The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

**PRAYER**
The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of the harvest, we continue to seek You, for we desire to do Your will. You, O God, are our light and salvation, so we refuse to be afraid.

As our lawmakers strive to walk uprightly, provide them with a harvest of truth, justice, and integrity. May they cultivate such ethical congruence that their rhetoric will be undergirded by right actions. Lord, keep them aware of Your continuous presence, as they find fullness of joy in doing Your will. Show them the path to life, as Your truth brings them to a safe harbor.

We pray in Your merciful Name. Amen.

**PLEDGE OF ALLEGIANCE**
The President pro tempore 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.

**RECOGNITION OF THE MINORITY LEADER**
The PRESIDING OFFICER (Mr. Sasse). The minority leader is recognized.

Mr. REID. Mr. President, the Republican leader will be here shortly. I have gotten word he is not going to be here right now, so I am going to proceed.

**IMMIGRATION**
Mr. REID. This past weekend, Republican Presidential hopeful Donald Trump did what he did best: He said something dishonest and really distasteful. In speaking about the senior Senator from Arizona, he mocked Senator JOHN MCCAIN, mocked his service in the Vietnam conflict. He went so far as to say JOHN MCCAIN was not a war hero.

JOHN MCCAIN and I came to the House of Representatives the very same day, both new Members of the House. He was representing a district in Arizona and I my district in Nevada. We are neighbors. We served together in the House. We came here to the Senate at the same time. He is one notch above me in seniority in this body because the State of Arizona has more people than Nevada. That is how seniority is determined, among other ways.

JOHN MCCAIN was a naval pilot and comes from a family who served our country admirably in the military for decades—his grandfather and his father. On one of his first missions to Vietnam, JOHN MCCAIN was shot down and badly injured—broken back and arms. He was very badly hurt. He was placed in a Vietnamese concentration camp, where he spent almost 6 years. About half of that time was in solitary confinement, and many days and weeks of that were spent being punished, tortured, and rebreaking parts of his body that had been broken.

JOHN MCCAIN, to me, is a hero. He is a person who has represented this country admirably in the Congress. He was a Republican nominee for President. America knows JOHN MCCAIN. I personally have some disagreements on policy on an occasion or two with JOHN MCCAIN, but we have never disagreed about our relationship. My relationship with Senator MCCAIN is one where I have great admiration for him, for his strength of character, and for his moral courage in Vietnam.

In the aftermath of these remarks about JOHN MCCAIN, Republicans have been falling all over themselves to criticize Donald Trump. But it makes me wonder: Where were all these same Republicans when Mr. Trump slandered millions? It was only a month ago that Trump said:

When Mexico sends its people, they’re not sending their best. They’re sending people that have lots of problems, and they’re bringing those problems with us. They’re bringing drugs. They’re bringing crime. They’re rapists.

That is his quote.

When Trump insulted the Senator from Arizona, a Member of his own party, Republicans could not denounce him fast enough, but when Trump called immigrants “rapists,” there was nothing but silence—nothing but silence. There is an ugly truth behind that silence, and it is this: When it comes to immigration policy—and, frankly, most other policy—there is no meaningful difference between the Republican Party and Donald Trump. Consider the facts on just this one issue. Trump rejects a pathway to citizenship for the undocumented. Instead, he favors a system of merit that creates a road to legal status. He has never ever said two sentences defining that.

We have heard before the same kind of talk from Republicans, those running for President—I think we have 16 of them now.

Jeb Bush rejects a pathway to citizenship. He claims to support a pathway to legal status but “not necessarily citizenship.”

Scott Walker rejects a pathway to citizenship. He said, “If somebody wants to be a citizen, they need to go back to their country of origin.”

The junior Senator from Texas also rejects a pathway to citizenship. He said, “I think that it is likely that there could be some bipartisan solution to those who are here illegally if a path to citizenship were taken off the table.”

Governor Chris Christie rejects a pathway to citizenship, too. He said it is “an extreme way to go.”
Trump wants to terminate President Obama’s Executive actions on immigration, tearing apart millions of families and deporting about 800,000 DREAMers. We have heard that before, too.

Jeb Bush also wants to repeal President Obama’s Executive actions. On FOX News, on the “Hannity” show, he said he would “repeal Obama’s executive amnesty.” That is a quote.

The junior Senator from Texas also wants to terminate the President’s Executive actions. He is now, if ever what he said: “If I am elected president, the very first thing I intend to do on the first day is rescind every single unconstitutional or illegal executive action from President Obama.

Governor Chris Christie is actively opposing the President’s Executive actions. In fact, his State joined a lawsuit challenging President Obama’s actions.
The junior Senator from Florida also rejects President Obama’s Executive actions that keep families together. Senator Rubio’s spokesperson told one news outlet that “immigration executive orders won’t be permanent policy under [a Rubio] administration.”

There are the facts. When it comes to immigration policy—and, as I mentioned, sadly, most other policy issues—there is no daylight between Donald Trump and the rest of the Republican field.

While the rest of the Republican Presidential hopefuls may not engage in the same repugnant rhetoric, make no mistake—they are all on the same page as Donald Trump.

If I ask each Republican running for President “Name one difference between your immigration policy and Trump’s immigration policy,” given recent history, there will be a deafening silence.

When Trump insulted McCrory, Republicans couldn’t denounce him fast enough, but when Mr. Trump called millions of hard-working immigrants rapists and murderers, there was nothing but silence. Maybe this is because none of the Republicans running for President can name a single way in which they disagree with Trump’s policies on immigration.

In the meantime, Democrats will continue to fight to pass comprehensive immigration reform, just as we did more than 2 years ago. We will continue to fight Republican piecemeal legislation that criminalizes immigrant communities—whole communities—and we will continue to fight for families who are constantly being scapegoated by today’s Republican Party.

MEASURE DISCHARGED AND PLACED ON THE CALENDAR—S.J. RES. 19

The PRESIDING OFFICER. Pursuant to 42 U.S.C. 2156(1) and section 601(b)(4) of Public Law 94-329, S.J. Res. 19 is discharged and placed on the calendar, 45 days of the review period having elapsed, not including time spent in adjournment pursuant to S. Con. Res. 19.

Mr. REID. Mr. President, what are we doing the rest of the day?

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each until 12:30 p.m., with the time equally divided in the usual form.

Mr. REID. I suggest the absence of a quorum, and I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The PRESIDING OFFICER. Without objection, it is so ordered.

OVERTIME PAY

Mrs. MURRAY. Mr. President, I believe that real, long-term economic growth is built from the middle out, not from the top down. Our government, our economy, and our workplaces should work for all of our families, not just the wealthiest few. But across the country today, millions of workers are working harder than ever without basic overtime protection.

That is why I am so proud to come to the floor today to express my strong support for the Obama administration’s new proposal to restore overtime protections for millions of workers and families. Not only is this the right thing to do, but it is good for our economy.

I wish to share a story of a man named Paul who lives in Massachusetts. As reported in the Boston Globe, Paul worked very hard at a discount retail store to provide for his family. Each week he was working 72 hours, on average. On one particular stretch, he worked for 40 days in a row without a single day off, but his employer didn’t pay him one extra dime for the work he did beyond 40 hours a week.

That is fundamentally unfair. And Paul, believe me, is not alone. There are so many workers like him in States across the country, and these workers feel as though they have been left behind in this economic recovery. They need government policies on overtime protections that work for them.

In 1938, Congress recognized the need to set a standard for the 40-hour workweek. By law, when workers put in more than 40 hours a week, their employers had to compensate them fairly with time-and-a-half pay. But those protections have eroded over the past several years. In today’s economy, many Americans feel as though they are working more and more for less and less, and in many cases, they are.

A salaried worker can be asked to work 50 or 60 or 70 hours a week and never see a dime of overtime pay. One of the main reasons is because overtime rules are severely out of date.

Back in the mid-1970s, 62 percent of the American workforce was covered by overtime rules. Today, just 8 percent of our salaried workers have overtime protection, and big corporations have used these outdated overtime rules to their advantage. They force their employees to work overtime without paying them fair time-and-a-half pay. That, of course, is good for a big corporation’s profit margin. But as the Union-Bulletin in Walla Walla, WA, editorialized a few weeks back, these workers are “working, paying taxes, raising families, and often suffering due to the long hours.”

But unlike so many of the challenges we face here, there is a solution to this, and it doesn’t require congressional action. Last week, the Department of Labor proposed to raise the salary threshold from about $23,000, which is what it is today, to just over $50,000 a year. That will restore overtime protections for millions of Americans.

This is so important for parents. Think about what this would mean for a working mom who right now works overtime without getting paid for it. By restoring this basic worker protection, she can finally work a 40-hour workweek and spend more time with her kids. Or, if her employer asks her to work more than 40 hours a week, she would have more money in her pocket to boost her family’s economic security. That is so important for strengthening our middle class today.

Now, I do want to keep working to improve the proposed rule. I believe the Department of Labor should also update what is known as the duties test. For workers who make more than the salary threshold but still do what is called blue collar work, the duties test is designed to ensure that they get overtime protections. But today that duties test is out of date.

Under the current law, big corporations can exploit the duties test to avoid paying their workers time-and-a-half, and I believe that needs to change. When workers put in more
than 40 hours a week on the job, they should be paid fairly for it. That is just the bottom line. I have heard from some of my Republican colleagues that they do not want to update overtime rules. But if the Republicans want to take away this basic worker protection—basic worker protection—they are going to have to answer to millions of hard-working Americans who are putting in overtime without receiving a dime in extra pay. They can try, but I know I and many others are going to be right here fighting back for the workers and families we represent.

Boosting wages and expanding economic stability and security is good for families, and it is good for our economy. And, by the way, that is exactly what we should be focused on here in Congress—to help grow our economy from the middle out, not just the top down.

This isn’t the only action we need to take to raise wages and expand economic stability for our families today. In the coming weeks and months, I am going to be working closely with Senate Democrats to continue our efforts to raise the minimum wage, to expand access to paid sick leave and family and medical leave, and to ensure women get equal pay for equal work.

But restoring overtime protections is a critical part of our work to make sure more families get much needed economic stability. Enacting these policies would be strong steps in the right direction to bring back the American dream of economic security and a stable middle-class life for millions of families.

For workers such as Paul, who just want fair pay for a fair day’s work, for the parents who have sacrificed family time for overtime and not seen a dime in extra pay, and for families who are looking for some much needed economic security, I urge all of my colleagues to support restoring overtime protections.

Thank you, Mr. 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. 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—H.R. 3038

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk that is due for a second reading. The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 3038) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, and other programs funded out of the Highway Trust Fund, and for other purposes.

Mr. McCONNELL. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

SCHEDULE

Mr. McCONNELL. Mr. President, let me indicate to all Members that discussions continue on a way forward on a multiyear highway bill, and we will have more to say about that later in the day.

HONORING THE SERVICEMEMBERS WHO WERE KILLED IN THE CHATTANOOGA TRAGEDY

Mr. McCONNELL. Mr. President, at dawn, with Congress returning to session, we lowered the flag at the U.S. Capitol to half-staff in honor of the servicemembers who were killed in Chattanooga. What we saw there was a tragedy for our country. It was a terrible blow to everyone who loved these brave Americans. We will never forget their sacrifice, and we will continue to keep their families and their memories in our thoughts today.

I suggest the absence of a quorum.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DRIVE ACT

Mr. INHOFE. Mr. President, we are going to be moving to the highway bill. In fact, we are going to have the motion to proceed today at 2:15 p.m., and I think it is important that people realize the significance of this.

We do a lot of work around here that is not really critical. There are some issues that are. If you would like to read the Constitution sometime when you have nothing else to do, it will tell you that what we are supposed to be doing are two things: defending America and roads and bridges. That is what it says in Article I, Section 8 of the Constitution. So anytime you are sitting around with nothing to do, you ought to read it, and you will realize that what we are going to do at 2:15 today is very significant.

Passing a long-term transportation reauthorization bill has been my top priority since I resumed the office of the chairmanship of the Environment and Public Works Committee. It is probably the second most important thing we do, second only to the Defense authorization bill.

In the first hearing we had in January, we had Secretary Foxx, the Secretary of Transportation, who is an outstanding Secretary. He is just as concerned about the future of the Senate as the Secretary and I brought in Secretary Foxx as well as local government leaders to share the importance of ongoing Federal and State partnerships in maintaining the modern surface infrastructure system. Since that time, my committee has put forward a bipartisan bill called the DRIVE Act. It is significant, and it is not partisan. There is no such thing as a Democratic bridge or a Republican bridge or a Democratic road or a Republican road. Historically, Republicans have been recognized as leading in this area, from way back in the days when President Lincoln spearheaded the Transcontinental Railroad; Teddy Roosevelt and the Panama Canal; and, of course, the Interstate Highway System, created by President Eisenhower.

President Eisenhower recognized that weakened defense and interstate commerce made our Nation vulnerable to the world. In 1952, when he proposed the Interstate Highway System, he commented that this was every bit as much about defending America as it was about the economy and being able to transport commerce around the States. In laying out the full interstate system, he envisioned it to be the physical backbone of the economy, fueling the growth of our GDP, our cities, and the competitiveness of our exports. This vision and certainly maximized the economic and mobility benefits of the system. Businesses and individuals knew that they could locate somewhere on the future interstate system and be connected to not just the rest of the country but the rest of the world.

This legacy system, which was built over 50 years ago, had a design life of 50 years, and it has actually been over 60 years—close to 70 years since it was built. We are beyond our warranty period, and we are in serious danger of eroding half a century of investments in our infrastructure. Businesses and individuals knew where on the future interstate system they could locate, and be connected to not just the rest of the country but the rest of the world.

Maintaining Eisenhower’s vision of economic opportunity and strength in defense requires a continued partnership between the Federal Government and the States which is the hallmark of the DRIVE Act. Yet, due to 33 short-term patches since 2005—I have to say this because this is significant, We
should be operating on a transportation reauthorization system all the time. The last one we did was in 2005. I was the author of it, in fact. That was a 5-year bill. Since that time, we have gone through some 30 different short-term extensions. A short-term extension is not good. A long-term transportation reauthorization bill is needed in order to accomplish all the reforms that are necessary and to have time to handle the major, large problems we have to deal with.

Passing a long-term bill is crucial to many aspects of day-to-day life in America. More than 250 million vehicles and 18 billion tons—valued at $17 trillion—in goods traverse across the country every year. Yet every day 20,000 miles of our highways slow below the posted speed limits or experience stop-and-go conditions. The National Highway System is only 5.5 percent of the Nation’s total roads, but it carries 55 percent of all vehicle traffic and 97 percent of the rail-borne freight. We are talking about 97 percent of the freight on only 5 percent of the highways.

Congress just passed a 2-month extension. Now we have a responsibility to pass a long-term bill.

The highway trust fund currently needs $15 billion a year to maintain the current spending. When we started out with the highway trust fund, that was a percentage every year. When someone would pay a tax when buying gas, that was supposed to be for taking care of the highways—and it did.

I can remember when I was serving in the House. The biggest problem we had at that time was we had too much money in the highway trust fund. We had more than we needed. I remember when President Clinton came in. He wanted to rob the highway trust fund for all of his programs. He got by with it for a while, but that is not the problem anymore. The problem now is there is not enough money.

The situation has changed. People are not using as much fuel. So we have fallen short by $15 billion a year of having the amount of money necessary to continue today’s spending level. That is $15 billion a year. This is a 6-year bill. That means about $90 billion is needed in excess of the amount of money, revenue, that is derived from the highway trust fund.

The DRIVE Act—that is what we call this—will put America back on the map as the best place to do business. The DRIVE Act has several key components that position America’s transportation system to support our growing economy. It prioritizes funding for core transportation formula programs to provide States and local governments with a strong Federal partner. It prioritizes the Interstate Highway System, that national highway system, and the bridges at risk for funding shortfalls.

It creates a new multibillion-dollar-per-year freight program to help States deliver projects and promotes the safe and efficient transportation of goods. It targets funds for major projects in the community, such as shown right here. This is a picture of the Brent Spence Bridge I have in the Chamber. This goes from Kentucky to Ohio and it is a critical piece of transportation also to Indiana. This is a very old bridge. You can see it is going to have to be replaced.

These are the huge things you cannot do with short-term extensions. You are planning to go for a 2-month bill, such as the one we are having right now.

Lastly, the DRIVE Act provides greater efficiency in the project delivery process, reforms that put DOT in the driver’s seat during the NEPA process by requiring agencies to bring all the issues to the table, keeping them under a deadline, and eliminating duplication.

One of the problems we have with the environmental requirements is they are putting a limit of what this bill gives exceptions. Let me say that I was very proud of Senator BOXER. Senator BOXER is a very proud liberal. I am a very proud conservative. One of the few things we agree on is the highway bill. We agree on that because it is the one place that allows them to go ahead and keep working in spite of some of the NEPA requirements or the environmental requirements. This gives bridge projects special consideration, with new exemptions to keep the economy going. It does require some changes that allow them to go ahead and keep working in spite of some of the NEPA requirements or the environmental requirements. This gives bridge projects special consideration, with new exemptions to keep the economy going. It does require some changes that allow them to go ahead and keep working in spite of some of the NEPA requirements or the environmental requirements.

Now, this sounds kind of off the wall, but one of the problems is the swallows. The swallows go in there and they block—they nest in there. So we are supposed to be repairing bridges. The swallow is not an endangered species. It is not listed, but the Migratory Bird Treaty Act does give them protection, and that waives that in the case of bridge construction. It also enforces greater transparency for Federal funds to show the taxpayers where the money is being spent.

This is just a brief overview of the bill. As the DRIVE Act progresses on the floor, I intend to address the significance of each program in more detail. The most important point I must address about the DRIVE Act is that our bill sets funding levels for the next 6 years.

There is, at the very least, what the Federal Government should provide, so States, local officials, and the construction industry can gear up for the large $58 billion to $2 billion major highway projects and bridge projects so that we can get them off the ground. They have to get ready for it. That is what this bill does. Thousands of projects across the Nation are currently in jeopardy, and construction will come to a halt unless legislation becomes a reality.

Future projects like—let’s go back. You saw already the Brent Spence Bridge in Kentucky. There is also the $2.6 billion Mobile River Bridge in Alabama. This is a projection of what it will look like. This is as it is today. This would be impossible without something like a 6-year bill. In DC, the Memorial Bridge is really crumbling into the Potomac. People do not understand what happens to these bridges. You see—in our case in Oklahoma, we had a bridge over I-35. In the year 2005, as a part of that bill, that legislation, it was restored. It was right before that took place, one of the chunks came off—just like you are seeing here on the bridge—and actually killed a young lady who was driving under it with her three children. That is how serious this is. This is the Arlington Memorial Bridge. It was built in 1932. Something has to be done with that. We will be able to do projects like this.

More than just a small part of the economic success enjoyed by the United States over the past 50 years has been the Interstate System. Today, we literally sit at the crossroads of its future. The solution is urgent. This is why Senator BOXER and I am bringing the DRIVE Act to the Senate floor as a united States, local officials, and the construction industry can gear up for the large $58 billion to $2 billion major highway projects and bridge projects so that we can get them off the ground. By passing the DRIVE Act, Congress will be able to take the way for the next 50 years of American excellence in infrastructure.

I have to say this. The importance of this is that the only alternative is to have short-term extensions. I am talking about 1- and 2-month extensions, of which you cannot organize your labor. The cost of that—and by the way, I say this to my conservative friends—they have to do with the economy going. By passing the DRIVE Act, Congress will be able to take the way for the next 50 years of American excellence in infrastructure.

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Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WASHINGTON EXEMPTION FROM OBAMACARE

Mr. VITTER. Mr. President, I come to the floor today to again bring up a very important issue. It is important because it impacts a major part of our lives, a major law that Congress passed several years ago. It is important because it goes to a fundamental principle of American democracy—what should be a fundamental principle of American democracy—that what Washington passes for the rest of the country it should live with itself. I am talking about the Washington exemption from ObamaCare and my effort, with others, to end that double standard.

As the Presiding Officer remembers, during the ObamaCare debate several years ago, this issue came up. It came up in the context of a floor amendment. It was an important floor amendment, one of the very few that conservatives in the Senate passed on the Senate floor.

That amendment to the ObamaCare bill said that all Members of Congress and our staff would get our health care through the so-called ObamaCare exchange, just as millions of other Americans would under this plan—no special rules, no special treatment, no special exemption or special subsidy. That was important to say that Congress would live under whatever law passed for the rest of America. That amendment was passed on the Senate floor. It became part of the broader bill, and it was eventually passed into law. Obviously, as you know, I opposed—strongly opposed—and continue to oppose the ObamaCare bill and the law, but that amendment was made a part of it.

Well, after it was passed into law, it was sort of one of those cases of which we have to pass the law to figure out what is in it. After the fact, lots of folks on Capitol Hill in Washington started reading the law more carefully, read that provision, and said: Oh, you know what. How are we going to deal with this? Surely, this wasn’t going to be subject to the ObamaCare exchange the same as millions upon millions of other Americans—even though that is exactly what the statute said.

Well, at that point a very determined lobbying campaign got under way—a lobbying campaign of many Members on Capitol Hill—of the President. And the campaign was simple. People rushed to the administration, rushed to President Obama and said: Oh, you need to change this. You need to live with the statute and the significant section of the statute that says all Members of Congress need to go to the exchange for their health insurance, just as millions of other Americans do.

Sure enough, after months of that very determined and, sadly, bipartisan lobbying campaign, President Obama issued one of his countless Executive orders and edicts to essentially change, with the stroke of his pen, contrary to statute, a significant part of the ObamaCare statute.

He has done that dozens—if not hundreds—of times, and this is one significant example of that. He changed what the statute said and took a lot of the sting out of that provision of the law for Members of Congress.

Through an OPM rule, he said two things. First, Members of Congress, when you go to the exchange, which is mandated, don’t worry; you are going to have follow you to the exchange—unavailable to every other American at our income level and completely unique to Members of Congress. No other American going to the ObamaCare exchange enjoys this. But out of thin air, we are going to give you a big, taxpayer-funded subsidy that is nowhere in the statute.

Then the second significant thing President Obama did through that OPM rule was to say this: Members of Congress, this doesn’t have to apply to your staff even though it says it does. You can designate whomever you want on your staff as “nonofficial” and they don’t have to go to the ObamaCare exchange at all.

Well, virtually all of my Republican colleagues regularly come to the floor and rightly complain about President Obama changing statutory law with the stroke of his pen, acting beyond his authority. This is a crystal-clear example of that. We have complain about it in other context, I think we should speak up and complain about it even when it benefits us. So that is what I am doing.

We should stand for this Washington exemption from ObamaCare. We should stand for this complete, double standard. We should insist that we live by that clear language of the ObamaCare statute so that when any Member gets his or her health care on the so-called ObamaCare exchange, just as millions of other Americans do—no exemption, no special subsidy, no special treatment in any way, shape or form.

I urge my colleagues to do the right thing, to support that important floor amendment. It is important to do that for two reasons—one, focused on principle and one focused on real practicality.

First, as to the principle, I think it is a basic fundamental principle of American democracy—it certainly should be exactly what Washington passes on the rest of the country it lives with itself. That should be a fundamental principle of American democracy.

So my legislation, the No Exemption for Washington from ObamaCare Act, the floor amendment which embodies exactly that legislation, would say that every Member of Congress, the President, the Vice President, and their political appointees get their health care from the ObamaCare exchanges just like millions of other Americans—no special exemption, no special subsidy, no special treatment, no special insider deal.

The second reason we should support that is a lot more practical, and that is that when you make the cook eat his own cooking, it often improves dramatically. When you force the chef to have every meal out of his own kitchen, the product often improves dramatically.

So that is what I want to do in a simple, straightforward way, abiding by the clear language of the ObamaCare statute itself. All of official Washington—the President, the Vice President, and all of their political appointees—should have to go to the exchanges for their health care, just like millions of other Americans who have to as their fallback option. And we should do it in the same way—no special exemption, no special subsidy, no special treatment, and no special insider deal.

It is important we say this, and it is important we do it. We have an opportunity do it on the floor as we debate the bill before us.

I urge my colleagues to support this important floor amendment and to lend support to the free-standing bill that I have introduced.

As I travel to Louisiana, I have regular townhall meetings, and I have regular telephone townhalls when I am stuck here in Washington and voting. Probably, the biggest single complaint I hear that really and rightly gets under the skin of my fellow Louisiana citizens goes to the heart of this discussion.
Mr. DONELLY. Mr. President, I ask unanimous consent that the amendment, which is the same as that we are going to do it in this case and in every other case, be divided.

Mr. DONELLY. Mr. President, I rise today to pay tribute to ADM James Winnefeld, Jr., who is retiring at the end of this month after serving with distinction for more than 37 years, culminating his career as the Vice Chairman of the Joint Chiefs of Staff.

Throughout his service as a senior military leader, Admiral Winnefeld has provided this body, and in particular the Senate's Armed Services, with valuable testimony and candid military advice. Over the last 4 years, Admiral Winnefeld has served as the ninth Vice Chairman of the Joint Chiefs of Staff. His vast experience, knowledge, courage, and professionalism, combined with his deep respect and consideration for our service men and women, will be greatly missed.

During his tenure as Vice Chairman, Admiral Winnefeld provided military advice to not only the legislative branch but also to the President of the United States, the Secretary of Defense, the National Security Council, and the Chairman of the Joint Chiefs of Staff on a wide range of complex military and national security issues during an extremely challenging period in our country's history.

In a challenging fiscal and security environment, Admiral Winnefeld helped to lead our military through global events and threats to include the Department of Defense's rebalancing to the Pacific, Iraq troop withdrawal, Afghanistan transition, the global threat of ISIL, instability in Syria, and Russia's provocative actions in Eastern Europe. In addition, the Vice Chair played key roles in advising our Nation's leaders on various counterterrorism efforts.

As Vice Chairman, he led the development and implementation of the 2014 Quadrennial Defense Review, an effort that involved thousands of senior leadership hours. Pivotal to his role as the Vice Chairman, he also chaired the Joint Requirements Oversight Council, where he worked tirelessly to transform the requirement processes to become more agile, transparent, and inclusive. Admiral Winnefeld focused his efforts on the immediate capability needs of the combatant commanders and the most pressing military issues of the joint force provided military advice to the Department of Defense.

As the commander of Carrier Strike Group TWO, he led Task Forces 50, 152, and 211, the USS Cleveland, and the USS Enterprise.

He led the "Big E" through her 18th deployment, which included combat operations in Afghanistan in support of Operation Enduring Freedom immediately after the terrorist acts of September 11, 2001.

As the commander of Carrier Strike Group TWO, he led Task Forces 50, 152, and 58 in support of Operation Iraqi Freedom and maritime interception operations in the Arabian Gulf. He also served as the commander of the U.S. 6th Fleet, the commander of NATO Allied Joint Command Lisbon, and the commander of Striking and Support Forces NATO.

His tours include service in the Joint Staff Operations Directorate, as senior aide to the Chairman of the Joint Chiefs, and as executive assistant to the Vice Chief of Naval Operations.

As a flag officer, Admiral Winnefeld served ashore as the director of Warfare Programs and Transformational Concepts at U.S. Fleet Forces Command, as the director of Joint Innovation and Experimentation at U.S. Joint Forces Command, and as the director for Specific Plans and Policy on the joint staff.

Prior to becoming the vice chairman, Admiral Winnefeld served as the commander of North American Aerospace Defense Command and the U.S. Northern Command.

As the commander of NORAD and NORTHCOM, Admiral Winnefeld led historic advances in the working relationship between NORTHCOM, Homeland Security, FEMA, the Drug Enforcement Administration, Customs and Border Protection, and the National Guard, specifically with the dual status commander concept. In addition, he led the U.S.-Mexico military-to-military relationship to a historic level of collaboration and brought tangible results to our Nation's important struggle against the fast-growing transnational criminal organizations.

Through his distinctive accomplishments, Admiral Winnefeld culminated a long and distinguished career in the service of our Nation. His tenure leaves a lasting, positive legacy on our armed services. I appreciate his extraordinary service which reflected great credit to our Nation.
upon himself, the U.S. Navy, and the Department of Defense.

For nearly 40 years, Admiral Winnefeld has performed his duty professionally, honestly, and with great dedication. Our Nation will miss his leadership and expertise. We wish him and his family all the best as he moves to the next phase of his life. Personally, I want to thank Admiral Winnefeld and say job well done, God bless, and Godspeed.

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. MARKEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW HORIZONS PLUTO MISSION

Mr. MARKEY. Mr. President, 46 years ago yesterday, Neil Armstrong and Buzz Aldrin became the first people to walk on the Moon.

September will bring the 53rd anniversary of President Kennedy’s speech that launched America on the quest to land them on the Moon. He set that goal for the country not because it was easy but because it was hard. I am here to congratulate the men and women of the New Horizons mission for making the hard work of sending a spacecraft to the edge of the solar system look easy.

One week ago today, what had once been a fuzzy picture of Pluto came into focus. Dramatic transformations inspire everyone. As you can see, NASA delivered an amazing before-and-after story. Until the New Horizons flyby, we could not see the details that launched America on the quest to land them on the Moon. The New Horizons team is following in the great American exploration tradition. They are pushing back the boundaries of geography, knowledge, and technology. In doing so, they are inspiring the world.

I look forward to the further revelations it will bring as its data streams back to Earth and it travels to the far edges of our solar system.

Finally, I would like to note that in the same week of taking us to Pluto, NASA also announced the continuous monitoring of the Sun and the Earth—the only home humans have known thus far. I hope the events of this past week confirm the importance of using all of NASA’s tools to further the exploration of our solar system and universe and better understand our own planet as well.

I yield back the remainder of my time.

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. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE LIVES OF FIVE AMERICAN HEROES

Mr. CORKER. Mr. President, I am here with our senior Senator LAMAR ALEXANDER to speak on something very tragic that occurred in our State and in many communities.

I rise to honor the lives of five American heroes—the five American heroes we honor today with the lowering of the flags here at the U.S. Capitol. Our community is heartbroken, as has been said many times, our State is heartbroken, and our Nation is heartbroken that these outstanding young men died in the way they did, but we honor their lives. We mourn their loss. We think of the greatness they embodied: Thomas Sullivan, David Wyatt, Carson Holmquist, Skip Wells, and Randall Smith.

I think as the Nation has learned about these individuals carrying out what many would consider to be mundane activities—being a U.S. military, those who protect us, they understand the greatness they symbolized, most of them having served in Afghanistan and Iraq and some of them younger, beginning their careers, but all with excellent backgrounds and exemplifying the very best America has to offer.

Our Nation mourns, our community mourns, and we have lost five of our greatest. Also, hospitalized in Chattanooga today is a young man named Dennis Pedigo, whose mother and father both served on the Chattanooga Police Department, and he has followed in their footsteps.

I think people have heard all around our country the tremendous heroism that was exemplified by the Chattanooga Police Department which rushed at the assailant and brought him to his end—by the way, trained to do so, trained to go at them. This was not a SWAT team, but these were patrol squads that were trained to deal with this kind of situation and no doubt saved the lives of other people in doing so. So we honor them. We honor all of them. We celebrate them. As a community we have been harmed, and our community has prayed.

We had a vigil on Friday night that was extraordinary. Senator ALEXANDER was there with our Governor, our mayor, county officials, and others. It was an extraordinary time of our community coming together around what has happened.

I do believe that what people all over the country and the world have heard about “Chattanooga strong” is true, and I think our community will be even stronger because of what has happened, and our Nation must understand where we are in the world and that these types of activities will possibly continue.

I had a very good conversation on Friday with the Pentagon to talk about what they are doing. I know threat activity has been rising for some time, and they are looking at what needs to be done to ensure this doesn’t happen again.

I had a very good conversation this morning with Senator MCCAIN, who I know is leading efforts with House Members to figure out if there is a way to add something to the NDAA, a piece of legislation that we can deal with very quickly here so we can make sure we have policies to protect lives.

Our community is praying for these individuals. It is my hope that we will do our part in place and appropriately protect these individuals.

In addition to that, there are tangible things we can do. I know that when something like this happens,
there are certain types of Federal benefits. Our offices are working together with outside groups to coordinate that.

Thankfully, our community has come together to make sure these families have the financial support they need beyond that. There is an effort under way in Chattanooga now—and I hope people around the world will participate—to make sure that the financial support that is necessary to sustain these families in light of what happened on Thursday.

My friend and a great Tennessean—or at least we claim him as that because he lives in Chattanooga for part of the year—Peyton Manning, has lent his name to this effort. My sense is that we will see a generous outpouring to ensure that, at a base level, some of the financial needs of these families, if not all, will be dealt with in an appropriate way.

I want to be by saying this. Our community has been shocked, as has the world. We have lost five outstanding people, and it has shaken their families. I had the opportunity to meet briefly with the family of the fallen sailor, the last person who passed. He was riddled with bullets, and the Erlanger trauma squad worked with him for hours and hours and hours trying to save his life. Finally, after a tremendous fight, he lost his life—again, in the line of duty.

The needs of these families are great. While our community is praying, they will try to meet their needs in other ways.

How do we respond to this? Lamar and I have both mentioned what comes out of this, and the fact is that I feel that our community is like none I have witnessed from the standpoint of its compassion to others. My sense is that the way our community is going to rise up and support each other is strong Chattanooga.

On Friday, I thought—while trying to think about what words I could add to the words that were being said—about the 101st Airborne Division and their current leaders: the mayor, the Governor, and their Senator, who is also their former mayor. I believe Chattanooga will be strong.

I think it is important, as we reflect and grieve here in the Senate with Chattanooga—not just with the families and the people who knew the five who passed—that we not only honor the five, but that we also honor the city and its response to this terrible tragedy.

I pledge to continue to work with Senator Corker to do all that I can to help those five families and help create an environment that can keep Chattanooga strong.

I thank the Presiding Officer, and yield the floor.

The PRESIDING OFFICER. The majority leader.

THE HIGHWAY BILL

Mr. McCONNELL. Mr. President, after literally months of discussion and a lot of cooperation from chairmen and ranking members and staff and Members from both sides of the aisle, I am happy to announce that Senator BOXER and I have an agreement for a multiyear, bipartisan highway bill. We hope to be able to discuss this agreement at our conferences shortly. This is a 6-year highway authorization that will allow planning for important long-term projects around the country. The bill also provides 3 years—3 years—of guaranteed funding for the highway trust fund.

Senators from both parties know that a long-term highway bill is in the best interest of our country, so we will continue working together to get a good one passed. Thanks to the dedication of both Republican and Democratic Senators and their staffs, I am hopeful that we will.

I wish to thank some other people who have been involved in getting us to where we are. In particular, I thank Senator INHOFE, Mr. President, and Senator McCONNELL, Senator BOXER, and Chairman Richard Shelby for their efforts to reach a bipartisan accomplishment.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, if we have an agreement—and I am sure we do because I have great respect for Senator McCONNELL, Senator BOXER, and, of course, Senator INHOFE. We have this issue through. We haven’t seen the bill. There can be an agreement, but until we put an agreement in writing, things are a lot different.
We have a number of committees that need to look this over in addition to the EPW Committee on which Senator BOXER is the lead Democrat. We have the Commerce Committee that we have to deal with. We have the Finance Committee that we have to deal with. We have the Banking Committee that we have to deal with.

I want a highway bill. I have had the good fortune of being chairman of the EPW Committee twice. I worked on a number of long-term highway bills back in the old days when we did that, and I hope we can have a long-term bill again. But we can't move forward on a bill until we have read it and seen it and studied it. That doesn't mean study it for several days, but we need to look at this document. I need to have a caucus after we have this document so we can look at it.

So I hope my friend the Republican leader will be patient and wait until we get something we can study, and I will have a caucus with my caucus and will sit down and decide how we should move forward on this matter.

I repeat, I admire all of the hard work that has been done by everybody up to this point, but we have to make sure that we move forward in the right direction. I understand all the issues probably more than most about all the time involved in a bill such as this. There are all kinds of potential ways to stall this, but we are not going to do that on purpose. We are going to be as expeditious as we can once we have something that we can read and understand and, as I said, study so we can understand it.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before my leader leaves the floor, I wish to thank him because he and Senator DURBIN, Senator SCHUMER, and the rest of the leadership team have been pushing hard for a multiyear bill. We are going to be as expeditious as we can once we have something that we can read and understand and, as I said, study so we can understand it.

The PRESIDING OFFICER. The major- leader.

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, the cloture vote we were originally going to have at 2:15 p.m. will be pushed back several hours to 4 p.m.

I will just add—in addition to the comments of the Senator from California—I wish to thank Senator INHOFE, who I think was in the Chamber. Mr. INHOFE. Right here.

Mr. MCCONNELL. Nobody has been a stronger advocate for a multiyear highway bill than the Senator from Oklahoma. In spite of the rather dramatic philosophical differences which exist between the Senator from California and the Senator from Oklahoma, when it comes to a transportation bill, they have been a remarkable team over the years. So I thank my chairman as well for an extraordinary contribution to all of this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I appreciate that very much. I wish to say that working in concert with Senator BOXER has been a pleasure. A lot of time has passed since we first talked about Members of the U.S. Senate—we are supposed to be defending America and roads and bridges. That is it. So this is by far the most important matter before us right now, now that we have the Defense bill behind us, and I look forward to working on this a reality.

The idea of a 6-year bill is very significant because without that we can't do the big projects. This morning on the floor with charts I showed all the different big, long structures, such as the Spence Bridge between Kentucky and Ohio. These are bridges and projects that have to be done, and there has to be a long-term bill in order to do that. I also shared this morning an experience that I had on the I-35 bridge that we put in through—the last major bill we had was in 2005. We put those repairs in there. That was in Oklahoma City. We actually had the death of a lady who was driving her three children under a bridge with concrete falling off. So we have to repair America, and this is the first step toward that repair.

It is very important that we proceed to the bill. I would suggest to people that if you don't like it and if you plan to vote against it, that is fine, but bring it out here so we can discuss the merits, the demerits, and we can also start working on amendments. I would encourage any Member who is listening right now to bring amendments to the floor because when we proceed to the bill, I am going to be down here on the floor as long as we are in session, and I will be wanting to get to these amendments. It doesn't do any good to wait until the last minute and then show up and say: “I have an amendment” on the day of passage of the bill. We will have deadlines. In order to get germane and nongermane amendments up for consideration, we have to have them down here, and if Members miss a deadline, then Members won't have that opportunity. So it is really up to the Members now to make sure that happens, but before we can get to that, the one thing that has to happen is we have to proceed to the bill. That has to be passed at 4 o'clock today.

I yield the floor.

ORDER FOR RECESS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate stand in recess as under the previous order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

Mrs. ERNST. 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. McConnell. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER (Mr. Lankford). Without objection, it is so ordered.

CLOTURE MOTION

Mr. McConnell. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk reads 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 the debate on the motion to proceed to Calendar No. 19, H.R. 22, an act to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.


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 H.R. 22, the Hire More Heroes Act of 2015, 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 Senators are necessarily absent: the Senator from South Carolina (Mr. Graham) and the Senator from Florida (Mr. Rubio).

Mr. Durbin. I announce that the Senator from Florida (Mr. Nelson) is necessarily absent.

The PRESIDING OFFICER (Mrs. Ernst). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 41, nays 56, as follows:

ROLL CALL VOTE NO. 250

YEAS—41

Alexander  Daines  Heitkamp  Peters  Baldwin
Ayotte  Enzi  Hirono  Reed  Benning
Blumenthal  Kaine  Hein  Booker
Boxer  Klobuchar  Schatz  Brown
Cannwell  Laun  Sessions  Cardin
Carper  McCaskill  Shaheen  Casey
Coons  McConnell  Shalala  Crapo
Crowley  Menendez  Tester  Cruz
Donnelly  Mikulski  Toomey  Durbin  Murphy
Franken  Murray  Warner  Gillibrand  Whitehouse
Heinrich  Perdue  Wyden

NOT VOTING—3

Graham  Nelson  Rubio

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 56.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. McConnell. Madam President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

Mr. McConnell. Madam President, it is my understanding that many of our colleagues on the other side have voted against cloture at this particular point. They wanted to have further time to read the bill. I want everybody to understand that the text is filed, it is at the desk. There are detailed summaries available online on the EPW Committee Web site.

As everyone knows, Senator Boxer, I, and others have been discussing this in great detail.

I am hopeful that by tomorrow we will have cloture on the bill and an opportunity to go forward.

Let me just say to everybody that I know I haven’t threatened a Saturday session all year, but there will be a Saturday session and probably Sunday as well. Let me tell you why. We have a chance to achieve a multiyear, bipartisan highway bill. Senator Inhofe and Senator Boxer reported out a 6-year bill. This is a 6-year bill. We have paid for the first 3 years. I believe our colleagues on the other side will find these pay-fors credible. They may not love every single one of them, but there is not a phony one in there.

If we can get this bill over to the House, it is my belief they will take it up. Give the House of Representatives a chance to read this and they have a chance to know exactly what it costs and they have a chance to know exactly how it affects them. That is not an unreasonable request, we don’t think. That is the way the Senate works. That is our job. When it came to the Defense authorization bill, we spent a couple of weeks doing that. When it came to No Child Left Behind, the Energy bill, we spent 7 weeks going through it. The Homeland Security bill took 7 weeks. The Energy bill in 2002 took 8 weeks. A farm bill last year took 4 weeks. So we have a little reading to do, a little work to do.

John McCain said:

But could I also add, if we haven’t seen it, don’t you think we should have time to at least examine it? I mean, I don’t think it would be outrageous to ask for a bill to be read that we haven’t seen.

I—as have a number of people in this body—have worked on highway bills in the past. We have worked on these bills, and they have taken weeks to get done, there are being presented with something here that basically says: You take this or leave it. That isn’t the way it should work around here.
I am going to do everything I can to move forward on a long-term highway bill. I want to get it done. But we are going to have to look at this and find out what my different committees think, what different Senators think, what people at home think. You know, I have constituents back home who are really interested in what is in this bill. There is the banking provision. There are the pay-fours. I looked at them last week, but that has been a moving target also.

The ranking member of our Finance Committee—and also, as you know, the ranking member of the Appropriations Committee—I think learned something in the last half-hour—doesn't know what the pay-fours are either.

So, in short, we want to be as cooperative as we can, but we are not going to lunch into this legislation without having had a chance to read in detail this 1,030-page bill and, after having read it, to have a discussion within the caucus on this bill.

We will be in a very difficult position if—as the Republican leader said, we are going to work over the weekend, which is fine. I have no problem with that. I have tried that myself a few times; it didn’t work so well. But I am willing to be part of the deal here if we need to work this weekend to get it done.

I don’t know what the House plans to do, but we are assuming a lot, that the House is going to take up this bill. If they did, that would be wonderful, but I have to say that based on my conversations with the Democrats in the House, in conversations they have had with the Republican leadership over there, I don’t think there is a chance in the world they are going to take up this bill. They have sent us a bill—a bill that is for 5 months, with conversations between the White House—not our WHITEHOUSE but the President’s White House—to come up with a long-term highway bill. Part of that is some of the Ex-Im Bank. I realize how important that is. I have been on this floor talking about how important that is. We have about 45 different countries that have, as we speak, ex-im banks that are working, that are taking away all of our business, so it is important that we get that done also. But we cannot let one get in the way of the other. It is not our fault—Democrats' fault—that we don’t have an Ex-Im Bank bill. We didn’t create the problems with Ex-Im having gone out of business.

So I want to get a highway bill done and I want to get Ex-Im Bank done, but the Ex-Im Bank problem should not stand in the way of us getting a good, strong, robust highway bill.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Madam President, my good friend the Democratic leader was saying recently as a couple of weeks ago that we need to do a long-term highway bill. Well, Senator BOXER and I took him seriously. We have worked hard to come up with a bipartisan, multiyear, paid-for highway bill. The fact that it hasn’t been online very long is a good argument, and our friends will have an opportunity to read every bit of it. I hope at that point they will find it attractive to move forward. As I have said for over I guess now something like 2 months, it is my hope that those of you who support the Ex-Im Bank to offer an amendment on that subject. So it is further complicated in terms of timing by the fact that the House of Representatives is leaving a week earlier than we are and with certainty that the House of Representatives will take up and pass a multiyear highway bill that doesn’t raise the gas tax and is credibly paid for, but it is a lot more attractive, it strikes me, than a 6-month extension that we have to revisit again in December.

I am hopeful that the House will take a look at what we have done on the Senate side on a bipartisan basis and find it very appealing. So we would like to worry about this and we intend to work our way through it—including the weekend—to get what we believe is an important accomplishment for the country over to the House of Representatives so they can take a look at it. Maybe they will find it appealing as well.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, if I could say to both leaders, whom I respect tremendously—and I agree with Leader REID 99.9 percent of the time—is that the Senator and Chairman INHOFE have been discussing with people around the country who would benefit from this bill. Does the Senator have a sense of their enthusiasm for the product that we have come up with?

Mrs. BOXER. I do. As I shared with Leader REID today, we have 68 organizations, from labor, to business, to general contractors. I have the list. They are asking us, beguising us to move forward—the National Governors Association, it is really a number of organizations that don’t agree all the time. I mean that the building trade doesn’t often agree with the Chamber of Commerce, but they agree on this. So I think there is enthusiasm, Mr. MCCONNELL. Would it be correct in saying they are less than enthusiastic about another short-term extension?

Mrs. BOXER. They agree with those of us who have said that is a death by a thousand cuts. We just can’t keep on doing these short-term extensions. I would say this to the Republican leader. If you or I went to the bank to get a mortgage and the banker smiled and said that you get that mortgage, but it is only for 6 months or 5 months, you wouldn’t buy the house.

Mr. MCCONNELL. Would it also be correct, I ask the Senator from California, if we are fortunate enough to send a multiyear paid-for highway bill over to the House, that the same constituency groups that have had an interest in this and have an enthusiasm to you would likely descend on the House and suggest that this might be something they ought to take a look at?

Mrs. BOXER. I think there will be huge momentum if we are able to pass this in a bipartisan way, yes, I do.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I have been listening carefully to what concerns people have, and I have to remind everyone that it meets June 25—June 24—that we passed this bill out of committee. We had been working on this bill for months before that.
All of us realize that between the last bill we had, which was a multiyear bill in 2005—that we then had a 5-year bill, and since that expired at the end of 2009, we have had nothing but extensions. Those extensions cost 30 percent off the top just because the short-term extension doesn’t work. But we went ahead, and we passed a bill.

The reason I am optimistic that if we can get this to the House they will sign it is because that wasn’t a problem at all when it went to the House the last time. We knew that the cost of the bill is far less—the conservative position. That was with 33 Members of the House on the transportation and infrastructure committee. So all of the Republicans and all of the Democrats on their committee voted for it. Those same Democrats and Republicans over there would support this.

I think the reason they came out originally for a shorter term bill was to pack it in with some other things they wanted to get passed. But I have yet to talk to the first Member of the House who doesn’t say: If you bring us a multiyear bill, we will sign it.

I think that is a moot statement. I think that will happen, and we are willing to stay here until it does happen. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

MR. CORY, Madam President, I appreciate the chairman and the ranking member of the Environment and Public Works Committee pointing out that the actual underlying authorization language in this legislation has been public information since June 24—June 21. The only thing that is a little different about this underlying bill—it is not as if this were air-dropped out of heaven, and it showed up on people’s desks—is that Senator HATCH, the chairman of the Committee on Finance and a lot of work on a bipartisan committee, EPW, the Homeland Security and Governmental Affairs Committee have come up with a group of pay-fors to figure a way to pay for this bill. Of course, that represents a consensus to pay for 3 years rather than this idea of a 6-month patch and hoping that somehow we will come up with the money in December for a 6-year bill.

So while I regret this failed cloture vote, this bill does represent a significant step forward, and I am encouraged by what I have seen in terms of the bipartisan cooperation that allowed us to make progress on a number of contentious matters so far this year, and I thank the minority whip for his good work on this as well.

We passed an education bill. We passed trade promotion authority. It was not universally popular on both sides, but this was a priority for the President and I think something that represents a step forward for our economy, opening markets for the things we raise and grow and the things we make in this country.

We have identified a number of important things that I hope begin to regain the public’s trust and confidence that we are actually able to function and that even though we have very different ideas about how to get to a conclusion, we can actually find common ground and make some progress.

In my State in particular—Texas being a large State—the Texas A&M Transportation Institute estimates that by the year 2020, 8.4 billion hours will be spent waiting in traffic—8.4 billion hours. That also means that 4 billion gallons of gas will be wasted in the process. Imagine the pollution, not to mention the heartburn associated with congestion on our highways and roadways.

We are, thank goodness, a fast-growing State relative to the rest of the country. We are a big State. We need the transportation infrastructure to keep our economy moving and to create jobs and economic growth.

So I would hope to work in a bipartisan manner to address what I hope is just a temporary obstacle and avoid these patches that kick the can down the road and provide no predictability or planning ability so these long-term projects can be initiated and completed.

I would just point out the fact that Texas has not waited on the Federal Government to do what its transportation needs. Last November, by an overwhelming 4-to-1 margin, Texans approved a ballot initiative that provided an additional $1.7 billion to upgrade and maintain our transportation network. So I congratulate our leaders at the State level who have taken the initiative to begin to make that downpayment on upgrading and maintaining our transportation network, but estimates are we need as much as $5 billion in order to do that. So this represents just a downpayment. We need to pass the Federal highway bill in order to complete our work.

As I pointed out, our State has currently about 27 million people. By 2040, it is estimated to reach as many as 45 million people. So we need this infrastructure, but we are not alone. We are not unique in that sense. Every State needs transportation infrastructure to keep people and goods moving in order to continue to grow our economy because a growing economy creates jobs and opportunity, and the one thing we need in this country is a growing economy.

Last year, in 2014, the Texas economy grew at 5.2 percent. The U.S. economy grew at 2.2 percent. That is why, because of that 3-point differential, we have created more jobs in Texas—or seen jobs created by the private sector, I should say—than anywhere else in the country. If we fail to pass a multiyear transportation bill, if we somehow decide to shoot ourselves in the foot and fail in this important effort, we will have only ourselves to blame, and we will be contributing to the problem rather than contributing to the solution.

The resources provided for in this legislation will help relieve urban congestion, upgrade rural routes, and improve the overall safety and efficiency of our highways. It is something our friends across the aisle just a few short weeks ago said they wanted. They said they were worried about this impending deadline coming up where we needed to do something, and they were predicting that perhaps we would just gut at 2.2 percent. That is why, if we don’t create a mechanism to find the funds for a long-term highway bill. So I would urge our colleagues to take yes for an answer.

Thanks to the good work done by Chairman HATCH of the Committee on Finance and a lot of work on a bipartisan basis across the aisle, we have actually come up with enough money—enough legitimate pay-forsto pass a 3-year transportation bill with the prospect, if we can come up with some additional funds through international legislation, to deal 3 years. So nothing here actually precludes that effort. Nothing cuts that off. This is, I think, part of doing our...
basic job as Members of the Congress. It is not particularly attractive or sexy or interesting, but it is about competence, it is about doing our job, and it is about putting the American people’s interests first.

So let me say to our colleagues will have had a chance to satisfy themselves and understand the pay-fors in this bill, recognizing that most of this information has been out there in the public domain for a long, long time. I am not asking them to like it, I am not asking them to fall in love with the pay-fors, but I am asking them to let us go forward and to let the Senate be the Senate. Let people offer their ideas, hopefully get votes on constructive suggestions, eventually pass this legislation, and send it over to the House, where I predict, if it comes out of the Senate with a good strong vote, our friends in the House will take it up and pass it and send it to the President, and we will have fulfilled our responsibilities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, let me add my voice to this bipartisan chorus. The founding of the United States of America that we are now in the midst of our 33rd short-term extension of the highway trust fund.

This 60-day extension ends in 10 days. It is true and the Senator from Texas is correct that many of us have come to the floor and said this is beneath the dignity of a great nation—that we cannot invest in our own economy, in our own business growth. Building the highways and bridges and the mass transit that sustains a great nation takes a determined long-term effort.

Now, there are those—not on our side of the aisle, but there are those—who question whether the Federal Government should be involved in this at all. The coalition I mentioned earlier argued, I understand, that this really should be a State and local matter: Get the Federal Government out of the business of planning the transportation grid for America.

I have three words for those people who believe that: Dwight David Eisenhower, a Republican President who, in the 1950s, had the vision and determination, once he had seen the autobahn in Germany, to say that the United States of America needed an interstate highway system for its national defense. That is how he sold it. He sold it to a bipartisan Congress, and we have lived with that benefit ever since.

Our generation and even those before us have inherited the vision of that President and Members of Congress who said: Let us invest in the long-term development of America. Think about your own home State and what interstate highways mean to your economy. In my State, if you are a town lucky enough to live next to an interstate, you are bound to have a good economy. And if you are blessed with the intersection of two interstate systems, hold on tight, because the opportunities are limitless.

So that generation 60 years ago had a vision. The question is, Do we have a vision? We certainly don’t have 60-day extension highway trust fund. That is why when Senator MCCONNELL on the Republican side offered a long-term approach, 3 years—I wished it were 6—but 3 years actually paid for, I believe we should take it seriously.

One Senator among us, Senator BOXER of California, did. As chairman of the Environment and Public Works Committee, BARBARA BOXER rolled up her sleeves and started negotiating, crafting an agreement. How about this for an assignment. We said to Senator BOXER: Come up with a long-term highway trust fund bill, get it through four different committees to the satisfaction of at least the majority of the 45 other Democratic Senators, work out your differences, and report to us in 10 days.

She did. I have to give credit to her, as big as this bill may be—and by Senate standards it is one of the larger ones—it was an undertaking she took seriously and we should take seriously too. Now that we have the bill, there is no excuse. There is plenty of time to read this. Don’t believe that every word on every page is valuable, but let’s go through it carefully and make sure we understand completely what we are doing before we vote. That was the closure vote we had earlier today.

When I went home over this weekend and called leaders in my State—I called the CEOs of two major corporations, I called the labor unions, I called the U.S. Chamber of Commerce, and they were over the moon and happy with the notion that we are finally going to come up with at least a 3-year highway trust fund bill.

I will be reading carefully. In the course of reading it, I hope I can come to the conclusion that this is the right answer to move us forward to build our infrastructure for the next generation.

NUCLEAR AGREEMENT WITH IRAN

Mr. DURBIN. Madam President, when President Obama came to office, he looked out at the threats across America, and there were four hard-targets: Iran, China, North Korea, and Iran. The situation in Iran was particularly worrisome because there was a recurrent belief that Iran was developing nuclear weapons. I have heard critics ask: Well, what difference would it make? How foolish would it be for Iran to launch a nuclear weapon against anyone? Every nuclear weapon that is launched has a return address, and that country will pay dearly for a reckless decision such as that. But the fear the President had and we shared was that if Iran possessed a nuclear weapon in the Middle East, it would trigger an arms race, and many other countries in that volatile region of the world would then seek to develop their own nuclear weapons and the potential conflagration was incredible.

There was also a concern that one of the first targets of Iran would be our close ally and friend, the nation of Israel. It was a reach that the conclusion when you read and hear the rhetoric of the rightwing in Iran, which will not even recognize Israel’s right to exist. President Obama set out to do something about it.

It was clear from our experience in Iraq and Afghanistan that sending in American troops was something that had to be thought about long and hard. We let’s face it, what we faced in Iraq with roadside bombs maimed and killed so many American soldiers that we realized this new world of asymmetric military confrontation didn’t guarantee that the best military in the world would have an easy time of it.

We ended up with almost 5,000 casualties in Iraq and nearly 3,000 now in Afghanistan, and Afghanistan turned out to be the longest war in U.S. history. This President and the American people were reluctant to face another military confrontation.

This President made a decision. I have talked to him about it. He decided every leader from every country who came in to see him would be asked to join in an effort to impose sanctions on Iran to bring them to the negotiating table over the issue of their nuclear capability.

The President put together an international coalition because we learned long ago unilateral sanctions are not worth much, but if you can bring many nations around the world into a common purpose of putting the pressure on a country, it can have a positive impact.

The coalition the President put together was amazing; witness the negotiations themselves where China and Russia were sitting at the same table as the United States, and the European Union—England and France—and many other countries joined us in imposing these economic sanctions when they had little to gain and a lot to lose when it came to the oil resources of Iran. The President’s determination to put the sanctions on Iran was for the purpose of bringing them to the negotiating table. That diplomatic gathering would literally be the first meeting in 35 years between Iran and the United States, representing that period of time when our relationship with Iran had reached its lowest possible point. At this point, the goal of the negotiation was very clear: stop Iran from developing a nuclear weapon.

How real was the threat that they were developing such a weapon? If you go back in time and read the quotes from the Prime Minister of Israel Ben- jamin Netanyahu, for years—more than 10 years—he has been warning that the Iranians were close to developing a nuclear weapon. It was a matter of weeks, months, a year at the
most by most of his estimates. Of course, Israel, more concerned than most about the nuclear threat, warned the world of what would happen if Iran developed a nuclear weapon.

Last week, after lengthy negotiations, the P5+1 announced that Iran and the others who sat at the table—P5+1, as they are known in shorthand—that they had reached an agreement with Iran.

It was interesting to watch the reaction on Memorial Day. There were some Members of Congress who condemned that agreement before it was even released to the public. You see, 47 Members of the other side in the Senate had sent a letter to the Aya-

tollah in Iran during the course of nego-
tiations, before any agreement was reached, warning him and his nation not to negotiate with this President of the United States.

That was unprecedented. That had never happened before in American his-
tory—bipartisan party reacted out to a sworn enemy of the United States and gave them advice not to speak to our leader. That letter went on to say that even though you think you reached an agreement between Iran and the United States, do not be misled; ultimately, Congress would have the last word on that agreement.

It was no surprise in that environ-
ment that so many Senators and Con-
gressmen from the other side of the aisle immediately condemned this agreement. Some of us decided to take a little time and perhaps reflect on it, read it, and reach out to people who were involved in it.

I took last week to read the 100-plus pages of this agreement and to talk further to our Nation's top experts, in-
cluding the Secretary of Energy Ernest
Moniz, Secretary of State John Kerry, and others, about this agreement, hop-
ing I could come to understand exactly what was being offered by way of stop-
ping Iran from developing a nuclear weapon.

I am under no illusions about the Ira-
nian regime. Its support for terrorist groups such as Hezbollah and Hamas is well documented, its abysmal human rights record is well known, and its brutal suppression of its own people during the 2009 election in Iran is well documented.

Iran also continues to hold a number of American hostages on outrageous charges, including Amir Hekmati, Saeed Abedini, and the Washington Post re-
porter Jason Rezaian.

I joined a few years ago, in 2007, with Republican Senator Gordon Smith in introdu-
ing the Iran Counter-Proliferation Act, which were components of which be-
came the basis for a strict petroleum sanctions regime that helped bring Iran to the negotiating table.

I voted for all the key sanctions bills against Iran, and I have tried to vigorously voice for increased mili-
tary assistance to Israel. When I chaired the Defense Appropriations Subcommittee, I was proud to double the Iron Dome funding request of Israel for their own defense of their nation.

The agreement before us is a com-
prehensive solution to the nuclear weapons issue with Iran. Without a nu-
clear weapon to embolden Iran, the agreement will better deter the United States and its allies to better deter Iran's de-
stabilizing actions.

Let's take a reflective moment and look at the history—recent history—in the United States. Strong leaders and nations such as the United States meet their enemies and talk to them to negotiate for a more peaceful world. Throughout our history, American leaders have successfully and aggressively used dip-
lo
cracy. That was unprecedented.

In 1962, the Cuban Missile Crisis. We faced the prospect of a nuclear war, a standoff with the nation, where we knew and they knew they had the ca-
pacity simply common sense. It has been in

the practice of this Nation, America, for generations, regardless of who is President, to meet and try to negotiate for a more peaceful world. Throughout our history, American leaders have successfully and aggressively used dip-
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cracy. Presidents of both political parties.

There were some Members of Congress who said let's take them on. Some even suggested a full invasion of Cuba, but John Ken-

nedy wisely pursued a careful balance of strength and diplomacy, using a blockade and negotiations to bring us back from the brink.

Few people knew the Kennedy admin-
istration was secretly negotiating with the Soviets while the Cuban Missile Crisis was unfolding, and ultimately President Kennedy agreed to remove American nuclear-armed Jupiter mis-

siles from Turkey and Italy as part of an agreement that Soviet Premier

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tchev remove Soviet nuclear missiles from Cuba.

Are we going to say now in reflection that Joe Biden should never have negotiated during this crisis because the Soviets were out to destabilize the world and to spread communism?

Let's not forget when John Kennedy entered into this negotiation, the So-

viet Union had not only placed nuclear missiles in Cuba—they were in the process of placing them—but it was oc-

cupying Eastern Europe and trying to spread communism around the world. The bloody Korean war, where my two brothers served in the U.S. Navy, was a result of the Soviet Union's support of North Koreans against the United States. Yet we sat down and negotiated with the Soviet Union.

Fast forward a few years. In 1972, then-President Nixon traveled to Com-
munist Red China to begin establishing normalized relations. China wasn't a friend of the United States. It was a key supporter of the North Viet-
american regime. Its support for terrorist groups such as Hezbollah and Hamas is well documented, its abysmal human rights record is well known, and its brutal suppression of its own people as part of the brutal Cultural Revolution. I recognize, as President Nixon did then, that it is hard to enter into negotiations with a regime as nefarious as China, and just as with Iran today, many conservatives denounced Republican President Nixon for doing so. However, as China's sphere of influence grew and relations between the United States and the So-
viet Union deteriorated, many in both parties—including President Nixon—recognized it was time to change.

Nelson Rockefeller, President Nix-
on's rival for the Republican nomina-
tion in 1968, called for more contact and communication. It was former Vice President Hubert Humphrey, a Demo-
crat, who proposed the building of bridges to the people of mainland China. Then-Senator Ted Kennedy rec-
ognized President Nixon's diplomatic efforts toward China as a "magnificent

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In 1979 Soviet forces invaded Afghanistan and continued to attempt to spread communism. That led President Carter to halt efforts to negotiate the SALT II Strategic Arms Limitations Treaty. The list of Soviet aggression at that time was lengthy, but it was President Ronald Reagan who said he would sit down and negotiate with the Soviet Union. I have an excerpt here from the January 17, 1986, New York Times about the opposition Ronald Reagan faced in negotiating an arms agreement with the Soviet Union. It may sound familiar to what we are hearing today about President Obama’s efforts in Iran.

In May of 1987, the conservative National Review magazine had a cover with the title “Reagan’s Suicide Pact.” President Reagan eventually agreed with then-Secretary of State Schultz in negotiating an arms treaty with the Soviet Union to try to limit the spread of nuclear weapons and was being likened to Neville Chamberlain. Does that sound familiar?

In December of 1987, the conservative National Review had a cover with the title “Reagan’s Suicide Pact.” President Reagan eventually agreed with then-Secretary of State Schultz that arms control could and would improve U.S. national security.

In December of 1987, Reagan and Gorbachev signed the Intermediate-Range Nuclear Forces Treaty, committing the two superpowers to eliminate all of their nuclear and conventional ground-launched ballistic and cruise missiles with ranges of 500 to 5,500 kilometers. This treaty, the Reagan-Gorbachev Soviet Union arms control treaty, was one of the first to rely on extensive on-site inspections to verify the agreement.

Do you remember who coined the phrase “trust but verify”? It was Ronald Reagan in his negotiations with the Soviet Union. It took 5 months after Ronald Reagan reached this agreement for this Chamber to vote 93 to 5 in favor of that treaty at a time when the Democrats had a majority. I could go through the long list of Democratic Senators who supported President Ronald Reagan’s efforts to try to create a more peaceful world.

Ultimately, because of that agreement, more than 2,000 short-, medium-, and intermediate-range missiles were destroyed. Our relationship with the Soviet Union didn’t improve overnight, and we certainly still have our problems with them today. But going back to what I said earlier, the Russians sat on the same side of the table as the United States in this negotiation for this agreement to end the threat, or at least delay the threat, of nuclear power and nuclear weapons in Iran. Imagine if 47 Senators, during the course of Ronald Reagan’s negotiation with Gorbachev, had written in the middle of those negotiations to Mr. Gorbachev and said: Ignore President Ronald Reagan; don’t negotiate with him. We will accept it here in Congress. If that had happened, there would have been cries of treason for sending that kind of letter. It didn’t happen. Those were the days when there was a bipartisan approach to these efforts. I know they did. But the agreement reached last week provides unprecedented safeguards and inspections to prevent Iran from building nuclear weapons now or in the future. The United States and its allies are strong enough to enter into this agreement, not because Iran is suddenly trustworthy or an open democracy but because it serves our national security interests to do it.

Secretary of State John Kerry, Secretary of Energy Ernest Moniz, and Under Secretary of State Wendy Sherman negotiated this agreement with a single focus: Prevent Iran from getting any closer to obtaining a nuclear weapon—and achieving that goal, and that is why I am supporting this effort by the President to bring a more stable and peaceful situation to the Middle East.

To appreciate the magnitude of their challenge, let’s step back and take stock of Iran’s nuclear weapons program as it is today before this agreement goes in place. Iran currently has enough nuclear material to make 10 bombs in less than two-thirds, and for the next 15 years, its enrichment will take them at least a year to achieve it—a year in which we can put pressure and more, if necessary.

The agreement reduces Iran’s uranium stockpile by 98 percent, cuts its number of centrifuges by more than two-thirds, and for the next 15 years, caps its enrichment at 3.67 percent. It prevents Iran’s underground facility at Fordow from being used for uranium enrichment.

Iran is required to change its heavy water reactor at Arak so that it can no longer produce weapons-grade plutonium. How will we know? Because we are helping to design and to monitor the fuel in and out of this facility and verifying it every step of the way.

All of us have deep suspicions about Iran’s nuclear ambitions, and we should. What if they try to build a secret facility? Well, our negotiating team, led by an extraordinary man, Secretary of Energy Moniz, designed a verification plan with no exits. Our team thought long and hard over the last 2 years about how we might be able to stop cheating. For every potential technique, they embedded a countermeasure in the text of the agreement.

This weekend Secretary Moniz explained that it would be “virtually impossible” to hide nuclear activities under this agreement. It is the strongest nuclear verification system ever imposed on a peaceful nation. Its end result is that Iran will not be able to do anything of significance without being caught. And going back to Ronald Reagan, our inspectors will be on the ground.

Mr. DURBIN. Mr. President, I ask unanimous consent for 5 additional minutes.

Mr. DURBIN. Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER (Mr. GARDNER). The Senator’s time has expired.

Mr. DURBIN. Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. This agreement requires the IAEA to have 24/7 access to all of Iran’s declared nuclear facilities.

This means in-person inspectors, remote cameras, tamperproof seals—all of the world’s most sophisticated detection technologies. As one nuclear expert commented last week, “If a rat enters a nuclear facility [in Iran], we will know it.”

Critically, this intrusive monitoring goes all the way to the nuclear supply chain, from uranium mines to centrifuge production. We cover it all in this agreement.

It will allow IAEA inspectors to follow every ounce of uranium from the ground to its final destination, and every piece of nuclear infrastructure from its creation to its use. If Iran
tries to divert anything to a covert facility, we will know.

This agreement also sets up a dedicated procurement channel. Any dual-use item Iran wants to purchase from the international community must go through this channel.

The U.S. and its allies have a veto over such purchases. It makes it almost impossible for Iran to import anything of benefit to a nuclear weapons program.

Lastly, Iran must also abide by the Additional Protocol forever. This allows the IAEA to have access to non-nuclear sites in a timely fashion, in as little as 2 hours. The agreement also requires any disputes over access to these non-nuclear sites to be resolved in short order. If not, Iran would be in violation of its commitments and sanctions could quickly snap back.

Critics have complained about the time period our nuclear experts negotiate. But Secretary Moniz and many others with Ph.D.’s have pointed out, uranium has a half-life of 4.5 billion years. It doesn’t disappear like invisible ink. It cannot be cleaned up in a matter of weeks. If Iran cheats, we will know.

President Reagan was correct to negotiate with the Soviets when there were strategic openings and President Obama is doing the same thing with the Iranians. The potential benefits of this deal are too significant, and the costs of doing so too high, to just walk away.

If we walked away, the international sanctions regime would crumble and Iran would have few if any restrictions on its program. Imposing more sanctions or simply bombing Iran today would create an even greater security risk to the region.

In fact, if we bombed Iran today, it would almost certainly withdraw from the Nuclear Nonproliferation Treaty and kick out inspectors. As soon as that happens, Iran’s nationalistic backlash would almost assure that the regime would build a nuclear bomb. Over the longer term, if Iran were to fail or cheat despite its international commitment, we retain the right to use military force and we would be in a much better position internationally to do so. And accepting this deal does nothing to stop the U.S. and allied efforts from countering Iran’s behavior elsewhere. Key sanctions and Iran’s support for terrorist groups will remain in place. Our support for regional allies will remain strong, if not stronger. And, critically, an Iran determined to destabilize parts of the Middle East with a nuclear weapon in its arsenal would no longer be an option.

No doubt this is why some 60 of the most respected names in foreign policy, Democrats and Republicans alike, recently wrote in support of this agreement. The signers included Secretary Albright, Secretary of Defense William Perry; Secretary of the Treasury Paul O’Neill; National Security Advisors Bolzenius and Brent Scowcroft; Under Secretaries of State Nicholas Burns and Thomas Pickering; U.S. Ambassadors Ryan Crocker and Stuart Eizenstat; U.S. Senators Tom Daschle, Carl Levin, George Mitchell, Nanny Landon Kassebaum, and many others.

We have signed and support this agreement in the Senate.

I see the Senator from South Dakota is here, and I will wrap up.

Let me conclude. When I sat down to read the Iran agreement, I knew how many of my colleagues—I was struck on the third page with this statement in the agreement with Iran: Iran reaffirms that under no circumstances will Iran ever seek, develop or acquire any nuclear weapon. That is quite a statement. It was our goal at this negotiation. Do I believe it? Some, but I have my doubts. That is why we had to have an inspections regime from the Iranian mines right through the production facilities. That is why we had to bar hacking from their capacity to build weapons-grade fuel, and that is why this agreement is now—most of the countries believe—moving us in the right direction in Iran.

There are critics. We heard a lot of them here in the Senate. There isn’t a single critic who has stepped up with a better idea. They said: Well, let’s go back to the sanctions regime. The countries that joined us in that sanctions regime did it to bring Iran to the negotiating table, and it worked. They now have an agreement they believe in and we should believe in too. To think that we are going to renew sanctions or place unilateral sanctions—that to me is not likely to occur if Iran lives up to the terms of this agreement.

I will add the other alternative. We know the cost of war. We know it in human lives, we know it in the casual ties that return, and we know it in the cost to the American people. Given a nuclear weapon, that is how Iran would work in a diplomatic fashion toward a negotiation so we can lessen this threat in the world. I think President Obama made the right choice.

I support this administration’s decision to go forward with this agreement. I will be adding my vote to the many in the Senate in the hopes that we can see a new day dawning and in the hopes too that like President Nixon and President Reagan and even like other Presidents before us who have sat down to negotiate with our enemies, at the end of the day we will be a safer and stronger nation because of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

THE HIGHWAY BILL

Mr. THUNE. Mr. President, I will speak about the Iran nuclear agreement in just a minute and before I do that, I will briefly talk about the legislation before us on the floor, and that is the reauthorization of the highway bill, which is something we have to do on a fairly regular basis around here. Every so many years the authority to spend out of the highway trust fund expires, and we can’t fund the infrastructure needs that our country has in terms of roads, bridges, construction, maintenance, and things that are so important to our competitive economy.

This week we have an opportunity to do something that hasn’t been done for years. That is to fund a multiyear highway bill. The reason that is important is because people who rely upon highway funding that comes through the highway trust fund need to be able to make plans. State departments of transportation, those who are involved in the construction, such as contractors, and all the people who are involved and the jobs that are associated with this process need the certainty that comes with a long-term bill.

I was told that there have been 33 short-term extensions over the last few years since the last long-term highway bill was passed. I believe, somewhat around the 2005 timeframe, I was part of that. I was a member of the Environment and Public Works Committee at the time. I worked on highway bills as far back as my days in the House of Representatives, when I served on the Transportation and Infrastructure Committee. This is something that we have to do here on a regular basis if we are going to ensure that we have a competitive infrastructure in this country suitable to moving people and goods in a way that keeps our economy moving forward and growing. That is why, in my view, when we have an opportunity to get a multiyear bill, we shouldn’t pass on it.

If we continue to pass 6-month and 1-year extensions, all we are simply doing is kicking the can down the road. I say that 33 short-term extensions is not a very good way to run a railroad and certainly not a very good way to run a highway program.

I know there are going to be differences. The committee that I chair, the commerce committee, was involved with marking up portions of the highway bill that pertained to highway safety and some railroad provisions and other items that would be included in this bill. We worked on that through the weekend, and I addressed many of the concerns that Members on both sides had, and I feel very good about where that part of the bill is. I worked as a member of the Finance Committee and tried to find ways to pay for this. We can get a multiyear bill in place that provides the certainty, the predictability, and the reliability that we need in our highway funding process in this country, it would be a very good thing. As we all know, it is incredibly important for growth and to jobs. The certainty that comes with a long-term bill is something that we all ought to strive for.
So I hope, notwithstanding the differences that exist in the vote we had earlier, that tomorrow when we take up this legislation again we will get the votes that are necessary to proceed to the bill and begin to move forward with the press in the hopes that we might get something to the House that they might be able to act on and then we can get it to the President’s desk. Then, at least for the foreseeable future, we can get this issue dealt with so we don’t have to come back and do this every 90 days or whatever those 33 extensions have consisted of over the past few years.

NUCLEAR AGREEMENT WITH IRAN

Mr. THUNE. Mr. President, former President Jimmy Carter was recently asked about President Obama’s successes on the world stage. He said in response:

I think they’ve been minimal. . . . [O]n the world stage, just to be as objective about it as I can, if many nations in the world where we have a better relationship now than we did when he took over.

He went on to say:

If you look at Russia, if you look at England, if you look at China, if you look at Egypt—I’m not saying it’s his fault—but we have not improved our relationship with individual countries and I would say that the United States influence and prestige and respect in the world is probably lower now than it was six or seven years ago.

That is former President Jimmy Carter describing current President Obama’s foreign policies. Unfortunately, that is an accurate assessment of President Obama’s rocky history on foreign policy.

Last week’s deal with Iran does not look likely to improve the President’s record of minimal success on the world stage. The administration announced that the United States—along with five other nations—had reached an agreement with Iran that the administration claims will prevent Iran from acquiring a nuclear weapon.

The contents of the agreement, however, were met with skepticism and concern from a number of quarters.

Former Senator and Democratic Presidential candidate Jim Webb said that the deal doesn’t end Iran’s nuclear program—it preserves it.

The senior Senator from New Jersey said, “The bottom line is: The deal doesn’t end Iran’s nuclear program—it preserves it.”

The Washington Post noted that Tehran “fought for, and won, some troubling compromises” on inspections, especially concerning Iran’s record of violations. The Post also pointed out what many Republicans have noted—that “Mr. Obama settled for terror far a part of those he originally aimed for.”

Israel, the only functioning democracy in the Middle East, called this deal a “historic mistake,” and neighboring countries like Saudi Arabia expressed concern that this agreement may actually increase the threat Iran poses to their security.

Then, of course, there was Iran’s reaction to the agreement, while Iranian Supreme Leader Ayatollah Ali Khamenei praised negotiators.

Lest anyone think this marked a softening of Iran’s attitude toward the United States, however, Khamenei emphasized that “our policy toward the arrogant U.S. government won’t change at all.” Echoing the chants coming from the people, he stated, “You heard ‘Death to Israel,’ ‘Death to the U.S.’ . . . we ask Almighty God to accept these prayers by the people of Iran.”

These are not the words of a reliable partner. These are the words of the world’s leading state sponsor of terrorism.

There is good reason to be concerned about this agreement. This deal not only fails to provide reassurance that Iran will not acquire a nuclear weapon, it may actually enhance Iran’s chances of acquiring a bomb.

For starters, this deal fails to include any adequate method of verifying that Iran is complying with the agreement. Time and time again, Iran has made it clear that it cannot be trusted to comply with any of the treaty of building nuclear facilities in secret. The enrichment facility at Fordow, which will remain in place as part of this agreement, is just one example of an enrichment facility that was originally hidden from the outside world. The fact that Iran cannot be relied on to follow the outlines of an agreement means that verification—specifically, “anytime, anywhere” inspections of suspicious sites—is an essential part of any credible deal. But the final deal that emerged was nowhere close to ensuring anytime, anywhere inspections. It does provide for 24/7 inspections of Iran’s currently known nuclear sites, but it forces inspectors to request access to any other site they deem suspicious. Iran can refuse requests, and appealing those refusals could take close to a month, leaving the Iranians plenty of time to hide evidence of suspicious activity.

Forcing Iran to dismantle its nuclear infrastructure and halt uranium enrichment would have provided some assurance that Iran’s quest for a bomb had been halted. But the nuclear agreement the administration helped reach doesn’t require Iran to dismantle any of its nuclear reactor. The agreement does require Iran to take some of its centrifuges offline, but they do not have to be removed or dismantled—simply put into storage.

The agreement also explicitly allows Iran to continue enriching uranium. While the agreement allows enrichment of uranium to the level required for a nuclear weapon, the restriction is of limited value considering that Iran retains the equipment and production capacity it would need to build a bomb.

I haven’t even mentioned other areas of concern with this agreement.

In exchange for Iran’s agreeing to—supposedly—stop its effort to acquire a nuclear weapon, Iran will receive billions of dollars in Iranian assets will be unfrozen and the sanctions that have crippled the Iranian economy will be lifted. Right now, despite its struggling economy, Iran manages to provide funding and other support to Syria’s aggressive government, to Hezbollah in Lebanon, Hamas in the Gaza Strip, to Houthis rebels in Yemen, and to militias in Iraq. It is not hard to imagine what it will do with the billions of dollars it will gain access to under this agreement.

The deal negotiators reached with Iran will also expand Iranian access to conventional weapons and intercontinental ballistic missiles, which are generally used as a vehicle for the delivery of nuclear weapons. Why the deal does temporarily extend restrictions on the import of these weapons, it does so for just 5 years in the case of conventional weapons and for just 8 years in the case of ballistic missiles. That means that in as few as 6 years, Iran would be able to have a ballistic missile capable of delivering a nuclear warhead.

Obviously, there is a lot to be concerned about when it comes to this deal, and after the agreement was released last week, both Democrats and Republicans expressed the desire to examine those provisions and hear from members of the administration. So what did the President do? He declared that the agreement was a triumph of diplomacy and took immediate action to send the bill to the United Nations for a vote. That is right. The President didn’t want to hear from Members of Congress or the American people; he just went ahead and asked the United Nations to vote on it. In other words, the President unilaterally committed the United States to supporting the deal without knowing whether the United States Congress or the American people are in favor of the agreement. This is especially disappointing considering that just 2½ months ago, Democrats and Republicans in the Senate voted overwhelmingly to require that the President submit full details of any nuclear agreement to Congress before it could be approved. While the President signed this legislation—the Iran Nuclear Agreement Review Act—into law on May 22, but apparently he feels free to ignore the spirit, if not the letter, of the act.

It emerged that the President was going to send a resolution directly to the U.N. without waiting for the American people or Congress to weigh in, both Democrats and Republicans asked the President to hold off. Democrats who requested that the President wait for the agreement included the leading Democrat on the Senate Foreign Relations Committee, who characterized the White
House's decision as "somewhat pre-sumptuous," and the Democratic whip in the House of Representatives, who said, "I believe that waiting to go to the United Nations until such time as Congress has acted would be consistent with the intent and substance of the Nuclear Non-Proliferation Review Act."

Circumventing elected Members of Congress to gain the U.N.'s approval before Congress has had a chance to re-view the agreement suggests that the President has a higher regard for the United Nation's opinion than for the opinion of the American people.

President Obama is apparently bet-ting on the chance that in 10 years' time, Iran's views toward the rest of the world will have changed and will no longer be seeking death to Israel and America or furthering terrorism in the Middle East. It is a nice notion, but nothing in Iran's history of terrorism, violence, and deceit suggests it is a sce-nario that is likely to come to pass. And if it doesn't happen, as a result of this agreement, Iran will be in a much better position to develop a nuclear weapon than it is today, as even the supporters of this deal acknowledge, not to mention that Iran will be in a position to purchase the missiles neces-sary to deliver nuclear weapons to lo-cations in the Middle East and beyond.

During negotiations on this deal, it became obvious that the President was determined to make reaching an agree-ment with Iran his legacy. It is pos-ible we will get his wish, but it may not be the legacy he wanted. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. I suggest the absence of a quorum. The clerk will call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. I ask unanimous consent to speak in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, as the Presiding Officer knows, as he has suffered through a considerable number of them, this is the 107th time I have come to the floor to urge my col leagues to wake up to the threat of cli-mate change. All over the United States, State by State by State, we are already seeing the real effects of car-bon pollution. We see it in our atmos-phere, we see it in our oceans, and we see it in our weather, in habitats, and in species.

The American people see it. Two-thirds of Americans, including half of Republicans, favor government action to reduce global warming, and two-thirds, including half of Republicans, would be more likely to vote for a can didate who campaigns on fighting cli-mate change.

Polling from the Florida Atlantic University shows that more than 73 percent of U.S. Hispanics—a pretty key voting block—think global warming is a serious problem. Sixty-two percent of Republican Hispanics are concerned about this. And I have said this before: If you ask Republican voters under the age of 35, they will tell us that climate denial is "out of touch," "ignorant," or "crazy." Those are the words they selected in the poll—not my words.

So we might expect Presidential hopefuls to incorporate climate action into their campaign platforms. We might expect the Republican can didates to address this problem in an honest and straightforward manner. But we would be wrong. What have we seen from the Presidential hopefuls? These candidates avoid any serious talk of climate change even as their home States—Florida and two other Southern states—face climate and ocean disruptions.

So in the weeks ahead, I will take a look at the Presidential candidates on climate change and what is up in their states. So let's look at Florida, home to 20 million Americans, in-cluding two of the top Republican Presid-ential candidates.

A swing State with 29 electoral votes, Florida is a major political prize. Flori-da is also ground zero for climate change. With over 1,200 miles of coast-line, Florida is uniquely vulnerable, for instance, to sea level rise. So what do Florida's two Presidential candidates have to say about climate change? Well, it seems they are not sure. "I don't think the science is clear of what percentage is man-made and what percentage is nature. It's convoluted," says former Florida Governor Jeb Bush.

"[T]here's never been a moment where the climate is not changing," says Florida's junior Senator. "The question is: what percentage of the climate is attributable to human activity?" Scientists tell us that warming is "unequivocal"—that is a strong word for scientists to use, unequivocal—and that human activity is the dominant cause of the changes we have seen—in-deed, the only plausibly valid expla-nation.

Both Presidential hopefuls from Flori-da have invoked the now classic denial line "I am not a scientist." Well, good thing, then, that we are not elected to be scientists. We are elected to listen to them. And Floridians were listening to their own best sci-entists, they would learn a lot.

In fact, 42 scientists from Florida col-leges and universities wrote an open letter to Florida State officials. "It is crucial for policymakers to under stand," they wrote, "that human activity is affecting the composition of the atmosphere which will lead to adverse effects on human economies, health and well being"—not so convoluted after all.

The letter continued: The problem of climate change is not a hypothetical. Thousands of scientists have studied the issue from a variety of angles and disciplines over many decades. Those of us signing this statement have spent hun-dreds of years combined studying this problem from every conceivable perspec-tive, but as scientists—seekers of evidence and explanations. As a result, we feel uniquely qualified to assist policymakers in finding solutions to adapt and protect the people of this state and their enterprises and property.

So it is OK if we are not scientists. The scientists are there to help. They have offered to, and they understand this.

While my Senate colleague from Florida is unsure about his own home State climate science, he seems quite certain about the economics of policies to curb carbon pollution, such as cap and trade. "I can tell you with certainty," he has said, "it would have a devastating impact on our economy."

I would suggest that the Senator from Florida take a closer look at the facts because his position on two issues boils down to wrong and wrong-er. I know this because my home State is one of nine Northeastern States that require utilities to buy carbon emis-sions allowances. We are actually doing it. The proceeds are directed back into the regional economy in things such as energy efficiency investments and renewable energy projects. And we have the results. The results are in. Just from 2012 to 2014, the program generated $1.3 billion in economic ben-efts for New England electric consumers over $400 million in energy costs. This climate solution was a boost to the economy, and it cut car-bon dioxide emissions in the region by a quarter.

The Republican candidates from Florida are running against the facts and they are running against the opinions of experts and local leaders in their own home State. In a June 19 editorial, the Sun Sentinel praised Pope Francis’s recent encyclical on climate change and its call to swift action, because of the threat climate change poses to South Florida. The editors wrote that "the Pope's declaration puts pressure on [the candidates] . . . because they are Floridians . . . and because they aspire to be national leaders." The editors continue: "Candidates who aspire to be inclusive, eff ective leaders cannot see . . . science through a political lens." That is the Sun Sentinel.

The Roman Catholic Archdiocese of Miami explained Pope Francis’s message to the Miami Herald. "What the Pope is saying is, ‘Let’s talk about this,’" the archbishop said. "And that requires—whether you’re a Democrat or a Repub-lican or left or right—it requires that you transcend your particular interest or ideological lens and look at the issue from the common good."

For Florida, that common good is imperiled by climate change. South Florida has seen almost 1 foot of sea level rise in the last 100 years. The Southeast Florida Regional Climate
Compact is a bipartisan coalition—Republicans and Democrats—of four South Florida counties. Those four South Florida counties predict that the waters around southeast Florida could surge up to another 2 feet in less than 50 years. Our children will live to see that.

I visited Florida on my climate tour last year. I heard firsthand about the threats climate change poses to the Sunshine State from Glenn Landers, senior engineer at the U.S. Army Corps of Engineers in Jacksonville. Engineer Landers has worked on water resources and restoration projects in Florida for nearly 20 years. This is the map he used to show me what just 2 feet of sea level rise means for South Florida. What it means for South Florida is there is a lot less of South Florida above water.

Florida is home to some of the country’s top universities and research institutions. The Florida Climate Institute is a network of scientists and research programs from eight universities, including the University of Florida, Florida State, and the University of Miami. The Florida Climate Institute is dedicated to “climate research in service of society.” These are some of Florida’s brightest minds.

Recognizing businesses’ and communities’ need for useful data and solutions that are based on Florida’s unique characteristics, the Florida Climate Institute publishes research to help improve understanding of the increasing climate variability in Florida. If Florida’s leaders respond responsibly to the changing climate, writes the group, “Florida is well positioned to become a center of excellence for climate change research and education and a test bed for innovations in climate adaptation.”

Well, responsible officials in Florida are already taking action. My friend the senior Senator from Florida took the courageous commission to Miami Beach town hall to examine the dangers posed by rising seas. The Miami Herald said this about Senator Nelson’s efforts to raise awareness about the threat to his State:

South Florida owes [Senator] Nelson its thanks for shining a bright light on this issue. Everyone from local residents to elected officials should follow his lead, turning awareness of this major environmental issue into action. It is critical to saving our region.

In Fort Lauderdale, Mayor Jack Seller is working with NOAA and State and Broward County officials and the South Florida Regional Planning Council to protect his city from flooding and climate change. Yet on climate change, Florida’s own Presidential candidates have got nothing. Zero. No plan.

Miami Beach Mayor Philip Levine, shown moving huge pumps to help move his city, recently invested to pump out the floodwaters that come in on high tides from the rising seas and with storms. Each pump can move 14,000 gallons of water per minute. Imagine that. But Florida’s Presidential candidates have no plan.

The mayor of Monroe County, Sylvia Murphy, a Republican, has put climate and energy policy at the heart of her 20-year growth plan for the county. Why? Because this county covers all of the Florida Keys and some of the Everglades. She is going to lose a lot of it if we don’t get ahead of this, and she also sees what is happening to her reefs offshore.

Yet, despite the overwhelming consensus of scientists in their own State, Florida’s Republican Presidential candidates have got nothing. The junior Senator from Florida even suggested that we should wait for China to take action before we address this problem. The junior Senator from Florida, on foreign policy, has spoken often about the need for American leadership on issues of global importance, saying, for instance, that America must “continue to hold this torch” of peace and liberty to be a sign of hope. According to that sentiment, saying, “American leadership projected consistently and grounded in principle has been a benefit to the world.” Well, fine words, but where is their leadership on climate change? They got nothing.

It is our responsibility as a great nation to set an example for others to follow, not to sit back and wait for others to act. Failing to act on climate change would both dim our own national torch and give other nations an excuse for delay. Failure, with the stakes this high, becomes an argument for our enemies against our very model of government. As Pope Francis said, “The world will not forget this failure of conscience and responsibility.”

The question is why Republican Presidential candidates refuse to engage on climate change. They ignore their own home State universities. They ignore their own home State mayors, local officials, and home State engineers. Why? Why, when the evidence is so plain? Why the pretense that climate solutions are bad for the economy when actual experience proves that is not true? Why the pretense about what the CFPB is doing with all of this sensitive information, except looking for additional opportunities to regulate. Remember, before 2008 we already had six prudential regulators mandated, among other things, to protect the consumer. Yet as a result of 2008, instead of streamlining and consolidating, we actually added a seventh prudential regulator charged with consumer protection, the Consumer Financial Protection Bureau, or the CFPB. Today, the CFPB operates on top of the existing regulators, in addition to—not in replacement of—these agencies, and duplicating efforts among these other agencies. By design, Dodd-Frank ensured that the CFPB does not have the same oversight control as other agencies. Currently, Congress does not even control how the Bureau spends its funds or is even appropriated.

The CFPB operates outside the regular appropriations process of Congress, which other independent agencies, such as the Securities and Exchange Commission, the Federal Trade Commission, the Consumer Product Safety Commission, and others, are all subject to. Why would any government agency with access to that much consumer data be unaccountable to Congress? Recently, I introduced legislation to help shed more light on this agency and bring the CFPB and other consumer protections producers, which the American people produce, to Congress. The shear volume of consumer data being collected by the CFPB is concerning and ripe for abuse.
In fact, the GAO and the Federal Reserve inspector general both have warned about the need for increased security. Without full congressional oversight, how can we be sure this consumer data is secure? What kind of records does the CFPB keep? How would we know if it has been compromised? We have already seen the devastating effect of data breaches all over our Federal Government, and the damage it is doing to the American people across all sectors of our government.

We have seen the potential exposure of extremely sensitive national security information. Also, we recently had a debate about privacy regarding the NSA metadata program. Many of my colleagues expressed outrage for the scope of the NSA program, even when the mission was protecting national security. While we talked about an agency collecting massive amounts of personal consumer data, many times more data than the NSA program.

The CFPB’s goal claims to be consumer protection. For all we know, this information they are collecting is even more susceptible to security threats and security breaches. If there is one thing we can agree upon, we need to make sure all Americans’ personal information is safe and secure—especially from Washington. If some were worried about privacy in the NSA debate, we should certainly be paying attention to what the CFPB is doing with this personal information today.

Getting the CFPB under congressional oversight should not be a partisan issue. In order to protect consumers, we need to know what is going on in the very government agency tasked with protecting them. That is why we need to put in place more transparency—not less—more control, and oversight. We can start by bringing the CFPB under congressional oversight immediately so we can actually protect consumers and stop the potential for abuse, fraud or identity theft.

While this agency was originally designed to protect consumers, one can only wonder how Washington’s collecting so much personal information will actually protect us. I will be speaking much more on this topic as the week goes by. Let it be said tonight, though, that on the fifth anniversary of Dodd-Frank, we are beginning to look at the unintended consequences of this rogue agency, the CFPB.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

DODD-FRANK ACT

Mr. ENZI. Mr. President, first, I would like to thank the Senator from Georgia for his outstanding comments. He is truly a great addition to this body and to the Budget Committee, where I have watched him go through numbers. I once mentioned that he knew how to balance the budget because he had been in business before, at which point he corrected me and said: In business, you don’t get to just balance the budget. He is very correct on that.

We are at a point where we cannot afford to just balance the budget. We have to start paying down some of the debt if we expect our kids to ever be able to afford college. So I thank him for his comments. I am going to pile on with some more comments about some of those same things. I want to talk about what I have talked about several times over the past 5 years; that is the Dodd-Frank Act, which passed this body 5 years ago today, July 21, 2010.

This mammoth bill, which totaled 2,300 pages, has, 5 years later, led to many thousands of pages of rules and regulations. It is estimated that only 25 percent of the law have been completed—millions of pages, and we still only have 238 of 390 rulemakings required by the law required. Theoretically, then, tens of thousands of pages of more regulations can be expected in the coming years and the rules and regulations that do not fix too big to fail, regulations that unduly burden our community banks and our credit unions, regulations that cover a host of industries that did not contribute to the financial crisis, was not intended to compromise the privacy of Americans.

I would like to take this opportunity to expand on these ideas. First of all, I would like to point out that I actually read the whole bill. I read it. I highlighted it. I put in colored tabs in different sections so I could refer to them easily. Then I talked to my colleagues, and I spoke on the floor to raise concerns about the bill roping in industries that did not cause the financial crisis, and the rules and regulations that do not fix too big to fail. I raised a real ruckus about the creation of the Consumer Financial Protection Bureau, known as the CFPB, when they were trying to just kind of gloss over it and its ability to collect the financial information of American citizens without their consent.

I filed a simple amendment that would have required this Consumer Financial Protection Bureau to obtain written permission from consumers before collecting their information. Of course, my amendment was not allowed a vote and now the CFPB is collecting massive amounts of personal financial data. So here we are 5 years later, and hindsight has proven that many of the concerns raised during the consideration of this bill were valid.

I have often said that knee-jerk reactions to legislative form have a very real danger of correcting and causing a myriad of problems. In fact, some people say that if it is worth reacting to, it is worth overreacting to. That is exactly what happened here.

We did it through a comprehensive bill—2,300 pages. I do not like comprehensive bills. The purpose of comprehensive bills is so that they are incomprehensible, so that people cannot understand them. The best way to legislate is to take things in logical pieces. I have often said that knee-jerk reactions to legislative form have a very real danger of correcting and causing a myriad of problems.
employees. It has a facility whose operation to us in any way, shape or form. We get up to 15 percent, plus inflation. We serve and get, I think it is up to 12 percent of the revenues of the Federal regulator from Georgia just talked about, maybe more appalling—is the importance the Dodd-Frank Act afforded to both sides of the aisle should be appreciated. I can attest that every visit I have had with banks in Wyoming since this law passed has had one main subject that remains constant: We are being crushed under the weight of these regulations. We are having to make tough choices about the services we provide. Some of these banks are starting to consolidate with larger banks and become branches. Credit unions are not faring any better. According to the National Association of Federal Credit Unions, 1,250 credit unions have disappeared since the passage of Dodd-Frank. Of that number, over 90 percent had fewer than $100 million in assets, and the No. 1 reason they give for having to merge out of the business was the inability to keep up with the regulatory burden they face.

This is one unacceptable consequence of the Dodd-Frank law and one folks on both sides of the aisle should be appalled by. Now, equally appalling—maybe more appalling—is the importance the Dodd-Frank Act afforded to the agency it created, which the Senator from Georgia just talked about, the Consumer Financial Protection Bureau or the CFPB.

Now, this is an agency that really doesn’t come under our jurisdiction; it actually works under the Federal Reserve and gets, I think it is up to 12 percent of the revenues of the Federal Reserve now, plus inflation. They will get up to 15 percent, plus inflation. We have a good feeling that. They don’t report to us in any way, shape or form.

This agency has grown to over 1,450 employees. It has a facility whose offices’ renovation budget has spiraled to over $216 million and faces almost no accountability to Congress. I don’t have enough time allotted to talk about all the activities of the CFPB, but make no mistake, this agency’s reach has increased exponentially over the past couple of years. Here is just one example of hundreds of the CFPB in the Dodd-Frank Act: Let me tell you how that happened. I did a bunch of speeches on the floor. I was interested in that third section. The first section was about the banks, the second was about hedge funds, and the third was about the new Consumer Financial Protection Bureau that wasn’t going to have any control by anybody.

I found that little paragraph in there that said they have the ability to cancel the bank account and the person—or whomever they are borrowing the money from—and the person receiving the money agreed to the loan. They can cancel it. I pointed out that in speeches. One guy who listened to me. It was the automobile dealers. The automobile dealers flooded Washington with lobbyists, and they got an exclusion in the bill for automobile loans. That is the only exclusion in there. Of course, they are being retaliated against now for that, and I will talk about that in just a minute too. The CFPB issued a final rule on June 10 that would allow it to supervise nonbank companies qualified as larger participants of a market for automobile financing, along with a separate rule defining certain auto leases as a financial product or service. What does this mean? It means the CFPB has expanded its oversight powers. It has over 120 days after the bank makes a loan up to 150 days after the bank makes a loan. The CFPB said those three collections of 5.5 million private student loans and 15 million to 40 million payday loans. This isn’t the whole list, this is a sample rundown. Let’s see, they are into the automobile sales, every time you deal with your sales, your consumer credit reports, your credit cards, your mortgage loans, your total loans, your student loans—and, if you do it, payday loans. Again, that is just a sample rundown. Let’s take a minute to let these numbers sink in. The CFPB collects information on 25 million to 75 million credit card accounts on a monthly basis. They want to be able to monitor 88 percent of all credit card transactions by 2016. I don’t know about you, but this is highly disturbing, especially in light of the fact that the GAO report found that CFPB did not employ sufficient security and privacy protections to make sure this data remains safe.

In summary, the CFPB is collecting sensitive financial information on individuals by name, on millions of Americans, some of which has personally identifiable information that is supposed to be removed or not used, and they don’t have the safeguard to protect this information.

Considering the increase in cyber attacks faced across different sectors in
In March of this year, the New York Times reported that ISIS’s use of social media, including Twitter and high-quality online recruiting videos, has been “astonishingly successful,” and the speed at which modern social media moves means America must move faster.

In fact, we read about the recently foiled terrorist attack in Boston, where Islamic extremists planned to behead an innocent American, and targets elsewhere. Admiral Mike Rogers, director of the National Security Agency and former commander of the Cyber Command, said in a recent letter to Congress that “the complex nature of cyber threats is evolving rapidly and fundamentally changing how we compete.”

The modern battlefield is changing. The Russian Federation has leveraged information warfare against the US and its allies. China is using social media to spread propaganda, to target individuals in our own country, and to urge them to attack us on our own soil.

In fact, our adversaries are utilizing social media in ways we have never seen before. “We see it changing before our very eyes, and America needs to adapt. With the incredible advantages that modern technology offers, also with that come new risks as well as greater responsibility. Our enemies, America’s enemies, are increasing their use of social media, in particular to recruit others to their side to plot against our rights, our freedoms, our American way of life.

As Michael Steinbach, the Assistant Director at the FBI’s Counterterrorism Division, said to the House Homeland Security Committee just last month: “The foreign terrorist threat has direct access into the United States like never before.”

We know, for a fact that ISIS aggressively uses social media to spread its propaganda, to target individuals in our own country, and to urge them to attack us on our own soil.
STRATEGIC PETROLEUM RESERVE

Ms. MURKOWSKI. Mr. President, I have come to the floor this evening to speak about our Nation's Strategic Petroleum Reserve, sometimes referred to as the SPR. It is a national security asset that has come into the news of late for a host of different reasons.

I am here this evening because of the concerns I have that others are potentially looking to our Strategic Petroleum Reserve—our strategic energy asset—as nothing more than a piggybank to fund some of the needs we have here in Congress. I believe it is extremely shortsighted to raid our Nation's oil stockpile as an offset for the extension of the highway trust fund, and that is what we have had some conversation about today.

We talked earlier about whether to move forward on the highway trust fund. But as we have looked to find pathways forward for a multyear highway trust fund reauthorization, which is something I support, it is important to know that not all pots of money are equal, that perhaps some are truly national security assets for which we need to show more considered respect.

I had an opportunity a few days ago on Friday to visit our Strategic Petroleum Reserve. I went to the Choc-taw Bayou site near Baton Rouge, LA. It was an opportunity for me to get a firsthand look at some of the challenges that currently face our four Strategic Petroleum Reserves that we have down in the Louisiana, Texas area and to have a better understanding as to their operational readiness. Quite honestly, it is a trip I wish more of our Members were willing to take because I think it would become clear to many the mistake we would be making in forcing the sale of billions of dollars of our emergency oil solely to pay for unrelated legislation. It is akin to selling the insurance on your house in order to pave your driveway. It just doesn’t make sense.

For some, the Strategic Petroleum Reserve may be a very unknown national security asset. They do not really know what it is. But the SPR is our Nation's insurance policy against global energy supply disruptions. The Strategic Petroleum Reserve was established by law back in 1975 under the Energy Policy and Conservation Act, and its mission is twofold: to ensure U.S. energy security by reducing the impacts of potential disruptions in U.S. petroleum supplies and secondly to carry out U.S. obligations under the international energy program.

We have about 700 million barrels of oil that are in underground salt caverns down in Louisiana and in Texas. We have a couple refined product reserves in other parts of the country, but our Strategic Petroleum Reserves are there in Louisiana and Texas. So if we have a hurricane that takes out production in that Gulf of Mexico, as we saw with Hurricane Katrina back in 2005, we can turn to the SPR to help fill the gap. We did that in 2005. That is exactly the type of reason you would have the strategic asset.

But there are other times we have turned to the SPR. If there is a terrorist attack or a broader war disruption that alters the ability of other nations to send us oil, we can again turn to the reserve for help. During the Iraq war in 1991 with the Iraq war and then again in 2011 with the Libya supply disruption. So, again, when there was an emergency and we needed to ensure U.S. security, we had a ready reserve fund to turn to.

In the absence of policies that will allow our Nation to produce all of the oil it consumes every day, the Strategic Petroleum Reserve is really our best answer to the sudden absence of the energy we need, whether it is driving to work, whether it is powering our ships or our airplanes, moving our goods, or whatever that reason may be.

With the discussion we had today in terms of how we pay for this multyear transportation bill, we are being asked to dramatically diminish the size of the Strategic Petroleum Reserve based again on the need to pay for the extension of the highway trust fund. It is totally unrelated—totally unrelated.

Those who would argue in favor of taking from the SPR, their argument is pretty simple. In fact, it is way too simple. They suggest that our international obligations require us to store enough petroleum to match 90 days of net imports. That is true. And they will say that given the growth we have seen in domestic oil production, we have enough now that we have a surplus within the Strategic Petroleum Reserve. Some have even suggested the argument that the SPR is not even necessary any more.

Well, I would be the first among us to suggest that changes need to be made to the Strategic Petroleum Reserve. Again, this was established back in 1975, and I think it is very fair to say that the world has changed. It has changed dramatically since the 1970s. The global environment in which we are operating has changed dramatically. And the Department of Energy has said that today the supply of oil is now an overall surplus globally. So if global oil markets would have the same effect on domestic petroleum product prices regardless of how U.S. oil import levels—or whether U.S. refineries import crude from disrupted countries.

So there is a recognition that we have to get to modernizing the SPR. We have to ensure that we have right-sized it, that we are in alignment when it comes to moving oil from the Strategic Petroleum Reserve at those times we have determined are appropriate.

So I think it is important to know we are not just sitting still on this. The Department of Energy has begun work on a comprehensive, long-term strategic review of the SPR. We had good discussion about this when I was down in Louisiana on Friday with the Deputy Secretary of Energy, Chris Smith, talking about what this review will entail. It is looking at future SPR requirements regarding the size; regarding the composition of it; the geographic location—it has been suggested that perhaps there might be regional approaches; determining where we have checkpoints within the system in terms of distribution; how we move it; determining the impacts of what we see globally and what is happening with our own domestic production; and again being smart in how we are making sure we have right-sized the SPR and, in fairness, modernized the Strategic Petroleum Reserve.

We have a committee, as you know, Mr. President, that likes to roll up our sleeves and get into the weeds on making sure our policies are current and are relevant.

We need a deliberative process that will provide us with the proper understanding of the stakes and our options when it comes to how we handle our Strategic Petroleum Reserve. What we do not need—what we do not need—is an arbitrary process that picks a number. Right now, for purposes of the offset of what they are the energy committee for, they are picking a number of—let's sell 101 million barrels of oil to fund a portion of the highway trust fund. Again, where is the connection between ensuring that we don't erode our national energy security assets?

I have said many times that the Strategic Petroleum Reserve is not an ATM. It is certainly not the petty cash drawer for Congress. We have a responsibility. A decision to sell substantial volumes of oil will increase our vulnerability to future supply disruptions at a time when we are still importing oil. We are importing about 5 million barrels a day.

Think about this. Think about the timing of this. It simply could not be worse. When you talk about volatility in the world, think about the news you read about today, what is happening in Iran, Iraq, and Syria. Now is the time for us to say that our national energy security assets are not that important; it is not worth nipping at this; let us make it worse and take significant amounts to put out on the market?

Let's consider a few facts to put things into perspective. First of all,
you talk about the market. It is a buyer's market out there. The International Energy Agency warns of a massively oversupplied balance sheet. The Energy Information Administration shares that assessment in its latest monthly outlook, noting that production exceeds consumption across the globe. Of course, now as we are seeing the outcome from the negotiations with Iran, they are going to be in a position soon to put their oil out onto the world market. 

Oil prices are sitting right now around $50 a barrel. Think about it. Not all of the oil that is in the Strategic Petroleum Reserve was perhaps bought high, but think about it. Selling it now is the very definition of selling low. We are at $50 a barrel right now. The sales that are envisioned in this high-way bill would shortchange taxpayers in terms of emergency protection because you are eroding the fund, but think about it. The proper stewardship of taxpayer dollars. Effectively we bought high and we are going to sell low.

Second, drawing down barrels from the SPR would put the Federal Government in the position of direct competition with domestic producers. That may be temporarily defensible during a severe interruption, but let's remember where we are right now. The midcontinent is already awash in crude. Our outdated ban on oil exports, which should be fully repealed and fully repealed soon in my view, has not been repealed yet. It is sitting there in place, and what it is doing is keeping oil that is trapped in the United States, threatening productions and jobs at the same time.

What you are talking about with this proposal to sell off the oil from SPR is you are going to sell it first very low and then you are going to put it into a market that is already oversupplied.

I was in the Gulf of Mexico this weekend at a place called Port Fourchon, where truly you think about the part of the country that is supporting an oil and gas industry, robust, ready to go to work, but what we saw there were supply vessels that were sidelined and drill ships that were waiting. You tell those hard-working men and women there who aren't working hard as they would like that perhaps a good idea that they should be taking money from our savings account—taking the oil from our savings account and dumping that into the market.

Third, our Nation's energy security cannot depend on commercial stocks alone. They rise and fall based on market expectations, not on the strategic environment, and are not tethered to our Nation's energy security. Since the passage of the Energy Policy and Conservation Act in 1975, there was a bipartisan consensus that it is the Federal Government, not private industry, that will ensure that our obligations are met. Clearly, not much has changed in that calculation, certainly in my mind.

Fourth, threats to global security continue to abound and they seem to worsen. As Iran, ISIS, and other threats desolate the Middle East, some heavy crude oil still flows through the Strait of Hormuz. The Suez Canal and its accompanying pipeline carry just under 5 million barrels per day, despite a budding insurgency that fired a rocket at an Egyptian Navy vessel. To do this month. Instability in Venezuela, which produces about 2½ million barrels per day, would also directly impact the major American refining center in the Gulf of Mexico.

You have all of this volatility and instability, and this is the time again that we are going to take our insurance policy and we are going to erode it? We are going to make us less energy secure? It makes no sense.

By way of comparison, the drawdown rate of the Strategic Petroleum Reserve is about 4.4 million barrels a day, probably a little bit less. But, seriously, any number of disruptions could arise and make those barrels very precious. Secretary Moniz gave a speech about costs stated that the distribution rate is probably much lower than our drawdown capacity of 4.4. The distribution rate is compromised because of some of the issues we talked about earlier, which are changes in midstream, infrastructure, and congestions in the system. When you talk about our ability to respond, we are limited.

If Congress is going to sell any oil from the SPR—and I am not suggesting this is a good idea—one of the things we must do is we should agree that any proceeds would first be used to pay for upgrading the reserve itself, pay for the modernization, help to ensure it has the ability to do that which we have tasked it to do. It needs significant modifications to preserve its long-term viability and to ensure that it can truly move the oil in the event of an emergency, whether it is a natural disaster or whether it is a terrorist threat or war. But it would be a travesty if we were to dramatically reduce the size of the Strategic Petroleum Reserve while we continue to ignore its maintenance and its operational needs.

The Strategic Petroleum Reserve must be modernized for the 21st century. Its size, its geographic disposition, the quality of the oil it stores—right now it is about one-third to two-thirds distribution between sweet and sour crude—the desirability and under-standing is we need to move more into a refined product storage or holding instead of the crude. These are all issues that merit further attention, but we need to have a deliberative process. We need the review that the Department of Energy needs. We need the review that committees such as ours will advance and consider. What we do not need is a spur-of-the-moment deal that would sacrifice our energy security and perhaps much more.

I know this conversation will continue about how we move a highway bill forward. Count me as one who wants to ensure that we are doing right by our highway systems. Our infrastructure is key, but it also has key infrastructure. Part of that key infrastructure lies with the security asset, the Strategic Petroleum Reserve that we have. Let's focus on that word "strategic" before we move too quickly and in a manner that might be misguided and will jeopardize our security and our inability to respond.

I yield the floor.

I suggest the absence of a quorum. The PRESIDING OFFICER (Mr. DAINES). The clerk will call the roll.

The senior assistant 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.

TRIBUTE TO MARTA ADAMS

Mr. REID. Mr. President, I rise today to recognize Marta Adams, who is retiring from her position as chief deputy attorney general for Nevada. For more than 27 years, Marta has been serving Nevada; and though many Nevadans may not know Marta, she has been working diligently to keep them safe.

Soon after Marta graduated from the University of Wyoming College of Law in 1977, she began practicing law in the Silver State. She quickly gained experience in environmental law, and her knowledge about the West and its natural resources have contributed greatly to her successful legal career.

Marta’s persistence and commitment while representing the Nevada Agency for Nuclear Projects in opposing the Yucca Mountain project was instrumental in our State’s legal fight against efforts to force nuclear waste on Nevada. Since 2008, Marta has worked as chief deputy attorney general and maintained a strong voice for Nevada on all issues pertaining to Yucca Mountain.

On behalf of Nevada, I thank Marta for her decades of dedicated public service and wish her the best in her well-earned retirement.

CAMERON AND DELEVAN, ILLINOIS, TORNADOES

Mr. DURBIN. Mr. President, for the third time this year, Illinois communities are assessing damage and cleaning up after tornadoes. One twister struck the town of Cameron, in Warren County, on Thursday evening. Moments later, another struck the town of Delevan, in Tazewell County. The tornadoes were accompanied by storms with heavy rainfall.

The National Weather Service says both tornadoes were category EF-2. That means that the winds blew up to
130 miles per hour. Homes in both small towns suffered severe damage. Several homes had roofs torn off, while others were completely flattened. The tornado that hit Delevan touched down without warning because tornado sirens and fire sirens had sounded a few seconds after they began to sound.

Debris from homes and farms was scattered across the community. Many roads in the community were impassible to vehicles and the homes of the elderly and disabled were isolated for days. Emergency responders wasted no time going house to house in both communities. I spoke with Warren County sheriff Martin Edwards on Friday afternoon. Thankfully, there were no fatalities or serious injuries reported.

The communities are busy cleaning up today and utility companies are working to get gas and electricity back on. Over the weekend, Sparky’s Smokeshack set up a smoker on the edge of Cameron. The popular rib joint served up free meals to anyone who needed them. American Red Cross volunteers also are providing food and water. As is so often the case when a disaster like this strikes, first responders and family members are working together to help people whose homes and businesses were damaged. I thank the first responders and all of the members of these communities for their work.

The Illinois delegation and I stand ready to help in any way we can, particularly if the Governor requests Federal assistance. I have no doubt that the people in Cameron and Delevan will rebuild. Our thoughts are with the many people today who lost homes and other property.

GUATEMALA

Mr. LEAHY. Mr. President, with the Congress focused on the U.S.-Iran nuclear agreement, it is not surprising that recent developments in Guatemala have not received the attention they deserve, either here or in the international community. I want to speak briefly about this as it should interest all Senators, particularly at a time when the governments of Guatemala, El Salvador, and Honduras are seeking significant U.S. funding to support the Plan of the Alliance for Prosperity in the Northern Triangle of Central America.

The Cold War history of U.S. involvement in Guatemala is not one we can be overly proud of. The military junta, the United Fruit Company, the CIA, Guatemala’s landholding elite, and others in orchestrating the removal of democratically elected President Jacobo Arbenz Guzman in 1954, the training and equipping of the Guatemalan military that carried out a military coup against a rebel insurgency and the rural indigenous population in the 1970s, 1980s, and 1990s, and policies favoring the financial and political elite who perpetuated the racism, social and economic inequities, corruption, violence, and impunity that persist to this day, are all part of that collective experience.

One of the vestiges of that period is the continuing harassment, vilification, death threats, and even malicious prosecutions of human rights defenders and other social activists. It is regrettable that Guatemala’s authorities have not taken the effective steps to stop this pattern and practice of threats and abuse of the justice system.

Yet while the 1996 Peace Accords that finally ended 36 years of armed conflict were, for the most part, not implemented, since then the United States has sought to help address the causes of poverty, inequality, and injustice in Guatemala. We have funded child nutrition and public health programs, bilingual education for indigenous children, efforts to reform and professionalize the police, prevent violence against women, strengthen the institutional capacity of the Public Ministry, locate and identify the remains of thousands of people who disappeared and ended up in mass graves, support reparations for victims of the Chixoy massacres, protect biodiversity and preserve pre-Columbian archeological sites in Peten. The results of these efforts have been mixed, but they do signify a positive trend in our relations with Guatemala in recent years for which the Department of State, the U.S. Agency for International Development, the Inter-American Foundation, the Inter-American Development Bank, and others deserve credit.

President Perez Molina also deserves credit for supporting the agreement to finance the Chixoy reparations plan, which some in his own government opposed. It is now essential that the agreement is implemented so the communities who suffered losses are compensated.

The United States has also been a strong supporter of the International Commission Against Impunity in Guatemala, otherwise known as CICIG, which, in collaboration with the Office of the Attorney General, has played an indispensable role in investigations and prosecutions of cases of corruption, organized crime, and clandestine groups, as well as crimes against humanity and other human rights atrocities dating to the civil war. I commend the way CICIG Commissioner Ivan Velasquez and Attorney General Thelma Aldana are working together to address these issues.

Each year since CICIG’s inception in 2007, as either chairman or ranking member of the appropriations subcommittee that funds U.S. foreign aid programs and as a former prosecutor and chairman or ranking member of the Judiciary Committee, I have included a U.S. contribution to CICIG. I have also twice supported the extension of CICIG when it was nearing the end of its mandate. Most recently, the former Otto Perez Molina indicated that he did not intend to renew CICIG’s mandate, I argued that the weakness of Guatemala’s justice system and the continuing high levels of corruption and impunity were compelling reasons to extend CICIG. I was gratified that earlier this year its mandate was extended until 2017.

While Guatemala’s justice system remains fragile, the partnership between CICIG and the Public Ministry has played a critical role in advancing the cause of justice in Guatemala. But Guatemala’s problems are not unique. Mexico, Brazil, and El Salvador suffer from many of the same conditions—weak justice systems that lack credibility, rampant corruption, threats and assassinations of human rights defenders, journalists, and even prosecutors, and a history of impunity. I hope those governments look to CICIG as a model for how they could benefit from the technical expertise and independence of the international community to help address these deeply rooted problems.

The recent announcement of Perez Molina’s decision to extend CICIG’s mandate, the need for CICIG became even more apparent. As a result of its investigations, high-ranking officials, including Vice President Roxana Baldetti and one of her top aides, as well as the President’s chief of staff and other senior officials, have either resigned or been arrested due to allegations of bribery and other corruption related to customs and social security. In addition, a leading Vice Presidential candidate of the Lider Party has been implicated. This may only be the tip of the iceberg, as it is common knowledge that corruption is widespread in Guatemala.

Such scandals involving powerful public figures are by no means unprecedented, as other Guatemalan officials—including a former President and Minister of Interior—have been implicated in such crimes and became fugitives from justice. But unlike in the past, these latest scandals have galvanized a diverse spectrum of civil society to join in peaceful public demonstrations over a period of several days calling for an end to corruption and impunity and for the resignation of the President who would be replaced by a transition government in accordance with Guatemala’s Constitution.

The timing of these protests is significant, as Presidential elections are scheduled for September 6 and speculation is rife as to whether or not President Perez Molina will serve out his term.

The United States has a strong interest in democracy and justice in Guatemala, as well as a better life for the millions of Guatemala’s citizens, particularly indigenous and other historically marginalized communities, who struggle to escape poverty. Many, with only a few years of formal education and no reliable source of income, including victims of ethnic discrimination, gangs and violent crime, have risked life and limb in search of opportunities in the United States. It is our hope that the Plan of the Alliance for Prosperity, with complementary and balanced investments
in governance, prosperity, and security, will begin to provide the economic opportunities and address these difficult social and law enforcement challenges in a sustainable way. I look forward to discussing these issues with our friends in the House of Representatives.

More immediately, it is important that the United States carefully calibrates its response to the popular demands for reform. What is happening in Guatemala today is both unique and encouraging in the way it has involved and united, for the first time in Guatemala’s history, indigenous and non-indigenous, both rural and urban groups, poor and middle class who previously did not share a common agenda. This has enhanced the prospects for real change in a country that has been plagued for two decades by the divisive, tragic legacies of the war and by powerful forces in government and the private sector resistant to change for generations.

In this context, civil society requires support and protection, taking into account Guatemala’s past history of repression and violence. I urge U.S. officials to make clear that the United States unequivocally supports the aspirations of Guatemalan civil society that is now struggling for the right of all the Guatemalan people to have transparent and accountable government, including honest and professional police and an independent judiciary.

Guatemala is a country with an extraordinarily rich culture, natural resources, and human potential. But without respect for human rights and the rule of law and real change that provides for equitable economic opportunities and political representation, that potential will remain unfulfilled. It is long past time for an end to impunity, including for public officials who misuse their office to enrich themselves, and their families, and for a new era of effective governance, prosperity, and freedom from fear for all Guatemalans.

TRIBUTE TO BRENDAN J. WHITTAKER

Mr. LEAHY. Mr. President, I wish to take a moment to recognize Brendan J. “Bren” Whittaker, a distinguished public servant and recognized leader in conservation efforts in the New England Northern Forest region. In addition to his conservation work, Bren spent more than 45 years in the Episcopal ministry, leading a full-time parish.

I know Bren first not as a priest, but as a dedicated public servant for more than 40 years. Bren has held many titles at every level of government, including town meeting moderator, town selectman, county forester, chairman of district conservation commissions, director of Vermont State Energy Office, Vermont Secretary of Natural Resources, U.S. Department of Agriculture FSA State Committee member and more.

In addition to his schooling in theology, Bren studied forestry, and he holds degrees in both disciplines. In the early 1960s, I worked with New Hampshire Sierra Club to establish the Northern Forest Lands Council, and Bren agreed to be part of that select group. He later joined the Vermont Natural Resources Council as Northern Forest project manager, and continues to serve as a member for conservation organizations in Vermont and New Hampshire. Bren served each post with distinction and has been deeply involved for nearly 40 years in the vast changes taking place across the Northern Forest.

I have been pleased to continue working with Bren since his appointment to the USDA’s Farm Service Agency State Committee in Vermont. Bren continues to serve as a selectman in Brunswick, VT, and operates a vegetable and farmhouse restaurant supply business with his wife, Dorothy.

I have touched on Bren’s State and Federal public service, but his even greater contributions to his community are myriad, as so eloquently enumerated in the article entitled Thanks to a Mentor and North Country Champion, written by Rebecca Brown, a member of the New Hampshire legislature and a student and friend of Bren’s. She published in 2014 in the Littleton Courier. I ask unanimous consent that Ms. Brown’s article be printed in the RECORD as a tribute to Brendan J. Whittaker’s decades-long and continuing service to his neighbors, community, the States of Vermont and New Hampshire, and to the Nation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

“[Littleton New Hampshire Courier, Dec. 2014]

BY REBECCA A. BROWN

This season of giving thanks and celebration, I want to mark the final retirement of Brendan Whittaker from his Episcopal ministry. “Final” because he retired from full-time parish work many years ago, but has been serving in various priestly roles until the Sunday before Thanksgiving.

I write because Brendan’s effect on people and the communities of the North Country has been (and will continue to be) enormous, yet he has gone about his work over the last couple of decades with lit-tle fanfare or notoriety, but with his genuine and affecting message this way he following in the footsteps of one of his mentors, Carleton Schaller, also an Episcopal priest who we all lost earlier this year.

For much of his earlier career, Brendan was very much in the public eye, especially when he was Secretary of the Agency of Natural Resources for Vermont. Walk through through the Stowe Montpelier Grotto gathering anywhere in VT with Brendan today, and you’ll encounter many people who still hold him in the highest regard. I do think that Brendan’s V’s one of the people who have been called to be a Vermont Vermonter.

10 years ago, he was named the “person from away” (he was born and raised in Massachu-
woods or at the farm) about Christian—and increasingly on my part, Buddhist—thought, and returning again and again to our shared love of the environment and what all this means for us and the world. Perhaps best of all, I left the Joint Commissions and started working for the Ammonoosuc Conservation Trust, a group I’d started. I asked Brendan if he’d consider becoming an advisor to ACT, and he accepted. He was just starting out as a journalism professor at the University of New Hampshire, and he helped me get ACT up and running. Eventually, he joined ACT as its executive director.

Brendan is like one of his beloved stiffer aces, the unusual plant that grows near the liquor store in Groveton, able to find nourishment in dry gravel, and subject of one of his most memorable sermons. His calling was to work with the underserved, and he found his parish in the great unruly life of the North Country, independent and fiercely neighborly. He also found his parish with the people of conservation, including the game wardens he directed as ANR secretary and continues to have special regard for. He’s done great service for our land and people, and I am tremendously grateful to have him as a friend, colleague, and mentor.

Former Courier Editor Rebecca Brown is director of ACT, and serves as a NH State Representative.

TRIBUTE TO MIKE DONOGHUE

Mr. LEAHY. Mr. President, I would like to call the Senate’s attention to the continued First Amendment advocacy of a Vermont journalist, Mike Donoghue of the Burlington Free Press. The Vermont Press Association has presented Mike with the prestigious Matthew Lyon Award, for his staunch advocacy of First Amendment rights.

Mike is a talented and seasoned reporter, and in more than 40 years as a staff writer at the Free Press, he has covered local, State and national news, as well as sporting events—all, with integrity and vigor. He has shown a steadfast commitment to truth-telling, to getting the facts, and getting them right, for the people of Vermont.

While Mike has achieved noteworthy accomplishments and awards during his tenure at the Free Press, it is, especially, his work as an advocate and teacher of First Amendment protections that have drawn the distinction of the Matthew Lyon Award. He has been selected to receive the Matthew Lyon Award for his lifetime commitment to the First Amendment and the public’s right to know the truth.

The Vermont Press Association represents the interests of 11 daily and about four dozen non-daily newspapers circulating in Vermont, will honor Donoghue at its annual meeting and awards banquet at noon Thursday, July 16 at the Capitol Plaza in Montpelier.

Mike Donoghue, an award-winning veteran news and sports writer for the Burlington Free Press, is being recognized for efforts in his spare time working as an adjunct professor of journalism at St. Michael’s College, as a longtime officer with the Vermont Press Association and his volunteer efforts with various groups including the New England First Amendment Coalition (NEFAC), the National Newspaper and Press Association (NENPA) and the Society for Professional Journalists (SPJ). He has been inducted into the New England Hall of Fame. They include induction as one of 35 charter members selected by the New England Press Association Community Journalism Hall of Fame.

