedom around the world.

As a member of the Intelligence Committee and the Bipartisan Task Force on Combating Anti-Semitism, I understand how crucial it is to the stabilization of communities in Europe that we forcefully stand up to anti-Semitism. Anti-Semitism does not just impact the Jewish community. When this hatred flourishes, it affects all ethnic, religious, and other minority groups.

Given the urgency of addressing this growing threat, I am proud to have prioritized working to combat the rise in anti-Semitism, leading my colleagues in writing to the Special Envoy calling for the U.S. to continue to be a global leader in combating all forms of hate. My colleagues also joined me in encouraging the United Nations to work with member states to curb anti-Semitism by enacting strong hate crime laws, expanding education on diversity and tolerance in their own countries, and encouraging heads of state to forcefully speak out about the dangers of anti-Semitism.

This resolution furthers these efforts by highlighting the safety and security needs of Jewish communities across Europe and the role our European partners have to play in combatting anti-Semitism. I urge my colleagues in the House to join me in passing this urgent resolution.

IN RECOGNITION OF BERWICK AREA HIGH SCHOOL FOOTBALL COACH ON HIS RETIREMENT

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Mr. BARLETTA. Mr. Speaker, it is my honor to recognize retiring Berwick Area High School football coach, George Curry, as he concludes a highly successful career. George is the winningest coach in Pennsylvania high school history, and has had a tremendously positive impact on countless student athletes in my district.

For the past 46 years, George has embarked on a career underpinned by 450 wins and six Pennsylvania State Championships. He was twice named National Coach of the Year by USA TODAY, and his teams were selected as National Champions by that same newspaper three times.

It should also be noted that George was not just interested in procuring a prolific number of wins. Rather, he was focused on the development of his players, both academically and personally. Many of George's players believe that they would never have had access to such world-class educations if they had not counted him as a mentor and coach—and more than 700 of George's players went on to collegiate careers. Further, over 200 landed scholarships to top Division I programs in Pennsylvania and elsewhere. The fact that George would spend hours putting together promotional packages for college recruiters on behalf of players who did not even attend Berwick Area High School is a testament to his utter dedication and commitment to the development of our community's youth, and is a practice that should be commended.

It is no secret that George's players have enjoyed tremendous athletic success as a result of his leadership. But still others never played a single down of football beyond high school, and went right into careers, or trades, or into the military, and took with them lessons about life that only George could have instilled in them. They have raised, are raising, or soon will raise families that will become part of the expanding fabric of our community, and for this, we have George to thank.

Mr. Speaker, I am immensely proud to help commemorate George Curry's phenomenal career, and am forever grateful for the futures he has shaped, and the lives he has touched. This is the true measure of a great high school football coach and mentor, and I hope that George will celebrate the culmination of an impactful career in the company of his family and friends.

THE 70TH ANNIVERSARY OF GREAT BAY COMMUNITY COLLEGE IN PORTSMOUTH, NEW HAMPSHIRE

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Mr. GUINTA. Mr. Speaker, I rise today to recognize the 70th anniversary of Great Bay Community College in Portsmouth, New

Hampshire. I am pleased to join with the Community College System of New Hampshire in recognizing this great milestone for the college. Great Bay Community College first opened its doors in 1945 in Portsmouth as the State Trade School; its primary mission was to provide trade school facilities for veterans demobilized from the Armed Services.

Since the first class of 130 veterans in 1945, the school has grown and evolved to offer over 50 degree and certificate programs. The courses offered over the years have changed, ranging from machine tooling, sheet metal work, auto mechanics, electronics and refrigeration to nursing, added in 1966, to today where degrees range from biotechnologies, criminology, management and marketing, to advanced composite manufacturing.

As we celebrate Great Bay Community College's 70th anniversary, it continues to grow having just added a 20,000 square foot student center to its facilities. This new addition is a testament to the dedication the school has to its students and the growing need for reasonable and affordable higher education. I am proud to join with my fellow Granite Staters in recognizing the 70th anniversary of Great Bay Community College, and wish them all the best in their future years.

PARTICIPATION OF TAIWAN IN THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2015

Ms. JACKSON LEE. Mr. Speaker, I stand in strong support of H.R. 1853, directing the President to develop a strategy to obtain observer status for Taiwan in the International Criminal Police Organization (INTERPOL).

As the Ranking Member of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, the empowerment of law enforcement in order that they be able to carry out their mandate in upholding the rule of law and preservation of peace and security are imperatives I believe we must continue to seek to facilitate.

Our world today is fraught with global terrorism, with groups utilizing information sharing and technologies to advance their vitriolic causes.

This is why organizing, inclusion and empowerment of nations willing to work together to combat domestic and global terrorism is in our global and national security interest.

This measure facilitates the United States' and the global community's ability to move swiftly to empower police and law enforcement in our collective efforts of coordinating, preempting and acting swiftly in unison in combatting terrorism, crisis prevention and response.

I join this bipartisan measure which seeks to facilitate INTERPOL member states' efforts to promote Taiwan's ability to bid to obtain observer status in the INTERPOL.

Indeed, since 1964, Taiwan had maintained full membership, but was ejected 20 years later when the People's Republic of China (PRC) applied for membership.

Part of what the United States Administration can do is to take the lead in endorsing Taiwan in obtaining its observer status.

The United States has expressed its affirmative intentions in support of Taiwan's participation in appropriate international organizations, as delineated in the 1994 Taiwan Policy Review.

For instance, Public Law 108–235 authorized the Secretary of State to initiate and implement a plan to endorse and obtain observer status at the annual World Health Assembly for six consecutive years, owing to Taiwan's significant contribution to the global community's efforts of addressing pandemic control and global public health issues of our day.

Indeed, the INTERPOL's constitution allows observer status at meetings by police entities who are not members of the Organization.

The current status of non-membership status preludes Taiwan from gaining access to INTERPOL's I–24/7 global communications systems, an important real time information sharing infrastructure on domestic and global criminals.

The current state of affairs relegates Taiwan to hearsay or second hand information from friendly nations such as the United States.

This impedes Taiwan's ability to move swiftly in information acquisition as it relates to its domestic and global crime fighting efforts.

As a senior member of the Committee on Homeland Security, global and national security is very important to me.

This measure seeks to protect our security interests in Taiwan as well as the global security of the world.

Taiwan's inaccessibility to critical information readily made available to its law enforcement forces places our entire world at risk.

This measure seeks to facilitate Taiwan's direct and unobstructed participation in the International Criminal Police which promotes global security.

I support and urge the support of this measure because it is beneficial for all nations and their police authorities to be able to share information with authorized police authorities in their law enforcement and peacekeeping efforts in combatting local and global crimes, including the contemporary crime of terrorism.

HONORING THE 90TH BIRTHDAY OF DR. PAUL W. WHEAR

HON. EVAN H. JENKINS

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Mr. JENKINS of West Virginia. Mr. Speaker, I rise today to recognize the accomplishments of Dr. Paul W. Whear on the occasion of his 90th birthday. Today in my hometown of Huntington, West Virginia, friends and family of Dr. Whear will gather at the Huntington Museum of Art to celebrate the remarkable accomplishments of a distinguished American composer. Dr. Whear's works have been performed by many distinguished institutions around the globe, and he is known in my district for his time as composer emeritus at Marshall University and conductor emeritus of the Huntington Chamber Orchestra.

Dr. Whear also served our nation during World War II as a naval officer, where he wrote several compositions for the U.S. Navy Band and Naval Academy Band, the West Point Academy Band, the U.S. Army Band and U.S. Marine band.

Dr. Whear is one of the finest musical talents to come out of the great state of West Virginia, and I along with many others wish him a very happy birthday.

HONORING ANTWAN CLARK

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable public servant, Mr. Antwan Clark.

Antwan Clark was born March 26, 1980 to the proud parents of Sylvester and Jeanette Clark of Lexington, Mississippi. He has two sisters, Kadisha and Abbie.

Antwan is the epitome of the phrase ''strength through adversity''. After being left paralyzed after a car accident during his junior year of high school, Antwan persevered. His determination to attain success motivated him to graduate from J.J. McClain High School in 1998 with honors. After graduating with honors from JJMHS, Antwan attended Holmes Community College and majored in Business and Office Technology. To continue pursuing his goals, he then enrolled in Antonelli College where he earned a degree in Computer Technical Support and Networking, maintaining a 3.9 grade-point average. In 2007, the Career College Association invited Antwan to Washington, D.C., where he was awarded for his achievements.

Antwan is currently employed by the Community Students Learning Center (CSLC) in Lexington, MS as an Information Technology Specialist and Website Developer. He also uses his knowledge and technical skills to tutor and teach computer classes at CSLC. Antwan also has a home-based computer repair business called ''Top Quality Computer Services'' located at 1131 Busy Bee Road, Lexington, MS 39095. His business specializes in issues regarding: computer repair, software applications, computer networking, virus/spyware removal, and website design.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Antwan Clark for his dedication and support to the Holmes County Community.

EXPRESSING THE SENSE OF THE HOUSE REGARDING SAFETY AND SECURITY OF EUROPEAN JEWISH COMMUNITIES

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2015

Ms. JACKSON LEE. Mr. Speaker, I stand in support of H. Res. 254, regarding the safety and security of Jewish communities across Europe.

I continue to support the safety of Israeli people across the globe.

Indeed, last week, I signed on to the Royce-Engel letter to President Mahmoud Abbas of the Palestinian National Authority to express my deep concern over the recent wave of violence in Israel and the West Bank.

It is imperative that political leaders across the globe help to set the tone for peace by advocating non-violence.

Numerous attacks on so many innocent lives in Europe alone is so much cause for alarm: Anti-Semitic rhetoric and acts, according to FBI reports involved 870 incidents in 2012 with anti-Jewish bias motivation, including 13 violent incidents, and 625 incidents in 2013 attributed to anti-Jewish bias; an increase in violent attacks on people and places of worship; and an escalation of frequency, variety and severity of the various attacks.

Anti-Semitic attacks are threats to the fundamental rights we hold so dear in our nation.

Security and diversity of all citizens, societies and countries are sacrosanct in our nation.

This is why the United States joined forces with France and the United Kingdom in recognition of the importance of partnership, training and information sharing between government entities and the Jewish community security groups with the eye towards the safety and security of Jewish communities.

As a senior member of the House Homeland Security Committee, information sharing initiatives such as our national ''If You See Something, Say Something'' campaign implemented by our nation's Department of Homeland Security is a critical initiative that will enable prevention of anti-Semitic violent attacks on individuals and communities.

This bill is also critical because it urges the United States Government, the Secretary of State, Secretary of Homeland Security, the Attorney General, Director of the FBI to engage their European counterparts to partner in the protection of the Jewish community in Europe.

This Bill reaffirms the very important U.S. support for the United States Special Envoy to Monitor and Combat anti-Semitism with the eye towards fostering and facilitating international religious freedom.

Mr. Speaker, I strongly support H.R. 354 because it supports an end to the dramatic increase of the number of violent anti-Semitic attacks in some European countries.

