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

IN THE SENATE OF THE UNITED STATES

OCTOBER 11, 2018

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.

(a) REPEAL OF LIMITATION.—

(1) IN GENERAL.—Section 117(d) of title 23, United States Code, is amended by striking paragraph (2).

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

(i) by striking the subsection designation and heading and all that follows through “Except as” in paragraph (1) in the matter preceding subparagraph (A) and inserting the following:

“(d) ELIGIBLE PROJECTS.—Except as”;

(ii) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately;

(iii) in paragraph (1) (as so redesignated)—

(I) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively, and indenting appropriately;

(II) in subparagraph (B) (as so redesignated), by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and indenting appropriately; and

(III) in subparagraph (C) (as so redesignated), by redesignating sub-
clauses (I) and (II) as clauses (i) and (ii), respectively, and indenting appropriately; and

(iv) in paragraph (2) (as so redesignated)—

(I) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(II) in subparagraph (B) (as so redesignated), by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and indenting appropriately.

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

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

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

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

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(b) Grant Administration.—Section 117(b) of title 23, United States Code, is amended by adding at the end the following:

“(3) Grant Administration.—The Secretary may—

“(A) retain not more than a total of 2 percent of the funds authorized to carry out this section for the National Surface Transportation and Innovative Finance Bureau to review applications for grants under this section; and

“(B) transfer portions of the funds retained under subparagraph (A) to the Administrators of the Federal Highway Administration, the Federal Railroad Administration, and the Maritime Administration to fund the award and oversight of grants provided under this section.”.

(c) Project Requirements.—Section 117(g) of title 23, United States Code, is amended—

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

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

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

(3) by striking paragraph (7) (as so redesignated) and inserting the following:

“(7) a grant provided under this section will enable the project to proceed more quickly and cost-effectively than would otherwise be possible without a grant; and”.

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

(1) by striking the subparagraph designation and heading and all that follows through “At least 60 days” in the first sentence and inserting the following:

“(A) NOTIFICATION TO CONGRESS.—

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

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

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

“(I) an evaluation and justification for the project;
“(II) the amount of the proposed grant award;

“(III) a list of all applications received for grants under this section in response to the notice of funding opportunity; and

“(IV) the ratings each application referred to in subclause (III) received with respect to—

“(aa) the selection criteria developed by the Secretary and announced in the notice of funding opportunity; and

“(bb) the selection requirements under subsections (g) and (h) and, as applicable, subsection (e)(3).”.