The VPA solicits nominations from Vermonters each year for the Lyon award, which honors people who have an unwavering devotion to the First Amendment effort—a volunteer hat he still wears.

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Previous Matthew Lyon winners include Patrick J. Leahy for his work as a state representative, as a US Senate staffer, as a US House of Representatives. Lyon is credited with assisting Adams when he cast the deciding vote in favor of Thomas Jefferson when the 1800 presidential race went to Congress for a new federal government. Lyon has been named to five halls of fame. They include induction as one of 35 charter members selected by the New England Press Association Community Journalism Hall of Fame.

The VPA solicits nominations from Vermonters each year for the Lyon award, which honors people who have an unwavering devotion to the First Amendment—on charges of sedition in 1798 for his sharp criticism of President John Adams.

I ask unanimous consent that this announcement from the Vermont Press Association about Mike Donoghue’s selection for this award be printed into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**BFP’S DONOGHUE WINS VT PRESS 1ST AMENDMENT AWARD**

(2005)

Donoghue has been named to five halls of fame. They include induction as one of 35 charter members selected by the New England Press Association Community Journalism Hall of Fame.

The VPA solicits nominations from Vermonters each year for the Lyon award, which honors people who have an unwavering devotion to the First Amendment effort—a volunteer hat he still wears. The VPA solicits nominations from Vermonters each year for the Lyon award, which honors people who have an unwavering devotion to the First Amendment effort—a volunteer hat he still wears.

The Lyon Award is named for a former Vermont congressman who was jailed in 1798 under the Alien and Sedition Act for sending a letter to the editor, criticizing President John Adams. While Lyon was serving his federal sentence in a Vergennes jail, Vermonters re-elected him to the US House of Representatives. Lyon is credited with assisting Adams when he cast the deciding vote in favor of Thomas Jefferson when the 1800 presidential race went to Congress for a new federal government. Lyon has been named to five halls of fame. They include induction as one of 35 charter members selected by the New England Press Association Community Journalism Hall of Fame.
VOTE EXPLANATION

Mr. NELSON. Mr. President. I was necessarily absent for votes on S. 1177, the Every Child Achieves Act from Monday, July 13, 2015, through Thursday, July 16, 2015. Had I been present I would have voted in favor of invoking cloture on the substitute amendment No. 2069, cloture on the amended cloture pending on S. 1177. I also would have voted in favor of amendments Nos. 2169, 2194, 2093, 2176, 2171, 2161, 2241, 2177, 2243, 2247, 2190, and 2242. I would have opposed amendments Nos. 2132, 2162, and 2190.

EVERY CHILD ACHIEVES ACT

Ms. STABENOW. Mr. President, it is clear to me that No Child Left Behind was broken and that it was not serving the best interest of children in Michigan or the rest of the country. That is why I voted to support the passage of the Every Child Achieves Act, which moves away from high stakes testing and puts decisions on education back in the hands of our States, school districts, parents, and the teachers, who are in the best position to make those decisions.

However, I continue to have reservations about the Every Child Achieves Act, particularly the changes to formulas that govern how resources are allocated. The bill as drafted will reduce the support that Michigan schools have for recruiting teachers and school leaders at the same time as it reduces support for their professional development. It also cuts the future resources dedicated to the education of the most vulnerable low-income children in Michigan, sending that money to other States, using a formula that effectively rewards States for investing less in education. It is wrong to take resources away from one set of children and give them to another, and then call it equity.

While I appreciate the efforts of the Senator from North Carolina to change his original amendment, the modified version would still have a negative impact on the children of Michigan. This is the reason I voted no on this amendment.

As this bill continues to conference committee, I intend to continue to fight to ensure that every child in Michigan has the best possible access to quality public education and that Michigan is treated fairly in the funding formulas.

OLDER AMERICANS ACT

Mr. SANDERS. Mr. President, I am very pleased to see that the Older Americans Act reauthorization passed the Senate last week. This law, which turns 50 years old this month, provides critical services like home-delivered meals, transportation, and elder abuse protections.

I would like to thank Chairman Alexander and Ranking Member Murray for their efforts to pass this bill. I would also like to acknowledge the many organizations representing tens of millions of Americans who worked with me and my staff to get this bill passed, including the National Council on Aging, Schools on Wheels America, AARP, the National Coalition of Area Agencies on Aging, and many others.

While this bill is a good step forward, I would have preferred that it go much further.

Older adults are the fastest growing segment of the U.S. population. Shockingly, 1 in 5 seniors is living on an average income of $8,300 per year. We learned from the Government Accountability Office last month that nearly 4 million seniors experience food insecurity and do not know where their next meal will come from. Fewer than 10 percent of low-income seniors who need a meal delivered to their homes receive one. There are seniors across this country who may not have enough money to eat dinner tonight.

For the generation that fought to defend democracy and built our great Nation, we must do everything we can to make sure that seniors do not go hungry. Older Americans should not have to choose between buying medicine or keeping a roof over their heads or having food on the table.

Providing home-delivered meals—Meals on Wheels—for seniors is not only the right thing to do and makes good economic sense. Why is that? If frail seniors do not get the nutrition they need, they are more likely to fall and break a hip and wind up in the hospital emergency room or in a nursing home. At the end of the day, investing in nutrition which keeps seniors healthy actually saves us money by keeping them out of the hospital.

Since 2006 when the Older Americans Act was last reauthorized, the U.S. population over 60 has grown by about 30 percent. Has funding gone up by 30 percent? No. In fact, funding has been basically flat, and when you account for inflation, funding has actually decreased by about 12 percent. I strongly believe we should significantly expand funding for Older Americans Act programs.

The truth is that the priorities we hold—treating seniors with respect, making sure seniors have the food they need—have the overwhelming support of the American people. These principles are among the foundations of a just and fair society where people look forward to growing old. I thank my colleagues in the House of Representatives for their support of this important reauthorization bill. I hope that my colleagues in the Senate take up and pass this bill swiftly so that it can become law without any further delay.

INNOVATION SCHOOLS DEMONSTRATION AUTHORITY

Mr. WHITEHOUSE. Mr. President, I am joined by the chair and ranking member of the Health, Education, Labor and Pensions Committee to discuss one of my amendments, Whitehouse No. 2185, to the Every Child Achieves Act, which would establish an Innovation Schools Demonstration Authority. I thank them for their leadership and legislation and join them today to discuss the purpose of the amendment.

Teachers and school leaders possess a unique understanding of the students and communities they serve. My amendment is intended to help schools address these unique needs through increased autonomy from local, State, and Federal regulations. In Rhode Island I have heard from school leaders who would like to extend the school day for struggling students, take ownership over school budgeting and financing or manage their school’s human resources but are unable to do so because existing rules and regulations get in the way. The prospects of innovating bureaucratic thimbles at all three levels of government can be daunting, but this measure is designed to clear a path.

Several States are already experimenting with increased school autonomy—Massachusetts is one. Massachusetts’ State law allows for innovation status, schools are already benefiting from regulatory flexibility. In Revere, MA, the Paul Revere Elementary School uses regulatory flexibility around staffing, budgeting, and curriculum to operate a school model that emphasizes staff collaboration and differentiated instruction. In Falmouth, MA, the Lawrence School is using regulatory flexibility to improve its governance and decisionmaking structure in a way that emphasizes faculty input and satisfaction. In addition to Massachusetts, States as diverse as Colorado, Kentucky, Minnesota, and West Virginia have established State laws to promote innovation through autonomy.

The Innovation Schools Demonstration Authority builds on these efforts by establishing a fast-track process to give public schools relief from the local, State, and Federal regulations that can be barriers to school-based innovation. The program is designed to serve existing public schools, specifically those where teachers, parents, administrators, and members of the community work together to implement new, evidence-based models of teaching, learning, and school administration. When these existing schools are selected for innovation school designation, they will be able to obtain expeditious relief from regulations that would otherwise prevent them from implementing their school vision.

A key element of this program is that the whole school community wants to participate. Innovation schools must demonstrate support from administrators, parents, and at least two-thirds of the current teaching staff. They are encouraged to form advisory boards to bring community
expertise from businesses, higher education, and community groups, among others, into school planning, operations, and oversight. And, importantly, innovation schools will remain part of their local education authority, serving as laboratories for experimentation. The benefits of which can serve as a model for other schools in the district.

Mrs. MURRAY. I thank Senator WHITEHOUSE. As ranking member of the Health, Education, Labor and Pensions Committee, I support this amendment, which establishes a process for educators in traditional public schools to pursue innovative, community-inspired strategies to improve education. My home State of Washington has benefited from educator-initiated innovation through the Washington Innovative Schools Program. I am proud to say that we now have almost thirty designated innovative schools that are pursuing creative and innovative education at high levels. These schools are accountable and community involved. And while providing room for innovation is important, it is also essential that we maintain important Federal safeguards. This is why under this amendment, innovation schools must still comply with part B of the Individuals with Disabilities Education Act, title VI of the Civil Rights Act of 1964, and section 504 of the Rehabilitation Act of 1973. This program will ensure that we balance the need for flexibility while maintaining strong accountability.

Mr. ALEXANDER. I thank Senator WHITEHOUSE for his work on this amendment. The thinking behind the Innovation Schools Demonstration Authority is consistent with the approach we have taken throughout the Every Child Achieves Act: returning more decision-making authority back to our 100,000 public schools and promoting greater flexibility in achieving high standards. This pilot program would allow the creation of autonomous schools that would operate under the same accountability standards as other schools in the school district; however, these innovation schools would be granted flexibility to increase student achievement in innovative ways to best serve the needs of their students. Through increased autonomy and flexibility, innovation schools may see some of the same demonstrated successes as charter schools.

Mr. WHITEHOUSE. I thank Ranking Member MURRAY and Chairman ALEXANDER for their support. I hope this measure will meet all of our expectations and create great examples of innovative, student-centered public schools.

RECOGNIZING THE BOBBY FAMILY OF ROSCOE, SOUTH DAKOTA

Mr. ROUNDS. Mr. President, today I wish to recognize the Bobby family from Roscoe, SD, for their work in railroad service. Roger, Duane, Albert, Bill, and Dale—led by their late father La Vern—have worked a combined total of 232 years with the railroad industry. The six men have worked with Chicago, Milwaukee, St. Paul, and Pacific Railroads, all serving in the Maintenance of Way department throughout their careers.

Following La Vern, who joined railroad service in 1955 after serving on a U.S. Navy destroyer in World War II, the Bobby boys have dedicated their lives to the railroad. Their railroad service has spanned across a variety of Midwestern States, including South Dakota, Minnesota, and Illinois. They have made many sacrifices, frequently traveling, moving, and leaving their families at home to fulfill their duties with the railroad.

The entire Bobby family deserves recognition for their hard work ethic, patriotism, and service to the railroad system. I extend my sincere gratitude to the Bobby family for their dedication to an industry that is vital to our economy by connecting the countryside in Ohio, br. Mary, and I hope that the Bobby legacy will continue to thrive with the generations to come.

ADDITIONAL STATEMENTS

RECOGNIZING ST. MARY OF THE ASSUMPTION CATHOLIC CHURCH UPON ITS 150TH ANNIVERSARY

Mr. PORTMAN. Mr. President, today I wish to honor St. Mary of the Assumption Catholic Church in the German Village neighborhood of Columbus, OH, as it celebrates its 150th anniversary. In 1866, St. Mary initially operated under the leadership of Rev. Francis S. Specht in a building that featured a one-room church, one-room school and second-story rectory. In 1866, the parishioners began constructing their own inspired church. In 1898, the parishioners built the iconic steeple, which rises to 197 feet and still stands tall today.

The parish is home to more than 500 families, with parishioners from 5 different states in Ohio. St. Mary also hosts more than 50 weddings each year and has approximately 230 students enrolled in prekindergarten through the eighth grade.

The parish mission is “to be of one mind and heart with the Church by loving God with all our heart, all our mind, all our strength, all our soul; and by loving our neighbor as ourselves.” St. Mary fulfills its mission by supporting the needs of its congregation, hosting community activities, and educating its students. Nearly 95 percent of the students at St. Mary have been fortunate enough to receive tuition assistance.

I am here today to honor St. Mary of the Assumption and its congregation. I congratulate all who were involved in making its first 150 years a success.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the President Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(Please refer to the United States Statutes at Large for the complete text of these messages.)

PRESIDENTIAL MESSAGE

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT TRANSNATIONAL CRIMINAL ORGANIZATIONS THAT WAS ESTABLISHED IN EXECUTIVE ORDER 13581 ON JULY 24, 2011—PM21

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States:

The President of the United States, pursuant to the authority vested in me by the Congress under the National Emergencies Act, as amended (30 U.S.C. 1221), hereby extends, until July 24, 2015, the national emergency declared by Executive Order 13581 of July 24, 2011, with respect to significant transnational criminal organizations.

The activities of significant transnational criminal organizations have reached such scope and gravity that they threaten the stability of international political and economic systems. Such organizations are becoming increasingly sophisticated and dangerous to the United States. They are increasingly entrenched in the operations of foreign governments and the international financial system, thereby weakening democratic institutions, degrading the rule of law, and undermining economic stability. These organizations facilitate and aggravate violent civil conflicts and increasingly facilitate the activities of other dangerous persons.

The activities of significant transnational criminal organizations continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of

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the United States. Therefore, I have determined that it is necessary to continue the national emergency declared in Executive Order 13581 with respect to transnational criminal organizations.

BARACK OBAMA.

MESSAGES FROM THE HOUSE
At 10:03 a.m., a message from the House of Representatives, delivered by Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3038. An act to provide an extension of Federal highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, 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–2313. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiabendazole: Pesticide Tolerances for Emergency Exemptions" (FRL No. 9929–95) received in the Office of the President of the Senate on July 15, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2314. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Novaluron; Pesticide Tolerances" (FRL No. 9929–25) received in the Office of the President of the Senate on July 15, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2315. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Noel T. Jones, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2318. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Clarifications and Corrections to the Export Administration Regulations (EAR): Control of Software, Systems and Related Items; the President Determines No Longer Warrant Control Under the United States Munitions List (USML)" (RIN0969–AG59) received in the Office of the President of the Senate on July 14, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–2319. A communication from the Assistant General Counsel, General Law, Ethics and Regulation, Department of the Treasury, transmitting, pursuant to law, a report relating to a vacancy in the position of Deputy Under Secretary (Legislative Affairs), received in the Office of the President of the Senate on July 14, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–2320. A communication from the Chair of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board’s semiannual Monetary Policy Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–2321. A communication from the Assistant Director for Legislative Affairs, Consumer Financial Protection Bureau, transmitting, pursuant to law, a report relative to participating in pre-dispute arbitration consumer financial markets; to the Committee on Banking, Housing, and Urban Affairs.

EC–2322. A communication from the District Columbia Auditor, transmitting, pursuant to law, reports entitled “The District’s School Modernization Program Has Failed to Comply with D.C. Code and Lacks Accountability, Transparency and Basic Financial Management” and “Audits of Public School Construction Programs: A Literature Review”; to the Committee on Homeland Security and Governmental Affairs.

EC–2323. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Prevention of Significant Deterioration and Non- attainment New Source Review for CO in the New Hampshire Region" (FRL No. 7751–6–Region 1) received in the Office of the President of the Senate on July 15, 2015; to the Committee on Environment and Public Works.

EC–2324. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois; Midwest Generation Variance" (FRL No. 9929–71–Region 5) received in the Office of the President of the Senate on July 15, 2015; to the Committee on Environment and Public Works.

EC–2325. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Reregulation Request and Associated Maintenance Plan for the Non- attainment Area for the 1997 Annual and 2006 24-Hour Fine Particulate Matter Standard" (FRL No. 9930–46–Region 3) received in the Office of the President of the Senate on July 15, 2015; to the Committee on Environment and Public Works.

EC–2326. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to the Definition of Volatile Organic Compounds" (FRL No. 9930–83–Region 3) received in the Office of the President of the Senate on July 15, 2015; to the Committee on Environment and Public Works.

EC–2327. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Jersey; Nitrogen Dioxide and Sulfur Dioxide National Ambient Air Quality Standards Changes" (FRL No. 9930–76–Region 4) received in the Office of the President of the Senate on July 15, 2015; to the Committee on Environment and Public Works.

MEASURES REFERRED
The following bill was read the first and the second times by unanimous consent, and referred as indicated:

S. 971. An act to amend title XVIII of the Social Security Act to provide for an increase in the limit on the length of an agreement under the Medicare independence at home medical practice demonstration program.

At 4:42 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker signed the following enrolled bill:

S. 984. An act to amend title XVIII of the Social Security Act to provide Medicare beneficiary access to eye tracking accessories for speech generating devices and to remove the rental cap for durable medical equipment under the Medicare Program with respect to speech generating devices.

MEASURES DISCHARGED
The following joint resolution was discharged pursuant to 42 U.S.C. 2159(h) and Section 601(b)(4) of Public Law 94–329, and placed on the calendar:

S.J. Res. 19. Joint resolution to express the disfavor of Congress regarding the proposed agreement for cooperation between the United States and the People’s Republic of China transmitted to the Congress by the President on April 21, 2015, pursuant to the Atomic Energy Act of 1954.

MEASURES PLACED ON THE CALENDAR
The following bill was read the second time, and placed on the calendar:

H.R. 3038. An act to provide an extension of Federal highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes.
The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–50. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to vote to eliminate the current ban on crude oil exports; to the Committee on Banking, Housing, and Urban Affairs.

SENATE CONCURRENT RESOLUTION No. 94 Whereas, the efficient exploration, production, and transportation of oil in Louisiana prevents waste of the state’s natural resources; contributes to the health, welfare, and safety of the general public; and promotes the prosperity of the state; and Whereas, the tax revenues and economic prosperity deriving from this Louisiana energy renaissance have greatly benefited Louisiana public schools, higher education, critical infrastructure development, and public health and safety programs; and Whereas, improved technologies and abundant resources have made the United States of America the world’s leading oil and natural gas producer, outpacing Saudi Arabia and Russia; and Whereas, the 1970s-era federal law prohibiting crude oil exports is a relic from an era of oil scarcity and flawed price control policies; and Whereas, American crude oil exports will strengthen U.S. geopolitical influence by giving our trading partners a more secure source of supply, and allowing the export of American crude oil will make our allies less dependent on crude oil from Russia and the Middle East; and Whereas, the world’s other major developed nations allow crude oil exports, making the U.S. the only nation that does not take full advantage of trading a valuable resource in what is an otherwise global free market; and Whereas, crude oil exports will benefit the U.S.’s national security interests by decreasing the likelihood that global oil supply can be used internationally as a strategic weapon; and Whereas, numerous studies have found that allowing American crude oil into the world’s free market will benefit U.S. trade partners by creating more high-paying jobs for Louisianans; and Whereas, the U.S. is the largest exporter of refined petroleum products and would benefit from lower prices and increased export of both crude oil and refined petroleum products; and...
Whereas, at least seven independent studies have confirmed that repealing the ban on American crude oil exports will lower U.S. gas prices, benefitting Louisiana consumers and businesses and will benefit from ongoing production; and
Whereas, many small and large Louisiana businesses that support oil and gas development will benefit from lower electricity costs; and
Whereas, manufacturers will benefit from lower electricity costs; and
Whereas, encouraging a global marketplace that is more free from artificial barriers will economically benefit Louisiana, the rest of the U.S., and our friends around the world.

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to recognize that crude oil exports and foreign trade are in the national interest and take all necessary steps to eliminate the current ban on crude oil exports; and be it further
Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-SI. A petition by a citizen from the state of Texas relative to United States paper currency; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, the following report:

S. 564. A bill to establish the Railroad Emergency Services Preparedness, Operational Needs, and Safety Evaluation (RESPONSE) Subcommittee under the Federal Emergency Management Agency’s National Advisory Council to recommend policies on emergency responder training and resources relating to hazardous materials incidents involving railroads, and for other purposes (Rept. No. 114–85).

S. 614. A bill to provide access to and use of information by Federal agencies in order to reduce improper payments, and for other purposes (Rept. No. 114–86).

By Mr. MENENDEZ, from the Committee on the Budget, without amendment:
S. 1495. A bill to curtail the use of changes in mandatory programs affecting the Crime Victims Fund to inflate spending (Rept. No. 114–87).

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 Mr. CRUZ:
S. 1804. A bill to eliminate the Bureau of Consumer Financial Protection by repealing title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act, commonly known as the Consumer Financial Protection Act of 2010; to the Committee on Banking, Housing, and Urban Affairs.
By Mr. INHOFE (for himself and Mr. CRUZ): S. 1805. A bill to amend the Richard B. Russell National School Lunch Act to provide flexibility to school food authorities in establishing a price for paid school lunches; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MARKEY (for himself and Mr. BLUMENTHAL):
S. 1806. A bill to protect consumers from security and privacy threats to their motor vehicles and to for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DAINES (for himself, Mr. BLUMENTHAL, and Mr. GARDINER):
S. 1807. A bill to require agencies to publish the categorization of certain proposed and final rules, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. HETTKAMP (for herself, Ms. AYOTTE, Mr. PETERS, and Mr. JOHNSTON):
S. 1808. A bill to require the Secretary of Homeland Security to conduct a Northern Border Strategy to reduce improper payments, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. AYOTTE (for herself, Mr. KING, and Mr. BLUMENTHAL):
S. 1809. A bill to amend the Internal Revenue Code of 1986 to simplify the treatment of seasonal positions for purposes of the employment credit for small employers; and be it further
Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Senate delegation to the United States Congress.

POM-SI. A petition by a citizen from the state of Texas relative to United States paper currency; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were adopted, and referred (or acted upon), as indicated:

By Mr. CRUZ (for himself and Mr. TOOMY):
S. Res. 224. A resolution expressing the sense of the Senate that the area between the intersections of International Drive, Northwest and Van Ness Street, Northwest and International Drive, Northwest and International Place, Northwest in Washington, District of Columbia, should be designated as "Liu Xiaobo Plaza"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER (for himself, Mrs. SHAHEEN, Mr. RISCH, Mr. COONS, Ms. AYOTTE, Ms. HIRONO, Mrs. FISCHER, Mr. CARDEN, Mr. RUSSO, Mr. PIETERS, Mr. GARDINER, Mr. MARKES, Mr. ERNST, and Mr. ENZI):
S. Res. 225. A resolution honoring the National Association of Women Veterans on its 40th anniversary; to the Committee on the Judiciary.

By Mr. CRUZ:
S. Res. 226. A resolution expressing the sense of the Senate that the street between the intersections of 16th Street, Northwest and Fuller Street, Northwest and 16th Street, Northwest in Washington, District of Columbia, should be designated as “Oswaldo Paya Way”; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORKER (for himself, Mr. ALEXANDER, Mr. MCCONNELL, Mr. REID, Ms. AYOTTE, Ms. BOWDEN, Mr. BARRASSO, Mr. BLUMENTHAL, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARPER, Mr. CASIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS,
Mr. COONS, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDENER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HILLIARD, Mr. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSTON, Mr. Kaine, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEFKE, Mr. MENENDEZ, Mr. MARKESY, Mr. McCaIN, Mrs. MCCAUSKILL, Mr. MENDENDEZ, Mr. MERKLEY, Ms. MUKULSKI, Mr. MURAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. PORTMAN, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHEPPARD, Ms. SULLIVAN, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN:

S. Res. 227. A resolution condemning the attacks of July 16, 2015, in Chattanooga, Tennessee, honoring the members of the Armed Forces who lost their lives, and expressing support and prayers for all those affected; considered and agreed to.

### ADDITIONAL COSPONSORS

**S. 51**

At the request of Mr. VITTER, the names of the Senator from Utah (Mr. Lee), the Senator from Texas (Mr. Cruz) and the Senator from Kentucky (Mr. Paul) were added as cosponsors of S. 51, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions, and for other purposes.

**S. 185**

At the request of Mr. HATCH, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 185, a bill to create a limited population pathway for approval of certain antibacterial drugs.

**S. 238**

At the request of Mr. TOOMEY, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 238, a bill to amend title 18, United States Code, to authorize the Director of the Bureau of Prisons to issue oleoresin capiscum spray to officers and employees of the Bureau of Prisons.

**S. 313**

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 313, a bill to amend title XVIII of the Social Security Act to add physical therapists to the list of providers allowed to utilize locum tenens arrangements under Medicare.

**S. 314**

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. BLUMENT) was added as a cosponsor of S. 314, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

### COSPONSORS ON SELECTED MEASURES

S. 130

At the request of Mr. HELLER, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 130, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions, and for other purposes.

S. 368

At the request of Mr. TOOMEY, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 368, a bill to amend title 18, United States Code, to require the Director of the Bureau of Prisons to ensure that each chief executive officer of a Federal penal or correctional institution for firearms carried by certain employees of the Bureau of Prisons, and for other purposes.

S. 431

At the request of Mr. THUNE, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 431, a bill to permanently extend the Internet Tax Freedom Act.

S. 540

At the request of Mr. COLLINS, the name of the Senator from Pennsylvania (Mr. CASEY) 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. 571

At the request of Mr. INHOFE, the names of the Senator from Colorado (Mr. GARDNER), the Senator from North Dakota (Mr. HOEVEN), the Senator from South Carolina (Mr. SCOTT), the Senator from Texas (Mr. CORNYN), the Senator from Utah (Mr. Lee), the Senator from Georgia (Mr. PERDUE), the Senator from Arizona (Mr. FLAKE), the Senator from Louisiana (Mr. VITTER) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 571, a bill to amend the Pilot’s Bill of Rights to facilitate appeals and to apply to other certificates issued by the Federal Aviation Administration, to require the revision of the third class medical certification regulations issued by the Federal Aviation Administration, and for other purposes.

S. 626

At the request of Mrs. SHAHEEN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 626, a bill to amend title XIX of the Social Security Act to cover physician services delivered by pediatric physician extenders, and modify the Medicare beneficiaries to appropriate quality foot and ankle care, to amend title XVIII of such Act to modify the requirements for diabetic shoes to be included under Medicare, and for other purposes.

S. 637

At the request of Mr. CRAPO, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Nebraska (Ms. FISCHER) were added as cosponsors of S. 637, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 661

At the request of Mrs. GILLIBRAND, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 661, 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. 713

At the request of Mrs. BOXER, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 713, a bill to prevent international violence against women, and for other purposes.

S. 746

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 746, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 799

At the request of Mr. MCCONNELL, the names of the Senator from Maine (Mr. KING) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 799, a bill to combat the rise of prenatal opioid abuse and neonatal abstinence syndrome.

S. 804

At the request of Mrs. SHAHEEN, the name of the Senator from Vermont (Mr. LEAHY) 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.

At the request of Ms. COLLINS, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from New
Hampshire (Ms. Ayotte) were added as cosponsors of S. 904, supra.

S. 929

At the request of Mr. Isakson, the name of the Senator from New Jersey (Mr. Menendez) 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. 933

At the request of Mrs. Gillibrand, the name of the Senator from Minnesota (Ms. Klobuchar) was added as a cosponsor 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. 1056

At the request of Mr. Cardin, the name of the Senator from Wisconsin (Ms. Baldwin) was added as a cosponsor of S. 1056, a bill to eliminate racial profiling by law enforcement, and for other purposes.

S. 1081

At the request of Mr. Booker, the name of the Senator from Massachusetts (Mr. Markey) was added as a cosponsor of S. 1081, a bill to end the use of body-gripping traps in the National Wildlife Refuge System.

S. 1140

At the request of Mr. Barrasso, the name of the Senator from South Carolina (Mr. Graham) 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. 1169

At the request of Mr. Grassley, the names of the Senator from Utah (Mr. Hatch) and the Senator from Florida (Mr. Rubio) were added as cosponsors of S. 1169, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 1170

At the request of Mrs. Feinstein, the name of the Senator from Pennsylvania (Mr. Casey) was added as a cosponsor of S. 1170, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research, and for other purposes.

S. 1214

At the request of Mr. Menendez, the names of the Senator from New York (Mrs. Gillibrand) and the Senator from Connecticut (Mr. Blumenthal) were added as cosponsors of S. 1214, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 1380

At the request of Mrs. Murray, the name of the Senator from Rhode Island (Mr. Reed) was added as a cosponsor of S. 1380, a bill to support early learning.

S. 1390

At the request of Mr. Gardner, the name of the Senator from New Mexico (Mr. Heinrich) was added as a cosponsor of S. 1390, a bill to help provide relief to States education budgets during a recovering economy, to help fulfill the Federal mandate to provide higher educational opportunities for Native American Indians, and for other purposes.

S. 1445

At the request of Mrs. Fischer, the name of the Senator from South Carolina (Mr. Scott) was added as a cosponsor of S. 1445, a bill to improve the Microloan Program of the Small Business Administration.

S. 1458

At the request of Mr. Coats, the name of the Senator from Montana (Mr. Daines) was added as a cosponsor of S. 1458, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to ensure scientific transparency in the development of environmental regulations and for other purposes.

S. 1499

At the request of Mr. Toomey, the names of the Senator from Arizona (Mr. Flake) and the Senator from Florida (Mr. Rubio) were added as cosponsors of S. 1495, a bill to curtail the use of changes in mandatory programs affecting the Crime Victims Fund to inflate spending.

S. 1538

At the request of Mr. Durbin, the name of the Senator from Hawaii (Mr. Schatz) was added as a cosponsor of S. 1538, a bill to reform the financing of Senate elections, and for other purposes.

S. 1603

At the request of Mr. Flake, the name of the Senator from Oklahoma (Mr. Lankford) was added as a cosponsor of S. 1603, a bill to actively recruit members of the Armed Forces who are permanently separating from military service to serve as Customs and Border Protection Officers.

S. 1640

At the request of Mr. Sessions, the name of the Senator from Texas (Mr. Cruz) was added as a cosponsor of S. 1640, a bill to amend the Immigration and Nationality Act to improve immigration law enforcement within the interior of the United States, and for other purposes.

S. 1779

At the request of Mr. Heller, the name of the Senator from Idaho (Mr. Crapo) was added as a cosponsor of S. 1679, a bill to amend the Flood Disaster Protection Act of 1973 to require that certain buildings and personal property be covered by flood insurance, and for other purposes.

S. 1774

At the request of Mr. Blumenthal, the names of the Senator from Virginia (Mr. Warner) and the Senator from Vermont (Mr. Leahy) were added as cosponsors of S. 1774, a bill to amend title 11 of the United States Code to treat Puerto Rico as a State for purposes of chapter 9 of such title relating to the adjustment of debts of municipalities.

S. Res. 222

At the request of Ms. Baldwin, the name of the Senator from Vermont (Mr. Sanders) was added as a cosponsor of S. 1779, a bill to prevent conflicts of interest that stem from executive Government employees receiving bonuses or other compensation arrangements from nongovernment sources, from the revolving door that raises concerns about the independence of financial services regulators, and from the revolving door that casts suspicion over the awarding of Government contracts and other financial benefits.

By Mr. Daines (for himself, Mr. Blunt, and Mr. Gardner):

S. 1807. A bill to require agencies to publish the categorization of certain proposed and final rules, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. Daines. Mr. President, I rise today to introduce the Regulatory Impact Scale on the Economy Small Business Act, also known as the RISE Act. One of Congress’s most fundamental responsibilities is to provide oversight to the regulatory process in a manner that is as rigorous as it pertains to small businesses. However, Congress lacks the proper framework to effectively monitor the impact of regulatory activity on small businesses. Today, there is no transparent, standardized means to realize the economic scale of regulatory rules, either proposed or finalized, to frame their economic significance on a comparative basis. Likewise, the American public also has no objective gauge and monitor the significance of regulatory rules. With the current lack of scale, there is no means to categorically delineate between a “big regulation” and a “really big regulation,” resulting in less effective oversight.

In addition, agencies wield tremendous discretionary power in determining whether required small business analysis applies. Today, regulatory flexibility analysis is triggered when a proposed rule is determined by the issuing agency to have a “significant economic impact” on a substantial number of small entities. However,
Congress has provided no bright-line standard to determine what constitutes significant economic impact, allowing agencies to exercise an unnecessary amount of leniency to bypass regulatory flexibility analysis, which is meant to give special consideration to small businesses.

To improve both Congress and public’s ability to provide regulatory oversight, I recommend that Congress should require agencies to categorize each proposed and final rule based on the highest possible annual effect that the agency determines the proposed or final rule is likely to have on the economy; and

there to disallow agencies from abusing broad discretionary power, Congress should establish a bright-line standard for “significant economic impact” of $100 million. Providing such guidance will provide accountability and consistency across the vast regulatory structure and provide efficiencies for Congress. I believe this important piece of legislation will provide clarity and direction for our regulatory efforts, and I urge my colleagues to co-sponsor this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1807

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “Regulatory Impact Scale on the Economy Small Business Act of 2015” or the “RISE Small Business Act of 2015.”

SEC. 2. CATEGORIZATION OF RULES.

Section 533 of title 5, United States Code, is amended by adding at the end the following:

“(1) CATEGORIZATION OF RULES.—

“(A) category 1 rule, if the agency determines that the rule is likely to result in an annual effect on the economy of not less than $100,000,000 and not more than $499,999,999; and

“(B) category 2 rule, if the agency determines that the rule is likely to result in an annual effect on the economy of not less than $500,000,000 and not more than $999,999,999; and

“(C) category 3 rule, if the agency determines that the rule is likely to result in an annual effect on the economy of not less than $1,000,000,000 and not more than $9,999,999,999;

“(D) category 4 rule, if the agency determines that the rule is likely to result in an annual effect on the economy of not less than $5,000,000,000 and not more than $9,999,999,999; and

“(E) category 5 rule, if the agency determines that the rule is likely to result in an annual effect on the economy of not less than $10,000,000,000.

“(2) SUBMISSION TO OIRA.—Each agency shall, on an annual basis, submit to the Administrator of the Office of Information and Regulatory Affairs a list of the rules, by category, that the agency published in the Federal Register under paragraph (1) during the preceding year.

“(3) PUBLICATION ON OIRA WEBSITE.—Not later than 60 days after the date on which the Administrator of the Office of Information and Regulatory Affairs receives a list of rules from an agency under paragraph (3), the Administrator shall publish on www.reginfo.gov—

“(A) the list of rules received from the agency under paragraph (3); and

“(B) an estimate of the costs and benefits of each rule included on the list.”.

SEC. 3. DEFINING SIGNIFICANT ECONOMIC IMPACT FOR PROPOSED AND FINAL REGULATORY FLEXIBILITY ANALYSES.

Section 601 of title 5, United States Code, is amended—

(1) in paragraph 6, by striking “and” at the end and inserting “or”; and

(2) in paragraph 7, by striking the period at the end and inserting a semicolon.

(3) in paragraph 8—

(A) by striking “RECORDKEEPING” and all that follows through “the” and inserting “the”; and

(B) by striking the period at the end and inserting “;” and

(4) by adding at the end the following:

“(9) the term ‘significant economic impact’ means an annual economic effect of not less than $100,000,000.”.

SUBMITTED RESOLUTIONS


Mr. CRUZ (for himself and Mr. TOOMEY) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. Res. 224

Whereas June 4, 2015, marked the 26th anniversary of the brutal crackdown on protesters at Tiananmen Square in Beijing;

Whereas Dr. Liu Xiaobo is a Chinese human rights activist and Nobel Laureate who is currently serving an 11-year prison sentence for inciting subversion against the Government of the People’s Republic of China;

Whereas in recognition of Dr. Liu Xiaobo’s long and non-violent struggle for fundamental human rights in the People’s Republic of China, he was awarded the Nobel Peace Prize in October 2010; and

Whereas renaming a portion of the street in front of the Embassy of the People’s Republic of China in the District of Columbia after Dr. Liu Xiaobo serves as an expression of solidarity between the people of the United States and the people of the People’s Republic of China who are, like Dr. Liu Xiaobo, engaged in a long and non-violent struggle for fundamental human rights; Now, therefore, be it

Resolved, that it is the sense of the Senate that—

(1) the area between the intersections of International Drive, Northwest and Van Ness Street, Northwest and International Drive, Northwest and International Place, Northwest in Washington, District of Columbia, shall be known as ‘‘Liu Xiaobo Plaza’’, and any reference in a law, map, regulation, document, paper, or other record to that area should be deemed to be a reference to Liu Xiaobo Plaza;

(2) the address of 3505 International Place, Northwest, Washington, District of Columbia, should be redesignated as 1 Liu Xiaobo Plaza, and any reference in a law, map, regulation, document, paper, or other record of the United States to that address should be deemed to be a reference to 1 Liu Xiaobo Plaza; and

(3) the Administrator of General Services should construct street signs that.—

(A) contain the phrase ‘‘Liu Xiaobo Plaza’’;

(B) are similar in design to the signs used by Washington, District of Columbia, to designate the location of Metro stations; and

(C) should be placed on—

(i) the parcel of Federal property that is closest to 1 Liu Xiaobo Plaza (as described in paragraph (2)); and

(ii) the street corners of International Drive, Northwest and Van Ness Street, Northwest and International Drive, Northwest and International Place, Northwest, Washington, District of Columbia.

SENATE RESOLUTION 225—HONORING THE NATIONAL ASSOCIA- TION OF WOMEN BUSINESS OWNERS ON ITS 40TH ANNIVERSARY

Mr. VITTER (for himself, Mrs. SHAHEEN, Mr. RISCH, Mr. COONS, Ms. AYOTTE, Ms. HIRONO, Mrs. FISCHER, Mr. CARDIN, Mr. RUBIO, Mr. PETERS, Mr. GARDNER, Mr. MARKEY, Mrs. ERNST, and Mr. ENZI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 225

Whereas women-owned businesses are one of the fastest-growing segments of the United States economy;

Whereas 13,600,000 businesses are 50 percent or more owned by women, and these businesses employ nearly 15,900,000 people and generate $2,700,000,000,000 in revenue as of 2013;

Whereas empowering more women entrepreneurs and business owners is important to the economic future of the United States;

Whereas the National Association of Women Business Owners (NAWBO) was established in 1975 by a group of like-minded businesswomen to serve as the collective voice of women business owners across the country and advocate on behalf of their entrepreneurial interests;

Whereas NAWBO’s roots are in public policy, and NAWBO played an integral role in securing broad discretionary power, Congress has provided for special consideration to small businesses.

To improve both Congress and public’s ability to provide regulatory oversight, I recommend that Congress should require agencies to categorize each proposed and final rule based on the highest possible annual effect that the agency determines the proposed or final rule is likely to have on the economy; and

there to disallow agencies from abusing broad discretionary power, Congress should establish a bright-line standard for “significant economic impact” of $100 million. Providing such guidance will provide accountability and consistency across the vast regulatory structure and provide efficiencies for Congress. I believe this important piece of legislation will provide clarity and direction for our regulatory efforts, and I urge my colleagues to co-sponsor this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1807

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “Regulatory Impact Scale on the Economy Small Business Act of 2015” or the “RISE Small Business Act of 2015.”

SEC. 2. CATEGORIZATION OF RULES.

Section 533 of title 5, United States Code, is amended by adding at the end the following:

“(1) CATEGORIZATION OF RULES.—

“(A) category 1 rule, if the agency determines that the rule is likely to result in an annual effect on the economy of not less than $100,000,000 and not more than $499,999,999; and

“(B) category 2 rule, if the agency determines that the rule is likely to result in an annual effect on the economy of not less than $500,000,000 and not more than $999,999,999; and

“(C) category 3 rule, if the agency determines that the rule is likely to result in an annual effect on the economy of not less than $1,000,000,000 and not more than $4,999,999,999;
Whereas NAWBO remains focused on collaborating to create a business-friendly environment at the Federal, State, and local levels to enable women to start and grow their businesses and create jobs; and

Whereas NAWBO represents a diverse universe of women business owners across an array of sectors in the United States: Now, therefore, be it

Resolved, That the Senate commends the National Association of Women Business Owners for its tireless efforts and decades of support of women entrepreneurs and business owners and congratulates the National Association of Women Business Owners on its 40th anniversary.


Mr. CRUZ submitted the following resolution, which was referred to the Committee on Homeland Security and Governmental Affairs:

S. Res. 226

Whereas Fidel Castro and Raúl Castro have been the autocratic rulers of the Republic of Cuba for 56 years; and

Whereas Fidel Castro and Raúl Castro have relentlessly and consistently oppressed any efforts to bring democratic freedoms and human rights to the people of the Republic of Cuba for this 56-year period; and

Whereas Oswaldo Paya was a Cuban political dissident dedicated to promoting democratic freedoms and human rights in the Republic of Cuba; and

Whereas the Communist Party of Cuba has always viewed such commitment to freedom as a threat to its existence; and

Whereas on July 22, 2015, a violent car crash, widely believed to have been carried out by Cuban intelligence, took the lives of Paya and Harold Cepero, another dissident; and

Whereas the official investigation into the crash has been described as a cover-up, and no evidence of its innocence, leaving the circumstances of the death of Paya unknown; and

Whereas opposition by Paya to the Communist Party of Cuba began at a young age, when he refused to become a member of the Young Communist League as a primary school student, and continued through high school when he publically criticized the invasion of Czechoslovakia by the Soviet Union; and

Whereas the Communist Party of Cuba responded to the opposition by Paya to the invasion of Czechoslovakia by the Soviet Union by sending Paya to a labor camp for 3 years; and

Whereas Paya forewent a chance to escape the Republic of Cuba in the 1980 Mariel boatlift, deciding instead to continue the fight for democracy in the Republic of Cuba, saying, “This is what I am supposed to be, this is what I have to do.”

Whereas creating the Varela Project in 1998, Paya demonstrated his staunch commitment to peacefully advocating for freedom of speech and freedom of assembly for his fellow Cubans; and

Whereas in recognition of his determination for political reforms through peaceful protests, Paya was awarded the Sakharov Prize for Freedom of Thought by the European Parliament in 2002, the V. Averell Harriman Democracy Award from the National Democratic Institute for International Affairs in 2003, and was nominated for the Nobel Peace Prize by former Czech President Vaclav Havel in 2005; and

Whereas remaining the street in front of the Embassy of the Republic of Cuba in the District of Columbia after Paya serves as an expression of solidarity between the people of the United States and the people of the Republic of Cuba who are engaged in a long, non-violent struggle for fundamental human rights; Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the street between the intersections of 16th Street, Northwest and Fuller Street, Northwest and 16th Street, Northwest and Euclid Street, Northwest in Washington, District of Columbia, should be designated as “Oswaldo Paya Way”, and any reference in a law, map, regulation, document, paper, or other record to that area should be deemed to be a reference to “Oswaldo Paya Way”;

(2) the address of 2630 16th Street, Northwest, Washington, D.C. should be redesignated as 2630 Oswaldo Paya Way, and any reference in a law, map, regulation, document, paper, or other record of the United States that should be deemed to be a reference to 2630 Oswaldo Paya Way; and

(3) the Administrator of General Services should construct signs that—

(A) contain the phrase “Oswaldo Paya Way”;

(B) are similar in design to the signs used by Washington, D.C., to designate the location of Metro stations; and

(C) should be placed on—

(i) the parcel of Federal property that is closest to Oswaldo Paya Way (as described in paragraph (2)); and

(ii) the street corners of 16th Street, Northwest and Fuller Street, Northwest and 16th Street, Northwest and Euclid Street, Northwest in Washington, District of Columbia.

SENIATE RESOLUTION 227—CONDEMNING THE ATTACKS OF JULY 16, 2015, IN CHATTANOOGA, TENNESSEE, HONORING THE MEMBERS OF THE ARMED FORCES WHO LOST THEIR LIVES, AND EXPRESSING SUPPORT AND PRAYERS FOR ALL THOSE AFFECTED

Mr. CORKER (for himself, Mr. ALEXANDER, Mr. MCCONNELL, Mr. REID of Nevada, Ms. ATYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPTTO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Ms. COONS, Mr. CORNYN, Mr. COX, Mr. CRUZ, Mr. CRUZ, Mr. DAINES, Mr. DONELLY, Mr. DURBIN, Mr. ENZI, Mrs. ENST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HERNIERE, Mr. HETTKE, Mr. HELLER, Mr. HIRONA, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAIN, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MANCHIN, Mr. MARKEY, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MILIKULSI, Mr. MORA, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PERDUE, Mr. PORTMAN, Mr. RHOE, Mr. RHODES OF Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASS, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELY, Ms. STARENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution, which was considered and agreed to:

Whereas on July 16, 2015, an Armed Forces Recruitment Center and the Navy Operational Support Center in Chattanooga, Tennessee, were attacked, killing 5 members of the Armed Forces;

Whereas Gunnery Sergeant Thomas Sullivan, of Massachusetts, sacrificed his life in the line of duty for his country with honor and distinction, including during 2 deployments to Iraq, and was twice awarded the Purple Heart;

Whereas Staff Sergeant David Wyatt, of North Carolina, served his country with honor and distinction, including during 2 deployments to Iraq;

Whereas Sergeant Carson Holmquist, of Wisconsin, served his country with honor and distinction, including during 2 deployments to Afghanistan;

Whereas Lance Corporal Squire K. Wells, of Georgia, served his country with honor and distinction, having recently completed basic training;

Whereas Petty Officer Second Class Randall Smith, of Ohio, served his country with honor and distinction, having recently been listed in the Navy, and survived for almost 2 days before succumbing to catastrophic injuries;

Whereas Chattanooga police officer Sergeant Dennis McGloin, Jr. was seriously wounded in the course of his duties;

Whereas the swift and courageous response by law enforcement officers and first responders prevented additional loss of life; and

Whereas the people of the United States stand united around the community of Chattanooga and the families of the victims to support all those affected and pray for healing and peace: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the attacks of July 16, 2015, in Chattanooga, Tennessee;

(2) honors the sacrifice and memory of the 5 members of the Armed Forces who lost their lives;

(3) recognizes the skill and heroism of the law enforcement officers, members of the Armed Forces, and first responders who came to the aid of others; and

(4) commends the efforts of those who are working to care for the injured and investigate this horrific incident;

(5) extends its heartfelt condolences and prayers to the families of the fallen, and to all those affected in the community of Chattanooga and in the United States; and

(6) pledges to continue to work together to prevent future attacks.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2258. Mr. MCCAIN (for himself and Mr. FLAKE) submitted an amendment intended to
be proposed by him 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 ordered to lie on the table.

SA 2259. Mr. CRUZ (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 22, supra; which was ordered to lie on the table.

SA 2260. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 22, supra; which was ordered to lie on the table.

SA 2261. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 22, supra; which was ordered to lie on the table.

SA 2262. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 22, supra; which was ordered to lie on the table.

SA 2263. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 22, supra; which was ordered to lie on the table.

SA 2264. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 22, supra; which was ordered to lie on the table.

SA 2265. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 22, supra; which was ordered to lie on the table.

SA 2266. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 22, supra; which was ordered to lie on the table.

SA 2267. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill H.R. 22, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2258. Mr. MCCAIN (for himself and Mr. FLAKE) submitted an amendment intended to be proposed by him 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 ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1210. Sonoran Corridor Interstate Development.

(b) DEFINITIONS.—In this section:

(1) Member of Congress.—The term ‘‘Member of Congress’’ shall have the meaning given such term in section 1312(d)(3)(B)(i)(I) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(d)(3)(B)(i)(I)).

(2) Political appointee.—The term ‘‘political appointee’’ means any individual:

(A) who is employed in a position described under sections 5312 through 5315 of title 5, United States Code, (excluding the Executive Schedule),

(B) who is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3322(a) of title 5, United States Code;

(C) who is employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations; or

(D) who is employed in or under the Executive Office of the President in a position that is excluded from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

SA 2260. Mr. CRUZ submitted an amendment intended to be proposed by him 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 ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2260. Prohibition on Sanctions Relief for Iran.

Notwithstanding any other provision of law, the President may not waive, suspend, reduce, provide relief from, or otherwise limit the application of any sanctions, with respect to Iran under any provision of law or from applying any such sanctions pursuant to an agreement with Iran relating to Iran’s nuclear program, to the extent—

(1) the Government of Iran has recognized Israel’s right to exist; and

(2) the Government of Iran has released all Americans that are being unjustly held in Iranian jails, including Saeed Abedini, Amir Hekmati, and Jason Rezaian, and located and returned Robert Levinson.

SA 2261. Mr. CRUZ submitted an amendment intended to be proposed by him 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 ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2261. Reciprocity for the Carrying of Certain Concealed Firearms.

(a) In general.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

‘‘(a) In general.—Notwithstanding any provision of the law of any State or political subdivision thereof to the contrary—

(1) an individual who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm who is carrying a government-issued photographic identification document and a valid license or permit which is issued pursuant to the law of any State or political subdivision thereof to the contrary and which permits the individual to carry a concealed firearm, may possess or carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce in any State other than the State of residence of the individual that—

(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes; and

(2) an individual who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and is entitled and not prohibited from carrying a concealed firearm in the State in which the individual resides otherwise than as described in paragraph (1), may possess or carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce in any State other than the State of residence of the individual that—

(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

(b) Definitions.—In this section:

(1) high priority corridors.—The term ‘‘high priority corridors’’ means the International Priority Corridors of the National Highway System identified in the first sentence by striking ‘‘and subsection (c)(81)’’.

(2) Surface Transportation Efficiency Act of 2005.—For purposes of this section, there shall be added the following:

SEC. 1102. Characterization of the Coahuila Corridor Interstate Development.

This section—

(1) characterizes the Coahuila Corridor Interstate Development Project as a part of the Interstate System; and

(2) designates the Coahuila Corridor Interstate Development Project as a part of the Interstate System.
“(b) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes.

(b) Conditions and Limitations.—The possession of a concealed handgun in a State under this section shall be subject to the same conditions and limitations, except as to eligibility to possess or carry under Federal or State law or the law of a political subdivision of a State, that apply to the possession or carrying of a concealed handgun by residents of the State or political subdivision who are licensed by the State or political subdivision to do so, or not prohibited by the State from doing so.

(c) Unrestricted License or Permit.—In a State that allows the issuing authority for licenses or permits to carry concealed firearms to impose restrictions on the carrying of firearms by individual holders of such licenses or permits, an individual carrying a concealed handgun under this section shall be permitted to carry a concealed handgun according to the same terms authorized by an unrestricted license or permit issued to a resident of the State.

(d) Rule of Construction.—Nothing in this section shall be construed to preempt any provision of State law with respect to the issuance of licenses or permits to carry concealed firearms by individual holders of such licenses or permits, an individual carrying a concealed handgun under this section shall be permitted to carry a concealed handgun according to the same terms authorized by an unrestricted license or permit issued to a resident of the State.

(e) Clerical Amendment.—The table of sections for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 926C the following:

"926D. Reciprocity for the carrying of certain concealed firearms."

(f) Severability.—Notwithstanding any other provision of this Act, if any provision of this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this Act and amendment intended to be proposed by any Act or amendment to any person or circumstance is held to be unconstitutional, this Act and

(g) Effective Date.—The amendment made by this subsection shall apply to taxes imposed after the date of the enactment of this Act.

SA 2263. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 22, to amend the Internal Revenue Code of 1986 to exempt employers 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 ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 9. CONDITION ON RECEIPT OF FEDERAL FUNDS.

Notwithstanding any other provision of law, no Federal funds shall be made available to any entity unless the entity certifies that, during the period beginning on the date of receipt of the Federal funds and ending on the date such funds are exhausted, the entity will not perform, and will not provide any funds to any other entity that performs, an abortion, unless, in the exercise of a medical judgment, the abortion is necessary to save the life of a pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, but not including psychological or emotional conditions.

SA 2264. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 22, to amend the Internal Revenue Code of 1986 to exempt employers 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 ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 10. DENIAL OF HIGHWAY FUNDING FOR IMPOSITION OF UNAUTHORIZED IMMIGRATION ACTIONS.

(a) Federal Highway Fund Suspension Pending Immigration Statute Compliance.—Notwithstanding any other provision of law, no amounts made available to the Department of Transportation or to any other Federal agency, or otherwise deposited into any Federal, State, or local account that provides funding for interstate or intrastate highway construction or repair in any State, may be used until the United States Government ceases to apply or otherwise enforce the policies set forth in the all of the following memoranda and any documents related to such memoranda:

(1) The memorandum issued by the Director of U.S. Immigration and Customs Enforcement on March 2, 2011, entitled “Exercising Prosecutorial Discretion Consistent
with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens”.

(3) The memorandum issued by the Director of Immigration and Customs Enforcement on June 17, 2011, and entitled “Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs”.

(4) The U.S. Citizenship and Immigration Services policy memorandum issued on November 17, 2011, and entitled “Revised Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Removable Aliens”.

(5) The memorandum issued by the Principal Legal Advisor of U.S. Immigration and Customs Enforcement on November 17, 2011, and entitled “ICE Centralized Case Review of Incoming and Certain Pending Cases”.

(6) The recommendations included in the report issued by the Director of U.S. Immigration and Customs Enforcement on April 27, 2012, and entitled “ICE Response to the Task Force on Secure Communities Findings and Recommendations”.

(7) The memorandum issued by the Secretary of Homeland Security on June 15, 2012, and entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children”.

(8) The memorandum issued by the Director of U.S. Immigration and Customs Enforcement on November 21, 2012, and entitled “Civil Immigration Enforcement; Guidance on the Use of Detainers in the Federal, State, Local, and Tribal Criminal Justice System”.

(9) The U.S. Citizenship and Immigration Services policy memorandum issued on November 14, 2013, and entitled “Adjudication of Adjustment of Status Applications for Individuals Admitted to the United States Under the Visa Waiver Program”.

(10) The memorandum issued by the Secretary of Homeland Security on November 20, 2014, and entitled “Southern Border and Approaches Campaign”.


(12) The memorandum issued by the Secretary of Homeland Security on November 20, 2014, and entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and Who Will Be Reunited with Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents”.

(13) The memorandum issued by the Secretary of Homeland Security on November 20, 2014, and entitled “Expansion of the Provisional Waiver Program”.

(14) The memorandum issued by the Secretary of Homeland Security on November 20, 2014, and entitled “Policies Supporting U.S. High-Skilled Businesses and Workers”.


(18) The memorandum issued by the President on November 20, 2014, and entitled “Modernizing and Streamlining the U.S. Immigrant Visa System for the 21st Century”.

(19) The memorandum issued by the President on November 21, 2014, and entitled “Creating Welcoming Communities and Fully Integrating Immigrants and Refugees”.

(b) EXECUTIVE BRANCH DEMONSTRATION OF IMMIGRATION ENFORCEMENT.

The amounts described in subsection (a) will not be available for the uses described in such subsection until after the President, in consultation with the Attorney General, certifies that—

(1) the memorandum listed in subsection (a) have been formally withdrawn;

(2) no other memoranda or documentation with similar content have been issued; and

(3) the United States Government intends to comply with all immigration enforcement requirements established by any Federal statute, including the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208).

(c) FEDERAL HIGHWAY FUNDS UNAVAILABLE FOR ILLEGAL WORKERS.—Notwithstanding any other provision of law, no amounts made available to the Department of Transportation for any other Federal agency, or otherwise deposited into any Federal, State, or local account that provides funding for interstate or intrastate highway construction or repair in any State, may be used to—

(1) pay the salary, wages, benefits, or any other compensation of any person who has been directly or indirectly authorized to work in the United States in connection with any of the memoranda listed in subsection (a) or any other documentation with similar content.

SA 2266. Mr. McCONNELL submitted an amendment intended to be proposed by him 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 mandates applies under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

SECTION 1. SHORT TITLE.

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

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

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

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

(2) Division B—Surface Transportation Programs.

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

(4) Division D—Freight and Major Projects.

(5) Division E—Intermodal Freight.

(6) Division F—Miscellaneous.

(7) Division G—Surface Transportation Extension.

(8) Division H—Budgetary Effects.

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

Sec. 1. Short title.

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

Sec. 3. Definitions.

Sec. 4. Effective date.

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

TITLE I—FEDERAL-aid HIGHWAYS

Subtitle A—Authorizations and Programs

Sec. 101. Authorization of appropriations.

Sec. 102. Obligation ceiling.

Sec. 103. Apportionment.

Sec. 104. Surface transportation program.

Sec. 105. Metropolitan transportation planning.

Sec. 106. Statewide and nonmetropolitan transportation planning.

Sec. 107. Highway use tax exemption projects.

Sec. 108. Bundling of bridge projects.

Sec. 109. Flexibility for certain rural road and bridge projects.

Sec. 110. Construction of ferry boats and ferry terminal facilities.

Sec. 111. Highway safety improvement program.

Sec. 112. Data collection on unpaved public roads.

Sec. 113. Congestion mitigation and air quality improvement program.

Sec. 114. Transportation alternatives.

Sec. 115. Consolidation of programs.

Sec. 116. State flexibility for National Highway System modifications.

Sec. 117. Toll roads, bridges, tunnels, and ferries.

Sec. 118. HOV facilities.

Sec. 119. Interstate system reconstruction and rehabilitation pilot program.

Sec. 120. Emergency relief for federally owned roads.

Sec. 121. Bridges requiring closure or load restrictions.

Sec. 122. National electric vehicle charging and natural gas fueling corridors.

Sec. 123. Asset management.

Sec. 124. Tribal transportation program amendment.

Sec. 125. Nationally significant Federal lands and Tribal projects program.

Sec. 126. Federal lands programmatic activities.

Sec. 127. Federal lands transportation program.

Sec. 128. Innovative project delivery.

Sec. 129. Obligation and release of funds.

Subtitle B—Acceleration of Project Delivery

Sec. 130. Categorical exclusion for projects of limited Federal assistance.

Sec. 131. Programmatic agreement template.

Sec. 132. Agency coordination.

Sec. 133. Initiation of environmental review process.

Sec. 134. Improving collaboration for accelerated decision making.

Sec. 135. Accelerated decisionmakeing in environmental reviews.

Sec. 136. Improving transparency in environmental reviews.

Sec. 137. Integration of planning and environmental review.

Sec. 138. Use of programmatic mitigation plans.

Sec. 139. Adoption of Departmental environmental documents.

Sec. 140. Technical assistance for States.

Sec. 141. Surface transportation project delivery.

Sec. 142. Categorical exclusions for multimodal projects.

Sec. 143. Modernization of the environmental review process.

Sec. 144. Service club, charitable association, or religious service signs.

Sec. 145. Satisfied of requirements for certain permits.

Sec. 146. Bridge exemption from consideration under certain provisions.
Sec. 11118. Elimination of barriers to improve at-risk bridges.

Sec. 11119. At-risk project preagreement authority.

Subtitle C—Miscellaneous

Sec. 11201. Credits for untaxed transportation fuels.

Sec. 11202. Justification reports for access points on the Interstate System.

Sec. 11203. Exemptions.

Sec. 11204. High priority corridors on the National Highway System.

Sec. 11205. Repeat intoxicated driver law.

Sec. 11206. Vehicle-to-infrastructure equipment.

Sec. 11207. Relinquishment.

Sec. 11208. Enforcement and sale of toll credits.

Sec. 11209. Regional infrastructure accelerator demonstration program.

TITLE II—TRANSPORTATION INNOVATION

Subtitle A—Research

Sec. 12001. Research, technology, and education.

Sec. 12002. Intelligent transportation systems.

Sec. 12003. Future interstate study.

Sec. 12004. Researching surface transportation system funding alternatives.

Subtitle B—Data

Sec. 12101. Tribal data collection.

Sec. 12102. Performance management data support program.

Subtitle C—Transparency and Best Practices

Sec. 12201. Every Day Counts initiative.

Sec. 12202. Department of Transportation performance measures.

Sec. 12203. Grant program for achievement in transportation for performance and innovation.

Sec. 12204. Highway trust fund transparency and accountability.

Sec. 12205. Report on highway trust fund administrative expenditures.

Sec. 12206. Availability of reports.

Sec. 12207. Performance period adjustment.

Sec. 12208. Design standards.

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

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

TITLE IV—TECHNICAL CORRECTIONS

Sec. 14001. Technical corrections.

TITLE V—MISCELLANEOUS

Sec. 15001. Appalachian development highway system.

Sec. 15002. Appalachian regional development program.

Sec. 15003. Water infrastructure finance and innovation.

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

Sec. 15005. Study on performance of bridges.

Sec. 15006. Sport fish restoration and recreational boating safety.

DIVISION B—PUBLIC TRANSPORTATION

TITLE XXI—FEDERAL PUBLIC TRANSPORTATION ACT

Sec. 21001. Short title.

Sec. 21002. Definitions.

Sec. 21003. Metropolitan transportation planning.

Sec. 21004. Statewide and nonmetropolitan transportation planning.

Sec. 21005. Urbanized area formula grants.

Sec. 21006. Fixed guideway capital investment grants.

Sec. 21007. Mobility of seniors and individuals with disabilities.

Sec. 21008. Formula grants for rural areas.

Sec. 21009. Research, development, demonstration, and deployment program.

Sec. 21010. Private sector participation.

Sec. 21011. Innovative procurement.

Sec. 21012. Human resources and training.

Sec. 21013. General provisions.

Sec. 21014. Project management oversight.

Sec. 21015. Public transportation safety program.

Sec. 21016. State of good repair grants.

Sec. 21017. Authorities.

Sec. 21018. Grants for bus and bus facilities.

Sec. 21019. Salary of Federal Transit Administrator.

Sec. 21020. Technical and conforming amendments.

DIVISION C—COMPREHENSIVE TRANSPORTATION AND CONSUMER PROTECTION ACT OF 2015

Sec. 31001. Short title.

Sec. 31002. References to title 49, United States Code.

Sec. 31003. Effective date.

TITLE XXXI—OFFICE OF THE INSPECTOR GENERAL

Subtitle A—Accelerating Project Delivery

Sec. 31101. Delegation of authority.

Sec. 31102. Infrastructure Permitting Improvement Center.

Sec. 31103. Accelerated decision-making in environmental reviews.

Sec. 31104. Environmental review alignment and reform.

Sec. 31105. Multimodal categorical exclusions.

Sec. 31106. Improving transparency in environmental reviews.

Sec. 31107. Local transportation infrastructure program.

Subtitle B—Research

Sec. 31201. Correlation study.

Sec. 31202. Data certification.

Sec. 31203. Safety improvement metrics.

Sec. 31204. Post-accident report review.

Sec. 31205. Accident report information.

Sec. 31206. Environmental review alignment and reform.

Sec. 31207. Repeal of obsolete office.

Subtitle C—Port Performance Act

Sec. 31301. Findings.

Sec. 31302. Findings.

Sec. 31303. Environmental review alignment and reform.

Sec. 31304. National emergency and disaster response.

Sec. 31305. Authorization of appropriations.

TITLE XXXIV—HIGHWAY AND MOTOR VEHICLE SAFETY

Subtitle A—Highway Traffic Safety

Sec. 34101. Authorization of appropriations.

Sec. 34102. Highway safety programs.

Sec. 34103. Grants for alcohol-ignition interlock laws and 24–7 sobriety programs.

Sec. 34104. Repeat offender criteria.

Sec. 34105. Study on the national roadside survey of alcohol and drug use by drivers.

Sec. 34106. Increasing public awareness of the dangers of drug-impaired driving.

Sec. 34107. Improvement of data collection on child occupants in vehicle crashes.

PART II—STOP MOTORCYCLE CHECKPOINT FUNDING ACT

Sec. 34111. Short title.

Sec. 34112. Grant prohibition.

PART III—IMPROVING DRIVER SAFETY ACT OF 2015

Sec. 34131. Short title.

Sec. 34132. Distracted driving incentive grants.

Sec. 34133. Barriers to data collection report.
Sec. 71001. Extension of Federal-aid highway programs.

Sec. 61001. Definitions.

Sec. 52201. Extension of deposits of security in the general fund.

Sec. 74001. Extension of trust fund expenditures.

Sec. 71002. Administrative expenses.

Sec. 61011. GAO Report.

Sec. 61008. Report to Congress.

Sec. 61007. Litigation, judicial review, and savings provision.

Sec. 61005. Coordination of required reviews.

Sec. 61004. Interstate compacts.

Sec. 61003. Permitting process improvement.

Sec. 52204. Strategic Petroleum Reserve fees.

Sec. 52203. Dividends and surplus funds of the Federal Deposit Insurance Corporation.

Sec. 52202. Adjustment for inflation of fees.

Sec. 52108. Transfers of excess pension assets for the United States Fish and Wildlife Service.

Sec. 61006. Reimbursements for the National Park Service; and

Sec. 61002. Maintenance of highway trust fund cash balance.

Sec. 80002. Maintenance of highway trust fund cash balance.

Sec. 80003. Prohibition on rescissions of certain contract authority.

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 102 of title 23, United States Code, the surface transportation program under section 139 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 194 of that title—

(A) $40,579,500,000 for fiscal year 2016;

(B) $41,421,300,000 for fiscal year 2017;

(C) $42,327,100,000 for fiscal year 2018;

(D) $43,300,400,000 for fiscal year 2019;

(E) $44,394,700,000 for fiscal year 2020; and

(F) $45,515,900,000 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, $500,000,000 for each of fiscal years 2016 through 2021.

(3) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAM.—To carry out the university transportation infrastructure finance and innovation program under chapter 6 of title 23, United States Code, $500,000,000 for each of fiscal years 2016 through 2021.

(4) TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.—For the territorial and Puerto Rico highway programs under section 171 of title 23, United States Code, $130,000,000 for each of fiscal years 2016 through 2021.

(5) BUREAU OF TRANSPORTATION STATISTICS.—To carry out the Bureau of Transportation Statistics programs under section 503(b) of title 23, United States Code, $55,000,000 for each of fiscal years 2016 through 2021.

(6) INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.—To carry out the intelligent transportation systems program under sections 512 through 516 of title 23, United States Code, $100,000,000 for each of fiscal years 2016 through 2021.

(7) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—To carry out the university transportation centers program under section 505 of title 49, United States Code, $72,500,000 for each of fiscal years 2016 through 2021.

(8) FEDERAL LANDS TRANSPORTATION PROGRAM.—To carry out the Federal Lands Transportation Program under section 405 of title 49, United States Code, $100,000,000 for each of fiscal years 2016 through 2021.

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

(A) $250,000,000 for fiscal year 2017;

(B) $260,000,000 for fiscal year 2018;

(C) $270,000,000 for fiscal year 2019;

(D) $280,000,000 for fiscal year 2020; and

(E) $290,000,000 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(c) 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, $21,000,000 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 516 of title 23, United States Code, $100,000,000 for each of fiscal years 2016 through 2021.

(2) APPICLABILITY OF TITLE 21, 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 during 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 roundtable meetings, 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 businesses on the basis of race or gender, and that efforts alone are insufficient to address the problem;

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 businesses.

(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 defined 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 exceeding the preceding fiscal year the lesser of $2 million or $2,100,000, 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 that efforts other than those described in clauses (i) through (v) of subparagraph (A) for each fiscal year the obligation authority made available under title I 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 each State, or 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 also 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 purposes 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 of responsive requests for information;

(iv) analyses of stock ownership;

(v) listings of equipment; and

(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 performed.

(6) REPORTING.—The Secretary shall establish minimum requirements for use by State governments in certifying 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 title I of this Act and section 403 of title 23, United States Code, if the individual or entity is prevented, in whole or in part, from complying with paragraph (2) because a Federal court issues a final order in which the court finds that the individual or entity is not socially and economically disadvantaged.

(8) INCLUSIONS.—The minimum uniform criteria for use by State governments in certifying whether a concern qualifies as a small business concern for purposes of this subsection shall be—

(A) survey and compile a list of the small business concerns owned and controlled by socially and economically disadvantaged individuals;

(B) establish minimum uniform criteria for use by State governments in certifying whether a concern qualifies as a small business concern for purposes of this subsection;

(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 businesses on the basis of race or gender, and that 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 businesses on the basis of race or gender, and that efforts alone are insufficient to address the problem;

(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 businesses.

(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 defined 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 exceeding the preceding fiscal year the lesser of $2 million or $2,100,000, 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 that efforts other than those described in clauses (i) through (v) of subparagraph (A) for each fiscal year the obligation authority made available under title I 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 each State, or 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 also 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 purposes 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 of responsive requests for information;

(iv) analyses of stock ownership;

(v) listings of equipment; and

(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 performed.

(6) REPORTING.—The Secretary shall establish minimum requirements for use by State governments in certifying 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 title I of this Act and section 403 of title 23, United States Code, if the individual or entity is prevented, in whole or in part, from complying with paragraph (2) because a Federal court issues a final order in which the court finds that the individual or entity is not socially and economically disadvantaged.

(8) INCLUSIONS.—The minimum uniform criteria for use by State governments in certifying whether a concern qualifies as a small business concern for purposes of this subsection shall be—

(A) survey and compile a list of the small business concerns owned and controlled by socially and economically disadvantaged individuals;

(B) establish minimum uniform criteria for use by State governments in certifying whether a concern qualifies as a small business concern for purposes of this subsection;

(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 businesses on the basis of race or gender, and that 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 businesses on the basis of race or gender, and that efforts alone are insufficient to address the problem;

(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 businesses.
(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 amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for the fiscal year.
(C) the State's share under subsection (c) for each of fiscal years 2016 through 2021.

(2) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), the Secretary shall, after August 1 of each of fiscal years 2016 through 2021:
(A) set aside from the apportionments made available under subsection (c) any amount that, for each State, is not obligated by the close of each fiscal year; and
(B) distribute among the States the total set-aside 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 114 (in effect on the day before the date of enactment of MAP–21 (126 Stat. 405)) and 194 of title 23, United States Code.

(3) APPORTIONMENT.—Notwithstanding subsection (c), for each of fiscal years 2016 through 2021, the Secretary shall apportion to the States under section 133(b) of title 23, United States Code, to all States for the fiscal year.

(4) AUTHORITY.—Notwithstanding subsection (c), the Secretary shall use to carry out section 133(b)(5) of title 23, United States Code, amounts that are determined for the State under subsection (c) without regard to the State's obligation for any purpose described in paragraphs (2), (4), (6), and (7) of section 139 of title 23, United States Code.

(5) APPORTIONMENT.—For each of fiscal years 2016 through 2021, on October 1, the Secretary shall apportion to the States amounts that are determined for the State under subsection (c) without regard to the State's obligation for any purpose described in paragraphs (2), (4), (6), and (7) of section 139 of title 23, United States Code.
(i) in subparagraph (A)—

(1) in the matter preceding clause (i), by striking “50 percent” and inserting “55 percent”; and

(ii) by clause (ii), by striking “greater than 5,000” and inserting “of 5,000 or more”; and

(ii) in subsection (B), by striking “50 percent” and inserting “45 percent”; and

(3) in paragraph (4)(B) for border infrastructure projects eligible under 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) (d)(1)(A)—

(i) by striking paragraph “(1A)(ii)” and inserting “(1A)(ii)”;

(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 inserting “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); and

(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 bridge that is 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 provisions from 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 10 percent of the amount of funds set aside for bridges not on Federal-aid highways in the State for fiscal year 2014.’’; and

(ii) in subparagraph (B), by striking “off-system” and inserting “off-NHS”;

(c) by redesignating paragraph (3) as subsection (g);

(7) in subsection (h) (as so redesignated)—

(A) by striking the heading and inserting “CHALLENGE FUND GRANTS 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 a bridge” and

(ii) by striking “, and is determined by the Secretary upon completion to be no longer a deficient bridge’’;

(8) in the matter before subparagraph (A)(i), by striking “(as redesignated by paragraph (5), by striking ‘‘under subsection (d)(1)(A)(ii) 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:

(1) 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 the funds apportioned 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) in subsection (j)(3) (as redesignated by subparagraph (A)), by striking “paragraph (5)” and inserting “paragraph (6)”;

(5) in subsection (k)(5)(B), by striking “natural disaster risk reduction,” after “environmental”;

(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”;

(iii) by adding at the end the following:

‘‘(1) improve the resilience and reliability of the transportation system; and

(b) in paragraph (2)(A), by striking “and in 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 subsection, the Secretary shall, for each of those States—

(1) in subparagraph (A), by striking “(2)” and inserting “(2)(E)”;

(2) in subsection (j)(5)(A), by striking “subparagraph (A)” and inserting “subsection (k)(3)”;

(3) 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 redesigning 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 96–61, 94 Stat. 2324).

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

(A) a metropolitan planning organization; and

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

(C) an urbanized area, which is comprised of the 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 subsection, 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)(ii) by the population specified in paragraph (2) of this subsection for the Lake Tahoe Region in that State.”

“(B) PROCESS TO ASSIST RURAL PROJECTS.—

(1) 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—

(A) waive the requirements of section 113 of title 23, United States Code; and

(B) otherwise provide additional flexibility to 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 one 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 of title 23, United States Code; or

(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. 11090. 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—

(i) 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; and

(ii) otherwise provide additional flexibility or expedited processing with respect to the requirements described in paragraph (1).

(b) APPLICABILITY.—(1) The same flexibilities described in subsection (a) shall apply to- 

(A) each 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 total 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 (49 U.S.C. 301 note, U.S. Stat. 549(b)) 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 $50,000,000 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 one 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 of title 23, United States Code; or

(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.—

(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) of this section—

(I) 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; bears to

(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
AMOUNTS.—The Secretary shall—

(1) withdraw amounts allocated to an eligible entity for which data is available, for a fiscal year, to the extent that amounts were not withdrawn under paragraph (1) of subsection (c), and

(2) reduce the amounts available for a fiscal year for which data is available, for a fiscal year, in accordance with the formula under subpart (d) of paragraph (2) of subsection (a) and paragraph (11) of this subsection for a fiscal year.

SEC. 11011. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

SEC. 11012. DATA COLLECTION ON UNPaved PUB. LIC ROADS.

SEC. 11013. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.
and (2) of this subsection shall not apply to a nonattainment or maintenance area in the State if—

(i) the nonattainment or maintenance area consists of 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 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.

SEC. 11014. TRANSPORTATION ALTERNATIVES.

(a) In General.—Section 233 of title 23, United States Code, is amended—

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

"(a) RESERVATION OF FUNDS.—

(1) by striking "set-aside" and all that follows through "before "performance targets"; and

(2) in subsection (b), by inserting "air quality and traffic congestion" before "performance targets"; and

(3) in clause (vi), by striking "(i) the nonattainment or maintenance area does not have projects that are part of a nonattainment or maintenance area in a State," and inserting "an area that was added to the National Highway System as of October 1, 2009, or a nonattainment or maintenance area in a State,".

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

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

(A) the aggregate cost of the projects for which applications are received; and

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

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

SEC. 11015. CONSOLIDATION OF PROGRAMS.

(a) IN GENERAL.—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".

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

(1) in the matter preceding clause (i)—

(A) by striking ". . . including any modifications consisting of a connector to a major intermodal terminal,", and inserting ". . . including any modifications consisting of a connector to a major intermodal terminal or the withdrawal of a road from that system, after "the National Highway System;" and

(B) by striking ". . . its ineligibility for the denial by the Secretary of a request.

(c) 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 inserting ". . . including any modifications consisting of a connector to a major intermodal terminal or the withdrawal of a road from that system,"; and

(B) by striking ". . . its ineligibility for the denial by the Secretary of a request.

(d) 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 inserting ". . . including any modifications consisting of a connector to a major intermodal terminal or the withdrawal of a road from that system,"; and

(B) by striking ". . . its ineligibility for the denial by the Secretary of a request.

SEC. 11017. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.

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

(1) in clause (i)—

(A) by striking "(f)‘‘ and inserting "par-"; and

(B) by striking "(g)(4)(A)(i)" and inserting "(g)(4)(A)(i)".

(2) in paragraph (4)(B)—

(i) in clause (vi), by striking "and" at the end; and

(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

(2) in paragraph (5)—

(i) by striking "For funds reserved" and inserting the following:

"(A) In general for funds reserved"; and

(ii) by striking "(1)(A)" and inserting "(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 sub-allocating 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:

"(B) 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).

(3) STATE SHARE.—The Secretary shall, after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Environment and Public Works and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes a description of—

(i) each request for modification of the National Highway System; and

(ii) the status of each request; and

(iii) if applicable, the justifications for the denial by the Secretary of a request.

(b) 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 "’’ and including any modification consisting of a connector to a major intermodal terminal," and inserting "’’ and including any modifications consisting of a connector to a major intermodal terminal or the withdrawal of a road from that system, after "the National Highway System;" and

(B) by inserting "’’ and including any modifications consisting of a connector to a major intermodal terminal or the withdrawal of a road from that system, after "the National Highway System;" and

(C) by adding at the end the following:

"(II) in the case of the withdrawal of a road, is reasonable and appropriate.".
SEC. 11016. 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) in paragraph (4)(B) (as so redesignated), by striking "Federal-aid highway" and inserting "Federal-aid highways"; and
(5) by inserting after paragraph (7) (as so redesignated) the following:
``(B) EXEMPTION FROM TOLLS.—In levying a toll on a facility under clause (i) of paragraph (2), the State agency may—
(A) in paragraph (1)—
(i) by striking "(other than a highway on the Interstate System)"; and
(ii) by striking "State toll on a facility under subparagraph (A), a toll on a 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) in paragraph (4)(B) (as so redesignated), by striking "other than a highway on the Interstate System)"; and
(5) by inserting after paragraph (7) (as so redesignated) the following:
``(B) EXEMPTION FROM TOLLS.—In levying a toll on a facility under subparagraph (A), a toll on a facility under the same rates, terms, and conditions as public transportation buses in the State.";.

SEC. 11019. INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAMS.
Section 126(b) of the Transportation Equity Act for the 21st Century (Public Law 105-178; 112 Stat. 212) is amended—
(1) in paragraph (1)—
(A) in subparagraph (A), by striking "State toll on a facility under paragraph (2), and in subparagraph (C) as paragraph (2); and
(B) by redesignating subparagraph (C) as paragraph (2); and
(2) in subsection (c)(1), by striking "toll; and
(C) redesignating subparagraphs (5), (7), (8), (9), and (10) as paragraphs (4), (5), (6), (7), and (9), respectively;
(3) in paragraph (4)(B) (as so redesignated), by striking "Federal-aid highway" and inserting "Federal-aid highways"; and
(4) by inserting after paragraph (7) (as so redesignated) the following:
``(B) EXEMPTION FROM TOLLS.—In levying a toll on a facility under subparagraph (A), a toll on a facility under the same rates, terms, and conditions as public transportation buses in the State.";.

SEC. 11019. INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAMS.
Section 126(b) of the Transportation Equity Act for the 21st Century (Public Law 105-178; 112 Stat. 212) is amended—
(1) in paragraph (1)—
(A) in subparagraph (A), by striking "State toll on a facility under paragraph (2), and in subparagraph (C) as paragraph (2); and
(B) by redesignating subparagraph (C) as paragraph (2); and
(2) in subsection (c)(1), by striking "toll; and
(C) redesignating subparagraphs (5), (7), (8), (9), and (10) as paragraphs (4), (5), (6), (7), and (9), respectively;
(3) in paragraph (4)(B) (as so redesignated), by striking "Federal-aid highway" and inserting "Federal-aid highways"; and
(4) by inserting after paragraph (7) (as so redesignated) the following:
``(B) EXEMPTION FROM TOLLS.—In levying a toll on a facility under subparagraph (A), a toll on a facility under the same rates, terms, and conditions as public transportation buses in the State.";.

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(B) by redesignating subparagraph (C) as paragraph (2); and
(2) in subsection (c)(1), by striking "toll; and
(C) redesignating subparagraphs (5), (7), (8), (9), and (10) as paragraphs (4), (5), (6), (7), and (9), respectively;
(3) in paragraph (4)(B) (as so redesignated), by striking "Federal-aid highway" and inserting "Federal-aid highways"; and
(4) by inserting after paragraph (7) (as so redesignated) the following:
``(B) EXEMPTION FROM TOLLS.—In levying a toll on a facility under subparagraph (A), a toll on a facility under the same rates, terms, and conditions as public transportation buses in the State.";.

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Section 126(b) of the Transportation Equity Act for the 21st Century (Public Law 105-178; 112 Stat. 212) is amended—
(1) in paragraph (1)—
(A) in subparagraph (A), by striking "State toll on a facility under paragraph (2), and in subparagraph (C) as paragraph (2); and
(B) by redesignating subparagraph (C) as paragraph (2); and
(2) in subsection (c)(1), by striking "toll; and
(C) redesignating subparagraphs (5), (7), (8), (9), and (10) as paragraphs (4), (5), (6), (7), and (9), respectively;
(3) in paragraph (4)(B) (as so redesignated), by striking "Federal-aid highway" and inserting "Federal-aid highways"; and
(4) by inserting after paragraph (7) (as so redesignated) the following:
``(B) EXEMPTION FROM TOLLS.—In levying a toll on a facility under subparagraph (A), a toll on a facility under the same rates, terms, and conditions as public transportation buses in the State.";.

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(1) in paragraph (1)—
(A) in subparagraph (A), by striking "State toll on a facility under paragraph (2), and in subparagraph (C) as paragraph (2); and
(B) by redesignating subparagraph (C) as paragraph (2); and
(2) in subsection (c)(1), by striking "toll; and
(C) redesignating subparagraphs (5), (7), (8), (9), and (10) as paragraphs (4), (5), (6), (7), and (9), respectively;
(3) in paragraph (4)(B) (as so redesignated), by striking "Federal-aid highway" and inserting "Federal-aid highways"; and
(4) by inserting after paragraph (7) (as so redesignated) the following:
``(B) EXEMPTION FROM TOLLS.—In levying a toll on a facility under subparagraph (A), a toll on a facility under the same rates, terms, and conditions as public transportation buses in the State.";.

SEC. 11019. INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAMS.
Section 126(b) of the Transportation Equity Act for the 21st Century (Public Law 105-178; 112 Stat. 212) is amended—
(1) in paragraph (1)—
(A) in subparagraph (A), by striking "State toll on a facility under paragraph (2), and in subparagraph (C) as paragraph (2); and
(B) by redesignating subparagraph (C) as paragraph (2); and
(2) in subsection (c)(1), by striking "toll; and
(C) redesignating subparagraphs (5), (7), (8), (9), and (10) as paragraphs (4), (5), (6), (7), and (9), respectively;
(3) in paragraph (4)(B) (as so redesignated), by striking "Federal-aid highway" and inserting "Federal-aid highways"; and
(4) by inserting after paragraph (7) (as so redesignated) the following:
``(B) EXEMPTION FROM TOLLS.—In levying a toll on a facility under subparagraph (A), a toll on a facility under the same rates, terms, and conditions as public transportation buses in the State.";.

SEC. 11019. INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAMS.
Section 126(b) of the Transportation Equity Act for the 21st Century (Public Law 105-178; 112 Stat. 212) is amended—
(1) in paragraph (1)—
(A) in subparagraph (A), by striking "State toll on a facility under paragraph (2), and in subparagraph (C) as paragraph (2); and
(B) by redesigning subparagraph (C) as paragraph (2); and
(2) in subsection (c)(1), by striking "toll; and
(C) redesigning subparagraphs (5), (7), (8), (9), and (10) as paragraphs (4), (5), (6), (7), and (9), respectively;
(3) in paragraph (4)(B) (as so redesignated), by striking "Federal-aid highway" and inserting "Federal-aid highways"; and
(4) by inserting after paragraph (7) (as so redesignated) the following:
``(B) EXEMPTION FROM TOLLS.—In levying a toll on a facility under subparagraph (A), a toll on a facility under the same rates, terms, and conditions as public transportation buses in the State.";.
reconstruction or rehabilitation of a facility, a State shall—

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

“(2) 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 to receive 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—

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

“(2) 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 application to receive a conditional provisional approval 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 beyond 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(h)(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.

“(7) VEHICLES ELIGIBLE.—A vehicle is eligible for assistance under this title if it is 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.

“(8) 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, on any side around.

SEC. 11021. BRIDGES REQUIRING CLOSURE OR LOAD RESTRICTIONS.

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

“(1) in subparagraph (A), by striking 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 safely carry, the Secretary—

“(I) shall, on learning of the need to close or restrict loads to ensure the Federal agency or tribal government to take action necessary;

“(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 that the bridge can safely carry, the Secretary—

“(I) shall, on learning of the need to close or restrict loads on the bridge, require the State to take action necessary—

“(aa) to close the bridge within 48 hours; or

“(bb) to close the bridge within 30 days; to restrict public travel on the bridge to loads that the bridge can safely carry; and

“(II) may, if the State fails to take action required under clause (i), withhold all funding authorized under this title for the Federal agency or tribal government.

“(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; and

“(F) 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) FUNDING REQUIREMENTS.—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, 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.

“(f) CONSULTATION.—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:


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 striking after section 150 the following:

“§ 151. National electric vehicle charging and natural gas fueling corridors

“(a) In General.—Chapter I of title 23, United States Code, is amended by inserting after section 150 the following:

“(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; and

“(F) 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) FUNDING REQUIREMENTS.—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, 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.

“(f) CONSULTATION.—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:


SEC. 11023. ASSET MANAGEMENT.

(a) Section 119 of title 23, United States Code, is amended—

“(1) in subsection (c)(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:

“(b) 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 critical infrastructure facilities designated by the Secretary 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”; and
(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”; 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
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 PROJECTS.—(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 under 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 achieved—
(A) by 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 $25,000,000,000, with priority given to projects with an estimated cost equal to or exceeding $50,000,000,000.
(d) ELIGIBLE ACTIVITIES.—(1) IN GENERAL.—Subject to paragraph (2), an eligible applicant receiving funds under the program may use those 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 biodiversity and 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 and is 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; and
(B) in the matter preceding subclause (I) (as so redesignated), by striking “The Secretaries” and inserting the following:
“(I) IN GENERAL.—The Secretary;”;
(2) in paragraph (7), 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. 452 et seq.).”;
(3) in paragraph (8), by striking paragraph (7) and inserting the following:
“(iii) INCLUSIONS.—Data collected under this paragraph includes—
(I) by striking paragraph (7) and inserting the following:
“(IV) COOPERATIVE RESEARCH AND TECHNOLOGY DEPLOYMENT.—The Secretary may conduct cooperative research and technology deployment in conjunction with Federal land management agencies, as determined appropriate by the Secretary.
(b) FUNDING.—(1) 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 of the funds authorized for programs under sections 203 and 204.
(2) OTHER ACTIVITIES.—In addition to the activities described in subparagraph (A), funds described under that subparagraph may be used for—
(A) bridge inspections on any federally owned bridge whose bridge rating is not included on the inventory described under section 203; and
(B) transportation planning activities carried out by Indian land management agencies eligible for funding under this chapter.”.
SEC. 11027. FEDERAL LANDS TRANSPORTATION FACILITIES
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)(V)”; and
(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 “;”;
(iii) in clause (vii), by inserting “; and” after “construction;”;
(iv) in clause (viii), by inserting “; and” after “construction;”;
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 230(c) of title 23, United States Code, is amended—
(1) in subparagraph (A)—
(A) by striking “engineering or design approaches,”; and
(B) by striking “contracting” and inserting “or contracting or project delivery”;
and
(2) in subparagraph (B), in the matter preceding clause (i), 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”; and
(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and inserting 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 striking paragraph (1), by striking “Not later than” and inserting the following:
“(b) INFLATIONARY ADJUSTMENT.—The dollar amounts described in subsection (a) shall be adjusted for inflation—
(I) 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
(II) 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:
“(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:
“(b) PROGRAMMATIC AGREEMENT TEMPLATE.—”.

July 21, 2015
CONGRESSIONAL RECORD — SENATE S5229
"(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 shall—

"(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—

(1) in paragraph (1), by striking "including Federal capital project, or multimodal project schedule for rendering a decision as described in the project schedule established pursuant to subsection (f)(4), 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;

"(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.—

"(1) 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) 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), of title 23, United States Code, is amended—

"(1) in paragraph (4)(D), by striking "(includ-

\[\vdots\]\n
\[\vdots\]
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 led the agency to re-appraisal or further response.

(2) Incorporation.—To the maximum extent practicable, the lead agency shall expedite coordination and develop a process 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 action.

(b) Review, Approval, and Permitting Platform.—

(1) In General.—Not later than 2 years after the date of enactment of this sub-section, the Secretary shall establish an online platform and, in coordination with agencies described in paragraph (2), issue reporting standards that are publicly available that 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 this section shall provide a publicly available status information in accordance with standards established by the Secretary under paragraph (1).

(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 sub-area 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 analyzing and ranking 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 significance of potential indirect and cumulative effects on those resources; and

(H) mitigation needs for a proposed action, including programmatic mitigation for potential effects that the Federal lead agency determines are most effectively addressed at a regional or national program level.

(4) Conditions.—The lead agency in the environmental review process may adopt and use planning products pursuant to applicable Federal law.

(5) The planning product was developed in consultation with appropriate Federal and State resource agencies and Indian tribes.

(6) 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.

(7) The planning process included public notice that the planning products produced in the planning process may be adopted during a subsequent environmental review process.

(b) Use of Programmatic Mitigation Plans.

Section 169(d) of title 23, United States Code, is amended—

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:

(4) Reviews, Approvals, and Permitting Platform.—

(1) In General.—Not later than 2 years after the date of enactment of this sub-section, the Secretary shall establish an online platform and, in coordination with agencies described in paragraph (2), issue reporting standards that are publicly available that 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 this section shall provide a publicly available status information in accordance with standards established by the Secretary under paragraph (1).

(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 decision-making process carried out by a metropoli-
SEC. 11110. MODERNIZATION OF THE ENVIRONMENTAL DOCUMENTS.

(a) In General.—Title 49, United States Code, is amended by inserting after section 306 the following:

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§ 307. Adoption of Departmental environmental documents

(a) In General.—An operating administration or secretarial office within the Department that has expertise shall provide, in 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. 4231 et seq.), a detailed description of each responsible agency 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 has the lead responsibility for the project reviewed under the document to be adopted shall provide to the State, after the notification and period provided under subparagraph (B), comments and suggestions have been addressed, a document described in subsection (a) without recirculating the document.

(c) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by striking item 307 and inserting the following:

Sec. 307. Adoption of Departmental environmental documents.
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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:

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

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

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

(C) addressing a responsibility in need of corrective action under subsection (d) to the State; 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; and

(B) the Secretary provides to the State—

(i) a notification of the determination of noncompliance; and

(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

(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.

(3) in subsection (a), by striking "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;"

(4) ways to prioritize use of programmable environmental impact statements; and

(5) the lead authority determines that the project to be covered by the categorical exclusion of the cooperating authority has expertise.
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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:

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(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; and

(B) the Secretary provides to the State—

(i) a notification of the determination of noncompliance; and

(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 responsible administration or secretarial office that has expertise but is not the lead authority; and

(iv) 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 adoption of the document in an environmental impact statement or environmental assessment required under the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.); and

(C) by striking subsection (d) and inserting the following:

(3) 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.
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SEC. 11113. CATEGORICAL EXCLUSIONS FOR MULTIMODAL PROJECTS.

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

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(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 within the Department.
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(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 authority that is not the lead authority with respect to a proposed multimodal project''; and

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

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(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. 4231 et seq.) for a proposed multimodal project.
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(2) in subsection (b), by striking "under this title" and inserting "by the Secretary of Transportation''; and

(3) in subsection (c)—

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

(i) by striking "a categorical exclusion designated under the implementing regulations", and

(ii) by striking "a categorical exclusion designated under the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.) implementing regulations or", and

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

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(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; and

(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 adoption of the document in an environmental impact statement or environmental assessment required under the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.)
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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 programmable environmental impact statements; and

(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 133 of title 23, United States Code, and section 750 of title 25, 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 Secretary of the Interior and the Executive Director of the Advisory Council on Historic Preservation (referred to in this congressional record — senate july 21, 2015 s5232
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 and 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 requirements 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 published in the Federal Register.

(D) Aligning Historical Reviews.—

(A) In general.—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.

(B) Satisfactory of Conditions.—To satisfy the requirements of subsection (a)(2), each individual described in paragraph (2)(A) may provide to the applicable historic site described in the memorandum of agreement or programmatic agreement developed under section 306108 of title 54.

(C) Satisfaction of Conditions.—To satisfy the requirements of subsection (a)(2), each individual described in paragraph (2)(A) may provide to 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 the heading "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.—

(A) In general.—The Secretary shall—

(a) align, to the maximum extent practicable, in an analysis required under 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 the Executive order regarding a list of historic sites (referred to in this subsection as the ‘Council’) to establish procedures to satisfy the requirements described in subparagraph (A) (including regulations).

(f) Bridge Exemption from Consideration Under Certain Circumstances.—

(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:

(4) BRIDGE EXEMPTION FROM CONSIDERATION.—

(A) In general.—A common post-1945 concrete or steel bridge or culvert (as described in 77 Fed. Reg. 87879 that is exempt from individual review under section 306108 of title 54, United States Code, shall be exempt from consideration under this section.

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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 the repair, maintenance, or construction of a bridge that is 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;

(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—

(A) 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.

(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) having a significant adverse impact on swallow populations, the Secretary of the Interior may suspend that action through publication in the Federal Register.

SEC. 11119. AT-RISK PROJECT PREAUTHORIZATION AUTHORITY.

(a) Definition of Preliminary Engineering.—In this section, the term ‘preliminary engineering’ means—

(A) allowable preconstruction project development and engineering costs.

(b) At-Risk Project Preauthorization 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 to that project 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 of 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.) are 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 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 preliminary eligibility of the project for future Federal-aid highway funding.

Subtitle C—Miscellaneous

SEC. 12101. 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;

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

(3) amounts—

(A) for the registration of a vehicle that operates solely on a fuel that is not subject to a Federal tax as of the date of submission of the report.

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

SEC. 12102. JUDICIAL REVIEW 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 intersections inside a transportation management area)’’ after ‘‘the Interstate System’’.

SEC. 12103. EXEMPTIONS.

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

‘‘(c) STUDY.—

(1) DEFINITION OF NATURAL GASES.—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.

(2) E XPIRATION.—The authorization of an expenditure to fund a project pursuant to this section—

(A) shall expire at the end of the fiscal year in which the authorization is received.

(b) E LIGIBLE STATE.—The term ‘‘eligible State’’ means a State that—

(1) is eligible to use a credit under section 12101 of this title;

(2) has been selected by the Secretary

(a) in subparagraph (A) (109 Stat. 597; 118 Stat. 427); by striking the last sentence and inserting ‘‘subsection (c)(57), subsection (c)(68), subsection (c)(81), and subsection (c)(82);’’ and

(b) in subparagraph (C)(i) (109 Stat. 598; 126 Stat. 598) by striking ‘‘subsection (c)(57), subsection (c)(68), subsection (c)(81), and subsection (c)(82);’’ and

(c) by adding at the end the following:

‘‘(81) United States Route 117/Interstate Route 795 from United States Route 70 in Grifton, 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 80, through Wake County, North Carolina, to the Port at Morehead City, Carteret County, North Carolina.’’.

SEC. 12104. NATIONAL HIGHWAY PERFORMANCE PROGRAM.

Section 119(d) of title 23, United States Code, is amended by inserting ‘‘subsection (c)(57), subsection (c)(68), subsection (c)(81), and subsection (c)(82);’’ and

(b) in subparagraph (C)(i) (109 Stat. 598; 126 Stat. 598) 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)(80)(B) are designated as Interstate Route 1-11.’’

SEC. 12105. REPEAT INOXIDATED 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. 12106. VEHICLE-TO-INFRASTRUCTURE EQUIPMENT.

(a) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—Section 119(k)(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 153(b)(6) of title 23, United States Code, is amended by inserting ‘‘the installation of interoperable vehicle-to-infrastructure communication equipment’’ after ‘‘capital improvements’’

SEC. 12107. RELEINQUISHMENT.

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. 12108. 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 12101 of title 23, United States Code; and

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

(2) RECEIVING STATE.—The term ‘‘receiving State’’ means a State that—

(A) is eligible to receive a credit by transfer or by sale under this section from an eligible State.

(a) VOLUME 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 (d), the Secretary shall establish and implement a toll credit marketplace pilot program in accordance with this section.

Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representativess a report that describes the most efficient and equitable means of compensating a recipient for losses not subject to a Federal tax as of the date of submission of the report.

SEC. 11202. JUDICIAL REVIEW 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 intersections inside a transportation management area)’’ after ‘‘the Interstate System’’. 
(c) PURPOSES.—The purposes of the pilot program established under subsection (b) are—

(1) to identify whether a monetary value can be credited to toll credits;
(2) to identify the discounted rate of toll credits for cash;
(3) to determine if the purchase of toll credits by a State provides the purchasing State budget flexibility to deal with funding issues, including off-system needs, transit system costs, and other 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 an equal 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.

(3) TRANSFER OR SALE OF CREDITS.—(A) RECEPTIVE STATE.—A recipient State may use the proceeds from the sale of toll 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.

(B) USE OF CREDITS BY TRANSFEREE OR PURCHASER.—A recipient State may use a credit sold or transferred to another recipient State 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.

(C) DETERMINATION.—Not later than 180 days after the enactment of this Act, the Secretary shall determine whether the pilot program established under this subsection (b) improves the surface transportation system of an eligible State.

(4) USE OF PROCEEDS FROM SALE OF CREDITS.—(A) ELIGIBLE STATE.—An eligible State shall use the proceeds from the sale of toll credit under section 133(f)(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.

(B) TOA CREDIT 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.

(g) TOLL CREDIT MONITORING AND TRACKING.—Not later than 180 days after the enactment of this Act, 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) the amount of toll credits received and the value of toll credits sold;

(ii) the amount of cash received and the value of toll credits sold;

(iii) the price at which the cash was sold; 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.

(c) 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

(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. 12009. 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 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—

(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 innovative financing methods 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; and

(D) to increase transparency with respect to infrastructure projects and analyzing 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) $1,250,000 for initial grants to regional infrastructure accelerators under subsection (b); and

(2) $250,000 for administrative costs of carrying out the program.

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:

"(22) "innovative segmental wall technology for soil bank stabilization and roadway sound attenuation, and articulated technology for hydraulic sheet-resistant erosion control."; and

(2) in subparagraph (D)(i), by inserting "establish and implement" after "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:

"(1) use not less than 50 percent of the funds authorized to carry out this subsection to make grants to, and enter into cooperative agreements 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:

"(2) INNOVATION GRANTS.—

(1) 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 paragraph (a)(2)(B) may submit an application to receive a grant under this subsection.

(2) PUBLICATION OF APPLICATION PROCEDURES.—(A) IN GENERAL.—In carrying out the program established under paragraph (a)(2)(B)(i), the Secretary shall publish a notice of the application process established by the Secretary that—

(i) is posted on a public website;
SEC. 12002. INTELLIGENT TRANSPORTATION SYSTEMS.

(a) INTELLIGENT TRANSPORTATION SYSTEMS DEPLOYMENT.—Section 515 of title 23, United States Code, is amended by adding at the end the following:

"(1) ESTABLISHMENT.—The Secretary shall establish a competitive grant program to accelerate the deployment, operation, systems management, implementation, intermodal integration, and integration of ITS 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) advanced 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 roadway and 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 and information.

"(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 jurisdictional entities), research institutions, organizations representing transportation and technology leaders, and other transportation stakeholders;

"(E) 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 share to the cost of carrying out the project for which the grant is received.

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

"(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 capturing and delivering transportation system traffic condition and performance information;

"(E) the implementation of intelligent transportation systems 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 services, 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.

"(4) REPORT TO SENATE.—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 projects 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.

"(5) 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 agencies and the general public.

"(6) 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.

"(7) 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.

"(8) FUNDING.—Of the funds made available each fiscal year to carry out the intelligent transportation systems operations and management approaches and (7) above for the fiscal year, not less than $30,000,000 shall be used to carry out this subsection."; and

"(9) FUNDING.—Of the funds made available each fiscal year to carry out the intelligent transportation systems operations and management approaches and (7) above for the fiscal year, not less than $30,000,000 shall be used to carry out this subsection."."
“(5) improvement of the ability of the United States to respond to security-related or other manmade emergencies and natural disasters; and

(6) the implementation 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 513(b)(4) of title 23, United States Code, notwithstanding any other provision of this Act, shall be construed to mean—

(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 50-year-old Interstate System are well beyond the 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, 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 not sufficient for the System to fully serve the transportation needs of the United States for the next 50 years.

(b) FUTURE INTERSTATE SYSTEM.—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 the Council is authorized to take under this section. The Secretary shall include in the report prepared for the American Association of State Highway and Transportation Officials entitled ‘‘National Cooperative Highway Research Program Project 23-24(79): Specifications for a National Highway System’’ the recommendations of the study.

(c) METHODOLOGIES.—In conducting the study, the Transportation Research Board shall—

(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

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, including long-term deterioration and reconstruction needs, equity concerns, including the impacts of the user-based alternative revenue mechanisms on offering income groups, various geographic areas, and the relative burdens on rural and urban drivers;

(3) to assess questions and concerns about the ability of users to select from various technology and payment options;

(4) to define the functionality of those user-based alternative revenue mechanisms;

(5) to determine appropriate to achieve the goals; and

(6) to conduct outreach to increase public awareness regarding the need for alternative funding sources for surface transportation programs and provide information on possible approaches to selecting members under this paragraph.

(c) GRANTS.—The Secretary shall provide grants to individual States, groups of States, or other appropriate entities to conduct research that addresses—

(1) 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 mechanisms on offering income groups, various geographic areas, and the relative burdens on rural and urban drivers;

(5) 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 shall establish an Advisory Council to the Transportation Research Board of the National Academies to the Federal Highway Administration (referred to in this sub-section as the ‘‘Council’’) to inform the selection and evaluation of user-based alternative revenue mechanisms.

(2) MEMBERSHIP.—The members of the Council shall—

(a) be appointed by the Secretary; and

(b) include, at a minimum:

(1) representatives with experience in user-based alternative revenue mechanisms;

(2) representatives with experience in user-based alternative revenue mechanisms, including the ability of users to select from various technology and payment options;

(3) representatives with experience in user-based alternative revenue mechanisms, including the ability of users to select from various technology and payment options;

(4) representatives with experience in user-based alternative revenue mechanisms, including the ability of users to select from various technology and payment options;

(5) representatives with experience in user-based alternative revenue mechanisms, including the ability of users to select from various technology and payment options;

(6) representatives with experience in user-based alternative revenue mechanisms, including the ability of users to select from various technology and payment options;

(7) representatives with experience in user-based alternative revenue mechanisms, including the ability of users to select from various technology and payment options;

(8) representatives with experience in user-based alternative revenue mechanisms, including the ability of users to select from various technology and payment options;

(9) representatives with experience in user-based alternative revenue mechanisms, including the ability of users to select from various technology and payment options;

(10) representatives with experience in user-based alternative revenue mechanisms, including the ability of users to select from various technology and payment options;

(11) representatives with experience in user-based alternative revenue mechanisms, including the ability of users to select from various technology and payment options;

(12) representatives with experience in user-based alternative revenue mechanisms, including the ability of users to select from various technology and payment options.

(3) FUNCTIONS.—Not later than 1 year after the date on which the Council is established, the Council shall—

(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;

(ii) may be addressed 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).

(b) DEFINITIONS.—In this section—

(B) GEOGRAPHIC CONSIDERATIONS.—The Secretary shall conduct geographic diversity when selecting members under this paragraph.

(c) CONDUCT OF RESEARCH.—The Council shall—

(1) carry out the research activities described in subsection (a) to evaluate the research activities described in subsection (a).
(5) APPlicability of Federal Advisory Committee Act.—The Council shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(c) REPORT.—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 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.

(f) Final Report.—On the completion of the research activities under this section, 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 subsection (a) of title 23, United States Code—

(1) $15,000,000 shall be used to carry out this section in fiscal years 2016 and 2017; and

(2) $20,000,000 shall be used to carry out this section in each of fiscal years 2018 through 2021.

Subtitle B—Data

SEC. 12101. TRIBAL DATA COLLECTION.

Section 201c(c) 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) A 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 enhance planning, implementing, evaluating, and making progress to achievement of the requirements of title 23, United States Code.

(b) CONTENTS.—An application under subsection (a) shall 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 tribal organizations;

(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 reliability and validity of the innovations 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 innovative 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 each of the 2 years the Administrator shall work collaboratively with stakeholders to identify a new collection of innovations, best practices, and data to be used to develop tools, 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.—(1) The 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, with the implementation of project delivery associated with those projects; and

(2) as applicable, the effectiveness of the Department's actions 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. 440)); and

(D) a metropolitan planning organization.

(2) STATE.—The term "State" means—

(A) the State of Alaska;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory (as defined in section 150(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 tools 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 include 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.

SEC. 12204. CONGRESSIONAL CONSULTATION.—In awarding a grant under this section, the Secretary shall take into consideration the extent to which the application of the eligible entity entity under subsection (a) that—

(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 under this section shall be used for projects eligible for funding under—

(1) title 23, United States Code; or

(2) chapter 33 of title 49, United States Code.

(g) LIMITATION.—The amount of a grant under this section shall be not more than $15,000,000.

(b) PRIORITIZATION 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 appropriated 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 complete data in accordance with this subsection on the use of Federal-aid highway programs funds made available under this title.

"(2) REQUIREMENTS.—The Secretary shall ensure that the reports required under subsection (a) 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) HIGHWAY TRUST FUND AND APPROPRIATED FUNDS.—For each fiscal year, the report shall include comprehensive data for each program, organized by State, that includes—

"(i) the specific location of a project;

"(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 re habilitation.

"(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;

"(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 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 the Secretary from the Highway Trust Fund during the 3 most recent fiscal years.

"(d) DATE.—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.

"(e) INCLUSIONS.—Each report submitted under subsection (a) or (b) shall include a description of the—

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

"(2) tracking and monitoring of administrative expenses;

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

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

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

(a) INITIAL REPORT.—Not later than 180 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-aid highway programs 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 funds from the Highway Trust Fund between full-time equivalent employees and other functions.

SEC. 12206. AVAILABILITY OF REPORTS.

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

(b) D EADLINE.—Each report described in subsection (a) shall be submitted not later than 30 days after the date of enactment of this Act.

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

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

"(2) tracking and monitoring of administrative expenses;

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

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

SEC. 12207. PERFORMANCE PERIOD ADJUSTMENTS.

(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 1401 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)”

"(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) by striking “and” and inserting “the”;

"(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) (‘‘pedestrian walkways,’’ after ‘‘bikeways.’’

(b) DESIGN STANDARD FLEXIBILITY.—Notwithstanding section 109(e) 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”;

"(B) by inserting to sections 601 through 609 after “apply”; and

"(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 paragraph (A)—

"(i) by inserting “related” before “projects”; and

"(ii) by inserting “and” at the end;
(ii) by striking "(which shall receive an
investment grade rating from a rating a-
genicy)";

(B) in subparagraph (A), by striking "sub-
topic to the availability of future funds
being available to carry out this chapter";

and inserting "subject to—"

(i) the availability of future funds being
made available to carry out this chapter;
and

(ii) the satisfaction of all of the condi-
tions for the provision of credit assistance
under the TIFIA program, including section
60(b)(1);''

and

(C) in subparagraph (D)—

(1) striking clauses (i) and (ii) as clauses
(ii) and (iv), respectively;

(ii) by inserting after clause (i) the fol-
lowing:

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

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

(iv) in clause (iv) (as so redesignated), by
striking "this chapter" and inserting "the TIFIA
program";

(6) in paragraph (12)—

(A) in subparagraph (D)(iv), by striking
the period at the end and inserting ";''; and

(B) by adding at the end the following:

"(E) improve or construct pub-
lic infrastructure that is located within
walking distance of, and accessible to, a
fixed guideway rail system, a highway
interchange, an urbanized area, or inter-
modal facility, including a transportation,
utility, and capital project described in
section 5302(g)(v) of title 49, and related
infrastructure;"

"(F) a project for the acquisition of plant
and wildlife habitat pursuant to a conserva-
tion plan that is approved by the Secre-
tary of the Interior;"

"(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 environ-
mental 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 accord-
ance with sections 602 and 603, for the pur-
pose of making loans to sponsors of rural in-
frastucture projects in accordance with sec-
tion 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 redesigning paragraphs (16), (17),
(18), (19), and (20) as paragraphs (17), (18),
(20), (21), and (22), respectively;

(8) by inserting after paragraph (15) the fol-
lowing:

"(16) RURAL PROJECTS FUND.—The term
'railroad projects fund' means a fund—

"(A) established by a State infra-
structure bank in accordance with section
610(d); or

"(B) capitalized with the proceeds of a se-
cured 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 re-
designated) the following:

"(18) STATE INFRASTRUCTURE BANK.—The
term 'State infrastructure bank' means an
infrastructure bank established under sec-
tion 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 610 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) by 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; and

(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 fol-
lowing:

"(i) $50,000,000; and’’;

(iii) in clause (ii), by striking "assistance’’;

(iii) in subparagraph (B)—

(I) by striking the subparagraph designa-
tion and heading and all that follows through "In the case" and inserting the fol-
lowing:

"(B) EXCEPTIONS.—

(i) INTELLIGENT TRANSPORTATION SYS-

tems.—In the case of—

(II) by adding at the end the following:

"(11) TRANSIENT-ORIENTED DEVELOPMENT

PROJECTS.—In the case of a project des-
cribed in section 612, eligible project costs
shall be reasonably anticipated to equal or
exceed $10,000,000.

(12) RURAL PROJECTS.—In the case of a
rural infrastructure project or a project cap-
ternalizing 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.

(13) LOCAL INFRASTRUCTURE PROJECTS.—

Eligible project costs shall be reasonably an-
Be non a se vated to an approved $10,000,000 in
the case of projects or programs of projects—

(1) in which the applicant is a local gov-
ernment; or

(II) located on a facility owned by a local
government; or

(iii) for which the Secretary determines
that a local government, but is substantially
involved in the development of the project;’’;

(4) in paragraph (9), in the matter pre-
ceding subparagraph (A), by striking "this
chapter" and inserting "the TIFIA
program;" and

(F) in paragraph (10)—

(i) by striking "To be eligible" and insert-
ning 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 in-
serting "no later than’’; and

(iv) by adding at the end the following:

"(B) RURAL PROJECTS.—In the case of
rural infrastructure projects, the State
infrastructure bank shall dem-
strate, not later than 2 years after the date
the final maturity date of the secured
loan, that the bank has executed a loan
agreement with a borrower for a rural
infrastructure project capitalized by a
secured loan, and that the demonstration
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 Secre-
tary may extend the term of the loan or
withdraw the loan commitment.

(5) in paragraph (10), by striking paragraph
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) ANCHOR PROJECTS NOT AVAILABLE.—If
the Secretary fully obligates funding to eli-
gible projects for a fiscal year and adequate
loan funds remain to fund a credit in-
strument, a project sponsor of an eligible
project may elect to enter into a master
credit agreement and wait to execute a cred-
it instrument until the fiscal year for which
additional funds are available to receive
credit assistance.’’;

(3) in subsection (c)(1), in the matter pre-
ceding clause (B), by striking "this
chapter" and inserting "the TIFIA
program;" and

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

(c) SECURED LOAN TERMS AND LIMITA-
TIONS.—Section 602(b) of title 23, United
States Code, is amended—

(1) in paragraph (2)—

(A) by striking "The amount of’’ and in-
serting 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.—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
limited 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 avail-
able to the project sponsor of a project includ-
ing 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
projects 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 fol-
lowing:

"(A) IN GENERAL.—Except as provided
in subparagraph (B), the final’’; and

(C) by adding at the end the following:

"(B) RURAL PROJECTS.—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 final maturity date of the secured
loan is determined in accordance with sec-
tion 602(a)(5)(B)(iii);’’;

(5) in paragraph (8), by striking "this chapter
and inserting "the TIFIA program’’; and

(6) in paragraph (9)—

(A) by striking "(A) the total Federal assist-
ance provided on a project receiving a loan
under this chapter’’ and inserting the fol-
lowing:

"(A) IN GENERAL.—The total Federal assist-
ance 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 and State 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 $5,750,000.

“(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 its marking paragraph (1) by striking “this chapter” and inserting “the TIFIA program”.

(f) 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” of “504(f)”; and

(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”; and

(C) in paragraph (6), by striking “0.50 percent” and inserting “0.75 percent”;

(g) REPORTS TO CONGRESS.—Section 609 of title 23, United States Code, is amended—

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

(2) in paragraph (1)(A), by striking “each” and inserting “the”; and

(3) in paragraph (2), by striking “118(b)” and inserting “118(b)(2)”; and

(h) REPORTS TO CONGRESS.—Section 610 of title 23, United States Code, is amended—

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

(2) in paragraph (1), by striking “the TIFIA program” and inserting “the TIFIA program bank established under this section—

(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 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—

(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 to carry 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.

“(5) in subsection (c)—

(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 program 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. 1401. TECHNICAL CORRECTIONS

(a) Section 101(a)(29) of title 23, United States Code, is amended—

(1) in subparagraph (B), by striking a comma after “comply” and inserting “; compiled”;

(2) in subparagraph (B), by striking “paragraph (1)” and inserting “subsection (A)”;

(3) in paragraph (2), by striking “paragraph (1)” and inserting “sections 503(b), 505(b), and 509” and inserting “section 503(b)”.

TITLE V—MISCELLANEOUS

SEC. 15001. APPALACHIAN DEVELOPMENT HIGH-SPEED BROADBAND INITIATIVE

(a) 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:

“(14) Appalachian Development High-Speed Broadband Initiative

“(a) IN GENERAL.—The Appalachian Regional Commission shall make grants, contracts, or other arrangements to individuals, businesses, or nonprofit organizations in the Appalachian region for the purpose of developing a high-speed broadband network.

“(b) 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—

“(i) to increase affordable access to broadband networks throughout the Appalachian region;

“(ii) 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 encourage science, technology, engineering, arts, and mathematics (STEAM) education and workforce applications in the Appalachian region;

“(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under subsection—

“(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 70 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 out this section in combination with amounts made available—

“(1) any other Federal program; or

“(2) from any other source.

“(d) NOTwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section in combination with amounts made available—

“(1) any other Federal program; and

“(2) from any other source.

“(e) TERMINATION.—Section 14704 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 2022”;

“(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.—Amounts made available under subsection (a), $10,000,000 shall be used to carry out section 14509 for each of fiscal years 2013 through 2022.

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

“(e) 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 3302(a) of title 23, 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 EN- COURAGE POLLINATOR HABITAT AND FORAGE ON TRANSPORTATION RIGHTS-OF-WAY.

(a) IN GENERAL.—Section 14509(c) of title 40, United States Code, is amended by inserting after the heading—

“(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 section, 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, native pollinators, and honey bees through plantings of native forbs and grasses, including noninvasive, native 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 328(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” and inserting “and”. 

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 this Act) in meeting the goals described in paragraph (1)

“(1) an analysis of the performance of bridges that may be needed to further evaluate innovative materials and technologies used in projects for bridges under this program in meeting the goals described in paragraph (1)

“(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 this program in meeting the goals described in paragraph (1)

“(3) the development of construction techniques that will withstand natural disasters, including alternative processes for the seismic retrofit of bridges and structures;

“(4) the development of new nondestructive bridge evaluation technologies and techniques;

“(5) the development of cost-effective and innovative techniques to separate vehicle and pedestrian traffic from railroad traffic;

“(6) the development of 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 that 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 innovative material highway bridge applications;

“(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 that may be needed to further evaluate 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 materials and technologies, including the detailed 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).

DIVISION B—PUBLIC TRANSPORTATION ACT

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.

(a) In general.—Section 3302 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 park and ride 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”; and

“(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:

“(1) a summary of any additional research that may be needed to further evaluate innovative materials and technologies used in projects for bridges under this program in meeting the goals described in paragraph (1)

“(2) the development of new nondestructive bridge evaluation technologies and techniques;

“(3) the development of cost-effective and innovative techniques to separate vehicle and pedestrian traffic from railroad traffic;

“(4) the development of innovative material highway bridge applications;

“(5) the development of new nondestructive bridge evaluation technologies and techniques;

“(6) 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 this program in meeting the needs of the United States in 2015 and in the future for a sustainable and low lifecycle cost transportation system;

“(7) the development of new nondestructive bridge evaluation technologies and techniques;

“(8) 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 this program in meeting the goals described in paragraph (1)

“(9) recommendations to Congress on how the installed and lifecycle costs of bridges that may be needed to further evaluate innovative materials and technologies, including, as appropriate, any changes in the design and construction of bridges needed to maximize the cost reductions; and

“(10) a summary of any additional research that may be needed to further evaluate innovative materials and technologies, including the detailed 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).

SEC. 21006. 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 7303, 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 C—SUSTAINABLE TRANSPORTATION AND INNOVATION
(B) by inserting after paragraph (2) the following:

"(3) REPRESENTATION.—

(A) IN GENERAL.—Designation of 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 REPRESENTATIVES.—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) REPRESENTATIONS OF LOCAL AGENCIES.—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 "subsection (k)"; and

(D) in subsection (e)(d)(5), by inserting "subsection (k)"; and

(E) in subparagraph (G), by striking "and"; and

(F) in subparagraph (H), by striking the period at the end and inserting "; and"; and

(G) in clause (i), by striking "subsection (k)" and inserting "subsection (k)"; and

(H) by redesigning subsections (j), (k), and (l) as subsections (i), (j), and (k), respectively.

Conforming Amendment.—Section 5303(b) of title 49, United States Code, is amended by striking "section 5304(i)" 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 operate public transportation facilities 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 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.

(5) AWARD OF GRANT.—

(A) 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.

(B) 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 that area for an additional consecutive fiscal year.

(6) EXCLUSION.—Beginning on the last day of the last consecutive fiscal year for which a recipient receives a grant under this paragraph, the Secretary may make a subsequent grant under this paragraph to the recipient for a number of fiscal years equal to the number of consecutive fiscal years during which the recipient received a grant under this paragraph.

"(7) LIMITATION.—

(A) IN GENERAL.—For the first fiscal year for which the Secretary makes a determination under paragraph (A) with respect to an area,
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) defined stations; (iii) including—

SEC. 21006. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.

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

(1) in paragraph (a)—

(i) in clause (i), by adding “and” at the end;

(ii) by striking clause (iv); and

(iii) by redesignating clause (v) as clause (iv);

(2) in paragraph (b)—

(i) in the matter preceding subparagraph (A), by striking “new fixed guideway capital project or core capacity improvement” after “federally funded”; and

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

“A 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—

“(1) new fixed guideway capital projects;

“(II) core capacity improvement projects;

“(III) small start projects; or

“(iv) 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

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

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

“(A) PROJECT JUSTIFICATION.—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 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.

(C) 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 in 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 long-term public transportation improvement fund, and, if available, new capital.”.

(b) EXPEDITED PROJECT DELIVERY FOR CAPITAL 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 section.

(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” 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 “project” means a project designed to aid the existing fixed guideway system in making substantial progress towards achieving a state of good repair.

(D) CORE CAPACITY IMPROVEMENT PROJECT EXPEDITED DELIVERY PROGRAM.—The term “core capacity improvement project expedited delivery program” means a project involving the planning, design, and construction of a defined corridor as demonstrated by features that emulate the services provided by rail fixed guideway public transportation systems for

(i) including—

(A) defined stations;

(B) traffic signal priority for public transportation vehicles;

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

(III) any other features the Secretary may determine to 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 or a core capacity improvement project that has not entered into a full funding grant agreement for the project as determined under paragraph (4).
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 fixed guideway public transportation systems, including—

(I) dedicated 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 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 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 rolling stock; 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 track, modernization improvements, electrification, expanding system platforms, acquisition of rolling stock associated with corridor improvements increasing capacity, construction of new rail 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.

(3) GRANT REQUIREMENTS.—

(A) IN GENERAL.—The Secretary may make not more than 10 grants under this subsection for the proposed project if the Secretary determines that—

(i) the eligible project is part of an approved transportation plan required under section 5307(c)(4) and $304 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; and

(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 decisionmaking under section 5306(a) of title 49, United States Code;

(iv) the eligible project is justified based on findings presented by the project sponsor for—

(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;

(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 financial 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) identified core capital sources of 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 core capital sources 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; and

(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 core projects, 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 must meet the requirements of subparagraph (A) if—

(i) the applicant has completed the planning and activities required under paragraph (3)(A)(iv); and

(ii) the applicant does not operate a 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 approved grant request or disapproved 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 ob-
ligate, for an eligible project under this sub-
section, an amount from future available bud-
get authority specified in law that is not
appropriation account from which the funds
received by the Federal Government is made
available. Any amounts that
available to that eligible project for 5 fiscal
years after an eligible project that is se-
lected 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 oper-
atation or maintenance of any project, for
which an applicant seeks funding under this
subsection;
(B) revise the determinations by local poli-
cies, criteria, and decisionmaking under sec-
section 5304 of title 49, United States Code;
or
(C) alter the requirements for locally de-
voped, coordinated, and implemented
services and public transportation ridership;
and
(14) ANNUAL REPORT ON EXPEDITED PROJECT
DELIVERY FOR CAPITAL INVESTMENTS.—Not later than 2
years after an eligible project that is se-
lected 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).
(15) RULE OF CONSTRUCTION.—Nothing in
this subsection shall be construed to—
(A) require the privatization of the oper-
atation or maintenance of any project, for
which an applicant seeks funding under this
subsection;
(B) revise the determinations by local poli-
cies, criteria, and decisionmaking under sec-
section 5304 of title 49, United States Code;
or
(C) alter the requirements for locally de-
voped, coordinated, and implemented
services and public transportation ridership;
and
SEC. 21007. MOBILITY OF SENIORS AND INDIVID-
UALS WITH DISABILITIES.
(a) COORDINATION OF PUBLIC TRANSPOR-
TATION SERVICES WITH OTHER FEDERALLY AS-
ISTED 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
service and level of revenue service that the transpor-
tation provider delivers for each trip pur-
pose, to the extent permitted by applicable
Federal requirements; and
(B) the term "Council" means the Inter-
agency Transportation Coordinating Council
on Access and Mobility established under Ex-
(b) 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—
(1) outlines the role and responsibilities of
each Federal agency with respect to local
transportation coordination, including non-
emergency medical transportation;
and
(2) identifies a strategy to strengthen interagency collaboration;
NATED ACCESS AND MOBILITY.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''eligibility requirement'' means—

(i) an effort that provides medical transportation services for the transportation disadvantaged;

(ii) nonprofit entities engaged in the coordination of transportation services for the transportation disadvantaged;

(iii) tribal and other local government transportation providers; and

(iv) any other entity that meets such standards.

(B) the term ''eligible recipient'' means a tribe, the Secretary, or any other entity that meets such standards.

(C) the term ''eligible project'' has the meaning given the term in section 5311 of title 49, United States Code.

(D) in subsection (c)(1), as amended by division G, by striking paragraphs (A) and (B) and inserting the following:

(1) RECIPENT.—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 paragraphs (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 (i).

(2) in subsection (i)—

(A) in subparagraph (A)(iii), by striking ''as defined by the Bureau of the Census'' and inserting ''as defined by the Bureau of the Census'';

(3) in subsection (a), in the subsection heading, by striking ''and'' and inserting ''or''; and

(4) by redesigning subsections (f) and (g), respectively.

SEC. 21009. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROGRAM.

Section 5332 of title 49, United States Code, is amended—

(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 ''direct carbon emissions, deployment, or evaluation'' before ''project that''; and

(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:

(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, or the Secretary may make a grant, under paragraph (2), to achieve a significant technological advancement;

(ii) a vehicle that is in revenue service unless the vehicle was designed specifically for testing, evaluation, and analysis of low or no emission vehicles.

(7) PROHIBITION.—The Secretary may not make grants under this subsection for the demonstration, development, or evaluation of a vehicle that is in revenue service unless the Secretary determines that the project makes significant technological advancements in the vehicle.