These attacks, increasingly targeting places of ordinary daily life like market places and places of worship must stop.

Thus, I support and urge enhanced partnerships between governments and Jewish community groups-which are critical to helping keep Jewish communities secure.

PERSONAL EXPLANATION

HON. LUIS V. GUTIÉRREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Mr. GUTIÉRREZ. Mr. Speaker, I was unavoidably absent in the House chamber for votes on Monday, November 2, 2015. Had I been present, I would have voted ''yea'' on roll call vote 582.

RECOGNIZING REAL SCHOOL GARDENS' 100TH LEARNING GARDEN IN TEXAS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Mr. MARCHANT. Mr. Speaker, I rise today to recognize REAL School Gardens' 100th learning garden at Jerry Junkins Elementary School, which will be the fifth REAL School Garden in the 24th district of Texas. REAL School Gardens is a nonprofit organization that has been creating outdoor learning gardens in low-income elementary schools since 2003. Once this 100th outdoor classroom is completed, the organization will have engaged more than 100,000 students in Texas in hands-on curricula integrating science with language arts.

REAL School Gardens' strong commitment to having local communities invested in the design, build, and use of the school gardens is truly impressive. Each REAL School Garden involves a partnership between students and their parents, the school, and private funders. Once a school is selected, REAL School Gardens works with the principal and teachers to host a student design challenge. The community then comes together for a ''Design and Dine'' dinner to tailor the garden plan to the school's culture and learning objectives.

Once the design is finalized, everyone, including corporate partners such as Mercedes Benz Financial Services, Blue Cross and Blue Shield of Texas, and Wells Fargo, participates in the ''Big Dig''—an event when the community builds the garden in just one day. The results have been remarkable. In my district, there are outdoor learning gardens with earth science stations, drip irrigation systems, weather data stations, and wildlife habitats that serve as learning tools that have helped participating schools in Texas have standardized test score pass rates jump 12 to 15 percent.

Mr. Speaker, it is an honor to congratulate REAL School Gardens on this achievement and wish the organization the best with the next 100 REAL School Gardens. I ask all of my distinguished colleagues to join me in celebrating such an accomplishment.

RECOGNIZING THE EFFORTS OF PROJECT BLUE NOVEMBER IN WEST VIRGINIA

HON. EVAN H. JENKINS

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Mr. JENKINS of West Virginia. Mr. Speaker, I rise to recognize the efforts of those in my district who are promoting Project Blue November, which seeks to raise awareness of Type 1 Diabetes. Diabetes is prevalent in millions of people of all ages in the United States, including approximately 200,000 people under the age of 20 that have been diagnosed with Type 1 Diabetes. It is because of children like seven-year-old Ainsley Jackson of Milton, West Virginia, who was diagnosed with Type 1 Diabetes at an early age, that we must do all we can to combat this disease.

Increasing awareness within our communities of the symptoms and risk factors related to diabetes improve the chances that those with the condition will get the care and attention they need before the severe complications of diabetes develop. That is why the actions of those promoting the goals of Project Blue November are critically important to spread throughout our communities in West Virginia and the United States.

With the promotion efforts of those like the Milton City Council in my district, I am certain Project Blue November's goal of raising awareness of Type 1 Diabetes will be successful in having a positive impact on the lives of many families in West Virginia.

GLOBAL ANTI-POACHING ACT

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2015

Ms. JACKSON LEE. Mr. Speaker, as a longstanding member of the Congressional Animal Rights Caucus and champion of wildlife preservation and protection of animals, I rise in support of H.R. 2494, the Global Anti-Poaching Act by Chairman of the Foreign Affairs Committee, Congressman ROYCE of California.

Earlier this year, in light of the brutal killing of Cecil the Lion, I introduced and sought the support of my colleagues as original co-sponsors of my legislation entitled, Cecil the Lion Endangered and Threatened Species Act of 2015.

H.R. 2494 embodies the purpose of my legislation by strengthening partner countries' capacity in countering wildlife trafficking and designating major wildlife countries for protection.

Mr. Speaker, my legislation on Cecil the Lion amends the Endangered Species Act of 1973 to prohibit the taking and transportation of any endangered or threatened species as a trophy into the United States.

This current legislation crystallizes our bipartisan collective efforts to address and tackle a yearly $7 to $10 billion illicit venture that seeks to destroy endangered and troubled wildlife.

Currently, the Endangered Species Act (ESA) does not protect the vast majority of wild animals killed and imported.

While the ESA allows for the importation of endangered and threatened species for scientific research, propagation or survival of the species, hunters are abusing this limited exception to murder and transport protected wildlife for sport.

As a result of this loophole, tens of thousands of wild animals are killed every year by trophy hunters and transported into the United States.

The conservation of endangered and threatened species is critically important to the sustainability of our biodiversity, ecosystem and the beauty of wildlife as we know it.

Terrorist organizations are not only proving to be a threat to global security but also a threat to our environment and natural wildlife, utilizing the funds from their illicit activity of wildlife poaching to fund their terroristic activities.

Vulnerable species are at the mercy of transnational terrorist groups whose actions

place these natural inhabitants of the earth in danger of extinction.

For example, the population of African elephants has decreased from 1.3 million to 400,000, with 22,000 poached in 2012.

Only 3,200 tigers remain in the wild, and these tigers remain in danger of being poached for their skins, bones and body parts.

H.R. 2494 works to enforce the United Nations Security Council multilateral sanctions against individuals and entities engaging in illicit trade of wildlife in support of armed groups like the Lord's Resistance Army, al-Shabaab and other terrorist organizations.

This legislation supports the efforts of the State Department under the Transnational Organized Crime Rewards Program to dismantle the wildlife trafficking syndicates in the global south from Africa to Asia.

This legislation supports the President's Executive Order 13648, geared at combatting wildlife trafficking, through the creation of a Presidential Task Force responsible for our national strategy to combat wildlife trafficking.

Indeed, the United States along with 40 countries from Africa, Asia, the Middle East and Latin America participated in the London Conference on the Illegal Wildlife Trade where we collectively committed to addressing the cultural, social, environmental and economic consequences of the illegal trade in wildlife.

Mr. Speaker, this bill seeks to protect endangered species, expand and professionalize wildlife enforcement networks through: assessment of the capacity of existing enforcement networks in member countries; establishment of a central secretariat to coordinate enforcement networks; facilitation of law enforcement and intelligence efforts and information sharing; utilization of the expertise of international bodies and civil society organizations to tackle the issue; and training of enforcement personnel, and the creation and institutionalization of a wildlife enforcement platform based on the rule of law.

Indeed, by making certain large-scale wildlife trafficking crimes predicate offenses for money laundering, racketeering, and smuggling, this bill elevates the seriousness of major wildlife trafficking offenses, putting wildlife crime on par legally with other forms of transnational organized crime.

Mr. Speaker, as ranking member on the House Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, this bill is a step in the right direction as it enforces existing laws, directs fines, forfeitures, and penalties, all imperative for wildlife conservation.

I strongly support H.R. 2494 because it supports on-the-ground efforts to protect species, including elephants, tigers, and rhinos from becoming victims of wildlife crime.

HONORING MRS. LATONYA WILLIAMS-BRADLEY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable entrepreneur, Mrs. LaTonya Williams-Bradley.

Strands of long, black locks fell effortlessly onto the floor as a pair of young eyes looked on eagerly—carefully observing the technique of the hands behind the shears that snipped away to create a new, edgy look.

Mrs. Williams-Bradley of Cleveland watched intently as her mother cut, washed and curled mane after mane, building a strong clientele at her Rosedale salon.

She remembers while sitting and observing her mother at her salon as a child, that she desired to follow in her mother's footsteps and become a hair stylist.

But, what she didn't know was that she would also become an agent, to help others do the same, as owner and CEO of Goshen School of Cosmetology in Cleveland, Mississippi.

As a single parent Mrs. Williams-Bradley received her cosmetology education at Coahoma Community College in Clarksdale, Mississippi, where she graduated in 2006.

After passing the state licensure to become a licensed cosmetologist, Mrs. Williams-Bradley returned to Coahoma Community College to further her cosmetology career to become a cosmetology instructor and completed that course of study in 2009. She was immediately offered the opportunity to become a cosmetology instructor at Coahoma Community College.

After working at Coahoma Community College she worked at Blue Cliff College in Gulfport, Mississippi as a cosmetology instructor.

During her tenure as an instructor she decided that it was time to pursue her dream of owning her salon and began researching entrepreneurship practices and opportunities, eventually, deciding it was time to pursue her dream of one day opening her own salon. In 2011 she opened Goshen Salon and Boutique in Cleveland, Mississippi. She chose the biblical name Goshen because it is a land of plenty, comfort and growth in Egypt. On July 29, 2013 she opened Goshen School of Cosmetology with a core curriculum and institution designed to promote growth, increase and comfort.

Now, what was once the dream of a little girl has become a reality. Mrs. Williams-Bradley has enjoyed substantial success in the exciting field of cosmetology. Where over the last nine years she owned and managed two successful hair salons while teaching at two colleges, inspired numerous students to strive for excellence and to achieve their maximum potential.

The motto she shares with others is "Whatever is your passion and your heart's desire—pursue it and be the best at it and believe that there is nothing too hard for God."

Mrs. Williams-Bradley is married to Tony Bradley and has four children: Teara, Tamaryea, Zira and Lauren. She is the daughter of Freddie and Barbara Graham and has two (2) siblings: Erica Jackson and Beauty Graham.

Mr. Speaker, I ask my colleagues to join me in recognizing an amazing entrepreneur.

PERSONAL EXPLANATION

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Ms. PINGREE. Mr. Speaker, I was unable to vote during the first vote of the last vote series on September 30, 2015. Had I been present, I would have voted "No" on Roll Call Vote 527, which was the Adoption of H. Con. Res. 79, directing the Clerk of the House of Representatives to make corrections in the enrollment of the Senate amendment to H.R. 719.

PERSONAL EXPLANATION

HON. ROBERT HURT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Mr. HURT of Virginia. Mr. Speaker, I was not present for Roll Call vote No. 582, a recorded vote on H.R. 1853. Had I been present, I would have voted "yes."

RECOGNIZING THE CAREER OF T SANTORA

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to congratulate T Santora on his long career as a Los Angeles labor leader, and as an influential activist for the rights of lesbian, gay, bisexual and transgender (LGBT) individuals.

T has dedicated decades of his professional life to the Communications Workers of America, a union that protects the interests of thousands of L.A. workers. He has spent 35 years as a full-time CWA representative, working in both local and national positions.

Today, T is President Emeritus of CWA Local 9003, which represents a diverse membership of approximately 2,500 workers in the greater Los Angeles metropolitan area. He also chairs the Legislative-Political Committee of the CWA Southern California Council, representing 27,000 CWA members in Southern California. And he serves as National Co-Chair of the CWA Telecom Ad Hoc Committee, which regularly convenes workplace leaders in the telecommunications industry from the U.S., Canada, and Puerto Rico.

