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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

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# House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. CURBELO of Florida).

## DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*July 27, 2015.*

I hereby appoint the Honorable CARLOS CURBELO to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
*Speaker of the House of Representatives.*

## MORNING-HOUR DEBATE

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

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

## TEXANS IN THE FORGOTTEN WAR: KOREA

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

Mr. POE of Texas. Mr. Speaker, an armistice was signed 62 years ago today to signify the official end of the Korean war. It was July 27, 1953.

This first conflict of the cold war occurred when communist North Korea invaded South Korea 3 years earlier.

The defense of South Korea was supposedly a U.N. action, but as history shows, the United States, unprepared for this war, took the brunt of the fighting, along with the South Koreans.

In the end, the war resulted in a cease-fire until both sides could ''find a peaceful settlement.'' No settlement has ever occurred.

This war has been referred to as ''the forgotten war.'' It is barely mentioned in our textbooks. Over 50,000 Americans were killed; 1,700 of them were from Texas.

Thirteen Texans went above and beyond the call of duty in Korea. They received the Congressional Medal of Honor for their valor. Ten of them were killed in combat.

Major George Andrew Davis, Jr., United States Air Force. While flying his F–86 Sabrejet, he and his wingman attacked 12 MIGs to protect a squadron of U.S. bombers.

After shooting down two MIGs, he continued the fight until he was killed. His actions resulted in the U.S. bombers successfully completing their mission.

Staff Sergeant Ambrosio Guillen, United States Marine Corps, was killed 2 days before the cease-fire. He turned an overwhelming enemy attack into a disorderly retreat while supervising the defense of his position, the treatment, and evacuation of the wounded.

Private First Class Jack G. Hanson, United States Army. While covering the withdrawal of his fellow soldiers, Hanson, alone, manned his machinegun to stop the enemy attack. He was later found surrounded by 22 of the enemy dead. His machinegun and pistol were empty and his hand clutched his machete.

Hospital Corpsman John E. Kilmer, United States Navy. In helping defend a vital hill position during an assault, he braved enemy fire to aid the wounded and was killed while shielding a wounded marine with his own body.

Corporal Benito Martinez. Electing to remain at his post during an attack, he inflicted numerous casualties against an enemy onslaught and refused to be rescued because of the danger involved to his other fellow troops. His stand enabled troops to attack and regain the terrain. He was in the United States Army.

First Lieutenant Frank N. Mitchell, United States Marine Corps, led a hand-to-hand struggle to repel the enemy, led a party to search for the wounded, and singlehandedly covered the withdrawal of his men before being fatally shot.

Private First Class Whitt L. Moreland, United States Marine Corps. During an attempt to neutralize an enemy bunker, he covered an oncoming grenade with his own body. His self-sacrifice saved the lives of his fellow Marines.

Second Lieutenant George H. O'Brien, Jr., United States Marine Corps. While wounded during an attack against a hostile enemy, he refused to be evacuated and continued in the assault. He set up a defense, aided the wounded, and covered the withdrawal so no one was left behind.

Corporal Charles F. Pendleton, United States Army. He was mortally wounded by a mortar burst while heroically manning a machinegun and carbine during multiple waves of enemy attacks.

First Lieutenant James L. Stone, United States Army, led his troops in a last-ditch stand of a vital outpost. He exposed himself to enemy fire to direct his platoon. When the final overwhelming assault swept over their position, a mortally wounded Lieutenant Stone urged his men to continue the fight.

Master Sergeant Travis E. Watkins, United States Army, led 30 men of his unit when surrounded by the enemy. Through his leadership, a small force of those 30 men destroyed nearly 500 of the enemy before abandoning their position. A paralyzed Sergeant Watkins refused his evacuation, as his condition would slow down his comrades.



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Corporal Victor Espinoza, United States Army. During an attack, he singlehandedly destroyed an enemy machinegun, mortar position, two bunkers, and tunnel, taking a heavy toll on the enemy, with at least 14 dead and 11 others wounded.

Master Sergeant Mike C. Pena, United States Army. After ordering his men to fall back during a fierce attack, he manned a machinegun to cover their withdrawal. He singlehandedly held back the enemy until the next morning, when his position was overrun and he was killed.

Mr. Speaker, 62 years later, on this day, we remember the sacrifices of these Texas Medal of Honor recipients and other Americans in the forgotten war.

The Korean War Memorial down the street appropriately depicts 38 uniformed Americans moving silently in the brutal cold and rough terrain in some forgotten place, in a forgotten war, in Korea. Mr. Speaker, let us forget this unforgettable war no more.

And that is just the way it is.