(8) REQUIREMENTS.—In this subsection—

(i) a provision of this section that the term 'low or no emission vehicle component' means an item that is separately identifiable and removable from a low or no emission vehicle;

(ii) a testing facility capable of emulating real-world circumstances in order to test low or no emission vehicle components installed on the intended vehicle;

(iii) 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 production opportunities; and

(VI) the means to conduct performance assessments on low or no emission vehicle components based on industry standards.

(2) The institution of higher education shall establish and collect fees, which shall be approved by the Secretary, for the assessment of no emission vehicle components at the applicable facility designated under subparagraph (A).

(D) AVAILABILITY OF AMOUNTS TO PAY FOR ASSESSMENTS.—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);

(ii) the remaining 50 percent of such cost shall be paid from amounts recovered through publications and collected pursuant to subparagraph (C).

(E) VOLUNTARY TESTING.—A manufacturer of a low or no emission vehicle component is not required to and shall not be assessed 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.

(H) 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 components tested and evaluated at each facility designated under paragraph (2)(A), which shall include information related to the testing, the reliability, performance, structural integrity, efficiency, and noise of those low or no emission vehicle components.

(I) PUBLIC AVAILABILITY OF ASSESSMENTS.—Each assessment conducted at a facility designated under paragraph (2)(A) shall be made publically available, including to affected industries.

(J) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require—

(i) a low or no emission vehicle component to be tested at a facility designated under paragraph (2)(A); or

(ii) the development or disclosure of a privately funded component assessment.

(K) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by adding at the end the following:

(1) the eligibilities, requirements, or priority for assistance provided under this chapter; or

(2) the requirements of section 5306(a)."

SEC. 21010. PRIVATE SECTOR PARTICIPATION.

(a) DEFINITION.—In this section, the term ‘private sector participant’ means a private entity, or a consortium of entities described in chapter 53 of title 49, United States Code, is amended by striking the price of the contract or directly charge the contract in an amount that is not more than 1 percent of the total value of the contract; and

(b) 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 conducting, or providing assistance for the contract in an amount that is not more than 1 year each; and

(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 the extension authorized under subclause (I).

(c) 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 conducting, or providing 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 contract in an amount that is not more than 1 percent of the total value of the contract.

(d) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by adding at the end the following:

(1) the eligibilities, requirements, or priority for assistance provided under this chapter; or

(2) the requirements of section 5306(a)."

(B) APPLICABILITY OF POLICIES AND PROCEDURES.—In procuring rolling stock and related equipment, a lead nonprofit entity, as applicable, that enters into a cooperative procurement contract under this subsection, a State government shall comply with the policies and procedures that apply to procurement contracts 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) PILOT PROGRAM FOR NONPROFIT COOPERATIVE PROCUREMENTS.—

(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, a lead nonprofit entity, as applicable, that enters into a cooperative procurement contract under this subsection, a State government shall comply with the policies and procedures that apply to procurement contracts 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) QUOTA.—The Secretary shall establish and carry out a pilot program to demonstrate the effectiveness of cooperative procurement contracts administered by non-profit entities.

(D) DISPOSITION.—In carrying out the program under this paragraph, the Secretary shall designate not less than 1 eligible non-profit entity to enter into a cooperative procurement contract under which the non-profit entity acts throughout the term of the contract as the lead nonprofit entity.

(E) QUOTA.—The Secretary shall establish and carry out a pilot program to demonstrate the effectiveness of cooperative procurement contracts administered by non-profit entities.

(F) NOTICE OF INTENT TO PARTICIPATE.—At a time determined appropriate by the lead nonprofit entity, each eligible nonprofit entity under paragraph (B) may designate not more than 3 geographic areas with one or more nonprofit entities.

(G) IN GENERAL.—In this section, the term ‘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; and

(H) QUOTA.—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.

(I) REQUIREMENTS.—A lead nonprofit entity, as applicable, that enters into a cooperative procurement contract under this paragraph shall submit to the lead nonprofit entity a list of any projects that returned negative results in the preceding fiscal year and an analysis of such results; and

(J) QUOTA.—The Secretary shall establish and carry out a pilot program to demonstrate the effectiveness of cooperative procurement contracts administered by non-profit entities.
entity a nonbinding notice of intent to participate.

(1) LEASING ARRANGEMENTS.—

(A) CAPITAL LEASE DEFINED.—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 by 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) LEASE 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) TERMINATION.—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 implementing regulations, shall apply to leases under this chapter.

(ii) BUY AMERICA.—The requirements under section 5323(b) 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—

(1) 2 grantees that serve rural areas;

(2) 2 grantees that serve urbanized areas with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census; and

(3) 2 grantees that serve urbanized areas with a population of 200,000 or more individuals, as determined by the Bureau of the Census.

(C) 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.

(D) PARTICIPANT REQUIREMENTS.—

(i) IN GENERAL.—A grantee that participates in the program shall—

(I) enter into a capital lease for a period of not less than 5 years; and

(II) replace not less than 1/4 of the grantee’s fleet under the lease.

(ii) VEHICLE REQUIREMENTS.—The vehicles replaced under clause (i)(II), with respect to the fleet as constituted on the date 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; and

(II) if the grantee demonstrates a net economic or environmental benefit, grant an early disposition of the vehicles; and

(IV) publish each evaluation and final determination 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)(1)(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 the capital lease that the grantee enters into under the program.

(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 versus buying rolling stock; and

(ii) a cost comparison of leasing versus buying rolling stock;

(iii) a comparison of the expected short-term and long-term 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.

(F) INCENTIVE PROGRAM FOR CAPITAL LEASING OF CERTAIN ZERO EMISSION VEHICLE COMPONENTS.—

(1) DEFINITIONS.—In this paragraph—

(I) the term ‘removable power source’—

(A) means a power source that is separately installeable, movable, and removable from a zero emission vehicle; and

(B) may include a battery, a fuel cell, an ultra-capacitor, or other advanced power source used in an emission vehicle; and

(ii) the term ‘zero emission vehicle’ has the meaning given the term in section 5339(c).

(2) 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.

(3) 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 5322(e) of title 49, United States Code, as amended by inserting after ‘‘this subsection’’ the following: ‘‘; section 5316.’’.

SEC. 21012. HUMAN RESOURCES AND TRAINING.

(a) 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 ‘‘PROGRAMS’’;

(B) by redesignating paragraph (2) as paragraph (3); and

(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; and

(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; and

(ii) in subparagraph (H), by striking the period at the end and inserting ‘‘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 workforce boards, State workforce boards, State apprenticeship agencies (where applicable), university transportation centers, community colleges, and community-based organizations representing minorities, women, disabled individuals, veterans, low-income populations, and other underserved 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; and

(C) the extent of training participants obtaining certifications or credentials required for specific types of employment;

(D) employment outcomes, including job placement, retention, and wages, using performance metrics established in consultation with the Secretary and the Secretary of Labor and consistent with metrics used by employers, 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

(E) the extent of training participants who are certified for positions such as innovative transportation operator, and other related positions.”
(E) to the extent practical, evidence that the Secretary determines necessary and appropriate; and

(2) in subsection (b), by striking "a recipient" and inserting "the Secretary"; and

SEC. 21015. PUBLIC TRANSPORTATION SAFETY STANDARDS.

(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 that recipients of assistance under this chapter do not purchase transportation systems that—"

"(i) are not related to performance standards for public transportation vehicle designs under paragraph (4); and

(ii) exceed the performance requirements of the mitigation measures with which the Secretary has found the mitigation measures with which the Secretary must be consistent with the confidentiality needed for a public transportation agency safety plan; and

"(E) to the extent practicable, take into consideration—"

"(i) relevant recommendations of the National Transportation Safety Board;

"(ii) the best practices standards developed by the public transportation industry; and

"(ii) 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 (c), by striking "the Secretary" and inserting "a recipient"

(3) in subsection (e), by striking paragraph (5)

"(1) in subsection (d), by striking paragraphs (4) through (6) and inserting the following:

"(4) by adding at the end the following:

"(i) FOLIOL EXEMPTION.—"

"(ii) DEFINITION.—In this section, the term 'covered record' means any record that the Secretary obtains under a provision of, or regulation or order under, this section that relates to the establishment, implementation, or modification of a public transportation agency safety plan; and"

"(b) made available for inspection and copying by an officer, employee, agent of the Secretary pursuant to a public transportation agency safety plan; and

"(c) by inserting after paragraph (3) the following:

"(5) EXCEPTION.—Except as necessary for the Secretary to enforce or carry out any provision of Federal law, any part of any covered record is exempt from the requirements of section 552 of title 5 of the United States Code

"(A) supplied to the Secretary pursuant to the review or audit of a public transportation agency safety plan; or

"(B) by inserting after paragraph (3) the following:

"(2) the term 'covered record' means any record that the Secretary obtains under a provision of, or regulation or order under, this section that relates to the establishment, implementation, or modification of a public transportation agency safety plan; and

"(c) by inserting after paragraph (3) the following:

"(4) by inserting after paragraph (3) the following:

"(i) by striking paragraph (3) and inserting the following:

"(4) in paragraph (2), by striking the words 'the Secretary' and inserting 'a recipient' and the Secretary's.

"(b) REVIEWS OF PUBLIC TRANSPORTATION SAFETY STANDARDS.—The Secretary shall conduct at least one review of the performance of a recipient of assistance under this chapter in each fiscal year to determine whether the performance criteria being implemented are appropriate to the recipient's public transportation agency safety plan; and

"(c) by inserting after paragraph (3) the following:

"(5) EXEMPTION.—Except as necessary for the Secretary to enforce or carry out any provision of Federal law, any part of any covered record is exempt from the requirements of section 552 of title 5 of the United States Code

"(A) supplied to the Secretary pursuant to the review or audit of a public transportation agency safety plan; or

"(B) by inserting after paragraph (3) the following:

"(4) by inserting after paragraph (3) the following:

"(i) by striking paragraph (3) and inserting the following:

"(4) in paragraph (2), by striking the words 'the Secretary' and inserting 'a recipient' and the Secretary's.

"(b) REVIEWS OF PUBLIC TRANSPORTATION SAFETY STANDARDS.—The Secretary shall conduct at least one review of the performance of a recipient of assistance under this chapter in each fiscal year to determine whether the performance criteria being implemented are appropriate to the recipient's public transportation agency safety plan; and

"(c) by inserting after paragraph (3) the following:

"(5) EXEMPTION.—Except as necessary for the Secretary to enforce or carry out any provision of Federal law, any part of any covered record is exempt from the requirements of section 552 of title 5 of the United States Code

"(A) supplied to the Secretary pursuant to the review or audit of a public transportation agency safety plan; or

"(B) by inserting after paragraph (3) the following:

"(4) by inserting after paragraph (3) the following:

"(i) by striking paragraph (3) and inserting the following:

"(4) in paragraph (2), by striking the words 'the Secretary' and inserting 'a recipient' and the Secretary's.

"(b) REVIEWS OF PUBLIC TRANSPORTATION SAFETY STANDARDS.—The Secretary shall conduct at least one review of the performance of a recipient of assistance under this chapter in each fiscal year to determine whether the performance criteria being implemented are appropriate to the recipient's public transportation agency safety plan; and

"(c) by inserting after paragraph (3) the following:

"(5) EXEMPTION.—Except as necessary for the Secretary to enforce or carry out any provision of Federal law, any part of any covered record is exempt from the requirements of section 552 of title 5 of the United States Code

"(A) supplied to the Secretary pursuant to the review or audit of a public transportation agency safety plan; or

"(B) by inserting after paragraph (3) the following:

"(4) by inserting after paragraph (3) the following:

"(i) by striking paragraph (3) and inserting the following:

"(4) in paragraph (2), by striking the words 'the Secretary' and inserting 'a recipient' and the Secretary's.

"(b) REVIEWS OF PUBLIC TRANSPORTATION SAFETY STANDARDS.—The Secretary shall conduct at least one review of the performance of a recipient of assistance under this chapter in each fiscal year to determine whether the performance criteria being implemented are appropriate to the recipient's public transportation agency safety plan; and

"(c) by inserting after paragraph (3) the following:

"(5) EXEMPTION.—Except as necessary for the Secretary to enforce or carry out any provision of Federal law, any part of any covered record is exempt from the requirements of section 552 of title 5 of the United States Code

"(A) supplied to the Secretary pursuant to the review or audit of a public transportation agency safety plan; or

"(B) by inserting after paragraph (3) the following:

"(4) by inserting after paragraph (3) the following:

"(i) by striking paragraph (3) and inserting the following:

"(4) in paragraph (2), by striking the words 'the Secretary' and inserting 'a recipient' and the Secretary's.

"(b) REVIEWS OF PUBLIC TRANSPORTATION SAFETY STANDARDS.—The Secretary shall conduct at least one review of the performance of a recipient of assistance under this chapter in each fiscal year to determine whether the performance criteria being implemented are appropriate to the recipient's public transportation agency safety plan; and

"(c) by inserting after paragraph (3) the following:

"(5) EXEMPTION.—Except as necessary for the Secretary to enforce or carry out any provision of Federal law, any part of any covered record is exempt from the requirements of section 552 of title 5 of the United States Code

"(A) supplied to the Secretary pursuant to the review or audit of a public transportation agency safety plan; or

"(B) by inserting after paragraph (3) the following:

"(4) by inserting after paragraph (3) the following:

"(i) by striking paragraph (3) and inserting the following:

"(4) in paragraph (2), by striking the words 'the Secretary' and inserting 'a recipient' and the Secretary's.

"(b) REVIEWS OF PUBLIC TRANSPORTATION SAFETY STANDARDS.—The Secretary shall conduct at least one review of the performance of a recipient of assistance under this chapter in each fiscal year to determine whether the performance criteria being implemented are appropriate to the recipient's public transportation agency safety plan; and

"(c) by inserting after paragraph (3) the following:

"(5) EXEMPTION.—Except as necessary for the Secretary to enforce or carry out any provision of Federal law, any part of any covered record is exempt from the requirements of section 552 of title 5 of the United States Code

"(A) supplied to the Secretary pursuant to the review or audit of a public transportation agency safety plan; or

"(B) by inserting after paragraph (3) the following:

"(4) by inserting after paragraph (3) the following:

"(i) by striking paragraph (3) and inserting the following:

"(4) in paragraph (2), by striking the words 'the Secretary' and inserting 'a recipient' and the Secretary's.

"(b) REVIEWS OF PUBLIC TRANSPORTATION SAFETY STANDARDS.—The Secretary shall conduct at least one review of the performance of a recipient of assistance under this chapter in each fiscal year to determine whether the performance criteria being implemented are appropriate to the recipient's public transportation agency safety plan; and

"(c) by inserting after paragraph (3) the following:

"(5) EXEMPTION.—Except as necessary for the Secretary to enforce or carry out any provision of Federal law, any part of any covered record is exempt from the requirements of section 552 of title 5 of the United States Code

"(A) supplied to the Secretary pursuant to the review or audit of a public transportation agency safety plan; or

"(B) by inserting after paragraph (3) the following:

"(4) by inserting after paragraph (3) the following:

"(i) by striking paragraph (3) and inserting the following:

"(4) in paragraph (2), by striking the words 'the Secretary' and inserting 'a recipient' and the Secretary's.
(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) plans with local emergency responders having jurisdiction over a rail fixed guideway public transportation system, including—
(aa) 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, train control systems, track, mechanical systems, and other infrastructure; and
(cc) systems as necessary;
(V) certification requirements for train and bus operators and control center employees; and
(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
(I) vehicle safety standards, practices, or protocols in use by public transportation systems, concerning—
(aa) bus design and the workstation of bus operators, as it relates to—
(1) the reduction of blind spots that contribute to accidents involving pedestrians; and
(bb) protecting bus operators from the risk of assault; and
(bb) fulfilling fixed route service with adequate time and access for operators to use restroom facilities.
(2) in subsection (b)—
(B) in paragraph (2), by inserting “the provisions of” before “section 5336(b)(1)”;
(C) in subsection (d)—
(A) in paragraph (2), by striking “section 5336(b)(1)” and inserting “section 5336(a)(1)”; and
(B) in paragraph (3), by striking “$10,509,442,553 for fiscal year 2021”.

§ 5328. Authorizations

(a) PROCEEDINGS.—In conducting the review described in subsection (c) of section 5339 of title 49, United States Code, the Secretary shall review—

(1) Federal rules and regulations issued to implement such standards, practices, or protocols, including an evaluation of the extent to which such regulations have been implemented;

(2) the outcome of the evaluation conducted under paragraph (1); and

(3) other systems as necessary;

(b) in paragraph (2), by inserting “the provisions of” before “section 5336(b)(1)”;

(2) in subsection (d)—
(A) in paragraph (2), by striking “section 5336(b)(1)” and inserting “section 5336(a)(1)”; and
(B) in paragraph (3), by striking “$10,509,442,553 for fiscal year 2021”.

§ 5311. Authorization of Appropriations

There are authorized to be appropriated to carry out section 5339, of which—

(1) $148,557,701 for fiscal year 2021 shall be available for passenger evacuations;

(2) $12,328,342,500 for fiscal year 2021, $2,379,740,661 for fiscal year 2017, $2,433,879,761 for fiscal year 2018, $2,492,511,924 for fiscal years 2019 through 2021; and


§ 5312. Authorization of Appropriations

There are authorized to be appropriated to carry out section 5339, of which—

(1) $148,557,701 for fiscal year 2021 shall be available for passenger evacuations;

(2) $12,328,342,500 for fiscal year 2021, $2,379,740,661 for fiscal year 2017, $2,433,879,761 for fiscal year 2018, $2,492,511,924 for fiscal years 2019 through 2021; and


§ 5313. Authorization of Appropriations

There are authorized to be appropriated to carry out section 5339, of which—

(1) $148,557,701 for fiscal year 2021 shall be available for passenger evacuations;

(2) $12,328,342,500 for fiscal year 2021, $2,379,740,661 for fiscal year 2017, $2,433,879,761 for fiscal year 2018, $2,492,511,924 for fiscal years 2019 through 2021; and


§ 5314. Authorization of Appropriations

There are authorized to be appropriated to carry out section 5339, of which—

(1) $148,557,701 for fiscal year 2021 shall be available for passenger evacuations;

(2) $12,328,342,500 for fiscal year 2021, $2,379,740,661 for fiscal year 2017, $2,433,879,761 for fiscal year 2018, $2,492,511,924 for fiscal years 2019 through 2021; and


§ 5315. Authorization of Appropriations

There are authorized to be appropriated to carry out section 5339, of which—

(1) $148,557,701 for fiscal year 2021 shall be available for passenger evacuations;

(2) $12,328,342,500 for fiscal year 2021, $2,379,740,661 for fiscal year 2017, $2,433,879,761 for fiscal year 2018, $2,492,511,924 for fiscal years 2019 through 2021; and


§ 5316. Authorization of Appropriations

There are authorized to be appropriated to carry out section 5339, of which—

(1) $148,557,701 for fiscal year 2021 shall be available for passenger evacuations;

(2) $12,328,342,500 for fiscal year 2021, $2,379,740,661 for fiscal year 2017, $2,433,879,761 for fiscal year 2018, $2,492,511,924 for fiscal years 2019 through 2021; and

(e) Emergency Relief Program.—There are authorized to be appropriated such sums as may be necessary to carry out section 5324.


(g) Administration.—

(1) In General.—There are authorized to be appropriated to carry out section 5334, $115,016,543 for fiscal year 2016, $117,555,583 for fiscal year 2017, $120,229,921 for fiscal year 2018, $123,129,269 for fiscal year 2019, $125,232,120 for fiscal year 2020, and $129,424,278 for fiscal year 2021.

(2) Section 5326.—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 5328.—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 5329.

(h) Oversight.—

(1) Office of Inspector 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 paragraphs (2) and (3) of this subsection—

(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 5311.

(E) 0.5 percent of amounts made available to carry out section 5314.

(F) 0.5 percent of amounts made available to carry out section 5311.

(G) 0.25 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 of, procurement, management, and financial compliance of a recipient or subrecipient of funds under this chapter.

(C) Activities to provide technical assistance and fraud prevention to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

(3) Submission of Share of Costs.—The Government shall pay the entire cost of carrying out a contract under this subsection.

(4) Availability of Certain Funds.—Funds allocated under paragraph (2) shall be made available to the Secretary before allocating the funds appropriated to carry out any project under a full funding grant agreement.

(5) General.—

(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 shall be treated as a grant for purposes of section 5307. Any grant or contract to which section 5307 applies shall be treated as a grant for purposes of section 5307.

(2) Grants from General Fund.—A grant or contract that is approved by the Secretary and financed with amounts appropriated in advance from the General Fund for the fiscal year pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

(3) Allocation of Certain Funds.—Funds available to carry out section 5309 of this title shall be made available to the Secretary for expenditures incurred under this section.

(4) 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 section 7501 of title 49; and

(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) Grants Requirements.—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 the funds to other 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.—$102,500,000 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 subparagraphs (A) and (B) shall be distributed in accordance with the formula set forth in section 5336 other than subsection (b).

(6) Transfers of Appropriations.—

(A) Transfer Flexibility for National Distribution Funds.—The Governor of a State may transfer any part of the State's share under section 5339(a) to the Governor of any other State so long as the total amount of funds transferred is offset by the amount apportioned to the State to which the funds are transferred.

(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 90 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 reserve for depreciation cash fund or reserve, or new capital;

(iv) from amounts received under a service agreement with a State or local social services agency or private social services organization; or

(v) from revenues generated from value capture financing mechanisms.

(8) Period of Appropriacy 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 obligated 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.

(6) GRANT REQUIREMENTS.—

(A) IN GENERAL.—A grant under this subsection shall be subject to the requirements of—

(B) GOVERNMENT SHARE OF COSTS.—The Government share of the cost of an eligible project carried out under this subsection shall be in accordance with—

(C) BUILDING 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.

(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) RURAL PROJECTS.—Not less than 10 percent of the amounts made available under this subsection shall be allocated to projects in rural areas.

(6) 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.

(7) LIMITATION.—Of the amounts made available under this subsection, not more than 15 percent may be awarded to a single grantee.

(A) 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) acquiring low or no emission vehicles with a leased power source;

(iv) constructing 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 5518(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;

(ii) a zero emission vehicle used to provide public transportation;

(F) the term ‘recipient’ means a designated recipient of the Department of Transportation; 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 use grant funds 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.—Section 5322(b) applies to eligible projects carried out under this subsection, unless the recipient requests a lower grant percentage.

(C) BUILDING 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.

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 of law, 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, 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 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 3346 of this title shall preside over the council or make any decision respecting any administration in that council that 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. Notifications; 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.—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 Energy.

(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.


(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.

(b) CONFORMING AMENDMENT.—The table of contents of chapter 3, as amended by section 311, is further amended by inserting after section 31106 of this Act, the following:

“116. Notifications; acting officers.”.

SEC. 31104. ENVIRONMENTAL REVIEW ALIGNMENT AND REFORM.

(a) IN GENERAL.—Subchapter I of chapter 3 is amended by inserting after the item relating to section 304 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 Secretary, in cooperation 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 Energy.

(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.


(K) The Department of the Army.

(L) The Department of Housing and Urban Development.

(b) CONFORMING AMENDMENT.—The table of contents of chapter 3, as amended by section 311, is further amended by inserting after the item relating to section 311 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 Secretary, in collaboration with Federal agencies of jurisdiction, 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 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 permit decisions required for the proposed project;

(2) achieve early concurrence or issue resolution during the NEPA scoping process on behalf of Federal agencies of jurisdiction to consider any environmental modifications to a 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 permit decisions required for the proposed project; and

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:

“310a. 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 or information relevant to the environmental impact statement or a draft state-
towards aligning Federal reviews as outlined under section 312 of this title, shall establish with the Steering Committee established by the Secretary of Transportation, in coordination with the Department of Transportation, to help expedite the permitting process for a proposed multimodal project. The information needed for this purpose is—

(1) to identify agencies of jurisdiction and cooperating agencies;

(2) to develop the information needed for the purpose and need or 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 development 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 decisions.

(d) Performance Measurement.—Not later than 1 year after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2016, the Secretary of Transportation, in coordination with the Steering Committee established under section 312 of this title, shall establish a program to collect, manage, 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 before the entry relating to section 309 the following:

“310. Aligning Federal environmental reviews.”

SEC. 31105. MULTIMODAL CATEGORICAL EXCLUSIONS.

Section 306 is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) striking “operating authority” and inserting “operating administration or secretarial office”; and

(ii) by inserting “has expertise but” before “is not the lead authority on aspects of the multimodal project”;

(B) in 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 more than one Department of Transportation operating administration or secretarial office”; (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.)”;

(ii) by inserting “within the office of the Assistant Secretary, for each of fiscal years 2016 through 2021”;

(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”.

Subtitle B—Research

SEC. 31201. FINDINGS.

Congress makes the following 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, multi-modal and not occur solely within the jurisdictions of the agencies of the Department of Transportation.

(2) Managing a multi-modal research portfolio within the Office of the Secretary will—

(A) ensure unbiased research; and

(B) prevent duplication of efforts and waste of limited Federal resources.

(3) An embodiment of 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) Contents.—

(1) In General.—Not later than October 1 of each year, the Assistant Secretary, for
(a) each plan submitted pursuant to subsection (a), shall—
   (A) review the scope of the research; and
   (B) not later than January 30 of each year, the Secretary shall publish each plan that has been approved under paragraph (1) or (2).

(2) PUBLICATION.—No later than January 30 of each year, the Secretary shall publish each plan that has been approved under paragraph (1) or (2).

(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 or joint program office.

(c) FUNDING LIMITATIONS.—No funds may be expended by the Secretary on research that has not previously been approved by 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;
   (3) the Secretary certifies to Congress that such research is necessary before the approval of a modal research plan.

(2) C ONTENTS.—The prospectus published under 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.

(3) C ONSISTENCY.—The strategic plan developed by the Secretary shall—
   (A) include the consolidated modal research plans approved under section 3102;
   (B) describe the research objectives, progress, and allocated funds for each research project;
   (C) identify research projects with multiple modal 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); and
   (E) identify areas in which multiple modal administrations are conducting research projects on similar subjects or subjects which have bearing on multiple modes;

(4) 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—
   (A) a summary of the transportation research and development activities for the previous fiscal year in each topic area;
   (B) a description of the extent to which the Secretary of Transportation intends to pursue to achieve the purposes of the consolidated modal research plan developed under section 3102 of the Comprehensive Transportation and Consumer Protection Act of 2015;

(b) in subsection (b)(4), by striking “transportation research and 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

(4) the Secretary shall—
   (A) the amount spent in the last completed fiscal year on transportation research and development; and
   (B) the amount proposed for the current budget for transportation research and development.

(5) TRANSPORTATION RESEARCH AND DEVELOPMENT STRATEGIC PLAN.—The Secretary shall develop a 5-year transportation research and development strategy to guide Federal transportation research and development activities.

(6) 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 strategic plan with respect to the funds made available under section 3102 of the Comprehensive Transportation and Consumer Protection Act of 2015.

(7) T ECHNICAL AND CONFORMING AMENDMENTS.—
   (A) in section 502, by striking “as part of the transportation research and development strategic plan of the Secretary developed under section 508” and inserting “as part of the transportation research and development strategic plan of the Secretary developed under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015”; and
   (B) in section 512(b), by striking “or the Surface Transportation Research and Development Strategic Plan” and inserting “or the Surface Transportation Research and Development Strategic Plan of the Secretary developed under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015”.

(8) INTELLIGENT TRANSPORTATION SYSTEMS.—
   (A) in subsection (a)(9), by striking “the strategic plan under section 508” and inserting “the strategic plan developed under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015”;
   (B) in section 3102 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 as developed under section 508 of title 23, United States Code” and inserting “as part of the transportation research and development strategic plan of the Secretary developed under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015”; and
   (B) in subsection (e)(2)(A), by striking “the strategic plan developed under section 508” and inserting “the strategic plan of the Secretary developed under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015”.

(9) INTELLIGENT TRANSPORTATION SYSTEMS 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 “as part of the transportation research and development strategic plan under section 3102 of the Comprehensive Transportation and Consumer Protection Act of 2015”;
   (B) in section 5307(c)(2)(A), by striking “or the transportation research and development strategic plan under section 3102 of the Comprehensive Transportation and Consumer Protection Act of 2015”;
   (C) the transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015; and
   (D) in section 31203 of the Intelligent Transportation Systems Act of 1998 (23 U.S.C. 502 note) is amended—
   (A) by striking “as part of the Surface Transportation Research and Development Strategic Plan of the Secretary developed under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015”;
   (B) in subsection (a)(9), by striking “the strategic plan under section 508” and inserting “the strategic plan of the Secretary developed under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015”;
   (C) the transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015; and
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.

(a) ESTABLISHMENT.—The Assistant Secretary for Research and Technology shall appoint not fewer than 5 or more than 10 Federal employees to serve as Research Ombudsman. This appointment shall not diminish the authority of peer review within the Department.

(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;

(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, imperfections, 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 methodology;

(iii) propose a remedy for such deficiencies to the administrator of the modal administration responsible for completing the research project;

(C) RESPONSE TO PROPOSED REMEDY.—The administrator of the modal administration charged with completing the research project shall respond to the proposed remedy.

(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 administrative re- sponse required under subsection (c)(2)(C).

(2) INDEPENDENCE.—Each report required under this section shall be provided directly to 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.

(3) BUDGET AUTHORITY.—The Director shall have authority for 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 any funding awarded to the Bureau for cost-reimbursable projects.

(3) EXCEPTIONS.—The Secretary shall di- rect external support functions, such as the coordination of activities involving multiple modal administrations.

(4) INFORMATION TECHNOLOGY.—In con- sultation with the Chief Information Officer, the Director shall have the final authority in decisions regarding information technology in order to protect the confidentiality of information provided for statistical pur- poses, in accordance with the Confidential Information Protection and Statistical Effi- ciency Act of 2002 (44 U.S.C. 3501 note).”

SEC. 31207. CONFORMING AMENDMENTS.
(a) Title 49 Amendments.—

(1) ASSISTANT SECRETARIES; GENERAL COUN- SEL.—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 Technol- ogy’’ before ‘‘and an Assistant Secre- tary’’.

(2) OFFICE OF THE ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY OF THE DEPART- MENT OF TRANSPORTATION.—Section 112 is re- pealed.

(b) Table of Contents.—The table of con- tents of chapter 1 is amended by striking the item relating to section 112.

(c) RESEARCH CONTRACTS.—Section 330 is amended—

(A) in the section heading, by striking ‘‘contracts’’ and inserting ‘‘activities’’; and

(B) in subsection (a), by inserting ‘‘In gen- eral’’ before ‘‘The Secretary’’.

(d) DUTIES.—The Secretary shall provide for the following:

(1) Coordination, facilitation, and review of the Department’s research and develop- ment programs and activities.

(2) Advancement, and research and develop- ment, of innovative technologies, including intelligent transportation systems.

(3) Comprehensive transportation statistics research, analysis, and reporting.

(4) Education and training in transpor- tation and transportation-related fields.

(5) Activities of the Volpe National Transportation Systems Center.

(e) ADDITIONAL AUTHORITIES.—The Secre- tary may—

(1) enter into grants and cooperative agreements with Federal agencies, State and local government agencies, other public enti- ties, private organizations, and other per- sons;

(A) to conduct research into transpor- tation service and infrastructure assurance; and

(B) to carry out other research activities described in paragraph (1), on a col- laborative and coordinated basis, to encourage innovative solutions to multimodal transportation problems and stimulate the deployment of new technologies;

(2) non-Federal entities, including State and local governments, foreign governments, institutions of higher education, corpora- tions, foundations, partnerships, sol- idatorships, and trade associations that are incor- porated or established under the laws of any State;

(3) Federal laboratories; and

(4) directly initiate contracts, grants, coop- erative agreements, and research and development agreements (as defined in section of the Steven- son-Wydler Technology Innovation Act of 2015).
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 freight statistics program to provide nationally consistent measures of performance of, at a minimum—

"(1) the Nation’s top ports by tonnage;"

"(2) the Nation’s top ports by 20-foot equivalent unit traffic; and"

"(3) the Nation’s top ports by dry bulk.

(b) Annual Reports.—

"(1) Ports Performance Throughput.—Not later than January 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 statistics that includes monthly measures on capacity and throughput at the ports described in subsection (a).

(c) Monthly Measures.—The Director shall collect monthly measures, including—

"(i) the average number of lifted 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 (g).

"(d) Modifications.—The Director may modify a metric under subparagraph (A) if the Director determines that the modification is consistent with the intent of the section.

"(e) Recommendations.—

"(i) In General.—The Director shall obtain recommendations for—

"(A) specifications and data measurements for the port performance measures listed in subsection (b)(2); and

"(B) additionally needed data elements for measuring port performance; and

"(C) procedures of the Department of Transportation to collect timely and consistent data, including identifying safeguards to protect proprietary and confidential 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 to—

"(A) operating administrations of the Department of Transportation; and

"(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) representative from the rail industry;"

"(J) representative from the trucking industry;"

"(K) representative from the maritime shipping industry;"

"(L) representative from a labor organization for each industry described in subparagraphs (I) through (K);"

"(M) representative from a port authority;"

"(N) 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.

"(2) Recommendations.—Not later than year after the date of the enactment of the Port Performance Act, the working group may submit its recommendations to the Director.

"(3) ACCESS TO DATA.—The Director shall ensure that the statistics compiled under this section are readily available 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) Technical and Conforming Amendments.—

The table of contents for chapter 63 is amended by adding at the end the following:

"§ 6314. Port performance freight statistics program.

TITLE 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;"
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 requirements of this section;

(2) REPORT.—Not later than 30 months 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 on the responsiveness of the corrective action plan to the recommendations described in paragraph (1).

(3) TRANSITION.—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. 23002. SAFETY IMPROVEMENT METRICS.

(a) IN GENERAL.—The Administrator shall incorporate a methodology into the CSA program or establish a third-party process to allow recipients, including carriers, improved measures of performance for identifying and judging the relative crash risk of individual large and small motor carriers;

(b) whether alternative systems would identify risk carriers or identify high risk drivers and motor carriers more accurately; and

(c) 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 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 requirements of this section;

(2) REPORT.—Not later than 30 months 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 on the responsiveness of the corrective action plan to the recommendations described in paragraph (1).

(3) TRANSITION.—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.
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 Federal Motor Carrier Safety Administration plans to take to modify the demonstration program based on such results.

(2) SOURCE OF ESTIMATES OF SAFETY EFFECTS.—In conducting regulatory impact analyses for rulemakings relating to the technology, advanced safety equipment, enhancements of measures, Federal Motor Carrier Safety Improvement Category 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, enhancements of measures, Federal Motor Carrier Safety Improvement Category programs, or systems.

(3) SAVINGS PROVISION.—Nothing in this section may be construed to provide the Administrator with additional authority to change safety standards 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, notification, alerts, or the relative percentile for each crash involving injury or death and analysis and Safety Improvement Category developed through the CSA program may be used to provide the general public (including through requests under section 32005(d)) with a notation or alert based on such analysis or data, unless the Administrator certifies to the Congress 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 section 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 “Public Enforcement and Safety Improvement Category”;

(4) the Secretary shall be required to modify the CSA program in accordance with this subchapter; and

(5) the CSA program has been made available to the general public (including through requests under section 32005(d)) with a notation or alert based on such analysis or data.

(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. 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 from the Pedestrian 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; or

(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) FEES.—In the event 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 information, and any related court actions submitted by each party involved in the accident.

(c) SOLICITATION OF OTHER INFORMATION.—For purposes of paragraph (a)(6), 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) shall be—

(1) shall be used to recalculate the motor carrier’s crash BASIC percentile; and

(2) if the carrier is determined not to be responsible for the crash incident, such information shall be released to the Department of Transportation.

(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) shall 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 implemented until after the date on which the Secretary of Transportation shall audit and certify the review program to the Secretary of Transportation to make 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 traffic incidents 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 (a).

(b) COMPOSITION.—Not less than 51 percent of the working group shall be composed of individuals representing the States, the Federal Government, including identifying the data elements that should be collected following a tow-away commercial motor vehicle accident; and

(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 commerce involved, 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 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 reporting that are required under 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 SAFE-
TY.

(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 prac-
tices.

(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, the Secretary, in consultation with the Federal Motor Carrier Safety Administration’s safety regulations and demonstrate clear and outstanding safety practices.

(b) CONFORMING AMENDMENT.—Section 4138 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (49 U.S.C. 31414 note) is repealed.

Subtitle B—Transparency and Accountability

SEC. 32200. REQUIREMENTS.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, if the Secretary determines that a significant number of crashes are not covered by the current minimum insurance requirements, the Secretary shall commence a rulemaking to determine whether the minimum levels of financial responsibility required under section 31319 of title 49, United States Code, for a motor carrier to transport prop-
erty that is applied toward—

(A) medical care;

(B) compensation;

(C) other identifiable costs of a claim; and

(D) the frequency in which an insurance claim exceeds the current minimum levels of financial responsibility that is applied toward.

(b) RULEMAKING.—If the Secretary commences a rulemaking under subsection (a), the Secretary shall include in the rule-

making—

(1) an estimate of the regulation’s impact on—

(A) the safety of motor vehicle transpor-
tation;

(B) the economic condition of the motor carrier industry, including small and minority motor carriers and independent owner-

operators; and

(C) the ability of the insurance industry to provide the required amount of insurance; and

(2) the ability of the minimum insurance level to cover the full cost of injuries, compensatory damages, and fatalities; and

(3) the amount of an insurance claim at the

time practicable, unsealed verdicts and set-
tlements.

(c) R ULEMAKING.—If the Secretary com-

mences a rulemaking under subsection (a), the Secretary shall include in the rule-

making—

(1) the primary cause of the accident, if the primary cause can be determined; and

(2) the physical characteristics of the commerce involved, 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; and

(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 year after the date of enactment of this Act, if the Secretary shall include in the rule-

making—

(1) an estimate of the regulation’s impact on—

(A) the safety of motor vehicle transpor-
tation;

(B) the economic condition of the motor carrier industry, including small and minority motor carriers and independent owner-

operators; and

(C) the ability of the insurance industry to provide the required amount of insurance; and

(2) the ability of the minimum insurance level to cover the full cost of injuries, compensatory damages, and fatalities; and

(3) an estimate of the effects an increase in the

time practicable, unsealed verdicts and set-
tlements.

(e) R ULEMAKING.—If the Secretary com-

mences a rulemaking under subsection (a), the Secretary shall include in the rule-

making—

(1) an estimate of the regulation’s impact on—

(A) the safety of motor vehicle transpor-
tation;

(B) the economic condition of the motor carrier industry, including small and minority motor carriers and independent owner-

operators; and

(C) the ability of the insurance industry to provide the required amount of insurance; and

(2) the ability of the minimum insurance level to cover the full cost of injuries, compensatory damages, and fatalities; and

(3) an estimate of the effects an increase in the

time practicable, unsealed verdicts and set-
tlements.

(f) O PPORTUNITY FOR RESUBMISSION.—If an

application is denied and the applicant can provide the required amount of insurance; and

SEC. 32202. PETITIONS FOR REGULATORY RE-
LIEF.

(a) APPLICATIONS FOR REGULATORY RE-
LIEF.—Notwithstanding subsection 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 PROCESSES.—

(1) IN GENERAL.—The Secretary shall estab-

lish 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. And

(B) REVIEW.—Beginning on the date that the Secretary accepts an application for an exemption, 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 Sec-

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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 applicable temporary exemptions to be made permanent under this paragraph.

(3) Revocation of Exemptions.—The Secretary may revoke an exemption issued under this section or any regulation implementing an exemption if the Secretary can demonstrate that the exemption has had a negative impact on safety.

SEC. 32203. 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 396 of Federal Motor Carrier Safety Administration regulations, as necessary, to incorporate by reference the certification standards for roadside inspectors issued by the Commercial Vehicle Safety Alliance.

SEC. 32204. 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) explore the feasibility of consolidating data collection and processing systems;

(2) 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 31192 of title 49, United States Code; and

(C) other users;

(3) examine 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;

(4) investigate and make recommendations regarding—

(A) inefficiencies in existing data sets impacting program effectiveness; and

(B) methods to improve any and all user interfaces; and

(5) 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 in 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 Commerce, Science, and Transportation 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 32305(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 operate 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 implemented on or after the date of enactment of this Act (49 U.S.C. 30111 note);

(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 for program effectiveness.

(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 the policies—

(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 outstanding petitions (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 and the rationale for the decision;

(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 setting forth guidelines, or retrospective review of regulations to eliminate or modify obsolete, ineffective, or overly-burdensome rules, the Administrator of the Federal Motor Carrier Safety Administration, the Secretary shall when ever 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 data.

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) take into account the impact of the rule for the commercial truck and bus carriers of various sizes and types.

(b) PUBLIC PARTICIPATION.—
(1) IN GENERAL.—Before promulgating a proposed or final rule under this title, the Secretary shall—
(A) identify and request public comment on the best available science or technical information on the safety of Federal and State truck length or width limits; and
(B) consider effects of the proposed or final rule on specific limitations, obligations, and notifications required under section 31104 of title 49, United States Code.

(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 available science or technical information on the best practices for expeditious emergency response and recovery;
(C) emergency response or recovery experts;
(D) relevant safety groups; and
(E) persons affected by special permit requirements 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 development of best practices 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 other emergency; and
(3) a State could pre-designate an emergency route identified under paragraph (1) as a certified emergency route if a motor vehicle, including a mobile operation that replicates a Federal and State truck length or width limit, may safely operate along such route during period of emergency recovery; and
(4) an online database could be created to identify each pre-designated emergency route under paragraph (2), including information on specific limitations, obligations, and notifications required under section 31104 of title 49, United States Code.

(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 on emergency routes.

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 31506 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 rule, by dividing shifts routes to divided highways or does not increase centerline miles by more than 0.5 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 shall establish a working group, including representatives from—
(A) the States that have entered into an interstate compact to allow States, including the District of Columbia, to enter into an interstate compact for the purpose of implementing an interstate compact with contiguous States to allow a licensed driver between the ages of 18 and 21 to operate a commercial motor vehicle, and driver safety to support a safe and efficient surface transportation system.

(2) COVERAGE.—The purpose of this section shall be 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 with an equivalent level of safety, and the costs for that determination.

(b) REQUIREMENTS.—The Secretary may extend the air mileage requirements under subsection (a)(3) to expand operation areas and gather additional data for analysis.

(c) TERMINATION.—The Secretary may terminate the pilot program if the data collected under subsection (c) indicates that the pilot program is not necessary; and

(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 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 costs for that determination.

(4) Waiver.—Notwithstanding any other provision of law, the Secretary shall, not later than 180 days after the date of enactment of this Act, the work

SEC. 32502. ADDITIONAL STATE AUTHORITY.

(a) IN GENERAL.—The Administrator of the Federal Motor Carrier Safety Administration shall 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, and driver safety to support a safe and efficient surface transportation system.

(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 and support a safe and efficient surface transportation system.

(c) 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 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 costs for that determination.

(d) TERMINATION.—The Secretary may terminate the pilot program if the data collected under subsection (c) indicates that the pilot program is not necessary; and

(e) 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 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 costs for that determination.

(2) CONDUCT.—The purpose of this section shall be 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, and driver safety to support a safe and efficient surface transportation system.

(3) PROVISIONS.—The provisions of this section shall not apply to—
(A) any recommendation for the implementation of the best practices for expeditious State approval of special permits for vehicles on emergency routes; and
(B) the proposed or final rule (including information on specific limitations, obligations, and notifications required under section 31104 of title 49, United States Code).

SEC. 32502. GRANTS TO STATES.

(a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31102 is amended to read as follows:

"(a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31102 is amended to read as follows:

(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 and support a safe and efficient surface transportation system.

(c) 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 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 costs for that determination.

(d) TERMINATION.—The Secretary may terminate the pilot program if the data collected under subsection (c) indicates that the pilot program is not necessary; and

(e) 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 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 costs for that determination.

(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 and support a safe and efficient surface transportation system.

(c) 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 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 costs for that determination.

(d) TERMINATION.—The Secretary may terminate the pilot program if the data collected under subsection (c) indicates that the pilot program is not necessary; and

(e) 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 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 costs for that determination.

"(3) MECHANICS.—The purposes of the program shall be—
(A) to reduce the number of serious and fatal crashes involving commercial motor vehicles;
(B) to improve the economic viability of States that suffer greater losses from commercial motor vehicle crashes;
(C) to reduce the number of fatalities, injuries, and economic losses attributable to commercial motor vehicle crashes;
(D) to promote the safety 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 the enforcement requirements and other applicable standards and regulations, and orders of the Federal Government, and the State;

"(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 the form under which a State shall submit a multi-year plan, and annual updates thereto, under which the State agrees to assume responsibility for improving motor carrier, commercial motor vehicle operations, and for preparing a comprehensive and highly visible traffic enforcement and commercial motor vehicle inspection, and, at the State's discretion, intrastate new entrant motor carriers under section 31144(g) of this title; and

"(2) EXCLUSION OF U.S. TERRITORIES.—The Secretary shall redact any information identified in subparagraph (A), the Secretary shall redact any information identified in subsection (l)(3) with Motor Carrier Safety Assistance Program funds authorized under section 31144(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 thereto.

"(B) EXCLUSION OF U.S. TERRITORIES.—The requirement that a State conduct safety audits of new entrant motor carriers under subsection (d), (e) 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 subsection (d), 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 amount of the additional 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 modify the requirements for determining a State's match required under section 31104(a)(1) to carry out this section for the period after fiscal year 2017, after consultation with the State and with the Secretary of the Treasury, if the Secretary determines that a modification is reasonable, based on circumstances described by the State, to ensure the continued enforcement of commercial motor vehicle safety and enforcement activities in the State.

(3) LEVEL OF STATE EXPENDITURES.—In estimating the average level of State expenditures under subsection (a) (the Secretary shall use—

(A) may allow the State to exclude 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 (a) 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 safety enforcement activities in the State.

(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 to—

(1) in general.—The Secretary, by regulation, shall prescribe allocation criteria for Motor Carrier Safety Assistance Program funds made available under section 31104(a)(1).

(2) ANNUAL ALLOCATIONS.—On October 1 of each fiscal year, or as soon as practicable thereafter, the Secretary shall make discretionary grants to and cooperate with States to carry out enforcement activities, including activities and projects that—

(A) promote the safe operation of commercial motor vehicles and non-commercial motor vehicles in areas identified as high risk crash corridors;

(B) target unsafe driving of commercial motor vehicles, if the Secretary determines that such an enforcement activity is necessary to promote the safe operation of commercial motor vehicles, where intermodal shipping containers enter and leave the United States; and

(C) shall withhold all funding under this section.

The plan shall provide—

(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 inspections 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 subsection (a) 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 enforcement.

(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 made available under section 31104(a)(1) for enforcement activities relating to border enforcement and new entrant safety audits; and

(i) State enforcement of and compliance with Federal household good laws; and

(j) Any increase in employment for submitting the plan under subsection (c); or

(k) PLAN MONITORING.—

(1) IN GENERAL.—On the basis of reports submitted by the lead State agency responsible for implementing and enforcing the State plan and an investigation by the Secretary, the Secretary shall periodically evaluate State implementation of and compliance with the State plan.

(2) SECOND PERIOD OF NONCOMPLIANCE.—

(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 State plan, the Secretary may withdraw approval of the plan and notify the State that the plan is not in effect once the State receives notice, and the Secretary shall withhold all funding under this section.

(B) NONCOMPLIANCE WITHHOLDING.—In lieu of withholding funding under subsection (a)(1), 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 each full fiscal year of noncompliance;

(iii) up to 25 percent of funds for the second fiscal year of noncompliance;

(iv) up to 50 percent of funds for the third and any subsequent full fiscal year of noncompliance.

(j) PLAN MONITORING.—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), 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) EXPEDITEED 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 purposes of this paragraph is to make discretionary grants to and cooperate 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 the State plan under subsection (c) and (d), 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 operation and registration information systems management under section 3106(b); and

(G) support participation in performance and registration information systems management under section 3106(b).

(i) for entities not responsible for submitting the plan under subsection (c); or

(j) for entities responsible for submitting the plan under subsection (c);

(k) before October 1, 2020, to achieve compliance with the requirements of participation; and

(l) beginning on October 1, 2020, or once compliance is achieved, whichever is sooner, for special initiatives or projects that exceed the 5 percent limit.
(3) INNOVATIVE TECHNOLOGY DEPLOYMENT GRANT PROGRAM.—

(a) IN GENERAL.—The Secretary shall establish an innovative technology deployment program to make discretionary grants under section 31104(a)(2) to eligible States for the innovative technology deployment of commercial motor vehicle information systems and networks.

(b) PURPOSE.—The purpose of the grant program is to train individuals in the safe and efficient operations 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 Federal Motor Carrier Safety Administration Financial Assistance Programs:

(1) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Subject to subsection (b), to make grants and cooperative agreements under section 31102 of this title, the Secretary may set aside from amounts made available under paragraph (1) of this subsection up to—

(A) $22,323,000 for fiscal year 2017;

(B) $34,312,000 for fiscal year 2018;

(C) $41,098,000 for fiscal year 2019;

(D) $54,046,000 for fiscal year 2020; and

(E) $45,992,000 for fiscal year 2021.

(2) 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.

(3) COMMERCIAL DRIVER’S LICENSE PROGRAM IMPLEMENTATION FINANCIAL ASSISTANCE PROGRAM.—Subject to subsection (c), to carry out section 31133—

(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) $33,945,000 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 reimbursed to recipients for financial assistance reciprocally sharing the Federal Government’s share of the costs incurred.

(2) REIMBURSEMENT AMOUNTS.—The Secretary shall reimburse recipients, in accordance with a financial assistance agreement made under sections 31102, 31103, 31104, 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 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 adjust the amount in-kind contributions in determining the reimbursement.

(3) VOUCHERS.—Each recipient shall submit vouchers to the Secretary 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 authorized 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) CONTRACTS AND COOPERATIVE AGREEMENTS AS CONTRACTUAL OBLIGATIONS.—The approval of a financial assistance agreement 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.

(3) DEDUCTIONS FOR PARTNER TRAINING AND PROGRAM SUPPORT.—On October 1 of each fiscal year, the Secretary shall deduct from amounts authorized 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.

(i) PURPOSE.—The purpose of the grant program is to make discretionary grants under section 31104(a)(2) to eligible States for the innovative technology deployment of commercial motor vehicle information systems and networks.

(ii) ELIGIBILITY.—The purpose of the grant program is to train individuals in the safe and efficient operations of commercial motor vehicles (as defined in section 31301).
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 311(h) of title 49, United States Code. 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) Paid.—Section 3206 of Act of 1996; 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 31107 is amended to read as follows:

(a) IN GENERAL.—Section 31107 is amended by striking paragraph (4).
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“(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 expenditures for—

“(i) 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 planning 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 section 33133 amendment is made by striking the item relating to section 33133 and inserting the following: ‘‘33133. Commercial driver’s license program improvement 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 31140(a) is amended—

“(1) by striking the word ‘‘year’’ and inserting the word ‘‘years’’;

“(2) in paragraph (3), by striking ‘‘(d)’’ and inserting ‘‘(b)’’; and

“(3) in paragraph (4), by striking the words ‘‘and, as specified in section 31140(a)(4)’’ and inserting the words ‘‘and, as specified in section 31140(b)(1)’’.

(b) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—

“(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 funding in fiscal year 2016, $25,000,000, for fiscal year 2016.

“(2) SAFETY DATA IMPROVEMENT GRANTS.—From amounts made available under section 31140(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.

“(3) HIGH-PRIORITY ACTIVITIES.—Section 41140(c)(2), as redesignated by section 32505 of this Act, is amended by striking ‘‘2014 and up to $12,489,151 for the period beginning on October 1, 2014, and ending on July 31, 2015’’ and inserting ‘‘2016’’.

“(d) NEW ENTRANT AID.—Section 31140(g)(5)(B) is amended to read as follows:

“(B) the Secretary shall set aside from amounts made available by section 31140(a) up to $3,000,000 for fiscal year 2016 for audits of new entrant motor carriers conducted under paragraph (2) of section 31102 of title 49, United States Code.

“(e) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—

“(1) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—

“(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 2015.

“(B) the Secretary may calculate the interim funding amount using the allocation formula the Secretary used to award motor carrier safety assistance program funding in fiscal year 2016.

“(C) The Secretary may make a grant (or cooperative agreement, as appropriate Committee Act (5 U.S.C. App.) shall not apply to the working group established under this subsection.

“(d) PUBLICATION.—The Administrator of the Federal Motor Carrier Safety Administration shall publish on a public website summaries of its meetings, and the final recommendation submitted under paragraph (c).

“(e) FACA EXEMPTION.—After receiving the recommendation under subsection (a)(4), the Secretary shall publish 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.

“(f) 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;

“(5) any other factors the Secretary considers appropriate.

“(g) 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 31140(a)(1) of title 49, United States Code, as amended by section 32505 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 32507 of this Act.
A future withholdings in accordance with section 32508, the Secretary shall calculate the maintenance of effort for 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 for the States as follows:

(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 recreational vehicle trailer within the definition of ‘driveway-to-towway 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 Registrations.

Section 13906(e) is amended by inserting ‘‘suspend’’ after ‘‘revoke’’.

SEC. 32604. ACCESS TO NATIONAL DRIVER REGISTRANT.

Section 30305(b) is amended by adding at the end the following:

‘‘(3) 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 fitness.

(b) STUDY.—In conducting the study, the Administrator shall consider—

(1) the prevalence of 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 fitness;

(4) the commuting practices of commercial motor vehicle drivers and policies of motor carriers concerning commuting;

(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 the Congress a report containing the findings under the study and any recommendations for legislative action concerning driver commuting.

SEC. 32606. HOUSEHOLD 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 about a waiver or modification under section 31102(f) of title 49, United States Code, as amended by section 32502 of this Act.

(b) CONSTRUCTION.—For purposes of this section, any windshield mounted collision warning system, lane departure warning system, driver distraction warning system, and any other technology that the Secretary considers applicable.

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 obstructing a driver’s 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 an exemption under subsection (a).

(b) DEFINITION OF VEHICLE SAFETY TECHNOLOGY.—A ‘‘vehicle safety technology’’ includes fleet-related incident management system, performance or behavior management system, speed management system, systems for forward collision warning or mitigation system, active cruise control system, and any other technology that the Secretary considers applicable.

SEC. 32602. ELECTRONIC DEVICES REQUIREMENTS.

(a) CONSTRUCTION.—For purposes of this section, any windshield mounted collision warning system, lane departure warning system, and any other technology that the Secretary considers applicable.

(b) DEFINITION OF VEHICLE SAFETY TECHNOLOGY.—A ‘‘vehicle safety technology’’ includes fleet-related incident management system, performance or behavior management system, speed management system, systems for forward collision warning or mitigation system, active cruise control system, and any other technology that the Secretary considers applicable.

SEC. 32603. Lapse of Required Financial Security; Suspension of Registrations.

Section 13906(e) is amended by inserting ‘‘suspend’’ after ‘‘revoke’’.

SEC. 32604. ACCESS TO NATIONAL DRIVER REGISTRANT.

Section 30305(b) is amended by adding at the end the following:

‘‘(3) 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.’’. 
with respect to the Federal laws concerning the interstate transportation of household goods by motor carrier; (b) MEMBERSHIP.—The Secretary shall ensure that the group is composed 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: (A) A proposal to amend, adjust, or revise the current passenger carrier 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 and effective to passenger carriers 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 SAFE

Not later than 1 year after the date of enactment of this Act, 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 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 or other transportation by Federal or State law equivalents of such laws.

SEC. 32609. MOTORCOACH HOURS OF SERVICE

(a) REQUIREMENT BEFORE IMPLEMENTING NEW RULES.— (1) IN GENERAL.—The Secretary may not amend, adjust, or revise the driver hours of service for motor carrier operations and interstate passenger carrier operations and between segments of the interstate motor

(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) in conducting preemployment screening for the use of a controlled substance; and

(ii) in conducting random screening for the use of a controlled substance; and

SEC. 32611. USE OF HAIR TESTING FOR PREEMPLOYMENT AND RANDOM TESTING

(a) 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 Transportation, that it can carry out an applicable hair testing program, consistent with generally accepted industry standards, to detect the presence of controlled substances for 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 392 of title 49, Code of Federal Regulations until a final rule is issued implementing the amendments made by subsection (b).

(b) REQUIREMENTS.—A testing program may not receive an exemption under paragraph (1) unless the applicable testing laboratory—

(1) has obtained laboratory accreditation specifying that hair testing employs procedures and protections similar to those that have carried out hair testing programs for at least 1 year;

(2) uses 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)).

(c) 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).

(d) REPORTING REQUIREMENT.—Any motor carrier that is granted an exemption under paragraph (1) shall submit to the national clearinghouse established under section 31306a of title 49, United States Code, relating to all positive test results and test re

(d) GUIDELINES FOR HAIR TESTING.—Not later than 1 year after the date of the enactment of this Act, the Administrator, in consultation with the Secretary of Health and Human Services shall issue scientific and technical guidelines for hair testing as a

(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) in conducting preemployment screening for the use of a controlled substance; and

(ii) in conducting random screening for the use of a controlled substance; and

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(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) in conducting preemployment screening for the use of a controlled substance; and

(ii) in conducting random screening for the use of a controlled substance; and

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(b) REQUIREMENTS.—A testing program may not receive an exemption under paragraph (1) unless the applicable testing laboratory—

(1) has obtained laboratory accreditation specifying that hair testing employs procedures and protections similar to those that have carried out hair testing programs for at least 1 year;

(2) uses 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)).

(c) 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).

(d) REPORTING REQUIREMENT.—Any motor carrier that is granted an exemption under paragraph (1) shall submit to the national clearinghouse established under section 31306a of title 49, United States Code, relating to all positive test results and test re

(d) GUIDELINES FOR HAIR TESTING.—Not later than 1 year after the date of the enactment of this Act, the Administrator, in consultation with the Secretary of Health and Human Services shall issue scientific and technical guidelines for hair testing as a

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method of detecting the use of a controlled substance for purposes of section 33106 of title 49, United States Code, as amended by subsection (b). When issuing the scientific and technical standards and best practices, the Railroad Equipment and Human Services may consider differentiating between exposure to, and usage of, various controlled substances.

(e) 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.

TITIE XXXIII—HAZARDOUS MATERIALS

SEC. 33101. ENDORSEMENTS.

(a) Exclusions.—Section 5117(d)(1) is amended—

(1) in subparagraph (B), by striking “a’’ and inserting “; and’’; and
(2) by adding at the end the following:

“(D) not more than 11 individuals in any 36-month period who are unlicensed drivers.

SEC. 33102. ENHANCED REPORTING.

(a) General.—The Department of Transportation Inspector General shall—

(1) 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;

(b) considering the requirements in subsection (b), evaluate the consistency and accuracy of the database, including 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.

(c) Period.—The Secretary shall submit an annual report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report of the findings 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. 33103. HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.

(a) In General.—There are authorized to be appropriated to the Secretary to carry out this Act (except sections 5107(e), 5108, 5109, and 5109(k)), $13,650,000 to carry out section 5107(c), $149,782,984 for fiscal year 2020; and $152,928,427 for fiscal year 2021.

(b) Hazardous Materials Emergency Preparedness Fund Established.—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) $158,000 to carry out section 5115;
(2) $21,800,000 to carry out sections (a) and (b) of section 5116, of which not less than $15,000,000 shall be available to carry out section 5116(b); and
(3) $510,000 to carry out section 5116(e);

(c) Authorization of Appropriations.—

(1) The expenses authorized to be appropriated under this chapter may be expended in the manner prescribed in section 5107(e).

(2) AVAILABILITY OF AMOUNTS.—Amounts received from a State, Indian tribe, or other public authority or private entity for expenses incurred in providing training to the State, authority, or entity.

(3) AVAILABILITY OF AMOUNTS.—Amounts made available under this section shall remain available until expended.

TITIE 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) for fiscal years 2016 through 2021—

(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) $146,702,297 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) $295,940,000 for fiscal year 2017;
(C) $320,241,872 for fiscal year 2018;
(D) $329,044,291 for fiscal year 2019;
(E) $325,674,734 for fiscal year 2020 and
(F) $329,573,589 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) $5,321,405 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) $30,000,000 for fiscal year 2017;
(C) $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 23, United States Code, and this subtitle, and in the administration of chapter 303 of title 23, United States Code, is amended by inserting “a political subdivision of a State, including local governments.” after “neighboring States.”.
(2) M AINTENANCE OF EFFORT.—Section 205(e) of title 23, United States Code, is amended by adding at the end of the section—
(1) in clause (i)—
(A) by amending the heading to read as follows: “(1) HIGHWAY SAFETY PROGRAMS.—”; and
(B) by amending subparagraph (A), by inserting “or combination of laws or programs” after “State law”;
(2) in clause (ii)—
(A) by amending the heading to read as follows: “(2) REPEAT OFFENDER CRITERIA.”;
(B) by amending subparagraph (A), by inserting “or combination of laws or programs” after “State law”;
(C) by redesignating subparagraphs (C) through (F) as subparagraphs (E) through (H), respectively;
(3) in paragraph (5), as redesignated—
(A) by redesigning paragraphs (1) through (4) as paragraphs (2) through (5), respectively;
(B) by inserting before paragraph (2), as redesignated, the following—
(1) a 24–7 sobriety program; and
(2) a restriction on driving privileges.
(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:
(1) receive, for a period of not less than 1 year—
(i) a suspension of all driving privileges; and
(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;
(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:
(1) receive, for a period of not less than 1 year—
(i) a suspension of all driving privileges; and
(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;
(4) by redesigning paragraphs (1) through (4) as paragraphs (2) through (5), respectively;
(C) by inserting before paragraph (2), as redesignated, the following—
(1) a 24–7 sobriety program; and
(2) a restriction on driving privileges.
(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:
(1) receive, for a period of not less than 1 year—
(i) a suspension of all driving privileges; and
(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;
(5) by redesigning paragraphs (1) through (4) as paragraphs (2) through (5), respectively;
(C) by inserting before paragraph (2), as redesignated, the following—
(1) a 24–7 sobriety program; and
(2) a restriction on driving privileges.
(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:
(1) receive, for a period of not less than 1 year—
(i) a suspension of all driving privileges; and
(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;
(I) in subclause (I), by striking "or" and inserting a semicolon;
(II) in subclause (II), by striking "and" and inserting "or" and;
(III) at the end:

"(III) the State certifies that the general practice is that such an individual will be incarcerated for a period of not less than 1 year and (ii) in clause (II):"

(4) by striking at the end the following:

"(III) the State certifies that the general practice is that such an individual will receive parole and be released into the community in a period of not less than 1 year;" and

(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;

"(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 (a), subject to clauses (1) and (ii) 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.

"(c) GRANT LIMITATIONS.—

Not later than 180 days after the date of enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce 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;

"(2) provides recommendations on how to address such barriers.

SEC. 34134. MINIMUM REQUIREMENTS FOR 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

SEC. 34109. STUDY ON THE NATIONAL ROADSIDE SURVEY OF ALCOHOL AND DRUG USE BY DRIVERS.

"(a) ADDITIONAL ACTIONS.—The Administrator of the National Highway Traffic Safety Administration, in consultation with the White House Office of National Drug Control Policy, National Highway Traffic Safety Administration, State highway safety offices, safety advocates, the medical community, and research organizations in the United States and foreign countries, shall:

"(1) to create checkpoints that specifically target motorcycle operators or motorcycle passengers.

"(2) to check helmet usage; or

"(b) CONCLUSION.—In implementing subsection (a), the Secretary shall carry out the following:

"(1) to include enforcement action as allowed by State statute; and

"(2) to include enforcement action as allowed by State statute; and

"(b) BARRIERS TO DATA COLLECTION.—

"(a) IMPROVEMENT OF DATA COLLECTION ON CHILDMORTALITY IN VEHICLE CRASHES.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall report to Congress 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 check points, and the effectiveness of the National Roadside Survey methodology for determining the prevalence and impact of the following:

"(I) 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.

"(b) IMPROVEMENT OF DATA COLLECTION ON CHILDMORTALITY IN VEHICLE CRASHES.

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"(a) IMPROVEMENT OF DATA COLLECTION ON CHILDMORTALITY IN VEHICLE CRASHES.

in connection with vehicle crashes whenever a child restraint system was in use in a vehicle involved in a crash:

"(I) identifies any legal and technical barriers to capturing adequate data on the prevalence of the use of wireless communications devices while driving; and

"(2) does not provide for an exception that specifically allows a driver to text through a personal wireless communications device while stopped in traffic;" and

"(b) IMPROVEMENT OF DATA COLLECTION ON CHILDMORTALITY IN VEHICLE CRASHES.

"(b) IMPROVEMENT OF DATA COLLECTION ON CHILDMORTALITY IN VEHICLE CRASHES.

SEC. 34107. IMPROVEMENT OF DATA COLLECTION ON CHILD OCCUPIANTS IN VEHICLE CRASHES.

"(a) IMPROVEMENT OF DATA COLLECTION ON CHILD OCCUPIANTS IN VEHICLE CRASHES.

"(a) IMPROVEMENT OF DATA COLLECTION ON CHILD OCCUPIANTS IN VEHICLE CRASHES.

SEC. 34105. STUDY ON THE NATIONAL ROADSIDE SURVEY OF ALCOHOL AND DRUG USE BY DRIVERS.

"(a) IMPROVEMENT OF DATA COLLECTION ON CHILD OCCUPIANTS IN VEHICLE CRASHES.

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"(a) IMPROVEMENT OF DATA COLLECTION ON CHILD OCCUPIANTS IN VEHICLE CRASHES.
(2) by amending subparagraph (B) to read as follows:

“(B) LICENSING PROCESS.—A State is in compliance with this section if—

(i) a learner’s permit stage that—

(I) is 5 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 issuing a learner’s permit; or

(IV) requires that the driver be accompanied 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; or

(V) 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 during the intermediate stage and successful completion of a driving skills assessment; or

(VII) is at least 9 months in duration; and

(VIII) remains in effect until the driver—

(aa) reaches 16 years of age and enters the intermediate stage; or

(bb) reaches 18 years of age; and

(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; or

(II) contains a prohibition on the driver operating a motor vehicle by a licensed driver who is at least 21 years of age or older, excluding transportation to work, school, religious activities, or emergencies;

(V) 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;

(VI) remains in effect during 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;

(VII) 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 supervises the driver; and

(VIII) requires applicants to successfully pass a vision and knowledge assessment prior to issuing a learner’s permit or intermediate stage, is convicted of a driving-related offense during the first 6 months, including—

(I) striking while intoxicated;

(II) misrepresentation of the individual’s age; and

(III) reckless driving;

(IV) driving with a nonone-sitting in 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 AIRLINE SAFETY 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 (c)(4), by striking “paragrap—

(h) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 403(e) of title 23, United States Code is amended by inserting “of title 49” after “chapter 49”.

(i) NATIONAL PRIORITY SAFETY PROGRAMS.—Section 404 of title 23, United States Code is amended—

(1) in subsection (d)(4), by striking “section (402(c)” and inserting “section (402)” and

(2) in subsection (f)(4)(A)(v), by striking “driving under subsection (g)”

(b) AUTHORIZATION OF APPROPRIATIONS.—

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, of the certification described in paragraph (2) is made during a fiscal year there is 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 as follows:

(A) $132,730,000 for fiscal year 2016.

(B) $135,517,330 for fiscal year 2017.

(C) $138,363,194 for fiscal year 2018.

(D) $141,268,821 for fiscal year 2019.

(E) $144,235,646 for fiscal year 2020.

(F) $147,267,441 for fiscal year 2021.

(b) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS IF A CERTIFICATION IS MADE.—

(1) IN GENERAL.—(I) In addition to the amounts authorized to be appropriated under subsection (a) there is an additional amount as follows:

(A) $46,270,000 for fiscal year 2016.

(B) $51,517,330 for fiscal year 2017.

(C) $53,583,087 for fiscal year 2018.

(D) $51,517,330 for fiscal year 2019.

(E) $47,267,441 for fiscal year 2020.

(F) $45,769,978 for fiscal year 2021.

SEC. 34202. INSPECTOR GENERAL RECOMMENDATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall—

(1) determine whether the recommendations in the Office Inspector General Audit Report issued June 18, 2015 (ST-2015-063) are appropriate recommendations for the Secretary to take to improve public awareness and use of the websites for safety recall information;

(2) a detailed explanation of the possible actions the National Highway Traffic Safety Administration can take to address a complaint; and

(3) an appropriate committee 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.

(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 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 the 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—

(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 571.7 of title 49, Code of Federal Regulations, to include notification by electronic means in addition to notification by first class mail.

(b) 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.

(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 come to the conclusion of these recall completion rates to determine trends and identify risk factors associated with lower recall rates; and

(C) actions by 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 and cost to consumers;

(C) is capable of coordinating recall remedies and processes; and

(D) can improve its policy on consumer notice to the extent feasible.

SEC. 34205. PILOT GRANT PROGRAM FOR STATE NOTIFICATION TO CONSUMERS OF OPEN RECALLS.

(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, to implement any one of 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 paragraph (a).

(c) ELIGIBILITY.—To be eligible for a grant, a State shall—

(1) submit an application in such form and manner as the Secretary may require.

(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.

(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 the extent to which open recalls have been remedied.

(2) PERFORMANCE PERIOD.—Each grant awarded under this section shall require a 2-year performance period.

(3) EVALUATION.—Not later than 180 days after the completion of the performance period under subsection (e), a grantee shall provide to the Secretary a report of performance purposes by a rental company.

(e) PERFORMANCE.—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 purposes by a rental company.

(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 purposes by a rental company.

(g) 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 30120(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 to the Secretary of Transportation 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 9, 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 redesignating paragraphs (10) and (11) as paragraphs (12) and (13), respectively; and

(2) in paragraph (2), by striking ‘‘60-day’’ and inserting ‘‘180-day’’.

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 ‘‘90 days’’ and inserting ‘‘180 days’’;

(2) in paragraph (2), by striking ‘‘60-day’’ and inserting ‘‘180-day’’.

SEC. 34209. RENTAL CAR SAFETY.

(a) SHORT TITLE.—This section may be cited as the ‘‘Raecheel and Jacqueline Houck Safe Rental Car Act of 2015’’.

(b) DEFINITIONS.—Section 30120(a) is amended—

(1) by redesignating paragraphs (10) and (11) as paragraphs (12) and (13), respectively; and

(2) by redesigning 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 or more rental vehicles 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 or more covered rental vehicles.’’.

(c) REMEDIES FOR DEFECTS AND NONCOMPLIANCE.—Section 30120(b) 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 ‘‘(1) In general—’’;

(B) by striking ‘‘(11) ‘rental company’’’;

(C) by inserting ‘‘(11) ‘rental company’’’;

(D) by striking ‘‘(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 rental;’’;

and

(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 rental;’’.

SEC. 34210. 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 LARGEST VEHICLE FLEETS.—Notwithstanding paragraph (A), if a manufacturer or other entity that has sold or imported 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 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 paragraph (1).

“(D) INAPPLICABILITY TO JUNK AUTOMOBILES.—Notwithstanding paragraph (1), this subsection does not prohibit a rental company from selling a covered rental vehicle for which 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. 30501).”,

“(D) MAKING SAFETY DEVICES AND ELEMENTS INOPERATIVE.—Section 30122(b) is amended by inserting “rental company,” after “dealer,” each place such term appears;

(e) INVESTIGATIONS AND RECORDS.—Section 30168 is amended—

(1) in subsection (c)(2), by striking “or dealer” each place such term appears and inserting “rental company”;

(2) in subsection (e), by striking “or dealer” each place such term appears and inserting “or rental company”;

and

(3) 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. 758; 49 U.S.C. 30165 note) is amended—

(A) in subparagraph (E), by striking “and” at the end;

(B) by redesigning subparagraph (F) as subparagraph (G); and

(C) inserting after subparagraph (E) the following:

“(F) evaluate the completion of safety recall remedial actions by rental companies; and

(2) REPORT.—Section 32206(c) of such Act is amended—

(A) by redesigning paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking “REPAIR.—” Not later and inserting the following:

“(c) REPAIR.—

(1) INITIAL REPORT.—Not later;

(2) in paragraph (1), by striking “subject—” and inserting “subject—”;

(3) by striking “subject (b)” and inserting “subject paragraphs (A) through (E) and paragraphs (b)(2) and (3);”;

(4) by adding at the end the following:

“(2) SAFETY DEVICES AND ELEMENTS REMEDY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees set forth in paragraph (1) that contains—

(A) the findings of the study 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, technology manufacturers, and automobile dealers.

(1) 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, the 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).

(1) RULEMAKING.—The Secretary may promulgate rules, as appropriate, to implement this section and the amendments made by this section.

(2) 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 STANDARDS.

(a) INCREASE IN CIVIL PENALTIES.—Section 30155(a) is amended—

(1) in paragraph (1)—

(A) by striking “$5,000” and inserting “$14,000”; and

(B) by striking “$35,000,000” and inserting “$70,000,000”; and

(2) in paragraph (3)—

(A) by striking “$5,000” and inserting “$14,000”; and

(B) by striking “$35,000,000” and inserting “$70,000,000”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) of this section take effect on the date that is 2 years after the date of enactment of this Act.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) of this section take effect on the date that is 2 years after the date 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).

(d) 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 DISCLOSURE REQUIREMENT.

Section 27205(g) is amended—

(1) by inserting “(1)” before “Not later and” and inserting appropriately; and

(2) by adding after subsection (a) the following:

“(2) Notwithstanding paragraph (1) and subject to paragraph (3), a State, without ap-
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 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 extent to which 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) MAKING.—Not later than 2 years after submitting the report required under subsection (a), the Administrator of the National Highway Traffic Safety Administration shall promulgate a rule to establish the appropriate period during which event data recorders installed in passenger motor vehicles may capture and record for retrieval vehicle-related data in conjunction with a crash event in order 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 23302 is amended by inserting after subsection (b) the following:
(3) the data is retrieved pursuant to an invalidation order by the National Highway Traffic Safety Administration.

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 “TESC Act”.

SEC. 34432. TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.
Section 23304A is amended by inserting—
(1) in the section heading, by inserting—
"AND STANDARDS" after "CONSUMER TIRE INFORMATION";
(2) in subsection (a)—
(A) in the heading, by striking "RULE-MAKING" and inserting "CONSUMER TIRE INFORMATION"; and
(B) in paragraph (1), by inserting “(referred to in this subsection as "Secretary")” after “Secretary of Transportation”;
(3) by redesignating subsections (b) through (e) as subsections (e) through (h), respectively;
(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.
(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.—
(1) IN GENERAL.—This subsection applies to new pneumatic tires for use on passenger cars.
(2) EXCEPTIONS.—This subsection does not apply to light truck tires, deep tread tires, winter-type tires, snow tires, or temporary use spare tires, or tires with nominal rim diameters of 12 inches or less.

SEC. 34433. 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) ENFORCEMENT.—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—
(1) tires sold in the United States; and
(2) the needs of consumers in the United States.
(D) APPLICABILITY.—
(1) IN GENERAL.—This subsection applies to new pneumatic tires for use on passenger cars.
(2) EXCEPTIONS.—This subsection does not apply to light truck tires, deep tread tires, winter-type snow tires, or temporary use spare tires, or tires with nominal rim diameters of 12 inches or less.
(E) 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 (a) 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 (a) and (b) and (c) not later than 24 months after the date of enactment of this Act; and
(B) the regulations under subsection (b) not later than the date of promulgation of the regulations under subsection (b)."
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 24318 of title 49, United States Code, the following amounts:

(1) For fiscal year 2016, $20,500,000,000.
(2) For fiscal year 2017, $20,400,000,000.
(3) For fiscal year 2018, $20,300,000,000.
(4) For fiscal year 2019, $20,200,000,000.

(b) State-Supported Route Committee.—The Secretary may withhold up to one half of the amount appropriated under subsection (a) for the costs of management oversight of Amtrak's State-supported routes.

(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 24318(b)(1)(H)(iii) of title 49, United States Code.

(d) State-Supported Route Committee.—The Secretary may withhold up to $2,000,000,000 from each amount appropriated under section 24805 of title 49, United States Code, the amount appropriated under section 24905 of title 49, United States Code.

(e) Northeast Corridor Commission.—The Secretary may withhold up to $5,000,000,000 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.

(f) Funds Transferred.—The Secretary may withhold up to 50 percent of the amount appropriated under section 24905 of title 49, United States Code, as provided in subsection (a) to the National Transportation Safety Board for personnel, in addition to any other amounts authorized to be withheld 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 249 of title 49, United States Code, the following amounts:

(1) For fiscal year 2016, $350,000,000,000.
(2) For fiscal year 2017, $400,000,000,000.
(3) For fiscal year 2018, $450,000,000,000.
(4) For fiscal year 2019, $500,000,000,000.

(b) Project Management Oversight.—The Secretary may withhold up to 1 percent from the amount appropriated under section 24905 of title 49, United States Code, for management oversight of grants carried out under this section.

(c) Competitive Grant Program.—The Secretary shall establish the administration of grants under this section by developing and promulgating the following:

(1) Procedures for grant requests.
(2) Evaluation criteria.
(3) Procedures for oversight and audit.

SEC. 35103. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL TRANSPORTATION SAFETY BOARD RAIL INVESTIGATIONS.

(a) In General.—There are authorized to be appropriated to the National Transportation Safety Board to carry out railroad accident investigations under section 423(a)(1)(C) of title 49, United States Code, the following amounts:

(1) For fiscal year 2016, $10,000,000.
(2) For fiscal year 2017, $11,000,000.
(3) For fiscal year 2018, $12,000,000.
(4) For fiscal year 2019, $13,000,000.

(b) Investigation Personnel.—Amounts appropriated under subsection (a) of this section shall be available to the National Transportation Safety Board for the hire of personnel, either full or part time, to carry out 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, $30,500,000.
(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;"

(2) by amending subsection (e) to read as follows:

"(e) Allocations.—At least $5,000,000 of the amount appropriated under this section shall be available to Amtrak for a fiscal year to carry out 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:

"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, Amtrak shall establish and maintain internal standards to ensure Amtrak’s costs, revenues, and other compensation are appropriately and proportionally allocated to its Northeast Corridor train services and 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, Amtrak shall establish and maintain internal standards to ensure Amtrak’s costs, revenues, and other compensation are appropriately and proportionally allocated to its Northeast Corridor train services and 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).
“(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) the funding requested in a grant will be allocated to the accounts established under section 24313(a), considering the projected operating losses or capital costs of activities associated with such accounts over the time period intended to be covered by the grants.

“(d) REVIEW AND APPROVAL.—
“(1) INITIAL REVIEW AND 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 24313.
“(2) FIFTEEN-DAY MODIFICATION PERIOD.—
“Not later than 15 days after the date of the notice under paragraph (1)(A)(ii), Amtrak shall provide a modified version of the grant request, including a grant agreement.
“(3) MODIFIED REQUESTS.—Not later than 15 days after the date that Amtrak submits a modified grant 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 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 provided for fundable activities. The grant agreement shall include provisions, consistent with the requirements of this chapter, to measure Amtrak’s performance and ensure accountability for meeting 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 a 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 FUNDS.—
“(1) 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.
“(2) 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 transportation or rail transportation.

“§ 24319. Accounts
“(a) ESTABLISHMENT OF ACCOUNTS.—Beginning not later than October 1, 2015, Amtrak, in consultation with the Secretary of Transportation, shall 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) another 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 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 surplus 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—
“(A) capital projects described in section 24906(a)(2)(ii)(E)(i) and (ii), and developed under the planning processes that resulted in the establishment of the Northeast Corridor investment account in association with its other national network activities, including corridor capacity, improve service reliability, and reduce travel time on the Northeast Corridor;
“(B) capital projects to improve safety and security;
“(C) capital projects to improve customer service and amenities;
“(D) acquiring, rehabilitating, manufacturing, remanufacturing, overhauling, or improving equipment and associated facilities used for intercity rail passenger transportation by Amtrak train services.
“(E) 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;
“(F) 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
“(G) direct, 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 for capital 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 its 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 allocable to the Northeast Corridor investment account, State-supported account, or long-distance account, and reflect out 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 3510(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 subsection (a), or any surge generated by operations, between the Northeast Corridor, State-supported, long-distance, and other national network activities accounts—

(4) The expiration of 10 days after the date that Amtrak notifies the Amtrak Board of Directors, including the Secretary, of the planned transfer and the Secretary's reply.

(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 Finance, Commerce, and Transportation and the Senate Appropriations Committee the Secretary 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 a detailed explanation of the reason for the transfer, including—

(A) State-supported accounts.

(B) Northeast Corridor accounts.

(C) Other accounts.

(3) Notifications.—

(A) State-supported accounts.

(B) Northeast Corridor accounts.

(C) Other accounts.

(3) 5-YEAR BUSINESS LINE AND ASSETS PLANS—

(a) AMtrak 5-year business line and asset plans—

(1) GENERAL.—(A) Final plans.—Not later than 15 of each calendar year, Amtrak shall submit to Congress and the Secretary the final 5-year business line plans and 5-year asset plans prepared in accordance with this section.

(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 for appropriation or availability 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) Long-distance routes operated by Amtrak.

(C) 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 aligning 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) Amtrak 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 forecasted);

(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

(I) an identification and explanation of any major adjustments made from previously approved plans.

(c) 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; and

(B) for the Northeast Corridor business line, coordinate with the Northeast Corridor Commission and 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 2472;

(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 planning and reporting system developed under section 233 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) 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-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 owned by Amtrak.

(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 transportation 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 Amtrak’s business lines; (B) an inventory of existing Amtrak capital assets, to the extent practicable, including information regarding shared use of or ownership; and (C) a prioritized list of proposed capital investments that—

(i) categorizes each capital project as being Amtrak-associated with—

(I) normalized capital replacement;

(II) backlog capital replacement;

(III) to support service enhancements or growth;

(IV) strategic initiatives that will improve overall operational performance, lower costs, or 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 outcomes for each project or program identified under this subparagraph, including an assessment of—

(I) the potential effect on passenger operations in terms of safety, reliability, and economics;

(II) the potential effect on Amtrak’s ability to meet regulatory requirements if the project or program is not funded; and

(III) costs; and

(iv) annual profit and loss statements and forecasts and balance sheets for each asset category.

(2) 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.

(3) 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 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.

(4) REPORT ON 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.

(5) 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 shall, 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, provide a report to the Surface Transportation Board describing the results of their negotiations for the sale and purchase of at least two thirds of that voting bloc’s members; and

(6) EVIDENCE.—The Committee shall convene a meeting and shall define and implement the rules and procedures governing the Committee’s procedures not later than 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) provide for dispute resolution in accordance with such decisionmaking procedures.

(7) COMMITTEE DECISIONS.—Decisions made by the Committee in accordance with the Committee’s rules and procedures, once established, are binding on all Committee members.

(8) COST ALLOCATION METHODOLOGY.—

(A) In general.—Subject to paragraph (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), and the item relating to that section in the table of contents of that Act, are repealed.

(B) Procedures for changing methodology.—The rules and procedures implemented under paragraph (A) 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.

(D) 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.

(9) DISPUTE RESOLUTION.—

(A) REQUIREMENT 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) is subject to the State’s right to pay an amount not in dispute.

(B) PROCEDURES.—The State Transportation Board shall establish procedures for resolution of disputes brought before it under this subsection, which may include provision of professional mediation services.

(C) BINDING EFFECT.—A decision of the State Transportation Board under this subsection shall be binding on the parties to the dispute.

(D) OBLIGATION.—Nothing in this subsection shall affect the obligation of a State to pay to Amtrak the cost of operating such route, including fixed costs and third-party costs.

(E) ASSISTANCE.—

(A) In general.—The Secretary may provide financial 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) The Committee shall transmit the 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 consider the views of 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 Secretary shall transmit the statement developed under paragraph (1) to the Committee on Finance, 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.

“(j) 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 (9 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, the Secretary of Transportation, in cooperation with the Commissioner of Railroads, shall develop and publish in the Federal Register a methodology for determining what intercity rail passenger transportation over a long-distance route (as defined in section 24702) would be provided by an 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, rider counts, trip length, on-board staff, 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 services 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, other organizations, and other interested parties; and

(7) the funding levels that will be available under authorization levels that have been enacted into law.

‘‘(b) 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 a report explaining the reasons for adopting or not adopting each recommendation.

‘‘(c) Consideration of recommendations.—Not later than 90 days after the date the recommendations are transmitted under subsection (b), 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) specify, as described in paragraph (2), to the petition the Secretary to provide intercity rail passenger transportation over a long-distance route in lieu of Amtrak for an operations period of years from the date of commencement of the winning bidder and, at the option of the Secretary, consistent with the rule promulgated under subsection (c), the contract to be renewed for an additional operations period of 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 notification 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 aacha financial analysis of 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) 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 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 filed, adjusted for inflation; and

(II) 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 and that host or would host the intercity rail passenger transportation,

(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; and

(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)(ii) is not or does not include Amtrak, the performance

SEC. 35206. PILOT PROGRAM.
standards shall be consistent with the performance required 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 necessary to operate 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 agencies that own the infrastructure over which the winning bidder would operate and that host or would host the intercity rail passenger transportation service.

(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 subsection (c); and 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 terms of any applicable labor contract or other agreement, and shall be subject to the grant conditions under section 24305.

(d) CREATION 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 control of (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 3510(c) of the Railroad Reform, Enhancement, and Efficiency Act, or any appropriation of 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 appropriation under subsection (b)(1)(E)(ii) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent appropriation for the same purpose, to cover any cost directly attributable to 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 such payments 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 pilot program by 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 pilot program;

(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 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 long-distance routes may be selected under this section for operation by the winning bidder that is not or does not include Amtrak.

(1) PRESERVATION OF RIGHT TO COMPETITION ON STATE-SUPPORTED ROUTES.—Nothing in this section may be construed to prohibit 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 annually 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 of the pilot program to date and any recommendations to Congress.

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 of the House of Representatives a report on the results of the pilot program to date and any recommendations to Congress.

(b) CONTENTS.—The busines 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 whether 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 24518 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.

(ii) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring Amtrak to disclose confidential information regarding a potential vendor’s proposed price, or other sensitive business information prior to contract execution.

 SECTION 35207. FOOD AND BEVERAGE POLICY.

(a) IN GENERAL.—Chapter 243, as amended in section 24302 of this title, shall be 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.

SEC. 35301. ROLLING STOCK PURCHASES FOR OPERATING LOSSES.

Beginning on the date that is 4 years after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, and annually thereafter for a period of 4 years, Amtrak shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the pilot program 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 24302 of this Act, is amended by adding at the end the following:

"24321. Food and beverage reform."

SECTION 35208. LOCAL PRODUCTS AND PRO-MOTION.

(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—
and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Request for Proposals required by this section, including summary information of any qualified proposals submitted to Amtrak and any proposals accepted by Amtrak.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit Amtrak’s ability to utilize right-of-way or real estate assets that it currently owns, controls, or manages or constrain Amtrak’s ability to enter into agreements with other parties to utilize such assets.

SEC. 35210. STATION DEVELOPMENT.

(a) REPORT ON DEVELOPMENT OPTIONS.—Not later than 1 year after the date of 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, and other airports, as appropriate;

(2) options for additional Amtrak stops that would have a positive incremental financial impact on 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 sub-section (a), Amtrak shall issue a Request for Information for 1 or more owners of stations served by Amtrak to formally express an interest in completing the requirements of this section.

(c) PROPOSALS.

(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 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 contain 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 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 a report on the Request for Proposals process required under this section, including summary information of any qualified proposals submitted to Amtrak and any proposals accepted by Amtrak.

(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. 35211. AMTRAK DEBT.

(a) DEBT LIMITATION.—Section 270 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 2101 note) is amended—

(1) by striking “as of the date of enactment of this Act” each place it appears;

(b) DISCLOSURE.—Not later than 1 year after the date of enactment of this Act, Amtrak shall issue a report detailing any efforts to constrain Amtrak’s ability to utilize access to Federal credit guarantees or non-Federal support for the repayment of certain debts described in subsections (a) through (c) of section 3(k) of the Railroad Revitalization and Regulatory Reform Act of 1976 (28 U.S.C. 1711 et seq.), to enhance the financial condition and viability of the national intercity passenger railroad service system.

(c) R EPORT TO COMMITTEE.—Not later than 180 days following the date the Report is submitted 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 process required under this section, including summary information of any qualified proposals submitted to Amtrak and any proposals accepted by Amtrak.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit Amtrak’s ability to utilize right-of-way or real estate assets that it currently owns, controls, or manages or constrain Amtrak’s ability to enter into agreements with other parties to utilize such assets.

(e) DEFINITIONS.—In this section, the terms “small business concern,” “socially and economically disadvantaged individual”, and “veteran-owned small business” have the meanings given in section 304(e) of this Act.

(f) 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.
(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(b) 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, one for each cat or dog passenger in a 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.

Section 35213. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302(a) is amended to read as follows:

"(1) COMPOSITION AND TERMS.—

"(A) The Secretary of Transportation shall appoint to the Board 9 individuals, of whom at least 3 shall be individuals representing transportation or a State government.

"(B) The President of Amtrak shall fill any vacancies on the Board for which the Secretary fails to make a timely appointment.

"(C) No individual appointed to the Board under paragraph (1)(C) shall be appointed for a term of 5 years. The term may be extended to the extent 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.—

"(A) The Board shall elect a chairperson and vice chairperson, other than the President of Amtrak, from 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 date preceding the date of enactment of this Act.

Section 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 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 the date that the report required under subsection (a) 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

Section 23501. 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 passenger transportation or commuter rail passenger transportation;

"(5) a political subdivision of a State; or

"(6) Amtrak or another rail passenger carrier that provides intercity rail passenger transportation;

"(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 (F) 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) 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 contributions 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 would provide daily or daytime service over routes where such service did not previously exist;

"(5) that include private funding (including funding from railroads), and funding or other significant participation by State, local, and regional governmental and private entities;

"(6) that include a funding plan that demonstrates the intercity rail passenger service will be financially sustainable beyond the 3-year grant period.
served by other intercity public transportation;

(7) that would foster economic development, particularly in rural communities and for disadvantaged areas;

(8) that would provide other non-transpor
tation benefits; and

(9) in consultation with the Secretary to ensure enhancement connectivity and geographic coverage of the existing national network of intercity passenger rail service.

(3) LIMITATION.—The Federal operating assistance grants authorized under this section for any individual intercity rail passenger transporta
tion route may 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 operat
ing costs for the first year of service; and

(B) 60 percent of the projected net operat
ing costs for the second year of service; and

(C) 40 percent of the projected net operat
ing costs for the third year of service.

(1) USE WITH CAPITAL GRANTS AND OTHER FEDERAL FUNDING.—A recipient of an operating assistance grant under subsection (b) may not use any funds provided under other grants awarded under this chapter or any other Federal funding that would benefit the applicable service.

(2) USE OF FEDERAL FUNDING AMOUNTS appropriated for carrying out this section shall remain available until expended.

(b) COORDINATION WITH AMTRAK.—If the Secretary awards a grant under this section to a rail passenger carrier other than Amtrak, Amtrak may be required under section 24111 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.

(c) CONDITIONS.—

(1) GRANT AGREEMENT.—The Secretary shall require grant recipients under this section to enter into a grant agreement that requires the applicant to provide similar information regarding the route performance, financial, and ridership projections, and capital and business plans that Amtrak is required to provide, as well as 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 appro
priate; and

(B) terminate any grant agreement upon—

(i) the cessation of service; or

(ii) the violation of any other term of the grant agreement.

(d) 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 prescribed in chapter 24407.

(e) REPORT.—Not later than 4 years after the date of enactment of the Railroad Re
form, Enhancement, and Efficiency Act, the Secretary, after consultation with grant re
cipients and entities described in subparagraphs (A) through (F), shall submit a report to Congress that describes—

(i) the implementation of this section; and

(ii) the status of the investments and oper
cations funded by such grantees;

(iii) the performance of the routes funded by such grantees;

(iv) the number of grant recipients for con
tinued operation and funding of such routes; and

(v) any legislative recommendations.

(f) CONFORMING AMENDMENTS.—Chapter 244 is amended—

(1) in the table of contents, by inserting after the item relating to section 24407 the following:

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(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) in a plan prepared in accordance with chapter 227; or
(2) if the project is located on the Northeast Corridor, in 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 responsible for maintaining the railroad transportation on the Northeast Corridor agree in compliance with section 24905(c)(2).
(2) CAPITAL INVESTMENT PLAN.—When selected projects are 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 data, 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.
(h) LETTERS OF INTENT.—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; and
(ii) the Committee on Appropriations of the Senate;
(B) The Committee on Transportation and Infrastructure of the House of Representatives; and
(C) the Committee on Appropriations of the House of Representatives.
(3) APPROPRIATIONS REQUIRED.—An obligation or administrative commitment may be made under this section only when amounts are appropriated for that purpose.
(i) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.
(j) GRANTS.—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.

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 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 substantial portion 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 frequency, safety improvements, improved accessibility, or other significant enhancements, are detailed by the grantee and approved by the Secretary.
(C) The Secretary shall ensure that the project is maintained to the level of utility that is necessary to support the benefits approved under subparagraph (B)(ii) for a period of years from the date on which the useable segment, transportation facility, or equipment described in subparagraph (B)(ii) is 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 of the small business concerns owned and controlled by socially and economically disadvantaged individuals, and veteran-owned small businesses in publicly funded inter-city 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) SOCIAL AND ECONOMICALLY DISADVANTAGED INDIVIDUAL.—The term ‘socially and economically disadvantaged individual’ has the meaning given such term in section 6(d) of the Small Business Act (15 U.S.C. 637(d)) and the 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 ‘veteran-owned small business concern owned and controlled by veterans’ in section 3(c)(3) of the Small Business Act (15 U.S.C. 612(q)(3)), except that the term does not include any concern or group of concerns controlled by 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—
(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 Rail Investment and Improvement Act of 2008 (division B of Public Law 110–140); (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 additional Federal and non-Federal funding sources required to restore such service, including options for entering into public-private partnerships to restore such service.

(4) R EPORTS.—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 regional passenger rail carriers other than Amtrak;
(2) their role in establishing an integrated intercity passenger rail network in the United States; and
(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 rail service and may make recommendations, as appropriate, regarding—
(1) best practices for State or State authority governance of State-supported routes;
(2) access and use of railroad rights-of-way as commonly used in the 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 service, including ticketing, scheduling, and route planning; and
(5) the interface between State-supported routes and connecting commuter rail operations, including maximized intra-modal and intermodal connections and common sources of funding.

(8) any other issues identified by the Secretary.

(b) 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.

SEC. 35307. NORTHEAST CORRIDOR COMMISSION.

(a) COMPOSITION.—Section 24905(a) is amended—
(1) in paragraph (1)—
(A) in the matter preceding subparagraph (A), by inserting “intermodal transportation;” after “railroad services;”
(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 provisions 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 in along the Northeast Corridor; and

“(ii) the process of the capital plan described in section 24004;

(c) COST ALLOCATION POLICY.—Section 24005(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 implementation of projects and programs if the project or program is not funded; and

“(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;”;

(3) in paragraph (2)—

(A) by striking “formula proposed in” and inserting “policy developed under”;

and

(B) in the second sentence—

(i) by redesignating paragraph (1) as redesignated by striking “on the main line.” and inserting “section 35101(e) of the Railroad Reorganization, Enhancement, and Efficiency Act,”; and

(ii) by redesignating, by striking “the main line,” and inserting “the service outcomes identified in the Northeast Corridor service plan and the service outcomes identified in the Northeast Corridor service development plan and the asset management plan for each fiscal year through 2013 to be served by the Northeast Corridor.”; and

(4) in paragraph (3), by striking “formula” and inserting “policy”;

and

(5) by adding at the end the following:

“(i) the benefits and costs of capital investments in the plan;

(ii) projected program readiness; and

(iii) the operational impacts; and

(iv) funding availability;

(B) 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) actions that will improve overall operational performance or lower costs;

(6) CONFORMING AMENDMENTS.—Section 24005 is amended—

(A) in subsection (d), by redesignating, by striking “to the Commission such sums as may be necessary to carry out this title” 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 title”;

(B) by redesignating, by striking “the main line,” and inserting “the service outcomes identified in the Northeast Corridor service plan”;

and

(C) by striking “he shall” and inserting “he shall”;

(7) by inserting after section 24005, the following:

“§ 24004. Northeast Corridor planning

(a) NEAST CORRIDOR CAPITAL INVESTMENT PLAN.—

(1) REQUIREMENT.—Not later than May 1 of each year, the Northeast Corridor Commission shall—

(A) develop a capital investment plan for the Northeast Corridor, including all lines 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;

(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 24005(c); and

(C) cover a period of 5 fiscal years, beginning with the first fiscal year after the date on which the plan is submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) CONFORMING AMENDMENTS.—

(A) are consistent with the Federal Transit Administration process, as authorized under subsections (c) and (d); 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) a copy of the plan;

(B) not later than 2 years after the date of enactment of the Railroad Reorganization, Enhancement, and Efficiency Act, its Northeast Corridor asset management plan developed under paragraph (1); and

(C) by least biennial thereafter, an update to its Northeast Corridor asset management plan.

(D) the Federal Transit Administration process, as authorized under subsections (c) and (d); and

(2) CONFORMING AMENDMENTS.—

(A) are consistent with the Federal Transit Administration process, as authorized under subsections (c) and (d); 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) a copy of the plan;

(B) not later than 2 years after the date of enactment of the Railroad Reorganization, Enhancement, and Efficiency Act, its Northeast Corridor asset management plan developed under paragraph (1); and

(C) by least biennial thereafter, an update to its Northeast Corridor asset management plan.

(D) the Federal Transit Administration process, as authorized under subsections (c) and (d); and

(2) CONFORMING AMENDMENTS.—

(A) are consistent with the Federal Transit Administration process, as authorized under subsections (c) and (d); and

(B) include, at a minimum—

(i) an inventory of all capital assets owned by the developer of the asset management plan;
amending—

(C) the level of uncertainty in estimates of project benefits and costs; and

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 24605(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 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 completed, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(A) the results of the study; and

(B) any recommendations for further action.

(c) 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 Transit and Rail Investment and Operations Board, the Administrators of the Federal Railroads, and the heads of any other Federal agencies, shall develop and carry out a process for collecting data and conducting performance analyses of existing rail service and projects proposed for new rail service.

(b) CONTENTS.—A proposal submitted under this subsection shall include—

(A) the names and qualifications of the persons submitting the proposal and the entities proposing 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, existing and proposed sources of Federal and State and local government, 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 complete a study on the financial feasibility of new rail service projects, including rail projects—

(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 complete a study on the financial feasibility of new rail service projects, including rail projects—

(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.

(1) to provide ongoing guidance and training on developing benefit and cost information for rail projects;

(2) to provide more direct and explicit instructions to more effectively and consistently requirements for assessing benefits and costs across transportation funding programs, including the appropriate use of discount rates;

(3) by requiring applicants to clearly communicate the methodology used to calculate the project benefits and costs, including nonproprietary information on—

(A) assumptions underlying calculations;

(B) strengths and limitations of data used; and

(C) the level of uncertainty in estimates of project benefits and costs; and

(4) by ensuring that applicants receive clear and consistent guidance on how 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 apply any entity to provide information in the absence of a voluntary agreement.

SEC. 35311. PERFORMANCE-BASED PROPOSALS.

(a) SOLICITATION OF PROPOSALS.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue a request for proposals for projects for the financing, design, construction, operation, maintenance, and improvement of an intercity passenger rail service, including, including—

(A) the Northeast Corridor;

(B) the California Corridor;

(C) the Empire Corridor;

(D) the Pacific North West 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.

(c) CONFIDENTIAL DATA.—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, existing and proposed sources of Federal and State and local government, 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—

(1) to provide ongoing guidance and training on developing benefit and cost information for rail projects;

(2) to provide more direct and explicit instructions to more effectively and consistently requirements for assessing benefits and costs across transportation funding programs, including the appropriate use of discount rates;

(3) by requiring applicants to clearly communicate the methodology used to calculate the project benefits and costs, including nonproprietary information on—

(A) assumptions underlying calculations;

(B) strengths and limitations of data used; and

(C) the level of uncertainty in estimates of project benefits and costs; and

(4) by ensuring that applicants receive clear and consistent guidance on how 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 apply any entity to provide information in the absence of a voluntary agreement.
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) submitting a proposal for 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, diminished in value as a result of a project, except as otherwise agreed to by the private person or entity;

(h) a determination of how the project would contribute to the development of the interstate passenger rail system and an intermodal plan describing how the system will facilitate transportation 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; and

(k) a description of how the project would comply with Federal and State environmental regulations, the 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) Transportation Planning and Establishment of Commissions.—Not later than 90 days after receipt of the proposals under subsection (a), the Secretary shall

(1) screen the proposals 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 (b)(2) to review and consider proposals that the Secretary determines satisfies 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 rail transportation facilities, or their respective designees;

(C) a representative from each freight railroad corridor or corridor user having a direct interest in the proposal, if applicable;

(D) a representative from each transit authority having a direct interest in the proposal, 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) from among members 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 selected 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 be filled by the Secretary in accordance with paragraph (a)(i)(A) of this subsection, all the information regarding the proposal provided to the Secretary under subsection (d), and any other information the Secretary considers relevant.

(5) Selection by Secretary.—

(a) Authority.—In general.—The Chairperson and Vice-Chairperson shall be selected from among members of the Committee on Transportation and Infrastructure of the House of Representatives.

(b) Vacancy.—Any vacancy in each commission shall be filled by the Secretary in accordance with paragraph (a)(i)(A) of this subsection, all the information regarding the proposal provided to the Secretary under subsection (d), and any other information the Secretary considers relevant.

(c) Limitation.—The report submitted under paragraph (1) shall not be submitted by the Secretary until the report has been considered by 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.

(d) 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 the provisions of this section.

SEC. 35313. MISCELLANEOUS PROVISIONS.

(a) Title 49 Amendments.—

(1) Contingent interest recovery.—Section 22106(b) of title 49, United States Code, is amended by striking "interest thereon", and inserting "interest thereon.

(2) Authority.—Section 22106(b) of title 49, United States Code, is amended by striking "interest thereon.

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, and 1516 of title 18, United States Code.

(b) 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 the Act.

(c) Selection by the Inspector General of Amtrak shall—

(1) not later than 60 days after the date of enactment of this Act, transmit to the Committee on Transportation and Infrastructure of the House of Representatives a report containing any proposal with respect to a fiscal year for which Amtrak has been considered by the Committee on Transportation and Infrastructure of the House of Representatives the assessment under paragraph (1), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing any proposal with respect to subsection (B) through (K) of subsection (a)(i) that is selected by the Secretary under paragraph (a)(i)(A) of this subsection, 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
(3) CONTENTS OF STATE RAIL PLANS.—Section 22705(a) is amended by striking paragraph (12). (4) Mission.—Section 210(b) is amended by striking paragraph (c) and inserting “set forth in subsection (c)”. (5) Table of contents amendment.—The table of contents for chapter 243 is amended by striking “railroad equipment’’ and inserting “railroad equipment, railroad manufacturing, or railroad equipment maintenance and repair of railroad equipment’’; and (6) UPDATE.—Section 24705(c) is amended by striking “$1,000,000’’ and inserting “$5,000,000’’. (7) AMTRAK.—Chapter 247 is amended— (A) in subsection (a), by striking “not included in the national railroad passenger transportation system’’; (B) in section 24706— (i) in subsection (a), 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 Transportation and the Attorney General,’’ and inserting “The Secretary of Homeland Security’’. (b) PASSENGER RAIL INVESTMENT AND IMPROVEMENT AMENDMENTS.—Section 2305(a) of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended by inserting “nonprofit organization” in paragraph (2), and carrying out, as appropriate, the State plan under this subsection. (c) APPROVAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit its final State plan under paragraph (3) to the Committee on Transportation and the Committee on Commerce, Science, and Transportation, to enable warning and enforcement by 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, if applicable, if signal systems, increased crew size, improved signage, or other practices, including increased crew communication, to enable warning and enforcement by the maximum authorized operating speed for passenger trains at that curve or bridge; (3) contains milestones and target dates for implementing each appropriate action described under paragraph (2); and (4) ensures compliance with the maximum authorized operating 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, with conditions, or disapprove the action plan. (d) ALTERNATIVE SAFETY MEASURES.—The Secretary may, to satisfy the requirement of this section for a segment of track for which operations are governed by a positive train control system certified under section 20301 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 Transportation and 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 Secretary shall take to satisfy the requirements of this section for a segment of track for which operations are governed by a positive train control system certified under section 20301 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; and (2) the actions the railroad carriers have taken in response to Safety Advisory 2013-08, entitled “Operational Tests and Inspections for Compliance With Maximum Authorizations To Operate at Speeds and Other Speed Restrictions’’. (b) STATE HIGHWAY-RAIL GRADE CROSSING SAFETY. (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 a model 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 improve the 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— (i) 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; (ii) identify specific strategies for improving safety at grade crossings, including highway-rail grade crossing closures or grade separations; and (iii) designate a State official responsible for managing the State plan under subparagraph (A) or (B) of paragraph (1), as applicable. (3) Assistance.—The Secretary shall provide assistance, 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 this subsection on the Secretary’s having taken to evaluate or incorporate passenger train speeds and other speed restrictions’’. (b) ACTIONS.—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 system, if applicable, if applicable, if signal systems, increased crew size, improved signage, or other practices, including increased crew communication, to enable warning and enforcement by the maximum authorized operating speed for passenger trains at that curve or bridge; (3) contains milestones and target dates for implementing each appropriate action described under paragraph (2); and (4) ensures compliance with the maximum authorized operating 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, with conditions, or disapprove the action plan. (d) ALTERNATIVE SAFETY MEASURES.—The Secretary may, to satisfy the requirements of this section for a segment of track for which operations are governed by a positive train control system certified under section 20301 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 Transportation and 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 Secretary shall take to satisfy the requirements of this section for a segment of track for which operations are governed by a positive train control system certified under section 20301 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; and (2) the actions the railroad carriers have taken in response to Safety Advisory 2013-08, entitled “Operational Tests and Inspections for Compliance With Maximum Authorizations To Operate at Speeds and Other Speed Restrictions’’. (b) ACTIONS.—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 grade or grade-separated; or (2) a highway expressly authorized by a public authority or a railroad carrier that is dedicated for the use of non-vehicular traffic, including pedestrians, bicyclists, and other traffic that is not associated with a public highway, road, or street, or中国电信、中国移动、中国联通等其他主要运营商均未在该区域内开展移动通信业务。
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 the hazardous location that a hazardous condition exists there, accompanied by conductive signals to warn train crews before the train arrives there, to warn train crews before the train arrives there, with any other safety technology or practice that would achieve an equivalent or greater level of safety in reducing derailment risk.

(b) ALTERNATIVE PRACTICE OR TECHNOLOGY.—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 20107 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 regulations to require, not later than 18 months after the date of enactment of this Act, that on-track safety regulations to determine if a railroad carrier providing commuter rail passenger transportation on high density commuter railroad lines should be required in the same manner as currently required for other commuter rail lines.
(b) RULEMAKING.—Considering safety, including railroad employee and contractor safety, and system capacity, the Secretary shall promulgate a rule to require a working alerter to warn train crews before the train approaches the hazardous location that a hazardous condition exists there, accompanied by conductive signals to warn train crews before the train arrives there, with any other safety technology or practice that would achieve an equivalent or greater level of safety in reducing derailment risk.

(1) At least once every 2 weeks—
(A) traverse and inspect each siding 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.—Not later than 1 year 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 explaining the reasons for not revising the rules.

(2) ALTERNATE PRACTICE OR TECHNOLOGY.—The Secretary may require or allow a technology or practice in lieu of a working alerter if the Secretary determines that the technology or practice would achieve an equivalent or greater level of safety in enhancing or ensuring appropriate locomotive control.

SEC. 35405. SIGNAL PROTECTION.
(a) In GENERAL.—The Secretary shall promulgate regulations to require, not later than 18 months after the date of enactment of this Act, that on-track safety regulations to determine if a railroad carrier providing commuter rail passenger transportation, in consultation with any applicable host railroad carrier, to install signs to warn train crews before the train approaches the hazardous location that a hazardous condition exists there, accompanied by conductive signals to warn train crews before the train arrives there, with any other safety technology or practice that would achieve an equivalent or greater level of safety in reducing derailment risk.

(b) ALTERNATIVE SAFETY MEASURES.—The Secretary may 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 20107 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.

(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.
requirements related to criminal law, crimi-
nal procedure, motor vehicle code, or State-
mandated comparative or annual in-service
training academy or Federal law enforce-
ment as defined by statute.
(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 per-
mit a railroad to designate an individual
who is commissioned in the individual’s State
law enforcement agency or State department of
primary employment and directly employed by or
contracted by a railroad to enforce State
laws for the protection of railroad property,
personnel, and cargo, to serve in the States in which the railroad owns prop-
erty.
(c) CONFORMING AMENDMENTS.—
(1) AMTRAK RAIL POLICE.—Section 24305(e)
is amended—
(A) by striking “may employ” and insert-
ing “may directly employ or contract with”;
(B) by striking “employed by” and insert-
ing “directly employed by or contracted by”;
and
(C) by striking “employed without” and in-
serting “directly employed or contracted
without”.
(2) SECURE GUN STORAGe OR SAFETY DEVICE;
EXCEPTIONS.—Section 922(c)(2)(B) of title 18 is
amended by striking “employed by” and in-
serting “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 com-
pletion date, the Administrator of the Fed-
eral Railroad Administration shall submit a
report to the Committee on Commerce, Science,
and Transportation of the Senate and the Com-
mittee on Transportation and Infrastructure of
the House of Representatives that de-
scribes 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 “Op-
eration 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 sub-
mit a final report on the directives and recom-
mandations referred to in subsection (a).
(c) DEFINED TERMS.—In this section, the term
“Committee on Commerce, Science, and Trans-
portation” means the Committee on Com-
merce, Science, and Transportation of the Senate
and the Committee on Transportation and
Infrastructure of the House of Represen-
tatives 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 “Op-
eration Deep Dive Metro-North Commuter
Railroad Safety Assessment.”
SEC. 35413. POST-ACCIDENT ASSESSMENT.
(a) IN GENERAL.—The Secretary of Trans-
portation, in cooperation with the National
Transportation Safety Board and the Na-
tional Railroad Passenger Corporation (re-
ferred 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 fami-
lies of passengers involved in any rail pas-
senger accident, which was submitted pursu-
tant to section 24316 of title 49, United States
Code;
(2) a review of Amtrak’s compliance with the
emergency preparedness plan required under
section 20160 of title 49, Code of Fed-
eral Regulations;
(3) a determination of any additional ac-
tion items that should be included in the plans
and graphs referred to in paragraph (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 assist-
ance center to assist 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
comply with the plans referred to in para-
graphs (1) and (2), including the establish-
ment 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 Com-
mittee on Commerce, Science, and Trans-
portation of the Senate and the Com-
mittee on Transportation and Infrastructure of
the House of Representatives that de-
scribes—
(1) its plan to achieve the recommenda-
tions referred to in subsection (b)(4); and
(2) steps that have been taken to address
any deficiencies identified through the as-
essment.
SEC. 35414. TECHNICAL AND CONFORMING
AMENDMENTS.
(a) ASSISTANT SECRETARIES OF PASSENGERS
INVOLVED IN RAIL PASSENGER ACCIDENTS.—
Section 1139 is amended—
(1) in subsection (a)(1), by striking “phone
number, mailing address, telephone number”;
(2) in subsection (a)(2), by striking “post
trauma communication with families” and
inserting “post-trauma communication with
families”;
(3) in subsection (b)(1), by striking “rail-
passenger accident” each place it appears
and inserting “rail passenger accident”; and
(b) SOLID WASTE RAIL TRANSFER FACILITY
LAND USE EXEMPTION.—Section 10909 is
amended—
(1) in subsection (b), in the matter pre-
ceding paragraph (1), by striking “Clean
Railroad Act of 2008” and inserting “Clean
Railroads Act of 2008”; and
(2) in subsection (c), by striking “Upon the
granting of a petition from the State” and in-
serting “Upon the granting of a petition
from the State”.
(c) RULEMAKING PROCESS.—Section 20116 is
amended—
(1) in subsection (a)(2), by striking “(1)”,
(2) in subsection (a)(1), by striking “con-
tact the Secretary of the Interior, or”; and
(3) in paragraph (2)(G), by striking “and
related infrastructure to prevent acci-
dents, incidents, injuries, and fatalities
caused by catastrophic failures and other
tunnel failures.” and inserting “and related infrastructure to prevent acci-
dents, incidents, injuries, and fatalities
caused by catastrophic failures and other
tunnel failures.”
(d) ENFORCEMENT REPORT.—Section 20120(a)
is amended—
(1) in subsection (1), by striking “(i)” be-
fore “unless” and indenting accordingly;
(2) in paragraph (1)(B), by inserting “in
paragraph (1)” before “(1)” and indenting
accordingly;
(3) in paragraph (1), by redesignating, by
inserting “order,” and inserting “order”;
and
(4) in the matter preceding paragraph (1),
by redesignating, by striking “unless” and in-
serting “unless”.
(e) ENFORCEMENT REPORT.—Section 20120(a)
is amended—
(1) in the matter preceding paragraph (1),
by striking “(i)” before “(1)” and inden-
ting accordingly;
(2) in paragraph (1), by striking “accident
and incident reporting” and inserting “acci-
dent and incident reporting”;
(3) in paragraph (2)(G), by inserting “and
” at the end; and
(4) in paragraph (5)(B), by striking “Ad-
ministrative Hearing Officer or Adminis-
terative Judge” and inserting “administra-
tive hearing officer or administrative
law judge”.
(f) ROADWAY USER SIGHT DISTANCE AT HIGH-
WAY RAIL GRADE CROSSINGS.—Section 20150 is
amended by striking “the Secretary” and in-
serting “the Secretary of Transportation”.
(g) NATIONAL CROSSING INVENTORY.—Sec-
tion 20160 is amended—
(1) in subsection (a)(1), by striking “con-
cerning each previously unre-
ported crossing through which it operates
with respect to the trackage over which it operates”;
and
(2) in subsection (b)(1)(A), by striking “con-
cerning 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 stri-
k ing “railroad carrier compliance with Federal standards” and inserting “railroad carrier
compliance with Federal standards”; and
(i) DEVELOPMENT AND USE OF RAIL SAFETY
TECHNOLOGY.—Section 20164 is amended by
striking “after enactment of the Railroad Safety Enhancement Act of 2008” and insert-
ing “after the date of enactment of the Rail-
road Safety Improvement Act of 2008”.
(j) RAIL SAFETY IMPROVEMENT ACT OF
2008.—
(1) TABLE OF CONTENTS.—Section 1(b) of di-
vision A of the Rail Safety Improvement Act of
2008 (Public Law 110–432; 122 Stat. 4948) 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 insert-
ing “solid waste transfer facilities”; and
(C) in the item relating to section 602, by
striking “solid waste transfer facilities” and
inserting “solid waste rail transfer facili-
ties”.
(2) DEFINITIONS.—Section 2(a)(x) of division
A of the Rail Safety Improvement Act of 2008
(Public Law 110–432; 122 Stat. 4949) is amend-
ed by striking “Public Service An-
nenouncements” and inserting “Public Service An-
nouncements”.
(3) RAILROAD SAFETY STRATEGY.—Section
102(a)(8) of title I of division A of the Rail
Safety Improvement Act of 2008 (49 U.S.C.
20101 note) is amended by striking “Impro-
voking the safety of railroad bridges, tunnels,
and related infrastructure to prevent acci-
dents, incidents, injuries, and fatalities
cau sed by catastrophic failures and other
bridge and tunnel failures.” and inserting “im-
proving the safety of railroad bridges, tunnels,
and related infrastructure to prevent acci-
dents, incidents, injuries, and fatalities
cau sed by catastrophic failures and other
bridge and tunnel failures.”
(4) OPERATION LIFESAVER.—Section 202(a) of
title II of division A of the Rail Safety
Improvement Act of 2008 (49 U.S.C. 220501) is
amended by striking “Public Service An-
nouncements” and inserting “Public service
announcements”.
(5) UPDATE OF FEDERAL RAILROAD ADMINIS-
TRATION WEB SITE.—Section 204(b)(2) of di-
vision III of title A of the Rail Safety
Improvement Act of 2008 (49 U.S.C. 20303) is
amended by striking “FEDERAL RA-
IL ADMINISTRATION WEB SITE” and inserting
“Federal Railroad Administration Web site”.

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(B) by striking ‘‘website’’ each place it appears and inserting ‘‘Web site’’; and
(C) by striking ‘‘website’s’’ and inserting ‘‘Web site’s’’.

(9) PROTOCOL 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. 20103 note) is amended by striking ‘‘Secretary of Transportation’’ and inserting ‘‘Secretary’’.

(7) TRANSPORTATION INFORMATION.—Section 414 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 ‘‘subsection’’.

(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 ‘‘WASTE FACILITIES’’ and inserting ‘‘SOLID WASTE RAIL TRANSFER FACILITIES’’.

(10) HEADINGS.—Section 602 of title IV 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).

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 35392 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 entity to assist in financing the cost of improving passenger and freight rail transportation systems in terms of safety, efficiency, or reliability.

(2) 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) A corporation 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 24202), and

‘‘(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. 24505).

‘‘(10) An organization that is actively involved in the development of operational and safety-related standards for rail equipment and operations or in 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 rail safety technology, including positive train control and rail integrity inspection systems.

‘‘(2) A capital project identified by the Secretary as being necessary to address congestion challenges affecting rail service.

‘‘(3) 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.

‘‘(4) A rail line relocation project.

‘‘(5) A capital project to improve short-line or regional rail safety.

‘‘(6) 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.

‘‘(7) The preparation of regional rail and corridor service development plans and corresponding environmental analyses.

‘‘(8) Any project that the Secretary considers necessary to advance any particular aspect of rail-related capital, operations, or safety improvements.

‘‘(9) Any project that the Secretary considers necessary to advance any particular aspect of rail-related capital, operations, or safety improvements.

‘‘(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 for a grant under this section.

‘‘(e) PROJECT SELECTION CRITERIA.—

‘‘(1) IN GENERAL.—In selecting a recipient 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 of the project cost,

‘‘(B) after factoring in preference to 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).

‘‘(f) OTHER CONSIDERATIONS.—The Secretary shall also consider the following:

‘‘(A) The degree to which the proposed project’s business plan considers potential contributions, participation in the planning, 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 undertake the implementation of any projected 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 this Act or other Federal rail safety-related programs administered by the Secretary; and

‘‘(F) Such other factors as the Secretary considers relevant to the successful delivery of the project.

‘‘(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 locations where 50 percent 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.

‘‘(i) 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.

‘‘(j) 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;

(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); and

(C) 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 or investigation of an incident, accident, or public health or safety emergency involving the rail transportation of hazardous materials and that require such electronic train consist information;

(2) to prohibit any railroad, employee, or agent from withholding, or causing to be withheld, the electronic 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;

(3) to establish security and confidentiality protections to prevent the release of the electronic train consist information to unauthorized persons; and

(4) 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 ‘‘applied fusion center’’ means a fusion center with responsibility for a geographic area in which the 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) 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) 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 incorporating first 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 built to meet the DOT–117R specification to be equipped with a thermal blanket.

(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 a 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 other tank car models 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 hazardous materials of—

(1) to require a Class I railroad trans-
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 the NCRRP board's systems pilot program data and the Department of Transportation's research and analysis on the effects of ECP brake systems.

(2) Testing framework.—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) Number of cars needed to implement test scenarios, 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 a 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 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 time to uncoupling;

(C) the measures of in-train forces; and

(D) the stopping distance.

(4) Funding.—The Secretary shall, 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 29410 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 related equipment or infrastructure or any private entity for the purposes of conducting the testing required under this section.

(c) Evidence-Based Analysis.—The Secretary shall—

(A) not later than 90 days after the report date, fully incorporate and reflect the findings of both the 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's website.

(d) 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) publish in the Federal Register the determination that the reasons for it; or

(c) if the Secretary does not publish the determination under clause (i), repeal the applicable ECP brake system requirements.

SEC. 35436. 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 car carrier using such sums as are necessary from the amounts appropriated to the Office of the Secretary, after the date of enactment of title IV of such Act, to provide a process to review and approve or disapprove an in-carbracing fire recording device for compliance with the standards described in subsection (b).

(b) Definitions.—A rail carrier that has installed an in-carbracing fire recording device approved under subsection (c) may use recordings from that in-car or outward-facing image recording device for the following purposes:

(A) Documenting a criminal act or monitoring unauthorized occupancy of the controlling locomotive cab or cab operating compartment;

(B) Other purposes that the Secretary considers appropriate.

(c) Discretion.—The Secretary may—

(1) Grant authority to the Secretary to approve or disapprove an in-carbracing fire recording device for compliance with the standards described in subsection (b).

(2) Require in-carbracing fire recording devices for the purposes described in subsection (d); and

(3) Define in appropriate technical detail the essential features of the devices required under subparagraph (A).

SEC. 20168. Installation of audio and image recording device.

(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 using such sums as are necessary from the amounts appropriated to the Office of the Secretary, after the date of enactment of title IV of such Act, to provide a process to review and approve or disapprove an in-carbracing fire recording device for compliance with the standards described in subsection (b).

(b) Definitions.—A rail carrier that has installed an in-carbracing fire recording device approved under subsection (c) may use recordings from that in-car or outward-facing image recording device for the following purposes:

(A) Documenting a criminal act or monitoring unauthorized occupancy of the controlling locomotive cab or cab operating compartment;

(B) Other purposes that the Secretary considers appropriate.

(c) Discretion.—The Secretary may—

(1) Grant authority to the Secretary to approve or disapprove an in-carbracing fire recording device for compliance with the standards described in subsection (b).

(2) Require in-carbracing fire recording devices for the purposes described in subsection (d); and

(3) Define in appropriate technical detail the essential features of the devices required under subparagraph (A).
“(2) EXCEPTIONS.—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 rail passenger carrier’s operations.

“(g) TAMPERING.—A rail carrier may take appropriate enforcement or administrative action against any employee that tampers with (a) and the survey data under 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.

“(1) INFORMATION PROTECTIONS.—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) NOTHING IN SECTION 552(b)(3) APPLY.—Nothing in this section may be construed as requiring a rail carrier to cease or restrict operations upon a technical failure of an inward- or outward-facing image recording device. Such rail carrier shall repair or replace the failed inward- or outward-facing image recording device as soon as practicable.

“(l) GOVERNING AMENDMENT.—The table of contents for subchapter II of chapter 201 is amended by adding at the end the following:

2016a. 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).";

(2) in paragraph (3), by striking the period at the end and inserting a semicolon;

(3) in paragraph (4), by striking ""(4) The Federal Government shall have no liability to—"" and inserting ""(4) the term ‘rail passenger transportation’ means ___________.

""(i) INFORMATION PROTECTIONS.—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) NOTHING IN SECTION 552(b)(3) APPLY.—Nothing in this section may be construed as requiring a rail carrier to cease or restrict operations upon a technical failure of an inward- or outward-facing image recording device. Such rail carrier shall repair or replace the failed inward- or outward-facing image recording device as soon as practicable.

""(l) GOVERNING AMENDMENT.—The table of contents for subchapter II of chapter 201 is amended by adding at the end the following:

2016a. Installation of audio and image recording devices.

SEC. 35438. MODIFICATION REPORTING.

(a) IN GENERAL.—Not later than 1 year after the implementation of this section, 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) TEST 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 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;

(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 used, or likely to be used, in high-hazard flammable train service, or,

(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 (Title 44, United States Code), as administered by the Bureau of Transportation Statistics.