T is also a leader in the LGBT rights movement, and a powerful voice for the needs of LGBT laborers. From 1998 to 2005, he served as National Co-President of Pride at Work, the AFL–CIO's LGBT constituency group. In addition, he represented CWA on the Executive Board of The Leadership Conference on Civil and Human Rights, and on the Coalition of Labor Union Women's HIV/AIDS Advisory Board.

T believes in the need to make Los Angeles' workforce the best it can be. Last year, L.A. Mayor Eric Garcetti appointed T to the L.A. Workforce Development Board, where he serves on the Board's Executive Committee and chairs the Ad Hoc Committee on Expanding Apprenticeship Opportunities.

Finally, T cares deeply about the youth of Los Angeles. He is the Founder and an Executive Board Member of the CWA 9003 Children's Fund, a non-profit charitable organization which serves the needs of L.A.'s underprivileged and homeless children.

The L.A. City Council recently issued a resolution honoring T for his 30 years of community service. That honor was greatly deserved.

In public life and the private sector, T Santora has been an Angeleno to admire. As he takes a well-earned retirement, I ask my colleagues to join me in saluting him on a magnificent career, and to wish him every health and happiness.

HONORING HOSKINS LEARNING CENTER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor the Hoskins Learning Center of Batesville, MS.

Mrs. Lillie L. Hoskins, a woman of favor and faith, is a native of Batesville, MS. She has been an educator and Daycare Provider for over 35 years and is currently the owner and operator of the Hoskins Learning Center.

She graduated from South Panola High School in 1973 and later obtained a secretarial degree from Northwest Community College. In 2000, she obtained State credentials as an Early Childhood Education Director.

Mrs. Hoskins was born into a family where she was rooted in her faith in Christ. She is the daughter of the late George and Audrey Leland and the youngest girl of eight (8) children, but even as a young girl she knew, she would someday spend her life working with children.

Mrs. Hoskins is the mother of two children, a daughter-in-law and has two grandchildren. Over the course of forty-two (42) years of marriage, Lawrence and Lillie have traveled and touched the lives of many people.

In 1979, Mrs. Hoskins prayed to God through faith and opened the first daycare, Magnolia Kindergarten, which she owned and operated until 2003. In 2003, she expanded her business to include infants and early toddlers. At this time she also changed the operating name to Hoskins Learning Center, as it is known today.

Mrs. Hoskins has touched the community and the lives of children in the city of Batesville in many ways, by opening her house and heart to train and tutor our children.

As owner and operator of Hoskins Learning Center, her goal has been to serve the children of Batesville and Panola County, preparing them all to be productive and responsible adults in a rapidly changing world. Since 1979, the daycare has had a 96% high school graduation rate, including several valedictorians, salutatorians and honor roll students, one of which went on to play football in the NFL.

For all of her outstanding accomplishments, Mrs. Hoskins is recognized as a trailblazer in Early Childhood Education, in the great State of Mississippi.

Mr. Speaker, I ask my colleagues to join me in recognizing Hoskins Learning Center for their commitment and dedication to the community.

PERSONAL EXPLANATION

HON. MARK TAKAI

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Mr. TAKAI. Mr. Speaker, on Monday, November 2, 2015, I was absent from the House due to illness. Due to my absence, I am not recorded on any legislative measures for the day. I would like to reflect how I would have voted had I been present for legislative business.

Had I been present, I would have voted ''yea'' on Roll Call 582, to direct the President to develop a strategy to obtain observer status for Taiwan in the International Criminal Police Organization, and for other purposes.

IN RECOGNITION OF TREVOR G. BROWNE HIGH SCHOOL

HON. RUBEN GALLEGO

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Mr. GALLEGO. Mr. Speaker, I rise today in recognition of the staff and students of Trevor G. Browne High School in Phoenix, Arizona, who went above and beyond in supporting my office's community-wide citizenship fair.

The largest school in the Phoenix Union High School District, Trevor Browne High School currently serves over 3000 students. The school's mission is to work with families and the community to provide a comprehensive education to all students, a commitment they fulfill by offering a variety of learning opportunities both within and outside of the regular school day calendar. The principal, Dr. Gabe Trujillo, and the teachers work tirelessly to meet each student's unique needs, and students' love of their school is clear in the number of graduates who return as faculty members.

Trevor Browne High School did not merely provide the space for my office's citizenship fair—the staff and students went above and beyond to assist those seeking help with their citizenship paperwork. Dr. Trujillo and members of the school community provided invaluable support for the event, serving as volunteers and helping ensure that we could serve as many individuals as possible. Thanks to their hard work, we were able to aid over 150 Arizona residents in navigating the path to U.S. citizenship.

I truly appreciate the assistance of Dr. Trujillo and everyone from Trevor Browne High School, whose selfless dedication was vital to making our citizenship fair a success.

RECOGNIZING MR. JAMES VERNON OF MORTON, ILLINOIS

HON. DARIN LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Mr. LAHOOD. Mr. Speaker, I commemorate the heroic acts of Mr. James Vernon of Morton, Illinois. Mr. Vernon, now 75 years old, put himself between 16 terrified children and a knife-wielding teen determined to cause harm at an Illinois public library.

Mr. Vernon was leading a chess club meeting with local children when the attacker entered the library holding a knife in each hand. Vernon, a retired Caterpillar technology worker and Army veteran, averted the attacker's attention away from the children, ages 7 to 13, allowing time for the students to exit the library. Vernon attempted to talk the attacker down before any advances were made. During his discussion with the teen, Vernon used the diversion to deduce that the attacker was right-hand dominant, which would help if he needed to subdue the attacker.

Despite the efforts of Vernon to calm the attacker, the teen once again became aggressive. Recalling the Army training he received nearly half a century ago, Vernon blocked one blade with his left hand and threw the attacker onto a table. Mr. Vernon suffered lacerations to his hand as he subdued the attacker before the authorities arrived.

All children escaped the library without harm thanks to Mr. Vernon's courageous act. I feel it is most appropriate to commend James Vernon today and thank him for his years of service to the community and to this country.

HONORING UPPER KUTZ BARBER & STYLE COLLEGE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable business, Upper Kutz Barber & Style College.

Upper Kutz Barber & Style College maintains the philosophy that their students come to them for; education, skill development, and career advancement. They believe in equal opportunity for all students, reinforced with training. Placement assistance has helped their students to become enterprising professionals.

The school has an orderly, purposeful, businesslike atmosphere which is free from threat of physical harm. The school climate is not oppressive and is conducive to teaching and learning. The school has an atmosphere of expatiation in which the staff believes and demonstrates that all students can attain mastery of the essential barber cultural skills and that they have the capability to help all students attain that mastery.

The mission of Upper Kutz Barber & Style College is to train men and women: 1. To familiarize and instruct students in the proper and most current methods in all phases of barbering; 2. To make a living in the business world; 3. To become good citizens on both local and national levels; 4. To be able to recognize problems and procedures in business and industry from the view-point of both producer and consumer; 5. To assist students in suitable job placement; 6. To provide assistance and counseling to graduates; 7. To develop self-discipline, self-reliance, and self-direction and; 8. To enter the national work force as productive individuals.

Furthermore, the school has at least 1200 square feet of floor space, composed of two separate areas: The class room and lecture area and the clinical/lab area, where services

are practiced on school patrons. The clinical area is equipped with at least 10 modern built in-stations, 10 mirrors, 10 hydraulic chairs, 3 sinks, 3 dryer chairs, a dispensing area, and a reception area. This salon environment prepares students for professional operation in the career field.

Mr. Speaker, I ask my colleagues to join me in recognizing Upper Kutz Barber & Style College for its dedication to serving and giving back to the community.

CAMP LOGAN, TEXAS: 1917

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Mr. POE of Texas. Mr. Speaker, Memorial Park is to Houston what Central Park is to New York City. It is our haven in the woods in the heart of Houston, Texas. Many joggers, runners and walkers hit the park's trail daily to make the three mile loop. I know this park well. In my past life as a criminal court judge, I took to the gravel trail for my daily run, as later did my kids. But what people may not know is the rich history that lies beneath their feet. Much of Memorial Park is located on the grounds of a historical WWI military facility—Camp Logan.

Camp Logan was an emergency training center that was established when the U.S. entered WWI.

After declaring war on Germany, The War Department, now known as the Department of Defense, sought out Harris County, Texas for its moderate climate and Houston's newly opened ship channel.

These elements made it a prime spot to train young American ''doughboys'' to go ''over there'' to fight in the Great WWI in Europe.

Two military installations were built: Camp Logan for the Army and Ellington Field for the Army Air Service. The camp provided shelter and training to thousands of soldiers from all over America from1917–1919.

Set up like many other army camps in the United States, Camp Logan's primary function was turning young American boys into fighting men.

Tens of thousands of National Guard soldiers were trained for duty in France. The soldiers that trained at Camp Logan entered camp straight out of civilian life and found themselves in intense combat preparation.

Tear gas and explosives were used to simulate the conditions on the front lines. But a new type of warfare was harder for the soldiers to imagine—trench warfare. The trenches were bloody, muddy, cruel and under constant attack. History shows how brutal and costly the trench war was.

Even with all the training at Camp Logan, soldiers were not fully prepared for life in the trenches.

To help the soldiers cope with the wounds and harsh reality of war, the commission on Training Camp Activities enlisted the help of several nationwide service organizations like the YMCA, Red Cross, American Library Association, Knights of Columbus, Jewish Board of Welfare and others. Through these private organizations the soldiers had entertainment, counseling, religious services, athletic programs and more.

The kindness of the local Houston community surrounding the camp did a lot to support the men of Camp Logan as well.

With the thousands of men at Camp Logan, the Camp was not without its problems. A conflict by soldiers with local police in 1917 resulted in the death of four police officers, three African American soldiers and ten local civilians after a riot.

After the war, the Camp continued to serve vital functions. In 1919, it was used as a hospital for wounded soldiers coming back from Europe. It also served as a unit of the City of Houston's health care system until 1923. After that, the Camp remained deserted until 1942.

Catherine Mary Emmott wrote to the Houston Chronicle advising the city to ''buy some of the land and turn it into a park in memory of the boys.'' Her efforts led the way in turning the land into a park. Thus Memorial Park—a memorial to the ones who were trained in Texas to fight in Europe.

Emmott's efforts did not fall upon deaf ears. William C. Hogg, son of Texas Governor Jim Hogg, bought two tracts of the former Camp Logan site and sold it to the City of Houston. That May, the City of Houston officially established a park in remembrance of the WWI soldiers who trained there.

Today, Memorial Park includes a golf course, bike paths, tennis courts, baseball fields and a nature center. It is an attraction for runners, walkers and joggers of all ages. The grounds are now a training area for athletes rather than a training area for soldiers.

It is estimated that almost 1,000 Camp Logan soldiers gave their lives during the Great WWI and over 6,200 were wounded.