## CHAPLAIN CORPS' 240TH ANNIVERSARY

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

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to commemorate the 240th birthday of the military Chaplain Corps.

During the early days of the Revolutionary War that led to our great Nation's independence, General George Washington called for the establishment of the Chaplain Corps to minister to the men who braved harsh conditions and incredible odds to fight for the freedom of their families and their Nation.

On July 29, 1775, the Continental Congress responded to that call. The initial Army Chaplain Corps would later expand to every branch of America's armed services.

The very existence of the Chaplain Corps and its persistence over the last 240 years says much about our Nation's view of the fighting force.

From the beginning, America has understood that our warfighters are not only soldiers, but whole human beings whose hearts and souls need just as much care as their bodies.

Chaplains have served in all of America's conflicts and major wars and engagements, from the colonial era to the battlefields in Afghanistan and Iraq. Hundreds of chaplains have laid down their lives for our Nation.

Chaplains are not simply people of faith who decide to minister in the military. Chaplains are professionals who have had extensive religious education as well as experience walking with people through the challenges of life.

Candidates for chaplain must receive an ecclesiastical endorsement from their faith group that testifies to his or her spiritual, moral, intellectual, and emotional preparedness to serve as a chaplain. They must possess a graduate degree in theological or religious studies.

Furthermore, each potential chaplain must demonstrate their commitment to a free exercise of religion by all military personnel while, at the same time, adhering to all military standards of conduct and physical training.

In a very real sense, chaplains serve on the front lines in the battle to ensure religious liberty in our pluralistic society.

Chaplains are there for those of faith and for those of no faith. Chaplains are there for the people who serve us.

In war and peace, chaplains provide our servicemembers and their families with prayer, counsel, guidance, sacraments, and sometimes just simply a shoulder to cry on.

The Chaplain Corps and its vital role in the United States Armed Forces is a matter near and dear to my heart for, since 2002, I have had the privilege of serving the United States Air Force Reserve as a military chaplain.

I volunteered to serve the men and women of the U.S. Air Force Reserve as a chaplain because I believe the calling of all is to serve how we can in the best way we can. The freedoms of our country have asked no less of us.

Chaplains have the honor of serving every member of the Armed Forces who might cross their path. We see the military from a very unique perspective.

We hear young enlisted soldiers and seasoned officers ask similar questions of faith and family. They speak of all-too-familiar family challenges and the struggles that they, too, go through.

As members of the military ourselves, chaplains certainly are not blind to rank. But given our focus on the unseen, our care for the soul, we do have a tendency to see more of what binds our fighting force together as fellow sojourners in this life than anything that might separate them.

You see, our challenges take us from the very war rooms and the very inner circles of commanders preparing for battle to the very newest who serve just on a guard.

As I did in Iraq back in 2008, it was my privilege to see some of our best and brightest serving at night in the middle of a land far away from home. One in particular sticks out.

When she came, I first met her. She was there, arriving late.

When she got there, I was sort of wondering: Why did you come late from your unit?

She said: Well, sir, I had a little bit of a delay.

And I said: Well, what was that?

I was just curious.

She said: Well, just a few months ago, I had my little baby girl.

And I thought for just a moment.

She said: But I was wanting to be here because I have trained and I didn't want to let my fellow members down.

So for the rest of that time, I was there with her. Over those next few months, we explored and I saw through pictures the life of a mother separated from her young child, but watching the experiences of growth as she not only served her country, but she served as a mom.

It has been a tremendous blessing to see and to honor the commitment of our fellow chaplains, chaplains who go when they are told to go. They commit themselves to serving when others are in need.

And those are the kinds of stories that the Chaplain Corps' birthday celebrates for me. It is seeing men and women who take their faith seriously, but also take the Constitution seriously when religious liberties are protected. Those are things worth standing up for. It is truly a blessing.

The men and women who have poured their lives into the servicemembers and their families over the last 240 years have made a profound impact on our military and our entire Nation.

It is with that thought in mind that I wish every member of the Chaplain Corps the very best on this special occasion.

Chaplains, wherever you are today, as one who serves with you, you serve a vital role. Keep it up. Keep protecting our Constitution, and keep taking care of the Nation, who sends their best young men and young women to protect us for the very privilege of sitting in this Chamber, speaking today, and being a part of it.

May the Chaplain Corps continue to provide a strong spiritual, moral, and ethical compass for the United States Army and Armed Forces for many centuries to come. And as one who serves, may I just say, bless them all in peace as they go about their work.