(3) SECTION 552(b)(3) OF TITLE 5.—Any information that the Secretary obtains under subsection (b) or subsection (c) by the Department of Transportation shall be exempt from disclosure under section 552(b)(3) of title 5.

(f) DESIGNER.—The Secretary may designate the Director of the Bureau of Transportation Statistics to prepare a plan of action under subsection (b) and the survey data under subsection (c) and direct the Director to ensure the confidentiality of company-specific information to the maximum extent permitted by law.

"(g) REPORT.—Each year, not later than 60 days after the date that both the collection and 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 Commerce, Science, and Transportation and Infrastructure of the House of Representatives.

SEC. 35439. REPORT ON CRUDE OIL CHARACTERISTICS.

(a) STUDY.—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 study on—

(A) the expected number of tank cars containing crude oil; and

(B) the expected number of tank cars containing crude oil that meet the DOT–111 specification, or jacketed DOT–111 meeting the CPC–1232 or equivalent specification;

(2) the expected number of tank cars containing crude oil that meet the DOT–117 specification, or equivalent, and;

(3) the expected number of tank cars containing crude oil that meet the DOT–117 specification, or equivalent, and are likely to be used in high-hazard flammable train service.

(b) RECOMMENDATIONS.—Based on the findings of the study, for—

(1) regulations that should be prescribed by the Secretary of Transportation or the Secretary of Energy to improve the safe transport of crude oil; and

(2) recommendations, based on the findings of the study, for—

(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 service (as defined in section 17101 of title 49, United States Code) shall submit a report to the Secretary of Transportation a plan for implementing a positive train control system by December 31, 2015, governing operation on—

(A) its main line over which intercity rail passenger transportation or commuter rail passenger transportation (as defined in section 17101 of title 49, United States Code) are transported; and

(B) its main line over which poison- or toxic-by-inhalation hazardous materials (as defined in sections 171.8, 171.115, and 171.132 of title 49, Code of Federal Regulations) are transported; and

(C) such other tracks as the Secretary may by regulation require.

(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 90 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 the updated plan, the Secretary shall consider whether the railroad carrier or other entity submitting the plan—

(1) has encountered technical or programmatic challenges identified by the Secretary in the 2012 report transmitted to Congress pursuant to subsection (d); and

(2) has prepared a plan for in subclause (I) have negatively affected the successful implementation of positive train control systems;

(III) has demonstrated due diligence in its effort to implement a positive train control system;

(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) the updated 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.—

(1) 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—

(II) allow 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), the railroad carrier 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.

(2) 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.

(3) PENDING REVIEWS.—For an applicant that has an updated plan under subparagraph (A), the Secretary shall extend the deadline for implementing a positive train control system at least until the date that the Secretary approves the final disapproval for the updated plan with an updated implementation schedule (as described in paragraph (4)(B)).

(4) DISAPPROVED.—A railroad carrier or other entity that has not implemented a positive train control system with 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 year in which 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 in each of the 2012 report transmitted to Congress. In determining whether to approve the updated plan, the Secretary shall consider whether 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 and certification;

(II) interoperability challenges;

(III) permitting issues; and

(IV) certification.

(D) DEFINED TERM.—In this paragraph, the term ‘component’ means a locomotive apparatus, a wayside interface unit (including any associated legacy signal system replacement), back office system hardware, a base station radio, a wayside radio, or a locomotive.

(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 3548 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, 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 3548 of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary—

(A) to 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)(B).

(7) CONSTRAINT.—Each updated plan shall require that the railroad carrier or other entity subject to paragraph (1) will, not later than December 31, 2015—

(A) complete component installation and specify a date by which it will be installed;

(B) activate its positive train control system without undue delay;

(C) public availability.;

(8) 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 complete an updated plan 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 3548 of the Railroad Reform, Enhancement, and Efficiency Act. ."

(9) DEFINITIONS.—Section 20157(i) is amended by redesigning paragraphs (1) through (10) as paragraphs (2) through (5), respectively; and

(10) by inserting before paragraph (3), as redesignated by paragraph (9), 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. ."

(11) CONFORMING AMENDMENT.—Section 20157(g) is amended by adding at the end the following:

"(A) shall remove or revise any references to specified dates in the regulations or orders implementing this section to the extent necessary to conform to 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. ."

(1) SAVINGS PROVISIONS.—
(1) Submission 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 may accept 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 develop an agency regulation 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 railroad carrier’s or other entity’s positive train control system is interoperable, and operational on the railroad line in compliance with the positive train control requirements under section 20157(a) of title 49, United States Code, is certified by the Secretary under subsection (b) of such section and implemented on all of that railroad carrier’s or other entity’s lines required to have operations governed by a positive train control system, any railroad carrier or other entity shall not be subject to the positive train control system by the deadline under paragraph (1) of that section to be an addendum that makes amendments to the initial implementation plan.

(b) Interoperability Procedure.—If multiple railroad carriers operate on a single railroad line through a trackage or haulage agreement, each railroad carrier operating on the railroad line shall not be subject to the operating restrictions set forth in subparagraph (B) or subparagraph (C) of paragraph (3) of that section shall not be required to develop a new implementation plan.

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 in compliance with the positive train control requirements under section 20157(a) of title 49, United States Code, the National Cooperative Rail Research Program Board—

(1) to conduct a study of the possible effectiveness of positive train control 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 Science, Space, and Technology 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 "or the Secretary may . . ." before "in subsection (c)";

(2) in subsection (b)(2)(A)(ii), by inserting ". . . or the Secretary may . . ." before "in subsection (c)";

(3) in subsection (b)(2)(B), by inserting "or the Secretary may . . ." before ". . . the Secretary shall . . .";

(4) in subsection (c), by striking "and (e)", and inserting "(e), (F), and (G)";

(b) TRANSPORTATION PROJECTS.—Section 303 is amended—

(1) in subsection (c), by striking "subsections (d) and (e)" and inserting "subsections (d) and (g)";

(2) in subsection (d)(2)(A)(i), by inserting ". . . or the Secretary may . . ." before "in subsection (c)";

(3) in subsection (d)(2)(A)(ii), by inserting "or the Secretary may . . ." before "in subsection (c)";

(4) in subsection (d)(2)(B)(i), by inserting "or the Secretary may . . ." before "in subsection (c)";

(5) in subsection (d)(2)(B)(ii), by inserting ". . . or the Secretary may . . ." before "in subsection (c)";

(6) in subsection (d)(2)(B)(iii), by inserting "or the Secretary may . . ." before "in subsection (c)";

(7) in subsection (d)(2)(B)(iv), by inserting ". . . or the Secretary may . . ." before "in subsection (c)";

(8) in subsection (d)(2)(B)(v), by inserting "or the Secretary may . . ." before "in subsection (c)";

(9) in subsection (d)(2)(B)(vi), by inserting "or the Secretary may . . ." before "in subsection (c)";

SEC. 35503. EFFICIENT ENVIRONMENTAL REVIEW.

(a) In General.—Section 304 is amended—

(1) in the heading, by striking "for multimodal projects" and inserting "and in ceasing the efficiency of environmental review"; and

(2) by adding at the end the following:

"(c) Requirements.—The Department of Transportation shall apply the project development procedures, to the greatest extent feasible, described in section 319 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.)."

(b) Approvals and Regulations.—The Secretary of Transportation shall incorporate such project development procedures into the project approval regulations and procedures pertaining to rail projects.

SEC. 35504. ADVANCE ACQUISITION.

(a) In General.—Chapter 211 is amended by inserting after section 21405 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 an environmental review pursuant to any project receiving funding under subtitle V of title 49, United States Code, that may use such property for a project 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; and

(B) will not cause significant adverse environmental impact; and

(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.

The Secretary shall 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.

(b) Complies with applicable Federal law, including regulations; and

(f) will be acquired through negotiation and without the threat of condemnation; and

(g) will not result in the loss or reduction of benefits or assistance to a displaced person under the Uniform Relocation

SEC. 35505. RAIL AND TRANSIT IMPROVEMENTS.

The National Cooperative Rail Research Program Board shall apply the project development procedures, to the greatest extent feasible, described in section 319 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.)."

SEC. 35506. IMPROVEMENTS TO HISTORIC PLACES.

(a) Maintaining or Enhancing Security.—The Secretary of Transportation, in cooperation with the Secretary of the Interior, shall undertake a study of the potential for improving or enhancing the security of historic places by taking into consideration any avoidance, minimization, and mitigation or enhancements measures incorporated into the project or project after such historic site; and

(b) 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. 35507. ENVIRONMENTAL POLICY ACT OF 1969.

This subtitle may be cited as the "Rail Corridor Preservation Act".
SEC. 35601. ELIGIBLE APPLICANTS.
(a) S HORT 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 by reference is made 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 202 of (45 U.S.C. 822(a)) is amended—
(1) by redesigning paragraph (8) as paragraph (10); and
(2) by redesigning paragraphs (6) and (7) as paragraphs (8) and (9), respectively.

SEC. 35603. ELIGIBLE APPLICANTS.
Section 502(a) (45 U.S.C. 822(a)) is amended—
(1) in paragraph (5), by striking "one railroad" and inserting "the"; and
(2) by redesigning paragraph (6) as paragraph (7), respectively.

SEC. 35604. ELIGIBLE PURPOSES.
Section 502(b)(1) (45 U.S.C. 822(b)(1)) is amended—
(1) in subparagraph (A), by inserting "and costs related to these activities, including pre-construction costs" after "shops"; (2) in subparagraph (B), by striking "subparagraph (A)" and inserting "subparagraph (A) or (C)"; and
(3) in subparagraph (C), by striking the period at the end and inserting a semicolon;

SEC. 35605. PROGRAM ADMINISTRATION.
(a) APPLICATION PROCESSING PROCEDURES.—Section 502(1) (45 U.S.C. 822(1)) is amended to read as follows:

"(1) 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 notification of 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 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 paragraph (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) by redesigning subsection (a), by striking the period at the end and inserting ", including a program guide and standard term sheet and specific timetables.

"(2) by redesigning 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 "", including a program guide, and standard term sheet,

(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 (1), as redesignated, to read as follows:

"(1) CHARGES AND LOAN SERVICING.—

"(1) PURPOSES.—The Secretary may collect and spend from each applicant, obligor, or loan party a reasonable amount for charges and expenses relating to 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) dedicated services from expert firms, including counsel, and independent financial advisors to assist in the underwriting, auditing, servicing, and exercise of rights with respect to direct loans and loan guarantees; and

"(D) the cost of all other expenses incurred as a result of a breach of any term or condition of the direct loan or loan guarantee under this section, for an event of default on a direct loan or loan guarantee.

"(2) STANDARDS.—The Secretary may charge different amounts under this subsection for different costs incurred under paragraph (1).

"(3) SERVICER.—

"(A) IN GENERAL.—The Secretary may appoint a financial entity to assist the Secretary in serving a direct loan or loan guarantee.

"(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.—

"(A) Amounts collected under this subsection shall—

"(i) be credited directly to the Safety and Operations account of the Federal Railroad Administration;

"(ii) remain available until expended to pay for the costs described in this subsection.

SEC. 35606. LOAN TERMS AND REPAYMENT.

(a) PREREQUISITES FOR ASSISTANCE.—

Section 502(g)(1) (45 U.S.C. 822(g)(1)) is amended by striking "35 years from the date of its execution" and striking paragraphs (3) and (4) and inserting the following:

"(3) NONSUBORDINATION.—

"(A) IN GENERAL.—Except as provided in paragraph (2)(B), a direct loan shall not be subordinated to the claims of any holder of a mortgage or other interest in the project or property, except that the Secretary may determine that a servicer appointed under paragraph (3) of this subsection serves as an operating agent or a holder of an interest in the project in order to facilitate the development or improvement of the project. In determining whether a servicer is an operating agent or holder of an interest in the project, the Secretary shall consider whether the servicer will perform the functions of an operating agent or holder of an interest and the extent to which the servicer will participate in the development or improvement of the project.

"(B) LIMITATION.—The Secretary may impose limitations on the servicer's rights with respect to the project or property in order to facilitate the development or improvement of the project.

"(B) USE OF RELEVANT SERVICES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and direct loan and all deposits credited under the terms of any agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the direct loan without premium with the consent of the obligor.

"(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:

"(1) IN GENERAL.—The Secretary may not change the original terms and conditions of the secured loan without the prior written consent of the obligor.

"(D) 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 a mortgage or other interest in the project or property and any other dedicated revenues to secure the direct loan or loan guarantee.

"(2) CONSENT OF OBLIGOR.—In making a sale or reoffering of a direct loan or loan guarantee, the Secretary may require the obligor to release to the servicer the proceeds of any other dedicated revenue sources to secure the direct loan or loan guarantee, except that if the total amount of the direct loan or loan guarantee is greater than $75,000,000, the obligor shall have an investment-grade rating from at least 2 rating agencies on the direct loan or loan guarantee, and 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 appropriate are not available to the Secretary, or in combination with appropriated funds and loan guarantees, including costs of modifications thereof".

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: ""(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) in paragraph (2), by redesigning paragraphs (2) and (3) as paragraphs (3) and (2), respectively;

"(3) in paragraph (3), by inserting ""or chapter 27 of title 49 after ""section 135 of title 23"";

"(4) by redesigning paragraphs (4) through (8) as paragraphs (7) through (9), respectively, and by inserting after paragraph (5) the following:

"(6) improve railroad stations and passenger facilities and increase transit-oriented development; and

"(b) CONDITIONS OF ASSISTANCE.—

Section 502(b) (45 U.S.C. 822(b)) is amended—
(1) in paragraph (2), by inserting ‘‘. . . if applicable’’ after ‘‘project’’; and
(2) by adding at the end the following: ‘‘(4) For a project described in subsection (b) where the Secretary may require the applicant, obligor, or other loan party, in addition to the interest required under subsection (e), to provide the sponsor of the inland rail service or infrastructure, a fee or payment in an amount determined appropriate by the Secretary to provide an equitable share of project revenue to support the capital or operating costs of the routes serving the passenger rail station or multimodal station where the development is located.’’

SEC. 24001. 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 guaranty 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 term as if this Act were not enacted.

(b) Modifications.—At the discretion of the Secretary, the authority to accept modifications costs on behalf of an applicant under section 5302(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 guaranty 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 CHAP-
TERTER.
(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 multimodal freight strategy.
‘‘§5405. State freight advisory committees.
‘‘§5406. State freight plans.
‘‘§5407. Transportation investment planning and data tools.
‘‘§5408. 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 air facilities;

‘‘(B) any vehicles or equipment transporting goods on such infrastructure.

‘‘(4) NATIONAL HIGHWAY FREIGHT NET-
WORK.—The term ‘national highway freight network’ means the network established under section 167 of title 23.

‘‘(5) NATIONAL FREIGHT NETWORK.—The term ‘national multimodal freight network’ means the network established under section 5403.

‘‘(6) NATIONAL 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.

‘‘(c) TECHNICAL AND CONFORMING AMEND-
MENTS.—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:

‘‘§5401. 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) Strengthening the competitiveness of the national freight network to the economic competitiveness of the United States;

‘‘(B) Reduced 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;

‘‘(F) To improve the safety, security, efficiency, and resiliency of freight transportation in rural and urban areas;

‘‘(G) To improve the condition of the national freight network;

‘‘(H) To use advanced technology to improve the safety and efficiency of the national freight network;

‘‘(I) To incorporate concepts of performance, innovation, competition, and accountability into the operation and maintenance of the national freight network;

‘‘(J) To improve the efficiency and productivity of the national freight network.

‘‘(2) 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 Sec-
retary 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 con-
nections;

‘‘(6) designate the lead agency for multimodal freight projects;

‘‘(7) develop recommendations for State in-
creases 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 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 con-
solidated.’’

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 estab-
lish a national freight network, in accordance with this section—

‘‘(1) to assist States in strategically direct-
ing resources toward improved system performance for the efficient movement of freight on transportation networks;

‘‘(2) to inform freight transportation plan-
ing;

‘‘(3) to assist in the prioritization of Fed-
eral investment, and

‘‘(4) to assess and support Federal invest-
ments to achieve the national multimodal freight policy goals described in section 150(b) of this title.

‘‘(b) NETWORK COMPONENTS.—The nat-
ional multimodal freight network established under this section shall consist of all connectors, corridors, and facilities in all freight transportation modes that are the most crit-
ical 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 stakeholders, public and private transportation providers, metropolitan planning organizations, local governments, ports, airports, railroads, and States, through a public process to identify critical freight corridors and routes that are vital to the movement of freight, 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) improving network and intermodal connectivity; and

‘(B) using measurable data as part of the assessment for the significance of goods movement, including the consideration of points of origin, destination, and linking components of domestic and international supply chains.

‘(3) REQUIREMENTS FOR DESIGNATION.—A designation may be made under subsection (d) if—

‘(i) the primary freight network; or

‘(ii) an intermodal freight facility.

‘(B) provides access to service—

‘(1) a critical rural freight corridor;

‘(2) a public use or major freight transportation network and infrastructure; or

‘(3) a rural principal arterial roadway or facility; or

‘(4) a designated interstate or state highway; or

‘(5) a port, rail, pipeline, or airport facility; or

‘(6) a major freight route within a metropolitan planning organization.

‘(4) REDESIGNATION OF PRIMARY FREIGHT SYSTEM.—Beginning on the date that is 5 years after the date of enactment of the DRIVE Act, the Secretary shall—

‘(1) in the case of a primary freight system, establish a revised national freight strategic plan 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 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 for the significance of goods 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) improving network and intermodal connectivity; and

‘(B) using measurable data as part of the assessment for the significance of goods movement, including the consideration of points of origin, destination, and linking components of domestic and international supply chains.

‘(3) REQUIREMENTS FOR DESIGNATION.—A designation may be made under subsection (d) if—

‘(i) the primary freight network; or

‘(ii) an intermodal freight facility.

‘(B) provides access to service—

‘(1) a critical rural freight corridor;

‘(2) a public use or major freight transportation network and infrastructure; or

‘(3) a rural principal arterial roadway or facility; or

‘(4) a designated interstate or state highway; or

‘(5) a port, rail, pipeline, or airport facility; or

‘(6) a major freight route within a metropolitan planning organization.

‘(4) REDESIGNATION OF PRIMARY FREIGHT SYSTEM.—Beginning on the date that is 5 years after the date of enactment of the DRIVE Act, the Secretary shall—

‘(1) in the case of a primary freight system, establish a revised national freight strategic plan 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 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 for the significance of goods 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) improving network and intermodal connectivity; and

‘(B) using measurable data as part of the assessment for the significance of goods movement, including the consideration of points of origin, destination, and linking components of domestic and international supply chains.

‘(3) REQUIREMENTS FOR DESIGNATION.—A designation may be made under subsection (d) if—

‘(i) the primary freight network; or

‘(ii) an intermodal freight facility.

‘(B) provides access to service—

‘(1) a critical rural freight corridor;

‘(2) a public use or major freight transportation network and infrastructure; or

‘(3) a rural principal arterial roadway or facility; or

‘(4) a designated interstate or state highway; or

‘(5) a port, rail, pipeline, or airport facility; or

‘(6) a major freight route within a metropolitan planning organization.

‘(4) REDESIGNATION OF PRIMARY FREIGHT SYSTEM.—Beginning on the date that is 5 years after the date of enactment of the DRIVE Act, the Secretary shall—

‘(1) in the case of a primary freight system, establish a revised national freight strategic plan 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 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 for the significance of goods 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) improving network and intermodal connectivity; and

‘(B) using measurable data as part of the assessment for the significance of goods movement, including the consideration of points of origin, destination, and linking components of domestic and international supply chains.

‘(3) REQUIREMENTS FOR DESIGNATION.—A designation may be made under subsection (d) if—

‘(i) the primary freight network; or

‘(ii) an intermodal freight facility.

‘(B) provides access to service—

‘(1) a critical rural freight corridor;

‘(2) a public use or major freight transportation network and infrastructure; or

‘(3) a rural principal arterial roadway or facility; or

‘(4) a designated interstate or state highway; or

‘(5) a port, rail, pipeline, or airport facility; or

‘(6) a major freight route within a metropolitan planning organization.
and private sector freight stakeholders, including representatives of ports, third party logistics providers, shippers, carriers, freight-related associations, the freight industry, the transportation portion 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 of State (and regional) freight-related transportation projects; and

"(3) participate in the development of the freight plan of the State described in section 5406.

SEC. 42004. STATE FREIGHT PLANS.

Chapter 94 of subtitle III of title 49, United States Code (as amended by section 42003), 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 and long-range planning for freight mobility; and

"(b) PLAN CONTENTS.—A freight plan described in subsection (a) shall—

"(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 freight data gaps and deficiencies in data collection efforts that could reduce confidence in and utility of data, and any strategies to mitigate that data collection deficiency;

"(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 130(b) of title 23;

"(5) a description of how innovative technologies and strategies, including freight intelligent transportation systems, that improve the safety and efficiency of freight movement, were considered;

"(6) a description 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) FUNDING.—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. 5407. TRANSPORTATION INVESTMENT DATA COLLECTION TOOLS.

Chapter 545 of subtitle III of title 49, United States Code (as amended by section 42006), is amended by adding at the end the following:

"§ 167. National highway freight program

"(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 any identified data gaps and deficiencies and help improve forecasts of freight transportation demand.

"(b) CONSULTATION.—The Secretary shall consult with the State, and other stakeholders, to develop, improve, and implement the tools and collect the data described in subsection (a).

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 Administration (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 system for improved system performance for efficient movement of freight on highways;

"(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 network, including future Interstate System routes as of the date of enactment of the DRIVE Act.

"(4) 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.—

"(1) INITIAL 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 center-line miles, without regard to the connectivity of the primary highway freight system.

(2) Considerations—Each State, under the advice of the State freight advisory committee that increases the number of miles on the primary highway freight system under subparagraph (A) shall:

(i) 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

(ii) designate critical emerging freight routes.

(3) Formula.—The Administrator shall:

(A) 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.

(B) FORMULA.—The Administrator shall:

(i) consider nominations for the additional miles added under this subsection if the additional miles added under this subsection are

(ii) 500,000 20-foot equivalent units per year; or

(iii) 500,000 tons per year of bulk commodities;

(iv) provides access to—

(A) a grain facility;

(B) an agricultural facility;

(C) a mining facility;

(D) a forestry facility; or

(E) an intermodal facility;

(v) connects to an international port of entry;

(vi) provides access to significant air, rail, water, or other freight facilities in the State; or

(vii) is, in the determination of the State, vital to improving the efficient movement of freight of importance to the economy of the State.

(2) CERTIFICATION.—Each State or metropolitan planning organization that designates critical urban freight corridors may designate critical urban freight corridors.

(3) USE OF FUNDS.—A State may use 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) for projects on any component of the national highway freight network.

(5) ELIGIBILITY.—A State established a freight advisory committee in accordance with section 5405 of title 49 and developed a freight plan in accordance with section 5407 of title 49, except that the multimodal component of the plan may be incomplete before an obligation may be made under this section.

(6) ELIGIBILITY.—A State that is in effect.

(7) Review of Designation.—A designation may be modified under paragraphs (1) or (2) if the public road or

(8) REQUIREMENTS FOR DESIGNATION.—A designation may be made under paragraphs (1) or (2) if the public road or

(i) in an urbanized area, regardless of population; and

(ii) establishes 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) designates critical emerging freight routes.

(B) Considerations.—Each State, under the advice of the State freight advisory committee that increases the number of miles on the primary highway freight system under paragraph (A) shall:

(i) establish connections 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 designated under paragraph (1) and redesignate miles in a manner that is consistent with paragraph (2).

(2) Submission.—Each State, under the advice 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—

(1) the additional miles meet the requirements of subparagraph (A); and

(2) the additional miles added under this subsection meet the requirements of subparagraph (B).

(3) Critical Rural Freight Corridors.—A State may designate a public road within the borders of the State as a critical rural freight corridor if the public road—

(i) is a rural principal arterial roadway and has a minimum of 25 percent of the annual average daily truck traffic measured in passenger vehicle equivalent units from trucks (Federal Highway Administration vehicle class 8 to 13); and

(ii) provides new energy exploration, development, installation, or production areas;

(iii) connects the primary highway freight system, as designated under paragraph (1), 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;

(iv) provides access to—

(A) a grain facility;

(B) an agricultural facility;

(C) a mining facility;

(D) a forestry facility; or

(E) an intermodal facility;

(v) connects to an international port of entry;

(vi) provides access to significant air, rail, water, or other freight facilities in the State; or

(vii) is, in the determination of the State, vital to improving the efficient movement of freight of importance to the economy of the State.

(2) Certification.—Each State or metropolitan planning organization that designates a critical urban freight corridor may designate critical rural freight corridors.

(3) Critical Urban Freight Corridors.—A State may designate as part of the primary highway freight system a critical urban freight corridor if the critical urban freight corridor—

(i) is an urbanized area with a population of 50,000 or more;

(ii) serves a major freight generator, logistics 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.

(4) Designation and Certification.—Each State or metropolitan planning organization that designates a corridor under subsection (e) or (f) and submit the designated corridors to the Administrator on a rolling basis.

(5) Use of Apportioned Funds.—(A) 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.

(B) FORMULA.—The Administrator shall:

(i) consider nominations for the additional miles added under this subsection if the additional miles added under this subsection are

(ii) 500,000 20-foot equivalent units per year; or

(iii) 500,000 tons per year of bulk commodities;

(iv) provides access to—

(A) a grain facility;

(B) an agricultural facility;

(C) a mining facility;

(D) a forestry facility; or

(E) an intermodal facility;

(v) connects to an international port of entry;

(vi) provides access to significant air, rail, water, or other freight facilities in the State; or

(vii) is, in the determination of the State, vital to improving the efficient movement of freight of importance to the economy of the State.

(2) CERTIFICATION.—Each State or metropolitan planning organization that designates a corridor under subsection (e) or (f) shall certify that the designated corridor meets the requirements of the applicable subsection.

(6) Federal 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:

(i) compile the conditions and performance of the national highway freight network in the United States;

(ii) publish the report to Congress; and

(iii) provide an alternative highway option in the report.
“(i) within the boundaries of public and private freight rail, water facilities (including ports), and intermodal facilities; and
“(ii) that provide surface transportation infrastructure facilities direct intermodal interchange, transfer, and access into and out of the facility.

(C) ELIGIBLE PROJECTS.—Funds appropriated under section 104(b)(4) 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 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, 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 will increase truck freight efficiency outside the boundaries of intermodal facilities.
“(xix) Additional road capacity to address highway bottleneck areas.
“(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 subparagraphs (i) and (ii).

(D) OTHER ELIGIBLE COSTS.—In addition to the eligible projects identified in paragraph (b), a State may fund projects 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 158.

(E) INCLUSIONS OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

(F) STATE PERFORMANCE TARGETS.—If the Administrator determines that a State has not met the targets under paragraph (c)(5)(I) of section 104 or for meeting the performance targets related to freight movement of the State established under section 134(b) by the date that is 2 years after the date of the establishment of the performance targets, until the date on which the Administrator determines that the State has made significant progress towards meeting the performance targets, the State shall submit to the Administrator, on a biennial basis, a freight 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.

(G) 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;
“(2) an evaluation of multimodal freight projects included in the State freight plans, or otherwise identified by States, that are subject to the funding for such projects under section 150;
“(3) a study of freight projects identified in State freight plans under section 5406 of title 49;
“(4) a description of the actions the State will undertake to meet the performance targets related to freight movement of the State.

(H) INTELLIGENT FREIGHT TRANSPORTATION SYSTEMS.—(1) DEFINITION OF INTELLIGENT FREIGHT TRANSPORTATION SYSTEM.—In this section, the term ‘intelligent freight transportation systems’ 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;
“(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
“(C) an electronic system designed to convey freight or improve existing freight movements.

(I) LOCATION.—An intelligent freight transportation system shall be located—
“(1) within the boundaries of public and private freight rail, water facilities (including ports), and intermodal facilities; and
“(2) in a manner that connects ports-of-entry to Federal-aid highways; and
“(3) in proximity to, or within, an existing right-of-way on a Federal-aid highway.

(J) OPERATING STANDARDS.—The Administrator shall determine the need for establishing operating standards for intelligent freight transportation systems.

(K) STUDY OF MULTIMODAL PROJECTS.—A study of multimodal projects shall be carried out and published under this section.

(L) TREATMENT OF FREIGHT PROJECTS.—Nothing in this division or the amendments made by this division shall be treated as if the project were on a Federal-aid highway.

(M) APPLICABILITY OF PLANNING REQUIREMENTS.—(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.”.

(N) 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.”.

(O) CONFORMING AMENDMENTS.—(1) Sections 1116, 1117, and 1118 of MAP–21 (23 U.S.C. 137 note; Public Law 112–141) are repealed.

SEC. 43002. SAVINGS PROVISION.

Nothing in this division or the amendments made by this division provides additional authority to regulate or direct private activity on freight networks designated by the amendments made by this division.

TITLE XLIV—GRANTS

SEC. 44001. PURPOSE; DEFINITIONS; ADMINISTRATION.

(a) IN GENERAL.—The purpose of the grants programs established under this section is to assist in funding critical high-cost transportation infrastructure projects that are difficult to complete with existing Federal, State, local, and private funds; and
“(B) achievement of national or regional economic benefits and an increase in the global economic competitiveness of the United States;
“(C) reduction of congestion and the impacts of congestion;
“(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 grants 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 cabinet-level or a regional government (or a group of regional governments); or
“(D) a tribal government (or a consortium of tribal governments);
“(E) a transit agency (or a group of transit agencies);
“(F) a special purpose district or a public authority with a transportation function;
“(G) a port authority (or a group of port authorities);
“(H) a political subdivision of a State or local government; or
“(I) a Federal land management agency, jointly with the applicable State; or
“(J) 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 deems necessary, including the total amount of the grant requested.
SECTION 44002. GRANTS.

(1) GRANT SOLICITATIONS.—The Administrator shall solicit applications 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.

(3) CRITERIA FOR PROJECT EVALUATION AND SELECTION.—

(A) In general.—The Administrator may select a project for funding under this section only if the Administrator determines that the project—

(1) is consistent with the national goals described in section 150(b);

(2) will significantly improve the performance of the national surface transportation network, nationally or regionally;

(3) is based on the results of preliminary engineering;

(4) is consistent with the long-range statewide transportation plan;

(5) can be readily and efficiently completed without Federal financial assistance;

(6) is justified based on the project's expected result; and

(7) generation of national economic benefits that reasonably exceed the costs of the project;

(B) ELIGIBLE PROJECT.—

(1) In general.—The term ‘eligible project’ means a project that meets all of the requirements described in subparagraphs (A) through (G).

(2) Definition.—The term ‘eligible project’ means a project that—

(A) is a capital project that is eligible for Federal financial assistance under—

(B)chapter 53 of title 49; and

(C) is consistent with the national goals described in section 150(b).

(D) CONSTRUCTION.—

(1) construction, reconstruction, rehabilitation, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, acquisition of equipment directly related to improving system performance, and operational improvements.

(E) ELIGIBLE PROJECT COSTS.—The term ‘eligible project costs’ means the costs of—

(1) development phase activities, including planning analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

(2) construction, reconstruction, rehabilitation, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, acquisition of equipment directly related to improving system performance, and operational improvements.

(F) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program in accordance with this section to provide grants for projects that have a significant impact on a region or the Nation.

(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 for eligible projects located in rural areas or in rural States; and

(B) subject to paragraph (1).

(3) LIMITATION OF PROJECTS.—Not more than 20 percent of the funds made available for a fiscal year to carry out this section shall be awarded to projects eligible under section 167(d)(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.

(C) 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 section 602 with respect to the project for which the grant was awarded.

(D) GRANT REQUIREMENTS.—

(1) IN GENERAL.—The Administrator shall take into account the requirements of section 44001 of the DRIVE Act.

(2) DETERMINATION OF APPLICABLE MODAL REQUIREMENTS.—The programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 401 and 133.
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) REPORT.—

"(1) IN GENERAL.—The Administrator shall provide an annual report as described in section 4001 of the DRIVE Act.

"(2) COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct an assessment as described in section 4001 of the DRIVE Act.

"(l) FREIGHT PROJECTS.—Chapter 54 of subtitle III of title 49, United States Code, as amended by section 42004, is amended by adding after section 45001 the following:

"85408. 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) ELIGIBILITY FOR FREIGHT PROJECTS.—Chapter 54 of subtitle III of title 49, United States Code, as amended by section 42004, is amended by adding after section 45001 the following:

"(1) IN GENERAL.—A project is eligible for a grant under this section if the project—

"(A) is consistent with the goals described in paragraphs (C) and (D) of section 44001 of the DRIVE Act.

"(B) gives priority to projects that require a contribution of non-Federal funds, including evidence of non-Federal funding, including impacts on a regional and statewide transportation plan;

"(C) is eligible under chapter 53;

"(D) is consistent with the long-range freight infrastructure projects to improve the flow of freight or reduces bottlenecks in the freight infrastructure of the United States; and

"(E) incorporates innovative project delivery and financing to the maximum extent practicable;

"(F) improves freight facilities vital to agricultural or national energy security;

"(G) improves or upgrades current or designated future Interstate System routes;

"(ii) reduces congestion caused by rapid population growth on freight corridors.

"(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/terminal/transload facility, or

"(v) a highway/rail intermodal facility:

"(B) a public transportation project that reduces congestion on freight corridors and is eligible under chapter 53;

"(C) a freight rail transportation project (including rail-grade separations); and

"(D) a transportation project (including inland port infrastructure).

"(3) ADMINISTRATION OF FUNDS.—Amounts appropriated pursuant to this section shall be available for obligation until expended.

"(4) REQUIREMENTS.—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;

"(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 ensure that 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.

"(8) CONSULTATION.—The Secretary shall consult with the Secretary of Energy when considering projects that facilitate the movement of energy resources.

"(9) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated from the general fund of the Treasury $20,000,000,000 for each of fiscal years 2016 through 2021 to carry out this section.

"(2) ADMINISTRATIVE AND OVERTSIGHT 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 Appropriations 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.

"(i) 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.
(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986, as amended by division G is amended—

(1) by striking “October 1, 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 “DRIVE Act”,

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of the Internal Revenue Code of 1986, as amended by division G is amended—

(1) by striking “October 1, 2015” each place it appears and inserting “October 1, 2021”, and

(2) by striking “September 30, 2015” 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”.

(ii) Motorboat and small-engine fuel tax transfers.—

(A) IN GENERAL.—Paragraphs (3)(A)(i) and (4)(A) of section 9508 of such Code are each amended by—

(1) by striking “October 1, 2016” and inserting “October 1, 2023”,

(B) Conforming amendments to land and water conservation fund.—Section 205310 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”,

(1) EFFECTIVE DATE.—The amendments made by this subsection 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 9505 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (7) as paragraph (8), and by inserting after paragraph (6) the following new paragraph:

“(7) FURTHER TRANSFERS TO TRUST FUND.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

(A) $35,541,000,000 to the Highway Account (as defined in subsection (e)(5)(B) in the Highway Trust Fund;

(B) $10,679,470,000 to the Mass Transit Account in the Highway Trust Fund.”.

SEC. 51202. TRANSFER TO HIGHWAY TRUST FUND OF CERTAIN MOTOR VEHICLE SAFETY PENALTIES.

(a) IN GENERAL.—Paragraph (5) of section 9508(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’ 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 subsection shall apply to amounts collected after the date of the enactment of this Act.

TITLE LI—OFFSETS


SEC. 52101. CONSISTENT BASIS REPORTING BETWEEN ESTATE AND PERSON ACQUIRING PROPERTY FROM DECEASED.

(a) PROPERTY ACQUIRED FROM A DECEASED.—Section 1041 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(f) BASIS MUST BE CONSISTENT WITH ESTATE TAX.—

(I) IN GENERAL.—The basis under subsection (a) of any applicable property shall not exceed the final value of such property, such value.

(II) purposes of the tax imposed by chapter 11 on the estate of such decedent, such value, and

(III) in the case of applicable property not described in subparagraph (A) with respect to which a transfer is made by the decedent, such value.

(3) APPLICABLE PROPERTY.—For purposes of paragraph (1), the term ‘applicable property’ means any property the inclusion of which in the decedent’s estate increased the liability for the tax imposed by chapter 11 on such estate. Such term shall not include any property of an estate if the liability for such tax does not exceed the credits allowable against such tax.

(4) DETERMINATION.—For purposes of paragraph (1), the basis of property has been determined for purposes of the tax imposed by chapter 11 if—

(A) the value of such property is shown on a return under section 6018 and such value is not contested by the Secretary before the expiration of the time for assessing a tax under chapter 11, and

(B) in a case not described in subparagraph (A), the value is specified by the Secretary and such value is not timely contested by the executor of the estate.

(C) the value is determined by a court or pursuant to a settlement agreement with the Secretary.

(5) REGULATIONS.—The Secretary may by regulations provide for exceptions to the application of this subsection.

(b) INFORMATION REPORTING.—Subpart A of part III of chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after section 6014A the following new section:

“SEC. 6015. BASIS INFORMATION TO PERSONS ACQUIRING PROPERTY FROM DECEASED.

(a) INFORMATION WITH RESPECT TO PROPERTY ACQUIRED FROM DECEASED.—

(I) IN GENERAL.—The executor of any estate required to file a return under section 6018 shall furnish to the Secretary and to each person acquiring any interest in property included in the decedent’s gross estate for Federal estate tax purposes a statement identifying the information described in subparagraph (A) and the basis as reported on such return and such other information with respect to such interest as the Secretary may prescribe.

(II) STATEMENTS BY HUSBANDS AND WIVES.—Each person required to file a return under section 6018 shall furnish to the Secretary and to each other person who holds a legal or beneficial interest in the property to which such return relates a statement identifying the information described in paragraph (1).

(III) TIME FOR FURNISHING STATEMENT.—

(A) IN GENERAL.—Each statement required to be furnished under paragraph (1) or (2) shall be furnished at such time as the Secretary may prescribe, but in no case at a time later than the earlier of—

(i) the date which is 30 days after the date on which the return under section 6018 was required to be filed (including extensions, if any), or

(ii) the date which is 30 days after the date such return is filed.

(B) ADJUSTMENTS.—In any case in which there is an adjustment to the information required to be included on a statement filed under paragraph (1) or (2) such statement has been filed, a supplemental statement relating to such paragraph shall be filed not later than the date which is 30 days after such adjustment is made.

(C) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section, including regulations relating to—

SUBTITLE A—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—

(T) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 205310 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”,

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2015.
“(1) the application of this section to property with regard to which no estate tax return is required to be filed, and

(2) situations in which the surviving joint tenant of other property may have better information than the executor regarding the basis or fair market value of the property.”.

(2) PENALTY FOR FAILURE TO FILE.—

(A) IN GENERAL.—Section 6662(d)(2) of such Code is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “and”, and by adding at the end the following new subparagraph:

“(D) any statement required to be filed with the Secretary under section 6035.

(3) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter C of chapter 61 of such Code is amended by inserting after the item relating to section 6662 the following new item:

“SEC. 6663. BASIS INFORMATION TO PERSONS ACQUIRING PROPERTY FROM DECEDENT.

(c) PENALTY FOR INCONSISTENT REPORTING.—

(1) IN GENERAL.—Subsection (b) of section 6662 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (7) the following new paragraph:

“(8) Any inconsistent estate basis.”.

(2) INCONSISTENT ESTATE BASIS REPORTING.—Section 6662 of such Code is amended by adding at the end the following new subsection:

“(k) INCONSISTENT ESTATE BASIS REPORTING.—In this section, there is an ‘inconsistent estate basis’ if the basis of property claimed on a return exceeds the basis as determined under section 1014(f).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property with respect to which an estate tax return is filed after the date of the enactment of this Act.

SEC. 52102. REVOCAITON 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. REVOCAITON OR DENIAL OF PASSPORT IN CASE OF CERTAIN UNPAID TAXES.

“(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 suspension 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 6321 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 under 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 6101, 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 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 delinquent debt.

(c) AUTHORITY FOR INFORMATION SHARING.—

(1) IN GENERAL.—Subsection (b) of section 6103 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(2) Disclosure of return information to Department of State for purposes of passport revocation under section 7345.—

“(A) In general.—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 described 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.

(d) CONFORMING AMENDMENT.—Paragraph (4) of section 6109(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)”.

(e) AUTHORITY TO DENY OR REVOCATE PASSPORT.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving a certification described in section 7345, 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 subparagraph (A).

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1) if such individual fails to meet the standards prescribed in such paragraph.

(B) E XCEPTIONS.—In general.—Notwithstanding subsection (A), the Secretary of State may issue a passport if—

(1) limit a previously issued passport only for return travel to the United States; or

(2) issue a limited passport that only permits return travel to the United States.

(C) HOLD HARMLESS.—The Secretary of the Treasury may grant a hold harmless with respect to a certification by the Commissioner of Internal Revenue under section 7345 of the Internal Revenue Code of 1986.

(D) revocation or denial of passport in case of individual without social security number.—In general.—The Secretary of State is authorized to deny such application and is authorized to not issue a passport to the individual.

(E) 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).

(F) EFFECTIVE DATE.—The provisions of, and amendments made by, this section shall take effect on January 1, 2016.
“(E) the address of the property securing such mortgage.

“(F) the date of the origination of such mortgage,

and

(b) FORMER STATEMENTS.—Subsection (d) of section 6502 of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “and”, and by inserting after paragraph (2) the following new paragraph:

“(3) the information required to be included on the return under subparagraphs (D), (E), and (F) of subsection (b)(2)."

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply to returns and statements due on or before the 31st day of the calendar year, and such returns made on the basis of the fiscal year beginning after December 31, 2015, shall be due on or before the 15th day of the third month following the close of the calendar year.

(2) CONFORMING AMENDMENT.—Section 6072(a) of such Code is amended by striking “21⁄2” each place it appears in paragraphs (I) and (II)."
by subsection (a), is amended by redesignating subsections (d) through (g) as subsections (e) through (h), respectively, and by inserting after subsection (c) the following new subsection:

“(d) Certain Tax Receivables Not Eligible for Collection Under Qualified Tax Collection Contracts.—A tax receivable shall not be eligible for collection 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) a member of a 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.

“(e) 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) as subsection (i) and by inserting after subsection (c) the following new subsection:

“(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 (i) as subsection (j) and by inserting after subsection (k) the following new paragraph:

“(1) Qualifying Tax Collection Contractors.— Persons providing services pursuant to a qualified tax collection contract under subsection 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 this 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, without obligation. This paragraph shall be made only in situations and under such conditions as have been approved by the Secretary.

“(2) Procedures Using 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(h)(3)) may request—

“(1) relief from immediate collection measures by contractors under this section, and

“(2) a return of the inventory of this type of tax receivable due to the inventory of the Internal Revenue Service to be collected by an employee thereof.

“(3) 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 Act), 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 fees, 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 section)—

“(A) an independent evaluation of contractor performance, and

“(B) a measurement plan that includes a comparison of the techniques used by the private collectors to the collection techniques used by the Internal Revenue Service and mechanisms to identify and capture information on 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).

“(3) 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 making payments under this section, the Secretary shall utilize private collectors to the collection techniques used by the Internal Revenue Service, and mechanisms to identify and capture information on collection techniques used by the contractors that could be adopted by the Internal Revenue Service.

“(d) Disclosure of Return Information.—Section 6109(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(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 this section, and no funds from such account shall be expended for the hiring of any personnel other than special compliance personnel.

“(e) Payments by Contractors.—(1) Taxpayers of the Internal Revenue Service and debt collection centers are appropriate to carry out the purposes of this section.

“(f) Disclosure of Return Information.—Section 6109(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(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 this section, and no funds from such account shall be expended for the hiring of any personnel other than special compliance personnel.

“(g) Payments by Contractors.—(1) Information collected by contractors under this section, the Secretary shall utilize private collectors to the collection techniques used by the Internal Revenue Service, and mechanisms to identify and capture information on 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).

“(3) 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 making payments under this section, the Secretary shall utilize private collectors to the collection techniques used by the Internal Revenue Service, and mechanisms to identify and capture information on collection techniques used by the contractors that could be adopted by the Internal Revenue Service.

“(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 perform functions under an electronic filing 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 this section, including special compliance personnel; and

“(B) direct overhead costs, salaries, benefits, and employment taxes relating to support staff, rental payments, office equipment and supplies, vehicle costs, utilities, telecommunications, postage, printing and reproduction, supplies and materials, lands and structures, and claims, and payments 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 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. —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.

SEC. 52108. TRANSFERS OF EXCESS PENSION ASSETS TO RETIREE HEALTH ACCOUNTS.

(a) IN GENERAL.—Section 420(b)(4) of the Internal Revenue Code of 1986 is amended by striking "December 31, 2021" and inserting "December 31, 2025."

(b) CONFORMING ERISA AMENDMENTS.—

(1) Sections 101(e)(3), 403(c)(1), and 408(b)(13)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1012(e)(3), 1103(c)(1), 1108(b)(13)) are each amended by striking "MAP-21" and inserting "DRIV Act."

(2) Section 408(b)(13) of such Act (29 U.S.C. 1108(b)(13)) is amended by striking "January 1, 2022" and inserting "January 1, 2026."

Subtitle B—Fees and Receipts

SEC. 52201. EXTENSION OF DEPOSITS OF SECURITY SERVICE FEES IN THE GENERAL FUND.

Section 44940(i)(4) of title 49, United States Code, is amended by adding at the end the following:

"(K) $1,750,000,000 for each of fiscal years 2021 and 2023.".

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:

"(1) 1990 DRAFTWRIGHT 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), 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), and (9) of subsection (b), the Secretary shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and

(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) DRAFTWRIGHT CUSTOMS USER FEES ACCOUNT.—Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended—

(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 (1))"; and

(2) in paragraph (3)(A), in the matter preceding clause (1)—

(A) by striking "fees collected and inserting "amount of fees collected"; and

(B) by striking "such fees under paragraphs (2), (3), (5), (6), and", inserting "", and determined without regard to any adjustment made under subsection (1), each appropriation";

(c) CONFORMING AMENDMENTS.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended by adding after subsection (a) and the limitations on programs under subsection (b), the following new paragraph:

"(5) by striking "the amount of fees collected under subsection (a)" and in-
(C) by striking “place from which the person has fled” and inserting “jurisdiction issuing the warrant”; and
(D) by inserting “, and a Federal, State, or local law enforcement agency has notified the Commissioner that such agency intends to pursue the arrest, extradition, or prosecution of the individual after “the actual sentence imposed.”

(2) PROBATION AND PAROLE WARRANT REQUIREMENT.—Section 804(a)(3) of the Social Security Act (42 U.S.C. 1304(a)(3)) is amended to read as follows:

“(3) during any part of which the individual is the subject of an arrest warrant for violating a condition of probation or parole imposed under Federal or State law (other than section 6102 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal or State law enforcement officer, upon written request of the officer, with the current address, Social Security number, and photograph (if applicable) of any individual who is a recipient of (or would be such a recipient but for the application of paragraph (4)(A)); and

(B) by striking “the recipient” each place it appears and inserting “individual”

(3) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to persons whose probation or parole is revoked on or after the date that is 180 days following the date of enactment of this section.

DIVISION F—MISCELLANEOUS TITLE XVI FEDERAL PERMITTING IMPROVEMENT

SEC. 61001. DEFINITIONS.

In this title:

(1) AGENCY.—The term “agency” has the meaning given in section 551 of title 5, United States Code.

(2) AGENCY CERPO.—The term “agency CERPO” means the chief environmental review, permitting, and facilitating agency of an agency that is the subject of an arrest warrant for violation of a condition of probation or parole.

(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 construct, 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 in section 1506.1 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 renewal 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) is subject to NEPA; and

(ii) is likely to require a total investment of more than $200,000,000; and

(iii) does not qualify for categorical exclusion or for preparing an environmental assessment, environmental impact statement, or other document required under NEPA.

(7) DASHBOARD.—The term “Dashboard” means the Permitting Dashboard required under section 61002(b).

(8) ENVIRONMENTAL ASSESSMENT.—The term “environmental assessment” means a concise public document for which a Federal agency is required under section 1398(a) 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, notification, determination of no significant impact statement, or record of decision.

(B) INCLUSIONS.—The term “environmental document” includes any document that is a supplement to a document described in subparagraph (A); and

(i) 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 1397(c)(1).

(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 61002(b)(1)(A).

(14) INVENTORY.—The term “inventory” means the inventory of covered projects established by the Executive Director under section 61002(b)(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 6103.

(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) serve as Chair of the Council.

(2) COUNCIL MEMBERS.—

(A) IN GENERAL.—Consistent with guidance provided by the Director of the Office of Management and Budget, each individual listed in subparagraph (B) shall designate one or more appropriate members of the agency in which the individual serves to serve on the Council.

(3) 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.

(4) QUALIFICATIONS.—Each councilmember described in clause (1) 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 one or more appropriate members of the agency in which the individual serves to serve as an agency CERPO.

(II) INCLUSION.—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.
(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 the Treasury.
(vi) The Secretary of Transportation.
(vii) The Secretary of Defense.
(viii) The Administrator of the Environmental Protection Agency.
(x) The Chairman of the Nuclear Regulatory Commission.
(xi) The Secretary of Homeland Security.
(xii) The Secretary of Housing and Urban Development.
(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 Administrator 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) categorize the projects in the inventory as appropriate, based on sector and project type; and

(iii) for each category, identify the types of environmental reviews and authorizations most commonly involved; and

(iv) add a covered project to the inventory after receiving a notice described in section 61005.

(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 in the inventory on the Dashboard in an easily accessible format.

(C) PERFORMANCE SCHEDULES.—

(i) 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 that include 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 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 10 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 subsection (b)(2)(A) 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 specified in the performance schedule, unless the agency provides, in writing, to the Executive Director, in consultation with the Council, and prior to the issuance of an agency decision on an environmental review or authorization (including any hearing that an agency holds on the matter) in the possession of the agency, a specific reason why the decision cannot be made within 180 days of the date specified in the performance schedule.

(dd) REVIEW AND REVISION.—Not later than 2 years after the date on which the performance schedules are established under this subparagraph, and once every 2 years thereafter, the Executive Director, in consultation with the Council, shall review and revise the performance schedules.

(E) 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). 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, including through the development of performance schedules, to effectuate the adoption by agencies of the best practices and recommendations of the Council described in paragraph (2)

(vii) increasing transparency;

(viii) reducing information collection requirements and other administrative burdens on agencies, project sponsors, and other interested parties;

(ix) developing and making available to applicants appropriate geographic information systems and environmental review technology and geographic information systems authorities, including by implementing guidance issued as necessary for agencies, to the extent consistent with existing laws; and

(x) review and develop training programs for agency staff that support and conduct environmental reviews or authorizations.

(b) 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 61005(b)(2)(A) 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) concise descriptions, including the general location of the proposed project and a summary of geospatial information, if available, illustrating the project area and the proposed activities, including for environmental, cultural, and historic resources;

(iii) a statement regarding the technical and financial ability of the project sponsor to implement 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 receives a notice described in clause (i) of subparagraph (1), the facilitating agency or lead agency, as applicable, shall—

(I) identify all Federal and non-Federal 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, for the purposes described in section 61005(b)(3).

(B) CERFOS.—An agency CERFO shall—

(i) advise the respective agency councilmember on matters related to environmental reviews and authorizations related to the proposed project, and make recommendations to the respective agency councilmember for ways to standardize, simplify, and improve the efficiency of the processes, policies, and authorities, including best practices, including the use of information technology and geographic information systems tools within 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 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 it does not wish to be specified as a participating agency.

(i) No jurisdiction or authority with respect to the proposed project; or

(ii) Does not intend to exercise authority related to or to 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 has 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) Resignation of facilitating agency.—If the lead agency assumes the responsibilities of the facilitating agency under subparagraph (A), the facilitating agency may designates itself as a cooperating 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 an agency should be placed in a different category under section 6107(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) Permitting dashboard to be maintained.—

(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 6102(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 described in section 6102(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 a covered project, the project sponsor may submit a further explanation as to why the project is not 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 the extent consistent with applicable law—

(I) the notification submitted under subsection (a)(1);

(II) if practicable, the action 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 that materially affects the status of a covered project;

(IV) any significant document that supports the action or decision described in clause (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.

(c) Permitting timetable for 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; and

(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).

(d) 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 action under this title, 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 discussion of environmental avoidance, minimization, and mitigation strategies, if required by applicable law and known.

(iv) A schedule and a plan 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 described under paragraph (1), the facilitating or lead agency, as applicable, in consultation with each cooperating and participating agency, the President, and any State in which the project is located, shall establish a permitting timetable that includes immediate and final completion dates for action by each 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 6102(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 processed and completed within or similar procedures under State law.

(D) Dispute resolution.—

(1) In general.—The Executive Director, in consultation with appropriate agencies, CERPs, 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 paragraph (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, has a reasonable basis to doubt the continuing technical or financial ability of the project sponsor to complete the covered project.

(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 timetable.—

(i) In general.—Each Federal agency shall conform to the completion dates set forth in the permit timetables for the project with any completion date modified under subparagraph (D).

(ii) Failure to conform.—If a Federal agency fails to conform with a completion date established under subparagraph (A) or a covered project 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) State authority of covered project.—

(i) In general.—If the facilitating or lead agency, as applicable, has a reasonable basis to doubt the technical or financial ability of the project sponsor to construct the covered project, the facilitating or lead agency may request 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, may notify the project sponsor, 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 complete the project.

(H) Cooperating state, local, or tribal governments.—

(A) State authority of the Federal environmental review process established 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) Cooperation.—To the maximum extent practicable under applicable law, the facilitating or lead agency, as applicable, shall provide a proposal for an alternative completion date; and

(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 required under NEPA shall be included in a memorandum of understanding.

(ii) Submission to Executive Director.—The coordinating plan shall be submitted to the Executive Director for publication on the Dashboard an memorandum of understanding described in clause (I).

(iii) Coordination.—The facilitating or lead agency, as applicable, shall provide the environmental review required to be prepared 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

(iv) Public availability.—To the maximum extent practicable, 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 lead agency determines that the documentation were, as determined by the lead agency in consultation with the participating agencies, required under NEPA.

(ii) Notice to lead agency.—To the maximum extent practicable under applicable law, the facilitating or lead agency, as applicable, may provide notice to the lead agency of opportunities for public participation and consideration of alternatives and potential 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.

(iii) Use of documents.—The Council on Environmental Quality may issue guidance to carry out this subsection.

(B) NEPA obligations.—An environmental document adopted under subparagraph (A) or any part of that information 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 by reference and use of documents described in subparagraph (A), the lead agency shall supplement and publish a supplemental document if the lead agency determines that the period after completion of the analysis and documentation and before the adoption or incorporation—

(i) a significant change has been made to the project, or

(ii) to ensure compliance with any requirements of environmental review of the project; or

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 intergovernmental agencies to facilitate authorization and review of covered projects, under State law or in the exercise of delegated 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 purposes of this section, 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) adopt and apply administrative, policy, and procedural mechanisms to enable the agency to ensure the timely 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 lead agency determines that the documentation were, as determined by the lead agency in consultation with the participating agencies, required under NEPA.
(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. The lead agency shall, within 60 days after publication, provide a response to the public on the supplemental document, 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, the lead agency shall determine the range of reasonable alternatives to be considered for a covered project.

(2) RANGE OF ALTERNATIVES.—

(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 impacts of the covered project, including any issues that could substantially delay or prevent completion of any environmental review or authorization required for the project; and

(B) SOURCES OF INFORMATION.—The information described in subparagraph (A) may be based on existing data sources, including geographic information systems mapping.

(3) METHODOLOGIES.—Each cooperating and participating agency shall make information available to each cooperating and participating agency and project sponsor to develop a methodology referred to in subparagraph (A) when conducting any required environmental review, to the extent consistent with existing law.

(4) 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 criteria 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 after publication of a draft 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).

(e) ALTERNATIVES ANALYSIS.—

(1) PARTICIPATION.—As early as practicable during the environmental review, but not later than the commencement of scoping for a project, the lead agency shall determine the range of reasonable alternatives to be considered for a covered project.

(2) RANGE OF ALTERNATIVES.—

(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 for the project.

(B) SOURCES OF INFORMATION.—The information described in subparagraph (A) may be based on existing data sources, including geographic information systems mapping.

(3) METHODOLOGIES.—Each cooperating and participating agency shall provide any issues of concern to the lead agency, the project sponsor, and any cooperating agency when conducting any required environmental review, to the extent consistent with existing law.

(4) 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 criteria 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.

(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 or in conjunction with the Federal agency, the Federal agency may authorize the State to carry out the statute—

(1) on publication by the Council of best practices for such a delegation; or

(2) at any time, if the Council of best practices determines that it is necessary or appropriate to do so.

(b) LEAD AGENCY RESPONSIBILITIES.—Each cooperating and participating agency shall—

(1) 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 completion of any environmental review or authorization required for the project; and

(2) communicate any issues described in subparagraph (A) to the project sponsor.

(c) LEAD AGENCY RESPONSIBILITIES.—Each cooperating and participating agency shall—

(1) 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 completion of any environmental review or authorization required for the project; and

(2) communicate any issues described in subparagraph (A) to the project sponsor.

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 finding of no significance, 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) OTHER REVIEW AND COMMENT PERIODS.—

(A) IN GENERAL.—The lead agency or a cooperating 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 that action is 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.

(c) 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.

(d) 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 specified in this section, the court shall consider whether the person seeking injunctive relief has standing to enforce the Federal law under which the action is brought.

(e) INFORMATION RECEIVED AFTER THE CLOSE OF A COMMENT PERIOD.—Nothing in this section limits, modifies, or authorizes a State to take any step to carry out the applicable permit program to reflect the best practices described in section 61002(c)(2)(B), as applicable.

(f) 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 finding of no significance, 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) OTHER REVIEW AND COMMENT PERIODS.—

(A) IN GENERAL.—The lead agency or a cooperating 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 that action is 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.

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(e) INFORMATION RECEIVED AFTER THE CLOSE OF A COMMENT PERIOD.—Nothing in this section limits, modifies, or authorizes a State to take any step to carry out the applicable permit program to reflect the best practices described in section 61002(c)(2)(B), as applicable.

(f) 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.
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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).

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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.

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(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.
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 High-

way and Transportation Funding Act of 2014
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

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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
ITY.—Section 1002(a) of

CONTRACT AUTHORthe 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’’.
AUTHORITY.—Section
(b)
CONTRACT
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
AREAS.

Section 5311(c)(1) of
Code, is amended—
(1) in subparagraph
ing before’’ and all
‘‘July 31, 2015,’’; and
(2) in subparagraph
ing before’’ and all
‘‘July 31, 2015,’’.

GRANTS

FOR

RURAL

title 49, United States
(A), by striking ‘‘endthat follows through
(B), by striking ‘‘endthat follows through

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
TRANSPORTATION.

FOR

PUBLIC

(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’’;

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TITLE LXXIII—EXTENSION OF HIGHWAY SAFETY PROGRAMS
Subtitle A—Extension of Highway Safety Programs
SEC. 73101. EXTENSION OF NATIONAL HIGHWAY INTELLIGENCE AND SECURITY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) Extension of Programs.—

(1) HIGHWAY SAFETY PROGRAMS.—Section 31101(a)(3) of title 49, United States Code, is amended to read as follows:

"(3) $235,000,000 for fiscal year 2015.".

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 31101(a)(4) of title 49, United States Code, is amended to read as follows:

"(4) $29,000,000 for fiscal year 2015.".

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—Section 31101(a)(5) of title 49, United States Code, is amended to read as follows:

"(5) $113,500,000 for fiscal year 2015.".

(b) Research, Development, Demonstration and Deployment Projects.—Section 333(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 333(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 333(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 333(e) of title 49, United States Code, is amended by striking "$26,652,055 for the period beginning on October 1, 2014, and ending on July 31, 2015" and inserting "$26,652,055 for fiscal year 2015";

(f) Capital Investment Grants.—Section 333(g) of title 49, United States Code, is amended by striking "$1,551,295,899 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 333(h) of title 49, United States Code, is amended—

(1) in subparagraph (A), 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;"

(2) in subparagraph (B), by striking "$1,551,295,899 for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "$1,907,000,000 for fiscal year 2015;"

(3) in paragraph (4), by striking "and not less than $4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "and not less than $4,164,384 for fiscal year 2015;"

(4) in paragraph (5), by striking "$1,551,295,899 for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "$1,907,000,000 for fiscal year 2015;" and

(5) in subparagraph (K), by striking "$26,652,055 for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "$26,652,055 for fiscal year 2015;" and

SEC. 72904. BUS AND BUS FACILITIES FORMULA GRANTS.

Section 5335(d)(1) of title 49, United States Code, is amended—

(1) by striking "2013 and 2014 and $4,553,425 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;".

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) $128,000,000 for fiscal year 2015.".

(b) Administrative Expenses.—Section 31104(a)(11) of title 49, United States Code, is amended to read as follows:

"(11) $356,304,658 for the period beginning on October 1, 2014, and ending on July 31, 2015," and inserting "each of fiscal years 2013 through 2015.

(c) Grant Programs.—

(1) Commercial Driver’s License Improvement Grants.—Section 4101(c)(1) of SAFETEA-LU (119 Stat. 1715) is amended by striking "each of fiscal years 2013 through 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 through 2015," and inserting "each of fiscal years 2013 through 2015.

(3) Performance and Registration Information Systems and Networks Deployment Program.—Section 4101(c)(3) of SAFETEA-LU (119 Stat. 1715) is amended by striking "each of fiscal years 2013 through 2015," and inserting "each of fiscal years 2013 through 2015.

(4) Grants Program for Commercial Motor Vehicle Operators.—Section 4101(c)(4) of SAFETEA-LU (119 Stat. 1715) is amended by striking "each of fiscal years 2013 through 2015," and inserting "each of fiscal years 2013 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 ending on July 31, 2015," and inserting "for each fiscal year ending before October 1, 2015, and ending on July 31, 2015," and inserting "each fiscal year through 2015 through 2015.

SEC. 73104. MERRILL–LEACH BILLS.

(a) In General.—Section 5218(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 Grants.—Section 5218(b)(2) of title 49, United States Code, is amended to read as follows:

"(2) Fiscal Year 2015.—From the "Hazardous Materials Emergency Preparedness Fund established under section 5161" 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(c); “(E) $1,000,000 to carry out section 5116(j). “(c) HAZARDOUS MATERIALS TRAINING GRANTS.—Section 5216(c) of title 49, United States Code, is amended by striking “(e) for 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 2015, 2016, and 2017, and for each of fiscal years 2018 and 2019 there shall be added $3,331,507.” “(d) 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 in connection with any 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 years 2019, 2020, or 2021 shall not be counted.”
(A) indicates whether the certificate is first, second, or third class;
(B) includes authorization for special issuance;
(C) may be expiring;
(D) cannot have been revoked or suspended; and
(E) cannot have been withdrawn;
(1) if the aircraft is carrying not more than 5 passengers;
(5) the individual is operating the aircraft under visual flight rules or instrument flight rules;
(6) the flight, including each portion of that flight, is not carried out:
(A) for compensation or hire, including that no compensation for property on the flight is being carried for compensation or hire;
(B) at an altitude that is not more than 18,000 feet above mean sea level;
(C) outside the United States, unless authorized by the country in which the flight is conducted; or
(D) at an indicated air speed exceeding 250 knots;
(7)(A) the individual has completed a medical education course described in subsection (b) during the 24 calendar months before acting as pilot in command or required crewmember in a covered aircraft and demonstrates proof of completion of the course; or
(B) the individual exercises sport pilot privileges or acts as pilot in command of a glider or balloon; and
(b) the individual, when serving as a pilot in command or required crewmember, is under the care and treatment of a private physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly.
(b) Medical education course requirements.—The medical education course described in subsection (a)(7) shall—
(1) be available on the Internet free of charge,
(2) be developed and periodically updated in coordination with representatives of relevant nonprofit and not-for-profit general aviation stakeholder groups;
(3) educate pilots on conducting medical self-assessments;
(4) educate pilots on identifying warning signs of potential serious medical conditions;
(5) identify risk mitigation strategies for medical conditions;
(6) provide awareness and impacts of potentially impairing over-the-counter and prescription drug medications;
(7) encourage regular medical exams and consultation with primary care physicians;
(8) inform pilots of the regulations pertaining to the prohibition on operations during medical deficiency; and
(9) provide to an individual a signature page, which shall be transmitted to the Administrator, for the individual to certify that the individual has—
(A) completed the course;
(B) received a routine physical exam from an appropriately qualified physician during the 60 months before acting as pilot in command or required crewmember in a covered aircraft;
(C) received the care and treatment from a private physician in accordance with subsection (a)(6); if applicable; and
(D) declared an understanding of the existing prohibition on operations during medical deficiency by stating: ‘‘I understand that I cannot act as pilot in command, or in any other capacity as a required flight crewmember, if I know or have reason to know of any medical condition that would make me unable to operate the aircraft in a safe manner.’’
(c) Special issuance process.—

(1) In general.—An individual who has qualified for the third-class medical certificate exemption under subsection (a) and is seeking to serve as a pilot in command or required crewmember in a covered aircraft shall be required to have completed the process for obtaining an Authorization for Special Issuance of a Medical Certificate one time if they are diagnosed with any of the following medical conditions:
(A) A mental health disorder, limited to clinically diagnosed conditions of—
(i) personality disorder that is severe enough to have repeatedly manifested itself by overt acts;
(ii) psychosis, defined as a case in which an individual—
(I) has manifested delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis; or
(II) may reasonably be expected to manifest delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis;
(iii) severe bipolar disorder; and
(iv) substance dependence within the previous 2 years, as defined in section 67.307(4)(a) of the Code of Federal Regulations;
(B) A neurological disorder, limited to an established medical history and clinical diagnosis of the following:
(i) Epilepsy.
(ii) Disturbance of consciousness without satisfactory medical explanation of the cause.
(iii) A transient loss of control of nervous system functions without satisfactory medical explanation of the cause.
(C) A cardiovascular condition, limited to the following:
(i) Myocardial infarction.
(ii) Coronary heart disease that has been treated by open heart surgery.
(iii) Cardiac valve replacement.
(iv) Heart replacement.
(D) Special rule for cardiovascular conditions.—In the case of an individual with a cardiovascular condition, the process for obtaining an Authorization for Special Issuance of a Medical Certificate shall be satisfied with the successful completion of an appropriate medical evaluation without a mandatory wait period.
(e) Report required.—Not later than 5 years after the date of the enactment of this Act, in coordination with the National Transportation Safety Board, shall submit to Congress a report that describes the effect of the regulations issued or revised under subsection (a) and includes statistics with respect to changes in small aircraft activity and safety incidents.
(f) Prohibition on enforcement actions.—On and after the date that is 180 days after the date of the enactment of this Act, the Administrator may not take an enforcement action for not holding a valid third-class medical certificate against a pilot of a covered aircraft for a flight if the pilot and the flight meet the applicable requirements under subsection (a) unless the Administrator has published final regulations in the Federal Register under that subsection.
(g) Covered aircraft defined.—In this section, the term ‘‘covered aircraft’’ means an aircraft that—
(1) is not authorized under Federal law to carry more than 6 occupants; and
(2) has a maximum takeoff weight of not more than 6,000 pounds.
SEC. 03. EXPANSION OF PILOT’S BILL OF RIGHTS.
(a) Appeals not subject to exhaustion of administrative remedies.—
(1) In general.—Section 2(d)(1) of the Pilot’s Bill of Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is amended to read as follows:
(1) In general.—Upon an order by the Administrator denying an application for the issuance or renewal of a covered certificate under section 44703 of title 49, United States Code, to amend, modify, suspend, or revoke a covered certificate under section 4790 or 4710 of such title, or to impose a civil penalty under section 46301 of such title, an individual substantially affected by the order may, at the individual’s election, file an appeal with the National Transportation Safety Board or, without further administrative review, in the United States district court in which the individual brought the action in question occurred, or in the United States District Court for the District of Columbia.
(b) Conforming amendment.—Section 2(d) of such Act is amended—
(A) in paragraph (2), by striking ‘‘Federal district court’’ and inserting ‘‘United States district court’’;
(B) by redesignating paragraph (2) as paragraph (3); and
(C) by inserting after paragraph (1) the following:
(2) Exception for review of the Administrator’s determination of emergency.—An individual affected by any order issued by the Administrator under section 4799 or 4710 of title 49, United States Code, as an emergency order, as an order not designated as an emergency order but later amended to be an emergency order, or a decision designated as effective immediately, may petition for a review by the Board, under procedures promulgated by the Board, of the Administrator’s determination that an emergency exists.
(c) De novo review by district court; burden of proof.—Section 2(e) of such Act is amended—
(1) by amending paragraph (1) to read as follows:
(1) In general.—In an appeal filed under subsection (d) in a United States district court with respect to a denial, suspension, or revocation of a covered certificate or the imposition of a punitive civil action by the Administrator—
(A) the district court shall review the denial, suspension, revocation, or imposition of a punitive civil action de novo, including by—
(i) conducting a full independent review of the complete administrative record of the denial, suspension, or revocation;
(ii) permitting additional discovery and the taking of additional evidence; and
(iii) making the findings of fact and conclusions of law required by Rule 52 of the Federal Rules of Civil Procedure without being bound to any facts found by the Administrator or the National Transportation Safety Board;
(2) by redesigning paragraph (2) as paragraph (3); and
(3) by inserting after paragraph (1) the following:
(2) Burden of proof.—In an appeal filed under subsection (d) in a United States district court, the burden of proof shall be as follows:
(A) In an appeal of an order issued by the Administrator pursuant to section 4790 of title 49, United States Code, the burden of proof shall be upon the applicant denied a covered certificate by the Administrator.
(B) In an appeal of an order issued by the Administrator pursuant to section 4799, 4710, or 46301 of such title, the burden of proof shall be upon the Administrator.’’;
and
(4) by adding at the end the following:
(4) Applicability of Federal Rules of Civil Procedure Act.—Notwithstanding paragraph (1)(A) or subsection (a)(1) of section 554 of
shall provide to the individual holding the covered certificate the releasable portion of the investigative report at the time the Administrator issues the order.

(2) "Product or reflects internal deliberative work product or reflects internal deliberative process.

(3) `Information that would disclose the identity of a confidential source.

(4) `Information that is privileged.

(A) Information that is privileged.

(B) Information that constitutes work product or reflects internal deliberative process.

(C) Information that would disclose the identity of a confidential source.

(D) Information that is privileged.

(e) LIMITATION ON RETENTION OF INVESTIGATIVE REPORTS.—

(A) IN GENERAL.—Section 44709 or section 44710 of title 49, United States Code, is amended—

(1) in subsection (a), by inserting "certificates recovered in connection with an investigation described in subsection (b)(1) may, upon request, be released to the individual holding a certificate under section 44703 of this title if the Administrator determines not to take enforcement action;"

(2) in subsection (b), by inserting "after the Administrator determines not to take enforcement action;"

(3) in subsection (b) by inserting "after the Administrator determines not to take enforcement action;"

(4) by striking subsection (c) and redesignating paragraph (1) as paragraph (2).

(f) LIMITATION ON DOCUMENT REQUESTS.—

(A) INFORMATION THAT IS PRIVILEGED.—(1) IN GENERAL.—The Administrator shall provide to the individual holding the covered certificate the releasable portion of the investigative report at the time the Administrator issues the order.

(B) PRODUCT OR REFLECTS INTERNAL DELIBERATIVE PROCESS.—(1) IN GENERAL.—The Administrator shall provide to the individual holding the covered certificate the releasable portion of the investigative report at the time the Administrator issues the order.

(C) INFORMATION THAT WOULD DISCLOSE THE IDENTITY OF A CONFIDENTIAL SOURCE.—(1) IN GENERAL.—The Administrator shall provide to the individual holding the covered certificate the releasable portion of the investigative report at the time the Administrator issues the order.

(D) INFORMATION THAT IS PRIVILEGED.—(1) IN GENERAL.—The Administrator shall provide to the individual holding the covered certificate the releasable portion of the investigative report at the time the Administrator issues the order.

SEC. 63. LIMITATIONS ON REEXAMINATION OF CERTIFICATE HOLDERS.

(a) IN GENERAL.—

(1) IN GENERAL.—The Administrator may not reexamine an airman holding a certificate issued under section 44709 of this title if the reexamination is ordered as a result of an event involving the fault of the Federal Aviation Administration or its designee, unless the Administrator has reasonable grounds—

(ii) to demonstrate that the airman obtained the certificate or the rating through fraudulent means or through an examination that was substantially inadequate to establish the airman’s qualifications.

(b) NOTIFICATION REQUIREMENTS.—Before taking any action to reexamine an airman holding a certificate issued under section 44709 of this title, the Administrator shall provide to the airman the following:

(i) a reasonable basis, described in detail, for requesting the reexamination; and

(ii) any releasable information gathered by the Federal Aviation Administration, such as the scope and nature of the requested reexamination, that formed the basis for that justification.

(c) AMENDMENT, MODIFICATION, SUSPENSION, OR REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAMINATION.—

(A) IN GENERAL.—The Administrator may not reexamine an airman holding a certificate issued under section 44709 of this title if the reexamination is ordered as a result of an event involving the fault of the Federal Aviation Administration or its designee, unless the Administrator has reasonable grounds—

(i) to establish that an airman may not be qualified to exercise the privileges of a particular certificate or rating, based upon an act or omission committed by the airman while exercising those privileges, after the certificate or rating was issued by the Federal Aviation Administration or its designee; or

(ii) to demonstrate that the airman obtained the certificate or the rating through fraudulent means or through an examination that was substantially inadequate to establish the airman’s qualifications.

(d) NOTIFICATION REQUIREMENTS.—Before taking any action to reexamine an airman holding a certificate issued under section 44709 of this title, the Administrator shall provide to the airman the following:

(i) a reasonable basis, described in detail, for requesting the reexamination; and

(ii) any releasable information gathered by the Federal Aviation Administration, such as the scope and nature of the requested reexamination, that formed the basis for that justification.

(e) AMENDMENT, MODIFICATION, SUSPENSION, OR REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAMINATION.—

(A) IN GENERAL.—The Administrator may not reexamine an airman holding a certificate issued under section 44709 of this title if the reexamination is ordered as a result of an event involving the fault of the Federal Aviation Administration or its designee, unless the Administrator has reasonable grounds—

(i) to establish that an airman may not be qualified to exercise the privileges of a particular certificate or rating, based upon an act or omission committed by the airman while exercising those privileges, after the certificate or rating was issued by the Federal Aviation Administration or its designee; or

(ii) to demonstrate that the airman obtained the certificate or the rating through fraudulent means or through an examination that was substantially inadequate to establish the airman’s qualifications.

(f) NOTIFICATION REQUIREMENTS.—Before taking any action to reexamine an airman holding a certificate issued under section 44709 of this title, the Administrator shall provide to the airman the following:

(i) a reasonable basis, described in detail, for requesting the reexamination; and

(ii) any releasable information gathered by the Federal Aviation Administration, such as the scope and nature of the requested reexamination, that formed the basis for that justification.

(g) AMENDMENT, MODIFICATION, SUSPENSION, OR REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAMINATION.—

(A) IN GENERAL.—The Administrator may not reexamine an airman holding a certificate issued under section 44709 of this title if the reexamination is ordered as a result of an event involving the fault of the Federal Aviation Administration or its designee, unless the Administrator has reasonable grounds—

(i) to establish that an airman may not be qualified to exercise the privileges of a particular certificate or rating, based upon an act or omission committed by the airman while exercising those privileges, after the certificate or rating was issued by the Federal Aviation Administration or its designee; or

(ii) to demonstrate that the airman obtained the certificate or the rating through fraudulent means or through an examination that was substantially inadequate to establish the airman’s qualifications.
“(A) IN GENERAL.—The Administrator may not amend, modify, suspend, or revoke an airman certificate issued under section 4703 of this title after a reexamination of the airman—

(i) lacks the technical skills and competency, or care, judgment, and responsibility required to hold and safely exercise the privileges of the certificate; or

(ii) materially contributed to the issuance of the certificate by fraudulent means.

(B) STANDARD OF REVIEW.—Any finding by the Administrator under this paragraph shall be subject to the standard of review provided for in the Pilot’s Bill of Rights (49 U.S.C. 44703 note).''.

(c) CONFORMING AMENDMENTS.—Section 4709(b)(1) of such title is amended—

(1) in subparagraph (A), by striking "subsection (b)(1)(A)" and inserting "subsection (b)(1)(A)(i)"; and

(2) in subparagraph (B), by striking "subsection (b)(1)(B)" and inserting "subsection (b)(1)(A)(ii)".

SEC. 05. EXPEDITING UPDATES TO NOTAM PROGRAM.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may not take any enforcement action, on or after the date that is 180 days after the date of the enactment of the Pilot’s Bill of Rights (49 U.S.C. 44701 note) until the Administrator certifies that the Administrator has complied with the requirements of section 3 of the Pilot’s Bill of Rights, as amended by this section, to—

(1) the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) AMENDMENTS.—Section 3 of the Pilot’s Bill of Rights (Public Law 112-153; 126 Stat. 1162; 49 U.S.C. 44701 note) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "this Act;" and inserting "the Pilot’s Bill of Rights 2;" and

(ii) by striking "begin" and inserting "complete the implementation of";

(B) by amending subparagraph (B) to read as follows:

"(B) to continue developing and modernizing the NOTAM repository, in a public central location, to maintain and archive all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment, in a manner that is Internet-accessible, machine-readable, and searchable;";

(C) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(D) to specify the times during which temporary flight restrictions are in effect and the duration of a designation of special use airspace in a specific area;"; and

(2) by amending subsection (d) to read as follows:

"(d) Designation of Repository as Sole Source for NOTAMS.

(1) IN GENERAL.—The Administrator—

(A) shall by rule designate the repository for NOTAMs established under subsection (a)(2)(B) to be the sole location for airmen to check for NOTAMs; and

(B) may not consider a NOTAM to be announced and published until the NOTAM is included in the repository.

(2) PROHIBITION ON TAKING ACTION FOR VIOLATIONS OF NOTAMS NOT IN REPOSITORY.

(3) the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives.

(4) the Federal Aviation Administration may not take any enforcement action, on or after the date that is 180 days after the date of the enactment of this Act, against any individual for a violation of a NOTAM (as defined in section 3(b)(1)(B) of the Pilot’s Bill of Rights (49 U.S.C. 44701 note)) until the Administrator certifies that the Administrator has complied with the requirements of section 3 of the Pilot’s Bill of Rights, as amended by this section, to—

(1) the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) AMENDMENTS.—Section 3 of the Pilot’s Bill of Rights (Public Law 112-153; 126 Stat. 1162; 49 U.S.C. 44701 note) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "this Act;" and inserting "the Pilot’s Bill of Rights 2;" and

(ii) by striking "begin" and inserting "complete the implementation of";

(B) by amending subparagraph (B) to read as follows:

"(B) to continue developing and modernizing the NOTAM repository, in a public central location, to maintain and archive all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment, in a manner that is Internet-accessible, machine-readable, and searchable;";

(C) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(D) to specify the times during which temporary flight restrictions are in effect and the duration of a designation of special use airspace in a specific area;"; and

(2) by amending subsection (d) to read as follows:

"(d) Designation of Repository as Sole Source for NOTAMS.

(1) IN GENERAL.—The Administrator—

(A) shall by rule designate the repository for NOTAMs established under subsection (a)(2)(B) to be the sole location for airmen to check for NOTAMs; and

(B) may not consider a NOTAM to be announced and published until the NOTAM is included in the repository.

(2) PROHIBITION ON TAKING ACTION FOR VIOLATIONS OF NOTAMS NOT IN REPOSITORY.

(3) the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate; and

(4) the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) AMENDMENTS.—Section 3 of the Pilot’s Bill of Rights (Public Law 112-153; 126 Stat. 1162; 49 U.S.C. 44701 note) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "this Act;" and inserting "the Pilot’s Bill of Rights 2;" and

(ii) by striking "begin" and inserting "complete the implementation of";

(B) by amending subparagraph (B) to read as follows:

"(B) to continue developing and modernizing the NOTAM repository, in a public central location, to maintain and archive all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment, in a manner that is Internet-accessible, machine-readable, and searchable;";

(C) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(D) to specify the times during which temporary flight restrictions are in effect and the duration of a designation of special use airspace in a specific area;"; and

(2) by amending subsection (d) to read as follows:

"(d) Designation of Repository as Sole Source for NOTAMS.

(1) IN GENERAL.—The Administrator—

(A) shall by rule designate the repository for NOTAMs established under subsection (a)(2)(B) to be the sole location for airmen to check for NOTAMs; and

(B) may not consider a NOTAM to be announced and published until the NOTAM is included in the repository.

(2) PROHIBITION ON TAKING ACTION FOR VIOLATIONS OF NOTAMS NOT IN REPOSITORY.

(3) the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate; and

(4) the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) AMENDMENTS.—Section 3 of the Pilot’s Bill of Rights (Public Law 112-153; 126 Stat. 1162; 49 U.S.C. 44701 note) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "this Act;" and inserting "the Pilot’s Bill of Rights 2;" and

(ii) by striking "begin" and inserting "complete the implementation of";

(B) by amending subparagraph (B) to read as follows:

"(B) to continue developing and modernizing the NOTAM repository, in a public central location, to maintain and archive all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment, in a manner that is Internet-accessible, machine-readable, and searchable;";

(C) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(D) to specify the times during which temporary flight restrictions are in effect and the duration of a designation of special use airspace in a specific area;"; and

(2) by amending subsection (d) to read as follows:

"(d) Designation of Repository as Sole Source for NOTAMS.

(1) IN GENERAL.—The Administrator—

(A) shall by rule designate the repository for NOTAMs established under subsection (a)(2)(B) to be the sole location for airmen to check for NOTAMs; and

(B) may not consider a NOTAM to be announced and published until the NOTAM is included in the repository.

(2) PROHIBITION ON TAKING ACTION FOR VIOLATIONS OF NOTAMS NOT IN REPOSITORY.

(3) the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate; and

(4) the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives.
(B) In each calendar year, volunteer pilot nonprofit organizations provide long-distance, no-cost transportation for tens of thousands of people during times of special need.

(C) Such nonprofit organizations are no longer able to purchase liability insurance for aircraft they do not own to provide liability protection at an affordable price, and therefore face a highly detrimental liability risk.

(D) Such nonprofit organizations have supported the homeland security of the United States by providing volunteer pilot services during times of national emergency.

(2) Purpose.—The purpose of this section is to protect the activities of volunteer pilot nonprofit organizations that fly for public benefit and to sustain the availability of the services that such nonprofit organizations provide, including the following:

(A) Transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis.

(B) Flights for humanitarian and charitable purposes.

(C) Other flights of compassion.

(b) LIABILITY PROTECTION FOR VOLUNTEER PILOT NONPROFIT ORGANIZATIONS THAT FLY FOR PUBLIC BENEFIT AND TO PILOTS AND STAFF OF SUCH NONPROFIT ORGANIZATIONS.—Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) in subsection (a)(4)—

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

(B) by striking “the harm” and inserting “(A) except in the case of subparagraph (B), the harm”;

(C) in subparagraph (A)(ii), as redesignated by the preceding amendment, by striking the period at the end and inserting “; and”, and

(D) by adding at the end the following:

‘‘(B) the volunteer—

‘‘(i) is operating an aircraft in furtherance of the purpose of a volunteer pilot nonprofit organization that flies for public benefit; and

‘‘(ii) was properly licensed and insured for the operation of such aircraft.’’; and

(2) in subsection (c)—

(A) by striking “Nothing in this section” and inserting the following:

‘‘(1) In general.—Except as provided in paragraph (2), nothing in this section; and

(B) by adding at the end the following:

‘‘(2) Exception.—A volunteer pilot nonprofit organization that flies for public benefit, the staff, mission coordinators, officers, and directors (whether volunteer or otherwise) of that nonprofit organization, and a referring agency of that nonprofit organization shall not be liable for harm caused to any person by a volunteer of the nonprofit organization while the volunteer—

‘‘(A) is operating an aircraft in furtherance of the purpose of the nonprofit organization;

‘‘(B) is properly licensed for the operation of the aircraft; and

‘‘(C) has certified to the nonprofit organization that the volunteer has insurance covering the volunteer’s operation of the aircraft.’’.

PRIVILEGES OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that Chaya Koffman, who is a dialectalist at the Environment and Public Works Committee from the U.S. Department of Transportation, have floor privileges for the duration of the consideration of H.R. 22, the underlying vehicle for the highway bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

EVERY CHILD ACHIEVES ACT OF 2015

On Thursday, July 16, 2015, the Senate passed S. 1177, as amended, as follows:

S. 1177

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

SECTION 1. SHORT TITLE. This Act may be cited as the “Every Child Achieves Act of 2015.”

SEC. 2. TABLE OF CONTENTS. The table of contents for this Act is as follows:
"Sec. 1423. Local educational agency applications.

"Sec. 1424. Uses of funds.

"Sec. 1425. Program requirements for correctional facilities receiving funds under this section.

"Sec. 1426. Accountability.

"SUBPART 3—GENERAL PROVISIONS

"Sec. 1451. Program evaluations.

"Sec. 1452. Definitions.

"PART E—GENERAL PROVISIONS

"Sec. 1501. Federal regulations.

"Sec. 1502. Agreements and records.

"Sec. 1503. State administration.

"Sec. 1504. Prohibition against Federal mandates, direction, or control.

"Sec. 1505. Rule of construction on equalized expenditures.

"TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

"Sec. 2001. Purpose.


"PART A—FUND FOR THE IMPROVEMENT OF TEACHING AND LEARNING

"Sec. 2101. Formula grants to States.

"Sec. 2102. Subgrants to local educational agencies.

"Sec. 2103. Local use of funds.

"Sec. 2104. Reporting.

"Sec. 2105. National activities of demonstrated effectiveness.

"Sec. 2106. Supplement, not supplant.

"PART B—TEACHER AND SCHOOL LEADER INCENTIVE PROGRAM

"Sec. 2201. Purposes; definitions.

"Sec. 2202. Teacher and school leader incentive fund grants.

"Sec. 2203. Costs.

"PART C—AMERICAN HISTORY AND CIVICS EDUCATION

"Sec. 2301. Program authorized.

"Sec. 2302. Teaching of traditional American history.

"Sec. 2303. Presidential and congressional academies for American history and civics.

"Sec. 2304. National activities.

"Sec. 2305. Authorization of appropriations.

"PART D—LITERACY EDUCATION FOR ALL, RESULTS FOR THE NATION

"Sec. 2401. Purposes; definitions.

"Sec. 2402. Comprehensive literacy State development grants.

"Sec. 2403. Subgrants to eligible entities in support of birth through kindergarten entry literacy.

"Sec. 2404. Subgrants to eligible entities in support of kindergarten through grade 12 literacy.

"Sec. 2405. National evaluation and information dissemination.

"Sec. 2406. Supplement, not supplant.

"PART E—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INSTRUCTION AND STUDENT ACHIEVEMENT

"Sec. 2501. Purpose.

"Sec. 2502. Definitions.

"Sec. 2503. Grants; allotments.

"Sec. 2504. Authorization of appropriations.

"Sec. 2505. Authorized activities.

"Sec. 2506. Rule of construction.

"PART F—GENERAL PROVISIONS

"Sec. 2601. Rules of construction.

"TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

"Sec. 3001. Authorization of appropriations.

"PART A—ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT, AND ACADEMIC ACHIEVEMENT

"Sec. 3101. Short title.

"Sec. 3102. Purpose.

"Sec. 3103. Definitions.

"Sec. 3104. Subpart 1—GRANTS AND SUBGRANTS FOR ENGLISH LANGUAGE ACQUISITION AND LANGUAGE ENHANCEMENT

"Sec. 3111. Formula grants to States.

"Sec. 3112. Native American and Alaska Native children in schools.

"Sec. 3113. State and specially qualified agency plans.

"Sec. 3114. Withholding.

"Sec. 3115. Subgrants to eligible entities.

"Sec. 3116. Local plans.

""SUBPART 2—ACCOUNTABILITY AND ADMINISTRATION

"Sec. 3121. Reporting.

"Sec. 3122. Reporting requirements.

"Sec. 3123. Coordination with related programs.

"Sec. 3124. Rules of construction.

"Sec. 3125. Legal authority under State law.

"Sec. 3126. Civil rights.

"Sec. 3127. Programs for Native Americans and Puerto Rico.

"Sec. 3128. Prohibition.

""SUBPART 3—NATIONAL ACTIVITIES

"Sec. 3131. National professional development and accountability.

"PART G—MAGNET SCHOOLS ASSISTANCE

"Sec. 3201. Definitions.

"Sec. 3202. National clearinghouse.

"Sec. 3203. Regulations.

"PART IV—SAFE AND HEALTHY STUDENTS

"PART A—GRANTS TO STATES AND LOCAL EDUCATIONAL AGENCIES

"Sec. 4101. Purpose.

"Sec. 4102. Definitions.

"Sec. 4103. Subgrants to States.

"Sec. 4104. Subgrants to local educational agencies.

"Sec. 4105. Local educational agency authorized activities.

"Sec. 4106. Supplement, not supplant.

"Sec. 4107. Prohibitions.

"Sec. 4108. Authorization of appropriations.

"PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

"Sec. 4201. Purpose; definitions.

"Sec. 4202. Allotments to States.

"Sec. 4203. State applications.

"Sec. 4204. Local competitive subgrant program.

"Sec. 4205. Local activities.

"Sec. 4206. Authorization of appropriations.

"PART C—ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING PROGRAMS

"Sec. 4301. Elementary school and secondary school counseling programs.

"PART D—PHYSICAL EDUCATION PROGRAM

"Sec. 4401. Purpose.

"Sec. 4402. Program authorized.

"Sec. 4403. Applications.

"Sec. 4404. Requirements.

"Sec. 4405. Administrative provisions.

"Sec. 4406. Supplement, not supplant.

"Sec. 4407. Authorization of appropriations.

"PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

"Sec. 4501. Purposes.

"Sec. 4502. Program authorized.

"Sec. 4503. Applications.

"Sec. 4504. Requirements.

"Sec. 4505. Family engagement in Indian schools.

"Sec. 4506. Authorization of appropriations.

"TITLE V—EMPOWERING PARENTS AND EXPANDING OPPORTUNITY THROUGH INNOVATION

"PART A—PUBLIC CHARTER SCHOOLS

"Sec. 5101. Purpose.

"Sec. 5102. Program authorized.

"Sec. 5103. Grants to support high-quality charter schools.

"Sec. 5104. Facilities financing assistance.

"Sec. 5105. National activities.

"Sec. 5106. Federal formula allocation during first year and for successive enrollment expansions.

"Sec. 5107. Solicitation of input from charter school operators.

"Sec. 5108. Records transfer.

"Sec. 5109. Paperwork reduction.

"Sec. 5110. Definitions.

"Sec. 5111. Authorization of appropriations.

"PART B—MAGNET SCHOOLS ASSISTANCE

"Sec. 5201. Findings and purpose.

"Sec. 5202. Definition.

"Sec. 5203. Program authorized.

"Sec. 5204. Eligibility.

"Sec. 5205. Applications and requirements.

"Sec. 5206. Priority.

"Sec. 5207. Use of funds.

"Sec. 5208. Limitations.

"Sec. 5209. Authorization of appropriations; reservations.

"PART C—SUPPORTING HIGH-ABILITY LEARNERS AND LEARNING

"Sec. 5301. Short title.

"Sec. 5302. Purpose.

"Sec. 5303. Rule of construction.

"Sec. 5304. Authorized programs.

"Sec. 5305. Program priorities.

"Sec. 5306. General provisions.

"Sec. 5307. Authorization of appropriations.

"PART D—EDUCATION INNOVATION AND RESEARCH

"Sec. 5401. Grants for education innovation and research.

"PART E—ACCELERATED LEARNING

"Sec. 5501. Short title.

"Sec. 5502. Purposes.

"Sec. 5503. Funding distribution rule.

"Sec. 5504. Accelerated learning examination fee program.

"Sec. 5505. Accelerated learning incentive program grants.

"Sec. 5506. Supplement, not supplant.

"Sec. 5507. Definitions.

"Sec. 5508. Authorization of appropriations.

"PART F—READY-TO-LEARN TELEVISION

"Sec. 5601. Ready-To-Learn.

"PART G—INNOVATIVE TECHNOLOGY EXPANDS CHILDREN’S HORIZONS (I–TECH)

"Sec. 5701. Purposes.

"Sec. 5702. Definitions.

"Sec. 5703. Restriction.

"Sec. 5704. Technology grants program authorized.

"Sec. 5705. State applications.

"Sec. 5706. State use of grant funds.

"Sec. 5707. Reporting.

"Sec. 5708. Authorization.

"PART H—LITERACY AND ARTS EDUCATION

"Sec. 5801. Literacy and arts education.

"PART I—EARLY LEARNING ALIGNMENT AND IMPROVEMENT GRANTS

"Sec. 5901. Purposes; definitions.

"Sec. 5902. Early learning alignment and improvement grants.

"Sec. 5903. Authorization of appropriations.

"PART J—INNOVATION SCHOOLS DEMONSTRATION AUTHORITY

"Sec. 5910. Innovation schools.

"Sec. 5911. Short title.

"Sec. 5912. Purposes.

"Sec. 5913. Definition of full-service community school.

"Sec. 5914. Local programs.

"Sec. 5915. State programs.

"Sec. 5916. Advisory committee.
TITLE I—IMPROVING BASIC PROGRAMS OPERATED BY STATE AND LOCAL EDUCATIONAL AGENCIES

SEC. 1001. STATEMENT OF PURPOSE.

Section 1001 (20 U.S.C. 6311) is amended to read as follows:

"(a) Local Educational Agency Grants.—

For the purpose of carrying out part A, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

(b) State Assessments.—For the purpose of carrying out part B, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

(c) Education of Migratory Children.—

For the purpose of carrying out part C, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

(d) Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk.—For the purpose of carrying out part D, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

(e) Federal Activities.—For the purpose of carrying out part E, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

(f) School Intervention and Support.—For the purpose of carrying out section 1114, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2016 through 2021.

SEC. 1003. SCHOOL INTERVENTION AND SUPPORT AND STATE ADMINISTRATION.

The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by striking section 1003; and

(2) by redesignating section 1004 as section 1003; and

SEC. 1111. STATE PLANS.

"(a) Plans Required.—

(1) In General.—For any State desiring to receive grants under this part, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency with timely and meaningful consultation with stakeholders, including representatives of the State legislature and State board of education (if the State has a State board of education), local educational agencies (including those located in rural areas), representatives of Indian tribes located in the State, teachers, principals, other school leaders, public charter school representatives, (if applicable), specialized instructional support personnel, paraprofessionals (including organizations representing such individuals), administrators, other staff, and parents, that—

(A) is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Special Education and Miscellaneous Education Assistance Act of 2006, the Workforce Innovation and Opportunity Act, the Head Start Act, the Child Care and Development Block Grant Act of 1990, the Education Sciences Reform Act of 2002, the Education Technical Assistance Act, the National Assessment of Educational Progress Authorization Act, the McKinney-Vento Homeless Assistance Act, and the Adult Education and Family Literacy Act; and

(B) describes how the State will implement evidence-based strategies for improving student achievement under this title and disseminate that information to local educational agencies.

(2) Consolidated Plan.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 2002.

(3) Peer Review and Secretarial Approval.—

(A) In General.—The Secretary shall—

(i) establish a peer-review process to assist in the review of State plans;

(ii) establish multidisciplinary peer-review teams and appoint members of such teams that—

(I) are representative of teachers, principals, other school leaders, specialized instructional support personnel, State educational agencies, local educational agencies, and individuals with practical experience in implementing academic standards, assessments, or accountability systems, for the needs of disadvantaged students, children with disabilities, students who are English learners, the needs of low-performing schools, and other educational needs of students;

(ii) include a balanced representation of individuals who have practical experience in the classroom, school administration, or local government, such as direct employees of a school, local educational agency, or State educational agency within the preceding 5 years; and

(iii) represent a geographically diverse cross-section of States;

(B) Purpose of Peer Review.—The peer-review process shall be designed to—

(i) maximize collaboration with each State;

(ii) provide effective implementation of the challenging State academic standards through State and local innovation; and

(iii) provide public, timely, and objective feedback to States designed to strengthen the technical and overall quality of the State plans.

SEC. 1112. DATA SYSTEM AND NATURE OF REVIEW.—Peers are known and may conduct an objective review of State plans in their totality and out of respect for State and local judgment, with the goal of supporting State and local innovation and providing objective feedback on the technical and overall quality of a State plan.

SEC. 1113. BUDGET OF CONSTRUCTION.—Nothing in this paragraph shall be construed as prohibiting the Secretary from appointing an individual to serve as a peer reviewer on more than one peer-review team under paragraph (A) or to review more than one State plan.
``(A) immediately notify the State of such determination;

``(B) provide a detailed description of the specific requirements of this subsection or section (b) or (c) of the State plan that the Secretary determines fails to meet such requirements;

``(C) provide all peer-review comments, suggestions, recommendations, or concerns in writing to the State;

``(D) offer the State an opportunity to revise and resubmit its plan within 60 days of such determination, including the chance for the State to present substantial evidence to clearly demonstrate that the State plan meets the requirements of this part;

``(E) provide technical assistance, upon request of the State, in order to assist the State to meet the requirements of this subsection; and

``(F) conduct a public hearing within 30 days of such resubmission, with public notice provided not less than 15 days before such hearing, that the Secretary declines the opportunity for such public hearing.

``(5) STATE PLAN DISAPPROVAL.—The Secretary shall have the authority to disapprove a State plan if the State has been notified and offered an opportunity to revise and submit with technical assistance under paragraph (4), and

``(A) the State does not revise and resubmit its plan; or

``(B) the State revises and resubmits a plan that the Secretary determines does not meet the requirements of this part after a hearing conducted under paragraph (4)(F), if applicable.

``(6) LIMITATIONS.—

``(A) IN GENERAL.—The Secretary shall not have the authority to require a State, as a condition of approval of the State plan or revisions or amendments to the State plan, to—

``(i) include in, or delete from, such plan 1 or more specific elements of the challenging State academic standards; or

``(ii) use specific academic assessment instruments or items;

``(iii) set specific State-designed goals or objectives for such goals for all students or each of the categories of students, as defined in subsection (b)(3)(A); or

``(iv) assign any specific weight or specific significance to any measures or indicators of student academic achievement or growth within State-designed accountability systems;

``(B) include in, or delete from, such a plan any criterion that specifies, defines, or prescribes—

``(i) the standards or measures that States or local educational agencies use to establish, implement, or improve challenging State academic standards, including the content of, or achievement levels within, such standards;

``(ii) the specific types of academic assessments or assessment items that States and local educational agencies use to meet the requirements of this part; and

``(iii) any requirement that States shall measure student growth, the specific metrics used to measure student academic growth if a State chooses to measure student growth, or the specific indicators or methods to measure student readiness to enter postsecondary education or the workforce;

``(C) approved standards, targets, goals, or metrics to measure nonacademic measures or indicators;

``(D) the specific weight or specific significance of any measure or indicator of student academic achievement within State-designed accountability systems;

``(E) whether a State establishes for student academic achievement or high school graduation rates, as described in subclauses (I) and (II) of subsection (b)(3)(B)(i); and

``(F) a plan and or any portion of a teacher, principal, or other school leader evaluation system within a State or local educational agency; or

``(G) any specific or specific measures of teacher, principal, or other school leader effectiveness or quality; or

``(H) require data collection beyond data derived from existing Federal, State, and local reporting requirements and data sources.

``(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as authorizing, requiring, or allowing any additional reporting requirements, data elements, or information to be reported to the Secretary that are not otherwise explicitly authorized under Federal law.

``(7) PUBLIC REVIEW.—All written communications, feedback, and notifications under this subsection shall be conducted in a manner that is transparent and immediately made available to the public through the website of the Department, including—

``(A) plans submitted or resubmitted by a State;

``(B) peer-review comments;

``(C) State plan determinations by the Secretary, including approvals or disapprovals; and

``(D) notices and transcripts of public hearings under this section.

``(8) DURATION OF STATE PLAN.—

``(A) IN GENERAL.—Each State plan shall—

``(i) remain in effect for the duration of the State’s participation under this part or 7 years, whichever is shorter; and

``(ii) be periodically reviewed and revised as necessary by the State educational agency to reflect changes in the State’s strategies and programs under this part.

``(B) ADDITIONAL INFORMATION.—

``(i) IN GENERAL.—If a State makes significant changes to its plan at any time, such as the addition of new challenging State academic standards, new academic assessments, or changes to its accountability system under subsection (b)(3), such information shall be submitted to the Secretary in the form of revisions or amendments to the State plan.

``(ii) REVIEW OF REVISED PLANS.—The Secretary shall, review the information submitted under clause (i) and approve or disapprove changes to the State plan within 90 days in accordance with paragraphs (4) through (6) of the peer-review process under paragraph (3).

``(C) SPECIAL RULE FOR STATE PLANS.—If a State makes changes to its plan as a result of new challenging State academic standards, new academic assessments, or changes to its accountability system under subsection (b)(3), the requirements of that section shall not apply and the requirements under subchapter (E), the standards required under subparagraph (A) shall be the same standards required under subparagraph (E).

``(D) LIMITATION.—The Secretary shall not have the authority to place any new conditions, requirements, or criteria for approval of State plans under this section, or the requirement of a plan under subparagraph (C) that are not otherwise authorized under this part.

``(9) FAILURE TO MEET REQUIREMENTS.—If a State fails to meet any of the requirements specified in this section, then the Secretary may withhold funds for State administration under this part until the Secretary determines that the State has fulfilled those requirements.

``(10) PUBLIC COMMENT.—Each State shall make the State plan publicly available for review and comment for a period of not less than 30 days, by electronic means and in a computer friendly and easily accessible format, prior to submission to the Secretary for approval under this subsection. Each State shall provide an assurance that public comments were taken into account in the development of the State plan.

``(B) CHALLENGING STATE ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY SYSTEMS.—

``(1) CHALLENGING STATE ACADEMIC STANDARDS.—

``(A) IN GENERAL.—Each State shall have such standards in mathematics, reading or language arts, and science, and any other subjects as determined by the State, which shall include the same knowledge, skills, and levels of achievement expected of all public school students in the State.

``(B) SAME STANDARDS.—Except as provided in paragraph (4), each State shall have the same challenging State academic standards as the Secretary shall determine under paragraph (4). The standards required under subparagraph (A) shall be the same standards required for all public schools in the State.

``(C) SUBJECTS.—The State shall have such standards in mathematics, reading or language arts, and science, and any other subjects as determined by the State, which shall include the same knowledge, skills, and levels of achievement expected of all public school students in the State.

``(D) ALIGNMENT.—The State shall demonstrate that the challenging State academic standards are aligned with—

``(i) entrance requirements, or the without the need for academic remediation, for the system of public higher education in the State;

``(ii) relevant State career and technical education standards; and

``(iii) relevant State early learning guidelines, as required under section 658E(c)(2)(T) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9301).

``(E) ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—

``(A) IN GENERAL.—The State may, through a documented and validated standards-setting process, adopt alternate academic achievement standards for students with the most significant cognitive disabilities, provided those standards—

``(i) are aligned with the challenging State academic content standards under subparagraph (A); and

``(ii) promote access to the general curriculum, consistent with the purposes of the Individuals with Disabilities Education Act, and section 614 of the Individuals with Disabilities Education Act of 1990 (20 U.S.C. 1400).

``(II) CHALLENGING STATE ACADEMIC STANDARDS.—If a State elects to use alternate academic achievement standards for students with the most significant cognitive disabilities, those standards must—

``(I) be designed to permit the student to make adequate yearly progress toward the challenging State academic content standards; and

``(II) be designed to be aligned with the challenging State academic content standards; and

``(III) include a goal that the student meets the alternate academic achievement standards on track for further education or employment.

``(III) PROHIBITION ON ANY OTHER ALTERNATE OR MODIFIED ACADEMIC ACHIEVEMENT STANDARDS.—The State shall not implement for use under this part, any alternate academic achievement standards for children
with disabilities that are not alternate academic achievement standards that meet the requirements of clause (1).

"(F) ENGLISH LANGUAGE PROFICIENCY STANDARDS.—Each State plan shall demonstrate that the State has adopted English language proficiency standards that are aligned with the challenging State academic standards in mathematics, reading or language arts, and be administered—

"(i) in at least three grades through grade 12;

"(ii) at least once in grades 9 through grade 12, and

"(iii) at least once in grades 9 through grade 12.

"(G) PROHIBITIONS.—

"(I) STANDARDS REVIEW OR APPROVAL.—A State shall not be required to submit any standards developed under this subsection to the Secretary for review or approval.

"(II) FEDERAL CONTROL.—The Secretary shall not have the authority to mandate, direct, control, coerce, or exercise any direction or supervision over any of the challenging State academic standards adopted or implemented by a State.

"(H) EXISTING STANDARDS.—Nothing in this part shall prohibit a State from revising, consistent with this section, any standard adopted under this part before or after the date of enactment of the Every Child Achieves Act of 2015.

"(I) ACADEMIC ASSESSMENTS.—

"(A) IN GENERAL.—Each State plan shall include provisions that will require the State educational agency, in consultation with local educational agencies, has implemented a set of high-quality statewide academic assessments that—

"(i) includes, at a minimum, academic statewide assessments in mathematics, reading or language arts, and science; and

"(ii) meets the requirements of subparagraph (A) shall—

"(i) include assessments aligned with the challenging State academic standards in each of the following subjects:

"(II) measure the academic achievement of all students against the challenging State academic standards in, at a minimum, mathematics and reading or language arts, and be administered—

"(aa) in at least three grades through grade 12.

"(bb) at least once in grades 9 through grade 12, and

"(iii) measure the academic achievement of all students against the challenging State academic standards in science, and be administered not less than once in each of grades 7 through grade 12.

"(IV) ensure that, consistent with the requirements of the Individuals with Disabilities Education Act, necessary to measure the academic achievement of students with disabilities, as defined in section 602(3) of the Individuals with Disabilities Education Act, including—

"(aa) students with a disability who are provided accommodations under an individualized education program; and

"(bb) students who are English learners; and

"(1) each major racial and ethnic group;

"(2) economically disadvantaged children;

"(3) children with disabilities as compared to children without disabilities;

"(4) English proficiency status;

"(5) migrant status;

"(6) performance in reading and mathematics;

"(7) performance in science;

"(8) performance in other academic subjects;

"(9) performance in English language arts competency levels of children who are English learners; and

"(10) provide for assessments administered to such students under this paragraph, including, to the extent practicable, assessments in a language other than English for a period of years, provided that such student has not yet provided results of assessments shall be made public.

"(V) ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS.—A State may provide for alternate academic achievement standards, and that are provided to parents, teachers, principals, and other school leaders as soon as is practicable after the assessment is given, in an understandable and uniform format, and, to the extent practicable, in a language that the parents can understand;

"(VI) enable results to be disaggregated within each State, local educational agency, and school, by—

"(I) each major racial and ethnic group;

"(II) economically disadvantaged students as compared to students who are not economically disadvantaged;

"(III) children with disabilities as compared to children without disabilities;

"(IV) English proficiency status;

"(V) migrant status;

"(VI) enable itemized score analyses to be produced and reported, consistent with clause (iii), to local educational agencies and schools, so that parents, teachers, principals, other school leaders, and administrators can interpret and address the specific academic needs of students as indicated by the students' achievement on assessment items; and

"(VII) develop, to the extent practicable, the principles of universal design for learning, to the extent feasible, in alternate assessments.
“(VII) ensures that general and special education teachers and other appropriate staff know how to administer assessments, including making appropriate use of accommodations for students with disabilities; and

“(VIII) develops, disseminates information on, and promotes the use of appropriate accommodations to increase the number of students with significant cognitive disabilities who meet challenges to State academic achievement standards; and

“(IX) ensures that students who take alternate academic achievement assessments in the State that meet the requirements of this subsection by—

“(ii) students enrolled in the State’s public elementary and secondary schools, including students with significant cognitive disabilities who meet challenges to State academic achievement standards; and

“(iii) students enrolled in postsecondary education and the workforce who meet the requirements of this subsection by—

“(1)(i) ensuring that all students graduate from high school prepared for postsecondary education or the workforce without the need for postsecondary remediation and at a minimum complies with the following:

“(aa) establishes measurable State-designed goals for all students and each of the categories of students in the State that take into account the progress necessary for all students to graduate from high school and for students to graduate from high school prepared for postsecondary education or the workforce without the need for postsecondary remediation; and for, at a minimum each of the following:

“(I) academic achievement, which may include the academic achievement of students with disabilities or English learners.

“(aa) the 4-year adjusted cohort graduation rate; and

“(bb) at the State’s discretion, the extended-year adjusted cohort graduation rate.

“(ii) annually measures and reports on the following indicators:

“(A) the academic achievement of all public school students in public schools and local educational agencies in the State, that is, with respect to—

“(aa) elementary school students and secondary schools that are not high schools, an academic achievement standard for students that is the same statewide for all public elementary school students and all students at such secondary schools, and each category of students; and

“(bb) high schools, the high school graduation rates of all public high school students in all public high schools in the State toward meeting the goals described in clause (i), for all students and for each of the categories of students, including the 4-year adjusted cohort graduation rate and at the State’s discretion, the extended-year adjusted cohort graduation rate.

“(III) English language proficiency of all English learners in public schools and local educational agencies, which may include measures of student growth.

“(IV) not less than one other valid and reliable indicator of school quality, student success, or student supports, as determined by the State, that will be applied to all local educational agencies and schools consistently throughout the State for all students and for each of the categories of students, which may include measures of—

“(aa) student readiness to enter postsecondary education or the workforce without the need for postsecondary remediation, which may include—

“(A) measures that integrate preparation for postsecondary education and the workforce, including performance in coursework sequences that integrate rigorous academics, work-based learning, and career and technical education; and

“(BB) measures of a high-quality and accelerated academic program as determined appropriate by the State, which may include the percentage of students who participate in a State-approved career and technical program of study as described in section 122(c)(1)(A) of the Carl D. Perkins Career and Technical Education Act of 2006 and measures of technical skill attainment and placement described in section 131(b) of such Act.
and reported by the State in a manner con-
sistent with section 113(c) of such Act, or
other substantially similar measures;

(’CC) student performance on assessments
aligned with the standards for first-year post-
secondary education success;

(’DD) student performance on admissions
tests for postsecondary education;

(’EE) student performance on assessments
of career readiness and acquisition of indus-
try-recognized credentials that meet the
quality criteria established by the State under
paragraph (1) of section 123(a) of the Workforce
Innovation and Opportunity Act (29 U.S.C. 3102);

(’FF) student enrollment rates in postsec-
doary education;

(’GG) measures of student remediation in
postsecondary education; and

(’HH) measures of student credit accumula-
tion in postsecondary education;

(’bb) student engagement, such as attend-
ance rates and chronic absenteeism (includ-
ing both excused and unexcused absences);

(’cc) educator engagement, such as educa-
tor satisfaction (including working condi-
tions within the school), teacher quality and
effectiveness, and teacher absenteeism;

(dd) results from student, parent, and ed-
ucator surveys;

(’ee) school climate and safety, such as in-
cidents of school violence, bullying, and
harassment and disciplinary rates, including
rates of suspension, expulsion, referrals to
law enforcement, school-related arrests, dis-
ciplinary transfers (including placements in
temporary alternative schools or local edu-
cational agencies); and

(ff) student access to or success in ad-
canced coursework or educational programs
or opportunities, which may include partici-
pation and performance in Advanced Place-
ment, International Baccalaureate, dual en-
rollment, and early college high school pro-
grams.

(3) ACCOUNTABILITY FOR CHARTER
SCHOOLS.—The accountability provisions
under this title shall be overseen for charter
schools in accordance with State charter
school law.

(4) PROHIBITION ON FEDERAL INTERFERENCE
WITH STATE AND LOCAL DECISIONS.—Nothing
in this subsection shall be construed to per-
mit the Secretary to establish any criterion that
specifies performance level or targets for:

(A) the standards or measures that States
or local educational agencies use to estab-
lish, implement, or improve challenging
achievement standards within the content
of, or achievement levels within, such
standards;

(B) the specific types of academic assess-
ments or assessment items that States or
local educational agencies use to meet the
requirements of paragraph (2)(B) or other-
wise use to measure student academic
achievement or student growth;

(C) the specific goals that States estab-
lish within State-designed accountability
systems for all students and for each of the
categories of students, as defined in para-
graph (3)(A), for student academic
achievement or high school graduation rates,
progress or growth if a State chooses to measure
student academic
achievement or high school graduation rates,
as
described in subclauses (I) and (II) of paragraph
(3)(A)(i)

(D) any requirement that States shall
measure student growth or the specific
metrics used to measure student academic
achievement or student growth if a State
chooses to measure student academic
achievement or student growth;

(E) the specific indicator under paragraph
(3)(B)(vi)(II)(AA), or any indicator under para-
graph (3)(B)(vi)(II)(AA)(IV), that a State must use
within the State-designed accountability
system;

(F) setting specific benchmarks, targets,
or goals, for any other measures or indica-
tors established by a State under subclauses
(III) and (IV) of paragraph (3)(B)(ii), includ-
ing
progress or growth on such measures or indica-
tors;

(G) the specific weight or specific signif-
cance of any measures or indicators used to
measure, identify, or differentiate schools in
the State-determined accountability system,
as described in clauses (I) and (III) of para-
graph (3)(B);

(H) the terms ‘meaningfully’ or ‘substan-
tially’ as used in this part;

(I) the specific methods used by States
and local educational agencies to identify
and meaningfully differentiate among public
schools;

(’J) any aspect or parameter of a teacher,
principal, or other school leader evaluation
system within a State or local educational
agency;

(’K) indicators or measures of teacher,
principal, or other school leader effective-
ness or quality;

(’L) other PLAN PROVISIONS.—

(’1) DESCRIPTIONS.—Each State plan shall describe—

(’A) with respect to any accountability
provisions under this part that require
 disaggregation of information by each of
the categories of students, as defined in sub-
section (3)(A)

(i) the minimum number of students that
the State determines are necessary to be in-
cluded in each such category of students to
provide meaningful information and how that
number is statistically sound;

(ii) how such minimum number of stu-
dents was determined by the State, including
the methods used to identify students, indi-
viduals, groups, or subgroups of students, such
as the use of the same accountability metrics,
including those under paragraphs (2)(G), (2)(H),
and (2)(J), to determine the effectiveness of
the State’s improvement efforts and how that
effectiveness is measured;

(iii) how such minimum number of stu-
dents was determined by the State, including
the methods used to identify students, indi-
dviduals, groups, or subgroups of students, such
as the use of the same accountability metrics,
including those under paragraphs (2)(G), (2)(H),
and (2)(J), to determine the effectiveness of
the State’s improvement efforts and how that
effectiveness is measured;

(iv) the specific methods or criteria the
State or its local educational agencies use to
evaluate the intervention and how that evalua-
tion is conducted;

(v) the specific methods or criteria the
State or its local educational agencies use to
evaluate the intervention and how that evalua-
tion is conducted;

(vi) the specific methods or criteria the
State or its local educational agencies use to
evaluate the intervention and how that evalua-
tion is conducted;

(vii) how such minimum number of stu-
dents was determined by the State, including
the methods used to identify students, indi-
dviduals, groups, or subgroups of students, such
as the use of the same accountability metrics,
including those under paragraphs (2)(G), (2)(H),
and (2)(J), to determine the effectiveness of
the State’s improvement efforts and how that
effectiveness is measured;

(viii) how such minimum number of stu-
dents was determined by the State, including
the methods used to identify students, indi-
dviduals, groups, or subgroups of students, such
as the use of the same accountability metrics,
including those under paragraphs (2)(G), (2)(H),
and (2)(J), to determine the effectiveness of
the State’s improvement efforts and how that
effectiveness is measured;

(ix) the specific methods or criteria the
State or its local educational agencies use to
evaluate the intervention and how that evalua-
tion is conducted;

(x) the specific methods or criteria the
State or its local educational agencies use to
evaluate the intervention and how that evalua-
tion is conducted;

(xi) the specific methods or criteria the
State or its local educational agencies use to
evaluate the intervention and how that evalua-
tion is conducted;

(xii) the specific methods or criteria the
State or its local educational agencies use to
evaluate the intervention and how that evalua-
tion is conducted;

(xiii) the specific methods or criteria the
State or its local educational agencies use to
evaluate the intervention and how that evalua-
tion is conducted;

(xiv) the specific methods or criteria the
State or its local educational agencies use to
evaluate the intervention and how that evalua-
tion is conducted;

(xv) the specific methods or criteria the
State or its local educational agencies use to
evaluate the intervention and how that evalua-
tion is conducted;

(xvi) the specific methods or criteria the
State or its local educational agencies use to
evaluate the intervention and how that evalua-
tion is conducted;

(xvii) the specific methods or criteria the
State or its local educational agencies use to
evaluate the intervention and how that evalua-
tion is conducted;

(xviii) the specific methods or criteria the
State or its local educational agencies use to
evaluate the intervention and how that evalua-
tion is conducted;

(xix) the specific methods or criteria the
State or its local educational agencies use to
evaluate the intervention and how that evalua-
tion is conducted;

(xx) the specific methods or criteria the
State or its local educational agencies use to
evaluate the intervention and how that evalua-
tion is conducted;

(’B) the State educational agency’s system
to monitor and evaluate the intervention
and support strategies implemented by local
educational agencies in schools identified as
in need of intervention and support under
section 1114, including the lowest-performing
schools and schools identified for other rea-
sions, including schools with categories of
students, as defined in subsection (b)(3)(A),
ot meeting the goals described in sub-
section (b)(3)(A)(i), or any indicator under para-
graph (3)(A)(i), the State
will take to further assist local educational
agencies, if such strategies are not effective;

(’C) the State educational agency’s system
to monitor and evaluate the intervention
and support strategies implemented by local
educational agencies in schools identified as
in need of intervention and support under
section 1114, including the lowest-performing
schools and schools identified for other rea-
sions, including schools with categories of
students, as defined in subsection (b)(3)(A),
ot meeting the goals described in sub-
section (b)(3)(A)(i), or any indicator under para-
graph (3)(A)(i), the State
will take to further assist local educational
agencies, if such strategies are not effective;

(’D) the State educational agency’s system
to monitor and evaluate the intervention
and support strategies implemented by local
educational agencies in schools identified as
in need of intervention and support under
section 1114, including the lowest-performing
schools and schools identified for other rea-
sions, including schools with categories of
students, as defined in subsection (b)(3)(A),
ot meeting the goals described in sub-
section (b)(3)(A)(i), or any indicator under para-
graph (3)(A)(i), the State
will take to further assist local educational
agencies, if such strategies are not effective;

(’E) the State educational agency’s system
to monitor and evaluate the intervention
and support strategies implemented by local
educational agencies in schools identified as
in need of intervention and support under
section 1114, including the lowest-performing
schools and schools identified for other rea-
sions, including schools with categories of
students, as defined in subsection (b)(3)(A),
ot meeting the goals described in sub-
section (b)(3)(A)(i), or any indicator under para-
graph (3)(A)(i), the State
will take to further assist local educational
agencies, if such strategies are not effective;
“(H) how the State educational agency will coordinate activities funded under this part with other Federal activities as appropriate; and

“(I) the State educational agency will report to Congress, at a frequency and in such manner as the Secretary determines to be appropriate, information on the extent to which the funds under this part are used to provide services under this part.

“(J) how the State educational agency will develop and implement programs under this part to meet the purposes of this part, and that the State educational agency will develop and implement programs under this part, and to the extent feasible, work in consultation with outside intermediary organizations, such as educational service agencies, or individuals, that have practical experience in providing teaching, learning, and schools; and

“(K) how the State educational agency will use funds under this part to support efforts to expand and replicate successful practices from high-performing charter schools, magnet schools, and traditional public schools.

“(L) how the State educational agency will ensure effective student transitions from high school to postsecondary education, such as through the establishment of partnerships between local educational agencies and institutions of higher education and provides students with choices for pathways to postsecondary education, which may include the integration of rigorous academics, career and technical education, and work-based learning;

“(M) how the State educational agency will use funds under this part to support local educational agencies and schools in communities with high rates of substance abuse; and

“(N) how the State educational agency will provide support to local educational agencies for the education of expectant and parenting students;

“(O) how the State educational agency will demonstrate a coordinated plan to seamlessly transition students from secondary school into postsecondary education or careers without remediation, including a description of the specific transition activities that the State educational agency will carry out, such as providing students with access to early college high school or dual or concurrent enrollment opportunities; and

“(P) how the State educational agency will provide support to local educational agencies for the education of children in foster care, including development of evidence-based strategies and programs to improve teaching, learning, and schools;

“(Q) how the State educational agency will incorporate procedures and safeguards in place to ensure the validity of the assessment process;

“(R) how the State educational agency will ensure that local educational agencies, in developing and implementing programs under this part, will, to the extent feasible, work in consultation with outside intermediary organizations, such as educational service agencies, or individuals, that have practical experience in providing teaching, learning, and schools; and

“(S) how the State educational agency will coordinate activities funded under this part with other Federal activities as appropriate;

“(T) how the State educational agency will coordinate activities funded under this part with other Federal activities as appropriate;

“(U) how the State educational agency will ensure effective student transitions from high school to postsecondary education, such as through the establishment of partnerships between local educational agencies and institutions of higher education and provides students with choices for pathways to postsecondary education, which may include the integration of rigorous academics, career and technical education, and work-based learning;

“(V) how the State educational agency will use funds under this part to support efforts to expand and replicate successful practices from high-performing charter schools, magnet schools, and traditional public schools.

“(W) how the State educational agency will ensure effective student transitions from high school to postsecondary education, such as through the establishment of partnerships between local educational agencies and institutions of higher education and provides students with choices for pathways to postsecondary education, which may include the integration of rigorous academics, career and technical education, and work-based learning;

“(X) how the State educational agency will use funds under this part to support efforts to expand and replicate successful practices from high-performing charter schools, magnet schools, and traditional public schools.

“(Y) how the State educational agency will ensure effective student transitions from high school to postsecondary education, such as through the establishment of partnerships between local educational agencies and institutions of higher education and provides students with choices for pathways to postsecondary education, which may include the integration of rigorous academics, career and technical education, and work-based learning;

“(Z) how the State educational agency will use funds under this part to support efforts to expand and replicate successful practices from high-performing charter schools, magnet schools, and traditional public schools.
required for the annual State report card described in subsection (d)(1) and annual local educational agency report cards described in subsection (b)(2); and

(‘N) the State educational agency will provide the information described in clauses (i), (ii), and (iv) of subsection (d)(1)(C) to the public in an easily accessible and user-friendly manner that can be cross-tabulated by, at a minimum, each major racial and ethnic group, gender, English proficiency, and students with or without disabilities, which shall include:

(i) may be accomplished by including such information on the annual State report card described in subsection (d)(1)(C) and

(ii) shall be presented in a manner that—

(I) is first anonymously and does not reveal personally identifiable information about an individual student;

(II) does not include any student in any category of students that is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student;

(III) is consistent with the requirements of section 1111(b)(3) of the Elementary and Secondary Education Act of 1965, as amended; and

(IV) is presented in a manner that can be cross-tabulated and disaggregated by each category of students, as defined in subsection (b)(3)(A), and for purposes of subclause (II), the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about a student.