The Logan soldiers served with distinction in combat in the forest and trenches of Europe. Seventy-five of the African American soldiers trained at Camp Logan from the 370th Infantry were awarded the French Croix de Guerre and 12 received the U.S. Army's Distinguished Service Crosses for their acts of valor.

Memorial Park, as it is appropriately named, has begun a project to commemorate the doughboys who trained at Camp Logan by planting trees in their honor.

The series of trees will be lined up like columns of soldiers in an area called ''Memorial Groves.'' This section of the park contains the highest number of Camp Logan remnants, artifacts and WWI memorabilia.

It is vital that communities know their history.

The work being done for ''Memorial Groves'' at the park is an appropriate way to see that history and honor the memory of Camp Logan and the young warriors it produced.

Texas has had a long history of supporting and uplifting America's military. The history of Camp Logan is our own. Camp Logan should be remembered just as it is—a memorial for the soldiers who trained on Texas soil before they fought on foreign soil 100 years ago.

Of the Logan soldiers, some served and returned, some served and returned with the wounds of war and some served and did not return. Memorial Park is a memorial for them all. As we approach November 11th—Armistice Day, now Veterans Day—the end of WWI, it is with deep gratitude that we honor the men of Camp Logan, Texas.

And that's just the way it is.

PERSONAL EXPLANATION

HON. KEVIN YODER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Mr. YODER. Mr. Speaker, on Roll Call Number 582 on the motion to suspend the rules and pass H.R. 1853, to direct the President to develop a strategy to obtain observer status for Taiwan in the International Criminal Police Organization (INTERPOL), and for other purposes, I am not recorded because I was absent due to the birth of my daughter. Had I been present, I would have voted Aye.

HONORING DAMIAN MURRIEL

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mr. Damian Murriel.

It sounds strange, but owning and operating a funeral home has been a childhood dream for Mr. Damian Murriel—at least it has been ever since he started working in the business.

Damian Murriel began his first job in a funeral home at the age of 16. Then a sophomore in high school, Damian Murriel performed various custodial services at Cook's Funeral Home. When he graduated from Forest Hill High School in 1994 he left for Gupton-Jones School of Mortuary Science. Two years later after he completed his schooling and became a licensed funeral director and embalmer, he began traveling, doing internships and apprenticeships in other states, including brief stints in Illinois and Indiana. In 2000 he left for a job as funeral director of Gregory B. Levett and Sons Funeral Home in Atlanta, Georgia, where the wake for TLC's Lisa ''Left Eye'' Lopes was held.

On April 17, 2003 Damian Murriel's life-long dream to own and operate a funeral home became a reality. ''I never lost sight of what I was pursuing.'' Damian Murriel said ''I want to clean up the area and enhance the community with the funeral home.'' Murriel said. Murriel's motto is: ''Serving Families in Their Time of Need.'' He is a member of the Mississippi Funeral Directors and Morticians Association.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Damian Murriel.

RECOGNIZING THE JOLIET REGION CHAMBER OF COMMERCE AND INDUSTRY'S 2015 CELEBRATION OF SUCCESS HONOREES

HON. BILL FOSTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Mr. FOSTER. Mr. Speaker, I rise today to recognize the honorees of the Joliet Region Chamber of Commerce and Industry's 2015 Celebration of Success.

Every year, the Joliet Region Chamber of Commerce and Industry honors businesses, non-profit organizations, and individuals who have made an impact in our community. This

year, the Chamber is recognizing Joseph Adler and Robert Stephen with Lifetime Achievement Awards for their contributions to our community through Habitat for Humanity. Mr. Adler and Mr. Stephen have built 58 homes for families in the Joliet area and have made a lasting impact through their volunteer work.

Additionally, the Chamber will be recognizing CARCARE Collision Centers, Advanced Family Dental & Orthodontics, Newsome Home Health Care Agency, Providence Bank, David Nelson Exquisite Jewelry, and Breast Intentions of Illinois.

I would like to congratulate the honorees of the Joliet Region Chamber of Commerce and Industry's 2015 Celebration of Success and thank the Chamber for recognizing success in our community.

IN TRIBUTE TO BARBARA R. ARNWINE

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Ms. JACKSON LEE. Mr. Speaker, it is with great honor that I rise to pay tribute to a dedicated champion and pivotal civil and human rights leader, Barbara R. Arnwine.

On this important Election Day, where millions of Americans exercise their fundamental right to vote, it is exceptionally meaningful to applaud this remarkable hero.

Barbara Arnwine has dedicated her life to making our world a better place, and because of her lifetime of achievements and victories, our history will be forever marked with confirmation that we have and continue to advance to a better place.

Throughout her 25 years of service as the Executive Director of the Lawyers' Committee for Civil Rights Under Law, and nearly 10 years of prior service at the Boston Lawyers' Committee for Civil Rights and legal aid to the public of North Carolina, we have all benefited from her tireless advocacy and fight for justice.

From the passage of the Civil Rights Act of 1991, the reauthorization of the Voting Rights Act in 2006, the development and expansion of Election Protection from 2004 through 2008, and steadfastly giving voice to those disenfranchised for criminal convictions and discriminatory practices nationwide, Barbara Arnwine has never backed down but continues to this day to lay the foundation for freedom and justice for every citizen.

Not only in the critically important area of voting rights, Barbara Arnwine has left a beautiful and exemplary footprint on all necessary aspects of social justice, including community development, housing and lending, employment law, women's and immigration rights, criminal justice reform, racial profiling, affirmative action, healthcare, LGBTQ rights, environmental justice, and breaking down international barriers of racial oppression, discrimination and xenophobia in Africa and Asia.

Barbara Arnwine is not only a phenomenal woman, she is a worldly warrior.

It is with great pleasure that I thank Barbara Arnwine for her service to the cause of justice and wish her well as she embarks on her new journey in the continuing struggle for social justice and equal opportunity for all persons.

HONORING PASTOR LINDA SWEEZER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a driven and ambitious woman, Pastor Linda Sweezer. Pastor Sweezer has shown what can be done through hard work, dedication and a desire to make a positive difference in doing God's will and spreading his Word.

Linda Sweezer was born the youngest child in a family of ten to Bessie Dillard and the late Alfred Dillard, Jr. in Vicksburg, Mississippi. She was saved at the tender age of ten.

She is a 1978 graduate of Vicksburg High School and attended and graduated from Milsaps College, Jackson, MS in 1982. She worked at Vicksburg Family Development Service for 19 years—fourteen of those years as the Co-Director.

She was called into the Gospel Ministry on February 5, 1995, ordained in 1997 and again in 2006 by Bishop T.D. Jakes of Dallas, Texas at The Potter's House International. She was called to pastor and founded The House of Peace Worship Church in December 2001. It is known as: ''The Church Where the Holy Spirit is in Charge.'' In May 2006, the Holy Spirit led Pastor Sweezer to begin another church in the Rolling Fork area; it is known as The House of Peace Worship Church International/Delta.

Apostle Linda Sweezer is also a playwright and has written, produced and directed fifteen major productions, which were performed in the theater in the surrounding areas of Vicksburg, Rolling Fork and Fayette, Mississippi and Texarkana, TX.

She is the author of a book entitled, ''Eating Along the Way!—A Survivor's Guide for People Who Are Serious About Hearing God's Call.'' In addition, she was the co-owner of a Christian bookstore.

She was affirmed into the Apostolic calling on July 29th, 2011. The Affirmation Ceremony was conducted by Apostle Michael O. Exum, Executive Director of The Potter's House International Pastoral Alliance and Apostle Eyvone Smith of His Harvest Ministries, Oxford, Mississippi.

Some other achievements include: appointed Board Member of the United Way of West Central Mississippi (2011–2014); Director of The House of Peace Substance Abuse Prevention Program; appointed for a second term to the Election Commission (2009–2012); appointed to the Election Commission (2005–2009); appointed twice to the City of Vicksburg Civil Service Commission. Pastor Sweezer was honored as a Local Recipient of 100 Black Women; recognized as a Distinguished African American by St. Mark Freewill Baptist Church; nominated as one of the 50 Leading Business Women of America.

Alpha Phi Alpha Fraternity, Inc. named a scholarship in Pastor Linda Sweezer's name at the Dr. Martin Luther King, Jr. Breakfast and she was appointed to the Vicksburg-Warren School District Advisory Council to develop plans for building Mega Schools. She also has received several awards and recognitions. She was selected by the Ivyettes of Alpha Kappa Alpha Sorority, Inc. as one of the Religious Role Models; Outstanding Young Women of America; Woman of Excellence Award in Art and Literature; Sower of the Lord Award and Peacemaker Award given by the Flying High for Jesus Outreach.

Mr. Speaker, I ask my colleagues to join me in recognizing Pastor Linda Sweezer for her passion and dedication to spread the word of God and desire to make a difference in the lives of others.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $18,152,981,685,747.52. We've added $7,526,104,636,834.44 to our debt in 6 years. This is over $7.5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

IN CELEBRATION OF ROLLS-ROYCE'S CENTENNIAL ANNIVERSARY

HON. SUSAN W. BROOKS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2015

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today to pay tribute to Rolls-Royce Indianapolis in celebration of its 100th anniversary. The company has made significant contributions to the city of Indianapolis, but its accomplishments can be seen globally. It is my privilege to honor this strong Hoosier company as it celebrates 100 years of excellence.

The company's Indiana roots took hold in 1915, when Indianapolis businessman James Allison founded his engine shop. Within the first years of business, Allison entered the rapidly growing aerospace industry and began collaborating with Rolls-Royce on several aerospace ventures. After decades of collaboration and partnership, Rolls-Royce purchased what had been the Allison Engine Company in 1995, and has been serving the aerospace and marine industries with innovative, customer-focused products ever since. This anniversary is especially historical for Rolls-Royce as it not only marks 100 years of operations in Indianapolis, but it also marks 20 years since the company purchased the enterprise which Allison created.

Today, Rolls-Royce is a trusted leader for land, sea, and air power solutions worldwide with a significant and growing presence. The Rolls-Royce facility in Indianapolis is home to the largest Rolls-Royce manufacturing location in North America and is one of the largest employers in Indianapolis. Rolls-Royce employs the best and the brightest engineers who are committed to maintaining Rolls-Royce's longstanding reputation of excellence. The company has 4,600 employees who contribute to designing and producing engines for a wide

range of military and commercial aircraft as well as marine propulsion systems. More Rolls-Royce products are built in Indianapolis than anywhere else in the world. Many innovative and legendary aircraft are powered by engines built in the Indianapolis facility, such as the P–51 and P–38 aircrafts flown in World War II. Current examples include the F–35B Lightning II, C–130J Super Hercules, V–22 Osprey, and Global Hawk and Triton UAVs, which are used to power Department of Defense aircraft, civil helicopters, regional and business jets, and power systems for U.S. Naval vessels.