## MIAMI-DADE COUNTY SCHOOL DISCIPLINE

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

Mr. CURBELO of Florida. Mr. Speaker, today I rise to recognize leaders of Miami-Dade County Public Schools for attending a recent meeting at the White House to discuss school discipline.

The purpose of the discussion was to determine alternatives to common school disciplinary measures to keep students focused on learning.

Exclusionary discipline has become far too common, often exacerbating the problems for students who struggle in school. This leads kids down a path where they fall behind other students and sometimes end up in the juvenile justice system.

A change in school discipline procedures is long overdue. Rather than promoting an atmosphere of compounding punishments, we need to help our students get back on a positive track and help them succeed while also maintaining the safety of their classmates and teachers.

Prior to being elected to Congress, I served for 4 years as a board member of Miami-Dade County Public Schools. I have seen firsthand the bold efforts to reform disciplinary tactics and reverse the trend that plagues so many school districts.

For example, Miami-Dade has created sites across the county for suspended children to attend rather than forcing them to waste their time out of school.

I applaud the board, led by Chair Perla Tabares Hantman, and Superintendent Alberto Carvalho for their leadership on this issue and their willingness to participate in this important discussion.

I look forward to working with them to promote proper and safe school discipline that benefits the students, their parents, and their teachers.

STEM EDUCATION

Mr. CURBELO of Florida. Mr. Speaker, I rise today to discuss the importance of science, technology, engineering, and mathematics education and also recognize the great work being done in the 26th District of Florida to encourage these classes.

□ 1215

It is no secret that jobs that require a STEM-related background are projected to outpace other fields as many companies struggle to hire qualified candidates. We need to encourage our students to pursue these fields early on in school and ensure that our educators have the necessary tools to help cultivate an interest in STEM classes for our students.

In an effort to reach the goal of graduating more STEM students, Miami-Dade County has launched an innovative new training and certification program for teachers in collaboration with Florida International University.

FIU has developed a program that promotes STEM teacher training for first-year college students, where they are paired with Miami-Dade County public school teachers to give them firsthand experience in the classroom. The goal is to encourage more STEM majors to go into teaching.

I applaud the work being done in Florida's 26th District and look forward to further promoting STEM education in south Florida's classroom.

Congratulations, again, to FIU and to Miami-Dade County public schools.

STARTUP DAY ACROSS AMERICA

Mr. CURBELO of Florida. Mr. Speaker, I rise to recognize Wednesday, August 19, as Startup Day all across America, and I encourage everyone to visit at least one small business in your community on this day.

Startups are quickly developing right before our eyes. Throughout our country, there are countless small businesses that range from retail to health care, and these companies are changing the workforce as we know it. Entrepreneurs are leading the way to a brighter future by using innovative solutions and reinventing the way we look at small businesses.

Our local businesses employ our friends and neighbors, helping them to pay their bills and provide a better life for themselves and their families. As a member of the Small Business Committee, I recommend that we never forget the vital role that our local businesses play in keeping our neighborhoods strong and prosperous.

Again, I encourage everyone to participate in Startup Day across America on Wednesday, August 19, and help these small businesses continue to grow.

225TH BIRTHDAY OF THE U.S. COAST GUARD

Mr. CURBELO of Florida. Mr. Speaker, I rise to celebrate August 4 as the 225th birthday of the United States Coast Guard.

The Coast Guard is one of our Nation's five branches of the armed services and can trace its origins back to August 4, 1790, when the first U.S. Congress appropriated the funds to construct 10 vessels. These ships were designated with enforcing tariff and trade laws, while also preventing smuggling and protecting the collection of Federal revenue.

Mr. Speaker, I am particularly proud to represent Coast Guard Sector Key West, a base located in south Florida that covers 55,000 square miles. The coasties stationed at Sector Key West are tasked with the same responsibilities as their predecessors and also have the crucial job of combating drug smuggling from the Caribbean and South America. This is no easy task, but I am proud of the work the Coast Guard continues to do to stifle drugs from entering our communities.

Semper Paratus—Always Ready—this is the motto of our beloved Coast Guard, and our Nation owes a sincere debt of gratitude to the coasties and all those who protect our great country.

## RECESS

The SPEAKER pro tempore (Mr. COLLINS of Georgia). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 18 minutes p.m.), the House stood in recess.

□ 1400

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EMMER of Minnesota) at 2 p.m.

## PRAYER

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

We give You thanks, O God, for giving us another day.

You speak as one who whispers to a beloved. You speak to the heart, but through the ages, people have not and do not listen. You give us Your Word as a gift, filled with promise; yet time and again, Your Word goes unheeded.