(‘O) the State educational agency will provide the information described in subsection (b)(2) at each level of achievement, as determined by the State under subsection (b)(1);

(‘P) the percentage of students and disaggregated by each category of students described in subsection (b)(2)(B)(i)(II), the percentage of students assessed and not assessed;

(‘Q) the number and percentages of students with the most significant cognitive disabilities that take an alternate assessment under subsection (b)(2)(D), by grade and race/ethnicity;

(‘R) the number and percentages of English language proficiency by students who are English learners;

(‘S) the information on the acquisition of military-connected students (which, for purposes of this clause, shall mean students with parents who serve in the uniformed services, including the National Guard and Reserves, and information regarding the academic achievement of such students, except that such information shall not be used for purposes of the State’s accountability purposes under sections 1111(b)(3) and 1114.)
shall still include the information under clauses (v) and (xiii) of subparagraph (C) in the State report card under this paragraph in the same manner that such information is presented or required in the report card under subsection (b)."

(2) ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARDS.—

(A) IN GENERAL.—A local educational agency that receives assistance under this part shall prepare and disseminate an annual local educational agency report card that includes—

(i) information on each such agency as a whole; and

(ii) for each school served by the agency, a school report card that meets the requirements of this subsection through existing data collection efforts.

(B) IMPLEMENTATION.—Each local educational agency report card shall be—

(i) concise;

(ii) presented in an understandable and uniform format, and to the extent practicable, in a language that parents can understand;

(iii) accessible to the public, which shall include—

(I) placing such report card on the website of the local educational agency and on the website of each school served by the agency; and

(II) in any case in which a local educational agency does not operate a website, providing the information to the public in another manner determined by the local educational agency.

(C) MINIMUM REQUIREMENTS.—Each local educational agency report card required under this paragraph shall include—

(i) the information described in paragraph (1)(C), disaggregated by term, by which the number of students is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student) at which students who graduate from the high school enroll, for the first academic year that begins after the students’ graduation—

(I) in programs of public postsecondary education in the State; and

(II) if data are available and to the extent practicable, in programs of private postsecondary education in the State or programs of postsecondary education outside the State;

(ii) the information described in subsection (b)(3)(A), except that such disaggregation shall not be required under this subparagraph in a case in which the number of students is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student) for students who graduate from the high school at—

(I) programs of postsecondary education in the State; and

(II) programs of postsecondary education outside the State;

(iii) any other information that the local educational agency determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of each of the State’s public elementary and secondary schools.

(D) RULE OF CONSTRUCTION.—Nothing in clause (v) or (xiii) of subparagraph (C) shall be construed as requiring a State to report any data that are not otherwise required or voluntarily submitted to the Civil Rights Data Collection biennial survey required by the Office for Civil Rights of the Department.

(3) PUBLIC DISSEMINATION.—

(I) In general.—The information as provided in clause (ii), a local educational agency shall—

(i) publicly disseminate the information described in this paragraph to all schools in the State served by the local educational agency and to all parents of students attending such schools; and

(ii) make the information widely available through public means, including through electronic means, including posting in an easily accessible manner on the local educational agency’s website, in the case in which an agency does not operate a website, such agency shall determine how to make the information available, such as through distribution to the media, and distribution through public agencies.

(II) EXCEPTION.—If a local educational agency issues a report card for all students, the educational agency may include the information described in this paragraph as part of such report.

(4) PREEXISTING REPORT CARDS.—A State educational agency and local educational agency that receives assistance under this part shall, wherever possible, take steps to reduce data collection costs and duplication of effort by obtaining the information required under this subsection through existing data collection efforts.

(5) ANNUAL STATE REPORT TO THE SECRETARY.—Each State educational agency receiving assistance under this part shall report annually to the Secretary, and make widely available within the State—

(I) information on each student’s academic achievement on the academic assessments described in subsection (b)(2) for all students and disaggregated by each of the categories of students, as defined in subsection (b)(3)(A), including—

(i) the percentage of students who achieved at each level of achievement the State has set in subsection (b)(1); and

(ii) the percentage of students who did not meet the State goals set in subsection (b)(3)(B); and

(iii) applicable, the percentage of students making at least one year of academic growth over the school year, as determined by the State;

(B) the percentage of students assessed and not assessed on the academic assessments described in subsection (b)(2) for all students and disaggregated by each category of students, as described in subsection (b)(2)(B)(ii); and

(C) for all students and disaggregated by each of the categories of students, as defined in subsection (b)(3)(A), including—

(i) information on the performance of the other academic indicator under subsection (b)(3)(B)(ii)(AA) used by the State in the State accountability system; and

(ii) high school graduation rates, including 4-year adjusted cohort graduation rates and, at the State’s discretion, extended-year adjusted cohort graduation rates; and

(iii) information on each State-determined indicator of school quality, success, or student support under subsection (b)(3)(B)(iv)

(D) information on the acquisition of English language proficiency by students who are English learners;

(3) PER-PUPIL EXPENDITURES.—The per-pupil expenditures of Federal, State, and local funds, including actual staff personnel expenditures and actual non-personnel expenditures, distributed by source of funds for each school served by the agency for the preceding fiscal year.
(F) the number and percentage of students with the most significant cognitive disabilities that take an alternate assessment under subsection (b)(2)(D), by grade and school district.

(G) the number and names of the schools identified as in need of intervention and support under section 1114, and the school interventions and support strategies developed and implemented by the local educational agency under section 1114(b) to address the needs of students in each school.

(H) the parts of students and schools that participated in public school choice under section 1114(b)(4).

(I) information on the quality and effectiveness of teachers for each quartile of schools based on the school’s poverty level and high-minority and low-minority students in the school through electronic agencies in the State, including the number, percentage, and distribution of—

(i) inexperienced teachers;

(ii) teachers who are not teaching in the subject or field for which the teacher is certified or licensed; and

(iii) teachers who are not effective, as determined by the State educational agency.

(J) if the State has a statewide teacher, principal, or other school leader evaluation system; and

(K) if the State has a statewide teacher, principal, or other school leader evaluation system.

(6) PRESENTATION OF DATA.—

(A) IN GENERAL.—A State educational agency or local educational agency shall only include in its annual report card described under paragraphs (1) and (2) data that are sufficient to yield statistically reliable information that are not specifically identifiable information about an individual student, teacher, principal, or other school leader.

(B) STUDENT PRIVACY.—In carrying out this subsection, student education records shall not be released without written consent consistent with section 441 of the General Education Provisions Act (20 U.S.C. 1232g; commonly known as the ‘‘Family Educational Rights and Privacy Act of 1974.’’)

(7) REPORT TO CONGRESS.—The Secretary shall transmit each year to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report that provides national- and State-level data on the information collected under paragraph (5). Such report shall be submitted through electronic means only.

(8) SECRETARY’S REPORT CARD.—

(A) IN GENERAL.—Not later than July 1, 2017, and annually thereafter, the Secretary, acting through the Director of the Institute of Education Sciences, shall transmit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a national report card on the status of elementary and secondary education in the United States. Such report shall—

(i) analyze existing data from State reports required under this Act, the Individuals with Disabilities Education Act, and the Carl D. Perkins Career and Technical Education Act of 2006, and summarize major findings from such reports;

(ii) analyze data from the National Assessment of Educational Progress and comparable international assessments;

(iii) identify trends in student achievement and high school graduation rates (including accredited cohort graduation rates and extended-year accredited cohort graduation rates), by analyzing and reporting on the status and performance of students, disaggregated by achievement level and by each of the categories of students, as defined in subsection (b)(3)(A), and by students in rural areas;

(iv) analyze data on Federal, State, and local expenditures on education, including per-pupil spending, teacher salaries, school-level operations and support services, and publicly available, and report on current trends and major findings; and

(v) analyze information on the teaching, principal, or other school leader evaluation system, including academic achievement data, education and training, retention and mobility, and effectiveness in improving student achievement.

(B) SPECIAL REPORT CARD.—The information used to prepare the report described in subparagraph (A) shall be derived from existing State and local reporting requirements and data sources. Nothing in this paragraph shall be construed as authorizing, requiring, or allowing any additional reporting requirements, data elements, or information to be reported to the Secretary not otherwise explicitly authorized by any other Federal law.

(C) PUBLIC RECOGNITION.—The Secretary may identify and publicly recognize States, local educational agencies, school improvement plans, and individuals for exemplary performance.

(8) VOLUNTARY PARTNERSHIPS.—

(A) IN GENERAL.—Nothing in this section shall be construed to prohibit a State from entering into a voluntary partnership with another State to develop and implement the academic assessments, challenging State academic standards, and accountability systems required under this section.

(B) PROMOTION.—The Secretary shall be prohibited from requiring or coercing a State to enter into a voluntary partnership described in paragraph (1), including—

(i) as a condition of approval of a State plan under this part;

(ii) as a condition of approval of a waiver under section 9401; or

(iii) by providing any priority, preference, or special consideration during the application or approval process under any grant, contract, or cooperative agreement.

(C) SPECIAL RULE WITH RESPECT TO BUREAUFUNDED SCHOOL IMPROVEMENT GRANTS.—Nothing in this section shall be construed to prohibit the assessments to be used by each school operated or funded by the Bureau of Indian Education of the Department of the Interior that receives funds under this part, the following shall apply:

(i) Each such school that is accredited by the State in which it is operating shall use the assessments the State has developed and implemented to meet the requirements of this section, or other appropriate assessment as approved by the Secretary of the Interior.

(ii) Each such school that is accredited by a regional accrediting organization shall adopt an appropriate assessment in consultation with the National Assessment of Educational Progress and the Secretary of the Interior and consistent with assessments adopted by other States in the same State or region, that meets the requirements of this section.

(iii) Each such school that is accredited by a tribal accrediting organization or tribal division of education shall use an assessment developed by the State to which the school is accredited, except that the Secretary of the Interior shall ensure that such assessment meets the requirements of this section.

SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

(a) POLICY.—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that—

(i) is developed with timely and meaningful consultation with teachers, principals, other school leaders, public charter school representatives (if applicable), specialized instruction personnel, educational service providers, and parents of children in schools served under this part;

(ii) satisfies the requirements of this section; and

(iii) as appropriate, is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Carl D. Perkins Career and Technical Education Act of 2006, the Workforce Innovation and Opportunity Act, the Head Start Act, the Child Care and Development Block Grant Act of 1990, the Education Sciences Reform Act of 2002, the Education Technical Assistance Act, the National Assessment of Educational Progress Authorization Act, the McKinney-Vento Homeless Assistance Act, and the Adult Education and Family Literacy Act.

(b) CONSOLIDATED APPLICATION.—The plan may be submitted as part of a consolidated application under section 9305.

(c) STATE REVIEW AND APPROVAL.—

(A) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

(B) APPROVAL.—The State educational agency shall approve a local educational agency’s plan only if the State educational agency determines that the local educational agency’s plan meets the requirements of this part and enables children served under this part to meet the challenging State academic standards described in section 1111(b)(1).

(d) DURATION.—Each local educational agency plan shall be submitted for the first year for which this part is in effect following the date of enactment of the Every Child Achieves Act of 2015 and shall remain in effect for the duration of the agency’s participation under this part.

(e) REVIEW.—Each local educational agency shall periodically review and, as necessary, revise its plan to reflect changes in the local educational agency’s strategies and programs under this part.

(f) RENEWAL.—A local educational agency that desires to continue participating in a program under this part shall submit a renewed plan on a periodic basis, as determined by the State.

(g) PLAN PROVISIONS.—To ensure that all children receive a high-quality education that prepares them for postsecondary education or the workforce without the need for remediation, the achievement gap between children meeting the challenging State academic standards and those who are not, each local educational agency plan shall describe—

(i) how the local educational agency will work with each of the schools served by the agency so that students meet the challenging State academic standards;

(ii) developing and implementing a comprehensive program of instruction to meet the academic needs of all students;

(iii) identifying a strategy and effectively students who may be at risk for academic failure;

(iv) providing additional educational assistance to individual students, as needed, as needing help in meeting the challenging State academic standards;
“(D) identifying significant gaps in student academic achievement and graduation rates between each of the categories of students, as defined in section 1111(b)(3)(A), and developing strategies to reduce such gaps in achievement and graduation rates; and

“(E) identifying and implementing evidence-based methods and instructional strategies to strengthen the academic program of the school and improve school climate;

“(2) how the local educational agency will monitor and evaluate the effectiveness of school programs in improving student academic achievement and academic growth, if applicable, especially for students not meeting the challenging State academic standards;

“(3) how the local educational agency will—

“(A) ensure that all teachers and para-professionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including alternative certification requirements; and

“(B) identify and address, as required under subsection (b)(3) of section 1111(c)(1)(F), any disparities that result in low-income students and minority students being taught at higher rates than other students in ineffective, inexperienced, and out-of-field teachers;

“(4) the actions the local educational agency will take to identify and address, as required by the State under section 1114, including the lowest-performing schools in the local educational agency, and schools identified for other reasons, including schools with categories of students, as defined in section 1111(b)(3)(A), not meeting the goals described in section 1111(b)(3)(B), to improve student academic achievement at the funds used to conduct such actions, and how such agency will monitor such actions;

“(5) the poverty criteria that will be used to select school attendance areas under section 1113;

“(6) the programs to be conducted by each agency’s schools under section 1113 and, where appropriate, educational services outside such schools for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children, in schools operated by such institutions;

“(7) the services the local educational agency will provide homeless children, including programs with funds reserved under section 1113(a)(4)(A)(i); and

“(8) the strategy the local educational agency will use to implement effective parent and family engagement under section 1115;

“(9) if applicable, how the local educational agency will coordinate and integrate programs under this part with other preschool educational services at the local educational agency or individual school level, such as Head Start programs, the literacy component of Title I of the Every Child Achieves Act of 2015, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Head Start Act, the Child Care and Development Block Grant Act of 1990, the Developmental Disabilities Assistance Act, the McKinney-Vento Homeless Assistance Act, and the Education Sciences Reform Act of 2002, violence prevention programs, nutrition programs, and housing programs;

“(11) how teachers and school leaders, in consultation with school administrators, paraprofessionals, and specialized instructional support personnel, in schools operating a targeted assistance school program from funds under this part, will identify the eligible non-high school students who most need in services under this part;

“(12) in the case of a local educational agency that proposes to use funds under this part to support a multi-tiered system of supports, positive behavioral interventions and supports, and related services, how the local educational agency will provide such activities and services and coordinate them with similar activities and services provided under the office of special education and to students with disabilities, Education Act in schools served by the local educational agency, including by providing technical assistance, training, and evaluation of the activities and services;

“(13) how the local educational agency will provide opportunities for the enrollment, attendance, and success of homeless children and youth. Where appropriate, it shall identify, according to the requirements of the McKinney-Vento Homeless Assistance Act and the services the local educational agency will provide homeless children and youth;

“(14) how the local educational agency will implement strategies to facilitate effective transitions for students from middle school to high school and from high school to post-secondary education, including—

“(A) if applicable, through coordination with institutions of higher education, employers, and other local partners to seamlessly transition students from high school into postsecondary education or careers, and provide additional career counseling to identify student interests and skills;

“(B) a description of the specific transition activities the local educational agency will take, such as providing students with access to early college high school or dual or concurrent enrollment opportunities that enable students during high school to earn postsecondary credit or an industry-recognized credential that meets any quality standards required by the State or utilizing comprehensive career counseling to identify student interests and skills;

“(15) how the local educational agency will address school discipline issues, which may include identifying and supporting schools with high rates of discipline, disaggregated by each of the categories of students, as defined in section 1111(b)(3)(A), including by providing technical assistance on effective strategies to reduce such disparities and high rates;

“(16) how the local educational agency will address school discipline issues, which may include identifying and improving performance on school climate indicators related to student achievement and providing technical assistance on strategies to improve school climate;

“(17) how the local educational agency will provide opportunities for the enrollment, attendance, and success of expectant and parenting students and the services the local educational agency will provide expectant and parenting students;

“(18) if determined appropriate by the local educational agency, how such agency will support programs that promote integrated academic and career and technical education content through coordinated instructional strategies, that incorporate experiential learning opportunities; and

“(19) any other information on how the local educational agency proposes to use funds under this part, in a local educational agency that the local educational agency determines appropriate to provide, which may include how the local educational agency will—

“(A) assist schools in identifying and serving gifted and talented students;

“(B) assist schools in developing effective school library programs to provide students an opportunity to develop digital literacy skills and to help ensure that all students have access to post-secondary education or the workforce without the need for remediation; and

“(C) encourage the offering of a variety of well-rounded education experiences to students.

“(c) Assurance.—Each local educational agency that implements a plan shall provide assurances that the local educational agency will—

“(1) ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;

“(2) provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1116, and timely and meaningful consultation with private school officials regarding such services;

“(3) participate, if selected, in the National Assessment of Educational Progress reading and mathematics in grades 4 and 8 carried out under section 303(b)(3) of the National Assessment of Educational Progress Act of 2002;

“(4) coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as services for English learners, children with disabilities, migratory children, American Indian, Alaska Native, and Native Hawaiian children, homeless children, and children in foster care to improve program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;

“(5) collaborate with the State or local child welfare agency and, by not later than 1 year after the date of enactment of the Every Child Achieves Act of 2015, develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, and schedule and fund all of the time in foster care, which procedures shall—

“(A) ensure that children in foster care maintain transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with section 479(c)(4)(B) of the Social Security Act (42 U.S.C. 675(c)(4));

“(B) determine that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the local educational agency will provide transportation to the school of origin if—

“(1) the local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation;

“(ii) the local educational agency agrees to pay for the cost of such transportation; or

“(iii) the local educational agency and the local child welfare agency agree to share the cost of such transportation; and

“(D) Parents Right-to-Know.—

“(1) INFORMATION FOR PARENTS.—

“(A) IN GENERAL.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any
school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding any State or local educational agency policy, procedure, or parental right regarding student participation in any mandated assessments for that school year, in addition to information on the professional qualifications of the student’s classroom teachers, including at a minimum, the following:

(i) Whether the teacher has met State qualifications or licensing criteria for the grade levels and subject areas in which the teacher provides instruction;

(ii) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived;

(iii) The field of discipline of the certification of the teacher;

(iv) Whether the child is provided services by paraprofessionals and, if so, their qualifications.

(B) ADDITIONAL INFORMATION.—In addition to the information that parents may request under subparagraph (A), a school that receives funds under this part shall provide to each individual parent of a child who is a student in such school, with respect to such student—

(i) Information on the level of achievement and academic growth of the student, if applicable and available, on each of the State academic assessments required under this part; and

(ii) Timely notice that the student has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

(2) TESTING TRANSPARENCY.—

(A) IN GENERAL.—Subject to subparagraph (B), each local educational agency that receives funds under this part shall make wide- ly available through public means (including by posting in a clear and easily accessible manner on the local educational agency’s website and, where practicable, on the website of each school served by the local educational agency) for each grade served by the local educational agency, information on each assessment required by the State to be used and how such assessment is designed and used; and

(B) LOCAL EDUCATIONAL AGENCY THAT DOES NOT OPERATE A WEBSITE.—In the case of a local educational agency that does not operate a website, such local educational agency shall determine how to make the information described in subparagraph (A) widely available, such as through distribution of that information to the media, through public agencies, or directly to parents.

(3) LANGUAGE INSTRUCTION.—

(A) DEFINITIONS.—Each local educational agency using funds under this part or title III to provide a language instruction educational program as described under title III shall, not later than after the beginning of the school year, inform a parent or parents of a child who is an English learner identified for participation or participating in such a program, of—

(i) the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program;

(ii) the child’s level of English proficiency, how such level was assessed, and the status of the child’s academic achievement;

(iii) the methods of instruction used in the program in which their child is, or will be, participating and the instruc- tion used in other available programs, including how such programs differ in content, delivery, and professional qualifications in English and a native language in instruction;

(iv) how the program in which their child is, or will be, participating will meet the educational strengths and needs of their child;

(v) how such program will specifically help their child learn English and meet age- appropriate academic achievement standards for grade promotion and graduation;

(vi) the specific exit requirements for the program, including the expected rate of transcripted students;

(vii) the source of the requirement for the program or to choose another program or method of instruction, if available; and

(viii) information pertaining to parental rights that include—

(I) detailing the right that parents have to have their child immediately removed from such program upon their request;

(II) detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and

(III) assisting parents in selecting among various programs and methods of instruction, if more than 1 program or method is of- fered by the eligible child being placed in a language instruction educational program consistent with subparagraph (A).

(B) PARENTAL PARTICIPATION.—Each local educational agency using funds under this part and title III shall implement an effective means of outreach to parents of children who are English learners to inform the parents of the programs available to assist English learners, and the expected rate of graduation from high school (including 4- and extended-year adjusted cohort graduation rates for such program) if funds under this part are used for children in high schools; and

(C) ELIGIBLE SCHOOL ATTENDANCE AREAS; SCHOOLWIDE PROGRAMS; TARGETED ASSISTANCE PROGRAMS.

(a) ELIGIBLE SCHOOL ATTENDANCE AREAS.

(1) DETERMINATION.—

(A) IN GENERAL.—A local educational agency shall use funds received under this part only in eligible school attendance areas.

(B) ELIGIBLE SCHOOL ATTENDANCE AREAS.

In this part—

(i) the term ‘school attendance area’ means, in relation to a particular school, the geographical area in which children who are normally served by that school reside; and

(ii) the term ‘eligible school attendance area’ means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families served by the local educational agency as a whole.

(c) RANKING ORDER.—

(1) IN GENERAL.—Except as provided in clause (ii), if funds allocated in accordance with paragraph (3) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

(i) annually rank, without regard to grade spans, such agency’s eligible school attend- ance areas in which the concentration of children from low-income families exceeds 75 percent, or exceeds 50 percent in the case of the high schools served by such agency, from highest to lowest according to the percentage of children from low-income families; and

(ii) serve such eligible school attendance areas in rank order.

(d) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed as re- quiring a local educational agency to reduce, in order to comply with clause (i), the amount of funding provided under this part to elementary schools and middle schools from the amount of funding provided under this part to such schools for the fiscal year preceding the date of enactment of the Every Child Achieves Act of 2015 in order to provide funding under this part to high schools pursu- ant to clause (i).

(2) ELIGIBLE FUNDING.—If funds remain after serving all eligible school attendance areas under subparagraph (C), a local educa- tional agency shall—

(i) annually rank such agency’s remaining eligible school attendance areas from highest to lowest either by grade span or for the entire local educational agency accord- ing to the percentage of children from low-income families; and

(ii) serve such eligible school attendance areas in rank order either within each grade span or within the local educa- tional agency as a whole.

(e) MEASURES.—

(1) IN GENERAL.—Except as provided in clause (ii), a local educational agency shall—

(A) use the same measure of poverty, which measure shall be the number of children aged 5 through 17 in poverty counted in the most recent census data approved by the Secret- ary, the number of children eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act, the number of children receiving assistance under the State program funded under part A of title IV of the Social Secu- rity Act, or the number of children eligible for medical assistance under the Medicaid program established under title XIX of the Social Security Act, or a composite of
such indicators, with respect to all school attendance areas in the local educational agency—

(1) to identify eligible school attendance areas;

(2) to determine the ranking of each area; and

(3) to determine allocations under paragraph (a).

(1) SECONDARY SCHOOLS.—For measuring the number of students in low-income families in secondary schools, the local educational agency shall use the same measure of poverty, which shall be—

(1) the calculation described under clause (i); or

(2) an accurate estimate of the number of students in low-income families in a secondary school that is calculated by applying the average percentage of students from low-income families of the elementary school attendance areas as calculated under clause (i) that feed into the secondary school to the number of students enrolled in such school.

(2) EXCEPTION.—This subsection shall not apply to a local educational agency with a total enrollment of less than 1,000 children.

(3) LOCAL EDUCATIONAL AGENCY DESIGNATION.—

(A) IN GENERAL.—Notwithstanding paragraph (1)(B), a local educational agency may—

(i) designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families;

(ii) use funds received under this part to serve schools that are eligible for assistance under this Act if the percentage of children from low-income families enrolled in the school is at least 5 percent of the school's total enrollment; and

(iii) the Secretary determines, on the basis of a written request from such agency and in accordance with such criteria as the Secretary establishes, that approval of that request would further the purposes of this part.

(B) SPECIAL RULE.—

(i) IN GENERAL.—Except as provided in clause (i) or (ii), the Secretary may reduce the amount of funds a local educational agency received for that year under the poverty criteria described by the local educational agency in its plan submitted under section 1112, except that this clause shall not apply to a local educational agency that only serves schools in which the percentage of such children is 35 percent or greater.

(ii) EXCEPTION.—A local educational agency may reduce the amount of funds allocated under clause (i) for a school attendance area or school in which less than 20 percent of the children are from such families, or for a school in which less than 40 percent of the children enrolled in the school are from low-income families, or for a school in which less than 40 percent of the children enrolled in the school are from such families, may operate a schoolwide program under this subsection if—

(i) the local educational agency in which the school is located allows such school to do so;

(ii) the results of the comprehensive needs assessment conducted under subsection (b) determine a schoolwide program will best serve the needs of the students in the school served under this part in improving academic achievement and other factors.

(C) SCHOOLWIDE PROGRAMS.—An eligible school operating a schoolwide program shall develop a comprehensive plan, in consultation with the local educational agency, tribes and tribal organizations present in the community, and other individuals as determined by the school, that—

(A) is developed during a 1-year period, unless—

(i) the local educational agency determines in consultation with the school that less time is needed to develop and implement the schoolwide program; or

(ii) the school is operating a schoolwide program on the day before the date of enactment of the Every Child Succeeds Act of 2015, in which case such school may continue to operate such program, but shall develop amendments to its existing plan during the first year of assistance after that date to reflect the provisions of this section.

(B) is developed with the involvement of parents and other members of the community to be served and individuals who will carry out such plan, including teachers, principals, other school leaders, paraprofessionals present in the school, and administrators (including school-based programs described in other parts of this title), and, if appropriate, specialized instructional support personnel, technical assistance providers, school staff, and students;

(C) remains in effect for the duration of the school’s participation under this part, except that the plan and the implementation results achieved by the schoolwide program shall be regularly monitored and revised as necessary to ensure that students are meeting the challenging State academic standards;

(D) is available to the local educational agency, parents, and the public, and the information contained in such plan shall be in a manner that is understandable and, to the extent practicable, provided in a language that the parents can understand;
(E) if appropriate and applicable, developed in coordination and integration with other Federal, State, and local services, resources, and programs, such as programs supporting early childhood education; Art and other Federal education programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and other programs that will be consolidated in the schoolwide program; and

(IV) if appropriate, how funds will be used to establish and operate intervention and support programs for children who are aged 5 or younger, including how programs will help transition such children to local elementary school programs.

(2) IDENTIFICATION OF STUDENTS NOT REQUIRED.

(A) IN GENERAL.—No school participating in a schoolwide program shall be required to identify—

(i) particular children under this part as eligible to participate in a schoolwide program or

(ii) individual services as supplementary.

(B) SUPPLEMENTAL FUNDS.—In accordance with the determination described in subsection (b)(2); in section 1117, a school participating in a schoolwide program shall use funds available to carry out only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school; and the school is required to provide services that are required by law for children with disabilities and children who are English learners.

(3) EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS.

(A) EXEMPTION.—The Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs that will be consolidated in the schoolwide program from requirements under this Act, and other Federal, State, and local laws; and may issue regulations implementing this part, as appropriate.

(B) RECORDS.—A school that chooses to consolidate and support students identified under this paragraph only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school and that may include—

(i) counseling school-based mental health programs, specialized instructional support services, and mentoring services;

(ii) preparation for and awareness of opportunities for postsecondary education and the workforce, including career and technical education programs, which may include—

(A) Expanded Placement and International Baccalaureate courses and examinations, and dual or concurrent enrollment and early college high schools;

(B) implementation of a schoolwide multi-tiered system of supports, including positive prevention interventions and supports and early intervening services, including through coordination with such activities and services carried out under the Individuals with Disabilities Education Act; and

(C) a description of how the activities to recruit and retain effective teachers, particularly in high-need schools, and using data from academic assessments under section 1115(b)(2) and other formative and summative assessments to improve instruction;

(D) programs, activities, and courses in the core curriculum that are consistent with and incorporated into the challenging State academic standards; and

(E) other strategies to improve student’s academic and nonacademic skills essential for success; and

(IV) be monitored and improved over time based on student needs, including increased supports for those students who are lowest achieving;

(iii) if programs are consolidated, the specific State educational agency and local educational agencies and programs and other Federal programs that will be consolidated in the schoolwide program; and

(iv) if appropriate, how funds will be used to establish early childhood education programs and other Federal education programs for children who are aged 5 or younger, including how programs will

in consultation with the local educational agency and other individuals as determined by the school, that includes—

(A) a description of the results of the comprehensive needs assessments of the entire school required under subsection (b)(2);

(B) a description of the process for determining which students will be served and the strategies to be used;

(C) a description of how the activities supported under this part will be coordinated with and incorporated into the regular education program of the school;

(D) a description of how the program will serve participating students identified under paragraphs (A)(i), (A)(ii), (B)(i), (B)(ii), (C)(i), and (D)(i); and

(E) assurances that the school will—

(i) help provide an accelerated, high-quality curriculum;

(ii) minimize removing children from the regular classroom during regular school hours for instruction provided under this part; and

(iii) on an ongoing basis, review the progress of participating children and revise the plan under this section, if necessary, to provide additional assistance to enable such children to meet the challenging State academic standards.

(3) ELIGIBLE CHILDREN.

(A) ELIGIBLE POPULATION.—

(i)锱铢必较, other student leaders, paraprofessionals and, if appropriate, specialized instructional support services, and other school personnel who work with participating children in programs under this subsection or in the regular education program with resources provided under this part, and, to the extent practicable, from other sources, through professional development;

(ii) implementing strategies to increase parental involvement of parents of participating children in accordance with section 1115; and

(B) RECORDS.—A school that chooses to consolidate and support students identified under this paragraph only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, that may include—

(i) help provide an accelerated, high-quality curriculum;

(ii) minimize removing children from the regular classroom during regular school hours for instruction provided under this part; and

(iii) on an ongoing basis, review the progress of participating children and revise the plan under this section, if necessary, to provide additional assistance to enable such children to meet the challenging State academic standards.

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(i)锱铢必较, other student leaders, paraprofessionals and, if appropriate, specialized instructional support services, and other school personnel who work with participating children in programs under this subsection or in the regular education program with resources provided under this part, and, to the extent practicable, from other sources, through professional development;

(ii) implementing strategies to increase parental involvement of parents of participating children in accordance with section 1115; and

(B) RECORDS.—A school that chooses to consolidate and support students identified under this paragraph only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, that may include—

(i) help provide an accelerated, high-quality curriculum;

(ii) minimize removing children from the regular classroom during regular school hours for instruction provided under this part; and

(iii) on an ongoing basis, review the progress of participating children and revise the plan under this section, if necessary, to provide additional assistance to enable such children to meet the challenging State academic standards.

(3) ELIGIBLE CHILDREN.
clause (i), eligible children are children identified by the school as failing, or most at risk of failing, to meet the challenging State academic standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade 2 shall be selected solely on the basis of criteria, which include educational needs criteria, established by the local educational agency and supplemented by the school.

(B) CHILDREN INCLUDED.—(i) USE OF FUNDING.—Children who are economically disadvantaged, children with disabilities, migrant children, or children who are English learners, are eligible for services under this subsection on the same basis as other children selected to receive services under this subsection.

(ii) HEAD START AND PRESCHOOL CHILDREN.—Any child who, at any time in the 2 years preceding the year for which the determination is made, participated in a Head Start program, the literacy program under part 52—by the State or local educational agency, or a school operating a targeted assistance school program under subsection (c) or (d) in a high school may use funds received under this part—

(A) to carry out—

(i) dual or concurrent enrollment programs for high school students, through which the students are enrolled in the high school and in postsecondary courses at an institution of higher education; or

(ii) programs that allow a student to continue in a dual or concurrent enrollment program at a high school for the school year following the student’s completion of grade 12;

(B) to provide training for teachers, and

(ii) professional development for teachers in collaboration with technical educators and educators from institutions of higher education where appropriate, for the purpose of integrating rigorous academics in dual or concurrent enrollment programs.

(C) SPECIAL RULE.—Funds received under this subsection may not be used to provide services that are otherwise required by law to be provided by public education agencies and private sources to provide such services, then a school from serving students under this subsection simultaneously with students attending a community day program for neglected or delinquent children and youth or a school from serving students under this subsection may—

(A) identify the public schools that received funds under subsection (c) or (d) for a dual or concurrent program for high school students, through which the students are enrolled in the high school and in postsecondary courses at an institution of higher education;

(B) if the State educational agency determines that a local educational agency failed to carry out its responsibilities under this section, take such actions as the State educational agency determines to be appropriate and in compliance with State law to assist the local educational agency and ensure that such local educational agency is carrying out its responsibilities.

(D) PUBLICIZE.—The State educational agency shall—

(A) make technical assistance available to local educational agencies that serve schools identified as in need of intervention and support under paragraph (1)(A); and

(B) use funds provided under subsection (c) to assist such school consistent with such subsection.

(3) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—The State educational agency shall—

(A) identify any middle school or high school as in need of intervention and support if at least 40 percent of the children served by such school are from low-income families (as measured under section 1113(a)(1)(A)(i)); and

(B) use funds provided under subsection (c) to assist such school consistent with such subsection.

(4) USE FOR DUAL OR CONCURRENT ENROLLMENT PROGRAMS.—Notwithstanding paragraph (1)(A), a State educational agency may—

(A) identify any middle school or high school as in need of intervention and support under paragraph (1)(A); and

(B) use funds provided under subsection (c) to assist such school consistent with such subsection.

(S) STATE EDUCATIONAL AGENCY REVIEW AND RESPONSIBILITIES.—Each State educational agency receiving funds under this part for a dual or concurrent program shall—

(A) conduct a review of such school, in accordance with the State accountability system described in paragraph (3); and

(B) publicize and disseminate to the public, including teachers, principals and other school leaders, the results of the State review under paragraph (1).

(b) LOCAL EDUCATIONAL AGENCY REVIEW AND RESPONSIBILITIES.—(1) IN GENERAL.—Each local educational agency with a school identified as in need of intervention and support under subsection (a)(1)(A) shall, in consultation with teachers, principals and other school leaders, school personnel, parents, and community members—

(A) conduct a review of such school, including by examining the indicators and factors included in the determined accountability system described in section 1111(b)(3)(B) to determine the factors that led to such identification;

(B) conduct a review of the agency’s policies, procedures, personnel decisions, and budgetary decisions, including the measures on the local educational agency and school report cards that impact the school and could have contributed to the identification of the school;

(C) develop and implement appropriate intervention and support strategies, as described in paragraph (3), that are proportional to the identified needs of the school, for assisting the identified school.

(2) FLEXIBILITY OF FUNDS.—A local educational agency using funds received under this part for a dual or concurrent program may—

(A) to carry out—

(i) dual or concurrent enrollment programs for high school students, through which the students are enrolled in the high school and in postsecondary courses at an institution of higher education; or

(ii) programs that allow a student to continue in a dual or concurrent enrollment program at a high school for the school year following the student’s completion of grade 12;

(B) to provide training for teachers, and

(ii) professional development for teachers in collaboration with technical educators and educators from institutions of higher education where appropriate, for the purpose of integrating rigorous academics in dual or concurrent enrollment programs.

(B) FLEXIBILITY OF FUNDS.—A local educational agency using funds received under this part for a dual or concurrent program may—

(A) to carry out—

(i) dual or concurrent enrollment programs for high school students, through which the students are enrolled in the high school and in postsecondary courses at an institution of higher education; or

(ii) programs that allow a student to continue in a dual or concurrent enrollment program at a high school for the school year following the student’s completion of grade 12;

(B) to provide training for teachers, and

(ii) professional development for teachers in collaboration with technical educators and educators from institutions of higher education where appropriate, for the purpose of integrating rigorous academics in dual or concurrent enrollment programs.

(2) FLEXIBILITY OF FUNDS.—A local educational agency using funds received under this part for a dual or concurrent program may—

(A) to carry out—

(i) dual or concurrent enrollment programs for high school students, through which the students are enrolled in the high school and in postsecondary courses at an institution of higher education; or

(ii) programs that allow a student to continue in a dual or concurrent enrollment program at a high school for the school year following the student’s completion of grade 12;

(B) to provide training for teachers, and

(ii) professional development for teachers in collaboration with technical educators and educators from institutions of higher education where appropriate, for the purpose of integrating rigorous academics in dual or concurrent enrollment programs.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to impose any requirement or obligation regarding dual or concurrent enrollment programs that is inconsistent with State law.

(4) PROHIBITION.—Nothing in this section shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to require a local educational agency or school to submit the results of a comprehensive needs assessment under subsection (b)(2) or a plan under subsection (c) or (d) for review or approval by the Secretary.

SEC. 1114. SCHOOL IDENTIFICATION, INTERVENTIONS, AND SUPPORTS.

(a) STATE REVIEW AND RESPONSIBILITIES.—(1) IN GENERAL.—Each State educational agency receiving funds under this part shall use the system designed by the State under section 1111(b)(3)(B)(i) to annually—

(A) identify the public schools that receive funds under this part and are in need of improvement and support using the method established by the State in section 1111(b)(3)(B)(i)(I); and

(B) require for inclusion—

(i) on each local educational agency report card required under section 1111(d), the names of the schools identified under subparagraph (A); and

(ii) on each school report card required under section 1111(d), whether the school was identified under paragraph (A);

(C) ensure that all public schools that receive funds under this part and are identified as in need of intervention and support under subparagraph (A), implement an evidence-based intervention or support strategy designed by the State or local educational agency described in subparagraph (A) or (B) of subsection (b)(3); and

(D) prioritize intervention and supports in the identified schools most in need of intervention and support by the State, using the results of the accountability system under 1111(b)(3)(B)(i); and

(E) monitor and evaluate the implementation of school intervention and support strategies by local educational agencies, including in the lowest-performing elementary schools and secondary schools in the State, and use the results of the evaluation to take appropriate steps to change or improve interventions or support strategies as necessary.

(b) LOCAL EDUCATIONAL AGENCY REVIEW AND RESPONSIBILITIES.—(1) IN GENERAL.—Each local educational agency with a school identified as in need of intervention and support under paragraph (1)(A), take such actions as the State educational agency determines to be appropriate, and in consultation with teachers, principals and other school leaders, school personnel, parents, and community members—

(A) conduct a review of such school, including by examining the indicators and factors included in the determined accountability system described in section 1111(b)(3)(B) to determine the factors that led to such identification;

(B) develop and implement appropriate intervention and support strategies, as described in paragraph (3), that are proportional to the identified needs of the school, for assisting the identified school;

(C) conduct a review of the agency’s policies, procedures, personnel decisions, and budgetary decisions, including the measures on the local educational agency and school report cards that impact the school and could have contributed to the identification of the school;
implementation of the intervention and support strategies described in paragraph (3) in identified schools, which may include—

(i) technical assistance that will be provided in accordance with part D of this title to each identified school to assist the school in identifying, as described in subparagraphs (A) and (B) of paragraph (1); and

(ii) improved delivery of services to be provided by the local educational agency;

(iii) increased support for stronger curricular and instructional staff development, wrapped in services, or other resources provided to students in the school;

(iv) any changes to personnel necessary to implement the instructional opportunities for children in the school;

(v) redesigning how time for student learning is scheduled so that teacher collaboration is used within the school;

(vi) using data to inform instruction for continuous improvement;

(vii) an active mentoring system or coaching or support for principals and other school leaders to have the knowledge and skills to lead and implement efforts to improve schools and to support teachers to improve instruction;

(viii) improving school climate and safety;

(ix) providing ongoing mechanisms for family and community engagement to improve student learning; and

(x) establishing partnerships with entities, including private entities with a demonstrated record of improving student achievement, that will assist the local educational agency in fulfilling its responsibilities under this section; and

(2) collection and analysis of data on an ongoing basis to monitor the results of the intervention and support strategies and adjust such strategies as necessary during implementation in order to improve student academic achievement.

(2) NOTICE TO PARENTS.—A local educational agency shall promptly notify the parent or parents of each student enrolled in a school identified as in need of intervention and support under subsection (a)(1)(A) in an easily accessible and understandable form and, to the extent practicable, in a language that parents can understand—

(A) an explanation of what the identification means, and how the school compares in terms of academic achievement and other measures in the State accountability system under section 1111(b)(3)(B) to other schools served by the local educational agency and the State educational agency involved;

(B) the reasons for the identification;

(C) an explanation of what the local educational agency or State educational agency is doing to help the school address student academic achievement and other measures, including the nature of the intervention and support strategies developed under paragraph (1)(C) that will be implemented in the school;

(D) an explanation of how the parents can become involved in addressing academic achievement and other measures that caused the school to be identified; and

(E) the parents’ option to transfer their child to another public school under paragraph (4), if applicable.

(3) SCHOOL INTERVENTION AND SUPPORT STRATEGIES.—

(A) IN GENERAL.—Consistent with subsection (a)(1) and paragraph (1), a local educational agency shall develop and implement evidence-based intervention and support strategies for an identified school that the local educational agency determines appropriate to address the needs of students in such identified school, which shall—

(i) be designed to address the specific reasons for identification, as described in subparagraphs (A) and (B) of paragraph (1); and

(ii) at a minimum, in a manner that is proportional to the specific reasons for identification, as described in subparagraphs (A) and (B) of paragraph (1); and

(iii) distinguish between the lowest-performing schools and other schools identified as in need of intervention for other reasons, including schools with categories of students, as defined in section 1111(b)(3)(A), not meeting the goals described in subparagraph (C) of section 1111(b)(3)(B), and all other provisions of this subsection;

(B) STATE DETERMINED STRATEGIES.—Consistent with State law, a State educational agency may establish alternative evidence-based State determined strategies that can be used by local educational agencies to assist a school identified as in need of intervention and support under subsection (a)(1)(A), in addition to the assistance strategies developed under the local educational agency under subparagraph (A).

(4) PUBLIC SCHOOL CHOICE.—

(A) IN GENERAL.—A local educational agency may provide all students enrolled in a school identified as in need of intervention and support under subsection (a)(1) with the option to transfer to another public school served by the local educational agency, unless such an option is prohibited by State law.

(B) PRIORITY.—In providing students the option to transfer to another public school, the local educational agency shall give priority to the lowest-performing children from low-income families, as determined by the local educational agency for purposes of allocating funds to schools under section 1115(a)(3).

(5) TREATMENT.—Students who use the option to transfer to another public school shall be enrolled in classes and other activities in the public school to which the student transfers in the same manner as all other children at the public school.

(6) SPECIAL RULE.—A local educational agency shall permit a child who transfers to another public school under this paragraph to remain in that school until the child has completed the highest grade in that school.

(7) FUNDING FOR TRANSPORTATION.—A local educational agency may spend an amount equal to not more than 5 percent of its allocation under subpart 2 to pay for the provision of transportation for students who use the option to transfer under this paragraph to the public schools to which the students transfer.

(8) PROHIBITIONS ON FEDERAL INTERFERENCE WITH STATE AND LOCAL DECISIONS.—Nothing in this section shall be construed to authorize or permit the Secretary to establish any criterion that specifies, defines, or prescribes—

(A) any school intervention or support strategy that States or local educational agencies shall use to assist schools identified as in need of intervention and support under this section; or

(B) the weight of any indicator or measure that a State shall use to identify schools under subsection (a)(3).

(9) FUNDS FOR LOCAL SCHOOL INTERVENTION AND SUPPORTS.—

(A) IN GENERAL.—From the amounts appropriated under section 1002(f) for a fiscal year, the Secretary shall award grants to States and the Bureau of Indian Education of the Department of the Interior, through an allotment as determined under subparagraph (B), to carry out the activities described in this subsection.

(B) ALLOCATIONS.—From the total amount appropriated under section 1002(f) for a fiscal year, the Secretary shall allot to each State, the Bureau of Indian Education of the Department of the Interior, and all such local educational agencies, which shall include each such school district or regional educational service agency for such fiscal year with an approved application, an amount that bears the same relationship to such total amount as the amount such State, the Bureau of Indian Education of the Department of the Interior, or such outstanding area received under parts A, C, and D of this title for such most recent preceding fiscal year.

(2) STATE APPLICATION.—A State (including the Bureau of Indian Education) that desires to receive funds under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require, which shall include a description of—

(A) the process and the criteria that the State will use to award subgrants under paragraph (4)(A), including how the subgrants will serve schools identified by the State as the lowest-performing schools under subsection (a)(1); and

(B) the process and the criteria the State will use to determine whether the local educational agency’s proposal for serving each identified school meets the requirements of paragraph (6) and other provisions of this section;

(C) how the State will ensure that local educational agencies conduct a comprehensive review of each identified school as required under subsection (c); and

(D) how the State will ensure geographic diversity in making subgrants;

(E) how the State will set priorities in awarding subgrants to local educational agencies, including how the State will prioritize local educational agencies serving elementary schools and secondary schools identified as the lowest-performing schools under subsection (a)(1) that will use subgrants to serve such schools;

(F) how the State will monitor and evaluate the implementation of evidence-based school intervention and support strategies supported by funds under this subsection; and

(G) how the State will reduce barriers for schools in the implementation of school intervention and support strategies, including taking any other actions that would enable complete implementation of the selected school intervention and support strategy.

(3) STATE ADMINISTRATION: TECHNICAL ASSISTANCE; EXCEPTION.—

(A) IN GENERAL.—A State that receives an allotment under this subsection may reserve more than a total of 5 percent of such allotment for the administration of this subsection to carry out its responsibilities under subsection (a)(3) to support and coordinate the delivery of services to meet its responsibilities under subsection (a)(3)(B) if a local educational agency fails to carry out its responsibilities under subsection (b), but shall not reserve more than necessary to meet such State responsibilities.

(B) EXCEPTION.—Notwithstanding subparagraph (A), a State educational agency may reserve from the amount allotted under this subsection additional funds to meet its responsibilities under subsection (a)(3)(B) if a local educational agency fails to carry out its responsibilities under subsection (b), but shall not reserve more than necessary to meet such State responsibilities.

(4) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—From the amounts awarded to a State under this subsection, the State educational agency shall allocate
not less than 95 percent to make subgrants to local educational agencies, on a competitive basis, to serve schools identified as in need of intervention and support under subsection (a)(2).

(2) DURATION.—The State educational agency shall award subgrants under this paragraph for a period of not more than 5 years, which period may include a planning year.

(3) CRITERIA.—Subgrants awarded under this section shall be of sufficient size to enable a subgrant recipient agency to effectively implement the selected intervention and support strategy.

(4) DEEMED CONSTRUCTION.—Nothing in this subsection shall be construed as prohibiting a State from allocating subgrants under this subsection to a statewide school district, an interlocal consortium of local educational agencies, or an educational service agency that serves schools identified as in need of intervention and support under this section, if such entities are legally constituted or recognized as local educational agencies in the State.

(5) APPLICATION.—In order to receive a subgrant under this subsection, a local educational agency shall submit an application to the State educational agency at such time, in such form, and including such information, as the educational agency may require. Each application shall include, at a minimum—

(A) A description of the process the local educational agency has used for selecting an appropriate evidence-based school intervention and support strategy for each school to be served, including how the local educational agency has analyzed the needs of each such school in accordance with subsection (b)(1) and meaningfully consulted with the school principal, and other school leaders in selecting such intervention and support strategy;

(B) the specific evidence-based school interventions and supports to be used in each school to be served, including how the local educational agency will ensure that the interventions and supports will address the needs identified in the review under subsection (b)(1), and the timeline for implementing such school interventions and supports in each school to be served;

(C) a detailed budget covering the grant period, including the anticipated expenditures at the school level for activities supporting full and effective implementation of the selected school interventions and support strategy;

(D) a description of how the local educational agency will—

(i) design and implement the selected school interventions and support strategy in accordance with the requirements of subsection (b)(1)(C), including the use of appropriate measures to monitor the effectiveness of implementation;

(ii) use a rigorous review process to recruit, screen, select, and evaluate any external partners with whom the local educational agency will collaborate; and

(iii) align other Federal, State, and local resources with the intervention and support strategy to reduce duplication, increase efficiency, and assist identified schools in complying with reporting requirements of Federal and State programs;

(iv) modify practices and policies, if necessary, to provide operational flexibilities that enables full and effective implementation of the selected school intervention and support strategy;

(v) collect and use data on an ongoing basis to adjust the intervention and support strategy during implementation, and, if necessary, modify or implement a different strategy, provided such changes are not made in order to improve student academic achievement;

(vi) ensure that the implementation of the intervention and support strategy meets the needs of each of the categories of students, as defined in section 1111(b)(3)(A); and

(vii) provide information to parents, guardians, teachers, and other stakeholders about the effectiveness of implementation, to the extent practicable, in a language that the parents can understand, and

(viii) sustain successful reforms and practices after the funding period ends.

(6) LOCAL ACTIVITIES.—A local educational agency that receives a subgrant under this subsection—

(A) shall use the subgrant funds to implement evidence-based school intervention and support strategies consistent with subsection (a)(1)(A); and

(B) may use the subgrant funds to carry out, at the local educational agency level, activities that directly support the implementation of the intervention and support strategies such as—

(i) assistance in data collection and analysis;

(ii) recruiting and retaining staff;

(iii) high-quality, evidence-based professional development;

(iv) coordination of services to address students' non-academic needs; and

(v) progress monitoring.

(7) REPORTING.—A State that receives funds under this subsection shall report to the Secretary a list of all the local educational agencies that received a subgrant under this subsection, a list of each local educational agency that received a subgrant, a list of all the schools that were served, the amount of funds received under this subsection, and the intervention and support strategies implemented in each school.

(8) SUPPLEMENT NOT SUPPLANT.—A local educational agency or State shall use Federal funds received under this subsection only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of students participating in programs funded under this subsection.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including equivalent laws (including court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers).

(3) SEC. 1005. PARENT AND FAMILY ENGAGEMENT.

(A) IN GENERAL.—Each local educational agency shall conduct, or assist local educational agencies in conducting, a regular annual evaluation of the content and effectiveness of the parent and family engagement policies described in subsection (b), including identifying—

(i) barriers to greater participation by parents in the activities authorized by this section of parents who are economically disadvantaged, are disabled, are English learners, have limited literacy, are of any racial or ethnic minority background;

(ii) the needs of parents and family members to assist with the learning of their children and engaging with school personnel and teachers; and

(iii) strategies to support successful school and family interactions;

(B) in paragraph (2)—

(i) by inserting "and family terminals" after "and family terminals"; and

(ii) by striking "written parent involvement policy" and inserting "written parent and family engagement policy"; and

(C) in paragraph (3) —

(i) by inserting "and family terminals" after "and family terminals"; and

(ii) by striking "written parent involvement policy" and inserting "written parent and family engagement policy"; and

(iv) by striking paragraphs (A) through (P) and inserting the following:

(1) in the section heading, by striking "PARENT" and adding "PARENT AND FAMILY ENGAGEMENT"; (A) in paragraph (1)—

(1) by inserting "conducts outreach to all parents and family members and" after "only if such agency"; and

(2) by inserting "and family terminals" after "and procedures for the involvement of parents";

(2) in paragraph (2)—

(i) by inserting "and family terminals" after "and distribute to, parents";

(ii) by striking "written parent involvement policy" and inserting "written parent and family engagement policy"; and

(3) in paragraph (3) —

(A) in paragraph (1)—

(i) by inserting "conducted outreach to all parents and family terminals" after "only if such agency"; and

(ii) by inserting "and family terminals" after "and procedures for the involvement of parents";

(B) in paragraph (2)—

(i) by inserting "and family terminals" after "and distribute to, parents";

(ii) by striking "written parent involvement policy" and inserting "written parent and family engagement policy"; and

(4) by striking paragraphs (A) through (F) and inserting the following:

(1) in the section heading, by striking "PARENT" and adding "PARENT AND FAMILY ENGAGEMENT"; (1) by inserting "conducted outreach to all parents and family terminals and" after "only if such agency"; and

(ii) by inserting "and family terminals" after "and procedures for the involvement of parents";

(2) in paragraph (2)—

(i) by inserting "and family terminals" after "and distribute to, parents";

(ii) by striking "written parent involvement policy" and inserting "written parent and family engagement policy"; and

(3) by redesignating subsection 1111, 1120, 1120A, and 1120B as sections 1115, 1116, 1117, and 1118, respectively.

(2) by striking section 119, and

(3) by redesigning subsections 1111, 1120, 1120A, and 1120B as sections 1115, 1116, 1117, and 1118, respectively.

(A) IN GENERAL.—Each local educational agency shall reserve at least 1 percent of its subgrant funds under subpart 3 to carry out the activities described in this section, except that this subparagraph shall...
not apply if 1 percent of such agency’s allocation under subpart 2 for the fiscal year for which the determination is made is $5,000 or less. Nothing in this subparagraph shall be construed to limit the discretion of local educational agencies from reserving more than the 1 percent of its allocation under subpart 2 to assist schools to carry out activities described in this section.

(i) in subparagraph (B), by striking “(B) PARENTAL INVOLVEMENT—Parents of children” and inserting “(B) PARENTAL INVOLVEMENT POLICY—Parents and family members of children”;

(ii) in subparagraph (C), by inserting “85 percent” and inserting “85 percent”; and

(iii) by adding at the end the following:

“(D) USE OF FUNDS.—Funds reserved under subparagraph (A) by a local educational agency shall be used to carry out activities and strategies consistent with the local educational agency’s parent and family engagement policy, including not less than 1 of the following:

(i) Supporting schools and nonprofit organizations in providing professional development for local educational agency and school personnel addressing parent and family engagement strategies, which may be provided jointly to teachers, school leaders, specialized instructional support personnel, paraprofessionals, family educators, and parents and family members.

(ii) Supporting home visitation programs.

(iii) Disseminating information on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.

(iv) Collaborating or providing subgrants to schools to enable such schools to collaborate with community-based or other organizations or employers with a demonstrated record of success in improving and increasing parent and family engagement.

(v) Engaging in any other activities and strategies that the local educational agency determines are appropriate and consistent with such agency’s parent and family engagement policy, which may include financial assistance to schools and other educational and literacy activities, as defined in section 203 of the Adult Education and Family Literacy Act.

(d) in subsection (e)—

(A) in paragraph (1), by striking “the State’s academic content standards and State student academic achievement standards” and inserting “the challenging State academic standards”; and

(B) in paragraph (2), by striking “technology (including education about the harms of copyright piracy)” and inserting “technology and inserting “technology (including education about the harms of copyright piracy)”;

(C) in paragraph (3), by striking “pupil services personnel, principals” and inserting “specialized instructional support personnel, principals, and other school leaders”; and

(D) in paragraph (4), by striking “Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program,” and inserting “other relevant Federal, State, and local laws,”;

(e) by striking subsection (f) and inserting the following:

“(f) ACCESSIBILITY.—In carrying out the parent and family engagement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide opportunities for the full and informed participation of parents and family members (including parents and family members who are English learners, parents and family members with disabilities, and parents and family members of migratory children), including providing information and school reports required under section 1111 in a format and, to the extent practicable, in a language such parents understand.”; and

(f) in subsection (h), by striking “parental involvement policies” and inserting “parent and family engagement policies’’.

SEC. 1006. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

Section 1116, as redesignated by section 1004(d), is amended by—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “section 1115(b)’’ and inserting “section 1115(b)(1)(A)’’;

(ii) by inserting “and family members who are English learners, parents and family members with disabilities, and parents and family members of migratory children”, including providing information and school reports required under section 1111 in a format and, to the extent practicable, in a language such parents understand,”; and

(B) in paragraph (4) and inserting the following:

“(4) EXPENDITURES.—

“(A) IN GENERAL.—Expenditures for educational services and other benefits to eligible private school students under this part shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.

“(B) TERM OF DETERMINATION.—The local educational agency may determine the equitable participation level each year.

“(C) METHOD OF DETERMINATION.—The proportion of share of funds shall be determined

(i) on the basis of the total allocation received by the local educational agency; and

(ii) prior to any allowable expenditures or transfers by the local educational agency.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “and” before “the proportion of funds’’; and

(ii) by inserting “, and how that proportion of funds is determined” after “such services’’;

(B) in subparagraph (F), by striking “section 1115(c)(1)” and inserting “section 1115(c)(3)”;

(iii) in subparagraph (G), by striking “and” after the semicolon;

(iv) in subparagraph (H), by striking the period at the end and inserting “; and’’; and

(v) by adding at the end the following:

“(I) whether the agency shall provide services directly or assign responsibility for the provision of services to another government agency, consortium, or entity, or to a third-party contractor’’; and

(B) in paragraph (2), by striking “or” before “did not give due consideration’’; and

(vi) by inserting “, or did not make a decision that treats the private school students equitably as required by this section” before the period at the end.

SEC. 1007. SUPPLEMENT, NOT SUPPLANT.

1114(b)(2), as redesignated by section 1004(h), is amended by striking subsection (b) and inserting the following:

“(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—

“(1) IN GENERAL.—A State educational agency or local educational agency shall use Federal funds received under this part only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of students participating in programs assisted under this part, and not to supplant such funds.

“(2) COMPLIANCE.—To demonstrate compliance with paragraph (a), the local educational agency shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving assistance under this part.

“(3) SPECIAL RULE.—No local educational agency shall be required to—

“(A) identify that an individual cost or service supported under this part is supplemental;

(B) provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency’s compliance with paragraph (1).

“(4) PROHIBITION.—Nothing in this section shall be construed to authorize or permit the Secretary to establish any criterion that specifies, defines, or prescribes the specific methodology a local educational agency uses to allocate State and local funds to each school receiving assistance under this part.

“(5) TIMELINE.—A local educational agency—

“(A) shall meet the compliance requirement under paragraph (2) no later than 2 years after the date of enactment of the Every Child Achieves Act of 2015; and
(B) may demonstrate compliance with the requirement under paragraph (1) before the end of such 2-year period using the method such local educational agency used on the date before the date of enactment of the Every Child Achieves Act of 2015.’’.

SEC. 1008. COORDINATION REQUIREMENTS.

Section 1118, as redesignated by section 1004(d), is amended—

(1) in subsection (a), by striking ‘‘early childhood development programs such as the Early Reading First program’’ and inserting ‘‘early childhood education programs, including by developing agreements with such Head Start agencies and other entities to carry out such activities’’; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ‘‘early childhood development programs, such as the Early Reading First program,’’ and inserting ‘‘early childhood education programs’’;

(B) in paragraph (1), by striking ‘‘early childhood development program such as the Early Reading First program’’ and inserting ‘‘early childhood education program’’;

(C) in paragraph (2), by striking ‘‘early childhood development programs such as the Early Reading First program’’ and inserting ‘‘early childhood education programs’’;

(D) in paragraph (3), by striking ‘‘early childhood development programs such as the Early Reading First program’’ and inserting ‘‘early childhood education programs’’;

(E) in paragraph (4)—

(i) by striking ‘‘Early Reading First program’’ and inserting ‘‘Early Reading First program staff,’’ and

(ii) by striking ‘‘challenging State academic content standards’’ and inserting ‘‘challenging State academic standards’’.

SEC. 1009. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

Section 1221 (20 U.S.C. 6361 et seq.) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ‘‘and 1125A(f)’’; and

(2) in subsection (b)(3)(C)(i), by striking ‘‘challenging State academic content standards’’ and inserting ‘‘challenging State academic standards’’.

SEC. 1010. ALLOCATIONS TO STATES.

Section 1122 (20 U.S.C. 6334) is amended—

(1) by striking subsection (a) and inserting—

‘‘SEC. 1122. EQUITY GRANTS.

‘‘(a) Authorization.—From funds appropriated under section 1002(a) for a fiscal year and available for allocation pursuant to section 1122(a)(2), the Secretary is authorized to make grants from allotments under subsection (b), to carry out the programs and activities of this part.

‘‘(b) Distribution Based Upon Concentration of Poverty.—

‘‘(1) IN GENERAL.—For each State, the Secretary shall allot to the Commonwealth of Puerto Rico multiplied by

‘‘(2) SPECIAL RULE.—The equity factor for a State that meets the disparity standard described in section 222.162 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001) or a State with only one local educational agency shall be greater than or equal to 0.90.

‘‘(3) LOCAL EDUCATIONAL AGENCIES.—All funds awarded to each State under this section shall be allocated to local educational agencies under the following provisions:

‘‘(A) DISTRIBUTION WITHIN LOCAL EDUCATIONAL AGENCIES.—Within local educational agencies, funds allocated under this section shall be distributed to schools on a basis consistent with section 1113, and may only be used to carry out activities under this part.

‘‘(B) ELIGIBILITY FOR GRANT.—A local educational agency in a State is eligible to receive a grant under this section for any fiscal year if—

(a) the number of children in the local educational agency counted under section 1124(c), before application of the weighted child count described in subsection (d), is at least 10; and

(b) if the number of children counted for grants under section 1124(c), before application of the weighted child count described in subsection (d), is at least 10, the per-pupil expenditures of the local educational agency is at least the national average per-pupil expenditure for the fiscal year if—

(i) the number of children in the local educational agency counted under section 1124(c), before application of the weighted child count described in subsection (d), is at least 10; and

(ii) the number of such children who constitute more than 17.27 percent, but not more
that the number of such children in excess of 7,668 in such population, multiplied by 2.5; and

(iv) the number of such children who constitute more than 29.11 percent, but not more than 36.10 percent, of such population, multiplied by 4.0; and

(v) the number of such children who constitute more than 23.48 percent, but not more than 29.11 percent, of such population, multiplied by 6.0; and

(vi) the number of such children who constitute more than 17.27 percent, but not more than 23.48 percent, of such population, multiplied by 8.0; and

(vii) the number of such children who constitute less than 17.27 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0.

(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by—

(i) the number of children determined under section 1124(c) who constitute not more than 17.27 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0; and

(ii) the number of such children between 7,669 and 26,412, inclusive, in such population, multiplied by 2.5; and

(bb) the number of such children in excess of 26,412 in such population, multiplied by 3.0.

(3) STATES WITH AN EQUITY FACTOR GREATER THAN OR EQUAL TO .10 AND LESS THAN .20.—

(A) IN GENERAL.—In States with an equity factor greater than or equal to .10 and less than .20, the weighted child counts referred to in paragraph (1) for a fiscal year shall be the larger of the 2 amounts determined under subparagraphs (B) and (C).

(B) PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 17.27 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0; and

(ii) the number of such children who constitute more than 17.27 percent, but not more than 23.48 percent, of such population, multiplied by 4.0; and

(iii) the number of such children who constitute more than 23.48 percent, but not more than 29.11 percent, of such population, multiplied by 6.0; and

(iv) the number of such children who constitute more than 29.11 percent, but not more than 36.10 percent, of such population, multiplied by 8.0; and

(v) the number of such children who constitute more than 36.10 percent, of such population, multiplied by 1.5; or

(B) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

(5) WAIVER.—The Secretary may waive the requirements of this subsection if the Secretary determines that a waiver would be equitable due to—

(A) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the State; or

(B) a precipitous decline in the financial resources of the State.

(6) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

(1) IN GENERAL.—If the sums available under this section for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under this section for such fiscal year, the Secretary shall reduce the amounts available to local educational agencies under this section for such fiscal year, allocations that are reduced under paragraph (1) shall be increased on the same basis as they were reduced.

(2) ADDITIONAL FUNDS.—If additional funds become available under this section for any fiscal year, the Secretary shall allocate such additional funds under this section for such fiscal year, allocations that are reduced under paragraph (1) shall be increased on the same basis as they were reduced.

(7) HOLD HARMLESS AMOUNTS.—Beginning with the second fiscal year for which amounts are appropriated to carry out this section and if sufficient funds are available, the amount made available for each local educational agency under this section for a fiscal year shall be—

(A) not less than 95 percent of the amount made available for the preceding fiscal year if the number of children counted under section 1124(c) is equal to or more than 30 percent of the total number of children aged 5 to 17 years, inclusive, in the local educational agency;

(B) not less than 90 percent of the amount made available for the preceding fiscal year if the number of children described in subparagraph (A) is less than 30 percent and equal to or more than 15 percent;

(C) not less than 85 percent of the amount made available for the preceding fiscal year if the number described in subparagraph (A) is less than 15 percent;

(8) APPROPRIABILITY.—Notwithstanding any other provision of law, the Secretary shall not take into consideration the hold-harmless provisions of this subsection for any fiscal year for purposes of calculating State or local allocations for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

(g) DEFINITIONS.—In this section:

(1) HIGH POVERTY PERCENTAGE LOCAL EDUCATIONAL AGENCY.—The term 'high poverty percentage local educational agency' means a local educational agency for which the number of children determined under subparagraph (A) for a fiscal year is 20 percent or more of the total population aged 5 to 17, inclusive, of the local educational agency for such fiscal year.

(2) RELOCATION.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.
SEC. 1011B. EDUCATION FINANCE INCENTIVE GRANT PROGRAM.

In section 1125A (20 U.S.C. 6337A)–

(1) by striking “under subsection (f)” and inserting “under section 1122(a)” and made available under section 1122(a)(1); and

(2) by striking subsection (b), by striking “pursuant to subsection (f)” and inserting “made available under section 1122(a)(1); and

(3) in subsection (c), by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(4) In subsection (d)(1)(A)(II) by striking “clauses (i), (iii), and (iv)” and inserting “clause (i)”;

(5) by striking subsection (e) and inserting the following:

"(e) MAINTENANCE OF EFFORT.—

"(1) IN GENERAL.—A State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that the State’s local effort per student or the aggregate expenditures of the State with respect to the provision of free public education by the State for the preceding fiscal year was not less than 90 percent of the fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of paragraph (2).

"(2) REDUCTION IN CASE OF FAILURE TO MEET.—

"(A) IN GENERAL.—The Secretary shall reduce the amount of the allotment of funds under this section for any fiscal year by the exact proportion by which a State fails to meet the requirement of paragraph (1) by failing below 90 percent of both the fiscal effort or aggregate expenditures (using the measure most favorable to the State), if such State has also failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.

"(B) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) WAIVER.—The Secretary may waive the requirements of this subsection if the Secretary determines that a waiver would be equitable due to—

(A) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the State; or

(B) a precipitous decline in the financial resources of the State.”;

(6) by striking subsection (f);

(7) by redesignating subsection (g) as subsection (e); and

(8) in subsection (f), as redesignated by paragraph (7)—

(A) in paragraph (1), by striking “under this section” and inserting “to carry out this section”;

(B) in subsection (f)(3), in the matter preceding subparagraph (A), by striking “shall be” and inserting “may.”

SEC. 1011C. SPECIAL ALLOCATION PROCEDURES.

Section 1126 (20 U.S.C. 6338) is amended by striking “sections 1124, 1124A, 1125, and 1125A” and inserting “sections 1123, 1124, 1124A, 1125, and 1125A”.

SEC. 1201. ACADEMIC ASSESSMENTS.

Part B of title I (20 U.S.C. 6361 et seq.) is amended to read as follows:

"PART B—ACADEMIC ASSESSMENTS

"SEC. 1201. GRANTS FOR STATE ASSESSMENTS.

"(a) GRANT PROGRAM AUTHORIZED.—From amounts made available in accordance with section 1204, the Secretary shall award, on a competitive basis, grants to State educational agencies that have submitted applications at such time, in such manner, and containing such information as the Secretary may reasonably require, which demonstrate to the Secretary that the requirements of this section will be met, for one of more of the following:

"(1) Ensuring the continued validity and reliability of State assessments.

"(2) Developing challenging State academic standards and aligned assessments in academic subject matter.

"(3) Ensuring that assessments are not required under section 1111(b).

"(4) Developing or improving assessments of English language proficiency necessary to comply with section 1111(b)(2)(G).

"(5) Ensuring the continued validity and reliability of State assessments.

"(6) Developing or improving the quality, validity, and reliability of assessments for children who are English learners, including assessments aligned with challenging State academic standards, testing accommodations for children who are English learners, and assessments of English language proficiency.

"(7) Developing or improving balanced assessment systems that include summative, formative, and interim assessments, including supporting local educational agencies in developing or improving such assessments.

"(8) At the discretion of the State, refining assessment systems and ensure that local educational agencies are carried out audits of local assessments under subsections (e)(6); and

"(9) award grants to States for the first time—

"(A) carry out audits of State assessment systems and local educational agencies under section 1204(b)(1)(C); and

"(B) in the case of a grant awarded under this section to a State that has previously received a grant under this section—

"(i) carry out the State plan under section (e)(6); and

"(ii) award grants to States under section (f).
“(B) ensure that each local educational agency under the State’s jurisdiction and receiving funds under this Act—
   (i) conducts an audit of each local assessment system conducted under the local educational agency’s jurisdiction and conducted by the local educational agency;
   (ii) submits the results of such audit to the State; and
   (C) prepare the reports of each State and local educational agency audit conducted under subparagraphs (A) and (B), in a format that is—
   (i) publicly available, such as a widely accessible online platform; and
   (ii) with appropriate accessibility provisions for individuals with disabilities and English learners.

(2) RESOURCES FOR LOCAL EDUCATIONAL AGENCIES.—In carrying out paragraph (1)(B), each State shall develop and provide local educational agencies with resources, such as guidelines and protocols, to assist the agencies in conducting and reporting the results of the audit required under such paragraph.

(3) STATE ASSESSMENT SYSTEM DESCRIPTION.—An audit of a State assessment system conducted under paragraph (1) shall include—
   (A) the State’s policy for conducting such audit;
   (B) the annual cost to the State educational agency of developing, purchasing, administering, and scoring the assessment;
   (C) the annual cost to the State educational agency of carrying out efforts to streamline local assessment systems and implementing a regular review of assessment data.

(4) AUDIT OF A LOCAL ASSESSMENT.—An audit of a State assessment system conducted under paragraph (1) shall include—
   (A) a description of which assessments are used, including assessments designed to contribute to systems of improvement of teaching and learning;
   (B) the purpose for which the assessment was designed and the purpose for which the assessment is used, including assessments designed to contribute to systems of improvement of teaching and learning;
   (C) the schedule and calendar for all State assessments given; and
   (D) the extent to which the assessment is aligned with the challenging State academic standards under section 1111(b)(1);

(5) STAKEHOLDER FEEDBACK.—Each audit shall—
   (A) provide for appropriate feedback to stakeholders, including through activities such as—
      (i) developing and maintaining lists of State and local assessments that—
         (I) are aligned to the State's content standards under section 1111(b)(1);
         (II) are valid, reliable, and remain consistent with nationally recognized professional and technical standards; and
         (III) contribute to systems of continuous improvement for teaching and learning;
      (ii) eliminating any assessments that are not required under section 1111(b)(2) (such as buying out the remainder of procurement contracts with assessment developers) that do not meet the contributing factors of high-quality assessments listed under subclauses (I) through (III) of clause (1);
      (iii) supporting the dissemination of best practices from local educational agencies or other States that have successfully improved assessment quality and efficiency to improve teaching and learning;
      (iv) supporting State-level and consortia of local educational agencies to convey efforts to streamline local assessment systems and implementing a regular review of assessment use in local educational agencies;
      (v) disseminating the assessment data in an accessible and understandable format for educators, parents, and families; and
      (vi) decreasing time between administering such assessments, scoring and releasing assessment data;

(6) STATE PLAN ON AUDIT FINDINGS.—
   (A) PREPARING THE STATE PLAN.—Not later than 6 months after a State conducts an audit under paragraph (1) and based on the results of such audit, the State shall, in consultation with State educational agencies under the jurisdiction of the State, prepare and submit to the Secretary a plan to improve and streamline State assessment systems and local assessment systems, including through activities such as—
      (i) developing and maintaining lists of State and local assessments that—
         (I) align to the State's content standards under section 1111(b)(1);
         (II) are valid, reliable, and remain consistent with nationally recognized professional and technical standards; and
         (III) contribute to systems of continuous improvement for teaching and learning;
      (ii) eliminating any assessments that are not required under section 1111(b)(2) (such as buying out the remainder of procurement contracts with assessment developers) that do not meet the contributing factors of high-quality assessments listed under subclauses (I) through (III) of clause (1);
      (iii) supporting the dissemination of best practices from local educational agencies or other States that have successfully improved assessment quality and efficiency to improve teaching and learning;
      (iv) supporting State-level and consortia of local educational agencies to carry out efforts to streamline local assessment systems and implementing a regular review of assessment use in local educational agencies;
      (v) disseminating the assessment data in an accessible and understandable format for educators, parents, and families; and
      (vi) decreasing time between administering such assessments, scoring and releasing assessment data;

(B) CARRY OUT THE STATE PLAN.—A State shall carry out a State plan as soon as practicable after the State prepares such State plan under subparagraph (A) and during each period described in subparagraph (A)(2) that is awarded to the State.

(7) AMOUNTS ABOVE TRIGGER AMOUNT.—
   (A) RESERVE FUND.—The amount described in section 1201(b)(2) for a fiscal year shall be used to—
      (i) buy out the remainder of procurement contracts with assessment developers; and
      (ii) support local educational agencies or consortia of such agencies with resources, including through activities such as—
         (I) providing subgrants to local educational agencies or consortia of local educational agencies, or State educational agencies, for assistance with the costs of developing, administering, and scoring the assessment.
   (B) LOCAL EDUCATIONAL AGENCY APPLICATION.—Each local educational agency, or consortium of local educational agencies, seeking a subgrant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such other information as determined by the Secretary, that such application shall include a description of the agency’s or consortium’s needs to improve assessment quality, use, and alignment (as described in paragraph (1)).

(8) USE OF FUNDS.—A subgrant awarded under this subsection to a local educational agency or consortium of such agencies may be used to—
   (A) conduct an audit of local assessments under subsection (e)(1)(B);
   (B) eliminate any assessments identified for removal by such subgrant as a result of the application or that are not required under section 1111(b)(2); and
   (C) disseminate the best practices described in subsection (e)(6)(A)(ii); and
   (D) improve the capacity of school leaders and educators to disseminate assessment data in an accessible and understandable format for parents and families, including for children with disabilities or English learners;

(9) COST LIMITATION ON LOCAL ASSESSMENTS.—Each State and local educational agency shall, to the extent practicable, ensure that no more than—
   (A) 15 percent of the annual cost to a State educational agency for section 1201 an amount equal to—
      (i) $9,000,000; and
      (ii) with respect to any amounts remaining after the allocation is made under clause (i), an amount that bears the same relationship to such total remaining amounts as the number of students aged 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.
   (B) AMOUNTS ABOVE TRIGGER AMOUNT.—Any amounts made available for a fiscal year under section 1201(b)(2) that exceed the amount described in section 1111(b)(2)(H) shall be made available as follows:
State educational agencies, subject to meet-
years of the demonstration authority under
District of Columbia, and the Common-
thority to establish an innovative assess-
paragraph as the number of students ages 5
amount that bears the same relationship
funds available under this paragraph for the
paragraph and the response described in
''(D) Any amounts remaining after the Sec-
paragraph, in an amount that bears the same relationship
to the total number of such students in all States.
(c) State Defined.—In this section, the term ‘State’ means each of the 50 States, the District of Columbia, and the Common-
SEC. 1205. INNOVATIVE ASSESSMENT AND AC-
COUNTABILITY DEMONSTRATION AUTHORITY.
(a) Innovative Assessment System Defined.—The term ‘innovative assessment system’ means a system of assessments that may include—
(1) competency-based assessments, instructionally embedded assessments, inter-
term assessments, cumulative year-end as-
sements, or performance-based assess-
ments that combine into an annual summative determination for a student, which may be administered through com-
puter adaptive assessments; and
(2) assessments that validate when stu-
dents are ready to demonstrate mastery or proficieny and allow for differentiated stu-
dent support based on individual learning needs.
(b) Demonstration Authority.—
(1) In General.—The Secretary may pro-
vide a State educational agency, or a consor-
tium of State educational agencies, in ac-
cordance with section (B), with the au-
port to establish an innovative assess-
ment system.
(2) Demonstration Period.—In accord-
ance with the requirements described in sub-
section (c), each State educational agency, or consortium of State educational agencies, that submits an application under this sec-
tion shall, in its application, describe the pe-
riod of time over which it desires to exercise the demonstration authority, except that such period shall not exceed 5 years.
(c) Demonstration Authority: Progress Report; Expansion.—
(1) Initial Period.—During the first 3 years of the demonstration authority under this section, the Secretary shall, in concert with the State educational agencies, or consortia of State educational agencies, subject to meet-
ing the application requirements in sub-
section (c), with the authority described in paragraph (1).
(2) Limitation.—During the first 3 years of the demonstration authority under this section, the Secretary shall not, in a single consortium, include more than 7, except in the case of consortia of contiguous States.
(3) Demonstration Authority: Progress Report.—
(1) In General.—Not later than 90 days after the end of the initial 3 years of the initial demonstration described in paragraph (A), the Director of the Institute of Education Sciences, in consultation with the Secretary, shall publish a report detailing the initial progress of the approved innovative assessment systems prior to providing additional State educational agencies with the demonstration authority described in paragraph (1).
(2) Criteria.—The progress report under paragraph (1) shall draw upon the annual information reported by the States described in subsection (c)(2)(A) and examine the extent to which
(1) the innovative assessment systems have demonstrated progress for all students, including at-risk students, in relation to such measures as—
(1) student achievement and academic outcomes;
(2) graduation rates for high schools;
(3) retention rates of students in school; and
(4) remediation for students;
(2) the innovative assessment systems have facilitated progress in relation to at
least one other valid and reliable indicator of quality, success, or student support, such as those reported annually by the State in accordance with section 1111(b)(3)(B)(ii); and
(3) the State educational agencies have solicited feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system;
(4) teachers, principals, and other school leaders have demonstrated a commitment and capacity to implement or continue to implement the innovative assessment system;
(5) the innovative assessment systems have been developed in accordance with the requirements of subsection (c), including substantial evidence that such systems meet such requirements; and
(6) the State participating in the demon-
stration authority has demonstrated that the same system of assessments was used to measure the achievement of all students that participated in the demonstration au-
thority, and at least 95 percent of such stu-
dents overall and in each of the categories of students, as defined in section 1111(b)(3)(A), were assessed under the innovative assessment system.
(3) Use of Report.—Upon completion of the progress report, the Secretary shall pro-
vide a copy of the progress report, including a description of how the findings of the report will be used—
(1) to support participating State edu-
cational agencies through technical assist-
ance; and
(2) to inform the peer review process de-
scribed in section 1111(b)(3)(A).
(4) Publicly Available.—The Secretary shall make the progress report under this subparagraph and the response described in clause (i) available on the website of the Department.
(5) Prohibition.—Nothing in this sub-
paragraph shall be construed to authorize the Secretary to require participating States to submit any additional information for the purposes of the progress report beyond what the State has already provided in the annual report described in subsection (c)(2)(A).
(6) Expansion of the Demonstra-
tion Authority.—Upon completion and publication of the report described in subparagraph (A) and the response described in subsection (c)(2)(A), the Secretary may authorize the Secretary to require participating States to submit additional information for the purposes of the progress report for the purposes described in this section without regard to the requirements of subparagraph (B).
(B) Such State educational agencies or con-
sortia of State educational agencies shall be subject to all of the same requirements of this section.
(c) Application.—Consistent
the process described in subsection (d), a State educational agency, or consortium of State educational agencies, that desires to partic-
icipate in the program of demonstration au-
thority under this section shall submit an application to the Secretary at such time, in such manner, and on such forma-
tion as the Secretary may reasonably re-
quire. Such application shall include a de-
scription of the innovative assessment sys-
tem(s) the State agency is expected to im-
plement in implementing any components of the inno-

ative assessment system, and the timeline over which the State proposes to exercise the demonstration authority. In completing the application shall include the following:
(1) A demonstration that the innovative assessment system will—
(A) meet all the requirements of section 1111(b)(2)(B), except the requirements of clauses (1) and (v) of such section;
(B) be aligned to the standards under sec-
section 1111(b)(1) and address the depth and breadth of the challenging State academic standards under such section;
(C) express student competency in terms consistent with the State aligned academic achievement standards;
(D) be able to generate comparable, valid, and reliable results for all students and for each category of students described in sec-
sion 1111(b)(2)(B)(x), compared to the results for such students on the State assessments under section 1111(b)(2);
(E) be developed in collaboration with stakeholders representing the interests of children with disabilities, English learners, and other vulnerable children, educators, in-
cluding teachers, principals and other school leaders, local educational agencies, parents, and civil rights organizations in the State;
(F) be accessible to all students, as such as by incorporating the principles of universal design for learning;
(G) provide educators, students, and par-
times with timely data, disaggregated by each category of students described in section 1111(b)(2)(B)(x), to improve in-
structional practice and student supports;
(H) be able to identify which students are not making progress toward the State’s aca-
demic standards so that edu-
cators can provide instructional support and targeted intervention to all students to en-
sure every student is making progress;
(I) emphasize the annual progress of not less than 95 percent of all students and stu-
dents in each of the categories of students, as defined in section 1111(b)(3)(A), are required to take assessments;
(J) generate an annual, summative accountability determination based on annual data for each individual student based on the challenging State academic standards under section 1111(b)(1) and be able to validly and reliably aggregate data from the innovative assessment system for purposes of account-
ability, consistent with the requirements of section 1111(b)(3), and reporting, consistent with the requirements of section 1111(d); and
(K) continue use of the high-quality statewide academic assessments required under section 1111(b)(2) if such assessments are provided in each school that is participating in the innovative assessment system and are required to take assessments;
(2) A description of how the State edu-
cational agency will—
(A) identify the distinct purposes for each assessment that is part of the innovative as-
sement system;
“(B) provide support and training to local educational agency and school staff to implement the innovative assessment system described in this subsection; 

“(C) conduct regular peer reviews and other strategic activities for each participating local educational agency about the innovative assessment system at the beginning of each school year during which the innovative assessment system will be implemented; 

“(D) engage and support teachers in developing and scoring assessments that are part of the State’s education innovation implementation system, including the use of high-quality professional development, standardized and calibrated tools, and other strategies, consistent with relevant, internationally recognized professional and technical standards, to ensure inter-rater reliability and comparability; and 

“(E) acclimate students to the innovative assessment system; 

“(F) ensure that students with the most significant cognitive disabilities may be assessed with alternate assessments consistent with section 1111(b)(2)(D); 

“(G) if the State is proposing to administer the innovative assessment system statewide and in a subset of local educational agencies, scale up the innovative assessment system to administer such system statewide or with additional local educational agencies in the State’s proposed period of demonstration authority and 2-year extension period, if applicable, including the timeline that explains the proposed innovative assessment system, including the extension period, including a description of the State’s progress in scaling the system up to statewide use, not later than 45 days after receipt of the resubmitted application; 

“(H) gather data, solicit regular feedback from educators and parents, and assess the results of each year of the program of demonstration authority; and respond by making needed changes to the innovative assessment system; and 

“(I) report data from the innovative assessment system annually to the Secretary, including— 

“(i) demographics of participating local educational agencies, if such system is not statewide, and additional local educational agencies if added to the system during the course of the State’s demonstration or 2-year extension period, including a description of how— 

“(I) the inclusion of additional local educational agencies contributes to progress toward achieving high-quality and consistent implementation across demographically diverse local educational agencies throughout the State; and 

“(II) the end of the demonstration authority, the participating local educational agencies, as a group, will be demographically similar to the State as a whole; 

“(ii) performance of all participating students and for each category of students, as defined in section 1111(b)(3)(A), on the innovative assessment, consistent with the requirements of section 1111(d); 

“(iii) performance of all participating students in relation to at least one other valid and reliable indicator of quality, success, or student support, such as those reported annually by the State in accordance with section 1111(b)(3)(B)(i)(IV); 

“(iv) feedback from teachers, principals, other school staff, parents, and students about their satisfaction with the innovative assessment system; and 

“(v) if such system is not statewide, a description of progress in scaling up the innovative assessment system to additional local educational agencies during the State’s period of demonstration authority, and resubmit its application within 60 days of the State’s proposed period of demonstration authority and 2-year extension period; and 

“(6) make a determination regarding application approval or disapproval of a resubmitted application under paragraph (5) not later than 45 days after receipt of the resubmitted application; 

“(e) EXTENSION.—The Secretary may extend the authorization of demonstration authority under this section for an additional 2 years if the State educational agency demonstrates with evidence that the State educational agency’s innovative assessment system is continuing to meet the requirements of subsection (c), including— 

“(1) demonstrating that the participating local educational agencies, as a group, will be demographically similar to the State as a whole by the end of a 2-year extension period; and 

“(2) demonstrating that the participating local educational agencies, as a group, will be comparable to the State as a whole by the end of a 2-year extension period.

“(f) USE OF INNOVATIVE ASSESSMENT SYSTEM.—A State may, during its approved demonstration period or 2-year extension period, include results from the innovative assessment system in accountability determinations for each student in the participating local educational agencies instead of, or in addition to, results from the assessment system under section 1111(b)(2) if the State demonstrates that the State has met the requirements in subsection (c). The State shall continue to meet the other requirements of section 1111(b)(3). 

“(g) AUTHORITY WITHDRAWN.—The Secretary shall withdraw the authorization for demonstration authority provided to a State educational agency under this section and any participating local educational agency on that State as of a date the State shall return to the statewide assessment system under section 1111(b)(2) if, at any point during a State’s approved period of demonstration or 2-year extension period, the State educational agency cannot present to the Secretary a body of substantial evidence that the innovative assessment system developed under this section— 

“(1) meets requirements of subsection (c); 

“(2) includes all students attending schools participating in the demonstration authority, including each of the categories of students, as defined in section 1111(b)(3)(A), in the innovative assessment system developed under this section; 

“(3) provides an unbiased, rational, and consistent determination of progress toward the goals described under section 1111(b)(3)(B)(i) for all students, which are comparable to determinations under section 1111(b)(3)(B)(ii) across the State in which the local educational agencies are located; 

“(4) presents a high-quality plan to transition to full statewide use of the innovative assessment system by the end of the State’s approved demonstration period and 2-year extension period if the innovative assessment system will initially be administered in a subset of local educational agencies; and 

“(5) is comparable to the State’s high-quality plan to transition to full statewide use of the innovative assessment system described in this subsection, including having scaled the system up to statewide use, evidence that such system is of high quality, the State shall be permitted to operate the innovative assessment system approved under the program of demonstration authority and 2-year extension period for the purposes of paragraphs (2) and (3) of section 1111(b). Such system shall be deemed high
quality if the Secretary, through the peer review process described in subsection (d), determines that the system has—

(A) met all of the requirements of this section;

(B) demonstrated progress for all students, including each of the categories of students defined in section 1111(b)(3)(A), in relation to such measures as—

(i) increasing student achievement and academic outcomes;

(ii) increasing the 4-year adjusted cohort graduation rate or the extended-year adjusted cohort graduation rate for high schools;

(iii) increasing retention rates of students in school; and

(iv) increasing rates of remediation at institutions of higher education for participating students;

(C) demonstrated progress in relation to at least one other valid and reliable indicator of quality, success, or student support, such as those reported annually by the State in accordance with section 1111(b)(3)(B)(i)(IV);

(D) provided coherent and timely information, assessment of the State's challenging academic standards, including objective measurement of academic achievement, knowledge, and skills that are valid, reliable, and consistent with relevant, nationally-recognized professional and technical standards;

(E) solicited feedback from teachers, principals, local educational agencies, and parents about their satisfaction with the innovative assessment system; and

(F) demonstrated that the same system of assessments was used to measure the achievement of all students, and at least 95 percent of such students overall and in each of the categories of students, as defined in section 1111(b)(3)(A), were assessed under the innovative assessment system.

(2) BASELINE.—For the purposes of the evaluation described in paragraph (1), the baseline year shall be considered the first year of implementation of the innovative assessment system for each local educational agency.

(3) WAIVER AUTHORITY.—If, at the conclusion of the State's approved demonstration and extension period, the State has met all of the requirements of this section, except transition to statewide use for the purposes that will initially administer an innovative assessment system in a subset of local educational agencies, and continues to comply with all requirements of this section, the Secretary shall make the information described in paragraph (1) available to the public on the website of the Department and shall publish an update to the information not less often than once every 3 years.

SEC. 1012. EDUCATION OF MIGRATORY CHILDREN.

Part C of title I (20 U.S.C. 6391 et seq.) is amended—

(A) in section 1301—

(1) in subsection (b), by striking "available funds" and inserting "the Secretary''; and

(2) in subsection (g), by striking "for purposes of providing the State time necessary to implement the innovative assessment system for each subset of such students" and inserting "for purposes of providing the Secretary time necessary to implement the innovative assessment system for each local educational agency";

(B) NONPARTICIPATING STATES.—In the case of a State (other than the Commonwealth of Puerto Rico) that did not receive services under this part in summer or intersession programs provided by the State during such year, multiplied by 50 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph may not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.;

(C) in subsection (c)—

(i) by striking "(A) If, after", and inserting the following:

"(A) IN GENERAL.—If, after"; and

(ii) by striking "and subparts" and inserting "and paragraphs";

(D) in subsection (d)(2) and inserting the following:

(1) MINIMUM PERCENTAGE.—The percentage in paragraph (1)(A) shall not be less than 85.0 percent."
(i) in the matter preceding paragraph (1), by striking ‘‘, satisfactory to the Secretary,’’;
(ii) in paragraph (2), by striking ‘‘in a manner consistent with the objectives of section 1114, subsections (b) and (d) of section 1115, subsections (b) and (c) of section 1120A, and part I’’ and inserting ‘‘in a manner consistent with the objectives of section 1113(c), paragraphs (3) and (4) of section 1113(d), subsections (b) and (c) of section 1117, and part E’’;
(iii) in paragraph (3)—
(I) in the matter before subparagraph (A), by striking ‘‘parent advisory councils’’ and inserting ‘‘parents of migratory children, including parent advisory councils’’; and
(II) by striking ‘‘section 1116’’ and inserting ‘‘section 1115’’;
(iv) in paragraph (4), by inserting ‘‘and out-of-school migratory children’’ after ‘‘addressing the unmet educational needs of pre-school migratory children’’;
(v) in paragraph (6)—
(I) by striking ‘‘to the extent feasible,’’;
(II) by striking subparagraph (C) and inserting the following:
‘‘(C) evidence-based family literacy programs; and
(III) in subparagraph (E), by inserting ‘‘without the need for postsecondary remediation’’ after ‘‘employment’’; and
(vi) in subparagraph (F), by striking ‘‘paragraphs (1)(A) and (2)(B)(i) of section 1130(a), through such procedures as the Secretary may require and inserting ‘‘section 1130(a)(2)(A)’’;
(C) by striking subsection (d) and inserting the following:
‘‘(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who have made a qualifying move within the previous 1-year period and
‘‘(1) are failing, or most at risk of failing, to meet the challenging State academic standards; or
‘‘(2) have dropped out of school.’’; and
(D) in subsection (e)(3), by striking ‘‘secondary school students’’ and inserting ‘‘students’’;
(E) in section 1305(b), by inserting ‘‘, to the extent practicable,’’ after ‘‘may’’;
(F) in section 1306—
(A) in subsection (a)(1)—
(i) by striking ‘‘of such instructional content standards’’ and inserting ‘‘of such State student academic achievement standards’’;
(ii) in subparagraph (C), by striking ‘‘challenging State academic content standards and challenging State student academic achievement standards and inserting ‘‘challenging State academic standards’’; and
(iii) in subparagraph (F), by striking ‘‘educational achievement’’;
(G) in section 1307—
(A) in the matter preceding paragraph (1), by striking ‘‘nonprofit’’; and
(B) in paragraph (3), by striking ‘‘educational attainment’’ and inserting ‘‘educational achievement’’;
(H) in section 1308—
(A) in subsection (a)(1), by inserting ‘‘through’’ after ‘‘including’’; and
(B) in subsection (b)—
(i) by striking ‘‘moving effective methods for’’;
(ii) in paragraph (1), by striking ‘‘developing effective methods for’’;
(iii) in paragraph (2)—
(I) by striking ‘‘(A),’’;
(aa) in the matter preceding clause (i), in the first sentence—
(AA) by striking ‘‘ensure the linkage of migrant student and maintaining systems’’ and inserting ‘‘system’’;
(BB) by striking ‘‘systems’’ and inserting ‘‘system’’;
(CC) by inserting ‘‘within and before’’ after ‘‘among the States’’; and
-DD) by striking ‘‘all migratory students’’ and inserting ‘‘all migratory children eligible under this part’’;
(bb) in the matter preceding clause (i), by striking ‘‘The Secretary shall ensure’’ and all that follows through ‘‘maintain.’’; and
(cc) in the matter preceding clause (i), by striking ‘‘Such elements’’ and inserting ‘‘Such information’’; and
(dd) in clause (ii), by striking ‘‘required’’;
(ii) by inserting paragraph (B) as subparagraph (C); and
(iii) by inserting after subparagraph (A) the following:
‘‘(B) CONSULTATION.—The Secretary shall maintain ongoing consultation with the States, local educational agencies, and other migratory student service providers on—
‘‘(i) the effectiveness of the system described in subparagraph (A); and
‘‘(ii) the ongoing improvement of such system; and
‘‘(IV) in subparagraph (C), as redesignated by subparagraph (II) and inserting ‘‘the proposed data elements’’ and inserting ‘‘any new proposed data elements’’;
(bb) by striking ‘‘Such publication shall occur not later than 120 days after the date of enactment of the No Child Left Behind Act of 2001.’’; and
(iii) by striking paragraph (4) and
(iv) in section 1309—
(A) in paragraph (1)(B), by striking ‘‘nonprofit’’; and
(B) by striking paragraph (2) and inserting the following:
‘‘(2) MINIMUM PERCENTAGE .—The percent—
(A) which migratory children are failing, or most at risk of failing, to meet the challenging State academic standards; or
(B) which have dropped out of school;’’;
(II) in subparagraph (A), by striking ‘‘vocational’’ and inserting ‘‘vocational and challenging State academic content standards and challenging State student academic achievement standards’’; and
(III) in subparagraph (B), by striking ‘‘vocational and challenging State academic content standards and challenging State student academic achievement standards’’ and inserting ‘‘challenging State academic standards’’; and
(iii) in paragraph (2)—
(I) by inserting ‘‘and the Secretary’’ after ‘‘and the’’;
(ii) by striking subparagraph (C) and inserting the following:
‘‘(C) MINIMUM PERCENTAGE OF ONE OR MORE LOCAL EDUCATIONAL AGENCIES.—Not less than 85 percent of one or more local educational agencies shall ensure—
‘‘(1) that all migratory students who are failing, or most at risk of failing, in reading, writing, mathematics, science, or social studies, as defined by the Secretary, or who are neglected, delinquent, or at-risk;’’;
(iv) in section 1314—
(A) in subsection (a) (i) by striking (B)(i), by striking ‘‘from correctional facilities to locally operated programs and inserting ‘‘between correctional facilities and locally operated programs’’; and
(ii) in paragraph (2)—
(I) in paragraph (A)—
(aa) by striking ‘‘the program goals, objectives, and performance measures established by the State’’ and inserting ‘‘the program objectives and outcomes established by the State’’; and
(bb) by striking ‘‘vocational and inserting ‘‘career’’;
(II) in subparagraph (B), by striking ‘‘and’’ after the semicolon;
(III) in subparagraph (C)—
(aa) in clause (1), by inserting ‘‘and’’ after the semicolon;
(bb) by striking clause (ii) and redesignating clause (iii) as clause (ii); and
(cc) by striking clause (iv); and
(iv) by adding at the end the following:
‘‘(D) provide assurances that the State educational agency has established—
‘‘(1) procedures to ensure the prompt re-enrollment of each student who has been placed in the juvenile justice system in secondary school or in a re-entry program that best meets the needs of the student, including the transfer of credits that such student earns during placement; and
‘‘(ii) opportunities for such students to participate in higher education or career pathways;’’; and
(B) in subsection (c) (i) in paragraph (1)—
(I) by inserting ‘‘and respond to’’ after ‘‘to assure’’;
(II) by inserting ‘‘and, to the extent practicable, provide for an assessment upon entry into a correctional facility’’ after ‘‘to be served under this subpart’’; and
(iii) in paragraph (6)—
(I) by striking ‘‘carry out the evaluation requirements of section 9601 and how’’ and inserting ‘‘use’’;
(II) by inserting ‘‘under section 9601’’ after ‘‘recent evaluation’’; and
(iii) by striking ‘‘will be used’’; and
(iii) in paragraph (6)—
(I) by striking ‘‘vocational’’ and inserting ‘‘career’’; and
(ii) by inserting ‘‘including parent advisory councils’’ and inserting ‘‘including parent advisory councils’’;
(ii) by striking “Public Law 105–220” and inserting “the Workforce Innovation and Opportunity Act”; and

(iv) in paragraph (9)—

(1) by inserting “and following” after “youth prior to”; and

(ii) by inserting “and, to the extent practicable, to ensure that transition plans are in place at the local educational agency or alternative education program”;

(v) in paragraph (11), by striking “transition of children and youth between State-operated institutions, or institutions in the State operated by the Secretary of the Interior, and schools served by local educational agencies or schools operated or funded by the Bureau of Indian Education;” and

(vi) in paragraph (16), by inserting “and obtain a high school diploma” after “to encourage the children and youth to reenter school”; and

(vii) in paragraph (17), by inserting “certified or licensed” after “provides an assurance that”;

(viii) in paragraph (18), by striking “and” after the semicolon;

(ix) in paragraph (19), by striking the period at the end and inserting “;” and

(x) by adding at the end the following:

“(20) describes how the State agency will, to the extent feasible, identify youth who have come into contact with both the child welfare system and juvenile justice system and improve practices and expand the evidence supporting the provision of services to reduce school suspensions, expulsions, and referrals to law enforcement.”;

(4) in section 1415—

(A) in subsection (a)—

(1) in paragraph (1)(B)—

(I) by inserting “, without the need for remediation,” after “transition”; and

(II) by striking “vocational or technical training” and inserting “career and technical education”; and

(ii) in paragraph (2)—

(I) by striking subparagraph (A), and inserting the following:

“(A) may include—

“(i) the acquisition of equipment;”

“(ii) pay-for-success initiatives that produce a measurable, clearly defined outcome that results in social benefit and direct cost savings to the local, State, or Federal Government;”

“(iii) providing targeted, evidence-based services for youth who have come in contact with both the child welfare system and juvenile justice system; and

(II) in subparagraph (B)—

(aa) in clause (i), by striking “content standards and student achievement accountability” and

(bb) in clause (iii)—

(1) in subparagraph (C)—

(aa) by striking “section 120A” and inserting “section 1117”; and

(bb) by striking “; and” and inserting a period; and

(ii) by striking subparagraph (D); and

(B) in subsection (b), by striking “section 120A” and inserting “section 1117”;

(i) by striking “challenging State academic achievement standards” and

(ii) by striking “challenging State academic standards”;

(2) in paragraph (3)—

(i) by striking “challenging State academic content standards and student academic achievement standards” and inserting “challenging State academic standards”; and

(ii) by striking “complete secondary school, alternative secondary diploma, and entering “attain a high school diploma”; and

(B) in paragraph (4)—

(i) by striking “pupil” and inserting “specialized instructional support”; and

(ii) by inserting “and, to the extent practicable, the development and implementation of transition plans” after “children and youth described in paragraph (1);” and

(C) in paragraph (6), by striking “student progress” and inserting “and improve student achievement”;

(6) in section 1418(a)—

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

“(1) projects that facilitate the transition of children and youth between State-operated institutions, or institutions in the State operated by the Secretary of the Interior, and schools served by local educational agencies or schools operated or funded by the Bureau of Indian Education;” and

(B) in paragraph (3), by inserting “each place the term appears and inserting “careers” and following” after “youth”; and

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

(7) in section 1419, by striking “for a fiscal year” and all that follows through “to provide” and inserting “for a fiscal year to provide”;

(8) in section 1421—

(A) in paragraph (1), by inserting “, without the need for remediation,” after “youth”; and

(B) in paragraph (3), by inserting “, including schools operated or funded by the Bureau of Indian Education,” after “local schools”; and

(iii) by striking “career”;

(9) in section 1422(d)—

(A) by inserting “, which may include the nonacademic needs,” after “to meet the transitional and academic needs”;

(B) by striking “impact on meeting the transitional” and inserting “impact on meeting such transitional”; and

(10) in section 1425—

(A) in paragraph (2)(B), by inserting “, including such facilities operated by the Secretary of the Interior and Indian tribes” after “the juvenile justice system”; and

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

“(4) the acquisition of the activities that the local educational agency will carry out to facilitate the successful transition of children and youth in locally operated institutions for neglected and delinquent children and other correctional institutions into schools served by the local educational agency or, as appropriate, into career and technical education and postsecondary education programs;”; and

(C) in paragraph (8), by inserting “and family members” after “will involve parents”;

(D) in paragraph (9)—

(i) by striking “vocational” and inserting “career” and

(ii) by striking “Public Law 105–220” and inserting “the Workforce Innovation and Opportunity Act”; and

(E) by striking paragraph (11) and inserting the following:

“(11) as appropriate, a description of how the local educational agency and schools will address the educational needs of children and youth who return from institutions for neglected and delinquent children and youth from correctional institutions and attend regular or alternative schools;” and

(F) in paragraph (12), by striking “participating school” and inserting “the local educational agency”; and

(11) in section 1424—

(A) in paragraph (2), by striking “, including” and all that follows through “gang members”; and

(B) in paragraph (4)—

(i) by striking “vocational” and inserting “career” and

(ii) by striking “and” after the semicolon; and

(C) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(D) by inserting the following after paragraph (5):

“several programs for at-risk Indian children and youth, including such children and youth in correctional facilities in the area served by the local educational agency that is operated by the Secretary of the Interior or Indian tribes; and

“(7) pay-for-success initiatives that produce a measurable, clearly defined outcome that results in social benefit and direct cost savings to the local, State, or Federal government.”;

(12) in section 1425—

(A) in paragraph (3)—

(i) by inserting “and obtain a high school diploma” after “reenter school”;

(ii) by striking “or seek a secondary school diploma or its recognized equivalent”;

(B) in paragraph (6), by striking “high academic achievement standards” and inserting “the challenging State academic standards”; and

(C) in paragraph (9)—

(i) by striking “vocational” and inserting “career”;

(ii) by striking “Public Law 105–220” and inserting “the Workforce Innovation and Opportunity Act”; and

(iv) by adding at the end the following:

“(12) to the extent practicable, develop an initial educational services and transition plan for each child or youth served under this subpart upon entry into the correctional facility in partnership with the child’s or youth’s family members and the local educational agency that most recently provided services to the child or youth (if applicable), consistent with section 1414(a)(1); and

“(13) consult with the local educational agency for a period jointly determined necessary by the correctional facility and local educational agency upon discharge from that facility, coordinate educational services so as to minimize disruption to the child’s or youth’s achievement.”;

(13) in section 1426(d), by striking “secondary” and inserting “high”; and

(14) in section 1431(a)—

(A) by striking “secondary” each place the term appears and inserting “high”;

(B) in paragraph (1), by inserting “and to graduate from high school in the standard number of years” after “educational achievement” and

(C) in paragraph (3), by inserting “or school operated or funded by the Bureau of Indian Education” after “local educational agency” and

(15) in section 1432(d)—

(A) by striking “has limited English proficiency” and inserting “is an English learner”;

(B) by striking “or has a high absenteeism rate at school” and inserting “has a high absenteeism rate at school or has other life conditions that make the individual at high risk for dependency or delinquency adjudication.”;

SEC. 1015. GENERAL PROVISIONS.

Title I (20 U.S.C. 6801 et seq.) is amended—

(1) by striking parts E, F, G, and H; and

(2) by redesignating part I as part E;

(3) by striking sections 1907 and 1908;

(4) by redesignating sections 1901, 1902, 1903, 1905, 1906 and 1907 as sections 1501, 1502, 1503, 1504, and 1505, respectively;
cational agencies, local educational agen-

cies, schools, and other entities that may be

impacted by the regulation;

(E) any regulations that will be repealed

when the new regulations are issued; and

(F) a proposal on the information in subpara-

graph (A) through (E).

(2) COMMENT PERIOD FOR CONGRESS.—The

Secretary shall provide Congress with a 15-

day period after the date on which the Secre-

tary provided the notice of any proposed rule-

making to Congress under paragraph (1), to

make comments on the proposed rule.

(3)(B) for the negotiated rulemaking process,

the rule is financially and operationally via-

tion, geographic diversity (including subur-

ban, urban, and rural local educational agen-

cies), and factors impacted by the pro-

posed regulation; and

(ii) in paragraph (2), by adding at the end

the following: “All information from such re-

gional meetings and electronic exchanges

shall be made public in an easily accessible
manner to interested parties.”;

(iii) in paragraph (3)(A), by striking “standards and assessments” and inserting “standards, best practices, accountability system under section 1111(b)(3), school intervention and support under section 1114, and the requirement that funds be supplemented and not supplant under sec-

tion 1117;”;

(iv) by striking paragraph (4) and inserting the

following:

“(4) Process.—Such process shall not be

subject to the Federal Advisory Committee

Act, but shall, unless otherwise provided as

described in subparagraph (c), follow the pro-

visions of chapter II of chapter 5, and chapter 7, of title 5, United States Code, as modified by this section.

(5) EMERGENCY SITUATION.—In an emer-

gency situation in which regulations to

carry out this title must be issued within a

very limited time to assist State educational

agencies, local educational agencies with the

operation of a program under this title, the

Secretary may issue a proposed regula-

tion without following such process but shall—

(A) designate the proposed regulation as

an emergency with an explanation of the

emergency in a notice provided to Congress;

(B) provide for a period of comments and

review period in such notice and in the Federal Register; and

(C) conduct regional meetings to review

such proposed regulation before issuing any

final regulation.”;

(C) by redesignating subsection (c) as sub-

section (d);

(D) by inserting after subsection (b) the fol-

lowing:

“(c) ALTERNATIVE PROCESS IF FAILURE TO

REACH CONSENSUS.—If consensus, as defined in section 1901 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(1)), including vocational educators’

Academies,* or research in data privacy and education

(b) in paragraph (b)(2)—

(i) in subparagraph (C), by striking “, in-

cluding vocational educators”;

(ii) in subparagraph (F), by striking “and

after the date on which the Secretary

shall provide notice of the Secretary’s inten-

tion to make comments on the proposed

rule.”;

(iii) by striking subparagraph (G) and in-

serting the following:

“(G) specialized instructional support per-

sonnel;”

(2) PUBLIC DISSEMINATION.—The Director of

the Institute of Education Sciences shall

work with the Department of Education’s ex-

isting technical assistance providers and dis-

semination networks to ensure that the re-

port described under subsection (a) is widely

disseminated—

(1) to the public, State educational agen-

cies, local educational agencies, and schools; and

(2) through electronic transfer and other

means, such as posting the report on the

website of the Institute of Education Sciences or in another relevant place.

SEC. 1018. STUDENT PRIVACY POLICY COM-

MITTEE.

(a) ESTABLISHMENT OF A COMMITTEE ON

STUDENT PRIVACY POLICY.—Not later than 2 years after the date of en-

actment of this Act, the Secretary of Edu-

cation and the Secretary of Health and Human Services shall establish an appro-

priate committee of Congress a report on the implementation of section 1111(c)(1)(L) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(1)(L)), including the progress made and the remaining bar-

riers relating to such implementation.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Committee shall be composed of—

(A) 3 individuals appointed by the Sec-

retary of Education;

(B) not less than 8 and not more than 13 in-

dividuals appointed by the Comptroller General of the United States, representing—

(i) experts in education data and student privacy;

(ii) educators and parents;

(iii) State and local government officials responsible for managing student informa-

tion;

(iv) education technology leaders in the State or a local educational agency;

(v) experts with practical experience dealing with data privacy management at the State or local level; and

(vi) experts with a background in academia or research in data privacy and education data; and

(vii) education technology providers and education data storage providers; and

(C) 4 members appointed by—

(i) the majority leader of the Senate; and

(ii) the minority leader of the Senate;
(iii) the Speaker of the House of Representatives; and
(iv) the minority leader of the House of Representatives.

(3) Meetings.—The Committee shall select a Chairperson from among its members.

(E) Vacancies.—Any vacancy in the Committee shall be filled in the same manner as an initial appointment in subparagraph (A) through (C).

(c) Meetings.—The Committee shall hold, at the call of the Chairperson, not less than 5 meetings before completing the study required under subsection (e) and the report required under subsection (f).

(d) Personnel Matters.—

(1) Compensation of Members.—Each member of the Committee shall serve without compensation received for their member’s service as an officer or employee of the United States, if applicable.

(2) Travel Expenses.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(e) Study.—

(1) Study.—The Committee shall conduct a study on the effectiveness of Federal laws and enforcement mechanisms of—

(A) student privacy; and

(B) parental rights to student information.

(2) Recommendations.—Based on the findings of the study under paragraph (1), the Committee shall develop recommendations addressing issues of student privacy and parental rights and how to improve and enforce Federal laws regarding student privacy and parental rights, including recommendations that—

(A) provide or update standard definitions, if needed, for relevant terms related to student privacy, including—

(i) education record;

(ii) personally identifiable information;

(iii) aggregated, de-identified, or anonymous;

(iv) third-party; and

(v) educational purpose;

(B) identify—

(i) which Federal laws should be updated; and

(ii) the appropriate Federal enforcement authority to execute the laws identified in clause (i);

(C) address the sharing of data in an increasingly technological world, including—

(i) evaluations of protections in place for student data when it is used for research purposes;

(ii) establishing best practices for any entity that is charged with handling, or that comes into contact with, student education records;

(iii) guaranteeing that identifiable data cannot be used to target students for advertising or marketing purposes; and

(iv) establishing best practices for data deletion and minimization;

(D) discuss transparency and parental access to personal student information by establishing best practices for—

(i) ensuring parental knowledge of any entity that stores or accesses their student’s information;

(ii) parents to amend, delete, or modify their student’s information; and

(iii) a central designee in a State or a political subdivision of a State who can oversee the transparency and serve as a point of contact for interested parties;

(E) establish best practices for the local entities who handle student privacy, which may include professional development for those who come into contact with identifiable data;

(F) discuss how to improve coordination between Federal and State laws.

(2) Report.—Not later than 60 days after the date of enactment of this Act, the Committee shall prepare and submit a report to the Secretary of Education and to Congress containing the findings of the study under this subsection (e)(1) and the recommendations developed under subsection (e)(2).

SEC. 1019. REPORT ON STUDENT HOME ACCESS TO DIGITAL RESOURCES.

(a) In General.—Not later than 18 months after the date of enactment of this Act, the Director of the Institute of Education Sciences, in consultation with relevant Federal agencies, shall complete a national study on the educational trends and behaviors associated with access to digital learning resources outside of the classroom, which shall include analysis of extant data and new surveys about students and teachers that provide—

(1) a description of the various locations from which students access the Internet and digital learning resources outside of the classroom, including through an after-school, in-school, or summer program, a library, at home; and

(2) a description of the various devices and technologies through which students access the Internet and digital learning resources outside of the classroom, including through a computer or mobile device;

(3) data associated with the number of students who lack home Internet access, disaggregated by—

(A) each of the categories of students, as defined in section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965;

(B) homeless students and children or youth in foster care;

(C) students in geographically diverse areas, including urban, suburban, and rural areas;

(D) data associated with the barriers to students acquiring home Internet access;

(E) data associated with the proportion of educators who assign homework or implement innovative learning models that require or are substantially augmented by a student having home Internet access and the frequency of the need for such access;

(F) a description of the behaviors associated with students who lack home Internet access, including—

(i) student participation in the classroom, including the ability to complete homework and participate in innovative learning models;

(ii) student engagement, through such measures as attendance rates and chronic absenteeism; and

(iii) a student’s ability to apply for employment, postsecondary education, and financial aid programs;

(G) an analysis of the how a student’s lack of home Internet access impacts the instructional practice of educators, including—

(i) the extent to which educators alter instructional methods, resources, homework assignments, and curriculum in order to accommodate differing levels of home Internet access; and

(ii) the frequency of the need for such access;

(H) strategies employed by educators, school leaders, and administrators to address the differing levels of home Internet access among students;

(i) a description of the ways in which State educational agencies, local educational agencies, schools, and other entities, including public and private educational and other organizations, have implemented innovative learning models that provide—

(ii) resources to provide students with Internet access outside of the school day.

(b) Public Dissemination.—The Director of the Institute of Education Sciences shall widely disseminate the findings of the study under this section—

(1) in a timely fashion;

(2) in a form that is understandable, easily accessible, and publicly available and usable, or adaptable for use in, the improvement of educational practice;

(3) through electronic transfer and other means, such as posting, as available, to the website of the Institute of Education Sciences, or the Department of Education; and

(4) to all State educational agencies and other recipients of funds under part D of title IV of the Elementary and Secondary Education Act of 1965.

(c) Definition of Digital Learning.—In this section, the term "digital learning" means—

(1) has the meaning given the term in section 5702 of the Elementary and Secondary Education Act of 1965; and

(2) includes an educational practice that effectively uses technology to strengthen a student’s learning experience within and outside of the classroom and at home, which may include the use of digital content, video, software, and other resources that may be developed, as the Secretary of Education may determine.

TITLE II—HIGH-QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

SEC. 2001. TRANSFER OF CERTAIN PROVISIONS.

The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating subpart 5 of part C of title II (20 U.S.C. 6731 et seq.) as subpart 3 of part F of title IX, as redesignated by section 916(b)(1), and moving that subpart to the end of part F of title IX;

(2) by redesignating sections 2361 through 2368 as sections 9511 through 9516, respectively;

(3) in section 9546(b), as redesignated by paragraph (2), by striking the matter following paragraph (2) and inserting the following:

"(3) A State that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.;"

(4) by redesignating subpart 4 of part D of title II as subpart 4 of part F of title IX, as redesignated by section 916(b)(1), and moving that subpart to follow subpart 3 of part F of title IX, as redesignated and moved by paragraph (1); and

(5) by redesigning section 2441 as section 9561, and

(6) by striking the subpart heading of subpart 4 of part F of title IX, as redesignated by paragraph (4), and inserting the following:

"Subpart 4—Internet Safety;"

SEC. 2002. PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS.

The Act (20 U.S.C. 6301 et seq.) is amended by striking title II (as amended by section 2001) and inserting the following:

"TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

"SEC. 2001. PURPOSE.

"The purpose of this title is to improve student academic achievement by—

(1) increasing the ability of local educational agencies, schools, teachers, principals, and other school leaders to provide a well-rounded and complete education for all students;

(2) increasing the quality and effectiveness of teachers, principals, and other school leaders;"
PART A—FUND FOR THE IMPROVEMENT OF TEACHING AND LEARNING

SEC. 2101. FORMULA GRANTS TO STATES.

(a) RESERVATION OF FUNDS.—From the total amount appropriated under section 2003(a) for a fiscal year, the Secretary shall reserve—

(1) one-half of 1 percent for allotments for the States, the District of Columbia, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis determined by the Secretary, in accordance with the purpose of this title; and

(2) one-half of 1 percent for the Secretary of the Treasury for assistance under this part in schools operated or funded by the Bureau of Indian Education.

(b) STATE ALLOTMENTS.

(1) HOLD HARMLESS.

(A) FISCAL YEARS 2016 THROUGH 2021.—For each of fiscal years 2016 through 2021, subject to paragraph (2) and subparagraph (C), from the funds appropriated under section 2003(a) for a fiscal year that remain after the Secretary makes the reservations under subparagraphs (A) and (B) of this subsection to each State an amount equal to the total amount that such State received for fiscal year 2015 under section 3202(b) of the No Child Left Behind Act of 2001; and

(B) RAPID ALLOCATION.—If the funds described in subparagraph (A) are insufficient to pay the full amounts that all States are eligible to receive under subparagraph (A) for any fiscal year, the Secretary shall rapidly reduce those amounts for the fiscal year.

(C) PERCENTAGE REDUCTION.—For each of fiscal years 2016 through 2021, the amount in subparagraph (A) shall be reduced by a percentage equal to the product of 14.29 percent and the number of years between the fiscal year for which the determination is being made and fiscal year 2015.

(2) ALLOTMENT OF ADDITIONAL FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), for fiscal years 2016 through 2021, the funds appropriated under section 2003(a) and not reserved under subsection (a) exceed the total amount required to make allotments under paragraph (1) of this section, the Secretary shall allot to each State the sum of—

(i) an amount that bears the same relationship to 20 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

(ii) an amount that bears the same relationship to 80 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

(B) EXCEPTION.—No State receiving an allotment under subparagraph (A) may receive less than one-half of 1 percent of the total excess amount allotted under such subparagraph for a fiscal year.

(3) FISCAL YEAR 2022 AND SUCCEEDING FISCAL YEARS.—For fiscal year 2022 and succeeding fiscal years, the Secretary shall allot such funds appropriated under section 2003(a) to each State in accordance with paragraph (2).
mentors, and evaluators on how to accurately differentiate performance, provide useful and timely feedback, and use evaluation results to inform decisionmaking about professional growth, implementation strategies, and personnel decisions; and

"(III) developing a system for auditing the quality of evaluation and support systems.

"(IV) other strategies that provide effective teachers, principals, and other school leaders, in low-income schools and school districts, which may include performance-based pay systems; and

"(V) recent graduates of institutions of higher education with records of academic distinction who demonstrate the potential to become highly effective teachers, principals, and other school leaders; and

"(VI) developing, improving, and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining teachers, principals, and other school leaders who are effective in improving student academic achievement, including highly effective teachers from underrepresented minority groups, and teachers with disabilities, as through—

"(a) opportunities for a cadre of effective teachers to lead evidence-based professional development for other teachers; and

"(b) career opportunities for teachers to grow as leaders, including hybrid roles that allow teachers to voluntarily serve as mentors or academic coaches while remaining in the classroom; and

"(VII) providing training and support for teacher leaders and school leaders who are recruited as part of instructional leadership teams.

"(VIII) Fulfilling the State educational agency's responsibilities concerning proper and efficient administration and management of the programs carried out under this part, including provision of technical assistance to local educational agencies.

"(IX) Developing, or assisting local educational agencies in developing—

"(a) teacher advancement initiatives that promote professional growth and emphasize multiple career paths, such as school leadership, mentoring, involvement with school intervention and support, and instructional coaching; and

"(b) strategies that provide differential pay, or other incentives, to recruit and retain teachers in high-need academic subjects and critical education fields or other school leaders, in low-income schools and school districts, which may include performance-based pay systems; and

"(c) new teacher, principal, and other school leader induction and mentoring programs that are evidence-based and designed to—

"(1) improve classroom instruction and student learning and achievement;

"(2) increase the retention of effective teachers, principals, and other school leaders; and

"(3) improve school leadership to improve classroom instruction and student learning and achievement; and

"(d) other opportunities for teachers, principals, and other school leaders who are experienced, are effective, and have demonstrated an ability to work with adult learners to be mentors;

"(viii) Providing support to local educational agencies for—

"(I) the development and implementation of high-quality professional development programs for principals that enable the principals to be effective and prepare all students to meet the State academic standards described in section 1111(b)(1); and

"(II) the development and support of other school leadership programs to develop educational leaders.

"(ix) Supporting efforts to train teachers, principals, and other school leaders to effectively integrate emerging technologies and curricula and instruction, which may include blended learning projects that include an element of online learning, combined with supervised learning time and student-led learning, in which the elements are connected to provide an integrated learning experience.

"(x) Providing training, technical assistance, and capacity-building to local educational agencies that receive a grant under this part.

"(xi) Supporting teacher, principal, and other school leader residency programs.

"(xii) Reforming entry teacher, principal, and other school leader preparation programs.

"(xiii) Supporting the instructional services provided by effective local educational authorities.

"(xiv) Supporting the instructional services provided by athletic administrators, such as through professional development or relevant State certification or licensure for such administrators.

"(xv) Developing, or assisting local educational agencies in developing, strategies that provide teachers, principals, and other school leaders with the skills, credentials, or certifications needed to educate all students in postsecondary education coursework through early college high school dual or concurrent enrollment courses or programs.

"(xvi) Providing training for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse.

"(xvii) Supporting principals, other school leaders, teachers, teacher leaders, para- professional educators, education program directors, and other early childhood education program providers to participate in efforts to align and promote quality early learning experiences for pre-kindergarten through grade 3.

"(xviii) Developing and providing professional development and instructional materials for effective science, technology, engineering, and mathematics subjects, including computer science.

"(xix) Supporting the efforts and professional development of teachers, principals, and other school leaders to integrate academic and career and technical education content into instructional practices, which may include—

"(1) integrating career and technical education with advanced coursework, such as by allowing the acquisition of postsecondary credentials recognized postsecondary credentials, and industry-based credentials, by students while in high school; or

"(2) coordinating activities with employers and industry partnerships, and other workforce development programs to identify State and regional workforce needs, such as through the development of State standards under title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111 et seq);

"(xx) Supporting other activities identified by the State that are evidence-based and that meet the purpose of this title.

"(xxi) Enabling States, as a consortium, to voluntarily develop a process that allows teachers who are licensed or certified in a participating State to teach in other participating States without completing additional licensure or certification requirements, except that nothing in this subsection shall be construed to allow the Secretary to exercise any direction, supervision, or control over State teacher licensing or certification requirements.

"(D) STATE PLAN.—

"(I) IN GENERAL.—In order to receive an allotment under this section for any fiscal year, a State shall submit a plan to the Secretary, at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each plan described under paragraph (1) shall include the following:

"(A) A description of how the State educational agency will use funds received under this title for State-level activities described in subsection (c).

"(B) A description of how the State’s system of certification, licensure, and pathways for professional growth and improvement, such as clinical experience for prospective educators, support for new educators, professional development, professional growth and leadership opportuni- ties, and other methods of evaluating and supporting teachers, principals, and other school leaders.

"(C) A description of how activities under this part are aligned with challenging State academic standards and State assessments, under section 1111, which may include, as appropriate, relevant State early learning and developmental guidelines, as required under section 1111(c)(3)(B) of the Workforce Innovation and Opportunity Act of 1998 (22 U.S.C. 9950(c)(2)(T)).

"(D) A description of how the activities using funds under this part are expected to improve student achievement.

"(E) If a State educational agency plans to use funds under this part to improve equitable access to effective teachers, principals, and other school leaders, a description of how such funds will be used to meet the State’s commitment described in section 1111(c)(1)(F) to ensure equitable access to effective teachers, principals, and school leaders.

"(F) An assurance that the State educational agency will monitor the implementation of activities under this part and provide technical assistance to local educational agencies in carrying out such activities.

"(G) An assurance that the State educational agency will work in consultation with the entity responsible for teacher and principal professional standards, certification, and licensing for the State, and encourage collaboration between educator preparation programs and State, and local educational agencies to promote the readiness of new educators entering the profession.

"(H) A description of how the State educational agency will improve the skills of teachers, principals, and other school leaders in order to enable them to identify students with specific learning needs, particularly students with disabilities, English learners, students who are gifted and talented, and students with low literacy levels, and provide instruction based on the needs of such students.

"(1) A description of how the State will use data and ongoing consultation with and
input from teachers and teacher organizations, principals, other school leaders, specialized instructional support personnel, parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title;

"(b) seek advice from the individuals, organizations, or partners described in subparagraph (A) regarding how best to improve the State's activities to meet the purpose of this title; and

"(c) coordinate the State's activities under this part with other related strategies, programs, and activities being conducted in the State.

"(e) PROHIBITION.—Nothing in this section shall be construed to authorize the hiring or firing of any other officer or employee of the Federal Government to mandate, direct, or control any of the following:

"(1) The development, improvement, or implementation of elements of any teacher, principal, or school leader evaluation system.

"(2) Any State or local educational agency's definition of teacher, principal, or other school leader effectiveness.

"(3) Any teacher, principal, or other school leader professional standards, certification, or licensing.

"SEC. 2102. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ALLOCATION OF FUNDS TO LOCAL EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—From funds reserved by a State under section 1114(a)(1)(A), for the fiscal year, the State, acting through the State educational agency, shall award subgrants to eligible local educational agencies from allocation described in paragraph (2).