In addition to all of Rolls-Royce's achievements in the manufacturing world, they also have a commitment to Indiana. The company recently announced Rolls-Royce will invest in the Purdue Research Park Aerospace District in West Lafayette, Indiana. Rolls-Royce is the first company to announce it will move into the research park. Additionally, the company recently announced exciting news that it is making a nearly $600 million investment to modernize manufacturing operations in Indianapolis and conduct technology research. It is the largest investment by the company in Indianapolis since its original purchase here in 1995. This investment contributes to the company's commitment to Indiana for many decades to come.

On behalf of the citizens of Indiana's Fifth Congressional District, I would like to congratulate Rolls-Royce on the celebration its centennial anniversary. I am proud to represent a city that is home to exemplary businesses such as this one. I wish Rolls-Royce all the best as it embarks on its next 100 years of excellence.

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate

Chamber Action

Routine Proceedings, pages S7677–S7731.

Measures Introduced: Eight bills and three resolutions were introduced, as follows: S. 2226–2233, and S. Res. 302–304. **Page S7720**

Measures Reported:

S. 1550, to amend title 31, United States Code, to establish entities tasked with improving program and project management in certain Federal agencies, with an amendment in the nature of a substitute. (S. Rept. No. 114–162)

Report to accompany S. 1082, to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct. (S. Rept. No. 114–163)

S. 2138, to amend the Small Business Act to improve the review and acceptance of subcontracting plans, with amendments. **Page S7722**

Measures Passed:

Small Business Saturday: Senate agreed to S. Res. 304, recognizing November 28, 2015, as "Small Business Saturday" and supporting efforts to increase awareness of the value of locally owned small businesses. **Page S7728**

Measures Considered:

Federal Water Quality Protection Act: Senate resumed consideration of the motion to proceed to consideration of S. 1140, to require the Secretary of the Army and the Administrator of the Environmental Protection Agency to propose a regulation revising the definition of the term "waters of the United States". **Pages S7679–7697**

During consideration of this measure today, Senate also took the following action:

By 57 yeas to 41 nays (Vote No. 295), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Page S7697**

Subsequently, the motion to proceed to consideration of the bill, was withdrawn. **Page S7697**

Department of Defense Appropriations Act—Cloture: Senate began consideration of the motion to proceed to consideration of H.R. 2685, making appropriations for the Department of Defense for the fiscal year ending September 30, 2016. **Pages S7697–S7703**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, November 5, 2015. **Page S7697**

Waters of the United States—Agreement: By 55 yeas to 43 nays (Vote No. 296), Senate agreed to the motion to proceed to consideration of S.J. Res. 22, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Corps of Engineers and the Environmental Protection Agency relating to the definition of "waters of the United States" under the Federal Water Pollution Control Act. **Page S7703**

A unanimous-consent agreement was reached providing for further consideration of the joint resolution at approximately 10 a.m., on Wednesday, November 4, 2015, with the time until 12 noon equally divided in the usual form; and that at 12 noon, Senate vote on passage of the joint resolution. **Page S7728**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the notification of the President's intent to terminate the designation of the Republic of Burundi as a beneficiary sub-Saharan African country under the African Growth and Opportunity Act (AGOA), received during adjournment

of the Senate on October 30, 2015; which was referred to the Committee on Finance. (PM–31)

Page S7718

Messages from the House: Page S7719

Measures Referred: Page S7719

Measures Read the First Time: Page S7719

Executive Communications: Pages S7719–20

Petitions and Memorials: Pages S7720–21

Additional Cosponsors: Pages S7722–25

Statements on Introduced Bills/Resolutions: Pages S7725–26

Additional Statements: Pages S7716–18

Amendments Submitted: Pages S7726–28

Authorities for Committees to Meet: Page S7728

Privileges of the Floor: Page S7728

Record Votes: Two record votes were taken today. (Total—296) Pages S7697, S7703

Adjournment: Senate convened at 10 a.m. and adjourned at 7:18 p.m., until 10 a.m. on Wednesday, November 4, 2015. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7731.)

Committee Meetings

(Committees not listed did not meet)

FUTURE OF WARFARE

Committee on Armed Services: Committee concluded a hearing to examine the future of warfare, after receiving testimony from General Keith B. Alexander, USA (Ret.), former Commander, United States Cyber Command, former Director, National Security Agency; Bryan Clark, Center for Strategic and Budgetary Assessments; Paul Scharre, Center for a New American Security 20YY Future of Warfare Initiative; and Peter W. Singer, New America.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Deborah R. Malac, of Virginia, to be Ambassador to the Republic of Uganda, Lisa J. Peterson, of Virginia, to be Ambassador to the Kingdom of Swaziland, and H. Dean Pittman, of the District of Columbia, to be Ambassador to the Republic of Mozambique, all of the Department of State, after the nominees testified and answered questions in their own behalf.

UKRAINE

Committee on Foreign Relations: Subcommittee on Europe and Regional Security Cooperation concluded a hearing to examine Putin's invasion of Ukraine and the propaganda in Europe, after receiving testimony from Benjamin Ziff, Deputy Assistant Secretary of State, Bureau of European and Eurasian Affairs; Leon Aron, American Enterprise Institute, Maksymilian Czuperski, The Atlantic Council, and Heather A. Conley, Center for Strategic and International Studies Europe Program, all of Washington, D.C.; and Peter Pomerantsev, Legatum Institute, London, United Kingdom.

DATA BROKERS

Committee on the Judiciary: Subcommittee on Privacy, Technology and the Law concluded a hearing to examine data brokers, focusing on whether consumers' information is secure, after receiving testimony from Justin Harvey, Fidelis Cybersecurity, Bethesda, Maryland; Pam Dixon, World Privacy Forum, San Diego, California; and Frank Caserta, Acxiom Corporation, Little Rock, Arkansas.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 39 public bills, H.R. 3879–3917; and 3 resolutions, H. Res. 510–511, and 513, were introduced.

Pages H7622–24

Additional Cosponsors: Pages H7625–26

Report Filed: A report was filed today as follows:

H. Res. 512, providing for further consideration of the Senate amendments to the bill (H.R. 22) to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining

the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act (H. Rept. 114–326). Page H7622

Speaker: Read a letter from the Speaker wherein he appointed Representative Kelly to act as Speaker pro tempore for today. Page H7393

Recess: The House recessed at 10:47 a.m. and reconvened at 12 noon. Page H7398

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Monday, November 2nd:

Expressing the sense of the House of Representatives regarding the safety and security of Jewish communities in Europe: H. Res. 354, amended, expressing the sense of the House of Representatives regarding the safety and security of Jewish communities in Europe, by a ⅔ yea-and-nay vote of 418 yeas with none voting "nay", Roll No. 585. Page H7412

Hire More Heroes Act of 2015: The House began consideration of the Senate amendments to H.R. 22, to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act. Consideration is expected to resume tomorrow, November 4th. Pages H7412–H7621

Pursuant to the Rule, the amendment printed in part A of H. Rept. 114–325 is adopted and the Senate amendment, as amended, shall be considered as read. Further, the amendment consisting of the text of Rules Committee Print 114–32 shall be considered as pending, shall be considered as read, shall not be debatable, and shall not be subject to amendment except those printed in part B of H. Rept. 114–325. Pages H7418, H7517

Agreed to:

Shuster amendment (No. 1 printed in part B of H. Rept. 114–325) that makes technical and conforming changes to Rules Committee Print 114–32; Page H7579

Walden amendment (No. 3 printed in part B of H. Rept. 114–325) that clarifies that projects within National Scenic Areas, and projects to increase capacity of highway segments to improve mobility, and are eligible for federal funding under Nationally Significant Freight and Highway Projects; Pages H7580–81

Babin amendment (No. 6 printed in part B of H. Rept. 114–325) that designates the Central Texas Corridor as the future Interstate Route I–14; Page H7582

Massie amendment (No. 7 printed in part B of H. Rept. 114–325) that allows the GSA to construct, install, and operate electric car charging stations on federal properties for use by employees; the construction, installation, and operation will be funded solely through user fees, so taxpayers will incur no cost; Pages H7582–84

Fleischmann amendment (No. 8 printed in part B of H. Rept. 114–325) that reports language encouraging the use of geosynthetic materials and other innovative technologies; Page H7584

Gibbs amendment (No. 9 printed in part B of H. Rept. 114–325) that requires the Secretary of Transportation to study the methods State's use to procure culvert and storm sewer materials, and report their findings to the Transportation and Infrastructure Committee; Pages H7584–85

Gibson amendment (No. 10 printed in part B of H. Rept. 114–325) that directs the Secretary of Transportation to develop a comprehensive strategy, within 1 year, to address "structurally deficient" and "functionally obsolete" bridges, as defined by the National Bridge Inventory, and to identify the unique challenges and policy solutions with regards to these respective categories; Page H7585

Hanna amendment (No. 12 printed in part B of H. Rept. 114–325) that adds a Sense of Congress that the engineering industry provides critical technical expertise, innovation, and local expertise to federal and state agencies to efficiently deliver surface transportation projects and urges the Secretary to reinforce these partnerships; Page H7586

DeSaulnier amendment (No. 16 printed in part B of H. Rept. 114–325) that directs the U.S. Department of Transportation to study methods of inventorying roadside highway safety hardware devices (i.e. guardrails) for the purpose of improving in-service evaluation of these devices; Page H7592

Scott (VA) amendment (No. 17 printed in part B of H. Rept. 114–325) that includes a sense of Congress that the Department of Transportation should utilize modeling and simulation technology to analyze federally funded highway and public transit projects to ensure that these projects will increase transportation capacity and safety, alleviate congestion, reduce travel time and environmental impact, and are as cost effective as practicable; Pages H7592–93

Eddie Bernice Johnson (TX) amendment (No. 18 printed in part B of H. Rept. 114–325) that strikes the Department of Transportation's authority to redistribute unallocated TIFIA funds; Page H7593

Sewell (AL) amendment (No. 20 printed in part B of H. Rept. 114–325) that seeks a public safety report to be provided to the House and Senate Transportation Committees on the security of locations intended to encourage public use of alternative transportation as well as personal transportation such as carpool parking lots, mass transit parking; local, state, and regional rail station parking, college or university parking, bike paths or walking trails and other locations the Secretary deems would be appropriate; **Pages H7594–95**

Sewell (AL) amendment (No. 21 printed in part B of H. Rept. 114–325) that provides a report on the Internet of Things (IoT) and its potential to improve transportation services to the elderly and persons with disabilities as well as assist local, state and federal transportation planners in achieving better inefficiencies and cost effectiveness, while protecting privacy and security of persons who use IoT technology; **Pages H7595–97**

Kirkpatrick amendment (No. 23 printed in part B of H. Rept. 114–325) that increases safety by allowing additional states that have passed distracted driving legislation to qualify for incentive grant funding; **Pages H7597–98**

Duncan (TN) amendment (No. 26 printed in part B of H. Rept. 114–325) that requires the Department of Transportation to conduct a study on the safety of operations of a double-decker motorcoach equipped with a luggage carrier at the rear of the vehicle; **Page H7599**

Comstock amendment (No. 27 printed in part B of H. Rept. 114–325) that clarifies the restrictions placed on institutions applying for UTC grants, and broadens the paragraph on Focused Research for regional UTCs; directs the Secretary of Transportation to develop a 5-Year Transportation R&D Strategic Plan for FY 18 through FY 22; authorizes the Assistant Secretary for Research and Technology to conduct a traffic congestion study; authorizes the Assistant Secretary to submit a rail safety study to Congress; **Pages H7599–H7601**

Barletta amendment (No. 28 printed in part B of H. Rept. 114–325) that requires all legacy tank cars retrofit for continued Class 3 Flammable Liquid service to include enhanced top fittings protections for pressure relief valves; **Pages H7601–02**

Lynch amendment (No. 29 printed in part B of H. Rept. 114–325) that provides for an additional, independent safety review of an approved pipeline route or segment of route, should a state or tribal government deem it necessary; **Pages H7602–03**

Costello amendment (No. 33 printed in part B of H. Rept. 114–325) that allows otherwise eligible Nationally Significant Freight and Highway Projects, which do not meet the minimum $100,000,000 threshold, to qualify for the specific reserved amount as provided in the legislation for such projects that fail to reach that threshold; **Page H7606**

Edwards amendment (No. 35 printed in part B of H. Rept. 114–325) that seeks to improve highway designs to better manage storm water by moving up in the planning process from the end so that thought goes into how best to plan design, and construct project effectively while also reducing costs; **Pages H7607–08**

Calvert amendment (No. 36 printed in part B of H. Rept. 114–325) that increases the limit on 10 local governments with whom the State can exercise its authority to eliminate duplicative reviews to 25; **Page H7608**

Brown (FL) amendment (No. 15 printed in part B of H. Rept. 114–325) that creates a National Advisory Committee on Travel and Tourism Infrastructure which will advise the Secretary of Transportation on infrastructure needs related to the use of the nation's intermodal transportation network to facilitate travel and tourism (by a recorded vote of 216 ayes to 207 noes, Roll No. 589); **Pages H7610–11**

Farenthold amendment (No. 38 printed in part B of H. Rept. 114–325) that allows for only certain trucks with current weight exemptions to be allowed to continue riding at those higher weight exemptions once certain segments of Texas State Highways are converted into Interstate 69; **Page H7615**

Beyer amendment (No. 42 printed in part B of H. Rept. 114–325) that removes a federal preemption and restore the full right to regulate towing to states and localities; **Pages H7618–19**

DelBene amendment (No. 44 printed in part B of H. Rept. 114–325) that requires a report on the Frontline Workforce Development Program for each fiscal year; the report would include an evaluation of the program and policy recommendations to improve program effectiveness; and **Pages H7619–20**

Napolitano amendment (No. 45 printed in part B of H. Rept. 114–325) that changes the degradation standard of an HOV lane from maintaining an average operating speed above 45 mph over a consecutive 180 day period during peak hours from 90 percent of the time to 50 percent of the time. **Pages H7620–21**

Rejected:

Guinta amendment (No. 11 printed in part B of H. Rept. 114–325) that sought to require the Government Accountability Office (GAO) to conduct a study to understand the purchasing power of a federal highway dollar and quantifying the things that weaken it, such as labor and environmental regulations and other inefficiencies that cause delays and drive up the cost of projects; **Pages H7585–86**

Mullin amendment (No. 13 printed in part B of H. Rept. 114–325) that sought to allow bridge work to be done despite the presence of swallows if the bridge has a condition rating of 3 or less until a rulemaking has occurred, requires notification to the Secretary of Interior, and directs the Sec. of Interior to promulgate a rulemaking to allow for bridge work under the Migratory Bird Treaty Act (MBTA); **Pages H7586–87**

Welch amendment (No. 19 printed in part B of H. Rept. 114–325) that sought to strike Section 3010 of division A, which would lower the current federal share of bicycle facility projects from 95 and 90 percent to 80 percent; **Pages H7593–94**

Blumenauer amendment (No. 22 printed in part B of H. Rept. 114–325) that sought to increase the number of states eligible for funding through the nonmotorized National Priority Safety Program, and double the funding for that program; **Page H7597**

Swalwell (CA) amendment (No. 2 printed in part B of H. Rept. 114–325) that sought to expand the eligibility of the Congestion Mitigation and Air Quality Improvement (CMAQ) program to include innovative shared use mobility projects that can reduce congestion and improve air quality; expand associated transit improvements to include those shared-use projects that directly enhance transit (by a recorded vote of 181 ayes to 237 noes, Roll No. 586); **Pages H7608–09**

Gosar amendment (No. 5 printed in part B of H. Rept. 114–325) that sought to require the federal government to track the total number, cost, and time required for each environmental review of transportation projects when reporting the status of these projects to the public (by a recorded vote of 196 ayes to 225 noes, Roll No. 587); **Pages H7609–10**

Ribble amendment (No. 14 printed in part B of H. Rept. 114–325) that sought to give states the option of increasing the truck weight limits on their Interstate Highways from 80,000 pounds to 91,000 pounds if the trucks are equipped with an additional sixth axle; would not impact existing exemptions already enacted under the law (by a recorded vote of 187 ayes to 236 noes, Roll No. 588); **Page H7610**

Lynch amendment (No. 29 printed in part B of H. Rept. 114–325) that sought to provide for an additional, independent safety review of an approved pipeline route or segment of route, should a state or tribal government deem it necessary (by a recorded vote of 160 ayes to 263 noes, Roll No. 590); **Pages H7611–12**

Takano amendment (No. 31 printed in part B of H. Rept. 114–325) that sought to allow for a program of eligible projects to count as a single project to meet the $100,000,000 threshold of project costs (by a recorded vote of 174 ayes to 248 noes, Roll No. 591); **Page H7612**

Brownley (CA) amendment (No. 32 printed in part B of H. Rept. 114–325) that sought to increase the freight program small project set aside from 10 percent to 20 percent (by a recorded vote of 160 ayes to 263 noes, Roll No. 592); and **Pages H7612–13**

Radewagen amendment (No. 34 printed in part B of H. Rept. 114–325) that sought to require the secretary to allocate program funds made available to the territories according to quantifiable measures that are indicative of the surface transportation requirements of each of the territories (by a recorded vote of 113 ayes to 310 noes, Roll No. 593). **Pages H7613–14**

Withdrawn:

Rice (NY) amendment (No. 24 printed in part B of H. Rept. 114–325) that was offered and subsequently withdrawn that would have required states to strengthen graduated driver's licensing requirements to be eligible for State Graduated Driver Licensing Incentive Grants; **Pages H7598–99**

Lewis amendment (No. 30 printed in part B of H. Rept. 114–325) that was offered and subsequently withdrawn that would have struck Section 339(b) of the National Highway System Designation Act of 1995 and make construction of Type II noise barriers eligible for funds from the surface transportation block grant programs; and **Pages H7603–04**

Mica amendment (No. 43 printed in part B of H. Rept. 114–325) that was offered and subsequently withdrawn that would have required that a state may not prohibit the operation of an automobile transporter with a gross weight of 84,000 pounds or less on any segment of the Interstate System or qualified Federal aid primary highways designated by the Secretary; allow the chief executive officer of a State, after consultation with units of local government, to request an exemption from the Secretary if it is determined that an interstate segment is not capable of safely accommodating such commercial motor vehicles. **Pages H7619–20**

Proceedings Postponed:

Hartzler amendment (No. 37 printed in part B of H. Rept. 114–325), as modified, that seeks to repeal the authority of the Secretary of Transportation to approve as part of the construction of federal-aid highways the costs of landscape and roadside development; **Pages H7614–15**

Rooney (FL) amendment (No. 39 printed in part B of H. Rept. 114–325) that seeks to provide that a state may allow, by special permit, the operation of vehicles with a gross vehicle weight of up to 95,000 pounds for the hauling of livestock; the cost of a special permit may not exceed $200 per year for a livestock trailer; **Pages H7615–16**

Rothfus amendment (No. 40 printed in part B of H. Rept. 114–325) that seeks to exempt projects to reconstruct any road, highway, railway, bridge, or transit facility that is damaged by an emergency declared by the Governor of the State and concurred in by the Secretary of Homeland Security from any environmental reviews, approvals, licensing, and permit restrictions if reconstruction takes place in the same location and using the same design, capacity, and dimensions as before the emergency; and

Pages H7616–17

DeSaulnier amendment (No. 41 printed in part B of H. Rept. 114–325) that seeks to establish a peer review group and a comprehensive risk management plan to prevent cost overruns and project delays for transportation mega projects exceeding $2,500,000,000. **Pages H7617–18**

H. Res. 507, amended, the rule providing for consideration of the Senate amendments to the bill (H.R. 22) was agreed to by a yea-and-nay vote of 248 yeas to 171 nays, Roll No. 584, after the previous question was ordered by a yea-and-nay vote of 241 yeas to 178 nays, Roll No. 583. **Pages H7410–12**

Recess: The House recessed at 8:20 p.m. and reconvened at 11:23 p.m. **Page H7621**

Quorum Calls—Votes: Three yea-and-nay votes and eight recorded votes developed during the proceedings of today and appear on pages H7410–11, H7411–12, H7412, H7608–09, H7609–10, H7610, H7610–11, H7611–12, H7612, H7612–13, and H7613–14. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:24 p.m.

Committee Meetings

AIRCRAFT CARRIER—PRESENCE AND SURGE LIMITATIONS. EXPANDING POWER PROJECTION OPTIONS

Committee on Armed Services: Subcommittee on Seapower and Projection Forces; and Subcommittee on Readiness, held a joint hearing entitled ''Aircraft Carrier—Presence and Surge Limitations. Expanding Power Projection Options''. Testimony was heard from Vice Admiral John C. Aquilino, USN, Deputy Chief of Naval Operations, Operations, Plans and Strategy (N3/N5), U.S. Navy; Sean J. Stackley, Assistant Secretary of the Navy, Research, Development, and Acquisition; Rear Admiral Michael C. Manazir, USN, Director, Air Warfare (OPNAV N98); and Rear Admiral Thomas J. Moore, USN, Program Executive Officer, Aircraft Carriers.

FUTURE OPTIONS FOR THE U.S. NUCLEAR DETERRENT—VIEWS FROM PROJECT ATOM

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing entitled ''Future Options for the U.S. Nuclear Deterrent—Views from Project Atom''. Testimony was heard from public witnesses.

EXAMINING THE EU SAFE HARBOR DECISION AND IMPACTS FOR TRANSATLANTIC DATA FLOWS

Committee on Energy and Commerce: Subcommittee on Commerce, Manufacturing, and Trade; and Subcommittee on Communications and Technology, held a joint hearing entitled ''Examining the EU Safe Harbor Decision and Impacts for Transatlantic Data Flows''. Testimony was heard from public witnesses.