"(2) ALLOCATION FORMULA.—From the funds described in paragraph (1), the State educational agency shall allocate to each of the eligible local educational agencies in the State for a fiscal year the sum of—

"(A) an amount that bears the same relationship to 20 percent of such funds for such fiscal year as the number of individuals aged 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of the individuals in the geographic areas served by all eligible local educational agencies in the State, as so determined; and

"(B) an amount that bears the same relationship to 80 percent of the funds for such fiscal year as the number of individuals aged 5 through 17 in families with incomes below the poverty line in the geographic areas served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of the individuals in the geographic areas served by all eligible local educational agencies in the State, as so determined.

"(3) ADMINISTRATIVE COSTS.—Of the amount awarded to a local educational agency under paragraph (2), the local educational agency may use not more than 2 percent for the direct administrative costs of carrying out its responsibilities under this part.

"(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a consortium of local educational agencies that are designated with a school locale code of 41, 42, or 43, or such local educational agencies designated with a school locale code of 41, 42, or 43 that work in cooperation with an educational service agency, from voluntarily combining allocations received under this part for the collective use of funding by the consortium for activities under this section.

"(5) LOCAL APPLICATIONS.—

"(1) IN GENERAL.—To be eligible to receive a subgrant under this section, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

"(2) NEEDS ASSESSMENT.—

"(A) IN GENERAL.—To be eligible to receive a subgrant under this section, a local educational agency shall describe in its application the needs assessment described in paragraph (2) and submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

"(B) REQUIREMENTS.—The needs assessment subparagraph (A) shall be determined by the Secretary to—

"(i) increasing the number of teachers, principals, and other school leaders who are effective in improving student academic achievement;

"(ii) ensuring that low-income and minority students are not disproportionately served by ineffective teachers, principals, and other school leaders;

"(iii) ensuring that low-income and minority students have access to—

"(I) a high-quality instructional program (such as opportunities for high-quality postsecondary education coursework through an early college high school or a dual or concurrent enrollment program); and

"(II) class sizes that are appropriate and evidence-based;

"(iv) hiring, retention, and advancement for effective teachers, principals, and other school leaders;

"(v) supporting and developing all educators, early childhood directors, specialized instructional support personnel, paraprofessionals, or other staff members who provide or directly support in-structure;

"(vi) understanding and using data and assessments to improve student learning and classroom practice;

"(vii) improving student behavior, including the response of teachers, principals, and other school leaders to student behavior, in the classroom and school, including the identification of early and appropriate interventions, which may include positive behavioral interventions and supports;

"(viii) teaching students who are English learners and children with disabilities in early childhood education programs, children with disabilities, American Indian children, Alaskan Native children, and gifted and talented students;

"(ix) ensuring that funds are used to support schools served by the local educational agency that are identified under section 1114(a)(1)(A) and schools with high percentages of students below the poverty line in the geographic areas served by such local educational agency in planning and implementing activities designed to meet the needs of schools within the jurisdiction of the local educational agency determined to be appropriate to meet the needs of schools within the jurisdiction of the local educational agency.

"(x) improving the academic and non-academic skills of all students that are essential for learning readiness and academic success; and

"(xi) any other evidence-based factors that the local educational agency determines are appropriate to meet the needs of schools within the jurisdiction of the local educational agency and meet the purpose of this title.

"(6) CONSULTATION.—

"(A) IN GENERAL.—In conducting a needs assessment described in paragraph (2), a local educational agency shall—

"(i) involve teachers, teacher organizations, principals, and other school leaders, specialized instructional support personnel, parents, community partners, and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title; and

"(ii) take into account the activities that need to be conducted in order to give teachers, principals, and other school leaders the skills to provide students with the opportunity to meet challenging State academic standards described in section 1111(b)(1).

"(B) CONTINUED CONSULTATION.—A local educational agency receiving a subgrant under this section shall consult with such individuals and organizations described in subparagraph (A) on an ongoing basis in order to—

"(i) seek advice regarding how best to improve the local educational agency's activities to meet the purpose of this title; and

"(ii) coordinate the local educational agency's activities under this part with other related strategies, programs, and activities being conducted in the community.

"(c) CONTENTS OF APPLICATION.—Each application submitted under paragraph (1) shall be based on the results of the needs assessment required under paragraph (2) and shall include the following:

"(A) A description of the results of the comprehensive needs assessment carried out under paragraph (2).

"(B) A description of the activities to be carried out by the local educational agency under this section and how these activities will be aligned with the challenging State academic standards described in section 1111(b)(1).

"(C) A description of how such activities will comply with the principles of effective-needs-based described in section 1112(a)(1).

"(D) A description of the activities, including professional development, that will be made available to meet needs identified by the needs assessment described in paragraph (2).

"(E) A description of the local educational agency's systems of hiring and professional growth and improvement, such as induction for teachers, principals, and other school leaders.

"(F) A description of how the local educational agency will prioritize funds to schools served by the agency that are identified under section 1114(a)(1)(A) and have the highest percentage of children or other students counted under section 1121(c).

"(G) WHERE LOCAL EDUCATIONAL AGENCY REQUIRES LOCAL CONTRIBUTION OF FUNDS.—A local educational agency shall require a local contribution of funds from the entity that is described in section 1114(a)(1)(A), as determined by the State, a description of how such contributions to the entity will be used to support the activities described in paragraph (2) of the local educational agency.

"(H) WHERE A LOCAL EDUCATIONAL AGENCY RECEIVES A SIGNIFICANT NUMBER OF FUNDS FROM ONE SOURCE.—A local educational agency that is described in section 1114(a)(1)(A), as determined by the State, shall submit a description of how the local educational agency will use the funds to support the activities designed to meet the needs described in paragraph (2) of the local educational agency.
opportunities for meaningful teacher leadership and for building the capacity of teachers.

"(J) An assurance that the local educational agency comply with section 9501 (regarding participation by private school children and teachers).

"(K) An assurance that the local educational agency coordinate professional development activities authorized under this part with professional development activities provided through other Federal, State, and local agencies.

**SEC. 2103. LOCAL USE OF FUNDS.**

(a) IN GENERAL.—A local educational agency that receives a subgrant under section 2102 shall use the funds made available through the subgrant to develop, implement, and evaluate comprehensive, evidence-based programs and activities described in subsection (b), which may be carried out through a grant or contract with a for-profit or nonprofit entity, in partnership with an institution of higher education, or in partnership with an Indian tribe or tribal organization (as defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).

(b) TYPES OF ACTIVITIES.—The activities described in this subsection—

"(1) shall meet the needs identified in the needs assessment described in section 2102(b)(2);

"(2) shall be in accordance with the purpose of this title, evidence-based, and consistent with the principles of effectiveness described in subsection (c);

"(3) shall address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students;

"(4) may include, among other programs and activities—

"(A) developing or improving a rigorous, transparent, and fair evaluation and support system for teachers, principals, and other school leaders that is based in part on evidence of student achievement, which may include student growth, and shall include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, and other school leaders;

"(B) developing and implementing initiatives to assist in recruiting, hiring, and retaining effective teachers, principals, and other school leaders, particularly in low-income schools with high percentages of effective teachers and high percentages of students who do not meet the challenging State academic standards described in section 1111(b)(1), to improve within-district equity in the distribution of teachers, principals, and other school leaders consistent with the requirements of section 1111(c)(1)(F), such as initiatives that provide—

"(i) expert help in screening candidates and enabling early hiring; and

"(ii) differential and incentive pay for teachers, principals, and other school leaders in high-need academic subject areas and specialty areas, which may include performance-based pay systems;

"(iii) teacher, paraprofessional, principal, and other school leader advancement and professional growth, and an emphasis on leadership opportunities, multiple career paths and pay differentiation;

"(iv) new teacher, principal, and other school leader induction and mentoring programs that are designed to—

"(I) improve classroom instruction and student learning and achievement;

"(II) increase the numbers of effective teachers, principals, and other school leaders;

"(III) improve school leadership to improve classroom instruction and student learning and achievement; and

"(IV) provide opportunities for mentor teacher programs for educators who are experienced, are effective, and have demonstrated an ability to work with adult learners;

"(v) the development and provision of training for school leaders, coaches, mentors and evaluators on how to accurately differentiate performance, provide useful feedback, and use evaluation results to inform decision making about professional development, improvement strategies, and personnel decisions; and

"(vi) a system for auditing the quality of evaluation and support systems;

"(C) recruiting qualified individuals from other fields to become teachers, principals, or other school leaders including mid-career professionals from other occupations, former military personnel, and recent graduates of institutions of higher education with a record of academic distinction who demonstrate potential to become effective teachers, principals, or other school leaders;

"(D) reducing or eliminating an evidence-based level to improve student achievement through the recruiting and hiring of additional effective teachers;

"(E) providing teachers, principals, paraprofessionals, and mid-career professionals for teachers, in-school leadership teams, principals, and other school leaders, focused on improving teaching and teacher achievement and development, including supporting efforts to train teachers, principals, and other school leaders to—

"(i) effectively integrate technology into curricula and instruction (including education about the harms of copyright piracy);

"(ii) use data from such technology to improve student achievement;

"(iii) effectively engage parents, families and community partners, and coordinate services between school and community;

"(iv) help all students develop the academic and nonacademic skills essential for learning readiness and academic success; and

"(v) develop policy with school, local educational agency, community, or State leaders;

"(F) developing programs and activities that increase the ability of teachers to effectively teach children with disabilities, including children with significant cognitive disabilities, through the use of multi-tier systems of support and positive behavioral intervention and supports, and students who are English learners, so that such children with disabilities and students who are English learners can meet the challenging State academic standards described in section 1111(b)(1);

"(G) providing programs and activities to increase—

"(i) the knowledge base of teachers, principals, and other school leaders on instructionally effective strategies and on strategies to measure whether young children are progressing; and

"(ii) the ability of principals and other school leaders to support teachers, teacher leaders, early childhood educators, and other professionals to meet the needs of students through age 8, which may include providing joint professional learning and planning activities for school staff and educators in preschool programs that address the transition to elementary school;

"(H) providing training, technical assistance, and capacity-building in local educational agencies to assist teachers and school leaders with selecting and implementing effective classroom-based professional development, and using data from such assessments to improve instruction and student academic achievement, which may include providing additional time for teachers to review student data and respond, as appropriate;

"(I) supporting teacher, principal, and school leader residency programs;

"(J) reforming or improving teacher, principal, and other school leader preparation programs;

"(K) carrying out in-service training for school personnel in—

"(i) the techniques and supports needed for early identification of students with trauma histories, and children with, or at risk of, mental illness;

"(ii) the use of referral mechanisms that effectively link such children to appropriate training and intervention in the school and in the community, where appropriate; and

"(iii) forming partnerships between school, health and wellness programs, and public or private mental health organizations;

"(L) providing training to support the identification of students who are gifted and talented subjects, and improving the identification of students who have not been formally identified for gifted education services, and implementing instructional practices that support the education of such students;

"(M) supporting the instructional services provided by effective school library programs;

"(N) providing general liability insurance coverage for teachers related to actions performed in the scope of their duties;

"(O) providing training for all school personnel, including teachers, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse;

"(P) developing and providing professional development and instructional materials for science, technology, engineering, and mathematics subjects, including computer science;

"(Q) providing training for teachers, principals, and other school leaders to address school climate issues such as school violence, bullying, harassment, alcohol use and abuse, and rates of chronic absenteeism (including both excused and unexcused absences);

"(R) increasing time for common planning, within and across content areas and grade levels;

"(S) increasing opportunities for teacher-designed and implemented professional development activities, which may include opportunities for experiential learning through observation;

"(T) developing feedback mechanisms to improve school working conditions;

"(U) providing high-quality professional development for teachers, principals, and other school leaders on effective strategies to integrate rigorous academic content, career and technical education, and work-based learning, if appropriate, which may include providing common planning time, to help prepare students for post-secondary education and the workforce without the need for remediation;

"(V) providing educator training to increase students’ entrepreneurship skills; and

"(W) regularly conducting, and publicly reporting the results of, an assessment and a plan to address such results, of educator support and accountability for meeting the needs of students who are gifted and talented, students who are English learners, students who are homeless, students who are children with, or at risk of, mental illness, and students who are children who are victims of violence, bullying, or harassment.

July 21, 2015

CONGRESSIONAL RECORD — SENATE

S5361
“(I) teacher and principal perceptions of availability of high-quality professional development and instructional materials;

(II) timely availability of data on student academic achievement and growth;

(III) the presence of high-quality instructional leadership; and

(IV) opportunities for professional growth, such as ladders and mentoring and induction programs;

(ii) evaluates working conditions for teachers, leaders and other school personnel, such as

(I) school safety and climate;

(II) availability and use of common planning time and opportunities to collaborate; and

(III) community engagement; and

(iii) is developed with teachers, leaders, other school personnel, parents, students, and the community; and

(X) carrying out other evidence-based activities identified by the local educational agency that meet the purpose of this title.

(c) Principles of Effectiveness.—

(1) In general.—For a program or activity supported with funds provided under this part to meet principles of effectiveness, such program or activity shall—

(A) be based on a demonstration of the need for such programs and activities in the schools to be served to—

(i) number and percentage of teachers, principals, and other school leaders in the State and each local educational agency in the State who are licensed or certified, and provide such information does not reveal personally identifiable information;

(ii) the first name and last name of teachers and principals in the State and each local educational agency in the State and each local educational agency in the State on teacher and principal licensure renewals, provided such information does not reveal personally identifiable information;

(iii) a description of how chosen professional development activities improved teacher and principal performance; and

(iv) if funds are used under this part to improve equitable access to teachers, principals, and other school leaders for low-income and minority students, a description of how funds have been used to improve such access.

(2) Local educational agency report.—

Each local educational agency receiving funds under this part shall submit to the State educational agency such information described in subsection (a) for the local educational agency.

(c) Availability.—The reports and information provided under subsections (a) and (b) shall be made readily available to the public.

(d) Limitation.—The reports and information provided under subsections (a) and (b) shall not reveal personally identifiable information about any individual.

SEC. 2105. NATIONAL ACTIVITIES OF DEMONSTRATED EFFECTIVENESS.

(a) In general.—From the funds appropriated under section 2003(b) to carry out this section, the Secretary—

(1) shall reserve such funds as are necessary to carry out activities under subsection (b); and

(2) shall reserve not less than 40 percent of such funds appropriated under such section to carry out activities under subsection (c); and

(3) shall reserve not less than 40 percent of such funds to carry out activities under subsection (d).

(b) Technical assistance and national evaluation.—

(1) In general.—From the funds reserved by the Secretary under subsection (a)(1), the Secretary shall award grants, on a competitive basis, to eligible entities for the purposes of—

(A) providing technical assistance, which may be carried out directly or through grants or contracts, to States and local educational agencies carrying out activities under this part; and

(B) carry out evaluations of activities by States and local educational agencies under this part, which shall be conducted by a third party or by the Institute of Education Sciences.

(c) Programs of national significance.—

(1) In general.—From the funds reserved by the Secretary under subsection (a)(2), the Secretary shall award grants, on a competitive basis, to eligible entities for the purposes of—

(A) providing teachers, principals, and other school leaders from nontraditional preparation and certification routes or pathways to serve in traditionally underserved local educational agencies;

(B) providing evidence-based professional development activities that addresses literacy, numeracy, remedial, or other needs of local educational agencies and the students they serve;

(C) providing teachers, principals, and other school leaders with professional development activities that enhance or enable the provision of postsecondary coursework through dual or concurrent enrollment and early college high school settings across a local educational agency;

(D) making freely available services and learning opportunities to local educational agencies, through partnerships and cooperative agreements or by making the services or opportunities publicly accessible through electronic means; or

(E) providing teachers, principals, and other school leaders with evidence-based professional development activities that enhance or enable the provision of postsecondary coursework through dual or concurrent enrollment and early college high school settings across a local educational agency;

(2) Program periods and diversity of projects.—

(A) In general.—A grant awarded by the Secretary to an eligible entity under this subsection shall be for a period of not more than 3 years.

(B) Renewal.—The Secretary may renew a grant awarded under this subsection for an additional 2-year period.

(C) Diversity of Projects.—In awarding grants under this subsection, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.
‘‘(D) LIMITATION.—The Secretary shall not award more than 1 grant under this subsection to an eligible entity during a grant competition.

‘‘(3) COST-SHARING.—

‘‘(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall provide, from non-Federal sources, not less than 25 percent of the total cost for each year of activities carried out under this subsection.

‘‘(B) ACCEPTABLE CONTRIBUTIONS.—An eligible entity that receives a grant under this subsection may meet the requirement of subparagraph (A) by providing contributions in cash or in kind, fairly evaluated, including plant, equipment, and services.

‘‘(C) WAIVERS.—The Secretary may waive or modify the requirement of subparagraph (A) in cases of demonstrated financial hardship.

‘‘(4) APPLICATIONS.—In order to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Such application shall include, at a minimum, a certification by such entity that it is an eligible entity under the grant program and making such submission will enhance the chances of qualified students who are not college bound to graduate and be prepared for postsecondary education.

‘‘(5) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term ‘eligible entity’ means—

‘‘(A) an institution of higher education that provides course materials or resources that are evidence-based in increasing academic achievement, graduation rates, and rates of higher education attendance, matriculation, or completion, or of effectiveness in providing preparation and professional development activities and programs for teachers, principals, and other school leaders; or

‘‘(B) a national nonprofit entity with a demonstrated record of raising student academic achievement, graduation rates, and rates of higher education attendance, matriculation, or completion, or of effectiveness in providing preparation and professional development activities and programs for teachers, principals, and other school leaders;

‘‘(C) Partnership consisting of—

‘‘(i) 1 or more entities described in subparagraph (A) or (B); and

‘‘(ii) a for-profit entity.

‘‘(d) LEADER RECRUITMENT AND SUPPORT PROGRAMS.—

‘‘(1) IN GENERAL.—From the funds reserved under section (a)(3), the Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to improve the recruitment, preparation, placement, support, and retention of effective principals and other school leaders in high-need schools, which may include—

‘‘(A) developing or implementing leadership training programs designed to prepare and support principals and other school leaders in high-need schools, including through new or alternative pathways and school leader residency programs;

‘‘(B) developing or implementing programs or activities for recruiting, selecting, and developing aspiring or current principals and other school leaders to serve in high-need schools.

‘‘(C) developing or implementing programs for recruiting, developing, and placing school leaders to improve schools identified for intervention under section (a)(1), and of other school leaders in high-need schools, including through cohort-based activities that build effective instructional and school leadership teams and develop a school culture that promotes student success.

‘‘(D) providing continuous professional development for principals and other school leaders in high-need schools;

‘‘(E) developing and disseminating information on best practices and strategies for effective school leadership in high-need schools, such as training and supporting principals to identify, develop, and maintain school leaders teams using various leadership models; and

‘‘(F) other evidence-based programs or activities described in section 2101(c)(3) or section 2106(f)(4).

‘‘(2) DIVERSITY OF PROJECTS.—

‘‘(A) IN GENERAL.—A grant awarded by the Secretary to an eligible entity under this subsection shall be for a period of not more than 3 years.

‘‘(B) RENEWAL.—The Secretary may renew a grant awarded under this subsection for 1 additional 2-year period.

‘‘(C) DIVERSITY OF PROJECTS.—In awarding grants under this subsection, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve different categories of high-need areas, including urban, suburban, and rural areas.

‘‘(D) LIMITATION.—The Secretary shall not award more than 1 grant under this subsection to an eligible entity during a grant competition.

‘‘(E) COST-SHARING.—

‘‘(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall provide, from non-Federal sources, not less than 25 percent of the funds for the total cost for each year of activities carried out under this subsection.

‘‘(B) ACCEPTABLE CONTRIBUTIONS.—An eligible entity that receives a grant under this subsection may meet the requirement of subparagraph (A) by providing contributions in cash or in-kind, fairly evaluated, including plant, equipment, and services.

‘‘(C) WAIVERS.—The Secretary may waive or modify the requirement of subparagraph (A) in cases of demonstrated financial hardship.

‘‘(F) APPLICATIONS.—An eligible entity that desires a grant under this subsection shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

‘‘(G) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to an eligible entity with a record of preparing or developing principals who—

‘‘(i) have improved school-level student outcomes;

‘‘(ii) have become principals in high-need schools; and

‘‘(iii) have been principals in high-need schools for multiple years.

‘‘(H) DEFINITIONS.—In this subsection—

‘‘(A) the term ‘eligible entity’ means—

‘‘(i) an elementary school in which not less than 50 percent of the students are from families with incomes below the poverty line;

‘‘(ii) a high school in which not less than 40 percent of the enrolled students are from families with incomes below the poverty line.

‘‘(B) SEC. 2206. SUPPLEMENT, NOT SUPPLANT.

‘‘(1) Funds made available under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this part.

‘‘(2) PART B—TEACHER AND SCHOOL LEADER INCENTIVE PROGRAM

‘‘(A) PURPOSES, DEFINITIONS.

‘‘(i) PURPOSES.—The purposes of this part are—

‘‘(I) to assist States, local educational agencies, and nonprofit organizations to develop, implement, improve, or expand comprehensive performance-based compensation systems or human capital management systems for teachers, principals, and other school leaders (especially for teachers, principals, and other school leaders in high-need schools) who raise student academic achievement and close the achievement gap between high- and low-performing students; and

‘‘(II) to study and review performance-based compensation systems or human capital management systems for teachers, principals, and other school leaders to evaluate the effectiveness, fairness, quality, consistency, and reliability of the systems.

‘‘(ii) DEFINITIONS.—In this part:

‘‘(I) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

‘‘(I) a local educational agency, including a charter school that is a local educational agency, or a consortium of local educational agencies;

‘‘(II) a State educational agency or other State agency designated by the chief executive of a State to participate under this part; or

‘‘(III) a partnership consisting of—

‘‘(aa) 1 or more agencies described in subparagraph (A) or (B); and

‘‘(bb) at least 1 nonprofit or for-profit entity.

‘‘(II) HIGH-NEED SCHOOL.—The term ‘high-need school’ means a public elementary school or secondary school that is located in an area in which the percentage of students from families with incomes below the poverty line is 30 percent or more.

‘‘(III) HUMAN CAPITAL MANAGEMENT SYSTEM.—The term ‘human capital management system’ means a system—

‘‘(A) by which a local educational agency makes and implements human capital decisions, such as decisions on preparation, recruitment, hiring, placement, retention, dismissal, compensation, professional development, tenure, and promotion; and

‘‘(B) that includes a performance-based compensation system.

‘‘(IV) PERFORMANCE-BASED COMPENSATION SYSTEM.—The term ‘performance-based compensation system’ means a system—

‘‘(A) which differentiates levels of compensation based in part on measurable increases in student academic achievement; and

‘‘(B) which may include—

‘‘(aa) differentiated levels of compensation, which may include bonus pay, on the basis of the employment responsibilities and success of effective teachers, principals, and other school leaders in hard-to-staff schools or high-need subject areas; and

‘‘(bb) recognition of the skills and knowledge of teachers, principals, and other school leaders as demonstrated through—

‘‘(aa) recognition of additional responsibilities or job functions, such as teacher leadership roles; and
"(II) evidence of professional achievement and mastery of content knowledge and superior teaching and leadership skills.

SEC. 2202. TEACHER AND SCHOOL LEADER INCENTIVE GRANTS.

(a) Grants Authorized.—From the amounts appropriated to carry out this part, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entity to develop, implement, improve, or expand performance-based compensation systems or human capital management systems, in schools served by the eligible entity.

(b) Duration of grants.—

(1) In general.—A grant awarded under this part shall be for a period of not more than 5 years.

(2) Renewal.—The Secretary may renew a grant awarded under this part for a period of up to 2 years if the grantee demonstrates to the Secretary that the grantee is effectively utilizing funds. Such renewal may include allowing the grantee to scale up or replicate the successful program.

(3) Limitation.—A local educational agency or a school district served under this part will be eligible for a grant only once a year, from the date of enactment of this Act of 2015.

(c) Applications.—An eligible entity desiring a grant under this part shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may reasonably require. The application shall include—

(1) a description of the performance-based compensation system or human capital management system that the eligible entity proposes to develop, implement, improve, or expand through the grant;

(2) a description of the most pressing gaps or insufficiencies in student achievement to effective teachers and school leaders in high-need schools, including gaps or inequities in how effective teachers and school leaders are distributed across the local educational agency, as identified using factors such as data on school resources, staffing patterns, school environment, educator support systems, and other school-level factors;

(3) evidence and evidence of the support and commitment from teachers, principals, and other school leaders, which may include charter school leaders, in the school (including, where appropriate, teacher groups representing teachers, principals, and other school leaders), the community, and the local educational agency to the activities proposed under the grant;

(4) a description of how the eligible entity will develop and implement a fair, rigorous, valid, reliable, and objective process to evaluate teachers, principal, school leader, and student performance under the system that is based in part on measures of student academic achievement, including the baseline period used, which evaluations of improved performance will be made;

(5) a description of the local educational agencies or schools to be served under the grant, with student data on academic achievement, demographic, and socioeconomic information as the Secretary may request;

(6) a description of the quality of teachers, principals, and other school leaders in the local educational agency and the schools to be served under the grant and the extent to which the grant will increase the quality of teachers, principals, and other school leaders in high-need school;

(7) a description of how the eligible entity will use the grant funds to develop, implement, improve, or expand the performance-based compensation system or human capital management system under this part, including a timeline for implementation of such activities;

(8) a description of how the eligible entity will continue the activities assisted under the grant after the grant period ends;

(9) a description of the State, local, or other public or private funds that will be used to supplement the grant, including funds under part A, and sustain the activities assisted under the grant at the end of the grant period;

(10) a description of—

(A) the rationale for the project;

(B) how the proposed activities are evidence-based; and

(C) if applicable, the prior experience of the eligible entity in developing and implementing such projects;

(11) a description of how activities funded under this part will be evaluated, monitored, and publically reported.

(d) Awarding grants.—

(1) Priority.—In awarding a grant under this part, the Secretary shall give priority to an eligible entity that concentrates the activities assisted under the grant on teachers, principals, and other school leaders serving in high-need schools.

(2) Equitable distribution.—To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this part, including the distribution of such grants between rural and urban areas.

(e) Use of funds.—

(1) In general.—An eligible entity that receives a grant under this part shall use the grant funds to develop, implement, improve, or expand, in collaboration with teachers, principals, other school leaders, and members of the public, a performance-based compensation system or human capital management system consistent with this part.

(2) Authorized activities.—Grant funds under this part may be used for the following:

(A) Developing or improving an evaluation system and support system, including as part of a human capital management system as applicable, that—

(i) reflects clear and fair measures of school leader performance, based in part on demonstrated improvement in student academic achievement; and

(ii) provides teachers, principals, and other school leaders with ongoing, differentiated, targeted, and personalized support and feedback for improvement, including professional development opportunities designed to increase effectiveness;

(B) Conducting outreach within a local educational agency or a State to gain input on how to construct an evaluation system, as described in subparagraph (A) and to develop support for the evaluation system, including by training appropriate personnel in how to observe and evaluate teachers, principals, and other school leaders.

(C) Providing principals and other school leaders with—

(i) the autonomy to make budgeting, scheduling, and other school-level decisions in a manner that meets the needs of the school without compromising the intent or essential components of the policies of the local educational agency or State; and

(ii) authority to make staffing decisions that meet the needs of the school, such as building and developing an instructional team that includes teacher leaders or offering opportunities for teams or pairs of effective teachers or candidates to teach or start teaching in high-need schools.

(D) Implementing, as part of a comprehensive performance-based compensation system, a differentiated salary structure, in which may include bonuses and stipends, to—

(i) teachers who—

(1) teach in high-need schools; or

(2) teach in high-need subjects; or

(II) raise student academic achievement; or

(III) take on additional leadership responsibilities; or

(ii) principals and other school leaders who serve in high-need schools and raise student academic achievement.

(E) Improving the local educational agency’s system and process for the recruitment, selection, placement, and retention of effective teachers and school leaders in high-need schools, such as by improving local educational agency policies and procedures to ensure that high-need schools are competitive and timely in—

(i) attracting, hiring, and retaining effective educators;

(ii) offering bonuses or higher salaries to effective teachers; and

(iii) establishing or strengthening residency programs;

(F) Instituting career advancement opportunities characterized by pay that rewards and recognizes effective teachers and school leaders in high-need schools and enable them to expand their leadership and professional development through teacher-led professional development, mentoring, coaching, hybrid roles, administrative duties, and career ladders.

(g) Matching Requirements.—Each eligible entity that receives a grant under this part shall provide, from non-Federal sources, and in an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in-kind) to carry out the activities supported by the grant.

(h) Supplement, Not Supplant.—Grant funds provided under this part shall be used to supplement, not supplant, other Federal or State funds available to carry out activities described in this part.

SEC. 2203. REPORTS.

(a) Activities summary.—Each eligible entity receiving a grant under this part shall provide to the Secretary a summary of the activities assisted under the grant.

(b) Report.—The Secretary shall provide to Congress an annual report on the implementation of the program carried out under this part, including—

(1) information on eligible entities that received grant funds under this part, including—

(A) information provided by eligible entities to the Secretary for applications submitted under section 2202(c); and

(B) the summaries received under subsection (a); and

(2) grant award amounts; and

(3) student academic achievement and, as applicable, growth data from the schools participating in the programs supported under the grant.

(c) Evaluation and Technical Assistance.—

(1) Reservation of funds.—Of the total amount reserved under section 2203(c) for this part for a fiscal year, the Secretary may reserve for such fiscal year not more than 1 percent for the cost of the evaluation under paragraph (2) and for technical assistance in carrying out this part.

(2) Evaluation.—From amounts reserved under paragraph (1), the Secretary, acting through the Director of the Institute of Education Sciences, shall carry out an independent evaluation to measure the effectiveness of the program assisted under this part. The evaluation under paragraph (2) shall measure—

(A) the effectiveness of the program in improving student academic achievement; and

(B) the satisfaction of the participating teachers, principals, and other school leaders; and
"(C) the extent to which the program assisted the eligible entities in recruiting and retaining high-quality teachers, principals, and other school leaders, especially in high-need schools;

SEC. 2003. AMERICAN HISTORY AND CIVICS EDUCATION.

Title II (20 U.S.C. 6601 et seq.), as amended by section 2301(b), is further amended by adding at the end the following:

"PART C—AMERICAN HISTORY AND CIVICS EDUCATION

SEC. 2301. PROGRAM AUTHORIZED.

"(a) In General.—From amounts appropriated to carry out this part, the Secretary is authorized to carry out an American history and civics education program to improve—

"(1) the quality of American history, civics, and government education by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights; and

"(2) the quality of the teaching of American history, civics, and government education in elementary schools and secondary schools, including the teaching of traditional American history.

"(b) FUNDING ALLOTMENT.—From amounts made available under section 2305 for a fiscal year, the Secretary shall—

"(1) use not less than 85 percent for activities under section 2303; and

"(2) use not less than 10 percent for activities under section 2303; and

SEC. 2302. TEACHING OF TRADITIONAL AMERICAN HISTORY.

"(a) In General.—From the amounts reserved under subsection (a) of section 2301(b), the Secretary shall award grants, on a competitive basis, to local educational agencies to—

"(1) to carry out activities to promote the teaching of traditional American history in elementary schools and secondary schools as a separate academic subject (not as a component of social studies); and

"(2) for the development, implementation, and strengthening of programs to teach traditional American history as a separate aca-
demic subject (not as a component of social studies) within elementary school and secondary school curricula, including the implemen-
tation of activities—

"(A) to improve the quality of instruction; and

"(B) to provide professional development and teacher education activities with respect to American history;

"(b) REQUIRED PARTNERSHIP.—A local educa-
tional agency that receives a grant under subsection (a) shall carry out activities under the grant in partnership with 1 or more of the following:

"(1) An institution of higher education.

"(2) A nonprofit history or humanities or-
ganization.

"(3) A library or museum.

"(c) ELIGIBILITY.—Each eligible entity to be eligible to receive a grant under this section, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(d) GRANT TERMS.—Grants awarded under subsection (a) shall be for a term of not more than 5 years.

SEC. 2303. PRESIDENTIAL AND CONGRESSIONAL ACADEMIES FOR AMERICAN HISTORY AND CIVICS.

"(a) In General.—From the amounts reserved under section 2301(b)(2), the Secretary shall award not more than 12 grants, on a competitive basis, to educational agencies that receive a grant under this section, to eligibility for grants that—

"(1) have at least 50 teachers of American history and civics; or

"(2) a consortium of entities described in paragraph (1).

"(b) USE OF FUNDS.—Each eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(c) ELIGIBLE ENTITY.—The term 'eligible entity' under this section means—

"(1) an institution of higher education or nonprofit educational organization, museum, library, or research center with demonstrated expertise in historical methodology or the teaching of American history and civics; or

"(2) a consortium of entities described in paragraph (1).

"(d) GRANT TERMS.—Grants awarded to eligible entities under subsection (a) shall be for a term of not more than 5 years.

"(e) PRESIDENTIAL ACADEMIES.—

"(1) USE OF FUNDS.—Each eligible entity that receives a grant under subsection (a)(1) shall use the grant funds to establish a Presidential Academy that offers a seminar or institute to eligible entities for the purpose of—

"(A) provides intensive professional development opportunities for teachers of American history and civics; and

"(B) is conducted during the summer or other appropriate time; and

"(B) is conducted during the summer or other appropriate time; and

"(2) RENEWAL.—The Secretary may renew this subsection if the student—

\[\text{continued}\]
“(3) DIVERSITY OF PROJECTS.—In awarding grants under this section, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that serve geographically diverse areas, including urban, suburban, and rural areas.

“(d) APPLICATIONS.—In order to receive a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(e) ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means an institution of higher education or a nonprofit organization with demonstrated expertise in the development of evidence-based approaches for improving the quality of American history, geography, and civics learning and teaching.

“SEC. 2305. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal years 2016 through 2021.”

“SEC. 2004. LITERACY EDUCATION.

“Title II (20 U.S.C. 6801 et seq.), as amended by section 2001, is further amended by adding at the end the following:

“PART D—LITERACY EDUCATION FOR ALL, RESULTS FOR THE NATION

“SEC. 2401. PURPOSES; DEFINITIONS.

“(a) PURPOSES.—The purposes of this part are—

“(1) to improve student academic achievement in reading and writing by providing Federal support to States to develop, revise, or update comprehensive literacy instruction plans that, when implemented, ensure high-quality instruction and effective strategies for identifying children from low-income families; and

“(2) to provide Federal support to States and eligible entities that provide comprehensive literacy instruction plans, strategies, and assessments that, when implemented, ensure high-quality instruction and effective strategies for improving the academic achievement of children from low-income families.

“(b) DEFINITIONS.—In this part:

“(1) COMPREHENSIVE LITERACY INSTRUCTION.—The term ‘comprehensive literacy instruction’ means instruction that—

“(A) includes developmentally appropriate, contextually explicit, and systematic instruction in phonological awareness, phonemic decoding, vocabulary, language structure, reading fluency, and reading comprehension;

“(B) includes age-appropriate, explicit, systematic, and intentional instruction in phonological awareness, phonemic decoding, vocabulary, language structure, reading fluency, and reading comprehension;

“(C) includes age-appropriate, explicit instruction in writing, including opportunities for children to write with clear purposes, with critical reasoning appropriate to the topic and purpose, and with specific instruction on the most effective instructional staff;

“(D) makes available and uses diverse, high-quality print materials that reflect the reading and development levels, and interests, of children;

“(E) uses differentiated instructional approaches, including individual and small group instruction and discussion;

“(F) provides opportunities for children to use language with peers and adults in order to develop language skills, including developing vocabulary;

“(G) uses frequent practice of reading and writing strategies;

“(H) uses age-appropriate, valid, and reliable screening assessments, diagnostic assessments, progress assessment processes, and summative assessments to identify a child’s learning needs, to inform instruction, and to monitor the child’s progress and the effects of instruction;

“(I) uses strategies to enhance children’s motivation to read and write and children’s engagement in academic standards; and

“(J) incorporates the principles of universal design for learning;

“(K) depends on teachers’ collaboration in planning, instruction, and assessment of a child’s progress and on continuous professional learning; and

“(L) links literacy instruction to the challenging State academic standards under section 1111(b)(1), including the ability to navigate, understand, and write about, complex print and digital subject matter.

“(2) ELIGIBLE ENTITY.— ‘Eligible entity’ means an entity that serves a high percentage of high-need schools and consists of—

“(A) one or more local educational agencies that—

“(i) have the highest number or proportion of children who are counted under section 1124(c), in comparison to other local educational agencies in the State;

“(ii) are among the local educational agencies in the State with the highest number or percentages of children reading or writing below grade levels in the most currently available State academic assessment data under section 1111(b)(2); or

“(iii) serve a significant number or percentage of schools that are identified under section 1114(a)(1)(A);

“(B) one or more State-designated early childhood education programs, which may include home-based literacy programs for preschool aged children, that have a demonstrated record of providing comprehensive literacy instruction to the age group such program proposes to serve; or

“(C) a local educational agency, described in subparagraph (A), or consortium of such local educational agencies, or a State-designated early childhood education program, which may include home-based literacy programs for preschool aged children, acting in partnership with 1 or more public or private nonprofit organizations or agencies (which may include State-designated early childhood education programs) that have a demonstrated record of providing (i) improving literacy achievement of children, consistent with the purposes of their participation, from birth through grade 12 and (ii) providing professional development in comprehensive literacy instruction.

“(3) HIGH-NEED SCHOOL.—

“(A) IN GENERAL.—The term ‘high-need school’ means—

“(i) an elementary school or middle school in which not less than 50 percent of the enrolled students are children from low-income families;

“(ii) a high school in which not less than 40 percent of the enrolled students are children from low-income families, which may be calculated using comparable data from the schools that feed into the high school.

“(B) LOW-INCOME FAMILY.—For purposes of subparagraph (A), the term ‘low-income family’ means a family—

“(i) in which the children are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

“(ii) receiving assistance under the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

“(iii) in which the children are eligible to receive assistance under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

“(b) RESERVATION.—From the amounts appropriated to carry out this part for a fiscal year, the Secretary shall reserve—

“(1) not more than a total of 5 percent for national activities including a national evaluation, technical assistance and training, data collection, and reporting;

“(2) one-half of 1 percent for the Secretary of the Interior to carry out the requirements described in this part at schools operated or funded by the Bureau of Indian Education; and

“(3) one-half of 1 percent for the outlying areas to carry out a program under this part.

“(c) DURATION OF GRANTS.—A grant awarded under this part shall be for a period of not more than 5 years. Such grant may be renewed for an additional 2-year period upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that—

“(1) the State has made adequate progress; and

“(2) renewing the grant for an additional 2-year period is necessary to carry out the objectives of the grant described in subsection (d).

“(d) STATE APPLICATIONS.—

“(1) IN GENERAL.—A State educational agency desiring a grant under this part shall submit an application to the Secretary, at such time and in such manner as the Secretary may require.

“(2) CONTENTS.—An application described in paragraph (1) shall include, at a minimum, the following:

“(A) Needs assessment that analyzes literacy needs across the State and in high-need schools and local educational agencies that serve high-need schools, including identifying the most pressing gaps in literacy needs across the State and in high-need schools and local educational agencies;

“(B) A description of how the State educational agency will use implementation grant funds described in subsection (e)(1) for...
comprehensive literacy instruction programs as follows:

"(i) Not less than 15 percent of such grant funds shall be used for State and local programs and activities pertaining to children from birth through kindergarten entry.

"(ii) Not less than 40 percent of such grant funds shall be used for State and local programs and activities, allocated equally among the grades of kindergarten through grade 5.

"(iii) Not less than 40 percent of such grant funds shall be used for State and local programs and activities, allocated equivalently among grades 6 through 12.

"(E) A subgrant under this section shall be determined by the State educational agency administering the early childhood education programs and services, which shall in no case exceed 5 years. 

"(3) SUFFICIENT SIZE AND SCOPE.—A State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include a description of—

"(1) how the subgrant funds will be used to enhance the weightage, literacy and English language development of children from birth through kindergarten entry; in early childhood education programs, which shall include a plan that data to support the proposed use of subgrant funds; and

"(2) how the subgrant funds will be used to prepare and provide ongoing assistance to staff in the programs, through high-quality professional development; and

"(3) the activities assisted under the subgrant will be coordinated with comprehensive literacy instruction at the kindergarten through grade 12 levels.

"(4) the subgrant funds will be used to evaluate the success of the activities assisted under the subgrant in enhancing the early language and literacy development of children from birth through kindergarten entry; and

"(5) such other information as the State educational agency may require.

"(C) LOCAL USES OF FUNDS. —An eligible entity that receives a subgrant under this section shall use the subgrant funds, consistent with the expanded approved application under subsection (b), to—

"(1) carry out high-quality professional development opportunities for early childhood educators in the school, such as seminars, workshops, and other professional development activities, to ensure that all children entering kindergarten enter in the school at the school.

"(2) train and provide personnel to develop and administer high-quality early childhood literacy instruction initiatives; and

"(3) coordinate the involvement of families, other school leaders, paraprofessionals, specialized instructional support personnel, and instructional leaders.

"(D) Making publicly available, including on the State educational agency's website, information on promising instructional practices to improve child literacy achievement.

"(E) Monitoring and monitoring the implementation of subgrants by eligible entities.

"(F) ADDITIONAL USES.—After carrying out the activities described in paragraphs (1) and (2), a State educational agency may use any remaining amount to carry out 1 or more of the following activities:

"(1) providing literacy coach training programs and training literacy coaches.

"(2) Administration and evaluation of activities carried out under this part.

"SEC. 2404. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF BIRTH THROUGH KINDERGARTEN ENTRY LITERACY.

"(a) SUBGRANTS TO ELIGIBLE ENTITIES. —

"(1) IN GENERAL.—A State educational agency receiving a grant under this part shall, in consultation with the State agencies administering the State's early childhood education programs and services, including the State agency responsible for administering child care programs, and, if applicable, the State Advisory Council on Early Childhood Education and Care designated under or established pursuant to section 642 of the Expanding High-Quality Early Education and Care Act (42 U.S.C. 9857b(b)(1)(A)(v)), use a portion of the grant funds, in accordance with section 2402(d)(2)(D)(i), to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to support high-quality early literacy initiatives for children from birth through kindergarten entry.

"(2) DURATION.—The term of a subgrant under this section shall be determined by the State educational agency. A State educational agency shall award subgrants under this section of sufficient size and scope to allow the eligible entities to carry out high-quality early literacy initiatives for children from birth through kindergarten entry.

"(3) LOCAL APPLICATIONS.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include, for each school that the eligible entity identifies as participating in a subgrant program under this section, the following information:

"(A) A description of the eligible entity's needs assessment conducted to identify how subgrant funds will be used to inform and improve comprehensive literacy instruction at the school.

"(B) How the school, the local educational agency, or a provider of high-quality professional development shall coordinate high-quality professional development to all teachers, principals, other school leaders, specialized instructional support personnel (as appropriate), and other instructional leaders served by the school.

"(C) How the school will identify children in need of literacy interventions or other support services.

"(D) An explanation of how the school will integrate comprehensive literacy instruction into core academic subjects.

"(E) A description of how the school will coordinate comprehensive literacy instruction with early childhood education and after-school programs and activities in the amounts served by the local educational agency.

"(b) LOCAL USES OF FUNDS FOR KINDERGARTEN THROUGH GRADE 5.—An eligible entity that receives a subgrant under this section shall use the subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 5:

"(1) Developing and implementing a comprehensive literacy instructional program and across content areas for such children that—

"(A) serves the needs of all children, including children with disabilities and English language learners, especially those who are reading or writing below grade level;

"(B) provides intensive, supplemental, accelerated, and explicit intervention and support in reading and writing for children whose literacy skills are below grade level; and

"(C) supports activities that are provided primarily during the regular school day but which may be augmented by after-school and out-of-school time instruction.

"(2) Providing high-quality professional development opportunities for literacy coaches, literacy specialists, English as a second language specialists (as appropriate), principals, other school leaders, specialized instructional support personnel, school librarians, paraprofessionals, and other program staff.

"(3) Training principals, specialized instructional support personnel, and other school district personnel to support, develop, and evaluate high-quality kindergarten through grade 5 literacy initiatives.

"(4) Coordinating the involvement of early childhood education program staff, principals, other instructional leaders, teachers, and the State educational agency, as well as second language specialists (as appropriate), special educators, school personnel, and specialized
instructional support personnel (as appropriate) in the literacy development of children served under this subsection.

(5) Engaging families and encouraging family literacy experiences and practices to support literacy development.

(c) Local Uses of Funds for Grades 6 through 12.—An eligible entity that receives a subgrant under this section shall use subgrant funds to carry out the following activities pertaining to children in grades 6 through 12:

(1) Developing and implementing a comprehensive literacy instruction plan described in subsection (b)(1) for children in grades 6 through 12.

(2) Training principals, specialized instruction support personnel, school librarians, and other school district personnel to support the development, administer, and evaluate high-quality comprehensive literacy instruction initiatives for grades 6 through 12.

(3) Assessing the quality of adolescent comprehensive literacy instruction in core academic subjects, and career and technical education subjects where such career and technical education subjects provide for the integration of core academic subjects.

(4) Providing time for teachers to meet to plan evidence-based adolescent comprehensive literacy instruction in core academic subjects and career and technical education subjects where such career and technical education subjects provide for the integration of core academic subjects.

(5) Involvement of principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), paraprofessionals, special educators, specialized instructional support personnel (as appropriate), and school personnel in the literacy development of children served under this subsection.

(d) Allowable Uses.—An eligible entity that receives a subgrant under this section may, in addition to carrying out the activities described in subsection (b) or (c), use subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 12:

(1) Recruiting, placing, training, and compensating literacy coaches.

(2) Connecting out-of-school learning opportunities and classroom instruction in order to improve the literacy achievement of the children.

(3) Training families and caregivers to support the improvement of adolescent literacy.

(4) Providing for a mult tiers system of support.

(5) Forming a school literacy leadership team to help implement, assess, and identify necessary changes to the literacy initiatives in 1 or more schools to ensure success.

(6) Providing teachers (and other literacy staff, as appropriate, such as school librarians or specialized instructional support personnel) to meet to plan comprehensive literacy initiatives and programs.

SEC. 2405. NATIONAL EVALUATION AND INFORMATION DISSEMINATION.

(a) National Evaluation.—From funds reserved under section 2002(b)(1), the Director of the Institute of Education Sciences shall conduct a national evaluation of the grant and subgrant programs assisted under this part. The evaluation shall include evidence-based research that applies rigorous methodology and analysis of the programs and shall directly coordinate with individual State evaluations of the programs’ implementation and impact.

(b) Program Improvement.—The Secretary shall—

(1) provide the findings of the evaluation conducted under this section to State educational agencies and subgrantee recipients for use in program improvement.

(2) make the findings publicly available, including on the websites of the Department and the Institute of Education Sciences.

(c) Submit Findings to Congressional Committees.—The Secretary shall submit such findings to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.

SEC. 2406. SUPPLEMENT, NOT SUPPLANT.

"Grant funds provided under this part shall be used to supplement, and not supplant, other Federal, State, or local funds available to carry out activities described in this part."

SEC. 2505. IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INSTRUCTION AND STUDENT ACHIEVEMENT.

Title II (20 U.S.C. 6601 et seq.), as amended by sections 2001 through 2004, is further amended by adding at the end the following:

"PART E—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INSTRUCTION AND STUDENT ACHIEVEMENT

SEC. 2501. PURPOSE.

"The purpose of this part is to improve student academic achievement in science, technology, engineering, and mathematics, including computer science, by—

(1) improving instruction in such subjects through grades 6 through 12;

(2) improving student engagement in, and increasing student access to, such subjects, including for students from groups underrepresented in such subjects, such as female students, minority students, English learners, children with disabilities, and economically disadvantaged students;

(3) improving the quality and effectiveness of classroom instruction by recruiting, training, and supporting highly rated teachers and providing robust tools and supports for students and teachers in such subjects;

(4) increasing student access to high-quality informal and after-school programs that target the identified subjects and improving the coordination of such programs with classroom instruction in the identified subjects; and

(5) closing student achievement gaps and preparing more students to be college and career ready, in such subjects.

SEC. 2502. DEFINITIONS.

"In this part:

(1) Eligible Subgrantee.—The term ‘eligible subgrantee’ means—

(A) a high-need local educational agency;

(B) an educational service agency serving more than 1 high-need local educational agency;

(C) a consortium of high-need local educational agencies;

(D) An educational service agency.

"(2) Outsider Partner.—The term ‘outsider partner’ means an entity that has expertise and a demonstrated record of success in improving student learning and engagement in the identified subjects described in section 2504(b)(2), including any of the following:

(A) A nonprofit or community-based organization, which may include a cultural organization, such as a museum or learning center.

(B) A business.

(C) An institution of higher education.

(D) An educational service agency.

(E) STEM-focused Specialty School.—The term ‘STEM-focused specialty school’ means a school, or a dedicated program within a school, that engages students in rigorous, relevant, and integrated learning experiences focused on science, technology, engineering, and mathematics, which include authentic school-wide research.

"(4) STEM Master Teacher Corps.—The term ‘STEM master teacher corps’ means a team of master teachers of the science, technology, engineering, and mathematics teaching profession by recognizing, rewarding, attracting, and retaining outstanding science, technology, engineering, and mathematics teachers, particularly in high-need and rural schools, by—

(A) selecting candidates to be master teachers in the corps on the basis of—

(i) content knowledge based on a screening examination; and

(ii) pedagogical knowledge of and success in the classroom.

(B) offering such teachers opportunities to—

(i) work with one another in scholarly communities;

(ii) participate in and lead high-quality professional development; and

(C) providing such teachers with appropriate professional compensation for the work described in subparagraph (A) and in the master teacher community.

SEC. 2503. GRANTS; ALLOTMENTS.

"(a) In General.—From amounts made available to carry out this part for a fiscal year, the Secretary shall award grants to State educational agencies, through allotments described in subsection (b), to enable State educational agencies to carry out the activities described in section 2505.

(b) Distribution of Funds.—

(1) In General.—Subject to paragraph (2), for each fiscal year, the Secretary shall allot to each State—

(A) an amount that bears the same relationship to 35 percent of the amount available to carry out this part for such year, as the number of individuals ages 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

(B) an amount that bears the same relationship to 65 percent of the amount available to carry out this part for such year, as the number of individuals ages 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

(2) Funding Minimum.—No State receiving an allotment under this subsection may receive less than one-half of 1 percent of the total amount allotted under paragraph (1) for a fiscal year.

(c) Reallocation of Unused Funds.—If a State does not successfully apply for an allotment under this part, the Secretary shall reallocate the amount of the State’s allotment to the remaining States in accordance with this section.

SEC. 2504. APPLICATIONS.

"(a) In General.—Each State desiring an allotment under section 2503(b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) Contents.—At a minimum, an application submitted under subsection (a) shall include the following:

(A) A description of the needs, including assessments, identified by the State educational agency based on a State analysis, which shall include—

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"(a) an analysis of science, technology, engineering, and mathematics education quality and outcomes in the State, which may include results from a pre-existing analysis;

"(b) labor market information regarding the industry and business workforce needs within the State;

"(c) information on student exposure to and participation in science, technology, engineering, and mathematics subject fields, including among low-income and underrepresented groups, which may include results from a pre-existing analysis; and

"(d) an analysis of the quality of pre-service preparation at all public institutions of higher education (including alternative pathways programs such as mentorship or co-advisory) for individuals preparing to teach science, technology, engineering, and mathematics subjects in the State.

"(2) An identification of the specific subjects that the State educational agency will address through the activities described in section 2505, consistent with the needs identified under paragraph (1) (referred to in this part as 'identified subjects').

"(3) A description, in a manner that addresses any needs identified under paragraph (1), of

"(A) how grant funds will be used by the State educational agency to improve instruction in the identified subjects;

"(B) how the State educational agency will use for awarding subgrants, including how relevant stakeholders will be involved;

"(C) how the State’s proposed project will ensure increased access for students who are members of groups underrepresented in science, technology, engineering, and mathematics subject fields, which may include female students, minority students, English learners, children with disabilities, and economically disadvantaged students; and

"(D) how the State educational agency will continue to involve stakeholders in education reform efforts related to science, technology, engineering, and mathematics instruction.

SEC. 2505. AUTHORIZED ACTIVITIES.

"(a) REQUIRED ACTIVITIES.—Each State educational agency that receives an allotment under this part may use the grant funds reserved under subsection (d) to carry out each of the following activities:

"(1) Increasing access for students through grade 12 who are members of groups underrepresented in science, technology, engineering, and mathematics subject fields, such as female students, minority students, English learners, children with disabilities, and economically disadvantaged students, to high-quality courses in 1 or more of the identified subjects; and

"(2) Providing induction and mentoring services to new teachers in identified subjects.

"(3) Developing instructional supports for identified subjects, such as curricula and assessments, which shall be evidence-based and aligned with challenging State academic standards under section 1111(b)(1).

"(4) Supporting the development of a State-wide STEM master teacher corps.

"(c) SUBGRANTS.—

"(1) IN GENERAL.—Each State educational agency that receives a grant under this part shall use the amounts not reserved under subsection (d) to award subgrants, on a competitive basis, to eligible subgrantees to enable the eligible subgrantees to carry out the activities described in paragraph (4).

"(2) MINIMUM SUBGRANT.—A State educational agency that receives a grant under this subsection that are of sufficient size and scope to support high-quality, evidence-based, effective programs that are consistent with the purposes of this part.

"(3) SUBGRANTEE APPLICATION.—

"(A) IN GENERAL.—Each eligible subgrantee desiring a subgrant under this subsection shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

"(B) CONTENTS OF SUBGRANTEE APPLICATION.—At a minimum, the application described in paragraph (A) shall include the following:

"(i) A description of the activities that the eligible subgrantee will carry out, and how such activities will improve teaching and student academic achievement in the State’s identified subjects.

"(ii) A description of how the eligible subgrantee will use funds provided under this subsection to serve students and teachers in high-need schools.

"(iii) A description of how the eligible subgrantee will use funds provided under this subsection to improve the content knowledge of mathematics subject fields, which may include female students, minority students, English learners, children with disabilities, and economically disadvantaged students in grades 9 through 12, aligned with challenging State academic standards under section 1111(b)(1); and

"(iv) A description of how the eligible subgrantee will use funds provided under this subsection to improve the quality of pre-service preparation to national standards.

"(D) an analysis of the quality of pre-service preparation to national standards.

"(v) Partner with established after-school and other academic activities or other informal learning opportunities designed to engage and develop skills in 1 or more of the State’s identified subjects.

"(vi) Improve the content knowledge of science, technology, engineering, and mathematics networks to provide technical assistance to after-school programs to improve their practice, such as through developing quality standards and appropriate learning outcomes for science, technology, engineering, and mathematics programming in after-school programs.

"(vii) Provide hands-on learning and exposure to science, technology, engineering, and mathematics research facilities and businesses, and professional development opportunities designed to engage and develop skills in 1 or more of the State’s identified subjects.

"(viii) Tailor and integrate educational resources developed by Federal agencies, as appropriate, to improve student achievement in science, technology, engineering, and mathematics.

"(D) support the use of field-based or service learning that enables students to use the local environment and community as a learning resource and to enhance the students’ understanding of, and connection to, science, technology, engineering, and mathematics.
“(x) address science, technology, engineer-
ing, and mathematics needs identified in the State plan under section 102 of the Work-
force Innovation and Opportunity Act (29 U.S.C. 3301), or a local workforce develop-
ment board under section 107(d), or in the local plan submitted under section 108, of
such Act (29 U.S.C. 3120(d), 3123), for the State or section 2506(c), or region (as so de-
efined) that the eligible subgrantee is serving; and

“(xx) support the creation and enhance-
ment of STEM-focused specialty schools that
improve student academic achievement in
science, technology, engineering, and math-
ematical education, particularly for sub-
groups that are historically underperform-
ing, and prepare more students to be ready for postsec-
ondary education and careers in such sub-
groups.

“(C) MATCHING FUNDS.—A State may re-
quire an eligible subgrantee receiving a
subgrant under this subsection to dem-
onstrate that such subgrantee has obtained a
commitment from 1 or more outside partners
to match, using non-Federal funds, a portion of the amount of subgrant funds, in an
amount determined by the State.

“(d) The Appropriations Act—

“(1) IN GENERAL.—Each State educational
agency that receives an allotment under this
part may use not more than 5 percent of grant funds for—

“(A) administrative costs;

“(B) monitoring the implementation of
subgrants;

“(C) providing technical assistance to eli-
gible subgrantees; and

“(D) evaluating subgrants in coordination
with the evaluation described in section
2506(c).

“(2) RESERVATION.—Each State educational
agency that receives an allotment under this
part shall reserve not less than 15 and not more than 20 percent of grant funds, inclu-
sive of the amount described in paragraph
(1), for additional State activities, consistent
with subsections (a) and (b).

“SEC. 2506. PERFORMANCE METRICS; REPORT;
EVALUATION.

“(a) ESTABLISHMENT OF PERFORMANCE
METRICS.—The Secretary, acting through the
Director of the Institute of Education
Sciences, shall establish performance
metrics to evaluate the effectiveness of the
activities carried out under this part.

“(b) REPORT.—Each State educa-
tional agency that receives an allotment
under this part shall prepare and submit
an annual report to the Secretary, which shall
include data relevant to the performance
metrics described in subsection (a).

“(c) EVALUATION AND MANAGEMENT.—The
Secretary shall—

“(1) acting through the Director of the
Institute of Education Sciences, and in con-
sultation with the Director of the National
Science Foundation—

“(A) evaluate the implementation and
impact of the activities supported under this
part, including progress measured by the
metrics established under subsection (a); and

“(B) identify best practices to improve
instruction in science, technology, engineer-
ing, and mathematics subjects;

“(2) disseminate, in consultation with the
National Science Foundation, research on
best practices to improve instruction in
science, technology, engineering, and mat-
ematics subjects;

“(3) require that the Department is taking
appropriate action to—

“(A) identify all activities being supported
under this part; and

“(B) provide the necessary duplication of ef-
forts between the activities being supported
under this part and other programmatic ac-
tivities supported by the Department or by
other Federal agencies; and

“(4) develop a rigorous system to—

“(A) identify the science, technology, engi-
neering, and mathematics education-specific
needs of States and stakeholders receiving
funds through subgrants under this part;

“(B) make public and widely disseminate
programmatic activities relating to science,
technology, engineering, and mathematics
that are supported by the Department or by
other Federal agencies; and

“(C) develop an evaluation of the pro-
grammatic activities supported by the De-
partment and other Federal agencies with
the State and stakeholders.

“SEC. 2507. SUPPLEMENT NOT SUPPLAINT.

“Funds received under this part shall be
used to supplement, and not supplant, funds
that would otherwise be used for activities
authorized under this part.

“SEC. 2508. REPORT ON CYBERSECURITY EDUCA-
TION.

“Not later than June 1, 2016, the Secretary,
acting through the Director of the Institute of
Education Sciences, shall submit to the Com-
mittee on Armed Services and the Committee
on Armed Services of the Senate, the House of
Representatives, a report describing whether
secondary and postsecondary education pro-
grams are meeting the need of public and
private sectors for cybersecurity. Such report
shall include—

“(1) an assessment of the shortfalls in cur-
current secondary and postsecondary education
needed to develop cybersecurity profes-
sionals, and recommendations to address
such shortfalls;

“(2) development of successful secondary
and postsecondary programs that produce
competent cybersecurity professionals; and

“(3) recommendations of subjects to be
covered by secondary and postsecondary
career education.

“SEC. 2006. GENERAL PROVISIONS.

“Title II (20 U.S.C. 6601 et seq.), as amended
by sections 2001 through 2005, is further
amended by adding at the end the following:

“PART F—GENERAL PROVISIONS

“SEC. 2601. RULES OF CONSTRUCTION.

“(a) PROHIBITION AGAINST FEDERAL MAN-
DATES.—Nothing in this title shall be construed to
authorize the Secretary or any other officer or employee of the Federal Government, Federal
or local government, to control a State, local educational agency, or school’s—

“(1) instructional content or materials, curric-
ulum, program of instruction, aca-
demic standards, or academic assessments;

“(2) teacher, principal, or other school
leader evaluation systems;

“(3) specific definition of teacher, prin-
cipal, or other school leader effectiveness; or

“(4) teacher, principal, or other school
leader professional standards, certification,
or licensing.

“(b) SCHOOL OR DISTRICT EMPLOYEES.—
Nothing in this title shall be construed to alter or otherwise affect the rights, rem-
eties, and procedures afforded school or
school district employees under Federal,
State, or local laws (including applicable
regulations and court orders) or under
the terms of collective bargaining agreements,
memoranda of understanding, or other agree-
ments between such employees and their
employers.

“TITLE III—LANGUAGE INSTRUCTION FOR
ENGLISH LEARNERS AND IMMIGRANT
STUDENTS

“SEC. 3001. GENERAL PROVISIONS.

“Title III (20 U.S.C. 6801 et seq.) is amend-
ed—

“(1) in the title heading, by striking “LIMIT-
ITED ENGLISH PROFICIENT” and inserting
“ENGLISH LEARNERS”;

“(2) in part A—

“(A) by striking section 3122;

“(B) redesigning sections 3123, 3124, 3125,
3126, 3127, 3128, and 3129 as sections 3122, 3123,
3124, 3125, 3126, 3127, and 3128, respectively;

“(C) by striking subpart 4;

“(3) by redesigning part C as part B; and

“(4) in part B, as redesignated by paragraph

“(A) by redesigning section 3301 as section
3302; and

“(B) by redesigning sections 3303 and 3304
as sections 3302 and 3303, respectively.

“SEC. 2003. ENGLISH LANGUAGE ACQUISITION.

“Section 3001 (20 U.S.C. 6801) is amended to
read as follows:

“SEC. 3001. AUTHORIZATION OF APPROPRIA-
TIONS.

“There are authorized to be appropriated to
carry out this title such sums as may be
necessary for each of fiscal years 2016 through 2021.

“SEC. 3003. ENGLISH LANGUAGE ACQUISITION,
LANGUAGE ENHANCEMENT, AND
ACADEMIC ACHIEVEMENT.

“Part A of title III (20 U.S.C. 6811 et seq.) is
amended—

“(1) in section 3105, by striking paragraphs
(1) through (8) and inserting the following:

“(1) to help ensure that English learners,
including immigrant children and youth, attai-

n English proficiency, and develop high
levels of academic achievement in English;

“(2) to assist all English learners, includ-
ing immigrant children and youth, to achieve at high levels in academic subjects
so that children who are English learners can meet the same challenging State aca-
demic standards that all children are ex-
pected to meet, consistent with section
1111(b)(1); and

“(3) to assist early childhood educators,
teachers, principals and other school leaders,
State educational agencies, and local edu-
cational agencies in establishing, imple-
menting, and sustaining effective language
instruction educational programs designed
through 2021;

“(2) in section 3111—

“(A) in subsection (b)—

“(1) in paragraph (2), by striking subpara-
graphs (A) through (D) and inserting the fol-
lowing:

“(A) Establishing and implementing, with
timely and meaningful consultation with
local educational agencies representing the
geographic diversity of the State, standard-
ized statewide entrance and exit procedures,
including a requirement that all students
who are English learners for such status
within 30 days of enrollment in a school in the State.
(B) Providing effective teacher and principal preparation, professional development activities, and other evidence-based activities related to the education of English learners; (A) providing technical assistance to eligible entities in a State; (i) meeting State and local certification and licensing requirements for teaching English learners; (ii) improving teaching skills in meeting the diverse needs of English learners, including how to implement effective programs and curricula on teaching English learners, and other relevant stakeholders; (D) providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this subpart, including assistance in— (ii) identifying and implementing effective language instruction educational programs and curricula for teaching English learners, including those in early childhood settings; (ii) helping English learners meet the same State academic standards that all children are expected to meet; (iii) identifying or developing, and implementing, measures of English proficiency; and (iv) strengthening and increasing parent, family, and community engagement in programs that serve English learners. (E) Providing recognition, which may include financial awards to recipients of subgrants under section 3115 that have significantly improved the achievement and progress of English learners in meeting— (i) annual timelines and goals for progress established under section 1111(c)(1)(K) based on the State’s English language proficiency assessment under section 1111(b)(2)(G); (ii) the challenging State academic standards described in section 1111(b)(1); and (iii) in paragraph (3)— (I) in the heading, by inserting “DIRECT” before “ADMINISTRATIVE”; and (II) by inserting “direct” before “administrative costs”; and (F) in subsection (c)— (i) in paragraph (1)— (A) by striking “section 3000(a)” and inserting “section 3000”; (B) in subparagraph (B), by inserting “and” after the semicolon; (III) in paragraph (3)(C), (aa) by striking “33B” both places it appears and inserting “32B”; (bb) by striking “not more than 0.5 percent of such amount shall be reserved for evaluation activities conducted by the Secretary and”; and (cc) by striking “; and” and inserting a period; (IV) by striking subparagraph (D); (ii) by striking paragraphs (2) and (4); (iii) by redesignating paragraph (3) as paragraph (4); (iv) in paragraph (2)(A), as redesignated by clause (iii)— (I) in the matter preceding clause (i), by striking “section 3000(a)” and inserting “section 3000”; and (II) in clause (i), by striking “limited English proficient” and all that follows through “such amount shall be reserved for evaluation activities conducted by the Secretary and”; and (I) in clause (i) of section 1111(b)(2)(G); and (ii) by striking paragraphs (2) and (4); (iii) by redesignating paragraph (3) as paragraph (4); and (iv) by striking “section 3000(a)” and inserting “section 3000”. (3) USE OF DATA FOR DETERMINATIONS.—In making State allotments under paragraph (2)(A) for each fiscal year, the Secretary shall— (A) determine the number of English learners in a State and in all States, using the most accurate, up-to-date data, which shall be— (i) data available from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates; or (ii) the number of students being assessed for English language proficiency, based on the State’s English language proficiency assessment under section 1111(b)(2)(G), which may be multiyear estimates; or (iii) a combination of data available under clauses (i) and (ii). (B) determine the number of immigrant children and youth in the State and in all States, using data from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates.”; (3) in section 3114 (a)— (A) by striking “reasonably” before “require”; (B) in subsection (b)— (i) in paragraph (1), by striking “making” and inserting “awarding”; and (ii) by striking paragraphs (2) through (6) and inserting the following: “(2) describe how the agency will establish and implement, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, standards for exit procedures, including an assurance that all students who may be English learners are assessed for such status within 30 days of enrollment in a school; (3) provide an assurance that— (A) the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement in section 1111(b)(2)(B)(ix) to annually assess in English proficiency required under section 1111(b)(2)(G); (B) the agency will require that eligible entities receiving a subgrant under this subpart annually assess the English proficiency of all English learners participating in a program funded under this subpart, consistent with section 1111(b)(2)(G); (C) in awarding subgrants under section 3114, the agency will address the needs of school systems of all sizes and in all geographic areas, including school systems with rural and urban schools; (D) subpart justification for eligible entities under section 3114(d)(1) will be of sufficient size and scope to allow such entities to carry out effective language instruction educational programs for English learners; (E) the agency will require an eligible entity receiving a subgrant under this subpart to use the subgrant in ways that will build such recipient’s capacity to continue to offer effective language instruction educational programs that assist English learners in meeting the challenging State academic standards described in section 1111(b)(1); (F) the agency will monitor each eligible entity receiving a subgrant under this subpart for compliance with applicable Federal fiscal requirements; and (G) the plan has been developed in consultation with local educational agencies, teachers, administrators of programs implemented under this subpart, parents of English learners, and other relevant stakeholders; (4) describe how the agency will coordinate its programs and activities under this subpart with other programs and activities under this Act and other Acts, as appropriate; (5) describe how each eligible entity will be given the flexibility to teach English learners; (A) using a high-quality, effective language instruction curriculum for teaching English learners; and (B) in the manner the eligible entities determine to be the most effective; (6) describe how the agency will assist eligible entities in meeting— (i) annual timelines and goals for progress established under section 1111(c)(1)(K) based on the State’s English language proficiency assessment under section 1111(b)(2)(G); and (B) the challenging State academic standards described in section 1111(b)(1); (7) describe how the agency will assist eligible entities in decreasing the number of English learners who have not yet acquired English proficiency within 5 years of their initial classification as an English learner; (8) describe how the agency will ensure that the unique needs of the State’s population of English learners and immigrant children and youth are being addressed; and (9) describe how the agency will monitor and evaluate the progress of each eligible entity receiving funds under this subpart toward meeting the timelines and goals for English proficiency required under section 1111(c)(1)(K) and the steps the State will take to further assist eligible entities if such strategies funded under this part are not effective in meeting academic goals established under section 1111(b)(3)(B)(ii) for English learners, such as providing technical assistance and modifying subparts.”; (C) in subsection (d)(2)(B), by striking “part” and inserting “subpart”; and (D) in subsection (f), by striking “; objectives.”; (4) in section 3114— (A) in subsection (a)— (i) by striking “section 3111(c)(3)” and inserting “section 3111(c)(2)” and (ii) by striking “limited English proficient children” both places the term appears and inserting “English learners”; and (B) in subsection (d)(1)— (i) by striking “section 3111(c)(3)” and inserting “section 3111(c)(2)” and (ii) by striking “preceding the fiscal year”; and (5) by striking section 3115 and inserting the following: “SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES. (a) PURPOSES OF SUBGRANTS.—A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this subpart only if the entity agrees to expend the funds to improve the education of English learners by assisting the children to learn English and meet the challenging State academic standards described in section 1111(b)(1). In carrying out activities with such funds, the eligible entity shall use effective approaches and methodologies for teaching English learners and immigrant children and youth for the following purposes: (1) Developing and implementing new language instruction educational programs and academic content instructional programs for English learners and immigrant children and youth, including early childhood education programs, elementary school programs, and secondary school programs. (2) Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instructional programs for English learners and immigrant children and youth. (3) Implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instructional programs for English learners and immigrant children and youth;
“(4) Implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs, activities relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

(b) INSTRUCTIONAL MATERIALS.—Each eligible entity receiving funds under section 3114(a) for a fiscal year may use not more than 2 percent of such funds for the cost of developing and disseminating instructional materials that meet the needs of English learners and are based on high-quality research demonstrating success in increasing—

(A) English language proficiency; and

(B) student academic achievement;

(2) to provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs, principals, and other school leaders, administrators, and other school or community-based organizational personnel, that is—

(A) designed to improve the instruction and assessment of English learners; and

(B) designed to enhance the ability of such teachers, principals, and other school leaders to understand and implement appropriate curricula, assessment practices, and instruction strategies for English learners;

(C) effective in increasing children’s English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and

(D) flexible in intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers’ performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher’s supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and the local or State agency employing the teacher, as appropriate; and

(3) to provide and implement effective parent, family, and community engagement activities, to enhance or supplement language instruction educational programs for English Learners.

(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Subject to subsection (c), an eligible entity receiving funds under section 3114(a) may use the funds to achieve 1 of the purposes described in subsection (a) by undertaking 1 or more activities.

(1) Upgrading program objectives and effective instructional strategies.

(2) Improving the instructional program for English learners by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.

(3) Providing to English learners—

(A) tutorials and academic and career and technical education;

(B) intensified instruction, which may include linguistically responsive materials; and

(C) bilingual paraprofessionals, which may include interpreters and translators.

(4) Implementing effective preschool, elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

(5) Improving the English language proficiency and academic achievement of English learners and their families.

(6) Providing community participation programs, family literacy services, and parent and family outreach and training activities to English learners and their families.

(7) Providing activities, coordinated with curricula and programs, such as those funded under this subpart, on the teachers’ performance in the education of their children.

(8) Improving the instruction of English learners, including English learners with a disability, by providing for—

(A) the acquisition or development of educational technology or instructional materials;

(B) access to, and participation in, electronic networks for materials, training, and communication; and

(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.

(3) Carrying out other activities that are consistent with the purposes of this section.

(e) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH.—

(1) IN GENERAL.—An eligible entity receiving funds under section 3114(a) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

(A) family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children;

(B) recruitment of, and support for personnel, including early childhood educators, teachers, paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

(D) identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds;

(E) basic instructional services that are directly attributable to the presence of immigrant children and youth in the local educational agency involved, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services;

(F) other instructional services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs for preschool children to assist in the transition to kindergarten.

(2) IN GENERAL.—To receive a subgrant under section 3114(a), an eligible entity must describe the high-quality programs and activities proposed to be developed, implemented, and administered under this subpart to assist English learners in meeting—

(A) the challenging State academic standards described in section 1111(b)(1); and

(B) the challenging State academic standards described in section 1111(b)(1).

(3) describe how the eligible entity will promote parent, family, and community engagement in the education of English learners;

(4) describe how language instruction educational programs carried out under the subgrant will ensure that English learners being served by the programs develop English proficiency and demonstrate such proficiency through academic content mastery;

(5) contain assurances that—

(A) each local educational agency that is included in the eligible entity is complying with section 3126; and

(B) the eligible entity complies with any State law, including State constitutional law, regarding the education of English learners, consistent with sections 3122 and 3126;

(C) the eligible entity has based its proposed plan on high-quality research on teaching English learners;

(D) the eligible entity consulted with teachers, researchers, school administrators, parents and family members, community members, public or private entities, and institutions of higher education, in developing and implementing such plan;

(E) the eligible entity will, if applicable, coordinate activities and share relevant data under the plan with local Head Start and Early Head Start agencies, including migrant and seasonal Head Start agencies, and other early childhood educational providers.

(5) contain assurances that—

(A) each local educational agency that is included in the eligible entity is complying with section 1112(b)(2)(G) and 3110(b)(2)(G) and is carrying out other activities that are consistent with sections 1112 through 1116.

(4) SELECTION OF METHOD OF INSTRUCTION.—

(1) IN GENERAL.—To receive a subgrant from a State educational agency under this subpart, an eligible entity shall select one or more methods or forms of effective instruction to be used in the programs and activities undertaken by the entity to assist English learners to achieve English language proficiency and meet challenging State academic standards described in section 1111(b)(1).

(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligible entity receiving funds under section 3114(a) shall use the funds—

(1) to improve the English language proficiency of English learners by providing effective language instruction educational programs that meet the needs of English learners and are based on high-quality research demonstrating success in increasing—

(A) English language proficiency; and

(B) student academic achievement;

(2) to provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs, principals, and other school leaders, administrators, and other school or community-based organizational personnel, that is—

(A) designed to improve the instruction and assessment of English learners; and

(B) designed to enhance the ability of such teachers, principals, and other school leaders to understand and implement appropriate curricula, assessment practices, and instruction strategies for English learners;

(C) effective in increasing children’s English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and

(D) flexible in intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers’ performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher’s supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and the local or State agency employing the teacher, as appropriate; and

(3) to provide and implement effective parent, family, and community engagement activities, to enhance or supplement language instruction educational programs for English Learners.

(4) AUTHORIZED SUBGRANTEE ACTIVITIES.—Subject to subsection (c), an eligible entity receiving funds under section 3114(a) may use the funds to achieve 1 of the purposes described in subsection (a) by undertaking 1 or more activities.

(1) Upgrading program objectives and effective instructional strategies.

(2) Improving the instructional program for English learners by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.

(3) Providing to English learners—

(A) tutorials and academic and career and technical education;

(B) intensified instruction, which may include linguistically responsive materials; and

(C) bilingual paraprofessionals, which may include interpreters and translators.

(4) Implementing effective preschool, elementary school, or secondary school language instruction educational pro-
"SEC. 3131. NATIONAL PROFESSIONAL DEVELOPMENT PROJECT.

"The Secretary may use the funds made available under section 3111(c)(1)(C) to award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education or public or private entities with relevant experience and capacity (in consortia with State educational agencies or local educational agencies) to provide for professional development, capacity building, or evidence-based activities that will improve classroom instruction for English learners and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs or serve English learners. Grants awarded under this section may be used—

"(1) for preservice or inservice effective professional development programs that will assist local schools and may assist institutions of higher education and in increasing the student academic achievement of English learners, such as through the use of technology-based programs;

"(2) in conjunction with other Federal programs, need-based student financial assistance programs, for financial assistance, and costs related to tuition, fees, and books for enrolling in courses required to complete the degree involved, to meet certification or licensing requirements for teachers who work in language instruction educational programs or serve English learners; and

"(3) as appropriate, to support strategies that promote school readiness of English learners and their transition from early childhood child care programs, such as Head Start or State-run preschool programs to elementary school programs."
The study described in subsection (a) to improve the accuracy of the American Community Survey language items for assessing population prevalence of English learner students

TITLE IV—SAFE AND HEALTHY STUDENTS

SEC. 4001. GENERAL PROVISIONS.

Title IV (20 U.S.C. 7101 et seq.) is amended—

(1) by redesigning subpart 3 of part A as subpart 5 of part F of title IX, as redesignated by section 9106(1), and moving that subpart to follow subpart 4 of part F of title IX, as redesignated by sections 2001 and 9106(1);

(2) by redesigning section 4141 as section 9561;

(3) by redesigning section 4155 as section 9537 and moving that section so as to follow section 9536;

(4) by redesigning part C as subpart 6 of part F of title IX, as redesignated by section 9106(1), and moving that subpart to follow subpart 5 of part F of title IX, as redesignated by section 9106(1) and paragraph (1);

(5) by redesigning sections 4301, 4302, 4303, and 4304, as sections 9571, 9572, 9573, and 9574, respectively; and

(6) by striking the title heading and inserting the following:

"TITLE IV—SAFE AND HEALTHY STUDENTS".

SEC. 4002. GRANTS TO STATES AND LOCAL EDUCATIONAL AGENCIES.

Part A of title IV (20 U.S.C. 7101 et seq.) is amended to read as follows:

"PART A—GRANTS TO STATES AND LOCAL EDUCATIONAL AGENCIES"

"SEC. 4101. PURPOSE.

The purpose of this part is to improve students' safety, health, well-being, and academic achievement during and after the school day by—

(1) increasing the capacity of local educational agencies, schools, and local communities to improve conditions for learning through the creation of safe, healthy, supportive, and drug-free environments;

(2) carrying out programs designed to improve school safety and promote students' physical and mental health and well-being;

(3) strengthening parent and community engagement to create a healthy, safe, and supportive school environment.

"SEC. 4102. DEFINITIONS.

In this part—

(1) CONTROLLED SUBSTANCE.—The term "controlled substance" means a drug or other substance identified under Schedule I, II, III, IV, or V in section 205(c) of the Controlled Substances Act (21 U.S.C. 820(c)).

(2) DRUG.—The term "drug" includes controlled substances, the illegal use of alcohol or tobacco (including smokeless tobacco products and e-cigarettes), nicotine harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.

(3) DRUG AND VIOLENCE PREVENTION.—The term "drug and violence prevention" means—

(A) with respect to drugs, prevention, early intervention, rehabilitation referral, recovery, prevention services, or education related to the illegal use of drugs, such as raising awareness about the evidence-based approaches to drug use; and

(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment, intimidation, and violence associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

(4) SCHOOL-BASED MENTAL HEALTH SERVICES PROVIDER.—The term 'school-based mental health services provider' includes a State licensed school psychologist, school counselor, school social worker, or other State licensed or certified mental health professional qualified under State law to provide such mental health services to children and adolescents, including children in early childhood education programs.

(5) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 4103. FORMULA GRANTS TO STATES.

"(a) RESERVATIONS.—From the total amount appropriated under section 4148 for a fiscal year, the Secretary shall reserve—

(1) not more than 5 percent for national activities, which the Secretary may carry out directly or through grants, contracts, or agreements with public or private entities or individuals, or other Federal agencies, such as providing technical assistance to States and local educational agencies carrying out activities under this part or conducting a national evaluation;

(2) one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part;

(3) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education; and

(4) such funds as may be necessary for the Project School Emergency Response to Violence program (referred to as 'Project S.E.R.V.'), which is authorized to provide education-related services to local educational agencies and institutions of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis, and which funds shall remain available for obligation until expended.

(b) STATE ALLOTMENTS.—

(1) ALLOTMENT.—

(A) IN GENERAL.—In accordance with sub-paragraphs (B) and (C), the Secretary shall allot to each State a grant equal to not more than 5 percent of the total amount available to carry out this part for any fiscal year and not reserved under subsection (a).

(B) DETERMINATION OF STATE ALLOTMENT AMOUNTS.—Subject to paragraph (2), the Secretary shall allot the amount made available under this part for any fiscal year among the States in proportion to the number of individuals, aged 5 to 17, who reside in each State for the most recent fiscal year for which satisfactory data are available, compared to the number of such individuals who reside in all States for the same fiscal year.

(C) SMALL STATE MINIMUM.—No State receiving an allotment under paragraph (1) shall receive less than one-half of 1 percent of the total amount allotted under such paragraph.

(2) PUERTO RICO.—The amount allotted under subparagraph (A) to the Commonwealth of Puerto Rico for any fiscal year may not exceed one-half of 1 percent of the total amount allotted under such subparagraph.

(3) REALLOTMENT.—If a State does not receive an allotment under this section, the Secretary shall reallocate the amount of the State's allotment to the remaining States in accordance with this section.

"(c) STATE USE OF FUNDS.—

(1) IN GENERAL.—Each State that receives an allotment under this section shall reserve not less than 95 percent of the amount allotted to such State under subsection (b), for each fiscal year, for subgrants to local educational agencies, which may include consortia of such agencies, under section 4104.

(2) STATE ADMINISTRATION.—A State educational agency shall use not more than 1 percent of the amount made available to the State under subsection (b) for the administrative costs of carrying out its responsibilities under this part.

(3) STATE ACTIVITIES.—A State educational agency shall use the amount made available to the State under subsection (b) and not reserved under paragraph (1) for activities and programs designed to meet the purposes of this part, which—

(A) shall include—

(i) providing training, technical assistance, and capacity building to local educational agencies that are recipients of a subgrant under section 4104, which may include identifying and disseminating best practices for professional development and capacity building for teachers, administrators, and other personnel; and (ii) publicly reporting on how funds made available under this part are administered by local educational agencies under section 4104; and

(B) may include—

(i) identifying and eliminating State barriers to the coordination and integration of programs, initiatives, and funding streams that meet the purposes of this part, so that local educational agencies can coordinate with other agencies, schools, and community-based services and programs;

(ii) assisting local educational agencies to expand access to coordination of resources for school-based counseling and mental health programs, such as through school-based mental health services partnership programs described in section 110(a)(4)(C); and (iii) supporting programs and activities that offer a variety of well-rounded educational experiences to students;

(iv) supporting activities that promote physical and mental health and well-being for students and staff;

(v) designing and implementing a grant process for local entities that wish to use these funds to reduce extracurricular activities that occur in elementary schools and secondary schools, in a manner consistent with State or federally identified best practices on the subject;

(vi) assisting in the creation of a continuum of evidence-based or promising practices in the reduction of juvenile delinquency; and

(vii) promoting gender equity in education by supporting local educational agencies in meeting the requirements of title IX of the Education Amendments of 1972 (20 U.S.C. 1861 et seq.);

(viii) providing local educational agencies with evidence-based resources—

(A) student athletic safety, such as developing a plan for concussion safety and recovery practices (which may include policies that prohibit student athletes suspected of having a concussion from returning to play the same day); and

(B) cardiac conditions such as cardio-myopathy;

(2) exposure to excessive heat and humidity; and
“(I) relating to the development of recommended guidelines for an emergency action plan for youth athletics; 

(IX) designing and implementing evidence-based health awareness training programs for the purposes of—

(I) recognizing the signs and symptoms of mental illness; 

(II) providing education to school personnel regarding resources available in the community for students with mental illnesses and other relevant resources relating to mental health; and 

(III) providing education to school personnel regarding the safe de-escalation of crisis situations involving a student with a mental illness; and 

(X) other activities identified by the State that meet the purposes of this part.

(2) STATE PLAN.—

(1) IN GENERAL.—In order to receive an allotment under this section for any fiscal year, a State shall submit a plan to the Secretary, at such time and in such manner as the Secretary may reasonably require.

(2) CONTENTS.—Each plan submitted by a State under this section shall include the following:

(A) A description of how the State educational agency will use funds received under this part for State-level activities.

(B) A description of program objectives and outcomes for activities under this part.

(C) An assurance that the State educational agency will review existing resources and programs across the State and will coordinate any new plans and resources under this part with such existing programs and resources.

(D) An assurance that the State educational agency will monitor the implementation of activities under this part and provide evidence of service to local educational agencies in carrying out such activities.

(3) ANNUAL REPORT.—Each State receiving a grant under this part shall annually prepare and submit a report to the Secretary, which shall include—

(A) how the State and local educational agencies used funds provided under this part; and 

(B) the degree to which the State and local educational agencies have made progress toward meeting the objectives and outcomes described in the plan submitted by the State under paragraph (2)(B).

(3) ADDITIONAL USE OF FUNDS.—Funds available under subsection (a)(4) for extended services grants under the Project School Emergency Response to Violence program (referred to in this subsection as the 'Project SERV program') may be used by a local educational agency or institution of higher education to support such grant to initiate or strengthen violence prevention activities, as part of the activities designed to restore the learning environment that was disrupted by the violent or traumatic crisis in response to the factors described in subparagraph (B).

(4) APPLICATION PROCESSES.

(A) IN GENERAL.—A local educational agency or institution of higher education desiring to use a portion of extended services grant funds under the Project SERV program to initiate or strengthen a violence prevention activity shall—

(i) submit, in an application that meets all requirements of the Secretary for the Project SERV program, the information described in subparagraph (B); or

(ii) in the case of a local educational agency or institution of higher education that has been awarded an extended services grant under the Project SERV program, submit an addendum to the original application that includes the information described in subparagraph (B).

(B) APPLICATION REQUIREMENTS.—The information required under this subparagraph is as follows:

(i) A demonstration that there is a continued disruption or a substantial risk of disruption to the learning environment that would be addressed, 

(ii) An explanation of the proposed activity designed to restore and preserve the learning environment, and 

(iii) A description of outreach and budget narrative for the proposed activity.

(C) AWARD BASIS.—Any award of funds under the Project SERV program for violence prevention activities may be used for construction, renovation, or repair of a facility or for the permanent infrastructure of the local educational agency or institution.

SEC. 4104. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES

(1) IN GENERAL.—A State that receives an allotment under a fiscal year shall provide the amount made available under section 4108(c)(1) for subgrants to local educational agencies, which may include consortia of such agencies, in accordance with this section.

(2) FUNDS TO LOCAL EDUCATIONAL AGENCIES.—From the funds reserved by a State under section 4104(a), the State shall allocate to each local educational agency or consortium of such agencies in the State an amount that bears the same relationship to such funds as the number of individuals aged 5 to 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of such individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

(3) ADMINISTRATIVE COSTS.—Of the amount received under paragraph (2), a local educational agency or consortium of such agencies may use not more than 2 percent for the direct administrative costs of carrying out its responsibilities under this part.

(4) LOCAL APPLICATIONS.—(1) IN GENERAL.—To be eligible to receive a subgrant under this section, a local educational agency or consortium of such agencies shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

(2) CONTENTS.—(A) IN GENERAL.—A local educational agency or consortium of such agencies shall conduct a needs assessment described in paragraph (3) and an identification of each school that will be served by a subgrant under this section.

(B) REQUIREMENTS.—(i) take into account applicable and available school-level data on indicators or measures of school quality, climate and safety, academic discipline, including those described in section 1111(d)(1)(C)(v); and

(ii) take into account risk factors in the community, school, family, or peer-individual relationships.

(C) A description of the activities that the local educational agency or consortium of such agencies will carry out under this part and how they will be evaluated with the results of the needs assessment conducted under paragraph (3).

(D) A description of the programs or activities that the local educational agency or consortium of such agencies will carry out under this part to assist schools in facilitating safe relationship behavior between students and in addressing students with the knowledge and expertise to carry out under this section.

(E) IN GENERAL.—A local educational agency or consortium of such agencies shall conduct a needs assessment described in paragraph (3), and develop its application, through consultation with parents, teachers, principals, school leaders, specialized instructional support personnel, early childhood educators, students, community-based organizations, local government representatives (which may include a local law enforcement agency, local juvenile court, local child protective services, housing agency, Indian tribes or tribal organizations (if applicable) that may be located in the region served by the local educational agency, and other community-based organizations or experts who have expertise in programs and activities designed to meet the purpose of this part.

(B) CONTINUED CONSULTATION.—On an ongoing basis, the local educational agency or consortium of such agencies shall consult with the individuals and organizations described in subparagraph (A) in order to seek advice regarding how best—

(i) to improve the local activities in order to meet the purpose of this part; and

(ii) to coordinate such activities under this part with other related strategies, programs, and activities being conducted in the community.

(3) NEEDS ASSESSMENT.

(A) IN GENERAL.—To be eligible to receive a subgrant under this section, a local educational agency or consortium of such agencies shall conduct a comprehensive needs assessment of the local educational agency or agencies proposed to be served and of all schools within the jurisdiction of the local educational agency or agencies proposed to be served.

(B) REQUIREMENTS.—In conducting the needs assessment required under subparagraph (A), the local educational agency or consortium of such agencies shall—

(i) take into account applicable and available school-level data on indicators or measures of school quality, climate and safety, academic discipline, including those described in section 1111(d)(1)(C)(v); and

(ii) take into account risk factors in the community, school, family, or peer-individual relationships.

(D) A description of the activities that the local educational agency or consortium of such agencies will carry out under this part and how they will be evaluated with the results of the needs assessment conducted under paragraph (3).

(E) A description of the programs or activities that the local educational agency or consortium of such agencies will carry out under this part to assist schools in facilitating safe relationship behavior between students and in addressing students with the knowledge and expertise to carry out under this section.

(F) IN GENERAL.—A local educational agency or consortium of such agencies shall carry out under this part a needs assessment described in paragraph (3) and an identification of each school that will be served by a subgrant under this section.
"(F) An assurance that the local educational agency or consortium of such agencies will prioritize the distribution of funds to schools served by the local educational agency as a result of the existence of such agencies that—

(i) are among the schools with the greatest need as identified through the needs assessment conducted under paragraph (3);

(ii) have the highest percentage of children counted under section 1124(c); or

(iii) are identified under section 1114(a)(1)(A); or

(iv) are identified as a persistently dangerous public elementary school or secondary school under section 6352.

(G) An assurance that the local educational agency or consortium of such agencies will comply with section 901 (regarding equitable participation by private school children and teachers).

SEC. 4105. LOCAL EDUCATIONAL AGENCY AUTHORIZED ACTIVITIES.

(a) Local educational agency activities. — A local educational agency or consortium of such agencies that receives a subgrant under section 4106 shall use the subgrant to—

(1) train and educate instructional staff in the implementation, and evaluate comprehensive programs and activities, which are coordinated with other school-based services and programs and may be conducted in partnership with nonprofit organizations with a demonstrated record of success in implementing programs that are in accordance with the purpose of this part and—

(i) foster safe, healthy, supportive, and drug-free environments that support student academic achievement;

(ii) are consistent with the principles of effectiveness described in subsection (b);

(iii) are conducted in partnership with nonprofits that have the highest capacity, as determined, to appropriate, and effective implementation, and enable the involvement of parents in the activity or program, as appropriate; and

(iv) may include, among other programs and activities—

(A) drug and violence prevention activities and programs (including programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes), including professional development and training for school and specialized instructional support personnel and interested community members and community organizations in education, early identification, and intervention mentoring, recovery support services, and, where appropriate, rehabilitation referral, as related to drug and violence prevention activities;

(B) programs that support extended learning opportunities, including before- and after-school programs and activities, programs designed to address the summer recess period, and expanded learning time;

(C) in accordance with subsections (c) and (d), school-based mental health services, including the early identification of mental-health symptoms, drug use and violence, and appropriate referrals to direct individual or group counseling services provided by qualified school personnel by school-based mental health services providers;

(D) in accordance with subsections (c) and (d), school-based mental health services partnerships programs that—

(i) are conducted in partnership with a public or private mental-health entity or health care entity, which may also include a child welfare agency, family-based mental health entity, trauma network, or other community-based entity; and

(ii) provide comprehensive school-based mental health services and supports and staff development for school and community personnel working in the school that are based on trauma-informed and evidence-based practices (as determined (where appropriate) with early intervening services carried out under the Individuals with Disabilities Education Act, are provided by qualified mental and behavioral health professionals who are certified or licensed by the State involved and practicing within their area of expertise and have the capacity to—

(I) the early identification of social, emotional, or behavioral problems, or substance use disorders, and the provision of early interventions to numbers of children counted under section 1124(c);

(II) notwithstanding section 4107, the treatment or referral for treatment of students with social, emotional, or behavioral health problems, and substance abuse disorders;

(III) the development and implementation of programs to assist children in dealing with trauma-induced practices described in paragraph (9) or (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7122); and

(IV) school-based violence prevention strategies;

(P) programs or activities that integrate health and safety practices into school or athletic programs, such as developing a plan for concession safety and recovery or cardiac safety or implementing an excessive heat action plan to be used during school-sponsored athletic activities;

(Q) pay-for-success initiatives that produce a measurable, clearly defined outcome that results in social benefit and direct cost savings to the local, State, or Federal Government;

(R) programs or activities to connect youth who are involved in, or are at risk of involvement in, juvenile delinquency or street gang activity to evidence-based and promising prevention and intervention practices related to juvenile delinquency and criminal street gang activity;

(S) child sexual abuse awareness and prevention programs or activities, such as programs addressing the identification, awareness, and prevention, including how to recognize child sexual abuse awareness and how to safely report child sexual abuse; and

(T) information to parents and guardians of child sexual abuse awareness and how to safely report child sexual abuse awareness and how to safely report child sexual abuse; and

(U) assisting schools in educating children facing substance abuse in the home, school, or community to provide education and professional development, training, and technical assistance to elementary and secondary schools that serve communities with high risk of substance abuse;

(V) instructional and support activities and programs, such as activities and programs addressing chronic disease management, or providing professional development, training, and technical assistance to elementary and secondary schools and community organizations to provide to a variety of services, such as—

(i) establishing partnerships within the community to provide resources and support for school mental health agencies to provide a variety of services, such as—

(ii) ensuring all service and community partners are aligned with the academic expectations of a community school in order to improve academic expectations;

(W) programs and activities that facilitate safe relationship behavior between and among students.

"(X) designating a site resource coordinator at a school or local educational agency to provide a variety of services, such as—

(i) identifying partnerships within the community to provide resources and support for school mental health agencies to provide a variety of services, such as—

(ii) ensuring all service and community partners are aligned with the academic expectations of a community school in order to improve academic expectations;

(XI) strengthening relationships between schools and communities; and
“(Y) other activities and programs identified as necessary by the local educational agency through the needs assessment conducted under section 419(b)(3) that will increase student achievement, and otherwise meet the purpose of this part.

(b) PRINCIPLES OF EFFECTIVENESS.—

(1) For a program or activity developed or carried out under this part to meet principles of effectiveness, such program or activity shall—

(A) be based upon an assessment of objective data regarding the need for programs and activities in the early childhood, elementary school, secondary school, or community to be served; and

(B) (i) improve school safety and promote students’ physical and mental health and well-being, healthy eating and nutrition, and physical fitness; and

(ii) strengthen parent and community engagement to ensure a healthy, safe, and supportive school environment;

(C) be based upon established State requirements and evidence-based criteria aimed at ensuring a healthy, safe, and supportive school environment for students in the early childhood, elementary school, secondary school, or community that will be served by the program; and

(D) (i) include meaningful and ongoing consultation with and input from teachers, principals, school leaders, and parents in the development of the application and administration of the program or activity.

(ii) include parent and external organization participation.

(2) PERIODIC EVALUATION.—

(A) IN GENERAL.—The program or activity shall undergo a periodic independent, third-party evaluation to assess the extent to which the program or activity has helped the local educational agency or school provide students with a healthy, safe, and supportive school environment that promotes school safety and students’ physical and mental health and well-being.

(B) USE OF RESULTS.—The local educational agency or consortium of such agencies shall ensure that the results of the periodic evaluations described under subparagraph (A) are—

(i) used to refine, improve, and strengthen the program or activity, and to refine locally determined criteria described under paragraph (1)(B); and

(ii) made available to the public and the State.

(C) PROHIBITION.—Nothing in this subsection shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control, the principles of effectiveness developed or utilized by a local educational agency under this subsection.

(D) PARENTAL CONSENT.—

(1) IN GENERAL.—Each local educational agency receiving a subgrant under this part shall obtain prior written, informal consent described in paragraph (A) from the parent of each child who is under 18 years of age to participate in any mental-health assessment or service or treatment that is funded and conducted in connection with an elementary school or secondary school under this part.

(2) EXCEPTION.—Notwithstanding paragraph (1), the informed consent described in such paragraph shall not be required in—

(A) an emergency, where it is necessary to protect the immediate health and safety of the student, other students, or school personnel; or

(B) other instances where parental consent cannot be reasonably obtained, as defined by the Secretary.

(3) PRIVACY.—Each local educational agency receiving a subgrant under this part shall ensure that student mental health records are accorded the privacy protections provided under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the ‘Family Educational Rights and Privacy Act of 1974’).

SEC. 4106. SELECTION AND NOTIFICATION.

(Funds made available under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this part.

SEC. 4107. PROHIBITIONS.

(A) PROHIBITED USE OF FUNDS.—No funds under this part may be used for—

(1) construction.

(2) medical services or drug treatment or rehabilitation, except for integrated student supports or referral to treatment for im- paired students who are victims of, or witnesses to, crime or who illegally use drugs.

(B) PROHIBITION ON MANDATORY MEDICAION.—No child shall be required to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of receiving an evaluation, services, or attending a school receiving assistance under this part.

SEC. 4108. AUTHORIZATION OF APPROPRIATIONS.

(1) General. — There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2022.

SEC. 4005. 21ST CENTURY COMMUNITY LEARNING CENTERS.

(A) PROGRAM AUTHORIZED.—Part B of title IV (20 U.S.C. 6071 et seq.) is amended to read as follows:

PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. 4201. PURPOSE; DEFINITIONS.

(A) PURPOSE.—The purpose of this part is to—

(1) provide opportunities for communities to establish or expand activities in community learning centers that—

(A) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet challenging State academic standards described in section 1111(b)(1); and

(B) offer a broad array of additional services, programs, and activities, such as youth development activities, service learning, nutrition and health education, drug and violence prevention programs, counseling programs, arts, music, physical fitness and wellness programs, technology education programs, financial literacy programs, environmental literacy programs, mathematics, science, career and technical programs, internship or apprenticeship programs, and other ties to an in-demand industry sector or high school to provide students that are designed to reinforce and complement the regular academic program of participating students; and

(C) provide opportunities for community learning centers opportunities for active and meaningful engagement in their children’s education, including opportunities for literacy and related educational development.

(B) DEFINITIONS.—In this part:

(1) COMMUNITY LEARNING CENTER.—The term ‘community learning center’ means an entity that—

(A) assists students to meet challenging State academic standards described in section 1111(b)(1) for programs described in subsection (a)(2); and

(B) maintains periods when school is not in session (such as before and after school or during summer recess) that—

(i) reinforce and implement the regular academic programs of the schools attended by the students served; and

(ii) are targeted to the students’ academic needs and are aligned with programs under which students receive during the school day; and

(C) offers families of students served by such center opportunities for literacy, and related educational opportunities for active and meaningful engagement in their children’s education.

(2) COVERED PROGRAM.—The term ‘covered program’ means a program in which—

(A) the Secretary made a grant under part B of title IV as such part was in effect on the day before the date of enactment of the Every Child Achieves Act of 2015; and

(B) the grant period had not ended on that date of enactment.

(3) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a local educational agency, community-based organization, Indian tribe or tribal organization (as such terms are defined in section 4 of the Indian Self-Determin- 

ination and Education Act (25 U.S.C. 450)), another public or private entity, or a consor- 

tium of 2 or more such agencies, organiza-

tions, or entities.

(4) EXTERNAL ORGANIZATION.—The term ‘external organization’ means—

(A) a nonprofit organization with a record of success in running or working with after school programs; or

(B) in the case of a community where there is no such organization, a nonprofit or- 

ganization in the community that enters into a formal agreement or partnership with an organization described in subparagraph (A) to receive mentoring and guidance.

(5) RIGOROUS PEER-REVIEW PROCESS.—The term ‘rigorous peer-review process’ means a process by which—

(A) employees of a State educational agency who are familiar with the 21st cen- 

tury community learning center program under this part review all applications that the State receives for awards under this part for completeness and applicant eligibility;

(B) the State educational agency selects peer reviewers for such applications, who shall—

(i) be selected for their expertise in providing effective academic enrichment, youth development, and related services to chil-

dren; and

(ii) not include any applicant, or repre- 

sentative of an applicant, that has sub- 
mited an application under this part for the current application period; and

(C) the peer reviewers described in sub- 

paragraph (B) rate the applications to determine the extent to which the applications meet the requirements under sections 4204(b) and 4205.

(6) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 4202. ALLOTMENTS TO STATES.

(A) RESERVATION.—From the funds appropriated under section 4200 for any fiscal year, the Secretary shall reserve—

(i) such amounts as may be necessary to make continuation awards to grant recipients under covered programs (under the terms of those grants); and

(ii) not more than 1 percent for national activities, which the Secretary may carry out directly or through grants and contracts, such as providing technical assistance to eli- 

gible entities carrying out programs under this part or conducting a national evalua-

tion; and

(iii) not more than 1 percent for payments to the District of Columbia and the Bureau of In- 

dian Affairs, to be allotted in accordance with their respective needs for assistance
SEC. 4203. STATE APPLICATION.

(a) In General.—In order to receive an allotment under section 4202 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

(2) describes how the State educational agency will use funds received under this part, including funds reserved for State-level activities;

(3) contains an assurance that the State educational agency—

(A) will make awards under this part to eligible entities that serve students who primarily attend schools that have been identified under section 1114(a)(1)(A) and other schools determined by the local educational agency to be in need of intervention and support and the families of such students; and

(B) will further give priority to eligible entities that propose in the application to serve students described in subclauses (I) and (II) of section 4204(k)(1)(A)(I);

(4) describes the procedures and criteria the State educational agency will use for reviewing applications for funds to eligible entities on a competitive basis, which shall include procedures and criteria that establish the likelihood that a proposed community learning center will help participating students meet State and local content and student academic achievement standards;

(5) describes how the State educational agency will ensure that awards made under this part are—

(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and

(B) in amounts that are consistent with section 1003(a);

(6) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, evaluation, dissemination of promising practices, and coordination of professional development for staff in specific content areas as well as school and program development;

(7) describes how programs under this part will be coordinated with programs under this Act, and other programs as appropriate;

(8) contains an assurance that the State educational agency—

(A) will make awards for programs for a period of not more than 3 years and not more than 5 years; and

(B) will require each eligible entity seeking such an award to submit a plan describing how funds received through the award will continue after funding under this part ends;

(9) contains an assurance that funds appropriated under this part will be used to supplement, and not supplant, other Federal, State, and local public funds expended to provide programs and activities authorized under this part and other similar programs;

(10) contains an assurance that the State educational agency will require eligible entities to include in their applications under section 4204(b) how the transportation needs of participating students will be addressed;

(11) describes how the State will provide assistance in carrying out the activities under this part, and develop and make available to eligible entities a list of external organizations that successfully completed the prescreening process;

(12) provides—

(13) describes the results of the State’s needs and resources assessment for before- and after-school activities, which shall be based on the results of on-going State evaluation activities;

(14) describes how the State educational agency will evaluate the effectiveness of programs and activities carried out under this part, which shall include, at a minimum—

(A) a description of the performance indicators and performance measures that will be used to evaluate programs and activities with emphasis on alignment with the regular academic program of the school and the academic needs of participating students, including performance indicators and measures that—

(i) are able to track student success and improvement over time;

(ii) include State assessment results and other indicators of student success and improvement, such as improved attendance during the school day, better classroom grades (or consistent) poor attendance, and on-time advancement to the next grade level; and

(iii) for high school students, may include indicators such as career competencies, successful completion of internships or apprenticeships, or work-based learning opportunities;

(B) a description of how data collected for the purposes of subparagraph (A) will be collected; and

(C) public dissemination of the evaluation of programs and activities carried out under this part; and

(15) provides for timely public notice of information files an application and assurance that the application will be available for public review after submission.

(b) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with any provisions of the Act or section 1114(a)(1)(A).

(c) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency an opportunity for a hearing.

(d) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

(1) give the State educational agency notice and an opportunity for a hearing; and

(2) notify the State educational agency of the finding of noncompliance and, in such notification—

(A) cite the specific provisions in the application that are not in compliance; and

(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

(e) PROVISIONS FOR NONCOMPLIANCE.—If the State educational agency fails to comply with the provisions of paragraph (1) of subsection (a), the Secretary shall take such action as the Secretary deems necessary to ensure the application is in compliance.

(f) DEEMED APPROVAL.—An application filed by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with any provisions of the Act or section 1114(a)(1)(A).
not consider an eligible entity’s ability to match funds when determining which eligible entities will receive subgrants under this part.

(c) Peer Review.—In reviewing local applications under this part, a State educational agency shall use a rigorous peer-review process or other methods of ensuring the quality of such applications.

(3) Geographic Diversity.—To the extent practicable, a State educational agency shall distribute subgrants under this part equally among geographic areas within the State, including urban and rural communities.

(d) Duration of Awards.—Subgrants under this part shall be awarded for a period of not less than 3 years and not more than 5 years.

(2) Amount of Awards.—A subgrant awarded under this part may not be made in an amount that is less than $50,000.

(i) Priority.—(1) In general.—In awarding subgrants under this part, a State educational agency shall give priority to applications—

(A) proposing to target services to—

(i) students who primarily attend schools that—

(I) have been identified under section 1114(a) and other schools determined by the local educational agency to be in need of improvement and subtitle B of title I of the Elementary and Secondary Education Act of 1965

(ii) are, as of the date of the submission of the application, not accessible to students who would be served; or

(ii) would lack accessibility to high-quality services that may be available in the community.

(B) submitting jointly by eligible entities consisting of not less than—

(i) local educational agencies;

(ii) community learning centers; and/or

(iii) other not-for-profit organizations

(C) demonstrating that the activities proposed in the application—

(i) are, as of the date of the submission of the application, not accessible to students who would be served; or

(ii) would lack accessibility to high-quality services that may be available in the community.

(2) Special Rule.—The State educational agency shall provide the same priority under paragraph (1) to an application submitted by a local educational agency if the local educational agency demonstrates that it is unable to partner with a community-based organization in reasonable geographic proximity and of sufficient quality to meet the requirements of this part.

(c) Limitation.—A State educational agency may not impose a priority or preference for eligible entities that seek to use funds made available under this part to extend the regular school day.

SEC. 4204. LOCAL COMPETITIVE SUBGRANT PROGRAM.

(a) Authorization.—(1) Community learning centers.—A State that receives funds under this part for a fiscal year shall provide the amount made available under section 4203(c)(1) to award subgrants to eligible entities for community learning centers in accordance with this part.

(b) Expanded Learning Program Activities.—A State that receives funds under this part for a fiscal year may also use funds under section 4203(c)(1) to support those enrichment and engaging academic activities described in section 4203(a) that—

(A) are included as part of an expanded learning program that provide students at least 300 additional program hours before, during, and after the traditional school day;

(B) supplement but do not supplant school day requirements; and

(C) are awarded to entities that meet the requirements of subsection (b).

(2) Application.—(1) In general.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

(2) Contents.—Each application submitted under paragraph (1) shall include—

(A) a description of the activities to be funded, including—

(i) an assurance that the program will take place in a safe and easily accessible facility;

(ii) a description of how the students participating in the program carried out by the community learning center will travel safely and on time from the center and home, if applicable; and

(iii) a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;

(B) a description of how such activities are expected to improve student academic achievement as well as overall student success;

(C) a demonstration of how the proposed program will address the needs of students in accordance with the State educational agency’s guidelines on the inclusion of students with disabilities; and

(D) an assurance that the proposed program will—

(i) be consistent with the requirements of this part;

(ii) take place in a safe and easily accessible facility;

(iii) be provided before, during, and after the traditional school day;

(iv) not supplant school day requirements; and

(v) meet the requirements of this part;

(E) a description of how the activities will meet the measures of effectiveness described in section 4203(b); and

(F) an assurance that the program will target students who primarily attend schools eligible for Title I programs under section 412(b) and the families of such students;

(G) an assurance that subgrants under this part will be used to increase the number of students served by the State educational agency.

(3) Duration of Awards.—Subgrants under this part shall be awarded for a period of not less than 3 years and not more than 5 years.

(4) Consideration.—Notwithstanding this subsection, a State educational agency shall consider applications for subgrants under this part and award them based on the following factors:

(A) the relative poverty of the population to be targeted by the eligible entity; and

(B) the ability of the eligible entity to obtain such matching funds.

(5) In-Kind Contributions.—Each State educational agency that requires an eligible entity to match funds under this subsection shall permit the eligible entity to provide all or any portion of such match in the form of in-kind contributions.

(6) Geographic Diversity.—To the extent practicable, a State educational agency shall distribute subgrants under this part equally among geographic areas within the State, including urban and rural communities.

(b) Application.—Any State educational agency that receives funds under this part may also use funds under section 4203(c)(1) to support those enrichment and engaging academic activities described in section 4203(a) that—

(A) are included as part of an expanded learning program that provide students at least 300 additional program hours before, during, and after the traditional school day;

(B) supplement but do not supplant school day requirements; and

(C) are awarded to entities that meet the requirements of subsection (b).

(2) Application.—(1) In general.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

(2) Contents.—Each application submitted under paragraph (1) shall include—

(A) a description of the activities to be funded, including—

(i) an assurance that the program will take place in a safe and easily accessible facility;

(ii) a description of how the students participating in the program carried out by the community learning center will travel safely and on time from the center and home, if applicable; and

(iii) a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;

(B) a description of how such activities are expected to improve student academic achievement as well as overall student success;

(i) a description of how the activities will meet the measures of effectiveness described in section 4203(b); and

(ii) an assurance that the program will target students who primarily attend schools eligible for Title I programs under section 111(b) and the families of such students;

(C) an assurance that subgrants under this part will be used to increase the number of students served by the State educational agency.

(3) Duration of Awards.—Subgrants under this part shall be awarded for a period of not less than 3 years and not more than 5 years.

(4) Consideration.—Notwithstanding this subsection, a State educational agency shall consider applications for subgrants under this part and award them based on the following factors:

(A) the relative poverty of the population to be targeted by the eligible entity; and

(B) the ability of the eligible entity to obtain such matching funds.

(5) In-Kind Contributions.—Each State educational agency that requires an eligible entity to match funds under this subsection shall permit the eligible entity to provide all or any portion of such match in the form of in-kind contributions.

(6) Geographic Diversity.—To the extent practicable, a State educational agency shall distribute subgrants under this part equally among geographic areas within the State, including urban and rural communities.

(b) Application.—Any State educational agency that receives funds under this part may also use funds under section 4203(c)(1) to support those enrichment and engaging academic activities described in section 4203(a) that—

(A) are included as part of an expanded learning program that provide students at least 300 additional program hours before, during, and after the traditional school day;

(B) supplement but do not supplant school day requirements; and

(C) are awarded to entities that meet the requirements of subsection (b).

(2) Application.—(1) In general.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

(2) Contents.—Each application submitted under paragraph (1) shall include—

(A) a description of the activities to be funded, including—

(i) an assurance that the program will take place in a safe and easily accessible facility;

(ii) a description of how the students participating in the program carried out by the community learning center will travel safely and on time from the center and home, if applicable; and

(iii) a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;

(B) a description of how such activities are expected to improve student academic achievement as well as overall student success;

(i) a description of how the activities will meet the measures of effectiveness described in section 4203(b); and

(ii) an assurance that the program will target students who primarily attend schools eligible for Title I programs under section 111(b) and the families of such students;

(C) an assurance that subgrants under this part will be used to increase the number of students served by the State educational agency.

(3) Duration of Awards.—Subgrants under this part shall be awarded for a period of not less than 3 years and not more than 5 years.

(4) Consideration.—Notwithstanding this subsection, a State educational agency shall consider applications for subgrants under this part and award them based on the following factors:

(A) the relative poverty of the population to be targeted by the eligible entity; and

(B) the ability of the eligible entity to obtain such matching funds.

(5) In-Kind Contributions.—Each State educational agency that requires an eligible entity to match funds under this subsection shall permit the eligible entity to provide all or any portion of such match in the form of in-kind contributions.

(6) Geographic Diversity.—To the extent practicable, a State educational agency shall distribute subgrants under this part equally among geographic areas within the State, including urban and rural communities.
participating students and include performance measures aimed at ensuring the after-school programs (including during school hours) are developed pursuant to this part to meet the needs of students for academic enrichment and overall student success;

(4) drug and violence prevention programs;

(5) programs that provide support for students who have been truant, suspended, or expelled to allow the students to improve their academic achievement;

(6) programs that provide after-school activities for students who are English learners that emphasize language skills and academic achievement;

(7) cultural programs;

(8) telecommunication and technology education programs;

(9) expanded library service hours;

(10) programs providing nontraditional STEM education that foster innovation in learning by supporting nontraditional STEM education teaching methods; and

(11) programs that partner with in-demand fields of the local workforce or build career competencies and career readiness and ensure that local workforce and career readiness programs are aligned with the Carl D. Perkins Career and Technical Education Act of 2006 and the Workforce Innovation and Opportunity Act.

(2) MEASURES OF EFFECTIVENESS.—

(1) IN GENERAL.—For a program or activity developed pursuant to this part to meet the measures of effectiveness, monitored by the State educational agency as described in section 4200(a)(14), such program or activity shall—

(A) be based upon an assessment of objective data regarding the need for before- and after-school programs (including during summer recess periods) and activities in the schools served by the eligible entity;

(B) be based upon an established set of performance measures aimed at ensuring the availability of high-quality academic enrichment opportunities; and

(C) if appropriate, be based upon evidence-based research that the program or activity will help students meet the State and local student academic achievement standards;

(D) ensure that measures of student success align with the regular academic program and the academic needs of participating students and include performance indicators and measures described in section 4200(a)(14)(A); and

(E) collect the data necessary for the measures of student success described in subparagraph (D).

(2) PERIODIC EVALUATION.—

(A) IN GENERAL.—No program or activity shall undergo a periodic evaluation in conjunction with the State educational agency’s overall evaluation plan as described in section 4200(c). The Secretary shall assess the program’s progress toward achieving the goal of providing high-quality opportunities for academic enrichment and overall student success.

(B) USE OF RESULTS.—The results of evaluations under subparagraph (A) shall be—

(1) used to refine, improve, and strengthen the program or activity, and to refine the performance measures;

(2) made available to the public upon request, with public notice of such availability provided; and

(3) used by the State to determine whether a subgrant is eligible to be renewed under section 4203(a)(14), to assess the program’s overall evaluation plan as described in section 4200(b)(7), and to determine the effectiveness and quality of subgrants under this section.

(3) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.

(b) TRANSITION.—The recipient of a multiyear grant under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.), as such Act was in effect on the date before the date of enactment of this Act, shall continue to receive funds in accordance with the terms and conditions of such award.

SEC. 4004. ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING PROGRAMS.

Title IV (20 U.S.C. 7101 et seq.), as amended by section 4001, is further amended by inserting after part B the following:

PART C—ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING PROGRAMS

SEC. 4301. ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING PROGRAMS.

(A) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants to eligible entities to enable such agencies to establish or expand elementary school and secondary school counseling programs that comply with the requirements of subsection (c).

(2) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall—

(A) give special consideration to applicants describing programs that—

(i) demonstrate the greatest need for new or additional counseling services among children in the schools served by the eligible entity, in part by providing information on the current ratio of school counselors to students served by the eligible entity;

(ii) propose promising and innovative approaches for initiating or expanding school counseling; and

(iii) show a strong potential for replication and dissemination; and

(B) give priority to—

(i) schools that serve students in rural and remote areas;

(ii) schools in need of intervention and support and schools that are the persistently lowest-achieving schools; or

(iii) schools with a high percentage of students aged 5 through 17 who—

(I) are in poverty, as counted in the most recent census data available; and

(II) are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(C) if appropriate, be based upon evidence-based research that the program or activity will help students meet the needs of students served by the eligible entity by working to improve—

(i) student attendance;

(ii) the implementation of comprehensive, evidence-based school counseling programs through activities that incorporate evidence-based practices, such as—

(I) the implementation of a comprehensive school counseling program to meet the counseling and educational needs of all students;

(II) increasing the range, availability, quantity, and quality of counseling services, provided by qualified school counselors, school psychologists, school social workers, school psychologists, school social workers, school social workers, school psychologists, and other qualified school-based mental health services providers, in the elementary schools and secondary schools of the eligible entity;

(III) the implementation of innovative approaches to increase children’s understanding of peer and family relationships, peer and family interaction, work and self, decisionmaking, or academic and career planning;

(IV) the implementation of academic, postsecondary education and career planning programs;

(V) the initiation of partnerships with community groups, social service agencies, or other public or private non-profit entities to receive funds in accordance with the program and promote school-linked integration of services, as long as the eligible entity documents how such partnership supplements, not supplants, existing school-employed mental health services providers, in the elementary schools and secondary schools of the eligible entity;

(VI) the implementation of multidisciplinary approaches to school counseling in the schools served by the eligible entity by working to improve—

(1) the development of a team approach to school counseling in the schools served by the eligible entity by working toward ratios of school counselors, school social workers, and school psychologists to students recommended to such personnel to effectively address the needs of students; and

(2) any other activity determined necessary by the eligible entity to meet the purpose of this part.

(D) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 4 percent of the amount made available under this section (f) for any fiscal year may be used for administrative costs to carry out this section.

SEC. 4302. ADMISSION TO PRACTICE AS A SCHOOL COUNSELOR.

(A) IN GENERAL.—The Council on Accreditation of Counseling and Psychotherapy shall, in consultation with the American Counseling Association, establish minimum qualifications for admission to practice as a school counselor, as determined necessary by the Council under subsection (b).

(B) LIMITATION.—Not more than 4 percent of the amount made available under this section (f) for any fiscal year may be used for administrative costs to carry out this section.
“(e) REPORT.—Not later than 2 years after assistance is made available to eligible entities under subsection (a), the Secretary shall make publicly available a report—

“(1) describing the programs assisted pursuant to each grant under this section; and

“(2) outlining the information from eligible entities regarding the ratios of students to

“(A) school counselors; and

“(B) school social workers; and

“(C) school psychologists.

“(f) Authorization of Appropriations.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, or local funds used for providing school-based counseling and mental health services to students.

“(g) Definitions.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a local educational agency;

“(B) an educational service agency serving more than 1 local educational agency; or

“(C) a consortium of local educational agencies.

“(2) SCHOOL-BASED MENTAL HEALTH SERVICES.—The term ‘school-based mental health services’ has the meaning given the term in section 4102.

“(3) SCHOOL COUNSELOR.—The term ‘school counselor’ means an individual who meets the criteria for licensure or certification as a school counselor in the State where the individual is employed.

“(4) SCHOOL PSYCHOLOGIST.—The term ‘school psychologist’ means an individual who is licensed or certified in school psychology by the State in which the individual is employed.

“(5) SCHOOL SOCIAL WORKER.—The term ‘school social worker’ means an individual who is licensed or certified as a school social worker by the State in which the individual is employed.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.

“SEC. 4005. PHYSICAL EDUCATION PROGRAM.

“The purpose of this part is to award grants and contracts to initiate, expand, and improve physical education programs for all students in kindergarten through grade 12.

“SEC. 4002. PROGRAM AUTHORIZED.

“(a) AUTHORIZATION.—From amounts made available to carry out this part, the Secretary is authorized to award grants or contracts to local educational agencies and community-based organizations to pay the Federal share of the costs of initiating, expanding, and operating programs (including school-based physical education programs (including after-school programs) for students in kindergarten through grade 12, by—

“(1) providing materials and support to enable students to participate actively in physical education activities; and

“(2) providing funds for staff and teacher training and education relating to physical education.

“(b) PROGRAM ELEMENTS.—A physical education program that receives assistance under this part may provide for 1 or more of the following:

“(1) Fitness education and assessment to help students understand, improve, or maintain their fitness; and

“(2) Instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every student.

“(3) Development of, and instruction in, cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle.

“(4) Opportunities to develop positive social and cooperative skills through physical activity participation.

“(5) Instruction in healthy eating habits and good nutrition.

“(6) Opportunities for professional development for teachers of physical education to stay abreast of the latest research, issues, and trends in the field of physical education.

“(c) SPECIAL RULE.—For purposes of this part, the following entities, such as team sports and Reserve Officers’ Training Corps program activities, shall not be considered as part of the curriculum of a physical education program assisted under this part.

“SEC. 4003. APPLICATIONS.

“(a) SUBMISSION.—Each local educational agency or community-based organization designing a grant or contract under this part shall submit to the Secretary an application that contains a plan to initiate, expand, or improve physical education programs in order to meet the national standards for physical education.

“(b) PRIVATE SCHOOL AND HOME-SCHOoled STUDENTS.—An application for a grant or contract under this part must provide for the participation in the activities funded under this part, of—

“(1) students enrolled in private nonprofit elementary schools or secondary schools, and their parents and teachers; or

“(2) home-schooled students, and their parents and teachers.

“SEC. 4004. REQUIREMENTS.

“(a) ANNUAL REPORT TO THE SECRETARY.—In order to continue receiving funding after the first year of a multiyear grant or contract under this part, the Secretary or the grantee of the grant or contract for the local educational agency or community-based organization shall submit to the Secretary an annual report that—

“(1) describes the activities conducted during the preceding year; and

“(2) demonstrates that progress has been made toward meeting State standards for physical education.

“(b) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the funds made available under this part to a local educational agency or community-based organization for any fiscal year may be used for administrative expenses.

“SEC. 4005. ADMINISTRATIVE PROVISIONS.

“(a) FEDERAL SHARE.—The Federal share under this part may not exceed—

“(1) 90 percent of the total cost of a program for the first year for which the program receives assistance under this part; and

“(2) 75 percent of such cost for the second and each subsequent year.

“(b) To the extent practicable, the Secretary shall ensure that grants awarded under this part are equitably distributed among local educational agencies, and community-based organizations, serving urban and rural areas.

“(c) REPORT TO CONGRESS.—Not later than June 1, 2017, the Secretary shall submit a report to Congress containing—

“(1) descriptions of the programs assisted under this part;

“(2) documents the success of such programs in improving the physical, mental, and social or emotional development of every student.

“(3) makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this part;

“(4) makes such recommendations as the Secretary determines appropriate for the availability of funds.

“(d) AVAILABLE OF FUNDS.—Amounts made available to the Secretary to carry out this part shall remain available until expended.

“SEC. 4006. FAMILY ENGAGEMENT IN EDUCATION PROGRAMS.

“TITLE IV (20 U.S.C. 7101 et seq.), as amended by sections 4001, 4004, and 4005, is further amended by adding at the end the following:

“PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

“SEC. 4501. PURPOSES.

“The purposes of this part are the following:

“(1) To provide financial support to organizations to provide technical assistance and training to State and local educational agencies in the implementation and enhancement of parent, family, and community engagement policies, programs, and activities that lead to improvements in student development and academic achievement.

“(2) To provide financial support to local educational agencies, local educational agencies, community-based organizations, schools, and educators in strengthening partnerships among parents, teachers, school leaders, administrators, and other school personnel in meeting the educational needs of children and fostering greater parental engagement.

“(3) To assist State educational agencies, local educational agencies, schools, educators, and parents in developing and strengthening the relationship between parents and their children in order to further the developmental progress of children.

“(4) To coordinate activities funded under this subpart with parent involvement initiatives funded under section 1115 and other provisions of this Act.

“(5) To assist the Secretary, State educational agencies, and local educational agencies in the coordination and integration of Federal, State, and local services and programs to engage families in education.

“SEC. 4502. GRANTS AUTHORIZED.

“(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—From the amounts appropriated under section 4006, the Secretary is authorized to award grants for each fiscal year to statewide organizations (or consortia of such organizations), to establish Statewide Family Engagement Centers that provide comprehensive training and technical assistance to State educational agencies, local educational agencies, schools identified by State educational agencies and local educational agencies, organizations that support family-school partnerships, and other organizations that provide training, technical assistance, and family engagement in education programs.

“(b) MINIMUM AWARD.—In awarding grants under this part, the Secretary shall, to the extent practicable, ensure that a grant is awarded for a Statewide Family Engagement Center in an amount not less than $300,000.

“SEC. 4503. APPLICATION.

“(a) SUBMISSION.—Each statewide organization, or a consortium of such organizations, that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and including the information described in subsection (b).
“(1) A description of the applicant’s approach to family engagement in education.
“(2) A description of the support that the Statewide Family Engagement Center that will be operated by the applicant will have from the State educational agency and any other organization outlining the commitment to work with the center.
“(3) A description of the applicant’s plan for building a statewide infrastructure for family engagement in education, that includes—
“(A) management and governance;
“(B) statewide leadership; or
“(C) systemic services for family engagement in education.
“(4) A description of the applicant’s demonstrated experience in providing training, information, and support to State educational agencies, local educational agencies, schools, educators, parents, and organizations on family engagement in education, policies and practices that are effective for parents (including low-income parents) and families, English learners, minorities, parents of students with disabilities, parents of homeless students, foster parents and students, and parents of migratory students, including evaluation results, reporting, or other data exhibiting such demonstrated experience.
“(5) A description of the steps the applicant will take to target services to low-income students.
“(6) An assurance that the applicant will—
“(A) establish a special advisory committee, the membership of which includes—
“(i) parents, who shall constitute a majority of the members of the special advisory committee;
“(ii) representatives of education professionals with expertise in improving services for disadvantaged children;
“(iii) representatives of local elementary schools and secondary schools, including students;
“(iv) representatives of the business community; and
“(v) representatives of State educational agencies and local educational agencies;
“(B) use not less than 65 percent of the funds received under this part, based on the needs determined under section 4503, to provide training and technical assistance to State educational agencies, local educational agencies, and organizations that support family-school partnerships, and activities, services, and training for local educational agencies, school leaders, educators, and parents—
“(1) to assist parents in participating effectively in their children’s education and to help their children meet State standards, such as assisting parents—
“(A) to engage in activities that will improve student academic achievement, including understanding how they can support learning in the classroom with activities at home and in afterschool and extracurricular programs;
“(B) to communicate effectively with their children’s teachers, school directors, counselors, and other school personnel;
“(C) to become active participants in the development, implementation, and review of school-parent compacts, family engagement in education policies, and school planning and improvement;
“(D) to participate in the design and provision of assistance to students who are not making academic progress;
“(E) to participate in State and local decision-making;
“(F) to train other parents and staff; and
“(G) to help the parents learn and use technology applied in their children’s education.
“(2) to develop and implement, in partnership with the State educational agency, Statewide family engagement in education policy and systemic initiatives that will provide a continuum of services to remove barriers for families in education and support school reform efforts; and
“(3) to develop and implement parental involvement policies under this Act.
“(B) MATCHING FUNDS FOR GRANT RENEWAL.—For each fiscal year after the first fiscal year for which an organization or consortium shall demonstrate in the application that a portion of the services provided by the organization or consortium shall be supported through Federal contributions, which may be in cash or in-kind.
“(C) TECHNICAL ASSISTANCE.—The Secretary shall reserve not more than 2 percent of the funds appropriated under section 4506 to carry out this part to provide technical assistance, by competitive grant or contract, for the establishment, development, and coordination of Statewide Family Engagement Centers.
“(D) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a Statewide Family Engagement Center from—
“(1) having its employees or agents meet with a parent at a site that is not on school grounds; or
“(2) working with another agency that serves children.
“(e) PARENTAL RIGHTS.—Notwithstanding any other provision of this section—
“(1) no person (including a parent who educates a child at home, a public school parent, or a private school parent) shall be required to participate in any program of parent education that may have a difficult time engaging with a school or local educational agency; and
“(2) no program or center assisted under this section shall take any action that in any manner on the right of parents to direct the education of their children.

SEC. 4505. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.
“The Secretary, with the Interior, in consultation with the Secretary of Education, shall establish, or enter into contracts and cooperative agreements with local tribes, tribal organizations, or Indian nonprofit parent organizations, to establish and operate Family Engagement Centers.

SEC. 4506. AUTHORIZATION OF APPROPRIATIONS.
“There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal years 2016 through 2020.

TITLE V—EMPOWERING PARENTS AND EXPANDING OPPORTUNITY THROUGH INNOVATION

SEC. 5001. GENERAL PROVISIONS.
“Title V (20 U.S.C. 721 et seq.) is amended—
“(1) by redesignating section 5001 as section 5001(a), inserting ‘EMPOWERING PARENTS AND EXPANDING OPPORTUNITY THROUGH INNOVATION’ before title V; and
“(2) by striking parts A, B, C, and D, respectively, and redesignating sections 5201 through 5211 as sections 5201 through 5211, respectively.
“(b) T ECHNICAL ASSISTANCE.—The Secretary shall use not less than 30 percent of the funds received under this part for each fiscal year to establish or expand technical assistance programs.
“(c) T ECHNICAL ASSISTANCE.—The Secretary shall use not less than 65 percent of the funds received under this part, based on the needs determined under section 4503, to—
“(1) provide financial assistance for the planning, program design, and initial implementation of charter schools;
“(2) increase the number of high-quality charter schools available to students across the United States;
“(3) evaluate the impact of such schools on student achievement, families, and communities; and
“(4) encourage States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools.
“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a Statewide Family Engagement Center from—
“(1) having its employees or agents meet with a parent at a site that is not on school grounds; or
“(2) working with another agency that serves children.

SEC. 5101. PURPOSE.
“It is the purpose of this part to—
“(1) provide financial assistance for the planning, program design, and initial implementation of charter schools;
“(2) increase the number of high-quality charter schools available to students across the United States;
“(3) evaluate the impact of such schools on student achievement, families, and communities; and
“(4) encourage States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools.
“(5) expand opportunities for children with disabilities, students who are English learners, and other traditionally underserved students to attend charter schools and meet the challenging State academic standards under section 1111(b)(1); and
“(6) support efforts to strengthen the charter school authorizing process to improve
performance management, including transparency, monitoring, including financial audits, and evaluation of such schools.

SEC. 5102. PROGRAM AUTHORIZED.

(a) In General.—The Secretary is authorized to support charter school programs that support charter schools that serve early childhood, elementary school, and secondary school students by—

(1) supporting the startup of charter schools, the replication of high-quality charter schools, and the expansion of high-quality charter schools;

(2) assisting charter schools in accessing credit to acquire and renovate facilities for school use; and

(3) carrying out national activities to support—

(A) the startup of charter schools, the replication of high-quality charter schools, and the expansion of high-quality charter schools;

(B) the dissemination of best practices of charter schools for all schools;

(C) the evaluation of the impact of the charter school program under this part on students; and

(D) stronger charter school authorizing.

(b) Lottery Mechanism.—From the amount available under section 5111 for a fiscal year, the Secretary shall—

(1) reserve 12.5 percent to support charter school facilities assistance under section 5104;

(2) reserve not less than 25 percent to carry out national activities under section 5105; and

(3) use the remaining amount after the reservations under paragraphs (1) and (2) to carry out section 5103.

(c) Granting and Subgranting.—The recipient of a grant or subgrant under this part (as such part was in effect on the day before the date of enactment of the Every Child Succeeds Act of 2015) shall continue to receive funds in accordance with the terms and conditions of such grant or subgrant.

SEC. 5103. GRANTS TO SUPPORT HIGH QUALITY CHARTER SCHOOLS.

(a) State Entity Defined.—For purposes of this section, the term ‘State entity’ means—

(1) a State educational agency;

(2) a State charter school board;

(3) a Governor of a State; or

(4) a charter school support organization.

(b) Authorization.—From the amount available under section 5102(b)(3), the Secretary shall award, on a competitive basis, grants to State entities having applications approved under subsection (f) to enable such entities to—

(1) award subgrants to eligible applicants to enable such eligible applicants to—

(A) open new charter schools;

(B) replicate high-quality charter school models; or

(C) expand high-quality charter schools;

and

(2) provide technical assistance to eligible applicants and authorized public chartering agencies in carrying out the activities described in paragraph (1), and work with authorized public chartering agencies in the State to improve authorizing quality, including developing capacity for, and conducting, fiscal oversight, and auditing of charter schools.

(c) State Entity Uses of Funds.—

(1) In General.—A State entity receiving a grant shall use such grant funds described in subsection (d) of section 5101 for the purposes described in subparagraphs (A) through (C) of subsection (b)(1):

(A) reserve not less than 7 percent of such funds to carry out the activities described in subsection (b)(3); and

(B) reserve not more than 3 percent of such funds for administrative costs, which may include the administrative costs of providing technical assistance to the State and subgrantees.

(2) Contracts and Grants.—A State entity may use a grant received under this section to carry out the activities described in paragraphs (a)(1) through (3), through grants, contracts, or cooperative agreements.

(3) Rules of Construction.—

(A) Use of Lottery Mechanism.—Nothing in this Act shall prohibit the Secretary from awarding grants to State entities, or State entities from awarding subgrants to eligible applicants, that use a weighted lottery, or an equivalent lottery mechanism, to give better chances for school admission to a student if—

(i) the use of a weighted lottery in favor of such students is not prohibited by State law, and such State law is consistent with the laws described in section 5110(b)(3); and

(ii) such lottery is not used for the purpose of creating schools exclusively to serve a particular subset of students.

(B) Students with Special Needs.—Nothing in this Act shall prohibit schools from specializing in providing specific services for students with a demonstrated need for such services, such as students who need specialized instruction in reading, spelling, or writing.

(d) Program Periods; Peer Review; Distribution of Subgrants; Waivers.—

(i) Program Periods.—The Secretary, and each State entity awarded a grant under this section, shall use a peer-review process to review applications for assistance under this section.

(ii) Distribution of Subgrants.—Each State entity receiving a grant under this section shall award subgrants in a manner that, to the extent practicable and applicable, ensures that such subgrants—

(A) target eligible applicants that plan to serve a significant number of students from low-income families;

(B) are distributed throughout different areas, including urban, suburban, and rural areas; and

(C) will assist charter schools representing a variety of educational approaches.

(iii) Waivers.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority under this Act with respect to charter schools supported under this part, except any such requirement relating to the elements of a charter school described in section 5114(a)(1)(A).

(iv) The Secretary determines that granting such waiver will promote the purpose of this part.

(e) Limitations.—

(1) Grants.—A State entity may not receive more than 1 grant under this section at a time.

(2) Subgrants.—An eligible applicant may not receive more than 1 grant under this section for each individual charter school for each grant period or renewal period, unless the eligible applicant demonstrates to the Secretary that the individual charter school has demonstrated a strong track record of positive results over the course of the grant period regarding the elements described in subparagraphs (A) and (D) of section 5110(b).

(3) Applications.—A State entity desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

(A) a description of the State entity’s objectives in running a quality charter school program under this section and how the objectives of the program will be carried out, including—

(i) a description of how the State entity will—

(I) support the opening of new charter schools and, if applicable, the replication of high-quality charter schools and the expansion of high-quality charter schools, including the proposed number of charter schools to be opened, replicated, or expanded under the State entity’s program;

(ii) inform eligible charter schools, developers, and authorized public chartering agencies of the availability of funds under the program;

(iii) work with eligible applicants to ensure that the eligible applicants access all Federal funds that such applicants are eligible to receive, and help the charter schools supported by the applicants and the students attending those charter schools;

(iv) participate in the Federal programs in which the schools and students are eligible to participate; and

(v) receive the commensurate share of Federal funds the schools and students are eligible to receive under such programs;

(vi) in the case of a State entity that is not a State educational agency—

(I) work with the State educational agency and the charter schools in the State to maximize charter school participation in Federal programs for charter schools; and

(II) work with the State educational agency to operate the State entity’s program under this section, if applicable, for those charter schools;

(vii) ensure that each eligible applicant that receives a subgrant under the State entity’s program—

(I) is opening or expanding schools that meet the definition of a charter school under section 5101; and

(II) is prepared to continue to operate such charter schools once the subgrant funds under this section are no longer available;

(viii) support charter schools in local educational agencies with schools that have been identified by the State under section 1114(a)(1)(A);

(ix) work with charter schools to promote inclusion of all students and support all students upon enrollment in order to promote retention of students in the school;

(x) work with charter schools on recruitment practices, including efforts to enhance groups that may otherwise have limited opportunities to attend charter schools;

(xi) share best and promising practices among charter schools and other public schools; and

(xii) ensure that charter schools receiving funds under the State entity’s program meet
the educational needs of their students, including children with disabilities and students who are English learners; and

(ii) using annual performance data, which may include graduation rates and student academic growth data, as appropriate, to measure a school's progress toward becoming a high-quality charter school;

(ii) reviewing the schools' independent, annual audits and any other agreements entered into between the State and each charter school; and

(iii) holding charter schools accountable to the academic, financial, and operational quality controls agreed to between the charter school and the public chartering agency involved, such as through renewal, non-renewal, or revocation of the charter school's charter; and

The State entity will ensure that each charter school in the State makes publicly available, consistent with the dissemination requirements of the annual State report required by section 1111 of the State's public charter school law and any other public charter school law, information to help parents make informed decisions about the education options available to their children, including information on the educational program, student support services, parent contract requirements (as applicable), including any financial obligations or fees, enrollment criteria (as applicable), and annual performance and enrollment data for each of the categories of students, as defined in section 1111(b)(3)(A).

(3) REQUESTS FOR WAIVERS.—

(A) PROVISIONS THAT ARE NOT APPROPRIATE FOR CHARTER SCHOOLS.—A request and justification for waivers of any Federal statutory or regulatory provisions that the State entity believes are not necessary for the successful operation of the charter schools that will receive funds under the entity's program pursuant to this section shall be in accordance with the provisions of section 1111(a)(3).
"(F) The State entity ensures that each charter school has a high degree of autonomy over the charter school’s budget and operations, including autonomy over personnel decisions.

"(G) The State entity has taken steps to ensure that all authorizing public chartering agencies implement best practices for charter school authorization.

"(h) LOCAL USES OF FUNDS.—An eligible applicant receiving a subgrant under this section shall use such funds to carry out activities related to opening a new charter school, replicating a high-quality charter school, or expanding a high-quality charter school, which may include—

"(1) supporting the acquisition, expansion, or preparation of a charter school building to meet increasing enrollment needs, including financing the development of a new building and ensuring that a school building complies with applicable statutes and regulations;

"(2) paying costs associated with hiring additional teachers to serve additional students;

"(3) providing transportation to students to and from the charter school;

"(4) providing instructional materials, implements, and principals to the charter school leader professional development programs, and hiring additional nonteaching staff;

"(5) supporting any necessary activities that assist the charter school in carrying out this section, such as preparing individuals to serve as members of the charter school’s board; and

"(6) providing early childhood education programs for children, including direct support to, and coordination with, school- and community-based early childhood education programs.

"(i) REPORTING REQUIREMENTS.—Each State entity receiving a grant under this section and the Secretary, at the end of the third year of the grant period and at the end of any renewal period, a report that includes the following:

"(1) The number of students served by each subgrant awarded under this section and, if applicable, the number of new students served during each year of the grant period.

"(2) The number and amount of subgrants awarded under this section to carry out each of the following:

"(A) The opening of new charter schools.

"(B) The replication of high-quality charter schools.

"(C) The expansion of high-quality charter schools.

"(3) The progress the State entity made toward meeting the priorities described in subparagraphs (E) through (G) of subsection (g)(2).

"(j) A description of—

"(A) how the State entity complied with, and ensured that eligible applicants complied with, the assurances described in the State entity’s application;

"(B) how the State entity worked with authorized public chartering agencies, and how the activity with the management company or leadership of the schools that receive subgrant funds, if applicable; and

"(C) how each recipient of a subgrant under this section uses the subgrant funds on early childhood education programs described in subsection (h)(6), if such recipient chooses to use such funds on such programs.

"SEC. 5104. FACILITIES FINANCING ASSISTANCE.

"(a) GRANTS TO ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—From the amount reserved under section 5102(b)(1), the Secretary shall use not less than 50 percent to award grants to eligible entities to provide assistance to charter schools that assist the charter school in carrying out activities related to opening a new charter school, replicating a high-quality charter school, or expanding a high-quality charter school, which may include—

"(A) the acquisition (by purchase, lease, or preparation), of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school;

"(B) the construction of new facilities, including predevelopment costs, or the renovation of existing facilities, necessary to commence or continue the operation of a charter school;

"(C) guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in subsection (e); and

"(D) guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which directly provide for the financing of charter school education programs.

"(2) CONTENTS.—An application submitted under paragraph (1) shall contain—

"(A) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought; and

"(B) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools which the State receives the funding that charter schools need to have adequate facilities.

"(2) CHARTER SCHOOL OBJECTIVES.—An eligible entity receiving a grant under this section shall use the funds deposited in the reserve account established under subsection (f) to assist one or more charter schools to access private-sector capital to accomplish one or more of the following objectives:

"(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

"(2) The construction of new facilities, including predevelopment costs, or the renovation of existing facilities, necessary to commence or continue the operation of a charter school.

"(3) The predevelopment costs that are required to assess sites for purposes of paragraphs (1) and (2) that are necessary to commence or continue the operation of a charter school.

"(3) RESERVE ACCOUNT.—

"(1) USE OF FUNDS.—To assist charter schools in accomplishing the objectives described in paragraph (2), the grantee, or the entity receiving a grant under subsection (a) shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under subsection (a) in a reserve account established by an eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for one or more of the following purposes:

"(A) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in subsection (e);

"(B) Guaranteeing, insuring, and reinsuring leases of personal and real property for an objective described in such subsection;

"(C) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which directly provide for the financing of charter school education programs.

"(2) INVESTMENT.—Funds received under this section and deposited in the reserve account established under paragraph (1) shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

"(3) REINVESTMENT OF EARNINGS.—Any earnings on funds received under subsection (a) shall be deposited in the reserve account established under paragraph (1) and used in accordance with this subsection.

"(d) Limitation on Administrative Costs.—An eligible entity may use not more than 2.5 percent of the funds received under subsection (a) for the administrative costs of carrying out its responsibilities under this section (excluding subsection (k)).

"(e) AUDITS AND REPORTS.—

"(1) FINANCIAL RECORDS, MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under subsection (a) shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

"(2) REPORTS.—

"(A) ANNUAL REPORTS.—Each eligible entity receiving a grant under subsection (a) shall annually submit to the Secretary a report of the entity’s operations and activities under this section.

"(B) CONTENTS.—Each annual report submitted under subparagraph (A) shall include—

"(i) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity; and

"(ii) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under paragraph (1) during the fiscal year of the eligible entity; and

"(iii) an evaluation by the eligible entity of the effectiveness of its use of the Federal financial assistance.
funds provided under subsection (a) in leveraging private funds;

"(iv) a listing and description of the charter schools served during the reporting period, including the amount of funds used by each school, the type of project facilitated by the grant, and the type of assistance provided to the charter schools;

"(v) the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in subsection (e); and

"(vi) a description of the characteristics of lenders and other financial institutions participating in the activities carried out by the eligible entity under this section (excluding subsections (c) and (f)), and the types of assistance provided by the eligible entity pursuant to any provision of this section.

"(1) NO FULL FAITH AND CREDIT FOR GRANT-OBLIGATION.—No financial obligation of an eligible entity under this subsection (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any manner by, the United States. The full faith and credit of the United States is not pledged to the payment of funds that may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this section.

"(j) RECOVERY OF FUNDS.—

"(1) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall—

"(A) suspend an eligible entity from participating in the activities conducted under this section (excluding subsection (k));

"(B) PERIOD.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

"(C) FEDERAL SHARE.—The Federal share of the cost of establishing, expanding, and administering the per-pupil facilities aid program shall be no less than—

"(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

"(ii) 80 percent for the second such year;

"(iii) 60 percent for the third such year;

"(iv) 40 percent for the fourth such year; and

"(v) 20 percent for the fifth such year.

"(D) STATE SHARE.—A State receiving a grant under this subsection may partner with 1 or more organizations, and such organizations may provide not more than 50 percent of the State share of the cost of establishing or enhancing, and administering, the per-pupil facilities aid program.

"(E) MULTIPLE GRANTS.—A State may receive more than 1 grant under this subsection, so long as the amount of such grant funds provided to charter schools increases with each successive grant.

"(2) USE OF FUNDS.—

"(A) IN GENERAL.—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or expand, and administer, a per-pupil facilities aid program for charter schools in the State of the applicant.

"(B) EVALUATION, TECHNICAL ASSISTANCE, DISSEMINATION.—From the amount made available to a State through a grant under this subsection, a State shall—

"(i) carry out evaluations, to provide technical assistance, and to disseminate information.

"(C) SUPPLEMENT, NOT SUPPLANT.—In accordance with the method of determination described in section 1117, funds made available under this subsection shall be used to supplement, and not supplant, State and local public funds expended to provide per-pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

"(D) STATE SHARE.—A State receiving a grant under this subsection shall use the funds to develop a per-pupil basis, for charter school facilities.

"(E) SPECIAL RULE.—A State that is required under State law to provide its charter schools with a facility, which may be eligible to receive a grant under this subsection if the State agrees to use the funds to develop a per-pupil aid program in accordance with the requirements of this subsection.

"(F) APPLICATION.—To be eligible to receive a grant under this subsection, a State shall—

"(i) establish or expand, and administer, a per-pupil facilities aid program for charter schools in the State, that—

"(I) is specified in State law;

"(II) provides, on a per-pupil basis, for charter school facilities.

"(ii) SPECIAL RULE.—A State that is required under State law to provide its charter schools with a facility, which may be eligible to receive a grant under this subsection if the State agrees to use the funds to develop a per-pupil aid program in accordance with the requirements of this subsection.

"(3) USE OF FUNDS.—

"(A) VOLUNTARY PARTICIPATION.—No State may be required to participate in a program carried out under this subsection.

"(B) STATE LAW.—

"(i) IN GENERAL.—To be eligible to receive a grant under this subsection, a State shall establish or expand, and administer, a per-pupil facilities aid program for charter schools in the State, that—

"(I) is specified in State law;

"(II) provides, on a per-pupil basis, for charter school facilities.

"(ii) SPECIAL RULE.—A State that is required under State law to provide its charter schools with a facility, which may be eligible to receive a grant under this subsection if the State agrees to use the funds to develop a per-pupil aid program in accordance with the requirements of this subsection.

"(4) REQUIREMENTS.—

"(A) DEFINITION OF ELIGIBLE ENTITY.—For purposes of this subsection, the term ‘eligible entity’ means—

"(a) a charter management organization that, at the time of the application, operates or manages one or more high-quality charter schools;

"(b) a nonprofit organization that oversees and coordinates the activities of a group of such charter management organizations.

"(5) DISSEMINATION REQUIREMENTS.—Eligible entities desiring to receive a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

"(A) A description of the eligible entity’s objectives for implementing a high-quality charter school facilities aid program under this subsection, including a description of the proposed number of high-quality charter schools to be replicated or expanded with funding under this subsection.

"(B) A description of the educational program that the eligible entity will implement in the charter schools to be replicated or expanded, including information on how the program will be sustained after the grant under this subsection has ended.

"(C) A description of the high-quality charter schools to be replicated or expanded, including information on how the program will be sustained after the grant under this subsection has ended.

"(D) A description of the high-quality charter schools to be replicated or expanded, including information on how the program will be sustained after the grant under this subsection has ended.

"(E) A description of the high-quality charter schools to be replicated or expanded, including information on how the program will be sustained after the grant under this subsection has ended.

"(F) Information on any significant compliance issues encountered, with the last 3 years.

"(6) SEC. 5(b).—NOTATIONAL ACTIVITIES.

"(A) IN GENERAL.—From the amount reserved under section 5102(b), the Secretary shall—

"(i) use not less than 80 percent of such funds to award grants in accordance with subsection (b); and

"(ii) use the remainder of such funds to—

"(A) make available to a State grants to ensure that any school operated or managed by an eligible entity is an opportunity center, including in the areas of student safety and financial management.
(G) A request and justification for any waivers of Federal statutory or regulatory requirements that the eligible entity believes are necessary for the successful operation of the schools to be replicated or expanded with funding under this subsection;

(3) SELECTION CRITERIA.—The Secretary shall select eligible entities to receive grants under this subsection, on the basis of student academic achievement and attainment for each of the categories of students, as defined in section 1111(b)(3)(A);

(C) the quality of the eligible entity’s financial and operating model as described under paragraph (2)(C), including the quality of the eligible entity’s plan for sustaining replication or expansion after the grant under this subsection has ended;

(D) a determination that the eligible entity has not operated or managed a significant proportion of charter schools that—

(i) have been closed;

(ii) have had school charter revoked due to problems with statutory or regulatory compliance; or

(iii) have had the school’s affiliation with the eligible entity revoked;

(E) a determination that the eligible entity has not experienced significant problems with statutory or regulatory compliance that led to the revocation of a school’s charter.

(4) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to the eligible entity that—

(A) has evidence of strong academic results, including graduation rates where applicable, for all students served by the charter school, and

(B) has demonstrated success in increasing student academic achievement, including graduation rates where applicable, for each of the categories of students, as defined in section 1111(b)(3)(A), except that such demonstration is not required in a case in which the number of students in a group is insufficient to hold statistically valid information or the results would reveal personally identifiable information about an individual student.

(5) REPLIATION OF A HIGH-QUALITY CHARTER SCHOOL.—The term ‘replication of a high-quality charter school’ means the opening of a charter school—

(A) under an existing charter or an additional charter, if permitted by State law;

(B) based on the model of a high-quality charter school; and

(C) that will be operated or managed by the same nonprofit organization that operates or manages such high-quality charter school under an existing charter.; and

(6) in section 5111 (20 U.S.C. 7221i), as redesignated by section 5001(7), as inserting the following:

"SEC. 5111. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021."

SEC. 5003. MAGNET SCHOOLS ASSISTANCE.

Part B of title V (20 U.S.C. 7231 et seq.), as redesignated by section 5001(5), is amended—

(1) in section 5201(b), as redesignated by section 5001(8)—

(A) in paragraph (1)—

(i) by striking ‘‘and the increase of socioeconomic integration’’ before ‘‘in elementary schools and secondary schools’’; and

(ii) by inserting ‘‘low-income and’’ before ‘‘minority students’’;

(B) in paragraph (2)—

(i) by striking ‘‘and implementation’’ and inserting ‘‘, implementation, and expansion’’; and

(ii) by inserting ‘‘content standards and student academic achievement standards’’ and inserting ‘‘standards under section 1111(b)(1)’’ in paragraph (3), by striking ‘‘and design’’ and inserting ‘‘, design, and expansion’’;

(C) in paragraph (4), by striking ‘‘vocational’’ and inserting ‘‘, technical assistance’’;

(D) in section 5108 (20 U.S.C. 7221g), as redesignated by section 5001(7), as inserting the following:

"There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021."

SEC. 5004. SCHOLARSHIP ASSISTANCE.

There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.
SEC. 5304. AUTHORIZED PROGRAMS.

(a) Establishment of program.—

(1) In general.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall be authorized to make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, other public agencies, and other private agencies and organizations to assist such agencies, institutions, and organizations in carrying out programs of research, demonstration projects, and formula grants that are designed to meet the educational needs of gifted and talented students.

(2) Purpose.—The purpose of this part is to initiate a coordinated program of evidence-based research, demonstration projects, innovative strategies, and similar activities designed to build and enhance the ability of elementary schools and secondary schools nationwide to meet the special educational needs of gifted and talented students.

(b) Service priority.—The Secretary shall ensure that not less than 50 percent of the funds made available under this part shall be used to support projects and programs designed to serve students from socially, economically, or educationally disadvantaged backgrounds.

(c) Special rule.—To the extent that the amount of funds appropriated to carry out this part for a fiscal year beginning with fiscal year 2016 exceeds the amount of $7,500,000, the Secretary shall use such excess funds to award grants, on a competitive basis, to State educational agencies, local educational agencies, or other public or private agencies and organizations, for the purpose of carrying out activities described in subsection (b).

(d) Center for research and development.—

(1) In general.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Research Center for the Education of Gifted and Talented Children and Youth through grants to, or contracts with, one or more institutions of higher education or State educational agencies, or a consortium or other group of such institutions and agencies and other public or private agencies and organizations, for the purpose of carrying out activities described in subsection (b). The Director of the National Research Center shall be headed by a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with institutions of higher education, State educational agencies, local educational agencies, or other public or private agencies and organizations.

(2) Coordination.—Evidence-based activities supported under this part—

(A) shall be carried out in consultation with the Institute of Education Sciences to ensure that such activities are coordinated with and enhance the research and development activities supported by the Institute; and

(B) may include collaborative evidence-based activities which are jointly funded and carried out with such Institute.

SEC. 5305. PROGRAM PRIORITIES.

(a) General priority.—In carrying out this part, the Secretary shall give highest priority to programs and projects designed to develop new information that—

(1) improves the capabilities of schools to plan, conduct, and improve programs to identify and serve gifted and talented students; and

(2) assists schools in the identification of, and provision of services to, gifted and talented students (including educationally disadvantaged individuals, individuals who are English learners, and children with disabilities) who may not be identified and served through traditional assessment methods.

(b) Service priority.—The Secretary shall ensure that not less than 50 percent of the applications approved under section 5304(a)(2) in a fiscal year, as described in subsection (a)(2).

SEC. 5306. GENERAL PROVISIONS.

(a) Participation of private school communities and teacher candidates.—In making grants under this part, the Secretary shall ensure that participation of students and teachers in private nonprofit elementary schools and secondary schools, including the participation of teachers and other personnel in professional development programs serving such students.

(b) Review, dissemination, and evaluation.—The Secretary shall—

(1) use a peer-review process in reviewing applications under this part;

(2) ensure that information on the activities supported each fiscal year under this part is disseminated to appropriate State educational agencies, local
educational agencies, and other appropriate organizations, including nonprofit private organizations; and

(3) evaluate the effectiveness of programs under this part, in accordance with section 9601, in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit a final evaluation report to the Secretary not later than 2 years after the date of enactment of the Every Child Achieves Act of 2015.

(c) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this part are administered within the Department by a person who has recognized professional and expert experience in the field of the education of gifted and talented students and who shall—

(1) administer and coordinate the programs authorized under this part;

(2) serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs;

(3) assist the Director of the Institute of Education Sciences in identifying research priorities for educational services in the needs of gifted and talented students; and

(4) disseminate, and consult on, the information developed in this part with other offices within the Department.

SEC. 5307. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.

SEC. 5501. GRANTS FOR EDUCATION INNOVATION AND RESEARCH.

Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part C, as added by section 5004, the following:

"PART D—EDUCATION INNOVATION AND RESEARCH

SEC. 5401. GRANTS FOR EDUCATION INNOVATION AND RESEARCH.

"(a) PROGRAM AUTHORIZED.—From funds appropriated under subsection (e), the Secretary shall make grants to eligible entities for the development, implementation, and feasibility testing of entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students, including—

(1) early-phase grants to fund the development, implementation, and feasibility testing of a program that prior research suggests has promise, for the purpose of determining whether the program can successfully improve student achievement or attainment for high-need students;

(2) mid-phase grants to fund implementation and a rigorous evaluation of a program that has been successfully implemented under an early-phase grant or other effort meeting similar criteria, for the purpose of measuring the program’s impact and cost-effectiveness, if possible using existing administrative data; or

(3) expansion grants to fund implementation and a rigorous replication evaluation of a program that has been found to produce sizable, invariant impacts under a mid-phase grant or other effort meeting similar criteria, for the purpose of determining whether such impacts can be successfully reproduced and sustained over time, and identifying the conditions in which the program is most effective.

(b) ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means any of the following:

(1) A local educational agency.

(2) A State educational agency.

(3) A consortium of State educational agencies or local educational agencies.

(4) A State educational agency or a local educational agency that—

(A) a nonprofit organization;

(B) a small business;

(C) a charter management organization;

(D) an educational service agency; or

(E) an institution of higher education.

(5) A Rural Areas.—In awarding grants under subsection (a), the Secretary shall ensure that not less than 25 percent of the funds for any fiscal year are awarded for projects that meet both of the following requirements:

(1) The grantee is—

(A) a local educational agency with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

(B) a consortium of such local educational agencies; or

(C) an educational service agency or a nonprofit organization in partnership with such a local educational agency.

(2) A majority of the schools to be served by the project are designated with a school locale code of 32, 33, 41, 42, or 43, or a combination of such codes, as determined by the Secretary.

(d) MATCHING FUNDS.—In order to receive a grant under subsection (a), an eligible entity shall demonstrate that the eligible entity will provide matching funds in an amount equal to at least 10 percent of the amount under a grant under this part, except that the Secretary may waive the matching funds requirement, on a case-by-case basis, upon a showing of exceptional circumstances, such as—

(1) the difficulty of raising matching funds for a project to serve a rural area;

(2) the difficulty of raising matching funds in areas with a concentration of local educational agencies or schools with a high percentage of students aged 6 through 17; and

(3) the difficulty of raising funds in designated tribal areas;

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2016 through 2021.

SEC. 5502. ACCELERATED LEARNING.

Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part C, as added by section 5004, the following:

"PART E—ACCELERATED LEARNING

SEC. 5501. SHORT TITLE.

This part may be cited as the ‘Accelerated Learning Act of 2015’.

SEC. 5502. PURPOSES.

The purposes of this part are—

(1) to raise student academic achievement through high-quality learning programs, including Advanced Placement and International Baccalaureate programs, dual or concurrent enrollment programs, and early college high schools; and

(2) to increase the number of students attending high-need schools who enroll and succeed in accelerated learning courses, accelerated learning examinations, dual or concurrent enrollment programs, and early college high school courses;

SEC. 5503. FUNDING DISTRIBUTION RULE.

From amounts appropriated under section 5508 for a fiscal year, the Secretary shall award grants to teachers and support entities that point to the following data for the previous fiscal year:

(1) the number of such children so counted in high-need schools; and

(2) the amount of funds awarded under this section to enable the Secretary to reimburse the number of such children so counted in all States.

SEC. 5504. ACCELERATED LEARNING EXAMINATION FEE PROGRAM.

(a) GRANTS AUTHORIZED.—From amounts made available under section 5503 for a fiscal year, the Secretary shall award grants to teachers and support entities that result in acceleration and funding for the State educational agencies to reimburse the number of such children so counted in all States.

(b) AWARD BONUS.—In determining the amount of the grant awarded to a State educational agency under this section for a fiscal year, the Secretary shall consider the number of children eligible to be counted under section 1124(c)(5) in relation to the number of such children so counted in all States.

(c) INFORMATION DISSEMINATION.—A State educational agency that is awarded a grant under this section shall make publicly available information regarding the availability of accelerated learning examination fee payments under this section, and shall disseminate such information to eligible high school students and parents, including through high school teachers and counselors, to the extent practical, to the number of such children so counted in all States.

SEC. 5505. ACCELERATED LEARNING EXAMINATION FEES.

(a) APPLICATIONS.—Each State educational agency desiring to receive a grant under this section shall submit an application to the Secretary in such manner, and containing such information as the Secretary may require. At a minimum, each State educational agency application shall—

(1) describe the accelerated learning examination fees the State educational agency will pay on behalf of low-income students in the State from grant funds awarded under this section;

(2) provide an assurance that any grant funds awarded under this section will be used only to pay for accelerated learning examination fees; and

(3) contain such information as the Secretary may require to demonstrate that the State educational agency will ensure that a student is eligible for payments authorized under this section, including ensuring that the student is a low-income student.

(b) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.

SEC. 5601. ACCELERATED LEARNING.

SEC. 5003. GRANTS, DISPOSITION, AND ADMINISTRATION.

"(a) GRANTS AUTHORIZED.—From amounts appropriated under section 5508 for a fiscal year, the Secretary shall award grants to teachers and support entities that result in acceleration and funding for the State educational agencies to reimburse the number of such children so counted in all States.

(1) the number of such children so counted in high-need schools; and

(2) the amount of funds awarded under this section to enable the Secretary to reimburse the number of such children so counted in all States.

SEC. 5503. FUNDING DISTRIBUTION RULE.

From amounts appropriated under section 5508 for a fiscal year, the Secretary shall award grants to teachers and support entities that result in acceleration and funding for the State educational agencies to reimburse the number of such children so counted in all States.

SEC. 5504. ACCELERATED LEARNING EXAMINATION FEE PROGRAM.

(a) GRANTS AUTHORIZED.—From amounts made available under section 5503 for a fiscal year, the Secretary shall award grants to teachers and support entities that result in acceleration and funding for the State educational agencies to reimburse the number of such children so counted in all States.

(b) AWARD BONUS.—In determining the amount of the grant awarded to a State educational agency under this section for a fiscal year, the Secretary shall consider the number of children eligible to be counted under section 1124(c)(5) in relation to the number of such children so counted in all States.

(c) INFORMATION DISSEMINATION.—A State educational agency that is awarded a grant under this section shall make publicly available information regarding the availability of accelerated learning examination fee payments under this section, and shall disseminate such information to eligible high school students and parents, including through high school teachers and counselors, to the extent practical, to the number of such children so counted in all States.

SEC. 5505. ACCELERATED LEARNING EXAMINATION FEES.

(a) APPLICATIONS.—Each State educational agency desiring to receive a grant under this section shall submit an application to the Secretary in such manner, and containing such information as the Secretary may require. At a minimum, each State educational agency application shall—

(1) describe the accelerated learning examination fees the State educational agency will pay on behalf of low-income students in the State from grant funds awarded under this section;

(2) provide an assurance that any grant funds awarded under this section will be used only to pay for accelerated learning examination fees; and

(3) contain such information as the Secretary may require to demonstrate that the State educational agency will ensure that a student is eligible for payments authorized under this section, including ensuring that the student is a low-income student.

(b) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.

SEC. 5601. ACCELERATED LEARNING.

"(a) GRANTS AUTHORIZED.—From amounts appropriated under section 5508 for a fiscal year, the Secretary shall award grants to teachers and support entities that result in acceleration and funding for the State educational agencies to reimburse the number of such children so counted in all States.
"(A) The number of students in the State who are taking an accelerated learning course in such subject.

(B) The number of accelerated learning examinations students in the State who have taken an accelerated learning course in such subject.

(C) The number of students in the State scoring above the State average on accelerated learning examinations in such subject, disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.

(D) Demographic information regarding students in the State taking accelerated learning courses and accelerated learning examinations in such subject, disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.

(2) REPORT TO CONGRESS.—The Secretary shall annually compile the information received from each State educational agency under paragraph (1) and report to the authorizing committees of Congress regarding the information.

(g) BUREAU OF INDIAN EDUCATION AS STATE EDUCATIONAL AGENCY.—For purposes of this section, the Bureau of Indian Education shall be treated as a State educational agency.

SEC. 5505. ACCELERATED LEARNING INCENTIVE PROGRAM GRANTS.

(a) GRANTS AUTHORIZED.—

(1) GRANT AMOUNTS.—From amounts made available under section 5503 for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to carry out the authorized activities described in subsection (e).

(2) DURATION, RENEWAL, AND PAYMENTS.—

(A) DURATION.—The Secretary shall award a grant under this section for a period of not more than 3 years.

(B) RENEWAL.—The Secretary may renew a grant awarded under this section for an additional period of not more than 2 years, if an eligible entity:

(i) is achieving the objectives of the grant; and

(ii) has shown improvement against baseline data on the performance measures described in subparagraphs (A) through (E) of subsection (e).

(b) DETERMINATION OF ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means—

(1) a State educational agency;

(2) a local educational agency or

(3) a partnership consisting of—

(A) a national, regional, or statewide nonprofit organization, with expertise and experience in providing services, shall, in consultation through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate the implementation and impact of the activities supported under this section, and shall annually report by the performance measures established under subparagraphs (A) through (E) of subsection (g).

(4) the purpose of instructional materials for accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses;

(5) activities to improve the availability of, and participation in, online accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses;

(6) carrying out the requirements of subsection (g); or

(7) in the case of an eligible entity described in subsection (b)(1), awarding subgrants to local educational agencies to enable the local educational agencies to carry out authorized activities described in paragraph (1) through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate the implementation and impact of the activities supported under this section, and shall annually report by the performance measures established under subparagraphs (A) through (E) of subsection (g).

(2) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Each eligible entity that receives a grant under this section shall provide, toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, except that an eligible entity may provide the matching funds in kind.

(2) MATCHING FUNDS.—The eligible entity may provide the matching funds described in paragraph (1) in cash or in kind, fairly evaluated, but may not provide more than 50 percent of the matching funds in kind.

(3) WAIVER.—The Secretary may waive or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity if the Secretary determines that requesting the matching requirement to such eligible entity would result in serious hardship or an inability to carry out

"SEC. 5505. ACCELERATED LEARNING INCENTIVE

(a) GRANTS AUTHORIZED.—

(1) GRANT AMOUNTS.—From amounts made available under section 5503 for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to carry out the authorized activities described in subsection (e).

(2) DURATION, RENEWAL, AND PAYMENTS.—

(A) DURATION.—The Secretary shall award a grant under this section for a period of not more than 3 years.

(B) RENEWAL.—The Secretary may renew a grant awarded under this section for an additional period of not more than 2 years, if an eligible entity:

(i) is achieving the objectives of the grant; and

(ii) has shown improvement against baseline data on the performance measures described in subparagraphs (A) through (E) of subsection (e).

(b) DETERMINATION OF ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means—

(1) a State educational agency;

(2) a local educational agency or

(3) a partnership consisting of—

(A) a national, regional, or statewide nonprofit organization, with expertise and experience in providing services, shall, in consultation through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate the implementation and impact of the activities supported under this section, and shall annually report by the performance measures established under subparagraphs (A) through (E) of subsection (g).

(4) the purpose of instructional materials for accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses;

(5) activities to improve the availability of, and participation in, online accelerated learning courses, dual or concurrent enrollment programs, and early college high school courses;

(6) carrying out the requirements of subsection (g); or

(7) in the case of an eligible entity described in subsection (b)(1), awarding subgrants to local educational agencies to enable the local educational agencies to carry out authorized activities described in paragraph (1) through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate the implementation and impact of the activities supported under this section, and shall annually report by the performance measures established under subparagraphs (A) through (E) of subsection (g).

(2) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Each eligible entity that receives a grant under this section shall provide, toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, except that an eligible entity may provide the matching funds in kind.

(2) MATCHING FUNDS.—The eligible entity may provide the matching funds described in paragraph (1) in cash or in kind, fairly evaluated, but may not provide more than 50 percent of the matching funds in kind.

(3) WAIVER.—The Secretary may waive or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity if the Secretary determines that requesting the matching requirement to such eligible entity would result in serious hardship or an inability to carry out
the authorized activities described in subsection (e).

"SEC. 5506. SUPPLEMENT, NOT SUPPLANT.

"(a) Funds provided under this part shall supplement, and not supplant, other non-Federal funds available to assist low-income students to pay for the cost of accelerated learning fees or to expand access to accelerated learning and pre-accelerated learning opportunities.

"SEC. 5507. DEFINITIONS.

"In this part:

"(1) ACCELERATED LEARNING COURSE.—The term 'accelerated learning course' means:

"(A) a course of postsecondary-level instruction provided to middle or high school students, terminating in an Advanced Placement, International Baccalaureate examination; or

"(B) another highly rigorous, evidence-based, postsecondary preparatory program terminating in:

"(i) an examination or sequence of courses that are widely accepted for credit at institutions of higher education; or

"(ii) another examination or sequence of courses approved by the Secretary.

"(2) ACCELERATED LEARNING EXAMINATION.—The term 'accelerated learning examination' means an examination administered by the College Board, an International Baccalaureate examination administered by the International Baccalaureate Board, or an examination that is specifically designed for nation-wide distribution over public television stations' digital broadcasting channels and the Internet.

"(3) HIGH-NEED SCHOOL.—The term 'high-need school' means a school—

"(A) with a demonstrated need for Advanced Placement or International Baccalaureate courses, dual or concurrent enrollment programs, or early college high school courses; and

"(B) that—

"(i) has a high concentration of low-income students; or

"(ii) is a local educational agency that is eligible, as determined by the Secretary, under the small, rural school achievement program, or the rural and low-income school program, authorized under subpart 1 or 2 of part B of title VI.

"(4) LOW-INCOME STUDENT.—The term 'low-income student' means a student who is eligible for a free or reduced price lunch under the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

"SEC. 5508. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.

"SEC. 5507. READY-TO-LEARN TELEVISION.

Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part E, as added by section 5006, the following:

"PART F—READY-TO-LEARN TELEVISION

"SEC. 5601. READY-TO-LEARN.

"(a) PROGRAM AUTHORIZED.—Ready-to-Learn—

"(1) IN GENERAL.—The Secretary is authorized to award grants, contracts, or cooperative agreements to support the development and expansion of television programming of high quality that is accessible by a large majority of disadvantaged preschool and elementary school children, and make such programming widely available, with support for television programming of high quality that is accessible by a large majority of disadvantaged preschool and elementary school children, and make such programming widely available, with support for

"(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall be a public telecommunications entity that has been designed for nation-wide distribution over public television stations' digital broadcasting channels and the Internet.

"(3) COORDINATION OF ACTIVITIES.—An entity receiving a grant, contract, or cooperative agreement under this section shall consult with the Secretary and the Secretary of Health and Human Services—

"(A) to carry out activities under subparagraph (c) for each fiscal year shall be used necessary for each of fiscal years 2016 through 2021.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.

"(g) ADMINISTRATIVE COSTS.—An entity that receives a grant, contract, or cooperative agreement under this section may use up to 5 percent of the amount received under the grant, contract, or cooperative agreement for administrative and instructional programming.

"(h) FUNDING RULE.—Not less than 60 percent of the amount appropriated under subsection (a) for each fiscal year shall be used to carry out activities under subparagraphs (B) through (D) of subsection (a)(1).

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.

"SEC. 5508. INNOVATIVE TECHNOLOGY EXPANDS CHILDREN'S HORIZONS (I-TECH).

"Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part F, as added by section 5007, the following:
“PART G—INNOVATIVE TECHNOLOGY EXPANDS CHILDREN’S HORIZONS (I-TECH)"

SEC. 5701. PURPOSES.
(1) The purposes of this part are—
(a) to improve the achievement, academic growth, and college and career readiness of all students;
(b) to ensure that all students have access to personalized, rigorous learning experiences that are supported through technology;
(c) to ensure that educators have the knowledge and skills to use technology, including computer-based assessments and blended learning strategies, to personalize learning;
(d) to ensure that local educational agencies and school leaders have the skills required to implement, and support school- and district-wide approaches for using technology to inform instruction, support teacher collaboration, and personalize learning;
(e) to ensure that students in rural, remote, and underserved areas have the resources to take advantage of high-quality digital learning experiences, digital resources, and access to online courses taught by effective educators;
(f) to ensure that students have increased access to online dual or concurrent enrollment opportunities, career and technical courses, and programs leading to a recognized credential (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)), and courses taught by educators, including advanced coursework, and
(g) to ensure that State educational agencies, local educational agencies, elementary schools, and secondary schools have the technical staff, capacity, infrastructure, and technical support necessary to meet purposes described in paragraphs (1) through (6).

SEC. 5702. DEFINITIONS.
(1) DIGITAL LEARNING.—The term ‘digital learning’ means any instructional practice that effectively uses technology to strengthen a student’s learning experience and encompasses a wide spectrum of tools and practices, including—
(A) interactive learning resources that engage students in real-time communication;
(B) access to online databases and other primary source documents;
(C) the use of data, data analytics, and information to personalize learning to provide targeted supplemental instruction;
(D) student collaboration with content experts and peers;
(E) online and computer-based assessments;
(F) digital learning content, software, or simulations;
(G) access to online courses;
(H) mobile devices for learning in school and at home;
(I) learning environments that allow for rich collaboration and communication;
(J) hybrid or blended learning, which occurs under direct instructor supervision at a school or other location away from home and, at least in part, through online delivery of instruction with some element of student control over time, place, path, or pace;
(K) access to online course opportunities for students in rural or remote areas; and
(L) discovery, modification, and sharing of openly licensed digital learning materials.
(2) ELIGIBLE TECHNOLOGY.—The term ‘eligible technology’ means modern computing and communication technology software, services, or tools, including computer or mobile devices, whether for use in school or at home, and applications, systems, and platforms, digital learning content, and related services, supports, and strategies, which may include strategies to assist eligible children without adequate Internet access at home to complete homework.
(3) TECHNOLOGY READINESS SURVEY.—The term ‘technology readiness survey’ means—
(A) a survey completed by a local educational agency that provides standardized information on the quantity and types of technology infrastructure available to the students and in the community served by the local educational agency, including computer devices, access to school libraries, school Wi-Fi network, internet access outside of the school day), operating systems, related network infrastructure, data systems, educator professional learning needs and priorities, and data security;
(B) UNIVERSAL DESIGN FOR LEARNING.—The term ‘universal design for learning’ has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

SEC. 5702A. RESTRICTION.
Funds awarded under this part shall not be used to address the networking needs of an entity that is eligible to receive support under the E-rate program.

SEC. 5703. TECHNOLOGY GRANTS PROGRAM AUTHORIZED.
In general.—From the amounts appropriated under section 5708, the Secretary may reserve not more than 1.5 percent for national activities to support grantees and shall award the remainder to State educational agencies under this part to the outlying areas.

(b) GRANTS TO STATE EDUCATIONAL AGENCIES.—
(A) RESERVATIONS.—From the amounts appropriated under section 5708 for any fiscal year, the Secretary shall reserve—
(1) at least 1 percent of the amount of the grant for the Secretary of the Interior to provide assistance under this part for school operated or funded by the Bureau of Indian Education; and
(2) 1 percent to provide assistance under this part to the outlying areas.

(2) GRANT ALLOTMENTS.—From the amounts appropriated under section 5708 for any fiscal year, the Secretary shall allocate the remainder to State educational agencies under this part for the fiscal year.

(3) AN ASSURANCE.—The Secretary shall ensure that each State educational agency will award subgrants to local educational agencies under this part.

(4) A description of how the State educational agency will meet the following goals:
(A) Use technology to ensure that all students demonstrate college readiness and digital literacy, including by providing high-quality education opportunities to economically or geographically isolated student populations.
(B) Provide educators, school leaders, and administrators with the professional learning tools, devices, content, and resources to—
(i) personalize learning to improve student academic achievement; and
(ii) discover, adapt, and share relevant high-quality open educational resources.
(C) Enable local educational agencies to build technological capacity and infrastructure.

(d) REALLOTMENT OF UNUSED FUNDS.—If the Secretary makes reservations under paragraph (1), the Secretary shall make a grant for the fiscal year to each State educational agency in an amount that bears the same relationship to such remainder as the amount the State educational agency received under part A for the fiscal year bears to the total amount appropriated under section 5708, the Secretary shall reallocate the amount of a grant to a State educational agency under subsection (b) for a fiscal year shall not be less than one-half of 1 percent of the total amount of grant awarded to all State educational agencies under such subsection for such year.

(e) REREALLOCATION OF GRANTS—
(A) DEFINITION.—In this part, the term ‘grant’ means any grant awarded to a State educational agency under subsection (b) for a fiscal year shall not be less than one-half of 1 percent of the total amount of grant awarded to all State educational agencies under such subsection for such year.

(d) REREALLOCATION OF GRANTS—
(A) DEFINITION.—In this part, the term ‘grant’ means any grant awarded to a State educational agency under subsection (b) for a fiscal year shall not be less than one-half of 1 percent of the total amount of grant awarded to all State educational agencies under such subsection for such year.

(e) MATCHING FUNDS.—
(1) IN GENERAL.—A State educational agency that receives a grant under subsection (b) shall provide matching funds from non-Federal sources, in an amount equal to 10 percent of the amount of grant funds provided to the State educational agency to carry out the activities supported by the grant.

(2) WAIVER.—The Secretary may waive the matching requirement under paragraph (1) for a State educational agency that demonstrates that such requirement imposes an undue financial hardship on the State educational agency.

SEC. 5704. STATE APPLICATIONS.
(a) APPLICATION.—To receive a grant under section 5703(b)(2), a State educational agency shall submit to the Secretary an application at such time and in such manner as the Secretary may require and containing the information described in subsection (b). The application shall include under subsection (a) shall include the following:

(1) A description of how the State educational agency will meet the following goals:
(A) Use technology to ensure that all students demonstrate college readiness and digital literacy, including by providing high-quality education opportunities to economically or geographically isolated student populations.
(B) Provide educators, school leaders, and administrators with the professional learning tools, devices, content, and resources to—
(i) personalize learning to improve student academic achievement; and
(ii) discover, adapt, and share relevant high-quality open educational resources.
(C) Enable local educational agencies to build technological capacity and infrastructure.

(2) An assurance that each local educational agency awarded a subgrant under this part has conducted a technology readiness survey and will take steps to address the identified readiness gaps not later than 3 years after the completion of the survey by the local educational agency.

(3) An assurance that the State educational agency will ensure that the State educational agency’s technology systems and school-based technology systems are interoperable.

(4) An assurance that the State educational agency will consider making content widely available through open educational resources when making purchasing decisions with funds received under this part.

(5) A description of how the State educational agency will award subgrants to local educational agencies under section 5706.

(b) GRANT ALLOTMENTS.—From the amounts appropriated under section 5708 for any fiscal year, the Secretary shall allocate the remainder to State educational agencies under this part for the fiscal year.

(c) MINIMUM.—The amount of a grant to a State educational agency under subsection (b) for a fiscal year shall not be less than one-half of 1 percent of the total amount of grant awarded to all State educational agencies under such subsection for such year.

(d) REALLOTMENT OF UNUSED FUNDS.—If any State educational agency does not apply for a grant under section 5704 for a fiscal year, the Secretary shall reallocate the amount of the State educational agency’s grant, or the unused portion of the grant allotment, to the remaining State educational agencies under such subsection.

(e) MATCHING FUNDS.—
(1) IN GENERAL.—A State educational agency that receives a grant under subsection (b) shall provide matching funds.
SEC. 5706. LOCAL SUBGRANTS.

(a) Grants to local educational agencies.—From the grant funds provided under section 5703(b)(2) to a State educational agency that are remaining after the State educational agency may require, submitting such applications; and

(b) Administration of grants to local educational agencies.—A State educational agency shall reserve not more than 10 percent of the grant received under section 5703(b)(2) for the State activities described in subsection (c).

(1) IN GENERAL.—A State educational agency shall reserve not more than 10 percent of the grant received under section 5703(b)(2) for the State activities described in subsection (c).

(2) GRANT ADMINISTRATION.—

(A) IN GENERAL.—Subject to subparagraph (B), each State educational agency that receives a grant under section 5703(b)(2) shall expend not less than 50 percent of the amount reserved by a State educational agency under paragraph (1), the State educational agency may reserve for the administrative cost of the grant under this part not more than—

(i) 1 percent in the case of a State educational agency awarding subgrants under section 5706(a); and

(ii) 3 percent in the case of a State educational agency awarding subgrants under section 5706(a).

(B) IN GENERAL.—Subject to subparagraph (B), the State educational agency may require, submitting such applications; and

II may reserve amounts in addition to the percentage described in clause (i) if the State educational agency receives approval under section 5706(a)(2).

(C) REQUIREMENTS FOR GRANT ADMINISTRATION.—From the grant funds provided under section 5703(b)(2) to a State educational agency that are remaining after the State educational agency may require, submitting such applications; and

(1) IN GENERAL.—A State educational agency receiving a grant under section 5703(b)(2) may—

(A) form a State purchasing consortium with 1 or more State educational agencies receiving such a grant to carry out the State activities described in subsection (c), including purchasing eligible technology; and

(B) encourage local educational agencies to form a local purchasing consortium under section 5706(c)(4).

(C) promote pricing opportunities to local educational agencies for the purchase of eligible technology that are—

(i) negotiated by the State educational agency or the State purchasing consortium of the State educational agency; and

(ii) available to such local educational agencies.

(2) RESTRICTIONS.—A State educational agency receiving a grant under section 5703(b)(2) shall not—

(A) except for the promoting the pricing opportunities described in paragraph (1)(B) make recommendations to local educational agencies for, or require, use of any specific commercial products and services by local educational agencies; and

(B) require local educational agencies to participate in a State purchasing consortium or local purchasing consortia; or

(C) use more than the amount reserved under subsection (b) to carry out the activities described in paragraph (1), unless the State educational agency receives approval in accordance with section 5706(b)(2)(B).

SEC. 5706. LOCAL SUBGRANTS.

(a) Subgrants.—

(1) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—From the grant funds provided under section 5703(b)(2) to a State educational agency that are remaining after the State educational agency makes reservations under section 5703(b)(2) for any fiscal year and subject to paragraph (2), the State educational agency shall award subgrants for the fiscal year to local educational agencies served by the State educational agency and with such plans will carry out the goals described in paragraph (1) and (2) and how the agency will align and coordinate the activities under this section with other activities across the local educational agencies.

(2) DESCRIPTION OF THE TEAM OF EDUCATORS.—A description of the team of educators who will coordinate and carry out the activities under this section, including individuals with responsibility and expertise in instructional technology, teachers who specialize in supporting students who are children with disabilities and English learners, other personnel, such as media personnel, technology officers, and staff responsible for assessments and data;
“(5) a description of how the local educational agency will build capacity for principals, other school leaders, and local educational agency administrators to support teachers in developing data literacy and in implementing digital tools to support teaching and learning;

“(6) a description of how the local educational agency will ensure content and ensure content quality; and

“(7) an assurance that the local educational agency will protect the privacy and safety of students, teachers, school leaders, computer science teachers, consistent with requirements section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the ‘Family Educational Rights and Privacy Act of 1974’).”

“C. USE OF FUNDS.—

“(1) PROFESSIONAL DEVELOPMENT IN DIGITAL LEARNING.—In developing to paragraph (3), a local educational agency receiving a subgrant under subsection (a) shall use not less than 50 percent of such funds to carry out professional development for teachers, principals, other school leaders, paraprofessionals, school librarians and media personnel, specialized instructional support personnel, technology coordinators, and administrators in the use of technology to support student learning.

“(2) INSTRUCTIONAL INFRASTRUCTURE.—Subject to subsection (a), a local educational agency receiving a subgrant under subsection (a) shall use not less than 25 percent of such funds to acquire or purchase eligible technology needed to—

“(A) except for the activities described in paragraph (1), carry out activities described in the application submitted under subsection (b), including purchasing devices, equipment, and software applications; and

“(B) address readiness shortfalls identified under paragraph (1), including technology readiness surveys completed by the local educational agency.

“(3) MODIFICATION OF FUNDING ALLOCATIONS.—A State educational agency may authorize a local educational agency to modify the percentage of the local educational agency’s subgrant funds required to carry out the activities described in paragraph (1) of subsection (2) if the local educational agency demonstrates that such modification will assist the local educational agency in more effectively carrying out the activities described in that section.

“(4) PURCHASING CONSORTIUM.—Local educational agencies receiving subgrants under subsection (a) may—

“(A) form a local purchasing consortium with other such local educational agencies to carry out the activities described in this subsection, including purchasing eligible technology; and

“(B) use such funds for purchasing eligible technology through a State purchasing consortium under section 5703(d).

“(5) BLENDED LEARNING PROJECTS.—

“(A) IN GENERAL.—A local educational agency receiving a subgrant under subsection (a) may use such funds to carry out a blended learning project, which includes at least 1 of the following activities:

“(i) Planning activities, which may include development of new instructional models (including blended learning technology software and platforms), the purchase of digital instructional resources, initial professional development activities, and one-time information technology expenditures, ensuring that such expenditures may not include expenditures related to significant construction or renovation of facilities.

“(ii) Professional development for teachers, principals, other school leaders, or other personnel involved in the project that is designed to support the implementation and success of the project.

“(B) NON-FEDERAL MATCH.—A local educational agency that carries out a blended learning project under this paragraph shall provide non-Federal matching funds equal to not less than 10 percent of the amount of funds used to carry out such project.

“B. DEVELOPMENT OF INTEGRATED Blended LEARNING.—In this paragraph, the term ‘blended learning’ means a formal education program that leverages both technology-based and face-to-face instructional activities to provide an integrated learning experience; and

“(ii) where students are provided some control over time, path, or pace.

“(C) USE OF FUNDS.—

“(1) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency receiving a subgrant under section 5706 shall submit to the State educational agency that awarded such subgrant an annual report that meets the requirements of subsection (c).

“(2) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under section 5703(b)(2) shall submit to the Secretary an annual report that meets the requirements of subsection (c).

“(C) REPORT REQUIREMENTS.—A report submitted under subsection (a) or (b) shall include, at a minimum, a description of—

“(i) the status of the State educational agency’s plan described in section 5704(b) or the local educational agency’s technology plan under section 5706(b)(3), as applicable;

“(ii) the carryout of the technology acquired with funds under this part and how such technology is being used;

“(iii) the professional learning activities funded under this part, including types of activities and entities involved in providing such professional learning to classroom teachers and other staff, such as school librarians; and

“(iv) the types of programs funded under this part.

“SEC. 5708. AUTHORIZATION.

“There are authorized to be appropriated such sums as may be necessary to carry out this section.

“SEC. 5709. LITERACY AND ARTS EDUCATION.

“Título V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part H, as added by section 5009, the following:

“PART I—EARLY LEARNING ALIGNMENT AND IMPROVEMENT GRANTS

“SEC. 5001. PURPOSES, DEFINITIONS.

“(A) PURPOSES.—The purposes of this part are to assist States with—

“(1) more efficiently using existing Federal resources to improve, strengthen, and expand existing high-quality early childhood education, as determined by the State; and

“(2) coordinating existing funding streams and delivery models to provide—

“(A) program quality, while maintaining services;

“(B) parental choice among high-quality early childhood education program providers; and

“(C) early care and learning access for children from birth to kindergarten entry; and

“(2) improving access for children from low-income families to high-quality early childhood education programs in order to enhance school readiness.

“(B) DEFINITIONS.—In this part:

“(1) CENTER OF EXCELLENCE.—The term ‘Center of Excellence’ means a local public or private nonprofit agency, including a community-based or faith-based organization, or a for-profit agency, within a community, that provides early learning and care services in the State, including the use of best practices for—

“(A) achieving school readiness, including the development of early literacy and mathematics skills;

“(B) acquisition of English language skills; and

“(C) providing high-quality comprehensive services for eligible children and their families.

“(2) ELIGIBLE CHILD.—The term ‘eligible child’ means an individual—
SEC. 5902. EARLY LEARNING ALIGNMENT AND IMPROVEMENT GRANTS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available under section 5903, the Secretary, in consultation with the Secretary of Health and Human Services, shall award grants, on a competitive basis, to States to enable the States to carry out the activities described in subsection (d).

(2) RESERVATION FOR STATES SERVING RURAL AREAS.—From the amounts appropriated under section 5903 for a fiscal year, the Secretary shall reserve not less than 30 percent for grants to States that propose to carry out the activities described in subsection (d) for eligible children living in rural areas. The Secretary shall reduce the amount described in the preceding sentence if the Secretary does not receive a sufficient number of applications that are deserving of a grant under this part for such purpose.

(b) REQUIREMENTS.—In order to be eligible for a grant under this section, a State shall partner with an eligible partnership.

(c) MATCHING REQUIREMENT.—Each State that receives a grant under this part shall provide from Federal or non-Federal sources (which may be provided in cash or in kind) to carry out the activities supported by the grant, an amount equal to—

(A) 30 percent of the amount of the grant in the first year of the grant;

(B) not less than 30 percent of the amount of the grant in each of the second and third years of such grant, respectively.

(d) ADMINISTRATION.—The lead agency designated under paragraph (a) shall—

(i) administer, directly or through other governmental or nongovernmental agencies, the Federal assistance received under this section by the State;

(ii) develop the application submitted to the Secretary under subsection (c); and

(iii) coordinate the provision of activities under this section with existing Federal, State, and local early childhood education programs.

(e) DURATION OF GRANTS.—A grant awarded under this section shall remain available for a family of the same size, and whose family assets do not exceed $1,000,000 (as certified by a member of such family); or

(ii) 25 percent more than the median family income for a family of the same size, and whose family assets do not exceed $1,000,000 (as certified by a member of such family); or

(iii) as applicable for eligibility that does not exceed the thresholds in clauses (i) and (ii).

(f) ELIGIBLE PARTNERSHIPS.—The term ‘eligible partnerships’ means a partnership that, at a minimum, includes, as applicable and appropriate, the State Advisory Council on Early Childhood Education and Care established under section 102(a)(1) of the Head Start Act, and all of the following partners, which may be represented on the Council:

(A) One or more public and private (including nonprofit or for-profit) providers of early childhood education that serve eligible children residing in the State and meet applicable standards of licensing and quality as determined by the State;

(B) One or more Head Start agencies, which may include Early Head Start, migrant and seasonal Head Start, and Indian Head Start agencies that serve eligible children residing in the State;

(C) The State educational agency;

(D) Other relevant State agencies with oversight of preschool, early education, and child care in the State;

(E) One or more local educational agencies in the State;

(F) One or more institutions of higher education in the State;

(G) One or more representatives of businesses in the State.

(h) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meanings given the term in section 101 and subparagraphs (A) and (B) of section 102(a)(1) of the Higher Education Act of 1965.

SEC. 5903. EARLY LEARNING ALIGNMENT AND IMPROVEMENT GRANTS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available under section 5903, the Secretary, in consultation with the Secretary of Health and Human Services, shall award grants, on a competitive basis, to States to enable the States to carry out the activities described in subsection (d).

(2) RESERVATION FOR STATES SERVING RURAL AREAS.—From the amounts appropriated under section 5903 for a fiscal year, the Secretary shall reserve not less than 30 percent for grants to States that propose to carry out the activities described in subsection (d) for eligible children living in rural areas. The Secretary shall reduce the amount described in the preceding sentence if the Secretary does not receive a sufficient number of applications that are deserving of a grant under this part for such purpose.

(b) REQUIREMENTS.—In order to be eligible for a grant under this section, a State shall partner with an eligible partnership.

(c) MATCHING REQUIREMENT.—Each State that receives a grant under this part shall provide from Federal or non-Federal sources (which may be provided in cash or in kind) to carry out the activities supported by the grant, an amount equal to—

(A) 30 percent of the amount of the grant in the first year of the grant;

(B) not less than 30 percent of the amount of the grant in each of the second and third years of such grant, respectively.

(d) ADMINISTRATION.—The lead agency designated under paragraph (a) shall—

(i) administer, directly or through other governmental or nongovernmental agencies, the Federal assistance received under this section by the State;

(ii) develop the application submitted to the Secretary under subsection (c); and

(iii) coordinate the provision of activities under this section with existing Federal, State, and local early childhood education programs.

(e) DURATION OF GRANTS.—A grant awarded under this section shall remain available for a family of the same size, and whose family assets do not exceed $1,000,000 (as certified by a member of such family); or

(ii) 25 percent more than the median family income for a family of the same size, and whose family assets do not exceed $1,000,000 (as certified by a member of such family); or

(iii) as applicable for eligibility that does not exceed the thresholds in clauses (i) and (ii).

(f) ELIGIBLE PARTNERSHIPS.—The term ‘eligible partnerships’ means a partnership that, at a minimum, includes, as applicable and appropriate, the State Advisory Council on Early Childhood Education and Care established under section 102(a)(1) of the Head Start Act, and all of the following partners, which may be represented on the Council:

(A) One or more public and private (including nonprofit or for-profit) providers of early childhood education that serve eligible children residing in the State and meet applicable standards of licensing and quality as determined by the State;

(B) One or more Head Start agencies, which may include Early Head Start, migrant and seasonal Head Start, and Indian Head Start agencies that serve eligible children residing in the State;

(C) The State educational agency;

(D) Other relevant State agencies with oversight of preschool, early education, and child care in the State;

(E) One or more local educational agencies in the State;

(F) One or more institutions of higher education in the State;

(G) One or more representatives of businesses in the State.

(h) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meanings given the term in section 101 and subparagraphs (A) and (B) of section 102(a)(1) of the Higher Education Act of 1965.
that will enhance the quality of the early childhood education programs in the State; 

(11) a description of how the State will sustain early learning and care activities co-ordinated for the purposes of—

(A) for coordinating funding available through existing Federal, State, and local sources; and

(B) that is designed in collaboration with an eligible partnership,

(2) AUTHORIZED ACTIVITIES.—Grant funds under this section may be used for the following:

(A) Aligning existing Federal, State, and local early childhood education programs and meet the purposes of this part.

(B) Activities implemented—

(i) share best practices; and

(ii) ensure that parents have maximum control and access to high-quality early learning and care for eligible children, including—

(1) providing a variety of activities to support early learning and care, including—

(A) only this part, as applicable;

(B) the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) or section 418 of the Social Security Act (42 U.S.C. 618);

(C) the Head Start Act and

(D) other public and private providers, as applicable;

(ii) the acquisition of the English language for English learners; or

(III) providing high-quality comprehensive services to low-income and at-risk children and their families;

(ii) coordinating early education, child care, and other social services available in the State and local communities for low-income and at-risk children and families;

(iii) providing effective transitions between preschool programs and elementary schools, including by facilitating ongoing communication between early education and elementary school teachers and by improving the ability of teachers to work effectively with low-income and at-risk children and their families;

(E) Expanding existing high-quality early education and care for infants and toddlers or, if no high-quality early education and care is accessible for infants and toddlers, expand access to high-quality education and care.

(F) Developing, implementing, or coordinating programs or strategies determined by the State to increase the involvement of the parents and family of an eligible child in the education of the child, such as programs or strategies that—

(i) encourage effective ongoing communication between such children and the parents and families of such children, early childhood education providers, early learning administrators, and other early childhood education personnel; and

(ii) promote participation of parents, families, and communities as partners in the education of such children.

(G) Carrying out other strategies determined by the State to improve access to, and expand the overall quality of, a coordinated State or locally designed system of voluntary early learning and care services in the State; and success initiatives that promote coordination among existing programs and meet the purposes of this part.

(3) PRIORITY.—The activities implemented by a State under this subsection shall prioritize parental choice of providers and evidence-based practices for improving early learning program quality and access, to the extent permitted under State and local law.

(e) REPORTING.—A State that receives a grant under this part shall submit to the Secretary, at such time and in such manner as the Secretary may reasonably require, an annual report that includes—

(A) the number and percentage of children who are served in high-quality early childhood education programs, as identified by the State, during each year of the grant duration using funds from—

(i) only this part, as applicable;

(ii) the Child Care and Development Block Grant Act of 1990 or section 418 of the Social Security Act (42 U.S.C. 618); and

(iii) the Head Start Act and

(iv) other public and private providers, as applicable;

(v) the quality improvements undertaken at the State level; and

(b) in the case of any criterion that specifies, defines, or prescribes any requirement or standard, the term ‘high-quality’ early learning or preschool curriculum, program of instruction, or instructional content;

(c) an assurance that funds made available under this part shall be used to supple-

"(2) teachers and staff qualifications and salaries;

"(3) class sizes and child-to-instructional staff ratios; and

"(4) any aspect or parameter of a teacher, principal, or other school leader, or staff evaluation system within a State or local educational agency.

SEC. 5903. AUTHORIZATION OF APPROPRIATIONS.

"(1) There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.

"PART J—INNOVATION SCHOOLS

"(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a local educational agency that receives a flexibility agreement under this part.

"(2) ELIGIBLE STATE EDUCATIONAL AGENCY.—The term ‘eligible State educational agency’ means a State educational agency that—

"(A) has been designated as a ‘low-income State’ by the Secretary; or

"(B) has adopted policies or practices that allow eligible State educational agencies to receive flexibility authority to provide local educational agencies in order to achieve increased autonomy and support for innovation schools.

"(3) DEFINITIONS.—In this part—

"(D) ‘high-quality’ means a public school that—

(A) is established for the purpose of generating enhanced opportunities for students to learn and achieve through increased educator and school-level professional autonomy and flexibility;

(B) is a collaborative initiative enjoying strong buy-in, pursuant to subparagraphs (F) and (G) of subsection (f)(1), from key stakeholders, including parents, education employees, and representatives of such employees, where applicable;

(C) ensures equitable access for all student populations;

(D) operates with the same degree of transparency and is held to the same account-ability standards applicable to other schools in the school district served by the local educational agency that serves the innovation school, and

(E) is not a magnet school.

"(E) AUTHORITY.—

"(1) IN GENERAL.—Except as provided in part K, the Secretary is authorized to allow eligible State educational agencies to receive flexibility authority to provide local educational agencies in order to achieve increased autonomy and support for innovation schools.

"(2) Report.—The Secretary, in consultation with the Secretary of Health and Human Services, shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a biennial report containing the information described in subsection (e) for all States receiving funds under this part.
educational agencies with flexibility agreements if such eligible State educational agencies:

(A) demonstrate that flexibility agreements will enhance student achievement and ensure the successful operation of innovation schools; and

(B) provide a description of any State or local rules, generally applicable to public schools, that will be waived, or otherwise not apply, to innovation schools.

(2) EXCEPTION.—Flexibility authority and flexibility agreements shall not be granted under this subsection with respect to any separation of a school under part B of the Individuals with Disabilities Education Act, title VI of the Civil Rights Act of 1964, or section 504 of the Rehabilitation Act of 1973.

(d) SELECTION OF LOCAL EDUCATIONAL AGENCIES.—Each eligible State educational agency receiving flexibility authority under subsection (c) shall, to the extent practicable and applicable, ensure that local flexibility agreements made with eligible entities—

(1) prioritize local educational agencies that—

(A) serve the largest numbers or percentages of students from low-income families; or

(B) will use the provided flexibility for innovative strategies in schools identified as in need of intervention and support under section 1114; and

(2) are geographically diverse, including services, and annual performance and enrollment information to help parents make informed decisions about the school's ability to achieve its mission; and

(iv) the proposed staffing plan or staff reduction or recruitment plan the school would implement, which may include representatives of teachers, parents, students, the local educational agency, the State educational agency, the business community, institutions of higher education, or other community representatives);

(ii) its responsibilities in designing and furthering the mission of the innovation school; and

(iii) how the board will ensure coordination with the local educational agency and State educational agencies.

(1) In general.—An eligible State educational agency desiring to receive flexibility authority under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

(A) DESCRIPTION OF PROGRAM.—A description of the eligible State educational agency's objectives in supporting innovation schools, and how the objectives of the program will be carried out, including—

(i) a description of how the State educational agency will—

(I) inform local educational agencies, communities, and schools of the opportunity for local flexibility agreements under this part;

(II) work with eligible entities to ensure that innovation schools access all Federal, State, and local funds such schools are eligible to receive;

(III) work with eligible entities to ensure that innovation schools receive waivers to all Federal, State, and local laws necessary to implement innovation schools' innovation plans;

(IV) ensure each eligible entity works with innovation schools to ensure inclusion of all students and promote retention of students in the school; and

(V) share best and promising practices among innovation schools and other schools; and

(ii) a description of how the State educational agency will actively monitor each eligible entity in a local flexibility agreement to hold innovation schools accountable to ensure a high-quality education, including by approving, re-approving, and revoking the innovation plan and its attendant flexibility based on evidence of the innovation school's ability to achieve its mission; and

(iii) holding innovation schools accountable to the academic, financial, and operational requirements included in the innovation plan, such as through renewal, non-renewal, or revocation of the school's innovation plans;

(iv) the State educational agency will ensure that, to the greatest extent possible, State and local rules, generally applicable to public schools, will be waived, or otherwise not apply, to innovation plans at each innovation school;

(v) eligible entities will ensure that each innovation school makes publicly available information to help parents make informed decisions about the education options available to their children, including information on the educational program, student support services, and annual performance and enrollment data for students in the innovation school; and

(vi) the State educational agency consults with eligible entities, including local educational agencies, schools, teachers, principals, other school leaders, and parents in developing the State application.

(2) ADDITIONAL ELEMENTS.—The provisions of peer review, approval, determination, demonstration, revision, disapproval, limitation, public review, and additional information applicable to State plans under paragraphs (3), (4), (5), (6), (7), and (8)(B) of section III(a) shall apply in the same manner to the applications submitted under this subsection.

(g) LOCAL EDUCATIONAL AGENCY APPLICATIONS AND REQUIREMENTS.—An eligible State educational agency that desires to enter into a local flexibility agreement shall submit to the State educational agency such information as the State educational agency shall require, including—

(1) the plans for all approved innovation schools to be served by the local educational agency, which shall include—

(A) a statement of the innovations the school's mission and why designation as an innovation school would enhance the school's ability to achieve its mission;

(B) a description of the innovations the public school would implement, which may include innovations in school staffing, curriculum and assessment, class scheduling and size, use of financial and other resources, and faculty recruitment, employment, evaluation, compensation, and extracurricular activities;

(C) if the innovation school seeks to establish an advisory board, a description of—

(i) the membership of the board, which may include representatives of teachers, parents, students, the local educational agency, the State educational agency, the business community, institutions of higher education, or other community representatives; and

(ii) its responsibilities in designing and furthering the mission of the innovation school, and

(iii) how the board will ensure coordination with the local educational agency and State educational agencies.

(iv) the school's instruction and assessment plan;

(v) the school's instruction and assessment plan;

(vi) the proposed budget for the school;

(vii) the proposed staffing plan or staff compensation model for the school; and

(viii) the professional development needs of leaders and staff to implement the program and how those needs will be addressed;

(v) an identification of the improvements in academic performance that the school expects to achieve in implementing the innovation;

(vi) evidence that a majority of the administrators employed at the public school support the request for designation as an innovation school;

(vii) evidence that not less than two-thirds of the regularly employed employees at the school vote by secret ballot to approve the school's innovation school plan;

(viii) the provision of any regulatory or policy requirements that would need to be waived for the public school to implement its identified innovations; and

(ix) the additional information required by the local educational agency in which the innovation plan would be implemented;
"(2) a description of any rules or regulations that the local educational agency will waive in order to provide autonomy to the innovation schools and why waiving such regulations will benefit students; and

"(3) a description of any State regulations that the local educational agency seeks to waive in order to provide autonomy to innovation schools, including student performance and performance in the State's accountability system and decide whether to revoke or continue the school's autonomy.

"(g) Teacher Certification Requirements.—

"(1) In General.—Notwithstanding any other provision of this part, except as provided under paragraph (2), not more than 5 percent of the teachers in an innovation school granting flexibility under this part may be unlicensed or uncertified at any one time. Such unlicensed or uncertified teachers shall become licensed or certified within 3 years of being hired.

"(2) Local Requirements.—Innovation schools located in a State with a more lenient teacher license or certification requirement than the requirement described in paragraph (a)(1) shall be granted flexibility under this part if the Secretary determines that the school meets the State's accountability system and decide whether to revoke or continue the school's autonomy.

"(h) Reporting Requirements and Assessments.—

"(1) Reporting.—Each eligible State educational agency receiving the flexibility authority granted by the Secretary under this section shall submit to the Secretary, at the end of the third year of the demonstration period and at the end of any renewal period, a report that includes the following:

"(A) the number of students served by each innovation school under this part and, if applicable, the number of new students served during each year of the demonstration period, expressed as a total number and as a percentage of the students enrolled in the State and relevant local educational agencies;

"(B) the number of innovation schools served under this part.

"(C) an overview of the innovations implemented in the innovation schools and the innovation school zones in the districts of innovation.

"(D) an overview of the academic performance of the students served in innovation schools, in comparison between the students' academic performance before and since implementation of the innovations.

"(2) Evaluation.—The Director of the Institute of Education Sciences (or a comparable, independent research organization) shall conduct an evaluation of the program under this part after year 3 and 5 of the program and thereafter.

"(i) Rule of Construction and Prohibitions.—

"(1) Rule of Construction Regarding Employment.—Nothing in this part shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

"(2) Prohibition on Federal Interference with State and Local Decisions.—Nothing in this part shall be construed to permit the Secretary to establish any criterion that specifies, defines, or prescribes the terms governing innovation schools served under this part.

"(j) Duration of Flexibility Demonstration Authority and Agreements.—

"(1) Flexibility Demonstration Authority.—Flexibility demonstration authority under this part shall be awarded for a period that shall not exceed 5 fiscal years, and may be renewed, at the Secretary for 1 additional 2-year period.

"(2) Local Flexibility Agreements.—Local flexibility agreements awarded by an eligible State that are in effect under this part shall be for a period of not more than 5 years.

"SEC. 5011. FULL-SERVICE COMMUNITY SCHOOLS.

"Title V of this Part is amended by adding at the end the following:

"PART K—FULL-SERVICE COMMUNITY SCHOOLS

"SEC. 5011. SHORT TITLE.

"This title may be cited as the 'Full-Service Community Schools Act of 2015'.

"SEC. 5012. PURPOSES.

"The purposes of this title are to—

"(1) improve student learning and development by providing supports for students that enable them to graduate college- and career-ready;

"(2) provide support for the planning, implementation, and operation of full-service community schools; and

"(3) improve the coordination and integration, accessibility, and effectiveness of services for children and families, particularly for students attending high-poverty schools, including high-poverty rural schools;

"(4) enable educators and school personnel to complement efforts to improve academic achievement and other results;

"(5) ensure that children have the physical, social, and emotional well-being to come to school ready to engage in the learning process every day;

"(6) promote and enable family and community engagement in the education of children;

"(7) enable more efficient use of Federal, State, local, and private sector resources that serve children and families;

"(8) facilitate the coordination and integration of programs and services operated by community-based organizations, nonprofit organizations, and State, local, and tribal governments;

"(9) engage students as resources to their communities; and

"(10) engage the business community and other community organizations as partners in the development and operation of full-service community schools.

"SEC. 5013. DEFINITION OF FULL-SERVICE COMMUNITY SCHOOL.

"In this part, the term 'full-service community school' means a public elementary school or secondary school that—

"(1) participates in a community-based effort to coordinate and integrate educational, developmental, family, health, and other comprehensive services through community-based organizations and public and private partnerships; and

"(2) provides access to such services to students, families, and the community, such as access during the school year (including before- and after-school hours and weekends), as well as during the summer.

"SEC. 5014. LOCAL PROGRAMS.

"(a) Grants.—The Secretary may award grants to eligible entities to assist public elementary schools or secondary schools to function as full-service community schools.

"(b) Use of Funds.—Grants awarded under this section shall—

"(1) coordinate not less than 3 existing qualified services and provide not less than 2 additional qualified services at 2 or more public elementary schools or secondary schools.

"(2) integrate multiple services into a comprehensive, coordinated, and effective approach supported by research-based activities which achieve the performance goals established under subsection (c)(4)(E) to meet the holistic needs of children.

"(3) if applicable, coordinate and integrate services provided by community-based organizations and government agencies with such services provided by specialized instructional support personnel.

"(c) Application.—To seek a grant under this section, an eligible entity shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The Secretary shall require that each such application include the following:

"(1) A description of the eligible entity.

"(2) A memorandum of understanding among all partner entities that will assist the eligible entity to coordinate and provide qualified services and that describes the roles the partner entities will assume.

"(3) A description of the capacity of the eligible entity to coordinate and provide qualified services at 2 or more full-service community schools.

"(4) A comprehensive plan that includes descriptions of the following:

"(A) the student, family, and school community to be served, including information about demographic characteristics that include major racial and ethnic groups, median family income, percentage of students eligible for free- and reduced-price lunch under the Richard B. Russell National School Lunch Act, and other information.

"(B) a needs assessment that identifies the academic, physical, social, emotional, health, mental health, and other needs of students, families, and community residents.

"(C) a community assets assessment which identifies existing resources, as of the date of the assessment, that could be aligned.

"(D) The most appropriate metric to describe the plan’s reach within a community using either—

"(i) the number of families and students to be served, and the frequency of services; or

"(ii) the proportions of families and students to be served, and the frequency of services.

"(E) Yearly measurable performance goals, including an increase in the percentage of families and students targeted for services each year of the program, which are consistent with the following objectives:

"(i) children are safe; and

"(ii) students are engaged and achieving academically.

"(iii) Students are physically, mentally, socially, and emotionally healthy.

"(iv) Schools and neighborhoods are safe and provide a positive climate for learning that is free from bullying or harassment.

"(v) Families are supportive and engaged in their children’s education.

"(vi) Students and families are prepared for postsecondary education and 21st century careers.

"(vii) Students are contributing to their communities.

"(F) Performance measures to monitor progress toward attaining the goals established under subparagraph (E), including a combination of the following, to the extent applicable:

"(i) Multiple objective measures of student achievement, including assessments, classroom grades, and other means of assessing student performance.

"(ii) Student attendance (including absences related to illness and truancy) and chronic absenteeism rates.
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“(iii) Disciplinary actions against students, including suspensions and expulsions.

“(iv) Access to health care and treatment of illnesses demonstrated to impact academic achievement.

“(v) Performance in making progress toward intervention services goals as established by specialized instructional support personnel.

“(vi) Participation rates by parents and family members in school-sanctioned activities and activities that occur as a result of community and school collaboration, as well as activities intended to support adult education and workforce development.

“(vii) Number and percentage of students and family members provided services under this part.

“(viii) Valid measures of postsecondary educational and workforce success.

“(ix) Service-learning and community service participation rates.

“(x) Student satisfaction surveys.

“(G) Qualified services, including existing and additional qualified services, to be coordinated and provided by the eligible entity and its partner entities, including an explanation of—

“(i) why such services have been selected;

“(ii) how such services will improve student academic achievement; and

“(iii) how services will address performance goals established under subparagraph (E).

“(H) Ensures that each site has full-time coordination of qualified services at each full-service community school, including coordination with the specialized instructional support personnel employed prior to the receipt of the grant.

“(I) Planning, coordination, management, and oversight of qualified services at each school to be served, including the role of the school principal, partner entities, parents, and members of the community.

“(J) Funding sources for qualified services to be coordinated and provided at each school to be served, including whether such funding is derived from a grant under this section or from other Federal, State, local, or private sources.

“(K) Plans for professional development for personnel managing, coordinating, or delivering qualified services at the schools to be served.

“(L) Plans for joint utilization and maintenance of school facilities by the eligible entity and its partner entities.

“(M) The eligible entity and its partner entities will focus services on schools eligible for a schoolwide program under section 1113(c), as part of a community- or district-wide strategy; or

“(B) include a local educational agency that satisfies the requirements of—

“(i) subparagraph (A) or (B) of section 6211(b)(1); or

“(ii) subparagraphs (A) and (B) of section 6221(b)(1); and

“(2) will be connected to a consortium comprised of a broad representation of stakeholders, including a history of effectiveness.

“(f) GRANT PERIOD.—Each grant awarded under this section shall be for a period of 5 years and may be renewed at the discretion of the Secretary based on the eligible entity’s demonstrated effectiveness in meeting the performance goals already being financed, as of the time of the application, by Federal, State, local, or private sources, or volunteer activities being supported as of such time by civic, business, faith-based, social, or other similar organizations.

“(g) PLANNING.—The Secretary may authorize an eligible entity to use grant funds under this section for planning purposes in an amount not greater than 10 percent of the total grant amount.

“(h) MINIMUM AMOUNT.—The Secretary may not award a grant to an eligible entity under this section in an amount that is less than $75,000 for each year of the 5-year grant period.

“(i) DEFINITIONS.—In this section:

“(1) ADDITIONAL QUALIFIED SERVICES.—The term ‘additional qualified services’ means qualified services directly funded under this part.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a consortium of 1 or more local educational agencies and 1 or more community-based organizations, nonprofit organizations, or other public or private entities.

“(3) EXISTING QUALIFIED SERVICES.—The term ‘existing qualified services’ means qualified services already being financed, as of the time of the application, by Federal, State, local, or private sources, or volunteer activities being supported as of such time by civic, business, faith-based, social, or other similar organizations.

“(4) QUALIFIED SERVICES.—The term ‘qualified services’ means any of the following:

“(A) Early Childhood Education.

“(B) Remedial education activities and enrichment activities, including expanded learning time.

“(C) Summer or after-school enrichment and learning experiences.

“(D) Programs under the Head Start Act, including Early Head Start programs.

“(E) Nurse home visitation services.

“(F) Teacher home visiting.

“(G) Programs that promote parental involvement and family literacy.

“(H) Mentoring and other youth development programs, including peer mentoring and conflict mediation.

“(I) Parent leadership development activities.

“(J) Parenting education activities.

“(K) Child care services.

“(L) Community service and service-learning opportunities.

“(M) Developmentally appropriate physical education.

“(N) Programs that provide assistance to students who have been truant, suspended, or expelled.

“(O) Job training, internship opportunities, and career counseling services.

“(P) Nutrition services.

“(Q) Primary health and dental care.

“(R) Mental health counseling services.

“(S) Adult education, including instruction in English as a second language.

“(T) Juvenile crime prevention and rehabilitation programs.

“(U) Specialized instructional support services.

“(V) Homeless prevention services.

“(W) Other services consistent with this part.

“§ 5915. STATE PROGRAMS.

“(a) GRANTS.—The Secretary may award grants to State collaboratives to support the development of full-service community school programs in accordance with this section.

“(b) USE OF FUNDS.—Grants awarded under this section shall be used only for the following:

“(1) Developing a State comprehensive results and indicators framework to implement full-service community schools, consistent with performance goals described in section 5914(c)(4)(E).

“(2) Planning, coordinating, and expanding the development of full-service community schools in the State, particularly such schools in high-poverty local educational agencies, including high-poverty rural local educational agencies.

“(3) Providing technical assistance and training for full-service community schools, including professional development for personnel and creation of data collection and evaluation systems.

“(4) Collecting, evaluating, and reporting data about the progress of full-service community schools.

“(5) Evaluating the impact of Federal and State policies and guidelines on the ability of eligible entities (as defined in section 5914(i)) to integrate Federal and State programs at full-service community schools, and taking action to make necessary changes.

“(c) APPLICATION.—To seek a grant under this section, a State collaborative shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The Secretary shall require that each such application include the following:

“(A) A memorandum of understanding among all governmental agencies and nonprofit organizations that will participate as members of the State collaborative.

“(B) A description of the role of each member of the State collaborative—

“(i) in coordinating Federal and State programs across multiple agencies; and

“(ii) in working with and developing the capacity of full-service community schools; and

“(C) in working with high-poverty schools or rural schools and local educational agencies.

“(3) Comprehensive plan describing how the grant will be used to plan, coordinate, and expand the delivery of services at full-service community schools.

“(4) A comprehensive accountability plan that will be used to demonstrate effectiveness, including the measurable performance goals of the program and performance measures to monitor progress and assess services’ impact on students and families and academic achievement.

“(5) An explanation of how the State collaborative will work to ensure State policies and guidelines can support the development of full-service community school programs, as well as provide technical assistance and training, including professional development, for full-service community schools;

“(6) An explanation of how the State will collect and evaluate information on full-service community schools.
SEC. 5916. ADVISORY COMMITTEE.
(a) Establishment.—There is hereby established an advisory committee to be known as the ‘Full-Service Community Schools Advisory Committee’ (in this section referred to as the ‘Advisory Committee’).

(b) Duties.—Subject to subsection (c), the Advisory Committee shall—

(1) consult with the Secretary on the development and implementation of programs under this part;

(2) identify strategies to improve the coordination of Federal programs in support of full-service community schools; and

(3) issue an annual report to Congress on efforts under this part, including a description of—

(A) the results of local and national evaluations of such efforts; and

(B) the scope of services being coordinated under this part.

(c) Consultation.—In carrying out its duties under this section, the Advisory Committee shall consult annually with eligible entities awarded grants under section 5914, State collaborative awarded grants under section 5915, and other entities with expertise in operating full-service community schools.

(d) Members.—The Advisory Committee shall consist of 5 members as follows:

(1) The Secretary of Education (or the Secretary’s delegate).

(2) The Attorney General of the United States (or the Attorney General’s delegate).

(3) The Secretary of Agriculture (or the Secretary’s delegate).

(4) The Secretary of Health and Human Services (or the Secretary’s delegate).

(5) The Secretary of Labor (or the Secretary’s delegate).

SEC. 5917. GENERAL PROVISIONS.
(a) Technical Assistance.—The Secretary, directly or through grants, shall provide such technical assistance as may be appropriate to accomplish the purposes of this part.

(b) Evaluations by Secretary.—The Secretary shall conduct evaluations on the effectiveness of grants under sections 5914 and 5915 in achieving the purposes of this part.

(c) Evaluations by Grantees.—The Secretary shall require each recipient of a grant under this part—

(1) to conduct periodic evaluations of the progress achieved with the grant toward achieving the purposes of this part;

(2) to refine such evaluations to refine and improve activities conducted with the grant and the performance measures for such activities; and

(3) to disclose the results of such evaluations publicly available, including by providing public notice of such availability.

SEC. 5918. AUTHORIZATION OF APPROPRIATIONS.
(a) In General.—There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2015 through 2020.

(b) Allocation.—Of the amounts appropriated to carry out this part for each fiscal year—

(1) 85 percent shall be for section 5914, and of the funds available for new grants awarded under section 5914 after the date of enactment of the Every Child Achieves Act of 2015, not less than 10 percent of such funds shall be made available for local educational agencies that satisfy the requirements of—

(A) subparagraph (A) or (B) of section 6211(b)(1); or

(B) subparagraphs (A) and (B) of section 6211(b)(1); or

(2) 10 percent shall be for section 5915; and

(3) 5 percent shall be for sections (a) and (b) of section 5917, of which not less than $500,000 shall be for technical assistance under section 5917.

SEC. 5919. PROMISE NEIGHBORHOODS.
Title V (20 U.S.C. 7201 et seq.), as amended by section 5001, is further amended by inserting after part I, as added by section 5010, the following:

PART L—PROMISE NEIGHBORHOODS
SEC. 5920. SHORT TITLE.
This part may be cited as the ‘Promise Neighborhoods Act of 2015’.

SEC. 5921. PURPOSE.
The purpose of this part is to significantly improve the academic and developmental outcomes of children living in our Nation’s most distressed communities, including ensuring school readiness, high school graduation, and college success through a community-based continuum of high-quality services.
"(e) FINANCIAL HARDSHIP WAIVERS.—The Secretary may waive or reduce, on a case-by-case basis, the matching requirement described in subsection (d), including the required proportion of private sources for a period of 1 year at a time, if the eligible entity demonstrates significant financial hardship.

"(f) RESERVATION FOR RURAL AREAS.—From the amounts appropriated to carry out this part for a fiscal year, the Secretary shall reserve not less than 20 percent for eligible entities that propose to carry out the activities described in section 5916 in rural areas. The Secretary shall reduce the amount described in the preceding sentence if the amounts not reserved receive a sufficient number of applications that are deserving of a grant under this part for such purpose.

"SEC. 5924. ELIGIBLE ENTITIES.

"In this part, the term ‘eligible entity’ means—

"(1) an institution of higher education, as defined in section 101 of the Higher Education Act of 1965;

"(2) an Indian tribe or tribal organization, as defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

"(3) one or more nonprofit entities working in formal partnership with not less than 1 of the following entities:

"(A) a high-quality local educational agency.

"(B) an institution of higher education, as defined in section 2 of the Higher Education Act of 1965.

"(C) the office of a chief elected official of a unit of local government.

"(D) an Indian tribe or tribal organization, as defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"SEC. 5925. APPLICATION REQUIREMENTS.

"(a) IN GENERAL.—An eligible entity desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(b) CONTENTS OF APPLICATION.—At a minimum, an application described in subsection (a) shall include the following:

"(1) A plan to significantly improve the academic outcomes of children living in a neighborhood that is served by the eligible entity, by providing pipeline services that address the needs of children in the neighborhood, as described in paragraph (4), and supported by evidence-based practices.

"(2) A description of the neighborhood that the eligible entity will serve.

"(3) Measurable annual goals for the outcomes of the grant, including performance goals, in accordance with the metrics described in section 5918(a), for each year of the grant.

"(4) An analysis of the needs and assets, including size and scope of population affected of the neighborhood identified in paragraph (1), including—

"(A) a description of the process through which the needs analysis was produced, including a description of how parents, family, and community members were engaged in such analysis;

"(B) an analysis of community assets and collaborative efforts, including programs already provided from Federal and non-Federal sources, within, or accessible to, the neighborhood, including, at a minimum, early learning programs, family support services, local businesses, and institutions of higher education;

"(C) the steps that the eligible entity is taking to implement the application, to address the needs identified in the needs analysis; and

"(D) any barriers the eligible entity, public agencies, and other community-based organizations have faced in meeting such needs.

"(5) A description of all data that the entity used, as described in subsection (a)(1), to provide and how the eligible entity will collect data on children served by each pipeline service and increase the percentage of children served by each pipeline service.

"(6) A description of the process used to develop the application, including the involvement of family and community members.

"(7) A description of how pipeline services will facilitate the coordination of the following activities:

"(A) Providing high-quality early learning opportunities for children, including by providing opportunities for families and expectant parents to acquire the skills to promote healthy development, leading, for example, by ensuring appropriate screening, diagnostic assessments, and referrals for children with disabilities and developmental delays, consistent with the Individuals with Disabilities Education Act, where applicable.

"(B) Supporting, enhancing, operating, or expanding rigorous and comprehensive evidence-based education reforms, which may include high-quality academic programs, expanded learning time, and programs and activities to prepare students for college admissions and success.

"(C) Supporting partnerships between schools and other community resources with an integrated focus on academics and other social, health, and nutrition supports.

"(D) Providing social, health, nutrition, and mental health services and supports, including referrals for essential healthcare and preventative screenings, for children, family, and community members, which may include services provided within the school building.

"(E) Supporting evidence-based programs that assist students through school transitions, which may include expanding access to college courses and college enrollment aide or guidance, and other supports for at-risk youth.

"(8) A description of the strategies that will be used to provide pipeline services (including a description of which programs and services will be provided to children, family members, community members, and children not attending programs operated by the eligible entity or its partner providers) to support the purpose of this part.

"(9) An explanation of the process the eligible entity will use to maintain family and community engagement, including involving representative participation by the members of such neighborhood in the planning and implementation of the activities of each grant awarded under this part, and the provision of strategies and practices to assist family and community members in supporting student achievement and child development, providing services for students, families, and communities within the school building, and supporting the continuum of labor market outcomes of higher education, workforce development centers, and employers to align expectations and programming with college and career readiness.

"(10) An explanation of how the eligible entity will continuously evaluate and improve the continuum of high-quality pipeline services to provide for continuous program improvement and innovation.

"(11) An identification of the fiscal agent, which may be any entity described in section 5914 (not including paragraph (2) of such section).

"(C) MEMORANDUM OF UNDERSTANDING.—An eligible entity, as part of the application described in subsection (b), shall submit a preliminary memorandum of understanding, signed by each partner entity or agency. The preliminary memorandum of understanding shall describe, at a minimum—

"(1) each partner’s financial and programmatic commitment with respect to the activities described in the application, including an identification of the fiscal agent;

"(2) each partner’s long-term commitment to providing pipeline services that, at a minimum, accounts for the cost of supporting the continuum of supports and services (including a plan for how to support services and activities after grant funds are no longer available) and potential changes in local government;

"(3) each partner’s mission and the plan that will govern the work that the partners described in paragraph (2) intend to do;

"(4) each partner’s long-term commitment to supporting the continuum of supports and services through data collection, monitoring, reporting, and sharing; and

"(5) each partner’s commitment to ensure sound fiscal management and controls, including evidence of a system of supports and personnel.

"SEC. 5926. USE OF FUNDS.

"(a) IN GENERAL.—Each eligible entity that receives a grant under this part shall use the grant funds to—

"(1) support planning activities to develop and implement pipeline services;

"(2) implement the pipeline services, as described in the application under section 5915; and

"(3) continuously evaluate the success of the program and the improve program based on data and outcomes.

"(b) SPECIAL RULES.—

"(1) FUNDS FOR PIPELINE SERVICES.—Each eligible entity that receives a grant under this part, for the first and second year of the grant, shall use not less than 50 percent of the grant funds to carry out the activities described in subsection (a)(1).

"(2) OPERATIONAL FLEXIBILITY.—Each eligible entity that operates a school in a neighborhood served by a grant program under this part shall provide such school with the operational flexibility, including autonomy over staff, time, and budget, needed to effectively carry out the activities described in the application under section 5915.

"SEC. 5927. REPORT AND PUBLICLY AVAILABLE DATA.

"(a) REPORT.—Each eligible entity that receives a grant under this part shall prepare and submit an annual report to the Secretary, which shall include—

"(1) information about the number and percentage of children in the neighborhood who are served by the grant program, including a description of the number and percentage of children accessing each support or service offered as part of the pipeline services described in paragraph (2) of such section.

"(2) information relating to the performance metrics described in section 5918(a); and

"(b) PUBLICLY AVAILABLE DATA.—Each eligible entity that receives a grant under this part shall make publicly available, including through electronic means, the information
described in subsection (a). To the extent practicable, such information shall be provided in a form and language accessible to parents and families in the neighborhood, and such information shall be a part of statewide longitudinal data systems.

SEC. 5928. PERFORMANCE ACCOUNTABILITY AND EVALUATION.

(a) Performance Metrics.—Each eligible entity that receives a grant under this part shall collect data on performance indicators of pipeline services and family and student support and report the results to the Secretary, who shall use the results as a consideration in continuing grants after the third year and in awarding grant renewals. The indicators shall address the entity’s progress toward meeting the goals of this part to significantly improve the academic and developmental outcomes of children living in our Nation’s most distressed communities from birth through college and career entry, including ensuring school readiness, high school graduation, and college and career readiness for such children, through the use of data-driven decision making and access to a community-based continuum of high-quality services, beginning at birth.

(b) The Secretary shall evaluate the implementation and impact of the activities funded under this part, in accordance with section 9601.

SEC. 5929. NATIONAL ACTIVITIES.

From the amounts appropriated to carry out this part for a fiscal year, in addition to the amounts that may be reserved in accordance with section 9601, the Secretary may reserve not more than 8 percent for national activities, which may include research, technical assistance, professional development, dissemination of best practices, and other activities consistent with the purposes of this part.

SEC. 5930. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 2016 through 2021—

TITILE VI—INNOVATION AND FLEXIBILITY

SEC. 6001. PURPOSES.

Title VI (20 U.S.C. 7301 et seq.) is amended by inserting before part A of title VI, the following:

SEC. 6001. PURPOSES.

The purposes of this title are—

(1) to support State and local innovation in preparing all students to meet challenging State academic standards under section 1111(b);

(2) to provide States and local educational agencies with maximum flexibility in using Federal funds provided under this Act; and

(3) to support education in rural areas.

SEC. 6002. IMPROVING ACADEMIC ACHIEVEMENT.

Part A of title VI (20 U.S.C. 7301 et seq.) is amended by inserting before part D of title VI, the following:

SEC. 6002. IMPROVING ACADEMIC ACHIEVEMENT.

(A) The system shall—

(1) by striking subparts 1 and 4;

(2) by redesignating subpart 2 as subpart 1;

(3) by redesignating sections 6121 through 6123 as sections 6111 through 6113, respectively;

(d) in section 6113, as redesignated by paragraph (3); and

(e) in subsection (a)—

(i) in paragraph (1)—

(II) by redesignating subparagraph (A), as redesignated by section 9602, as paragraph (1); and

(III) by redesignating subpart 3 and inserting the following:

"Subpart 2—Weighted Student Funding Flexibility Pilot Program"

SEC. 6121. WEIGHTED STUDENT FUNDING FLEXIBILITY PILOT PROGRAM.

(a) PURPOSE.—The Secretary of Education shall develop and implement a pilot program under this section to provide local educational agencies with flexibility to consolidate Federal, State, and local funding in order to create a single school funding system based on weighted per-pupil allocations for low-income and otherwise disadvantaged students.

(b) AUTHORITY.—The Secretary may, on a competitive basis, enter into local flexibility demonstration agreements—

(1) for not more than 2 years with local educational agencies that are selected under subsection (c) and submit proposed agreements that meet the requirements of subsection (d); and

(2) under which such agencies may consolidate and use funds in accordance with subsection (d) in order to develop and implement a school funding system based on weighted per-pupil allocations for low-income and otherwise disadvantaged students.

(c) SELECTION OF LOCAL EDUCATIONAL AGENCIES.—

(A) In General.—The Secretary of Education shall enter into local flexibility demonstration agreements with not more than 25 local educational agencies, reflecting the size and geographic diversity of all such agencies nationwide to the maximum extent feasible.

(B) SELECTION.—Each local educational agency that is selected on a competitive basis from among those local educational agencies that—

(1) submit a proposed local flexibility demonstration agreement under subsection (d) to the Secretary;

(2) demonstrate to the satisfaction of the Secretary that the agreement meets the requirements of subsection (e); and

(3) agree to meet the continued demonstration requirements under subsection (f);

(3) REQUIRED TERMS OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—

(1) APPLICATION.—Each local educational agency that desires to participate in the pilot program shall submit to the Secretary an application to enter into a local flexibility demonstration agreement with the Secretary in order to develop and implement a school funding system based on weighted per-pupil allocations that meets the requirements of this section, including—

(2) the description of the school funding system based on weighted per-pupil allocations, including how the system meets the requirements under paragraph (2);

(3) the list of funding sources, including eligible Federal funds the local educational agency will include in the system;

(3) a description of the amount and percentage of total local educational agency funding, including State, local, and eligible Federal funds, that will be allocated through such system;

(4) the per-pupil expenditures (including actual personnel expenditures, such as the school received in the year prior to carrying out the pilot program.

(E) the per-pupil amount of eligible Federal funds each school served by the agency, disaggregated by program, received in the preceding fiscal year;

(F) a description of how the system will continue to ensure that any eligible Federal funds allocated through the system are allocated to continue to meet the purposes of each Federal funding stream, including serving students from low-income families, English learners, migratory children, and children who are neglected, delinquent, or at risk, as applicable;

(G) a description of how the school funding system will be designed to ensure low-income students, the lowest-achieving students; English learners, and students with disabilities;

(H) an assurance that the local educational agency developed and will implement the local flexibility demonstration agreement in consultation with teachers, principals, other school leaders, administrators of Federal programs impacted by the agreement, parents, civil rights leaders, and other relevant stakeholders;

(I) an assurance that the local educational agency will use fiscal control and sound accountability procedures that ensure proper disbursement of, and accounting for, Federal funds consolidated and used under such system;

(J) an assurance that the local educational agency will meet the fiscal provisions in section 1117 and the requirements under section 9501; and

(K) an assurance that the local educational agency will meet the requirements of all applicable Federal civil rights laws in carrying out the agreement and in consulting and using funds under the agreement.

The Secretary shall review the local educational agency’s school funding system based on weighted per-pupil allocations shall meet each of the following requirements:

(A) The system shall—

(i) allocate a significant portion of funds, including State, local, and eligible Federal funds, to the school level through a formula that determines per-pupil weighted amounts based on individual student characteristics;

(ii) use weights or allocation amounts that allocate substantially more funding to students served by local educational agencies from Federal, State, and local sources, for low-income students and at least as much total per-pupil funding, including from Federal, State, and local sources, for English learners as to other students; and

(iii) demonstrate to the Secretary that the high-poverty school received at least as much total per-pupil funding, including from Federal, State, and local sources, for low-income students and at least as much total per-pupil funding, including from Federal, State, and local sources, for English learners as the school received in the year prior to carrying out the pilot program.
“(B) The system shall be used to allocate a significant portion, including all school-level personnel expenditures for instructional staff and nonpersonnel expenditures, but not less than 25 percent, of all the local educational agency’s per-pupil expenditures to the local State educational agency’s local and State funds to schools.

“(C) After allocating funds through the school and local flexibility demonstration agreement, the local educational agency shall charge schools for the per-pupil expenditures of Federal, State, and local funds, including actual personnel expenditures for instructional staff and actual nonpersonnel expenditures.

“(D) The system may include weights or allocation amounts according to other characteristics of students served by the local educational agency.

“(e) Continued Demonstration.—Each local educational agency that is selected to participate in the pilot program under this section shall annually—

“(1) demonstrate to the Secretary that no high-poverty school served by the agency received less total per-pupil funding, including from Federal, State, and local sources, for low-income students or less total per-pupil funding, including from Federal, State, and local sources, for English learners than the school received in the previous year;

“(2) make public and report to the Secretary the per-pupil expenditures (including actual personnel expenditures for instructional staff and nonpersonnel expenditures) of State, local, and Federal funds for each school served by the agency, disaggregated by student poverty quartile and by minority student quartile for the preceding fiscal year; and

“(3) make public the total number of students enrolled in each school served by the agency and the number of students enrolled in each such school disaggregated by each of the categories of students, as defined in section 1111(b)(3)(A).

“(f) Eligible Federal Funds.—In this section, the term ‘eligible Federal funds’ means funds received by a local educational agency under titles I, II, III, and IV of this Act.

“(g) Limitations on Administrative Expenditures.—Such local educational agency that has entered into a local flexibility demonstration agreement with the Secretary under this section may use, for administrative purposes, funds from Federal, State, and local educational agencies, plus up to $20,000, that is not more than the percentage of funds allowed for such purpose under any of titles I, II, III, or IV.

“(h) Review.—The Secretary may establish a peer-review process to assist in the review of a proposed local flexibility demonstration agreement.

“(i) Nonapplicability.—The Secretary may, after providing notice and an opportunity for a hearing (including the opportunity to provide information as provided for in subsection (d) and paragraph (3), terminate a local flexibility demonstration agreement under this section if there is evidence that the local educational agency has failed to comply with the terms of the agreement and the requirements under subsections (d) and (e).

“(j) Evidence.—If a local educational agency believes that the Secretary’s take of student salary differentials for years of employment, and actual nonpersonnel expenditures of State, local, and Federal funds for each school served by the agency, disaggregated by student poverty quartile and by minority student quartile for the preceding fiscal year; and

“(k) Program Evaluation.—From the amount made available to carry out the initial amount determined under paragraph (2), an amount that is equal to that local educational agency’s per-pupil share of the total amount received by the local educational agency, plus $20,000, for each fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received by the agency under the provisions of law described in section 6211(c) for the preceding fiscal year.

“(B) Special Determination.—For a local educational agency that is eligible under subsection (a) to enter into a local flexibility demonstration agreement with the Secretary, the Secretary may determine the award amount by subtracting from the initial amount determined under paragraph (2), an amount that is equal to that local educational agency’s per-pupil share of the total amount received by the local educational agency, plus $20,000, as a long as a determination under this subparagraph would not disproportionately affect any State.”;

“(l) by striking paragraph (2) and inserting the following:

“(2) Determination of initial amount.—

“(A) In General.—The initial amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus up to $20,000, except that the initial amount may not exceed $60,000.

“(B) Special rule.—For any fiscal year for which the amount made available to carry out this part is $252,000,000 or more, subparagraph (A) shall be applied—

“(i) by substituting ‘$25,000’ for ‘$20,000’;

“(ii) by substituting ‘$80,000’ for ‘$60,000’;

“(iii) by adding at the end the following:

“foreign educational agency that is not eligible under this subpart but met the eligibility requirements under section 6211(b) as such section effect on the date of enactment of the Every Child Achieves Act of 2015, the agency shall receive—

“(A) for fiscal year 2016, 75 percent of the amount such agency received for fiscal year 2015;

“(B) for fiscal year 2017, 50 percent of the amount such agency received for fiscal year 2015; and

“(C) for fiscal year 2018, 25 percent of the amount such agency received for fiscal year 2015.’;

“(m) by striking section 6213 and inserting the following:

“SEC. 6213. ACADEMIC ACHIEVEMENT ASSESSMENTS.

“Each local educational agency that uses or receives funds under this subpart for a fiscal year shall administer an assessment that is consistent with section 1111(b)(2);”;

“(n) in section 6212—

“(1) in section 6211—

“(A) in subsection (a), by striking paragraph (3) and inserting the following:

“(iii) by adding at the end the following:

“…’(A) the Secretary shall provide data on—

“(1) in section 6223—

“(1) in section 6221—

“(A) in subsection (b)(1)(B), by striking ‘6, 7, 8, and 9’ and inserting ‘22, 33, 41, 42, or 43’; and

“(B) in subsection (c)(1), by striking ‘Bureau of Indian Affairs’ and inserting ‘Bureau of Indian Education’.

“(2) by striking section 6222(a), by striking paragraphs (1) through (7) and inserting the following:

“(1) Activities authorized under part A of title I.

“(2) Activities authorized under part A of title II.

“(3) Activities authorized under part D of title IV.

“(4) Activities authorized under part A of title IV.

“(5) Parental involvement activities.

“(6) Activities authorized under part G of title V.”;

“(o) in section 6223—

“(4) by striking subsection (a), by striking ‘at such time, in such manner, and accompanied by such information’ and inserting ‘at such time and in such manner’; and

“(p) by striking subsection (b) and inserting the following:

“(b) Contents.—Each application submitted under subsection (a) shall include information on—

“(1) program objectives and outcomes for activities under this subpart, including how the State educational agency or other entity will monitor the impact of the activities to help all students meet the challenging State academic standards under section 1111(b);
“(2) if the State educational agency or specially qualified agency will competitively award grants to eligible local educational agencies, as described in section 6221(b)(1)(A), the application under the section shall include—

(A) the methods and criteria the State educational agency or specially qualified agency will use to develop applications and award funds to local educational agencies on a competitive basis; and

(B) how the State educational agency or specially qualified agency will provide technical assistance to eligible local educational agencies to help such agencies implement the activities described in section 6222.

(7) in section 6224—

(A) in subsection (b)(1)—

(i) in the matter preceding paragraph (1), by inserting "or specially qualified agency" after "Each State educational agency";

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

"(1) if the report is submitted by a State educational agency, the method the State educational agency used to award grants to eligible local educational agencies, and to provide assistance to schools, under this subpart;"; and

(iii) by striking paragraph (3) and inserting the following:

"(3) the degree to which progress has been made toward meeting the objectives and outcomes described in the application submitted under paragraph (1) by including having all students in the State or the area served by the specially qualified agency, as applicable, meet the challenging State academic standards under section 1111(b)."

(8) in section 6225, by striking paragraph (2) and inserting the following:

"(2) in subsection (a), by striking the amendment made by the Higher Education Act of 1965 (20 U.S.C. 1097).

(9) in section 6231, by striking the amendment made by the Higher Education Act of 1965 (20 U.S.C. 1097).

(10) in section 6232, by inserting "or consortium of such entities, that represent more than one-half of the eligible local educational agencies in the State, local educational agency, or school.

(11) in section 6233, by inserting "or the Bureau of Indian Education for American Indian and Alaska Native students or a consortium of such entities that represent more than one-half of the eligible local educational agencies in the State, local educational agency, or school." after "eligible local educational agencies, Indian tribes, Indian organizations, or a representative agreement with an Indian tribe under section 7114(c)(4) for such agencies or consortium of such entities.";

(12) in section 6234, by striking "$300,000,000" and inserting "$300,000,000 for fiscal year 2002 and such sums as may be appropriated for fiscal years 2003 through 2021.

(ii) in paragraph (3), by striking "(B) by striking subsection (b) and (c) and inserting the following:

"(b) REPORT TO CONGRESS.—The Secretary shall prepare a summary of the reports under subsection (a) and submit a biennial report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.

(C) by redesigning subsection (d) as subsection (c);

(D) in subsection (c), as redesignated by subparagraph (C), by striking "assistance that is consistent with section 1111(b)(3)"); and

(E) by striking subsection (e); and

(b) by inserting after section 6224 the following:

"SEC. 6225. CHOICE OF PARTICIPATION.

"(a) IN GENERAL.—If a local educational agency is eligible for funding under both subparts 1 and 2 of this part, such local educational agency may receive funds under either subpart 1 or subpart 2 for a fiscal year, but may not receive funds under both subparts in a fiscal year.

(b) NOTIFICATION.—A local educational agency eligible for funding under both subparts 1 and 2 of this part shall notify the Secretary and the State educational agency under which such subparts the local educational agency intends to receive funds for a fiscal year by a date that is established by the Secretary for the notification.; and

(b) in section 6234, by striking "$300,000,000 for fiscal year 2002 and such sums as may be appropriated for fiscal years 2003 through 2021.

(ii) in section 6234, by striking "(B) by striking subsection (b) and (c) and inserting the following:

"(b) REPORT TO CONGRESS.—The Secretary shall prepare a summary of the reports under subsection (a) and submit a biennial report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives of why the action was not carried out.

TITLe VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

SEC. 7001. INDIAN EDUCATION.

Part C of title VII (20 U.S.C. 7401 et seq.) is amended—

(1) by striking section 7102 and inserting the following:

"SEC. 7102. PURPOSE.

"It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, or the Bureau of Indian Education for American Indian and Alaska Native students to support the education of American Indian and Alaska Native students by meeting their unique cultural, language, and educational needs, consistent with section 1111;"

(2) to ensure that American Indian and Alaska Native students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and

(3) to ensure that teachers, principals, other school leaders, and other staff who serve American Indian and Alaska Native students have the ability to provide effective instruction and support to such students;"

(2) by striking section 7111 and inserting the following:

"SEC. 7111. PURPOSE.

"It is the purpose of this subpart to support the efforts of local educational agencies in developing elementary school and secondary school programs for American Indian and Alaska Native students that are designed to meet the unique cultural, language, and educational needs of such students; and

(2) ensure that all students meet the challenging State academic standards adopted under section 1111(b)(1);"

(3) in section 7112—

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

"(a) IN GENERAL.—The Secretary may make grants, from allocations made under section 7113, and in accordance with this section and section 7113, to—

(1) local educational agencies;

(2) Indian tribes; and

(3) consortia of 2 or more local educational agencies, Indian tribes, Indian organizations, or Indian community-based organizations, provided that each local educational agency participating in such a consortium—

(A) provides an assurance that the eligible Indian children served by such educational agency receive the services of the programs funded under this subpart; and

(B) is subject to all the requirements, assurances, and obligations applicable to local educational agencies under this subpart;

(B) in subsection (b)—

(1) in paragraph (1), by striking "A local educational agency shall" and inserting "Subject to paragraph (2), a local educational agency shall;"

(ii) by redesignating paragraph (2) as paragraph (3) and

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

"(2) COOPERATIVE AGREEMENTS.—A local educational agency may enter into a cooperative agreement with an Indian tribe under this subpart if such Indian tribe, Indian organization, or consortium of such entities—

(A) represents not less than 25 percent of the eligible Indian children who are served by such local educational agency; and

(B) requests that the local educational agency enter into a cooperative agreement under this subpart.; and

(C) by striking subsection (c) and inserting the following:

"(c) INDIAN TRIBES AND INDIAN ORGANIZATIONS.—

(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 7114(c)(4) for such grant, an Indian tribe, an Indian organization, or a consortium of such entities that represents more than one-half of the eligible Indian children who are served by such local educational agency may apply for such grant under this subpart.

(2) UNAFFILIATED INDIAN TRIBES.—An Indian tribe that operates a public school and that is not affiliated with either a local educational agency, Indian tribe, Indian organization, or consortium of such entities applying for a grant pursuant to paragraph (1) or (2) if the tribe, Indian organization, or consortium were a local educational agency for purposes of this subpart.

(3) SPECIAL RULE.—

(A) IN GENERAL.—The Secretary shall treat each Indian tribe, Indian organization, or consortium of such entities applying for a grant pursuant to paragraph (1) or (2) as if the tribe, Indian organization, or consortium were a local educational agency for purposes of this subpart.
(B) EXCEPTIONS.—Notwithstanding subparagraph (A), such Indian tribe, Indian organization, or consortium shall not be subject to the requirements of subsections (b)(7) or (c)(4) of section 7114 or section 7118(c) or 7119.

(4) ASSURANCE TO SERVE ALL INDIAN CHILDREN.—An Indian tribe, Indian organization, or consortium pursuant to subsection (c), applies for a grant under paragraph (1) shall include, in the application required under section 7114, an assurance that the entity will use the grant funds to provide services to all Indian students served by the local educational agency.

(6) INDIAN COMMUNITY-BASED ORGANIZATION.—

(1) IN GENERAL.—If no local educational agency pursuant to subsection (b), and no Indian tribe, or Indian organization, or consortium pursuant to subsection (c), applies for a grant under this subpart, an Indian community-based organization serving the community of Indian students, or Indian organization may apply for such grant.

(2) APPLICABILITY OF SPECIAL RULE.—The Secretary shall apply the special rule in subsection (c)(5) to an Indian community-based organization applying or receiving a grant under paragraph (1) in the same manner as such rule applies to an Indian tribe, Indian organization, or consortium.

(3) DEFINITION OF INDIAN COMMUNITY-BASED ORGANIZATION.—In this subsection, the term ‘Indian community-based organization’ means any organization that—

(A) is composed primarily of Indian parents and community members, tribal government education officials, and tribal members from a specific community; and

(B) assists in the social, cultural, and educational development of Indians in such community;

(C) meets the unique cultural, language, and academic needs of Indian students; and

(D) demonstrates organizational capacity to manage the grant.

(e) CONSORTIA.—

(1) IN GENERAL.—A local educational agency, Indian tribe, or Indian organization that meets the eligibility requirements under this section may form a consortium with other eligible local educational agencies, Indian tribes, or Indian organizations that are eligible under subsection (b) form or participate in a consortium to obtain a grant, or operate a program under this subpart to identify eligible local educational agencies and schools operated by the Bureau of Indian Education.

(2) REQUIREMENTS.—In any case where 2 or more local educational agencies, Indian tribes, or Indian organizations that are eligible under subsection (b) form or participate in a consortium to obtain a grant, or operate a program under this subpart to identify eligible local educational agencies and Indian organization participating in such a consortium shall—

(A) provide, in the application submitted under section 7114, an assurance that the eligible Indian children served by such local educational agency, Indian tribe, and Indian organization that meets the eligibility requirements under this section shall not form a consortium with other eligible local educational agencies, Indian tribes, or Indian organizations that are eligible under subsection (b) form or participate in a consortium to obtain a grant, or operate a program under this subpart to identify eligible local educational agencies, Indian tribes, or Indian organization receiving a grant under this subpart.