EXAMINING LEGISLATION TO IMPROVE MEDICARE AND MEDICAID

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''Examining Legislation to Improve Medicare and Medicaid''. Testimony was heard from Representative Jenkins; Katharine Iritani, Director, Health Care Team, Government Accountability Office; and Anne Schwartz, Executive Director, Medicaid and CHIP Payment and Access Commission.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Subcommittee on Energy and Power held a markup on H. J. Res. 71, providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Environmental Protection Agency relating to 'Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units'; and H.J. Res. 72, providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Environmental Protection Agency relating to 'Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units'. H.J. Res. 71 and H.J. Res. 72 were both forwarded to the full committee, without amendment.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Subcommittee on Health began a markup on H.R. 2017, the ''Common Sense Nutrition Disclosure Act of 2015''; H.R. 2446, to amend title XIX of the Social Security Act to require the use of electronic visit verification for personal care services furnished under the Medicaid program; H.R. 2646, the ''Helping Families in Mental Health Crisis Act''; H.R. 3014, the ''Medical Controlled Substances Transportation Act''; H.R.

3537, the "Synthetic Drug Control Act of 2015"; H.R. 3716, the "Ensuring Terminated Providers Are Removed from Medicaid and CHIP Act"; and H.R. 3821, the "Medicaid Directory of Caregivers Act".

MISCELLANEOUS MEASURES

Committee on Financial Services: Full Committee began a markup on H.R. 1309, the "Systemic Risk Designation Improvement Act of 2015"; H.R. 1478, the "Policyholder Protection Act of 2015"; H.R. 1550, the "Financial Stability Oversight Council Improvement Act of 2015"; H.R. 1660, the "Federal Savings Association Charter Flexibility Act of 2015"; H.R. 2209, to require the appropriate Federal banking agencies to treat certain municipal obligations as level 2A liquid assets, and for other purposes; H.R. 3340, the "Financial Stability Oversight Council Reform Act"; H.R. 3557, the "FSOC Transparency and Accountability Act"; H.R. 3738, the "Office of Financial Research Accountability Act of 2015"; the "Small Business Credit Availability Act"; H.R. 3857, to require the Board of Governors of the Federal Reserve System and the Financial Stability Oversight Council to carry out certain requirements under the Financial Stability Act of 2010 before making any new determination under section 113 of such Act, and for other purposes. H.R. 1660 was ordered reported, without amendment.

DEFENDING AGAINST BIOTERRORISM: HOW VULNERABLE IS AMERICA?

Committee on Homeland Security: Full Committee held a hearing entitled "Defending Against Bioterrorism: How Vulnerable is America?". Testimony was heard from public witnesses.

LEGISLATIVE MEASURES

Committee on the Judiciary: Subcommittee on Regulatory Reform, Commercial and Antitrust Law held a hearing on H.R. 3438, the "Require Evaluation before Implementing Executive Wishlists Act of 2015"; and H.R. 2631, the "Regulatory Predictability for Business Growth Act of 2015". Testimony was heard from public witnesses.

INTERNATIONAL DATA FLOWS: PROMOTING DIGITAL TRADE IN THE 21ST CENTURY

Committee on the Judiciary: Subcommittee on Courts, Intellectual Property, and the Internet held a hearing entitled "International Data Flows: Promoting Digital Trade in the 21st Century". Testimony was heard from public witnesses.

TSA: SECURITY GAPS

Committee on Oversight and Government Reform: Full Committee held a hearing entitled "TSA: Security Gaps". Testimony was heard from Peter Neffenger, Administrator, Transportation Security Administration, Department of Homeland Security; John Roth, Inspector General, Department of Homeland Security; and Jennifer Grover, Director, Homeland Security and Justice, Government Accountability Office.

PREPARING FOR THE 2020 CENSUS: WILL THE TECHNOLOGY BE READY?

Committee on Oversight and Government Reform: Subcommittee on Government Operations; and Subcommittee on Information Technology, held a joint hearing entitled "Preparing for the 2020 Census: Will the Technology Be Ready?". Testimony was heard from John H. Thompson, Director, Census Bureau; Steven I. Cooper, Chief Information Officer, Department of Commerce; Carol R. Cha, Director, Information Technology Acquisition Management Issues, Government Accountability Office; and Robert Goldenkoff, Director, Strategic Issues, Government Accountability Office.

SENATE AMENDMENTS TO THE HIRE MORE HEROES ACT OF 2015

Committee on Rules: Full Committee held a hearing on Senate amendments to H.R. 22, the "Hire More Heroes Act of 2015" [DRIVE Act] [Amendment consideration]. The committee granted, by voice vote, a rule that provides for further consideration of the Senate amendments to H.R. 22 under a structured rule. In section 2, the rule makes in order only the further amendments to the amendment consisting of the text of Rules Committee Print 114–32 printed in part A of the Rules Committee report and amendments en bloc. Each further amendment printed in part A of the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before action thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule provides that it shall be in order at any time for the chair of the Committee on Transportation and Infrastructure or his designee to offer amendments en bloc consisting of amendments printed in part A of the report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the further amendments

printed in part A of the report and amendments offered en bloc. In section 3, the rule makes in order only those further amendments to the Senate amendment, as amended, printed in part B of the Rules Committee report. Each such further amendment shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before action thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the further amendments printed in part B of the report. In section 4, the rule provides that if the Committee of the Whole reports the Senate amendment, as amended, back to the House with multiple amendments, the question of their adoption shall be put to the House en gros and without division of the question. The rule provides that if the Committee of the Whole reports the Senate amendment, as amended, back to the House without further amendment or the question of adoption of amendments en gros fails, no further consideration of the Senate amendments shall be in order except pursuant to a subsequent order of the House. In section 5, the rule provides that the Chair may postpone further consideration of the Senate amendments in the House to such time as may be designated by the Speaker.

In section 6, the rule provides that upon adoption of the further amendment or amendments in the House: (1) a motion that the House concur in the Senate amendment to the text, as amended, with such further amendment or amendments shall be considered as adopted; (2) the Clerk shall engross the action of the House as a single amendment in the nature of a substitute; (3) a motion that the House concur in the Senate amendment to the title shall be considered as adopted; and (4) it shall be in order for the chair of the Committee on Transportation and Infrastructure or his designee to move that the House insist on its amendment to the Senate amendment to H.R. 22 and request a conference with the Senate thereon. Finally, in section 7, the rule provides that the chair of the Committee on Armed Services may insert in the Congressional Record not later than November 16, 2015, such material as he may deem explanatory of defense authorization measures for the fiscal year 2016. Testimony was heard from Chairman Goodlatte, Chairman McCaul, and Representatives Farenthold, Lipinski, Denham, Garamendi, Rodney Davis of Illinois, Ashford, Polis, Maxine Waters of California, Clawson of Florida, Blumenauer, Pascrell, Schakowsky, Mulvaney, Renacci, Palmer, Moulton, Rothfus, Sablan, Russell, Schweikert, Yoho, Young of Iowa, and Zinke.

THE RENEWABLE FUEL STANDARD: A TEN YEAR REVIEW OF COSTS AND BENEFITS

Committee on Science, Space, and Technology: Subcommittee on Environment; and Subcommittee on Oversight, held a joint hearing entitled ''The Renewable Fuel Standard: A Ten Year Review of Costs and Benefits''. Testimony was heard from Terry Dinan, Senior Advisor, Congressional Budget Office; and public witnesses.

EXAMINING VA'S INFORMATION TECHNOLOGY SYSTEMS THAT PROVIDE ECONOMIC OPPORTUNITIES FOR VETERANS

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity held a hearing entitled ''Examining VA's Information Technology Systems that Provide Economic Opportunities for Veterans''. Testimony was heard from Curtis L. Coy, Deputy Under Secretary for Economic Opportunity, Veterans Benefits Administration, Department of Veterans Affairs; and public witnesses.

BETTER COORDINATING WELFARE PROGRAMS TO SERVE FAMILIES IN NEED

Committee on Ways and Means: Subcommittee on Human Resources held a hearing entitled ''Better Coordinating Welfare Programs to Serve Families in Need''. Testimony was heard from Nick Lyon, Director, Michigan Department of Health and Human Services; and public witnesses.

STATUS OF THE CONSUMER OPERATED AND ORIENTED PLAN (CO–OP) PROGRAM, ESTABLISHED UNDER THE PRESIDENT'S HEALTH CARE LAW

Committee on Ways and Means: Subcommittee on Health held a hearing on the status of the Consumer Operated and Oriented Plan (CO–OP) Program, established under the President's health care law. Testimony was heard from Mandy Cohen, Chief Operating Officer and Chief of Staff, Centers for Medicare and Medicaid Services.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1131)*

H.R. 3819, to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway

Trust Fund. Signed on October 29, 2015. (Public Law 114–73)

H.R. 1314, to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations. Signed on November 2, 2015. (Public Law 114–74)

COMMITTEE MEETINGS FOR WEDNESDAY, NOVEMBER 4, 2015

(Committee meetings are open unless otherwise indicated)

Senate

Committee on the Budget: to hold hearings to examine reforming the Federal budget process, focusing on a biennial approach to better budgeting, 10:30 a.m., SD–608.

Committee on Commerce, Science, and Transportation: to hold hearings to examine how gagging honest reviews harms consumers and the economy, 10 a.m., SR–253.

Committee on Foreign Relations: to hold hearings to examine United States policy in North Africa, 10 a.m., SD–419.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the value of education choices for low-income families, focusing on reauthorizing the D.C. Opportunity Scholarship Program, 10 a.m., SD–342.

Committee on the Judiciary: to hold hearings to examine the nomination of Stuart F. Delery, of the District of Columbia, to be Associate Attorney General, Department of Justice, 10 a.m., SD–226.

Subcommittee on Oversight, Agency Action, Federal Rights and Federal Courts, to hold hearings to examine the American victims of Iranian and Palestinian terrorism, 2 p.m., SH–216.

House

Committee on Agriculture, Full Committee, hearing entitled ''American Agriculture and Our National Security'', 10 a.m., 1300 Longworth.

Committee on Energy and Commerce, Subcommittee on Health, markup on H.R. 2017, the ''Common Sense Nutrition Disclosure Act of 2015''; H.R. 2446, to amend title XIX of the Social Security Act to require the use of electronic visit verification for personal care services furnished under the Medicaid program; H.R. 2646, the ''Helping Families in Mental Health Crisis Act''; H.R. 3014, the ''Medical Controlled Substances Transportation Act''; H.R. 3537, the ''Synthetic Drug Control Act of 2015''; H.R. 3716, the ''Ensuring Terminated Providers Are Removed from Medicaid and CHIP Act''; and H.R. 3821, the ''Medicaid Directory of Caregivers Act'' (continued), 10 a.m., 2123 Rayburn.