(4) in section 7113;

(A) activities under paragraph (b)(1), by striking “Bu- reau of Indian Affairs” and inserting “Bu- reau of Indian Education”;

(B) in subsection (d)—

(i) in the heading, by striking “INDIAN AFFAIRS” and inserting “INDIAN EDUCATION”;

(ii) in paragraph (1)(A), by striking “Bu- reau of Indian Affairs” and inserting “Bu- reau of Indian Education”;

(C) in subsection (a), by inserting “Indian tribe, or consortia as described in section 7113(b)(2)” after “Each local educational agency,”

(B) in subsection (b)—

(i) in paragraph (2)—

(I) in subparagraph (A), by striking “is consistent with the State and local plans” and inserting “meets the State, tribal, and local plans”; and

(II) by striking subparagraph (B) and inserting the following:

(’’(C) describes how the local educational agency, tribe, or consortium will use funds made available under this subpart to supplement other Federal, State, and local pro-

grams that meet the needs of such stu-

dents’’);

(ii) in paragraph (5)(B), by striking “and” after the semicolon; and

(iv) in paragraph (6)—

(I) in subparagraph (B)—

(aa) in clause (1), by striking “and” after the semicolon;

(bb) by adding at the end the following:

(’’(iii) the Indian tribes whose children are served by the local educational agency, con-

sortium, and Indian tribes, defined under the General Edu- cation Provisions Act (20 U.S.C. 1232g) (commonly referred to as the ‘Family Edu-
cation Rights and Privacy Act of 1974’); and

and

(ii) in subparagraph (C), by striking the pe-

riod at the end and inserting ‘’; and’’; and

(iv) by adding at the end the following:

(’’(7) describes the process the local edu-
cational agency used to collaborate with In-

dian tribes located in the community in the develop-
ment of the comprehensive programs and the actions taken as a result of such col-

laboration.’’;

(C) in subsection (c)—

(i) in paragraph (1), by striking “the edu-
cation of Indian children,” and inserting “services and activities consistent with those described in this subpart,”;

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking “and” after the semicolon;

(II) in subparagraph (B), by striking “serves” and inserting “served by such agency;” and meet program objectives and outcomes for activities under this subpart; and

(III) by adding at the end the following:

(’’(C) determine the extent to which such activities address the unique cultural, lan-
guage, and educational needs of Indian stu-
dents’’;

(iii) in paragraph (3)(C)—

(I) by inserting “representatives of Indian tribes on Indian lands located within 50 miles of such school shall serve if such tribe has any children in such school,” after “parents of Indian children and teachers,”;

and

(II) by striking “and” after the semicolon;

(iv) in paragraph (4)—

(I) in subparagraph (A)—

(aa) in clause (1), by inserting “and family members” after “parents”; and

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

(cc) by inserting after clause (i) the fol-

lowing:

(’’(ii) representatives of Indian tribes on In-
dian lands located within 50 miles of any school that the agency will serve if such tribe has any children in such school;’’;

(II) by striking subparagraph (B) and inser-
ting the following:

(B) majorities of whose members are par-
ents and family members of Indian children and representatives of Indian tribes de-
scribed in subparagraph (A)(ii), as applica-
ble;

(III) in subparagraph (C), by inserting ‘’and family members’ after ‘’parents’’;

(iv) in subparagraph (D)(ii), by striking “and” after the semicolon;

(v) in subparagraph (E), by striking the pe-
riod at the end and inserting ‘’; and’’; and

(vi) by adding at the end the following:

(’’(b) that will describe the extent to which the activities of the local educational agency will address the unique cultural, linguistic, and educational needs of Indian stu-
dents;’’;

and

(v) by adding at the end the following:

(’’(5) the local educational agency will co-
ordinate activities under this title with other Federal programs supporting educa-
tional and related services administered by such agency;

(6) the local educational agency con-
ducted outreach to parents and family mem-
bers to meet the requirements under this paragraph; and

(7) the local educational agency will use funds received under this subpart to identify eligible local educational agencies and schools operated by the Bureau of Indian Education that have not applied for subpart and shall undertake appropriate outreach activities to encourage and assist eligible entities to submit applications for such grants.

(e) TECHNICAL ASSISTANCE.—The Sec-
retary shall, directly or by contract, provide technical assistance to a local educational agency or Bureau of Indian Education school upon request (in addition to any technical assistance available under other provisions of this Act or available through the Institute of Education Sciences) to support the services and activities provided under this subpart, including technical assistance for—

(1) the development of applications under this subpart;

(2) improvement in the quality of imple-
mentation, content, and evaluation of activi-
ties supported under this subpart; and

(3) integration of activities under this subpart with other educational activities carried out by the local educational agen-
cy.

(6) in section 7115—

(A) in subsection (a), by inserting ‘’solely for the services and activities described in such application’’ after ‘’section 7114(a);’’ and

(II) in paragraph (2), by inserting ‘’to be re-
sponsive to the unique learning styles of In-
dian and Alaska Native children’’ after ‘’In-
dian students’’;

(B) by striking subsection (b) and inserting the following:

’’(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

(1) activities that support Native Amer-
ican language programs and Native Amer-
ican language restoration programs, which may be taught by traditional leaders;

(2) culturally relevant activities that sup-
port the program described in the applica-
tion submitted by the local educational agency;

(3) high-quality early childhood and fam-
ily programs that emphasize school readi-
ness;
“(4) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State academic standards described in the teacher education plans; and
“(5) integrated educational services in combination with other programs that meet the needs of Indian children and their families, including programs that promote parental involvement in school activities and increase student achievement;
“(6) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Career and Technical Education Act of 2006, including programs for tech-prep education, apprenticeships, and related services; and
“(7) activities to educate individuals so as to prevent violence, suicide, and substance abuse;
“(8) the acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described in section 7111;
“(9) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;
“(10) provision of family literacy services; and
“(11) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; and
“(12) dropout prevention strategies and strategies to—
“(A) meet the educational needs of at-risk Indian students in correctional facilities; and
“(B) support Indian students who are transitioning from such facilities to school;

(C) in subsection (b), by striking “and” after the semicolon;

(ii) in paragraph (2), by striking the period and inserting “;”;

(iii) by adding at the end the following:

“(1) TECHNICAL ASSISTANCE.—The Secretary shall, directly or through contract, provide technical assistance to a local educational agency, and shall not require a new or duplicate determination to be made for such child for a subsequent application for a grant under this subparagraph.

“(2) PREVIOUSLY FILED FORMS.—An Indian student eligibility form that was on file as required by this section on the day before the date of enactment of the Every Child Achieves Act of 2015 and that met the requirements of this section, as this section was in effect on the day before the date of enactment of this Act, shall remain valid for such Indian student.”;

(D) by adding at the end the following:

“(i) IN GENERAL.—For purposes of determining the purpose described in part in accordance with such section 7111.”;

“(2) CONTENTS.—The report required under paragraph (1) shall identify—

(A) barriers to the ability of participants to more effectively integrate their education and related services to Indian students in a manner consistent with the objective of this subpart;

(B) the effective practices for program integration that result in increased student achievement, graduation rates, and other relevant outcomes for Indian students; and

(ii) in paragraph (2)(B), by inserting “and youth” after “Alaska Native children”;

(C) in subsection (b), by striking “Indian institution (including an Indian institution of higher education) Tribe, Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965)”; and

(D) in subsection (c)—

(i) in paragraph (1), by striking “and support” after “to serve”;

(ii) in subparagraph (A), by inserting “and youth” after “disadvantaged children”;

(iii) in subparagraph (B), by inserting “and youth” after “Indian children”; and

(iv) in subparagraph (B), by inserting “and youth” after “Indian children’’ both places the term appears;

(V) by striking paragraph (G) and inserting the following:

“(2) high-quality early childhood education programs that are effective in preparing young children to be making sufficient academic progress by the end of grade 3, including kindergarten and prekindergarten programs, family-based preschool programs that emphasize school readiness, and the provision of services to Indian children with disabilities;”;

(VI) in subparagraph (L)—

(aa) by striking “appropriately qualified tribal elders and seniors” and inserting “tribal leaders”;

(bb) by inserting “and youth” after “Indian children”;

(ii) in paragraph (2), by striking “Professions development” and inserting “High-quality professional development”;

(E) in subsection (d)—

(i) in paragraph (1)(C), by striking “make a grant payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant only if the Secretary determines” and inserting “award grants for an initial period of not more than 3 years and may renew such grants for not more than an additional 2 years if the Secretary determines”;

(ii) in paragraph (3)(B)—

(I) by striking “and support” after “to serve”;

(aa) by striking “appropriately qualified tribal elders and seniors” and inserting “tribal leaders”;

(bb) by inserting “and youth” after “Indian children”;

(ii) in paragraph (2), by striking “Professions development” and inserting “High-quality professional development”;

(F) by adding at the end the following:

“(f) CONTINUATION.—Notwithstanding any other provision of this section, a grantee that is carrying out activities pursuant to a grant awarded under this section prior to the date of enactment of the Every Child Achieves Act of 2015 may continue to carry out such activities after such date of enactment under such grant in accordance with the terms of such grant award.”;

(G) in section 7122—

(A) in subsection (a)—

(i) in the subsection heading, by striking “Purposes and inserting “Purposes”;

(ii) in the matter preceding paragraph (1), by striking “The purposes of this section are’’ and inserting “The purpose of this section is’’;

(iii) in paragraph (1), by striking “individuals in teaching or other education professions that serve Indian people” and inserting “or Alaska Native teachers and administration the following Indian or Alaska Native students”;

(iv) in paragraph (2)—

(I) by inserting “and support” after “to provide training”;

(II) by inserting “or Alaska Native” after “Indian’’;
(iii) if paragraph (2), by adding at the end the following:

"(ii) in paragraph (2), by adding at the end the following:

"(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and for determining whether such objectives are achieved; and

"(C) for applications under section (c)(2), evidence of—

"(i) a preliminary assessment with the appropriate State educational agencies, 1 or more local educational agencies, or both the State educational agency and a local educational agency; and

"(ii) existing capacity as a tribal educational agency.

"(3) APPROVAL.—The Secretary may approve a grant under this section only if the Secretary is satisfied that such application, including any documentation submitted with the application—

"(A) demonstrates that the eligible applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant that will be affected by the activities to be conducted under the grant;

"(B) provides for consultation with such other education entities prior to and evaluation of the activities conducted under the grant; and

"(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought.

"(e) RESTRICTIONS.—

"(1) IN GENERAL.—A tribe may not receive funds under this section if such tribe receives funds under section 1140 of the Education Amendments of 1978.

"(2) BIPARTISAN LEGISLATION.—No funds under this section may be used to provide direct services.

"(3) SUPPLEMENT, NOT SUPPLANT.—Funds under this section shall be used to supplement, and not supplant, other Federal, State, and local programs that meet the needs of tribal students.

"(13) in section 714(b)(1), by inserting "and the Secretary of the Interior" after "advise the Secretary."
sums as may be necessary for each of fiscal years 2016 through 2021’’; and 

(b) in subsection (b) by striking ‘‘$24,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years’’ and inserting ‘‘such sums as may be necessary for each of fiscal years 2016 through 2021’’;

SEC. 7002. NATIVE HAWAIIAN EDUCATION.

Part B of title VII (20 U.S.C. 7511 et seq.) is amended—

(1) in section 7202, by striking paragraphs (1) through (7), and inserting the following:

‘‘SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL.

‘‘(a) GRANT AUTHORIZED.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs that receive funding under this part, the Secretary shall award a grant to the education council described under subsection (b).

‘‘(b) EDUCATION COUNCIL.—

‘‘(1) ELIGIBILITY.—To be eligible to receive the grant under subsection (a), the council shall be an education council referred to in this section as the ‘Education Council’ that meets the requirements of this subsection.

‘‘(2) COMPOSITION.—The Education Council shall consist of 15 members, of whom—

(A) 1 shall be the President of the University of Hawaii (or a designee);

(B) 1 shall be the Governor of the State of Hawaii (or a designee);

(C) 1 shall be the Superintendent of the State of Hawaii Department of Education (or a designee);

(D) 1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);

(E) 1 shall be the executive director of Hawaii’s Charter School Network (or a designee);

(F) 1 shall be the chief executive officer of the Kamehameha Schools (or a designee);

(G) 1 shall be the Chief Executive Officer of the Queen Liliuokalani Trust (or a designee);

(H) 1 shall be a member, selected by the other members of the Education Council, who represents a private grant-making entity;

(I) 1 shall be the Mayor of the County of Hawaii (or a designee);

(J) 1 shall be the Mayor of Maui County (or a designee from the Island of Maui); and

(K) 1 shall be the Mayor of the County of Kauai (or a designee);

(L) 1 shall be appointed by the Mayor of Maui County from the Island of Molokai or the Island of Lanai;

(M) 1 shall be the Mayor of the City and County of Honolulu (or a designee);

(N) 1 shall be the chairperson of the Hawaiian Homes Commission (or a designee); and

(O) 1 shall be the chairperson of the Hawaiian Education Development Council (or a designee representing the private sector).

‘‘(3) REQUIREMENTS.—Any designee serving on the Education Council shall demonstrate, as determined by the individual who appointed such designee with input from the Native Hawaiian community, not less than 5 years of experience as a consumer or provider of Hawaiian educational or cultural activities, with traditional cultural experience given due consideration.

‘‘(4) LIMITATION.—A member (including a designee while serving on the Education Council, shall not be a direct recipient or administrator of grant funds that are awarded under this part.

‘‘(5) VICE MEMBERS.—A member who is a designee shall serve for a term of not more than 4 years.

‘‘(6) CHAIR; VICE CHAIR.—

‘‘(A) SELECTION.—The Education Council shall select a Chairperson and a Vice-Chairperson from among the members of the Education Council.

‘‘(B) TERM LIMITS.—The Chairperson and Vice-Chairperson shall each serve for a 2-year term.

‘‘(7) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL.—The Education Council shall meet at the call of the Chairperson of the Council, or upon request by a majority of the members of the Education Council, but in any event not less often than every 120 days.

‘‘(8) NO COMPENSATION.—None of the funds made available shall be used to provide compensation to any member of the Education Council or member of a working group established by the Education Council, for functions described in this section.

‘‘(c) USE OF FUNDS FOR COORDINATION ACTIVITIES.—The Education Council shall use funds made available through a grant under subsection (a) to carry out each of the following activities:

‘‘(1) Providing advice about the coordination of, and serving as a clearinghouse for, the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part.

‘‘(2) Assessing the extent to which such services and programs meet the needs of Native Hawaiians and collecting data on the status of Native Hawaiian education.

‘‘(3) Providing direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serving, where appropriate, in an advisory capacity.

‘‘(4) Awarding grants, if such grants enable the Education Council to carry out the activities described in paragraphs (1) through (3).

‘‘(5) Hiring an executive director, who shall assist in executing the duties and powers of the Education Council, as described in subsection (d).

‘‘(d) USE OF FUNDS FOR TECHNICAL ASSISTANCE.—The Education Council shall use funds made available through a grant under subsection (a) to—

‘‘(1) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this part;

‘‘(2) obtain from such grantees information and data regarding grants awarded under this part, including information and data about—

(A) the effectiveness of such grantees in meeting the educational priorities established by the Education Council, as described in paragraphs (3) and (6) as paragraphs (2) through (7), respectively; and

(B) the effectiveness of such grantees in carrying out any of the activities described in paragraphs (2) and (3) of section 7205(a) that are related to the specific goals and purposes of each grantee’s grant project, using metrics related to these priorities;

‘‘(3) establish, through the coordination of the goals of this part, using metrics related to these goals; and

‘‘(4) assess the programs and services available to address the educational needs of Native Hawaiians;

‘‘(5) evaluate and the individual and aggregate impact achieved by grantees under this part in improving Native Hawaiian educational performance, including the goals of this part, using metrics related to these goals; and

‘‘(6) prepare and submit to the Secretary, at the end of each calendar year, an annual report that contains—

(A) a description of the activities of the Education Council during the calendar year;

(B) a description of significant barriers to achieving the goals of this part;

(C) a summary of each community consultation described in subsection (e); and

(D) recommendations to establish priorities for funding under this part, based on an assessment of—

(i) the educational needs of Native Hawaiians;

(ii) programs and services available to address such needs;

(iii) the effectiveness of programs in improving the educational performance of Native Hawaiian students to help such students meet challenging State academic standards under section 1111(b)(1); and

(iv) priorities for funding in specific geographic communities.

‘‘(e) USE OF FUNDS FOR COMMUNITY CONSULTATIONS.—The Education Council shall use funds made available through the grant under subsection (a) to hold not less than 1 community consultation each year on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai.

‘‘(i) not less than 3 members of the Education Council shall be in attendance;

‘‘(2) the Education Council shall gather community input regarding—

(A) current grantees under this part, as of the date of the consultation;

(B) priorities and needs of Native Hawaiians; and

(C) other Native Hawaiian education issues; and

‘‘(3) the Education Council shall report to this committee on the outcomes of the activities supported by grants awarded under this part.

‘‘(f) FUNDING.—For each fiscal year, the Secretary shall use the amount described in section 7205(c)(2), to make a payment under the grant. Funds made available through the grant shall remain available until expended.’’;

‘‘(3) in section 7205—

(A) in subsection (a)(1)—

(i) in subparagraph (C), by striking ‘‘and’’ after the semicolon;

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting after subparagraph (C) the following:

‘‘(D) recommendations to establish priorities for funding under this part;

‘‘(B) in subsection (c)—

‘‘(i) in paragraph (1), by striking ‘‘for fiscal year 2002 and each of the 5 succeeding 5 fiscal years’’ and inserting ‘‘for each of fiscal years 2016 through 2021’’; and

‘‘(ii) by inserting before paragraph (2), as redesignated by subparagraph (A), the following:

‘‘(1) COMMUNITY CONSULTATION.—The term ‘community consultation’ means a public gathering—

(A) to discuss Native Hawaiian education concerns; and

(B) about which the public has been given not less than 30 days notice.’’;

SEC. 7003. ALASKA NATIVE EDUCATION.

Part G of title VII (20 U.S.C. 7541 et seq.) is amended—

(1) in section 7302, by striking paragraphs (1) through (7) and inserting the following:
"(1) It is the policy of the Federal Government to maximize the leadership of and participation by Alaska Native peoples in the planning and management of Alaska Native education programs and projects. In support of this policy, the Federal Government should—

(a) developing and undertaking efforts to improve educational opportunities for Alaska Native students;

(b) Alaska Native tribes, Alaska Native organizations, or Alaska Native regional nonprofit corporations with experience operating programs that fulfill the purposes of this part;

(c) Alaska Native tribes, Alaska Native regional nonprofit corporations with experience operating programs that fulfill the purposes of this part;

(3) MANDATORY ACTIVITIES.—Activities provided through the programs carried out under this part shall include the following:

(A) The development and implementation of plans, methods, strategies and activities to improve the educational outcomes of Alaska Native students;

(B) Early childhood and parenting education activities that are in rural, village, and urban settings as a measure of support to Alaska Native parent and community involvement in the promotion of academic success of Alaska Native students;

(C) Early childhood and parenting education activities that are in rural, village, and urban settings as a measure of support to Alaska Native parent and community involvement in the promotion of academic success of Alaska Native students;

(D) The development and operation of programs carried out under the Head Start Act;

(E) Research and data collection activities related to programs funded under this part.

(F) Activities designed to increase Alaska Native students' graduation rates.

(G) Activities designed to increase Alaska Native students' graduation rates.

(H) Activities designed to increase Alaska Native students' graduation rates.

(I) Activities designed to increase Alaska Native students' graduation rates.

(J) Activities designed to increase Alaska Native students' graduation rates.

(K) Activities designed to increase Alaska Native students' graduation rates.

(L) Activities designed to increase Alaska Native students' graduation rates.

(M) Activities designed to increase Alaska Native students' graduation rates.

(N) Activities designed to increase Alaska Native students' graduation rates.

(O) Activities designed to increase Alaska Native students' graduation rates.

(P) Activities designed to increase Alaska Native students' graduation rates.

(Q) Activities designed to increase Alaska Native students' graduation rates.

(R) Activities designed to increase Alaska Native students' graduation rates.

(S) Activities designed to increase Alaska Native students' graduation rates.

(T) Activities designed to increase Alaska Native students' graduation rates.

(U) Activities designed to increase Alaska Native students' graduation rates.

(V) Activities designed to increase Alaska Native students' graduation rates.

(W) Activities designed to increase Alaska Native students' graduation rates.

(X) Activities designed to increase Alaska Native students' graduation rates.

(Y) Activities designed to increase Alaska Native students' graduation rates.

(Z) Activities designed to increase Alaska Native students' graduation rates.

(1) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.

(2) Activities designed to increase Alaska Native students' graduation rates.

(3) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.

(4) Activities designed to increase Alaska Native students' graduation rates.

(5) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.

(6) Activities designed to increase Alaska Native students' graduation rates.

(7) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.

(8) Activities designed to increase Alaska Native students' graduation rates.

(9) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.

(10) Activities designed to increase Alaska Native students' graduation rates.

(11) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.

(12) Activities designed to increase Alaska Native students' graduation rates.

(13) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.

(14) Activities designed to increase Alaska Native students' graduation rates.

(15) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.

(16) Activities designed to increase Alaska Native students' graduation rates.

(17) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.

(18) Activities designed to increase Alaska Native students' graduation rates.

(19) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.

(20) Activities designed to increase Alaska Native students' graduation rates.

(21) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.

(22) Activities designed to increase Alaska Native students' graduation rates.

(23) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.

(24) Activities designed to increase Alaska Native students' graduation rates.

(25) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.

(26) Activities designed to increase Alaska Native students' graduation rates.

(27) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.

(28) Activities designed to increase Alaska Native students' graduation rates.

(29) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.

(30) Activities designed to increase Alaska Native students' graduation rates.

(31) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.

(32) Activities designed to increase Alaska Native students' graduation rates.

(33) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.

(34) Activities designed to increase Alaska Native students' graduation rates.

(35) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.

(36) Activities designed to increase Alaska Native students' graduation rates.

(37) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.

(38) Activities designed to increase Alaska Native students' graduation rates.

(39) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.

(40) Activities designed to increase Alaska Native students' graduation rates.

(41) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.

(42) Activities designed to increase Alaska Native students' graduation rates.

(43) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.

(44) Activities designed to increase Alaska Native students' graduation rates.

(45) Programs of study and other instructional activities in Alaska Native history and ways of knowing and being.
benefit from the supplemental programs offered, including those that address family instability, school climate, trauma, safety, and nonacademic learning.

"(G) The establishent or operation of Native language immersion nests or schools.

"(H) Student and teacher exchange programs, cross-cultural immersion programs, and credential programs designed to build mutual respect and understanding among participants.

"(I) Education programs for at-risk urban Alaska Native students that are designed to improve academic proficiency and graduation rates, utilize strategies otherwise permitted under this part, and incorporate a strong data collection and continuous evaluation component.

"(J) Strategies designed to increase parents' involvement in their children's education.

"(K) Programs and strategies that provide technical assistance and support to schools and communities to engage adults in promoting the academic progress and overall well-being of Alaska Native people, such as through—

"(B) strength-based approaches to child and youth development;

"(ii) positive youth-adult relationships; and

"(iii) improved conditions for learning (school climate, student connection to school and community), and increased connections between schools and families.

"(L) Other preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing tech- prep, mentoring, training, and apprenticeship activities.

"(M) Provision of operational support and purchasing equipment to develop regional vocational schools and natural areas schools in Alaska, including boarding schools, for Alaska Native students in grades 9 through 12, or at higher levels of education, to provide the students with necessary resources to prepare for skilled employment opportunities.

"(N) Regional leadership academies that demonstrate effectiveness in building respect and understanding, and fostering a sense of Alaska Native identity to promote their pursuit and in success in completing higher education and career training.

"(O) Other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

"(P) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated to be used for the purpose of this section such sums as may be necessary for each of fiscal years 2016 through 2021.

"(Q) by striking section 7305 and inserting the following:

*: SEC. 7305. FUNDS FOR ADMINISTRATIVE PURPOSES. Not more than 5 percent of funds provided to an eligible entity under this part for any fiscal year may be used for administrative purposes.; and

*: in section 7306—

*: in paragraph (1), by inserting "(as defined 1602(b)) and includes the descendents of individuals so defined" after Settlement Act;

*: (B) by striking paragraph (2); and

*: (C) by inserting after paragraph (1) the following:

*: "(2) ALASKA NATIVE TRIBE.—The term 'Alaska Native tribe' has the meaning given to the term 'Indian tribe' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), except that the term shall apply only to tribal organizations.

*: "(3) ALASKA NATIVE TRIBAL ORGANIZATION.—The term 'Alaska Native tribal organization' has the meaning given the term 'tribal organization' in section 4 of the Indian Self-Determination and Education Assistance Act, (25 U.S.C. 450b), except that the term applies only to tribal organizations in Alaska.

*: "(4) ALASKA NATIVE REGIONAL NONPROFIT CORPORATION.—The term 'Alaska Native regional nonprofit corporation' means an organization listed in clauses (i) through (xii) of section 418(h)(B) of the Social Security Act (42 U.S.C. 618(h)(B)(i)-(xii)), or the successor of an entity that is a Alaska Native Regional Corporation, as defined in section 7004. NATIVE AMERICAN LANGUAGE IMMERSION SCHOOLS AND PROGRAMS.

*: "PART D—NATIVE AMERICAN AND ALASKA NATIVE LANGUAGE IMMERSION SCHOOLS AND PROGRAMS. SEC. 7401. NATIVE AMERICAN AND ALASKA NATIVE LANGUAGE IMMERSION SCHOOLS AND PROGRAMS.

*: (a) PURPOSES.—The purposes of this section are—

*: "(1) to establish a grant program to support schools that use Native American and Alaska Native languages as the primary language of instruction;

*: "(2) to maintain, protect, and promote the rights and freedom of Native Americans and Alaska Natives to use, practice, maintain, and develop their Native American or Alaska Native languages as already existent and as revitalized in the Native American Languages Act (25 U.S.C. 2901 et seq.); and

*: "(3) to support the Nation's First People's efforts to maintain and revitalize their languages and cultures, and to improve student outcomes within Native American and Alaska Native communities.

*: (b) PROGRAM AUTHORIZED.—

*: "(1) IN GENERAL.—From the amounts made available to carry out this part, the Secretary appropriated to be used for the purpose of this section shall—

*: "(i) establish grants to eligible entities that have a plan to develop and maintain, or to improve and expand, programs that support schools, including prekindergarten through postsecondary education sites and streams, using Native American and Alaska Native languages as the primary language of instruction;

*: "(ii) implement the activities described in subsection (f);

*: "(iii) give a priority in awarding grants under this part based on the information described in paragraph (1)(E);

*: "(iv) ensure that students progress towards high-level fluency goals.

*: "(E) Information regarding the school's organizational governance or affiliations, including information about—

*: "(F) an assurance that—

*: "(3) acceess to the school's accreditation status;

*: "(iv) any partnerships with institutions of higher education; and

*: "(v) any indigenous language schooling and research cooperatives.

*: (F) An assurance that—

*: "(1) the school is engaged in meeting State or federally designated proficiency levels for students, as may be required by applicable Federal, State, or tribal law;

*: "(2) the school provides assessments of students, using the Nation's language, at each grade level.

*: (G) The number of present hours of instruction in or through 1 or more Native American or Alaska Native languages being provided to targeted students at such school, if any.

*: (D) A description of how the applicant will—

*: "(i) use the funds provided to meet the purposes of this part;

*: "(ii) implement the activities described in subsection (f);

*: "(iii) utilize strategies otherwise permitted under this part, and incorporate a strong data collection and continuous evaluation component.

*: (3) SUBMISSION OF CERTIFICATION.—

*: "(A) An Indian tribe.

*: "(B) A Tribal college or University (as defined in section 316 of the Higher Education Act of 1965).

*: "(C) A local educational agency, including a public charter school or a for-profit or public nonprofit organization shall submit, along with the application requirements described in paragraph (1), a certification described in subparagraph (B) indicating that the school has the capacity to provide education primarily through a Native American or Alaska Native language for which there are enough speakers of the target language at the school or available to be hired by the school.

*: "(D) AWARDING OF GRANTS.—In awarding grants under this section, the Secretary shall—

*: "(1) determine the amount of each grant and the duration of each grant, which shall—

*: "(ii) implement the activities described in subsection (f);

*: "(iii) ensure that students progress towards high-level fluency goals.

*: "(E) Information regarding the school's organizational governance or affiliations, including information about—

*: "(iv) any partnerships with institutions of higher education; and

*: "(v) any indigenous language schooling and research cooperatives.

*: (F) An assurance that—

*: "(1) the school is engaged in meeting State or federally designated proficiency levels for students, as may be required by applicable Federal, State, or tribal law;

*: "(2) the school provides assessments of students, using the Nation's language, at each grade level.

*: (G) The number of present hours of instruction in or through 1 or more Native American or Alaska Native languages being provided to targeted students at such school, if any.
“(2) ensure, to the maximum extent feasible, that diversity in languages is represented.

(e) ACTIVITIES AUTHORIZED.—

(1) AUTHORIZED ACTIVITIES.—An eligible entity that receives a grant under this section shall use such funds to carry out the following activities:—

(A) Supporting Native American or Alaska Native language education and development.

(B) Providing professional development for teachers and, as appropriate, staff and administrators to strengthen the overall language and academic goals of the school that will be served by the grant program.

(C) Conducting a study that promotes the maintenance and revitalization of the Native American or Alaska Native language relevant to the grant program.

(2) IMPROVING INDIAN STUDENT DATA.

(a) DEVELOPING OR REFINING ACTIVITIES.—An eligible entity that receives a grant under this section may use such funds to carry out the following activities:

(A) Developing or refining curriculum, including teaching materials and activities, as appropriate.

(B) Creating or refining assessments written in both Native American or Alaska Native language of instruction that measure student proficiency and that are aligned with State academic standards.

(f) REPORT TO SECRETARY.—Each eligible entity that receives a grant under this part shall provide an annual report to the Secretary in such form and manner as the Secretary may require.

(g) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2016 through 2021.”

SEC. 7005. IMPROVING INDIAN STUDENT DATA COLLECTION, REPORTING, AND ANALYSIS.

(a) IN GENERAL.—The Comptroller General, in consultation with the Secretary of Education, the Secretary of the Interior, and tribal communities, shall carry out a study that examines the following:

(1) The representation, at the time of the study, of Indian students in national, State, local, and tribal educational reporting required by law.

(2) Existing ways that individuals are identified as American Indian and Alaska Native (for example, such as through self-reporting or tribal enrollment records) at the time of the national, State, local, and tribal educational reporting systems, and the impact that such variation has on data analysis or statistical trend comparisons.

(3) How reporting of data within the Indian student population can be improved to facilitate comparisons between—

(A) Students living in urban and rural settings;

(B) Indian students living in tribal communities, areas with large Indian populations, and Indian reservations with a low percentage of Indian population; and

(C) any other classifications that the Comptroller General determines are significant.

(4) The timeliness of Indian student record transfer between schools and other entities or individuals who may receive student records in accordance with the requirements of section 448 of the General Education Provisions Act (20 U.S.C. 1232g); commonly referred to as the “Family Educational Rights and Privacy Act of 1974”.

(5) The effectiveness and usefulness for parental, student, Federal, State, tribal, and local educational stakeholders of the findings of the National Indian Education Study conducted by the National Center for Education Statistics in conjunction with the National Assessment of Educational Progress described under section 303 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622).

(b) REPORTS.—Any activity described in section 303 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622) that is triggered by the number of elementary school and secondary school students (referred to in this section as “students” or “student suicides”) that occurred within 1 year prior to the date of enactment of this Act in an Indian country (as defined in section 1151 of title 18, United States Code).

(c) CONTENTS.—The report shall include information on:

(1) The Federal response to the occurrence of high numbers of student suicides in Indian country (as so defined);

(2) A list of Federal resources available to prevent and respond to outbreaks of student suicides, including the availability and use of tele-behavioral health care.

(3) Recommendations to improve or consolidate resources or programs described in subparagraph (B) or (D).

(4) Feedback from Indian tribes to the Federal response described in subparagraph (A).

(b) IMPROVING INDIAN STUDENT DATA.

SEC. 7006. REPORT ON ELEMENTARY AND SECONDARY EDUCATION IN RURAL OR POVERTY AREAS OF INDIAN COUNTRY.

(a) IN GENERAL.—By not later than 90 days after the date of enactment of this Act, the Secretary of Education shall submit the report described in subsection (b) to the Committee on Indian Affairs of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the appropriate committees of Congress.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report on the findings described in subsection (a) that includes the following:

(1) A description of the impact that the occurrence of student suicides, including information on how to increase high school graduation rates and the availability and use of tele-behavioral health care;

(2) A list of Federal resources available to prevent and respond to outbreaks of student suicides, including the availability and use of tele-behavioral health care;

(3) A description of the Indian student population in Indian country,

(4) A description of the impact that the occurrence of student suicides, including how to increase high school graduation rates.

(c) CONTENTS.—The report shall include information on:

(1) The Federal response to the occurrence of high numbers of student suicides in Indian country (as so defined);

(2) A list of Federal resources available to prevent and respond to outbreaks of student suicides, including the availability and use of tele-behavioral health care.

(3) Recommendations to improve or consolidate resources or programs described in subparagraph (B) or (D).

(4) Feedback from Indian tribes to the Federal response described in subparagraph (A).

(b) IMPROVING INDIAN STUDENT DATA.

SEC. 7007. REPORT ON RESPONSE TO INDIAN STUDENT SUICIDES.

SEC. 8001. PURPOSE.

SEC. 8002. AMENDMENT TO IMPROVEMENT ACT.

SEC. 8003. PAYMENTS TO FEDERAL AGENCY.

TITLE VIII—IMPACT AID

SEC. 8001. PURPOSE.

SEC. 8002. IMPROVEMENT ACT.

SEC. 8003. PAYMENTS TO FEDERAL AGENCY.
shall treat local educational agencies char-
tered in 1871 having more than 70 percent of
the county in Federal ownership as meeting the
eligibility requirements of subparagraphs (A) and (C) of subsection (a)(1). For each fiscal
year beginning with fiscal year 2015, the Secretary shall treat local edu-
cational agencies that serve a county char-
tered in 1794 having more than 24 percent of
the county in Federal ownership as meeting the eligibility requirements of subparagraphs (A) and (C) of subsection (a)(1).

(3) by striking subsection (f) and inserting
the following:

(f) APPORTIONMENT.—Beginning with fiscal year 2015, a local educational agency shall be
deemed to meet the requirements of subsection (a)(1)(C) if the agency was eligible under paragraph (2) or (3) of this subsection,
as such subsection was in effect on the day before the date of enactment of the Every

(4) in subsection (h)(4), by striking “For each
local educational agency that received a
payment under this section for fiscal year
2010 through the fiscal year in which the
Pact Aid Improvement Act of 2012 is en-
acted” and inserting “For each local edu-
cational agency that received a payment under
this section for fiscal year 2010 or any
successing fiscal year”;

(5) by striking subsection (k); and

(b) by redesignating subsections (l), (m), and
(n), as subsections (k), (l), and (i), respec-
tively.

SEC. 5004. PAYMENTS FOR ELIGIBLE FEDERALLY CONNEX.ED. CHILDREN.

Section 2001 of title 79, United States Code, is amended—
(1) in subsection (a)(5)(A), by striking “to be
children” and all that follows through the period
the ineligibility and inserting “or under
lease of off-base property under subchapter IV of
chapter 169 of title 10, United States Code, to
be children described under paragraph (D) of
subsection (a) are property described in—

(i) within the fenced security perimeter of
the military facility; or

(ii) attached to, and under any type of
force protection agreement with, the mili-
tary installation upon which such housing is
situated.”;

(2) in section (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (E); and

(ii) by redesignating subparagraphs (F) and
(G) as subparagraphs (E) and (F), respec-
tively.

(B) in paragraph (2), by striking subpara-
graphs (B) through (H) and inserting the fol-
lowing:

(B) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

(i) IN GENERAL.—A heavily impacted local educational agency is eligible to receive a basic
support payment under subparagraph (A) with respect to a number of children deter-
termined under subsection (a)(1) if the agency—

(I) is a local educational agency—

(aa) whose boundaries are the same as a
Federal military installation or an island
property designated by the Secretary of the Interior for
which a lease that is held in trust by
the Federal Government; and

(bb) that has no taxing authority;

(ii) is a local educational agency that—

(aa) has a per-pupil expenditure of children
described in subsection (a)(1) that constitutes a
percentage of the total student enrollment
of the agency that is not less than 45 percent; or

(bb) that has a per-pupil expenditure that is
less than—

(aa) for any agency that has a total stu-
dent enrollment of 500 or more students, 125
percent of the per-pupil expenditure of the
State in which the agency is located; or

(bb) for any agency that has a total stu-
dent enrollment of less than 500, 150 percent
of the average per-pupil expenditure of
the State in which the agency is located or

(iii) is a local educational agency that—

(aa) has a per-pupil expenditure of children
that is not less than 95 percent of the average
per-pupil expenditure of comparable local educational agencies in the
State in which the agency is located; and

(cc) is an agency that—

(A) has an enrollment of general fund pur-
poses that is not less than 95 percent of
the average tax rate for general fund purposes of
comparable local educational agencies in the
State in which the agency is located; and

(B) was eligible to receive a payment
under this subsection for fiscal year 2013 and

(ii) by redesignating subparagraphs (F) and
(G) as subparagraphs (E) and (F), respec-
tively.

(2) APPORTIONMENT.—Beginning with fiscal year 2015, a local educational agency shall be
deemed to meet the requirements of subsection (a)(1)(C) if the agency was eligible under
paragraph (2) or (3) of this subsection, as such subsection was in effect on the day before the date of enactment of the Every

(4) in subsection (h)(4), by striking “For each
local educational agency that received a
payment under this section for fiscal year
2010 through the fiscal year in which the
Pact Aid Improvement Act of 2012 is en-
acted” and inserting “For each local edu-
cational agency that received a payment under
this section for fiscal year 2010 or any
successing fiscal year”;

(5) by striking subsection (k); and

(b) by redesignating subsections (l), (m), and
(n), as subsections (k), (l), and (i), respec-
tively.
has an enrollment of 100 or fewer children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subparagraph (A) as the number of such children by a factor of 1.75.

"(III) ENROLLMENT OF MORE THAN 100 CHILDREN BUT LESS THAN 200.—For a local educational agency that is not described under subparagraph (B)(i)(I) and has an enrollment of more than 100 but not more than 1,000 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subparagraph (a)(2) by multiplying the number of such children by a factor of 0.75.

"(D) MAXIMUM AMOUNT FOR LARGE HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—Subject to clause (i), the maximum amount that a heavily impacted local educational agency described in subparagraph (II) is eligible to receive under this paragraph for any fiscal year shall be determined in accordance with the formula described in paragraph (1)(C).

"(2) HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCY.—A local educational agency described in this subclause is a local educational agency that has a total student enrollment of not less than 25,000 students and not less than 50 percent of such students are children described in subsection (a)(1) and not less than 5,000 of such children are described in subparagraphs (A) and (B) of section 12101 of title 20.

"(ii) FACTOR.—For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subparagraph (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.35.

"(E) DETERMINATION OF AVERAGE TAX RATES FOR GENERAL FUND PURPOSES.—

"(i) IN GENERAL.—Except as provided in paragraph (3), the fiscal year for which the local educational agency providing a free public education to children described in subsection (a)(1), but only to the extent such children are civilian dependents of employees of the Department of Defense or the Department of Veterans Affairs or the District of Columbia, is eligible to receive a payment under this paragraph for any fiscal year and has had an overall increase in enrollment (as determined by the Secretary in consultation with the Secretary of Defense, the Secretary of the Interior, or the heads of other Federal agencies) of more than 10 percent, or 100 students, of children described in—

"(I) subparagraph (A), (B), (C), or (D) of subsection (a)(1); or

"(II) subparagraphs (F) and (G) of subsection (a)(1), but only to the extent such children are civil dependents of employees of the Department of Defense or the Department of Interior; and

"(ii) that is the direct result of closure or realignment of military installations under the base closure process or the relocation of the Armed Forces or civilian employees of the Department of Defense as part of the force structure changes or movement of units or personnel between military installations or because of actions initiated by the Secretary of the Interior or the head of another Federal agency; or

"(iii) was eligible to receive a payment under this section for the previous fiscal year and has had an increase in enrollment as determined by the Secretary—

"(1) of not less than 10 percent of children described in subsection (a)(1); or

"(2) of not less than 10 of such children; and

"(ii) the direct result of the closure of a local educational agency that received a payment under paragraph (1) or (2) in the previous fiscal year; and

"(3) the Secretary has not received its full amount computed under paragraphs (1) or (2) (as the case may be).
SEC. 8007. CONSTRUCTION.

Section 8007 (20 U.S.C. 7707(b)) is amended—

(i) in paragraph (a), by striking “section 8014(e)” and inserting “section 8014(f)”;

(ii) in paragraph (b), by striking “section 8014(c)” and inserting “section 8014(d)”;

(iii) in paragraph (c), by adding at the end the following: “(cc) not less than 10 percent of the property that the local educational agency received under subparagraph (A), but the total amount of the payment for which the local educational agency is eligible under subparagraph (B) for that fiscal year is greater than the amount that initially subject the local educational agency to Federal regulations, as such section was in effect on November 28, 2008.”;

(iv) in paragraph (e)(1), by striking “$809,400,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001, $150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the seven succeeding fiscal years” and inserting “such sums as may be necessary for each of fiscal years 2016 through 2021”; and

(v) in paragraph (e)(6), as redesignated by paragraph (4), by striking “$10,052,000 for fiscal year 2001, $5,000,000 or by 20 percent, as compared to the amount a local educational agency would be entitled to receive before the 2001-2002 fiscal year” and inserting “$50,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2016 through 2021.”

SEC. 8008. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.

Section 8008 (20 U.S.C. 7708) is amended by striking “section 8014(f)” and inserting “section 8014(e)”. As amended by this section, section 8008 (20 U.S.C. 7708) is amended—

(A) by striking paragraphs (1) and (2) and inserting—

“(i) for the first year for which the reduced payment is determined, an amount that is not less than 90 percent of the total amount that the local educational agency received under paragraph (1) or (2) of subsection (b) for the fiscal year prior to the reduction referred to in this paragraph as the ‘base year’;

(ii) for the second year following such reduction, an amount that is not less than 85 percent of the total amount that the local educational agency received under paragraph (1) or (2) of subsection (b) for the base year; and

(iii) for the third year following such reduction, an amount that is not less than 80 percent of the total amount that the local educational agency received under paragraph (1) or (2) of subsection (b) for the base year, and

(C) by redesignating paragraphs (3) through (5) as subparagraphs (A) through (C), respectively.

SEC. 8009. DEFINITIONS.

Section 8009 (20 U.S.C. 7709) is amended—

(A) in paragraphs (1), (2), and (3), by redesignating paragraphs (1), (2), and (3), respectively, as paragraphs (2), (3), and (4);

(B) in paragraph (4), by redesigning paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and by redesigning the heading of such section to read “supports for individuals with disabilities”;

(C) by redesigning paragraphs (5) through (9), respectively, as subparagraphs (E) through (I), respectively, and by redesigning the heading of such section to read “supports for school-related costs”;

(D) by redesigning paragraphs (10) through (13), respectively, as subparagraphs (J) through (O), respectively, and by redesigning the heading of such section to read “supports for neighborhood-based education or training programs”;

(E) by redesigning paragraphs (14) through (16), respectively, as subparagraphs (P) through (R), respectively, and by redesigning the heading of such section to read “supports for English language learners”;

(F) by redesigning paragraphs (17) through (19), respectively, as subparagraphs (S) through (T), respectively, and by redesigning the heading of such section to read “support for dual language instruction”;

(G) by redesigning paragraphs (20) through (22), respectively, as subparagraphs (U) through (W), respectively, and by redesigning the heading of such section to read “supports for students with disabilities”; and

(H) by redesigning paragraphs (23) through (27), respectively, as subparagraphs (X) through (ZZ), respectively, and by redesigning the heading of such section to read “supports for students with disabilities.”

SEC. 8010. AUTHORIZATION OF APPROPRIATIONS.

Section 8010 (20 U.S.C. 7710) is amended—

(1) in subsection (a), by striking “$52,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years” and inserting “such sums as may be necessary for each of fiscal years 2016 through 2021”;

(2) in subsection (b), by striking “$809,400,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years” and inserting “such sums as may be necessary for each of fiscal years 2016 through 2021”;

(3) in subsection (c), by striking “$50,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years” and inserting “such sums as may be necessary for each of fiscal years 2016 through 2021.”

TITLE IX—GENERAL PROVISIONS

SEC. 9101. DEFINITIONS.

Section 9101 (20 U.S.C. 7801) is amended—

(1) by striking paragraphs (3), (19), (23), (24), (28), (30), (31), (32), (33), (34), (38), (39), (41), and (43) and redesignating paragraphs (2), (4), (30), (32), (33), (34), (35), (36), (39), (40), (41), (43), (44), (47), and (48), respectively, as paragraphs (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (38), (39), (41), and (43) and redesignating, so as to follow such paragraph (2), as so redesignated, so as to follow such paragraph (2), as so redesignated;

(2) by inserting before paragraph (2), as redesignated by paragraph (2), the following:

“(II) part G of title V; and”;

(3) by redesigning paragraph (2) as redesignated, so as to follow such paragraph (2), as so redesignated;

(4) by striking paragraph (11) and inserting the following:

“(i) the term ‘core academic subjects’ means English, reading or language arts, writing, science, mathematics, history, civics and government, economics, arts, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, and any other subject as determined by the State or local educational agency.”;

(5) in paragraph (13)—

(A) by striking subparagraphs (B), (E), (G), and (K);

(B) by redesigning subparagraphs (C), (D), (F), (H), (I), (J), and (L), as subparagaphs (B), (C), (D), (E), (F), (G), and (I), respectively; and

(C) by inserting after subparagraph (G), as redesignated by subparagraph (B), the following:

“(H) part G of title V; and”;

(6) by inserting after paragraph (16) the following:

“(I) ‘DUAL OR CONCURRENT ENROLLMENT.—The term ‘dual or concurrent enrollment’ means a course or program provided by an institution of higher education through which a student who has not graduated from high school with a regular high school diploma is able to earn postsecondary credit.”;

(18) EARLY CHILDHOOD EDUCATION PROGRAM.—The term ‘early childhood education program’ has the meaning given the term in section 103 of the Higher Education Act of 1965.

(19) EARLY COLLEGE HIGH SCHOOL.—The term ‘early college high school’ means a formal partnership between at least one local...
educational agency and at least one institution of higher education that allows participants to simultaneously complete requirements toward earning a regular high school diploma and earn not less than 12 transferable credits as part of an organized course of study toward a postsecondary degree or credential at no cost to the participant or participant's family.

(7) in paragraph (22), as redesignated and moved by paragraph (2)—

(A) in the paragraph heading, by striking "LEARNER PROFICIENT" and inserting "ELIGIBLE LEARNER";

(B) in the matter preceding subparagraph (A), by striking "limited English proficient" and inserting "English learner";

(C) in subparagraph (D)(i), by striking State's proficient level of achievement on State assessments described in section 1111(b)(3) and inserting challenging State academic standards described in section 1111(b)(1);

(D) by inserting after paragraph (22), as transferred and redesignated by paragraph (2), the following:

"(23) EVIDENCE-BASED.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'evidence-based', when used with respect to an activity, means an activity that—

(i) demonstrates a statistically significant effect improving student outcomes or other relevant outcomes based on a strong evidence from at least 1 well-designed and well-implemented experimental study;

(ii) demonstrates a statistically significant effect improving student outcomes or other relevant outcomes based on an evidence from at least 1 well-designed and well-implemented quasi-experimental study; or

(iii) demonstrates a statistically significant effect improving student outcomes or other relevant outcomes based on an evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias; or

(iv) demonstrates a rationale that is based on high-quality research findings that such activity is likely to improve student outcomes or other relevant outcomes; and

(v) includes ongoing efforts to examine the effects of such activity.

(B) DEFINITION FOR PART A OF TITLE I.—For purposes of part A of title I, the term "evidence-based," when used with respect to an activity, means an activity that meets the requirements of clause (i) or (ii) of subparagraph (A)."

(24) EXPANDED-LEARNING TIME.—The term 'expanded learning time' means using a longer school day, week, or year schedule to significantly increase the total number of school hours, in order to include additional time for—

(A) instruction and enrichment in core academic subjects, other academic subjects, and other activities that contribute to a well-rounded education; and

(B) instructional and support staff to collaborate, plan, and engage in professional development (including professional development on family and community engagement) within and across grades and subjects.

(25) EXTENDED-YEAR ADJUSTED COHORT GRADUATION RATE.—The term 'extended-year adjusted cohort graduation rate' has the meaning given the term in section 200.1(b)(1)(v) of title 34, Code of Federal Regulations, as that section was in effect on November 26, 2008;"

(9) by inserting after paragraph (28), as redesignated by paragraph (2), the following:

"(A) grants a diploma, as defined by the State; and

(B)(i) includes, at least, grade 12; and

(10) in paragraph (31), as redesignated by paragraph (2), in subparagraph (C)—

(A) in the subparagraph heading, by striking "HIA" and inserting "HIE"; and

(B) by striking "Affairs" both places the term appears and inserting "Education.""

(11) by inserting after paragraph (32), as redesignated by paragraph (2), the following:

"(33) MULTI-TIER SYSTEM OF SUPPORTS.—

The term 'multi-tier system of supports' means a comprehensive continuum of evidence-based, system-wide practices to support a rapid response to academic and behavioral needs, with frequent data-based monitoring and instructional decision-making;"

(12) in paragraph (36), as redesignated by paragraph (2), by striking "pupil services" and inserting "specialized instructional support";

(13) in paragraph (36), as redesignated by paragraph (2), by striking "includes the free-

ly associated states" and all that follows through the end and inserting "includes the Republic of Palau except dur-

ing any period for which the Secretary deter-

mines that a Compact of Free Association is in effect that contains provisions for edu-

cation assistance prohibiting the assistance provided under this Act.

(14) by inserting after paragraph (36), as redesignated by paragraph (2), the following:

"(1) demonstrate a statistically significant effect improving student outcomes or other relevant outcomes based on a strong evidence from at least 1 well-designed and well-implemented experimental study and an evidence from at least 1 well-designed and well-implemented quasi-experimental study or correlational study with statistical controls for selection bias; or

(2) demonstrate a rationale that is based on high-quality research findings that such activity is likely to improve student outcomes or other relevant outcomes; and

(3) includes ongoing efforts to examine the effects of such activity.

(15) in paragraph (39), as redesignated by paragraph (2)—

(A) in subparagraph (B), by inserting "and" after the semicolon and

(B) in subparagraph (D), by striking "section 1118" and inserting "section 1115";

(16) by striking paragraph (41), as redesignated by paragraph (2), and inserting the following:

"(41) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means ac-

tivities that—

(A) are an integral part of school and local educational agency strategies for pro-

viding educators (including teachers, prin-

cipals, other school leaders, specialized in-

structional support personnel, paraprofes-

sionals, and, as applicable, early childhood educators) with the knowledge and skills needed to be prepared to succeed in the core academic subjects and to meet challeng-

ing State academic standards; and

(B) are sustained (not stand-alone, 1-day, or short-term intensive), collabora-

tive, job-embedded, data-driven, class-

room-focused, and may include activities that—

(i) improve and increase teachers'

(ii) knowledge of the academic subjects

the teachers teach;

(iii) understanding of how students learn;

(iv) ability to analyze student work and achievement from multiple sources, includ-

ing how to adjust instructional strategies, assessments, and materials based on such

analysis;

(v) are an integral part of broad schoolwide and districtwide educational im-

provement efforts;

(vi) allow personalized plans for each edu-

cator to address the educator's specific needs identified in observation or other feedback;

(vii) improve classroom management skills;

(viii) support the recruiting, hiring, and training of effective teachers, including teachers employed by State, local educational agency strategies for providing instruction and academic support services; to those children, including posi-

itive behavioral interventions and supports, multi-tiered systems of supports, and use of accommodations;

(ix) include instruction in the use of data and assessments to inform and instruct classroom practice;

(x) include instruction in ways that teachers, principals, other school leaders, and school administrators may work more effectively with parents and families; and

(xi) involve the forming of partnerships with institutions of higher education, includ-

ing, as applicable, Tribal Colleges and Uni-

versities as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1609c)

or by establishing (by a local educational agency receiving as-

sistance under part A of title I) to establish and administer professional development programs that provide prospective teachers, novice teachers, principals, and other school leaders with an opportunity to work under the guidance of experienced teachers, principals, other school leaders, and faculty of such institutions;

(xii) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers;

(xiii) provide follow-up training to teach-

ers who have participated in activities de-

scribed in this paragraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom; and

(xiv) where applicable and practical, provide jointly for school staff and other early childhood education program providers, to address the transition to elemen-

tary school, including issues related to school readiness;"

(17) by inserting after paragraph (41), as redesignated by paragraph (2), the following:

"(18) SCHOOL LEADER.—The term 'school leader' means a principal, assistant prin-

cipal, or other individual who is—

(i) calibrated to identify and deter-

mine the knowledge and teaching skills of teachers;

(ii) aligned with, and directly related to academic goals of the school or local edu-

cational agency;

(iii) experienced in teaching and have participated in an activities described in this paragraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom; and

(iv) where applicable and practical, provide jointly for school staff and other early childhood education program providers, to address the transition to elemen-
tary school, including issues related to school readiness."
“(A) an employee or officer of an elementary school or secondary school, local educational agency, or other entity operating an elementary school or secondary school; and

(B) in the case of the District of Columbia, school social workers, school psychologists; and

(ii) other qualified professional personnel, such as school nurses, speech language pathologists, and school librarians involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

(B) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—The term ‘specialized instructional support services’ means the services provided by specialized instructional personnel.”.

(19) by inserting after paragraph (48), as redesignated by paragraph (2), the following:

(49) UNIVERSAL DESIGN FOR LEARNING.—The term ‘universal design for learning’ has the meaning given the term in section 103 of the Higher Education Act of 1965.”; and

(20) by striking the undesignated paragraph between paragraphs (45), as added by paragraph (18), and (47), as redesignated by paragraph (2), and inserting the following:

(50) STATE.—The term ‘State’ means each of the States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

(51) MIDDLE GRADES.—The term middle grades means any of grades 5 through 8.

SEC. 9102. APPLICABILITY TO BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS.

Section 9103 (20 U.S.C. 7863) is amended—

(1) in subparagraph (G), by striking ‘‘and’’;

(2) in subparagraph (H), by striking the period after the semicolon;

(3) after the semicolon;

(4) by adding at the end the following:

(A) the term ‘‘specialized instructional support personnel’’ means the term as defined by subparagraph (G) of paragraph (2), the following:

(i) any employee or officer of an elementary school or secondary school that desires a waiver of any statutory or regulatory requirement of this Act that the local educational agency determines the waiver appropriate.

(ii) in subparagraph (B), by striking, ‘‘and’’;

(iii) by adding at the end the following:

(1) REQUEST FOR WAIVER BY STATE OR INDIAN TRIBE.—A State educational agency or Indian tribe which desires a waiver under a program authorized under this Act may submit a request to the Secretary to waive any statutory or regulatory requirement of this Act.

(2) LOCAL EDUCATIONAL AGENCY AND SCHOOL REQUESTS SUBMITTED THROUGH THE STATE.—

(A) REQUEST FOR WAIVER BY LOCAL EDUCATIONAL AGENCY.—An elementary school or secondary school that desires a waiver of any statutory or regulatory requirement of this Act may submit a request containing the information described in subsection (b)(1) to the Secretary if the State educational agency determines the waiver appropriate.

(B) REQUEST FOR WAIVER BY SCHOOL.—An elementary school or secondary school that desires a waiver of any statutory or regulatory requirement of this Act may submit the request to the Secretary if the local educational agency determines the waiver appropriate.

(C) DESCRIPTION OF WRITTEN DETERMINATION.—If the Secretary determines and demonstrates that the waiver request does not meet the requirements of this section, the Secretary shall—

(i) by inserting ‘‘and’’;

(ii) by adding at the end the following:

(1) waiver request does not meet the requirements of this section or

(2) the waiver is not permitted under subsection (c).

D) WAIVER DETERMINATION AND REVISION.—If the Secretary determines and demonstrates that the waiver request does not meet the requirements of this section, the Secretary shall—

(i) immediately—

(1) by inserting ‘‘and’’;

(ii) by adding at the end the following:

(1) by inserting ‘‘and’’;

(ii) if the Secretary determines that the resubmission does not meet the requirements of this section, at the request of the State educational agency, local educational agency, or Indian tribe, conduct a public
Section 9106. Plan Approval Process.

(a) Deemed Approval.—A plan submitted by a State pursuant to section 2101(d), 4104(b), or 9302 shall be deemed to be approved by the Secretary unless—

(1) the State makes a determination within the 45-day period beginning on the date on which the State determines fail to meet the requirements of such section, as applicable;

(2) the State presents substantial evidence that clearly demonstrates that such State plan does not meet the requirements of section 2101(d) or 4103(d) or part C, respectively; and

(3) the Secretary provides technical assistance, upon request of the State, in order to assist the State to meet the requirements of such section or part, as applicable;

(b) Disapproval Process.—

(1) General.—The Secretary shall not finally disapprove a plan submitted under sections 2101(d), 4104(d), or 9302 except after giving the State educational agency notice and an opportunity for a hearing.

(2) Notice.—If the Secretary finds that the plan is not in compliance, in whole or in part, with section 2101(d) or 4103(d) or part C, as applicable, the Secretary shall—

(A) immediately notify the State of such determination;

(B) provide a detailed description of the specific provisions of the plan that the Secretary determines fail to meet the requirements, in whole or in part, of such section or part, as applicable;

(C) offer the State an opportunity to revise the plan within the 45 days of such determination, including the chance for the State to present substantial evidence to clearly demonstrate that the State plan meets the requirements of such section or part, as applicable;

(D) provide technical assistance, upon request of the State, in order to assist the State to meet the requirements of such section or part, as applicable;

(E) conduct a public hearing within 30 days of the plan's resubmission under subparagraph (d) or (f); and

(F) provide the information, only as to the noncompliant provisions, needed to make the plan compliant.

Section 9451. Approval and Disapproval of State Plans and Local Applications.

(a) Deemed Approval.—An application submitted by a local educational agency pursuant to section 2102(b), 4104(b), or 9305, shall be deemed to be approved by the State educational agency unless—

(1) the State educational agency makes a written determination, prior to the expiration of the 90-day period beginning on the date on which the agency received the application, that the application is not in compliance with section 2102(b) or 4104(b), or part C, respectively; and

(2) the State presents substantial evidence that clearly demonstrates that such application does not meet the requirements of section 2102(b) or 4104(b), or part C, respectively.

(b) Disapproval Process.—

(1) General.—The State educational agency shall not finally disapprove an application submitted under section 2102(b), 4104(b), or 9305 except after giving the local educational agency notice and opportunity for a hearing.

(2) Notifications.—If the State educational agency finds that the application submitted under sections 2102(b), 4104(b), or 9305 is not in compliance, in whole or in part, with section 2102(b) or 4104(b), or part C, as applicable, the State educational agency shall—

(A) immediately notify the local educational agency of such determination;

(B) provide a detailed description of the specific provisions of the plan that the State determines fail to meet the requirements, in whole or in part, of such section or part, as applicable;

(C) offer the local educational agency an opportunity to revise the plan within 45 days of such determination, including the chance for the local educational agency to present substantial evidence to clearly demonstrate that the application meets the requirements of such section or part;

(D) provide technical assistance, upon request of the local educational agency, in order to assist the local educational agency to meet the requirements of such section or part; and

(E) conduct a public hearing within 30 days of the application's resubmission under such part.
Subparagraph (C), with public notice provided not less than 15 days before such hearing, unless a local educational agency declines the opportunity for such public hearing; and

(‘F) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

(3) The local educational agency responds to the State educational agency’s notification described in paragraph (2)(A) during the 45-day period beginning on the date on which the local educational agency received the notification, and resubmits the application with the requested information described in paragraph (2)(C), the State educational agency shall approve or disapprove such application prior to the later of:

(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

(B) the expiration of the 90-day period described in subsection (a).

(4) Failure to respond.—If the local educational agency does not respond to the State educational agency’s notification described in paragraph (2)(A) during the 45-day period beginning on the date on which the local educational agency received the notification, such application shall be deemed to be disapproved.

SEC. 9107. PARTICIPATION BY PRIVATE SCHOOL PRINCIPALS AND TEACHERS.

Section 9501 (20 U.S.C. 7881) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking subparagraphs (A) through (H) and inserting the following:

‘‘(A) part C of title I;

(B) part A of title II;

(c) part E of title II;

(D) part D of title II;

(E) parts A and B of title IV; and

(F) part G of title V.’’;

(B) by striking paragraph (3); and

(2) in subsection (c)—

(A) in subparagraph (E)—

(i) by striking ‘‘and the amount’’ and inserting ‘‘, and the amount’’; and

(ii) by striking ‘‘services, and how that amount is determined’’;

(B) in subparagraph (F), by striking the period at the end and inserting ‘‘; and’’; and

(C) by adding at the end following:—

‘‘(G) whether the agency, consortium, or entity shall provide services directly or assign responsibility for the provision of services to a separate government agency, consortium, or entity, or to a third-party contractor.’’;

SEC. 9108. MAINTENANCE OF EFFORT.

Section 9211 (20 U.S.C. 7901) is amended—

(1) in subsection (a), by inserting ‘‘subject to the requirements of subsection (b)’’ after ‘‘for the second preceding fiscal year’’;

(2) in subsection (b)(1), by inserting before the period the following:—

‘‘if such local educational agency has also failed to meet such requirement (as determined using the measure most favorable to the local agency) for 1 or more of the 5 immediately preceding fiscal years’’; and

(3) in subsection (c)(1), by inserting ‘‘or a change in the organizational structure of the local educational agency’’ after ‘‘, such as a natural disaster’’.

SEC. 9109. SCHOOL PRAYER.

Section 9254(a) (20 U.S.C. 7904(a)) is amended by striking ‘‘on the Internet’’ and inserting ‘‘by electronic means, including by posting the text at the end the date on which the local educational agency’s website in a clear and easily accessible manner’’.

SEC. 9110. PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

Section 9257 (20 U.S.C. 7907) is amended to read as follows:

‘‘SEC. 9257. PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

(a) General Prohibition.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government, through grants, contracts, or other cooperative agreements (including as a condition of any award provided under section 9401) to—

(A) mandate, direct, or control a State, local educational agency, or school’s curriculum, program of instruction, specific academic standards or assessments, or allocation of State or local resources, or mandate a State or any subdivision thereof to incur any costs not paid for under this Act;

(B) incentivize a State, local educational agency, or school to adopt any specific instructional content, academic standards, academic assessments, curriculum, or program of instruction, including by providing any priority, preference, or special consideration during the solicitation processes for any grant, contract, or cooperative agreement that is based on the adoption of any specific instructional content, academic standards, academic assessments, curriculum, or program of instruction; or

(C) make financial support available in a manner that is conditioned upon a State, local educational agency, or school’s adoption of any specific instructional content, academic standards, academic assessments, curriculum, or program of instruction (such as the Common Core State Standards developed under the Common Core State Standards Initiative, any other standards common to a significant number of States, or any specific academic standards or curriculum aligned to such standards).

(b) Prohibition on Endorsement of Curriculum.—Notwithstanding any other provision of Federal law, no funds provided to the Department under this Act may be used by the Department directly or indirectly, including through any grant, contract, cooperative agreement, or waiver provided by the Secretary under section 9401, to endorse, approve, or sanction any curriculum (including the alignment of any academic content, curriculum, or program of instruction to any other provision of Federal law, except as provided in subsection (b), no funds provided under this Act to the Secretary or to the recipient of any award may be used by the Secretary, any other Federal agency, or any subdivision thereof to fund, support, or sanction any curriculum, or program of instruction that a State or local educational agency or school chooses, as permitted under this Act, to provide funds to participating teachers or school districts for the provision of services, and the terms of the grant, contract, or cooperative agreement providing such funds.

(c) Rule of Construction.—Nothing in this section shall be construed to affect requirements under title I.

(d) General Prohibition.—Nothing in this Act shall be construed to prohibit the use of such funds is consistent with the terms of the grant, contract, or cooperative agreement providing such funds.

SEC. 9111. ARMED FORCES RECRUITING INFORMATION OR CERTIFICATION FOR TEACHERS.

Section 9305(a) (20 U.S.C. 7913(a)) is amended—

(1) by inserting ‘‘, principals,’’ after ‘‘teachers’’; and

(2) by inserting ‘‘, or incentive regarding,’’ after ‘‘administration of’’.

SEC. 9112. LIMITATIONS ON NATIONAL TESTING OR CERTIFICATION FOR TEACHERS.

Section 9305(a)(2) is redesignated as section 4001(3) of title IV, as amended by section 4001(3), and redesignated by section 7001, is amended by striking the following:—

‘‘SEC. 9538. CONSULTATION WITH INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

(a) In General.—To ensure timely and meaningful consultation on issues affecting American Indian and Alaska Native students, an affected local educational agency shall consult with appropriate officials from Indian tribes or tribal organizations approved by the tribes located in the area served by the local educational agency during the design and development of the affected local educational agency’s programs under this Act, with the overarching goal of meeting the unique cultural, language, and educational needs of American Indian and Alaska Native students.

(b) Consultation.—The consultation described in subsection (a) shall include meetings of officials from the affected local educational agency and the tribes that have been approved by the tribes and shall occur before the affected local educational agency makes any decision regarding how the needs of American Indian and Alaska Native students will be met in covered programs or in services or activities provided under title VII.’’.
SEC. 9114A. APPLICATION FOR COMPETITIVE GRANTS FROM THE BUREAU OF INDIAN EDUCATION.

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections 9001(3) and 9114 and redesignated by section 9106(1), is further amended by adding at the end the following:

"SEC. 9538A. APPLICATION FOR COMPETITIVE GRANTS FROM THE BUREAU OF INDIAN EDUCATION.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act and subsection (a) of section 9106(1), the Bureau of Indian Education may apply for, and carry out, any grant program awarded on a competitive basis under this Act, as appropriate, on behalf of the Indian children that the Bureau serves, and shall not be subject to any provision of the program that requires grant recipients to contribute funds toward the costs of the grant program awarded on a competitive basis under this Act.

"(b) LIMITATION.—In the case of any competitive grant program described in subsection (a) that also provides a reservation of funds to the Bureau of Indian Education, the Bureau shall not, for any fiscal year, receive both a grant and a reservation under the competitive grant program.

SEC. 9115. OUTREACH AND TECHNICAL ASSISTANCE FOR RURAL LOCAL EDUCATIONAL AGENCIES.

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections 9001(3) and 9114, and redesignated by section 9106(1), is further amended by adding at the end the following:

"SEC. 9539B. OUTREACH AND TECHNICAL ASSISTANCE FOR RURAL LOCAL EDUCATIONAL AGENCIES.

"(a) OUTREACH.—The Secretary shall engage in outreach to rural local educational agencies regarding opportunities to apply for competitive grant programs under this Act.

"(b) TECHNICAL ASSISTANCE.—If requested to do so, the Secretary shall provide technical assistance to rural local educational agencies with locale codes 22, 31, 41, 42, or 43, or an educational service agency representing rural local educational agencies with locale codes 22, 31, 41, 42, or 43 on applications or pre-applications for any competitive grant program under this Act. No rural local educational agency or educational service agency shall be required to request technical assistance or include any technical assistance provided by the Secretary in any application.

SEC. 9115A. CONSULTATION WITH THE GOVERNOR.

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections 9001(3), 9114, and redesignated by section 9106(1), is further amended by adding at the end the following:

"SEC. 9540. CONSULTATION WITH THE GOVERNOR.

"(a) IN GENERAL.—A State educational agency shall consult in a timely and meaningful manner with the Governor, or appropriate officials from the Governor's office, in the development of State plans under titles I and II and section 9112 of this Act.

"(b) TIMING.—The consultation described in subsection (a) shall include meetings of officials from the State educational agency and the Governor's office that shall occur during the development of such plan, and prior to submission of the plan to the Governor.

"SEC. 9115B. LOCAL GOVERNANCE.

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections 9001(3), 9114, and 9115, and redesignated by section 9106(1), is further amended by adding at the end the following:

"SEC. 9540A. LOCAL GOVERNANCE.

"(a) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit the Secretary to—

"(1) exercise any governance or authority over school administration, including the development and expenditure of school budgets, unless otherwise authorized under this Act;

"(2) issue any regulation without first complying with the rulemaking requirement of section 553 of title 5, United States Code; or

"(3) issue any non-regulatory guidance without first, to the extent feasible, considering input from stakeholders.

"(b) AUTHORITY UNDER OTHER LAW.—Nothing in subsection (a) shall be construed to affect any authority the Secretary has under any other Federal law.

SEC. 9115C. RULE OF CONSTRUCTION REGARDING TRAVEL TO AND FROM SCHOOL.

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections 9114 and 9115, and redesignated by section 9601, is further amended by adding at the end the following:

"SEC. 9528C. RULE OF CONSTRUCTION REGARDING TRAVEL TO AND FROM SCHOOL.

"(a) IN GENERAL.—Subject to subsection (b), nothing in this section shall be construed to authorize the Secretary to, or shall be construed to—

"(1) prohibit a child from traveling to and from school on foot or by car, bus, or bike when the parents of the child have given permission;

"(2) expose parents to civil or criminal charges for allowing their child to responsibly and safely travel to and from school by a means the parents believe is age appropriate.

"(b) NO PREEMPTION OF STATE OR LOCAL LAWS.—Notwithstanding subsection (a), nothing in this section shall be construed to preempt State or local laws.

SEC. 9116. EVALUATIONS.

Section 9601 (20 U.S.C. 7911) is amended to read as follows:

"SEC. 9601. EVALUATIONS.

"(a) RESERVATION OF FUNDS.—Except as provided in subsection (b) and (e), the Secretary, in consultation with the Director of the Institute of Education Sciences, may reserve not more than 0.5 percent of the amount appropriated for each program authorized under this Act to carry out activities under this section. If the Secretary elects to make a reservation under this subsection, the reserved amount—

"(1) shall first be used by the Secretary, acting through the Director of the Institute of Education Sciences, to—

"(A) conduct comprehensive, high-quality evaluations of the programs that use experimental or quasi-experimental designs, where practicable and appropriate, and other rigorous methodologies that permit the strongest possible causal inferences; and

"(B) conduct studies through the Institute of Education Sciences and the programs and the administrative impact of the programs on schools and local educational agencies; and

"(C) widely disseminate evaluation findings under this section related to programs authorized under this Act—

"(i) in a timely fashion;

"(ii) in forms that are understandable, easily accessible, and usable, or adaptable for use in, the improvement of educational practice;

"(iii) through electronic transfer and other means, such as posting, as available, to the websites of State educational agencies, local educational agencies, the Institute of Education Sciences, or the Department, or in another relevant place; and

"(iv) in a manner that promotes the utilization of such findings; and

"(D) may be used by the Secretary, acting through the Director of the Institute of Education Sciences—

"(i) to evaluate the aggregate short- and long-term effects and cost efficiencies across—

"(II) Federal programs assisted or authorized under this Act; and

"(II) Federal early childhood education programs, preschool programs, elementary school programs, and secondary school programs, under any other Federal law.

"(E) to increase the usefulness of the evaluations conducted under this section by improving the quality, timeliness, efficiency, and availability of information relating to performance to promote continuous improvement of programs assisted or authorized under this Act.

"(C) to assist recipients of grants under such programs in collecting and analyzing data and other activities related to conducting high-quality evaluations under paragraphs (b) and (c).

"(b) TITLE I.—The Secretary, acting through the Director of the Institute of Education Sciences, shall use funds authorized under section 1002(e) to carry out evaluation activities under this section related to title I, and shall not reserve any other money from such title for evaluation.

"(c) CONSOLIDATION.—Notwithstanding any other provision of this section or section 1002(e), the Secretary, in consultation with the Director of the Institute of Education Sciences—

"(1) may consolidate the funds reserved under subsections (a) and (b) for purposes of carrying out the activities under subsection (a) and (b);

"(2) shall not be required to evaluate under subsection (a)(1) each program authorized under this Act each year.

"(1) EVALUATION PLAN.—The Director of the Institute of Education Sciences, shall, on a biennial basis, develop, submit to Congress, and make publicly available an evaluation plan that—

"(i) describes the specific activities that will be carried out under subsection (a) for
EDUCATION FOR HOMELESS CHILDREN AND YOUTHS; OTHER LAWS; MISCELLANEOUS

PART A—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

SEC. 10101. STATEMENT OF POLICY.

Section 722 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431) is amended—

(1) in paragraph (2), by striking “In any State” and all that follows through “will review” and inserting “In any State where compulsory residency requirements or other requirements, practices, or policies, may act as a barrier to the identification of, or enrollment, attendance, or success in school of homeless children and youths, the State educational agency and local educational agencies in the State will review”; and

(2) in paragraph (3), by striking “alone” and—

(a) striking “challenging State student academic achievement standards” and inserting “challenging State academic standards”;

(b) by striking subsection (c) and inserting—

"(c) PROHIBITION.—The Secretary shall not have the authority to mandate, direct, or control the specific measures adopted by a State, State educational agency, or local educational agency in the case of a local educational agency designated under State law, that receives Federal funds under this Act that will have laws, regulations, or policies that prohibit any person who is a school employee, contractor, or agent engaged in sexual misconduct regarding a minor in violation of the law.

(b) EXCEPTION.—The requirements of subsection (a) do not apply if the credible information described in such subsection—

(1) has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and

(2) has been properly reported to any other authorities as required by Federal, State, or local law, including title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the regulations implementing such title under part 106 of title 34, Code of Federal Regulations, or any succeeding regulations; and

(3) the case has been officially closed or the prosecutor with jurisdiction over the alleged misconduct has investigated the allegations and found that there is insufficient evidence to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor;

(B) the school employee, contractor, or agent has been charged with, and exonerated of, the alleged misconduct; or

(C) the record is open but there have been no charges filed against, or indictment of, the school employee, contractor, or agent within 4 years of the date on which the information was reported to a law enforcement agency.

(c) PROHIBITION.—The Secretary shall not have the authority to mandate, direct, or control the specific measures adopted by a State, State educational agency, or local educational agency under this section.

(d) Nothing in this section shall be construed to prevent a State from adopting, or to override a State law, regulation, or policy that provides, greater or additional protections to prohibit any person who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee, contractor, or agent engaged in sexual misconduct regarding a minor in violation of the law in obtaining a new job.

TITLE X—EDUCATION FOR HOMELESS CHILDREN AND YOUTHS; OTHER LAWS; MISCELLANEOUS

PART D—FUNCTIONS OF THE OFFICE OF THE COORDINATOR FOR EDUCATION OF HOMELESS CHILDREN AND YOUTHS

SEC. 10102. GRANTS FOR STATE AND LOCAL AGENCIES.

Section 722 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432) is amended—

(1) in subsection (b) and inserting the following:

"(B) IN GENERAL.—A State, State educational agency, or local educational agency, from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personal files, if the person or agency knows, or recklessly disregards credible information indicating, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor in violation of the law.

(1) EXCEPTION.—The requirements of subsection (a) do not apply if the credible information described in such subsection—

(1)(A) has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and

(1)(B) was has been properly reported to any other authorities as required by Federal, State, or local law, including title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the regulations implementing such title under part 106 of title 34, Code of Federal Regulations, or any succeeding regulations; and

(2) (A) the case has been officially closed or the prosecutor with jurisdiction over the alleged misconduct has investigated the allegations and found that there is insufficient evidence to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor;

(B) the school employee, contractor, or agent has been charged with, and exonerated of, the alleged misconduct; or

(C) the record is open but there have been no charges filed against, or indictment of, the school employee, contractor, or agent within 4 years of the date on which the information was reported to a law enforcement agency.

FUNCTIONS OF THE OFFICE OF THE COORDINATOR FOR EDUCATION OF HOMELESS CHILDREN AND YOUTHS

SEC. 10103. ALLOTMENTS.

The Coordinator for Education of Homeless Children and Youths shall—

(3) collect data for and transmit to the Secretary, at such time and in such manner as the Secretary may reasonably require, a report containing information necessary to assess the educational needs of homeless children and youths identified in the State, which shall be made available to the State educational agency's website; and

(4) develop and carry out the State plan described in subsection (d).

SEC. 10104. MINIMUM ALLOTMENTS.

Title I, part D; and $150,000.

(2) REDUCTION FOR INSUFFICIENT FUNDS.—If there are insufficient funds in a fiscal year to allot to each State the minimum amount under paragraph (1), the Secretary shall ratify the proportionate share to each State based on the proportionate share that each State received under this subsection for the preceding fiscal year.

SEC. 10105. REPORT.

The Coordinator for Education of Homeless Children and Youths shall—

(3) collect data for and transmit to the Secretary, at such time and in such manner as the Secretary may reasonably require, a report containing information necessary to assess the educational needs of homeless children and youths identified in the State, which shall be made available to the State educational agency's website; and
children and youths within the State, including data necessary for the Secretary to fulfill the responsibilities under section 724(h); and
(iv) in order to improve the provision of comparison and related services, agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child care providers, schools and homeless youth centers, and providers of services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

(C) providers of emergency, transitional, and permanent housing to homeless children and youths, and their families, including public housing agencies, shelter operators, operating personal housing facilities, and providers of transitional living programs for homeless youths;

(D) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and

(E) community organizations and groups representing homeless children and youths and their families.

(5) provide technical assistance to and conduct monitoring of local educational agencies in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii) to ensure that local educational agencies comply with the requirements of paragraph (4) and paragraphs (3) through (7) of subsection (g);

(6) provide professional development opportunities for local educational agency personnel and the local educational agency liaison designated under subsection (g)(1)(J)(ii) to assist such personnel and liaison in identifying and meeting the needs of homeless children and youths, and provide training on the definitions of terms related to homelessness specified in sections 101, 401, and 725 to the personnel (including personnel of preschool for the child or child education programs provided through the local educational agency) and the liaison; and

(7) request, to inquiries from parents and guardians of homeless children and youths, including (in the case of unaccompanied youths) such youths, to ensure that each child or youth is the subject of such an inquiry receives the full protections and services provided by this subtitle.;

(b) in subsection (g)—

(i) in subparagraph (A), by striking “achievement”; (ii) in subparagraph (B), by striking “special”; (iii) in subparagraph (D)—

(I) by striking “including” and all that follows through “personnel” and inserting “including liaisons designated under subparagraph (J)(ii), principals and school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel” ; and

(II) by striking “of runaway and homeless youths” and inserting “of homeless children and youths, including such children and youths who are runaway and homeless youths”; (iv) in subparagraph (E), by striking “food” and inserting “nutrition”; (v) in clause (I), by striking “equal” and all that follows and inserting “access to the same public preschool programs, administered by the State educational agency or local educational agency, as are provided to other children in the State, including ensuring that the administrative agency carry out the policies and practices required under paragraph (3)”; (v) in clause (ii), by striking “and” and inserting “through the implementation of policies and practices to ensure that youths described in this clause are able to receive appropriate credit for full or part-time coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies and rules”; and

(III) by striking clause (iii) and inserting the following:

(iii) homeless children and youths who meet the eligibility criteria for access to magnet school, summer school, career and technical education, dual or concurrent enrollment opportunities, early college high school, advanced placement, online learning, and charter school programs, if such programs are available at the State or local levels; and

(iv) the State educational agency and local educational agencies will adopt policies and practices to promote school success for homeless children and youth, including providing access to the academic and extracurricular activities that are made available to students who are not homeless children and youth;

(v) in subparagraph (H)(i), by striking “medical” and inserting “other health”; and

(vii) in subparagraph (J)—

(I) by striking “enrollment” and inserting “identification of homeless children and youths, and the enrollment,” and

(II) by striking “State.” and inserting “State, including barriers related to finances, absences, and credit accrual policies.”;

and

(viii) in subparagraph (J)—

(I) in clause (ii), by striking “to carry out” and inserting “and assurances that the liaison will have sufficient training and time to carry out”;

(II) in clause (iii), in the matter preceding subsection (I), by striking “origin, as determined in paragraph (3)(A),” and inserting “origin (within the meaning of paragraph (3)(A) of this title),” and

(III) in subclauses (I) and (II) of clause (iii), by striking “homeless” each place it appears.

(b) in paragraph (3)—

(i) in subparagraph (A)(i)(I), by striking “or” at the end and inserting “and”; and

(ii) in clause (B), by striking “BEST INTEREST” and inserting “SCHOOL STABILITY”;

(iii) by redesignating clause (iii) as clause (iv);

(iv) in clause (iii) by striking clauses (i) and (ii) and inserting the following:

(i) presume that keeping the child or youth in the school of origin is in the child’s or youth’s best interest, except when doing so is contrary to the request of the child’s or youth’s parent or guardian, or (in the case of an unaccompanied youth) the youth; (ii) consider factors related to the child’s or youth’s best interest, including factors related to the impact of mobility on achievement, health, and safety of homeless children and youth, giving priority to the request of the child’s or youth’s parent or guardian or (in the case of an unaccompanied youth) the youth;

(iii) if after carrying out clauses (i) and (ii) the local educational agency sends the child or youth to a school other than the school of origin, the enrollment shall be as described in clause (ii), provide a written explanation, including a statement regarding

the right to appeal under subparagraph (E), to the child’s or youth’s parent or guardian, or (in the case of an unaccompanied youth) the youth; and

(iv) in that clause (iv), by inserting “and takes into account” after “considers”;

(iii) by striking subparagraph (C) and inserting the following:

(III) IMMEDIATE ENROLLMENT.—

(1) IN GENERAL.—The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth

is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documents.

(2) EXCEPTION.—(I) the child or youth has not applied for enrollment.

(II) the child or youth has not provided the enrollment records otherwise required to enroll the child or youth.

(III) the child or youth has not met the relevant eligibility criteria.

(III) has missed application or enrollment deadlines during any period of homelessness.

(2) RELEVANT ACADEMIC RECORDS.—The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

(III) RELEVANT HEALTH RECORDS.—If the child or youth needs to obtain immunizations or health records, the enrolling school shall immediately refer the parent or guardian of the child or youth (or the youth, if the child or youth is an unaccompanied youth) to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations, screenings, or health records, in accordance with subparagraph (D);

(iv) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “medical records” and inserting “health records”; and

(II) in clause (i), by inserting “involved” after “records”;

(v) in subparagraph (E)—

(I) in the matter preceding clause (i), by striking “If” and all that follows through “school” and inserting “If a dispute arises over eligibility for enrollment, school selection, or enrollment in a public school, including a public preschool”;

(II) in clause (i), by inserting before the semicolon the following: “, including all available appeals”; and

(III) by striking clause (ii) and inserting the following:

(ii) the parent or guardian of the child or youth or (in the case of an unaccompanied youth) the youth shall be provided with a written explanation of any decisions related to school selection or enrollment made by the school, the local educational agency, or the state educational agency involved, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions;

(IV) by striking subparagraph (G) and inserting the following:

(G) PRIVACY.—Information about a homeless child’s or youth’s living situation shall be treated as a student education record, and not as directory information, under section 44 of the General Education Provisions Act (20 U.S.C. 1232g).

(IV) in paragraph (3) following “child or youth who completed the final grade level served by the school of origin, as described in clause (i), the term ‘school of origin’ means the school that a child or youth attending when permanently housed the school in which the child or youth was last enrolled, the child or youth receiving school.”

(2) the child or youth who completed the final grade level served by the school of origin, as described in clause (i), the term ‘school of origin’ means the school that a child or youth attending when permanently housed the school in which the child or youth was last enrolled, the child or youth receiving school.”

(C) in paragraph (4)—

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in subparagraph (A), by inserting before the period the following: ‘‘which may include transportation to a preschool’’;
(ii) in subparagraph (B), by striking ‘‘and educational programs’’ and all that follows and inserting ‘‘educational programs for English learners, charter school programs, and magnet school programs’’;
(iii) in subparagraph (C), by striking ‘‘vocational’’ and inserting ‘‘career’’;
(D) in paragraph (5)—
(i) in subparagraph (A)—
(ii) in clause (i), by striking ‘‘programs providing’’ and inserting ‘‘entities providing’’;
and
(ii) in clause (ii), by striking ‘‘such as transportation and’’ and inserting ‘‘including transportation and’’;
(ii) in subparagraph (C)—
(i) by redesignating clauses (i) and (ii) as clauses (ii) and (iii), respectively;
(ii) by inserting before clause (ii), as redesignated by subclause (I), the following:
‘‘(i) ensure that all homeless children and youths are promptly identified;’’; and
(III) in clause (ii), as redesignated by subclause (I), by striking ‘‘have access and’’ and inserting ‘‘have access to and are in’’;
and
(iii) by adding at the end the following:
‘‘(D) LOCAL EDUCATION AND HOMELESSNESS AND VIOLENT BEHAVIOR WITH DISABILITIES.—For children and youths who are to be assisted both under this subtitle, and under title II of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), each local educational agency shall coordinate the provision of services under this subtitle with the provision of programs for children with disabilities served by that local educational agency and other involved local educational agencies.’’

(E) in paragraph (6)—
(i) in subparagraph (A)—
(ii) by redesigning clauses (i) through (vii) as clauses (v) through (viii), respectively;
and
(ii) by striking clause (iii) and inserting the following:
‘‘(iii) homeless families and homeless children and youths have access to and receive educational services for which such families, children, and youths are eligible, including services through Head Start programs (including Head Start programs under the Head Start Act (42 U.S.C. 9831 et seq.), early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), and other preschool programs administered by the local educational agency;
(iv) homeless families and homeless children and youths are referred to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;’’;
(III) by striking clause (vi), as redesignated by subclause (I), and inserting the following:
‘‘(vi) public notice of the educational rights of homeless children and youths is disseminated and frequently referred to by parents and guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children and youths, and unaccompanied youths;’’;

(IV) in clause (vii), as redesignated by subclause (I), by striking ‘‘and’’ at the end;
and
(V) in clause (viii), as redesignated by subclause (I), by striking the period and inserting a semicolon;
(VI) by adding at the end the following:
‘‘(ix) school personnel providing services under this subtitle receive professional development and other support; and
‘‘(x) unaccompanied youths—
‘‘(I) are enrolled in school;
‘‘(II) have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including through implementation of the procedures under paragraph (1)(P)(ii); and
‘‘(III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1078(v)) and may obtain assistance to receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090);’’;
and
(ii) in subparagraph (B), by striking ‘‘advocates working with homeless families, parents and guardians of homeless children and youths, and homeless children and youths who are in school, of the duties of the local educational agency liaisons, and publish an annually updated list of the liaisons on the State educational agency’s website.’’;
and
(iii) in subparagraph (C), by adding at the end the following:
‘‘Such coordination shall include collecting and providing to the State coordinator the reliable, valid, and comprehensive information and data needed to meet the requirements of paragraphs (1) and (3) of subsection (f),’’;
and
(iv) by adding at the end the following:
‘‘(D) PROFESSIONAL DEVELOPMENT.—As determined appropriate by the State coordinator, the local educational agency liaisons shall participate in the professional development activities provided, and other technical assistance activities provided pursuant to paragraphs (5) and (6) of subsection (f), by the State coordinator.’’

(‘‘E) CERTIFYING HOMELESS STATUS.—A local educational agency liaison or member of the personnel of a local educational agency who receives training described in subparagraph (f)(6) may certify a child or youth who is participating in a program provided by the local educational agency, or a parent or family of such a child or youth, who meets the eligibility requirements of this Act for a program or service authorized under title IV, as eligible for the program or service.’’;
and
(F) in paragraph (7)—
(i) in subparagraph (A), by striking ‘‘that received the services’’ and inserting ‘‘shall review and revise any policies that may act as barriers to enrollment’’;
(ii) in subparagraph (B), by inserting ‘‘The extent to which the applicant’s program reflects coordination with other local and State agencies that serve homeless children and youths.’’; and
(iii) by redesignating subparagraph (G) as subparagraph (I);
(iv) by inserting after subparagraph (F) the following:
‘‘(G) The extent to which the local educational agency will use the grant to leverage resources.’’

(A) in paragraph (1), by striking ‘‘the same challenging State academic content standards and challenging State student academic achievement standards’’ and inserting ‘‘the same challenging State academic standards and challenging State student academic achievement standards’’;
and
(B) in paragraph (2)—
(i) by striking ‘‘students with limited English proficiency’’ and inserting ‘‘English learners’’;
and
(ii) by striking ‘‘vocational’’ and inserting ‘‘career’’;
and
(C) in paragraph (5), by striking ‘‘pupil services and inserting ‘‘specialized instructional support services’’;

(D) in paragraph (7), by striking ‘‘and unaccompanied youths, and inserting ‘‘particularly homeless, unaccompanied children and youths who are not enrolled in school’’;

(E) in paragraph (9), by striking ‘‘medical’’ and inserting ‘‘other health’’;

(F) by striking paragraph (10) and inserting the following:
‘‘(i0) The provision of education and training to the parents and guardians of homeless children and youths about the rights of, and resources available to, such children and youths, and the provision of other activities designed to increase the meaningful involvement of parents and guardians of homeless children or youths in the education of the children or youths.’’

(G) in paragraph (12), by striking ‘‘pupil services’’ and inserting ‘‘specialized instructional support services’’;

(H) in paragraph (13), by inserting before the period the following: ‘‘or parental mental health or substance abuse problems’’;
and
(I) in paragraph (16), by striking ‘‘to attend school and inserting ‘‘to enroll, attend, and succeed in school (including a preschool program).’’

SEC. 10103. LOCAL EDUCATIONAL AGENCY SUBGRANTS.

Section 722(f) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433) is amended—
(1) in subsection (a)—
(A) in paragraph (1), by inserting ‘‘identification of homeless children and youths and’’ before ‘‘enrollment’, and
(B) in paragraph (2)(B), in the matter preceding clause (i), by inserting ‘‘the related’’ before ‘‘schools’’;
(2) in subsection (b), by adding at the end the following:
‘‘(6) An assurance that the local educational agency will collect and promptly provide the information and data requested by the State coordinator pursuant to paragraphs (1) and (3) of section 722(f).’’

(‘‘7) An assurance that the applicant will meet the requirements of section 722(g)(3).’’;
(3) in subsection (c)—
(A) in paragraph (1), by striking the matter preceding subparagraph (A), by striking ‘‘preschool, elementary, and secondary schools and’’ and inserting ‘‘early childhood education and other preschool programs, elementary schools, and secondary schools’’;
and
(b) in subparagraph (A), by inserting ‘‘identification,’’ before ‘‘enrollment,’’;

(iii) in subparagraph (B), by striking ‘‘application—’’ and all that follows and inserting ‘‘the application—’’;
and
(iv) in subparagraph (C), by inserting ‘‘as of the date of submission of the application’’ after ‘‘practice’’;

(B) in paragraph (3)—
(i) in subparagraph (C), by inserting ‘‘extent to which the applicant will promote meaningful’’ after ‘‘The’’;

(ii) in subparagraph (D), by striking ‘‘with’’ and inserting ‘‘into’’;

(iii) by redesignating subparagraph (G) as subparagraph (I);
and
(iv) by inserting after subparagraph (F) the following:
‘‘(G) The extent to which the local educational agency will use the grant to leverage resources.’’

(A) in paragraph (1), by striking ‘‘the same challenging State academic content standards and challenging State student academic achievement standards’’ and inserting ‘‘the same challenging State academic standards and challenging State student academic achievement standards’’;
and
(B) in paragraph (2)—
(i) by striking ‘‘students with limited English proficiency’’ and inserting ‘‘English learners’’;
and
(ii) by striking ‘‘vocational’’ and inserting ‘‘career’’;

(C) in paragraph (5), by striking ‘‘pupil services and inserting ‘‘specialized instructional support services’’;

(D) in paragraph (7), by striking ‘‘and unaccompanied youths’’ and inserting ‘‘particularly homeless, unaccompanied children and youths who are not enrolled in school’’;

(E) in paragraph (9), by striking ‘‘medical’’ and inserting ‘‘other health’’;

(F) by striking paragraph (10) and inserting the following:

‘‘(i0) The provision of education and training to the parents and guardians of homeless children and youths about the rights of, and resources available to, such children and youths, and the provision of other activities designed to increase the meaningful involvement of parents and guardians of homeless children or youths in the education of the children or youths.’’

(G) in paragraph (12), by striking ‘‘pupil services’’ and inserting ‘‘specialized instructional support services’’;

(H) in paragraph (13), by inserting before the period the following: ‘‘or parental mental health or substance abuse problems’’;
and
(I) in paragraph (16), by striking ‘‘to attend school and inserting ‘‘to enroll, attend, and succeed in school (including a preschool program).’’

SEC. 10104. SECRETARIAL RESPONSIBILITIES.

Section 724 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434) is amended—
(1) by striking subsection (c) and inserting the following:
‘‘(c) NOTICE—
(I) IN GENERAL.—The Secretary shall, before the next school year that begins after

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the date of enactment of the Every Child Achieves Act of 2015, update and disseminate nationwide the public notice described in this subsection (as in effect prior to such date) that outlines the rights of homeless children and youths.

(2) DISSEMINATION.—The Secretary shall disseminate the notice nationally to all Federal agencies and recipients, serving homeless families or homeless children and youth.

(3) in subsection (f), by adding at the end the following: “The Secretary shall provide support and technical assistance to State educational agencies, concerning areas in which documented barriers to a free appropriate education persist.”

(4) by striking subsection (g) and inserting the following:

(1) the purposes, goals, and organizational and administrative structure of such services and programs, across agencies and administrative structure of such services and programs, across all agencies that have a purpose or are intended to benefit or serve children, including—

(A) the purposes, goals, and organizational and administrative structure of such services and programs, across agencies.

(B) methods of delivery and implementation; and

(C) recommendations to increase the effectiveness, coordination, and integration of such services and programs, across agencies and levels of government, in order to leverage existing resources and better and more comprehensively serve children.

SEC. 10205. POSTHUMOUS PARDON.

(a) FINDINGS.—Congress finds the following:

(1) John Arthur “Jack” Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases.

(2) Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves.

(3) Jack Johnson became a professional boxer and traveled throughout the United States, fighting White and African-American heavyweights.

(4) After being denied on purely racial grounds the opportunity to fight 2 White champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning White title-holder, Tommy Burns.

(5) Jack Johnson defeated Tommy Burns to become the first African-American to hold the title of Heavyweight Champion of the World.

(6) The victory by Jack Johnson over Tommy Burns prompted a search for a White

the following:

The Secretary shall conduct dissemination, and technical assistance activities for programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities;

in subsection (f), by adding at the end the following: “The Secretary shall develop, issue, and publish such information on the Department of Education’s website; and

the definitions of the term “highly qualified”, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), shall be treated as references to the term “highly qualified”, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), as in effect on the day before the date of the enactment of this Act.

PART B—OTHER LAWS; MISCELLANEOUS

SEC. 10201. USE OF TERM “HIGHLY QUALIFIED” IN OTHER LAWS.

Beginning on the date of the enactment of this Act, any reference in law to the term “highly qualified”, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), shall be treated as a reference to such term under section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), as in effect on the day before the date of the enactment of this Act.

SEC. 10202. DEPARTMENT STAFF.

The Secretary of Education shall—

(1) not later than 90 days after the date of the enactment of this Act—

(A) identify the number of Department of Education employees who worked on or administered each education program and project authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as such program or project was in effect on the day before such enactment date,

(B) identify the number of part-time equivalent employees who work on or administer programs or projects that—

(i) were authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as such program or project was in effect on the day before such enactment date; and

(ii) have been eliminated or consolidated since such date;

(2) responding to the September 2012 report of the Office of Inspector General of the Department of Education, which expressed concern about findings of inadequate oversight by local educational agencies and authorized public charter schools that have been funded for 2 years or more which federal funds are properly used and accounted for;

(3) describing actions the Department of Education has taken to address the concerns described in such memorandum and final audit report.

SEC. 10204. COMPTROLLER GENERAL STUDY ON INCREASING EFFECTIVENESS OF EXISTING SERVICES AND PROGRAMS INTENDED TO BENEFIT CHILDREN.

Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall provide to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report that includes—

(1) a description and assessment of the existing federally funded services and programs across all agencies that have a purpose or are intended to benefit or serve children, including—

(A) the purposes, goals, and organizational and administrative structure of such services and programs at the Federal, State, and local level; and

(B) methods of delivery and implementation; and

(2) recommendations to increase the effectiveness, coordination, and integration of such services and programs, across agencies and levels of government, in order to leverage existing resources and better and more comprehensively serve children.

SEC. 10205. POSTHUMOUS PARDON.

(a) FINDINGS.—Congress finds the following:

(1) John Arthur “Jack” Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases.

(2) Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves.

(3) Jack Johnson became a professional boxer and traveled throughout the United States, fighting White and African-American heavyweights.

(4) After being denied on purely racial grounds the opportunity to fight 2 White champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning White title-holder, Tommy Burns.

(5) Jack Johnson defeated Tommy Burns to become the first African-American to hold the title of Heavyweight Champion of the World.

(6) The victory by Jack Johnson over Tommy Burns prompted a search for a White
boxer who could beat Jack Johnson, a re-
cruitment effort that was dubbed the search for the “great white hope”.

(7) In 1910, a White former champion named Jim Jeffries lost to Johnson in Reno, Nevada.

(8) Jim Jeffries lost to Jack Johnson in what was deemed the “Battle of the Century”.


(10) The relationships of Jack Johnson with White women compounded the resentment and contempt for many Whites.

(11) Between 1901 and 1910, 754 African-Americans were lynched, some simply for being “too familiar” with White women.

(12) In 1903, Congress passed the Act of June 25, 1903 (commonly known as the “White Slave Traffic Act” or the “Mann Act”) (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce “for the purpose of prostitution or debauchery, or for any other immoral purpose”.

(13) In October 1912, Jack Johnson became involved with a woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter.

(14) Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an “immoral purpose” in violation of the Mann Act.

(15) The Mann Act charges against Jack Johnson were dropped when the woman refused to cooperate with Federal authorities, and then married Jack Johnson.

(16) Federal authorities persisted and summoned a White woman named Belle Schreiber, who testified that Jack Johnson had transported her across States lines for the purpose of “prostitution and debauchery”.

(17) In 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison.

(18) Jack Johnson fled the United States to Canada and crossed European and South American countries.

(19) Jack Johnson lost the United States to Canadian-born white boxer Jim Jeffries.

(20) Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary at Leavenworth, Kansas.

(21) Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title.

(22) Jack Johnson served the United States during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond campaign.

(23) Jack Johnson died in an automobile accident in 1946.

(24) In 1954, Jack Johnson was inducted into the Boxing Hall of Fame.

(25) Senate Concurrent Resolution 29, 111th Congress, agreed to July 29, 2009, expressed the sense of Congress that Jack Johnson should receive a posthumous pardon—

(1) in recognition of the athletic and cultural contributions of Jack Johnson to society.

SEC. 10206. EDUCATION FLEXIBILITY PARTNER-
SHIP ACT OF 1999 REAUTHORIZA-
TION.

(a) DEFINITIONS.—Section 3 of the Edu-
cation Flexibility Partnership Act of 1999 (20 U.S.C. 5891) is amended—

(1) in paragraph (1)—

(A) in the heading, by striking “LOCAL” and inserting “EDUCATIONAL SER-
vice agencies”;

(B) by striking “The terms” and inserting “The terms ‘educational service agency’, “

(2) in paragraph (2), by striking “section 1113(a)(2)” and inserting “section 1113(a)(1)(B)”;

(b) GENERAL PROVISIONS.—Section 4 of the Edu-
cation Flexibility Partnership Act of 1999 (20 U.S.C. 5891b) is amended to read as follows:

**SEC. 4. EDUCATION FLEXIBILITY PROGRAM.**

(a) EDUCATIONAL FLEXIBILITY PROGRAM.—

"(1) PROGRAM AUTHORIZED.—

"(A) IN GENERAL.—The Secretary may carry out an educational flexibility program under which the Secretary authorizes a State educational agency to apply for an elig-
ible State to waive statutory or regulatory requirements applicable to one or more pro-
gams described in subparagraph (b), other than the requirements described in subsection (c), for any local educational agency, educational service agency, or school within the State.

"(B) DESIGNATION.—Each eligible State participating in the program described in subparagraph (A) shall be known as an ‘Ed-
Flex Partnership State’. "

(2) ELIGIBLE STATE.—For the purpose of this section, the term ‘eligible State’ means a State that—

"(A) has—

"(i) developed and implemented the chal-
len ging State academic standards, and aligned assessments, described in paragraphs (1) and (2) of section 1111(b) of the Ele-
mentary and Secondary Education Act of 1965, and is producing the report cards required by section 1111(d)(2) of such Act; or

"(ii) the State has adopted new chal-
len ging State academic standards under sec-
ction 1111(b)(1) of the Elementary and Sec-
ondary Education Act of 1965, as a result of the amendments made to such Act by the No Child Left Behind Act of 2001, and has made substantial progress (as determined by the Secretary) toward developing and imple-
menting such standards and toward pro-
ducing the report cards required under sec-
ction 1111(d)(2) of such Act; or

"(B) will hold local educational agencies, educational service agencies, and schools ac-
countable for meeting the educational goals described in the local applications submitted under paragraph (4) and for engag-
ging in technical assistance and, as applicable and ap-
propriate, intervention and support strate-
gies consistent with section 1114 of the Ele-
mentary and Secondary Education Act of 1965, for the schools that are identified as in need of intervention and support as described in section 1111(b)(3) of such Act; and

"(C) waives State statutory or regulatory requirements relating to education while holding local educational agencies, educational service agencies, or schools within the State that are affected by such waivers accountable for the performance of the students who receive such waivers.

(3) STATE APPLICATION.—

"(A) IN GENERAL.—Each local educational agency desiring to participate in the edu-
cational flexibility program under this sec-
tion shall submit an application to the Sec-
cretary at such time, in such manner, and
containing such information as the Sec-
cretary may reasonably require. Each such application shall demonstrate that the eligi-
ble State has adopted an educational flexi-
bility plan for the State that includes—

"(i) a description of the process the State educational agency will use to evaluate appli-
cations from local educational agencies, educational service agencies, or schools request-
ing waivers of—

"(II) Federal statutory or regulatory re-
quirements as described in paragraph (1)(A); and

"(III) State statutory or regulatory require-
ments relating to education.

(4) DETAILED DESCRIPTION.—The Statu-
tory and regulatory requirements rela-
ting to education that the State educational agency will waive;

(5) DESCRIPTION OF CLEAR EDUCATIONAL O-
BJECTIVES.—The State intends to meet under the educational flexibility plan, which may in-
clude innovative methods to leverage re-
sources to improve program efficiencies that benefit students;

(6) DESCRIPTION OF HOW THE EDUCATIONAL FLEXIBILITY PLAN IS COordinated with activities described in section 1113 of the Ele-
mentary and Secondary Education Act of 1965 and section 1114 of such Act;

(7) A DESCRIPTION OF HOW THE STATE EDU-
CATIONAL AGENCY WILL MEET THE REQUIRE-
MENTS OF PARAGRAPH (7).

(B) APPROVAL AND CONSIDERATIONS.—

"(A) IN GENERAL.—By not later than 90 days after the date on which a State has sub-
mitted an application described in subpara-
graph (A), the Secretary shall issue a written decision that explains why such application has been approved or disapproved, and the process for revising and resubmitting the application for reconsideration.

"(I) APPROVAL.—The Secretary may ap-
prove an application described in subpara-
graph (A) only if the Secretary determines that such application demonstrates substan-
tial progress in assisting the State edu-
cational agency and affected local edu-
cational agencies, educational service agen-
cies, and schools within the State in car-
rying out comprehensive educational reform, after considering—

"(i) the eligibility of the State as described in paragraph (2);

"(II) THE COMPREHENSIVENESS AND QUALITY OF THE EDUCATIONAL FLEXIBILITY PLAN DESCRIBED IN SUBPARA-
GRAPH (A);

"(III) THE ABILITY OF THE EDUCATIONAL FLEXIBILITY PLAN TO ENSURE ACCOUNTABILITY FOR THE ACTIVITIES AND GOALS DESCRIBED IN SUCH PLAN;

"(IV) THE DEGREE TO WHICH THE STATE’S OBJECTIVES DESCRIBED IN SUBPARA-
GRAPH (A)(I) ARE CLEAR AND HAVE THE ABILITY TO BE ASSESSED; AND

"(V) WHETHER THE PLAN ADVANCES THE GOALS OF THE STATE EDUCATIONAL AGENCY.

(8) TRANSFORMATION.—The Secretary shall not approve an application described in sub-
paragraph (A) if the Secretary determines that such application—

"(I) does not include innovative methods to leverage resources to improve program efficiencies that benefit students;

"(II) does not describe how the educational flexibility plan will be coordinated with activities described in section 1113 of the Ele-
mentary and Secondary Education Act of 1965 and section 1114 of such Act;

"(III) will not hold local educational agencies, educational service agencies, and schools accountable for the educational goals described in the local applications submitted under paragraph (4) and for engaging in technical assistance and, as applicable and appropriate, intervention and support strategies consistent with section 1114 of the Ele-
mentary and Secondary Education Act of 1965, for the schools that are identified as in need of intervention and support as described in section 1111(b)(3) of such Act; and

"(IV) waives State statutory or regulatory requirements relating to education while holding local educational agencies, educational service agencies, or schools within the State that are affected by such waivers accountable for the performance of the students who receive such waivers.

"(2) APPLIcATIONS.—The Secretary shall accept applications for approval of an edu-
cational flexibility plan within 90 days after sub-
mitting an approved application under sec-
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school requesting a waiver of a Federal statutory or regulatory requirement as described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

(i) indicate each Federal program affected and each statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected results of waiving such each requirement, which may include innovative methods to leverage resources to improve program efficiencies that benefit students;

(iii) describe, for each school year, specific, measurable, educational goals for each local educational agency, educational service agency, or school affected by the proposed waiver, and for the students served by the local educational agency, educational service agency, or school who are affected by the waiver;

(iv) explain why the waiver will assist the local educational agency, educational service agency, or school in reaching such goals; and

(v) in the case of an application from a local educational agency or educational service agency, describe how the agency will meet the requirements of paragraph (7).

(B) EVALUATION OF APPLICATIONS.—A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State’s educational flexibility plan described in paragraph (3)(A).

(C) APPROVAL.—A State educational agency shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency, educational service agency, or school submitting an application for such waiver has described a local reform plan that—

(I) is applicable to such agency or school, respectively; and

(II) may include innovative methods to leverage resources to improve program efficiencies that benefit students;

(ii) the Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local educational agency, educational service agency, or school in reaching its educational goals, particularly goals with respect to school and student performance; and

(iii) the State educational agency is satisfied that the purposes and overall expected results of the statutory requirements of each program for which a waiver is granted will continue to be met.

(D) TERMINATION.—The State educational agency shall annually review the performance of any local educational agency, educational service agency, or school granted a waiver of a statutory or regulatory requirement as described in paragraph (1)(A) in accordance with the evaluation requirement described in paragraph (3)(A)(v), and shall automatically suspend any such waiver granted to the local educational agency, educational service agency, or school if the State educational agency determines, in its notice and an opportunity for a hearing, that—

(i) there is compelling evidence of systematic waste, fraud, or abuse; and

(ii) the performance of the local educational agency, educational service agency, or school with respect to meeting the accountability requirement described in paragraph (4)(A)(iii) has been inadequate to justify continuation of such waiver;

(iii) goal established in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 and (iv) (A) DURATION.—The Secretary shall approve a State educational agency’s application for a waiver of Federal statutory or regulatory requirements under this section if the Secretary determines that—

(I) the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) has made progress toward achieving the objectives described in the local application submitted pursuant to paragraph (4)(A)(iii); and

(II) has improved student performance.

(B) PERFORMANCE REVIEW.—

(i) IN GENERAL.—Following the expiration of an approved educational flexibility program for a State that is designated an Ed-Flex Partnership State, the Secretary shall have not more than 180 days to complete a review of the performance of the State educational agency in granting waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) to determine if the State educational agency—

(I) has achieved, or is making substantial progress towards achieving, the objectives described in the application submitted pursuant to paragraph (3)(A)(iii) and the specific goals established in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965; and

(II) demonstrates that local educational agencies, educational service agencies, or schools affected by the waiver authority or waivers have achieved, or are making progress toward achieving, the desired results described in the application submitted pursuant to paragraph (4)(A)(iii).

(ii) TERMINATION OF AUTHORITY.—The Secretary shall terminate the authority of a State educational agency to grant waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) if the Secretary determines, after providing the State educational agency with notice and an opportunity for a hearing, that such agency’s performance has been inadequate to justify continuation of such waiver, based on agency’s performance against specific goals in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965.

(D) TERMINATION.—

(i) IN GENERAL.—Each State educational agency desiring to renew an approved educational flexibility program under this section shall submit a request for renewal to the Secretary not later than the date of expiration of the approved educational flexibility program.

(ii) TIMING FOR RENEWAL.—The Secretary shall either approve or deny the request for renewal by not later than 90 days after completing the performance review of the State described in paragraph (B).

(iii) DETERMINATION.—In deciding whether to extend a request of a State educational agency for the authority to issue waivers under this section, the Secretary will review the progress of the State educational agency to determine if the State educational agency—

(I) has made progress toward achieving the objectives described in the State application submitted pursuant to paragraph (3)(A)(iii); and

(II) demonstrates in the request that local educational agencies, educational service agencies, or schools affected by the waiver authority or waivers have made progress toward achieving the desired results described in the local application submitted pursuant to paragraph (4)(A)(iii).

(D) TERMINATION.—

(i) IN GENERAL.—The Secretary shall terminate or temporarily suspend the authority of a State educational agency to grant waivers under this section if the Secretary determines that—

(I) there is compelling evidence of systematic waste, fraud, or abuse; and

(II) after notice and an opportunity for a hearing, such agency’s performance (including performance with respect to meeting the objectives described in paragraph (3)(A)(iii))
has been inadequate to justify continuation of such authority.

(ii) LIMITED COMPLIANCE PERIOD.—A State whose authority to grant such waivers has been suspended shall not be entitled to an additional fiscal year to come into compliance in order to seek renewal of the authority to grant waivers under this section.

(c) WAIVERS.—

(1) Authority.—Each State educational agency that has been granted waiver authority under this section—

(A) shall provide the public with adequate and effective notice of the proposed waiver authority or waiver, consisting of a description of the agency’s application for the proposed waiver authority or waiver on each agency’s website, including a description of any improved student performance that is expected to result from the waiver authority or waiver;

(B) shall provide the opportunity for parents, educators, school administrators, and all other interested members of the community to comment regarding the proposed waiver authority or waiver;

(C) shall provide the opportunity described in subparagraph (B) in accordance with any applicable State law specifying how the comments may be reviewed by any member of the public; and

(D) shall submit the comments received with the agency’s application for the proposed waiver authority or waiver to the Secretary or the State educational agency, as appropriate.

(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements for programs that are authorized under the Elementary and Secondary Education Act of 1965:

(1) Parental participation and involvement; (2) comparability of services; (3) equitable participation of students and parents; (4) state or local participation in the school attendance area of such school or who attend such school is not less than 10 percent points below the lowest percentage of such children for any school attendance area or school of the local educational agency within the area described in subparagraphs (1) and (2); (3) applicable civil rights requirements; and

(2) unless the State educational agency can demonstrate that the underlying purpose of the program for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(c) WAIVERS NOT AUTHORIZED.—The Secretary makes the determination described in paragraph (2).

(d) TREATMENT OF EXISTING ED-FLEX PARTNERSHIP STATE.—

(1) IN GENERAL.—Any designation of a State as an Ed-Flex Partnership State that was in effect on the date of enactment of this Act shall be immediately extended for a period of not more than 5 years, if the Secretary makes the determination described in paragraph (2).

(2) DETERMINATION.—The determination referred to in paragraph (1) is a determination that the performance of the State educational agency on the programs for which the State has received a waiver under the educational flexibility program, justifies the extension of the designation.

(e) PUBLICATION.—A notice of the Secretary’s decision to authorize State educational agencies to issue waivers under this section, including a description of the rationale the Secretary used to approve applications under subsection (a)(3)(B), shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties (including educators, parents, students, nonprofit organizations, civil rights organizations, and the public).
(12) QUALIFIED EXPENSES.—The term “qualified expenses” means, with respect to an individual, expenses that—
(A) are incurred after the individual receives—
(i) a grade not higher than grade 9;
(ii) a diploma as defined in section 483 of the Higher Education Act of 1965 (20 U.S.C. 1232g), commonly referred to as the “GEAR UP program.”
(13) SECRETARY.—The term “Secretary” means the Secretary of Education.
(14) STATE EDUCATIONAL AGENCY.—The term “State educational agency” means the State educational agency for a group of low-income students.
(15) TRIBAL COLLEGE OR UNIVERSITY.—The term “tribal college or university” has the meaning given such term in section 315(b) of the Higher Education Act of 1965 (20 U.S.C. 1069c(b)).
(16) TRIBALLY CONTROLLED SCHOOL.—The term “tribally controlled school” has the meaning given such term in section 5212 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 10303. GRANT PROGRAM.
(a) PROGRAM AUTHORIZED.—The Secretary shall establish a grant program and award 10 grants to eligible entities to enable such eligible entities to establish and administer American Dream Accounts for a group of low-income students.
(b) RESERVATION.—From the amounts appropriated each fiscal year to carry out this part, the Secretary shall reserve not more than 1 percent of such amount to carry out the evaluation activities described in section 10306.
(c) DURATION.—A grant awarded under this part shall be for a period of not more than 3 years. The Secretary may extend such grant for an additional 2-year period if the Secretary determines that the eligible entity has demonstrated significant progress, based on the factors described in section 10304(b)(11).

SEC. 10304. APPLICATIONS; PRIORITY.
(a) REQUIREMENTS.—Each eligible entity desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.
(b) CONTENTS.—At a minimum, the application described in subsection (a) shall include the following:
(1) a description of—
(A) the characteristics of a group of not less than 30 low-income public school students who—
(i) are, at the time of the application, attending a grade not higher than grade 9; and
(ii) will, under the grant, receive an American Dream Account;
(2) a description of how the eligible entity will engage, and provide support (such as tutoring and mentoring for students, and training for teachers and other stakeholders) either online or in person, to—
(A) the students in the group described in paragraph (1);
(B) the family members and teachers of such students; and
(C) other stakeholders such as school administrators and school counselors;
(3) an identification of partners who will assist the eligible entity in establishing and sustaining the American Dream Accounts;
(4) a description of what experience the eligible entity or the partners of the eligible entity have in managing college savings accounts—
(A) for elementary and secondary school students for postsecondary education, managing online systems, and teaching financial literacy; and
(5) a demonstration that the eligible entity has sufficient resources to provide an initial deposit into the college savings account portion of each American Dream Account;
(6) a description of how the eligible entity will help increase the value of the college savings account portion of each American Dream Account, such as by providing matching funds or incentives for academic achievement.
(7) a description of how the eligible entity will notify each participating student in the group described in paragraph (1), on a semi-annual basis, of the current balance and status of the college savings account portion of the American Dream Account of the student;
(8) a plan that describes how the eligible entity will monitor participating students in the group described in paragraph (1) to ensure that each account of each student will be maintained if a student in such group drops out of high school; and
(9) a plan that describes how the American Dream Accounts will be managed for not less than 1 year after a majority of the students in the group described in paragraph (1) graduate from secondary school.
(10) a description of how the American Dream Accounts will be managed for not less than 1 year after a majority of the students in the group described in paragraph (1) graduate from secondary school.
(b) CONTENTS.—At a minimum, the application described in paragraph (a) shall include the following:
(1) open a college savings account for such student;
(2) monitor the progress of such student online, which—
(A) shall include monitoring student data relating to—
(i) grades and course selections;
(ii) progress reports; and
(iii) attendance and disciplinary records; and
(B) may also include monitoring student data relating to a broad range of information provided by teachers, members, related to postsecondary education readiness, access, and completion; and provide to such students, either online or in person, to learn about financial literacy, including—
(A) assisting such students in financial planning for enrollment in an institution of higher education;
(B) assisting such students in identifying and applying for financial aid (such as loans, grants, and scholarships) for an institution of higher education; and
(C) enhancing student understanding of consumer, economic, and personal finance concepts;
(2) provide opportunities for such students, either online or in person, to learn about preparing for enrollment in an institution of higher education, including by providing instruction to students about—
(A) choosing the appropriate courses to prepare for postsecondary education;
(B) applying to an institution of higher education;
(C) building a student portfolio, which may be used when applying to an institution of higher education;
(D) selecting an institution of higher education;
(E) choosing a major for the student’s postsecondary education program or a career path; and
(F) adapting to life at an institution of higher education; and
(3) provide opportunities for such students, either online or in person, to identify skills or interests, including career interests.
(b) ACCESS TO AMERICAN DREAM ACCOUNT.—
(1) IN GENERAL.—Any eligible student described in paragraph (a) shall have access to an American Dream Account.
(2) VESTED STAKEHOLDERS.—The vested stakeholders that an eligible student shall permit to access an American Dream Account are—
(A) the student’s parents, guardians, or legal custodians;
(B) the students, school counselors, school administrators, or other individuals that are designated, in accordance with section 444 of the Family Education Provisions Act (20 U.S.C. 1232g, commonly known as the “Family Educational Rights and Privacy Act of 1974”), by
the parent of a participating student in whose name such American Dream Account is held, as having permission to access the account. A student's parent may withdraw such designation from an individual at any time.

(3) EXCEPTION FOR COLLEGE SAVINGS ACCOUNT.—An eligible entity that receives a grant under this part shall not be required to provide students or their parents with any vested stakeholders, as described in paragraph (2), access to the college savings account portion of a student's American Dream Account.

(4) ADULT STUDENTS.—Notwithstanding paragraphs (1), (2), and (3), if a participating student is age 18 or older, an eligible entity that receives a grant under this part shall not provide access to such participating student’s American Dream Account without the student's consent, in accordance with section 414 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the “Family Educational Rights and Privacy Act of 1974”).

(5) INPUT OF STUDENT INFORMATION.—Student data collected pursuant to subsection (a)(2)(A) shall be entered into an American Dream Account only by a school administrator or the designee of such administrator.

(c) PROHIBITION ON USE OF Student INFORMATION.—An eligible entity that receives a grant under this part shall not use any student data or data for the purpose of soliciting, advertising, or marketing any financial or non-financial consumer product or service that is offered by such eligible entity, or on behalf of any other person.

(d) PROHIBITION ON THE USE OF GRANT FUNDS.—An eligible entity shall not use grant funds provided under this part to provide any deposits into a college savings account portion of a student’s American Dream Account.

SEC. 10307. ELIGIBILITY TO RECEIVE FEDERAL STUDENT FINANCIAL AID.

Notwithstanding any other provision of law, any funds that are in the college savings account portion of a student’s American Dream Account shall not affect such student’s eligibility for Federal student financial aid, including any Federal student financial aid provided under the Higher Education Act of 1965 (20 U.S.C. 1011 et seq.), and shall not be considered in determining the amount of any such Federal student aid.

SEC. 10308. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2016 and each of the 4 succeeding fiscal years.

SEC. 10309. REPORT ON THE REDUCTION OF THE NUMBER AND PERCENTAGE OF STUDENTS WHO DROP OUT OF SCHOOL.

Not later than 5 years after the date of enactment of this Act, the Director of the Institute of Education Sciences shall evaluate the impact of section 1111(c)(1)(M) on reducing the number and percentage of students who drop out of school.

SEC. 10310. REPORT ON NATIVE AMERICAN LANGUAGES MEDIUM EDUCATION.

(a) PURPOSE.—The purpose of this section is to authorize a study to evaluate all levels of education provided primarily through the medium of Native languages and to require a report of the findings, within the context of the findings, purposes, and provisions of the Native American Languages Act (25 U.S.C. 2901), the findings, purposes, and provisions of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and other related laws.

(b) STUDY AND REVIEW.—The Secretary of Education shall award grants to eligible entities to study and review Native language medium schools and programs.

(c) ELIGIBLE ENTITY DEFINED.—In this section, the term “eligible entity” means a consortium that—

(1) includes not less than 3 units of an institution of higher education, such as a department, center, or college, that has significant expertise in or experience working in Native American or Alaska Native languages, and Native language medium education; and

(2) includes a brief description of how the standards measured by the assessments in the Native language of instruction;

(3) describes the work proposed to carry out this study;

(4) describes the work proposed to carry out this study;

(5) includes letters of verification of participation from the top internal administrators of each unit in the consortium;

(6) includes a brief description of how the consortium meets the eligibility qualifications under subsection (c);

(7) provides other information as requested by the Secretary of Education.

(e) SCOPE OF STUDY.—An eligible entity that receives a grant under this section shall use the grant funds to study and review Native American language medium schools and programs and evaluate the components, policies, and practices of successful Native language medium schools and programs and how the students who enroll in them do over the long term, including—

(1) the level of expertise in educational pedagogy, Native language fluency, and experience of the principal, teachers, para-professionals, and other educational staff;

(2) how such schools and programs’ curricula incorporates the relevant Native culture of the students;

(3) how such schools and programs assess the academic proficiency of the students, including—

(A) whether the school administers assessments of language arts, mathematics, science, and other academic subjects in the Native language of instruction;

(B) whether the school administers assessments of language arts, mathematics, science, and other academic subjects in English; and

(C) how the standards measured by the assessments in the Native language of instruction and in English compare;

(4) the academic graduation rate, and other outcomes of students who have completed the highest grade taught primarily through such schools or programs, including, when available, college attendance rates compared with demographically similar students who did not attend a school in which the language of instruction was a Native language; and

(5) other appropriate information consistent with the purpose of this section.

(f) OTHER ENTITIES.—An eligible entity may enter into a contract with another individual, entity, or organization to assist in carrying out research necessary to fulfill the purpose of this section.

(1) develop a detailed statement of findings and conclusions regarding the study completed under subsection (e), including recommendations for such legislative and administrative actions as the eligible entity considers to be appropriate; and

(2) submit a report setting forth the findings and conclusions, including recommendations, described in paragraph (1) to each of the following:

(A) The Committee on Indian Affairs of the Senate.

(B) The Committee on Health, Education, Labor, and Pensions of the Senate.

(C) The Committee on Indian Affairs of the Senate.

(D) The Subcommittee on Indian, Insular, and Alaska Native Affairs of the House of Representatives.

(E) The Secretary of Education.

(F) The Secretary of the Interior.
CONDEMNING THE ATTACKS OF JULY 16, 2015, IN CHATTANOOGA, TENNESSEE, AND HONORING THE MEMBERS OF THE ARMED FORCES WHO LOST THEIR LIVES

Mr. McConnell. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 227, which was 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. 227) condemning the attacks of July 16, 2015, in Chattanooga, Tennessee, honoring the members of the Armed Forces who lost their lives, and expressing support and prayers for all those affected.

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. 227) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)

ORDERS FOR WEDNESDAY, JULY 22, 2015

Mr. McConnell. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, July 22: 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; that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; lastly, that the majority control the first hour and the Democrats control the second hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

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.

There being no objection, the Senate, at 7:21 p.m., adjourned until Wednesday, July 22, 2015, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL RESERVE SYSTEM

KATHRYN M. DOMINGUEZ, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2004, VICE JEREMY C. STEIN, RETIRED.

THE JUDICIARY

LEONARD TERRY STRAND, OF SOUTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF IOWA, VICE MARK W. BENNETT, RETIRED.

IN THE AIR FORCE

The following named officer for appointment in the reserve of the Air Force to the grade indicated under Title 10, U.S.C., Section 12203:

To be major general

BRIG. GEN. THERON G. DAVIS

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under Title 10, U.S.C., Section 601:

To be lieutenant general

MAJ. GEN. JOHN M. MURRAY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under Title 10, U.S.C., Section 601:

To be lieutenant general

LT. GEN. ANTHONY B. HRABDI

The following named officer for appointment in the Reserve of the Army to the grade indicated under Title 10, U.S.C., Section 601:

To be major general

BRIG. GEN. PATRICK J. REINERT

IN THE NAVY

The following named officer for appointment to the grade of admiral in the United States Navy while assigned to a position of importance and responsibility under Title 10, U.S.C., Section 601, and Title 50, U.S.C., Section 2511:

To be admiral

VICE ADM. JAMES F. CALDWELL, JR.

The following named officer for appointment in the United States Navy to the grade indicated under Title 10, U.S.C., Section 601:

To be vice admiral

VICE ADM. JOSEPH P. AUFCORN

The following named officer for appointment in the United States Navy to the grade indicated under Title 10, U.S.C., Section 601:

To be rear admiral (lower half)

CAPT. CEDRIC E. FRINGLE