Committee on Financial Services, Full Committee, markup on H.R. 1309, the ''Systemic Risk Designation Improvement Act of 2015''; H.R. 1478, the ''Policyholder Protection Act of 2015''; H.R. 1550, the ''Financial Stability Oversight Council Improvement Act of 2015''; H.R. 2209, to require the appropriate Federal banking agencies to treat certain municipal obligations as level 2A liquid assets, and for other purposes; H.R. 3340, the ''Financial Stability Oversight Council Reform Act''; H.R. 3557, the ''FSOC Transparency and Accountability Act''; H.R. 3738, the ''Office of Financial Research Accountability Act of 2015''; the ''Small Business Credit Availability Act''; H.R. 3857, to require the Board of Governors of the Federal Reserve System and the Financial Stability Oversight Council to carry out certain requirements under the Financial Stability Act of 2010 before making any new determination under section 113 of such Act, and for other purposes; and hearing entitled ''Semi-Annual Testimony on the Federal Reserve's Supervision and Regulation of the Financial System'', 9 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Full Committee, hearing entitled ''U.S. Policy after Russia's Escalation in Syria'', 10 a.m., 2172 Rayburn.

Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, hearing entitled ''Demanding Accountability: Evaluating the 2015 'Trafficking in Persons Report' '', 1 p.m., 2172 Rayburn.

Subcommittee on Europe, Eurasia, and Emerging Threats, hearing entitled ''Challenge to Europe: The Growing Refugee Crisis'', 2 p.m., 2200 Rayburn.

Committee on Homeland Security, Subcommittee on Border and Maritime Security, hearing entitled ''A New Approach to Increase Trade and Security: An Examination of CBP's Public Private Partnerships'', 10 a.m., 311 Cannon.

Full Committee, markup on H.R. 2285, the ''Prevent Trafficking in Cultural Property Act''; H.R. 2795, the ''First Responder Identification of Emergency Needs in Disaster Situations Act''; H.R. 3842, the ''Federal Law Enforcement Training Centers Reform and Improvement Act of 2015''; H.R. 3859, the ''HSA Technical Corrections Act''; H.R. 3875, the ''Department of Homeland Security CBRNE Defense Act of 2015''; H.R. 3869, the ''State and Local Cyber Protection Act of 2015''; and H.R. 3878, the ''Strengthening Cybersecurity Information Sharing and Coordination in Our Ports Act of 2015'', 2 p.m., 311 Cannon.

Committee on Natural Resources, Subcommittee on Federal Lands, hearing on H.R. 1815, the ''Eastern Nevada Implementation Improvement Act''; and H.R. 3342, to provide for the stability of title to certain lands in the State of Louisiana, 10 a.m., 1324 Longworth.

Subcommittee on Energy and Mineral Resources, hearing on H.R. 3843, the ''Locatable Minerals Claim Location and Maintenance Fees Act of 2015; and H.R. 3844, the ''Energy and Minerals Reclamation Foundation Establishment Act of 2015'', 10:30 a.m., 1334 Longworth.

Subcommittee on Indian, Insular and Alaska Native Affairs, hearing on H.R. 2009, the ''Pascua Yaqui Tribe Land Conveyance Act of 2015''; H.R. 2719, the ''Tribal Coastal Resiliency Act''; and H.R. 3079, to take certain Federal land located in Tuolumne County, California, into trust for the benefit of the Tuolumne Band of Me-Wuk Indians, and for other purposes, 2 p.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Information Technology; and Subcommittee on Government Operations, joint hearing entitled "The Federal Information Technology Reform Act's (FITARA) Role in Reducing IT Acquisition Risk, Part II—Measuring Agencies' FITARA Implementation", 2 p.m., 2154 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations; and Subcommittee on Contracting and Workforce of the House Committee on Small Business, joint hearing entitled "An Examination of Continued Challenges in VA's Vets First Verification Process", 10:30 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Oversight, hearing on presidential authority to waive anti-terror provisions in the tax code with respect to Iran, 10 a.m., 1100 Longworth.

Joint Meetings

Joint Economic Committee: to hold hearings to examine ensuring success for the Social Security Disability Insurance program and its beneficiaries, 2:30 p.m., SD–106.

CONGRESSIONAL PROGRAM AHEAD

Week of November 4 through November 6, 2015

Senate Chamber

On *Wednesday*, at approximately 10 a.m., Senate will continue consideration of S.J. Res. 22, Waters of the United States, with a vote on passage of the joint resolution at 12 noon.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: November 5, to hold hearings to examine wildfire, focusing on stakeholder perspectives on budgetary impacts and threats to natural resources on Federal, state, and private lands, 10 a.m., SR–328A.

Committee on Armed Services: November 5, to hold hearings to examine revisiting the roles and missions of the armed forces, 9:30 a.m., SD–G50.

Committee on the Budget: November 4, to hold hearings to examine reforming the Federal budget process, focusing on a biennial approach to better budgeting, 10:30 a.m., SD–608.

Committee on Commerce, Science, and Transportation: November 4, to hold hearings to examine how gagging honest reviews harms consumers and the economy, 10 a.m., SR–253.

Committee on Foreign Relations: November 4, to hold hearings to examine United States policy in North Africa, 10 a.m., SD–419.

Committee on Homeland Security and Governmental Affairs: November 4, to hold hearings to examine the value of education choices for low-income families, focusing on reauthorizing the D.C. Opportunity Scholarship Program, 10 a.m., SD–342.

November 5, Subcommittee on Regulatory Affairs and Federal Management, to hold hearings to examine agency progress in retrospective review of existing regulations, 9:30 a.m., SD–342.

Committee on the Judiciary: November 4, to hold hearings to examine the nomination of Stuart F. Delery, of the District of Columbia, to be Associate Attorney General, Department of Justice, 10 a.m., SD–226.

November 4, Subcommittee on Oversight, Agency Action, Federal Rights and Federal Courts, to hold hearings to examine the American victims of Iranian and Palestinian terrorism, 2 p.m., SH–216.

November 5, Full Committee, business meeting to consider the nominations of Rebecca Goodgame Ebinger, to be United States District Judge for the Southern District of Iowa, Leonard Terry Strand, of South Dakota, to be United States District Judge for the Northern District of Iowa, Julien Xavier Neals, to be United States District Judge for the District of New Jersey, Gary Richard Brown, to be United States District Judge for the Eastern District of New York, and Mark A. Young, to be United States District Judge for the Central District of California, 10 a.m., SD–226.

Select Committee on Intelligence: November 5, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House Committees

Committee on Energy and Commerce, November 5, Subcommittee on Oversight and Investigations, hearing entitled "Examining the Costly Failures of Obamacare's CO–OP Insurance Loans", 10 a.m., 2322 Rayburn.

Committee on Foreign Affairs, November 5, Full Committee, markup on H.R. 2241, the "Global Health Innovation Act of 2015"; H.R. 2845, the "African Growth and Opportunity Act Enhancement Act of 2015"; H.R. 3750, the "First Responders Passport Act of 2015"; and H.R. 3766, the "Foreign Aid Transparency and Accountability Act of 2015", 9:30 a.m., 2172 Rayburn.

Committee on Oversight and Government Reform, November 5, Subcommittee on National Security, hearing entitled "Iran's Power Projection Capability", 9 a.m., 2154 Rayburn.

Committee on Science, Space, and Technology, November 5, Full Committee, hearing entitled "Examining EPA's Predetermined Efforts to Block the Pebble Mine", 9 a.m., 2318 Rayburn.

Joint Meetings

Joint Economic Committee: November 4, to hold hearings to examine ensuring success for the Social Security Disability Insurance program and its beneficiaries, 2:30 p.m., SD–106.

Commission on Security and Cooperation in Europe: November 5, to receive a briefing on the rule of law and civil society in Azerbaijan, 2 p.m., 311, Cannon Building.

Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED FOURTEENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 6 through October 31, 2015

	Senate	*House*	*Total*
Days in session	146	136	..
Time in session	917 hrs, 29′	667 hrs, 46′	..
Congressional Record:			
Pages of proceedings	7,676	7,347	..
Extensions of Remarks	..	1,565	..
Public bills enacted into law	23	50	73
Private bills enacted into law	..	..	..
Bills in conference	1	1	..
Measures passed, total	358	434	792
Senate bills	74	26	..
House bills	66	273	..
Senate joint resolutions	1	1	..
House joint resolutions	1	3	..
Senate concurrent resolutions	10	5	..
House concurrent resolutions	18	21	..
Simple resolutions	188	105	..
Measures reported, total	*244	*311	555
Senate bills	186	5	..
House bills	29	243	..
Senate joint resolutions	..	..	..
House joint resolutions	..	1	..
Senate concurrent resolutions	1	..	..
House concurrent resolutions	..	3	..
Simple resolutions	28	59	..
Special reports	18	5	..
Conference reports	1	2	..
Measures pending on calendar	184	65	..
Measures introduced, total	2,564	4,534	7,098
Bills	2,216	3,867	..
Joint resolutions	24	72	..
Concurrent resolutions	23	89	..
Simple resolutions	301	506	..
Quorum calls	6	2	..
Yea-and-nay votes	294	242	..
Recorded votes	..	337	..
Bills vetoed	1	1	..
Vetoes overridden	..	..	..

*These figures include all measures reported, even if there was no accompanying report. A total of 161 written reports have been filed in the Senate, 318 reports have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 6 through October 31, 2015

Civilian nominations, totaling 336, disposed of as follows:

Confirmed	115
Unconfirmed	213
Withdrawn	8

Other Civilian nominations, totaling 3,103, disposed of as follows:

Confirmed	2,000
Unconfirmed	781
Withdrawn	322

Air Force nominations, totaling 5,333, disposed of as follows:

Confirmed	5,283
Unconfirmed	48
Withdrawn	2

Army nominations, totaling 3,362, disposed of as follows:

Confirmed	3,317
Unconfirmed	45

Navy nominations, totaling 3,933, disposed of as follows:

Confirmed	3,871
Unconfirmed	62

Marine Corps nominations, totaling 1,067, disposed of as follows:

Confirmed	1,066
Unconfirmed	1

Summary

Total nominations carried over from the First Session	0
Total nominations received this Session	17,134
Total confirmed	15,652
Total unconfirmed	1,150
Total withdrawn	332
Total returned to the White House	0

Next Meeting of the SENATE

10 a.m., Wednesday, November 4

Senate Chamber

Program for Wednesday: Senate will continue consideration of S.J. Res. 22, Waters of the United States, with a vote on passage of the joint resolution at 12 noon.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, November 4

House Chamber

Program for Wednesday: Continue consideration of the Senate amendments to H.R. 22—Hire More Heroes Act of 2015 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Barletta, Lou, Pa., E1576
Brooks, Susan W., Ind., E1582
Coffman, Mike, Colo., E1582
Foster, Bill, Ill., E1581
Gallego, Ruben, Ariz., E1580
Guinta, Frank C., N.H., E1576
Gutiérrez, Luis V., Ill., E1578
Hurt, Robert, Va., E1579
Jackson Lee, Sheila, Tex., E1576, E1577, E1577, E1578, E1582
Jenkins, Evan H., W.Va., E1577, E1578
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Lee, Barbara, Calif., E1575
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Murphy, Patrick, Fla., E1576
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Visclosky, Peter J., Ind., E1575
Yoder, Kevin, Kans., E1581

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