Encourage the Members of this House to listen carefully to Your Word and, rather than play with numbers or spin on language, face the truth straightforwardly, studying with honesty long and hard, and with humble attention remain completely open to Your impelling spirit.

And in the midst of complex and conflicting situations, may each Member, with confidence, be able to say to You: ''Speak, Lord. Your servant is listening.''

May all that is done within the people's House be for Your greater honor and glory.

Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. KILDEE) come forward and lead the House in the Pledge of Allegiance.

Mr. KILDEE 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.

## IN MEMORY OF STAFF SERGEANT DAVID WYATT

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

Mr. WOMACK. Mr. Speaker, I rise today to honor the memory of Staff Sergeant David Wyatt, who was taken much too soon from his family and friends on July 16. David, a marine and loving father, was born November 7, 1979, in Morganton, North Carolina.

David was a graduate of Russellville High School in Russellville, Arkansas, my alma mater. He was a veteran of both Iraq and Afghanistan. For his service, Staff Sergeant Wyatt earned numerous medals and commendations for exemplary service in the infantry. He was a dedicated marine.

While performing his duties on July 16 as the battery operations chief, 3rd Battalion, 14th Marine Regiment, 4th Marine Division, Staff Sergeant Wyatt was gunned down during the tragic Chattanooga shooting that killed him, along with three other marines and a Navy sailor.

It is devastating that this decorated marine was taken in the homeland that he served so valiantly overseas to protect. His death shook the Arkansas River Valley in yet another senseless act of violence that can never be explained, justified, or tolerated.

The Russellville and Adkins communities and the entire Third District of

Arkansas mourn the loss of my fellow Russellville Cyclone and his fellow servicemen. My prayers are with his wife, Lorri; his two children, Rebecca and Heath; and his parents, Lew Wyatt of St. Augustine, Florida, and Deborah Boen of Atkins, Arkansas.

May God bless those he leaves behind, as they search for peace and understanding through this terrible tragedy.

## LONG-TERM SURFACE TRANSPORTATION BILL

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

Mr. KILDEE. Mr. Speaker, House Republicans have had more than 4½ years to craft a long-term surface transportation bill. Their dysfunction and inability to govern is starting to have a real impact on hard-working Americans and on our communities.

They continue to lurch from crisis to crisis; meanwhile, our Nation's crumbling roads and bridges—and our economy—suffer as a result. It is like deja vu all over again, another highway deadline this week.

Mr. Speaker, no more short-term month-to-month fixes. Enough is enough. In the last decade, Congress has passed 11 short-term funding bills to keep the highway trust fund solvent. If we are going to pass a long-term solution to rebuild our roads and bridges, it is going to take the courage of our convictions; it is going to take us working together across the aisle to get this done.

Our Nation's roads, bridges, and rails are in an urgent state of repair. One-third of America's roads are in poor or mediocre condition. One out of every four bridge is in need of significant repair.

The House Republican leadership needs to get serious and find a long-term fix to the highway trust fund. Our country relies on it.

## FARM FAMILIES—LINKING THE PAST TO THE FUTURE

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

Mr. EMMER of Minnesota. Mr. Speaker, I rise today in order to recognize the importance of farm families throughout the great State of Minnesota.

The University of Minnesota recently recognized the 2015 Minnesota Farm Families from across the State, and I am proud to represent five of these families who call the Sixth Congressional District home.

These farm families include the Bruce Bacon Garden Farm in Anoka County, the Scapanski Dairy in Benton County, the Buckentine Family Dairy in Carver County, the Reuter Family Farm in Washington County, and the Bernings' Green Waves Farm, Inc., in Wright County.

For many Minnesotans, farming isn't just a profession; it is a way of life. Family farms link the past to the future with each generation passing their work ethic, land, and traditions to the next. These farms make up the heartland of America and exemplify what makes Minnesota's agriculture industry great, which is why they should be celebrated.

Congratulations to the 2015 Minnesota Farm Families, and thank you so much for everything that you do.

## REFORM OUR JUSTICE SYSTEM

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

Mr. JOHNSON of Georgia. Mr. Speaker, a few weeks ago, I came to the floor and said it felt like open season on Black men in America. People around the country agree that the police killings undermine the efforts of good police and break the trust between police and their communities.

Black women and girls face the same threats and many more. Unsettling video of a police officer in Texas manhandling an unarmed 15-year-old girl in a bathing suit served as a wake-up call to all of us.

The arrest and death of Sandra Bland reminds us that the fight for equal justice under the law continues.

Black women also face a unique and, too often, unreported violence: sexual assault. In Oklahoma, an officer is on trial for sexually assaulting eight Black women. Tragically, this story is not unique. The challenges Black men face are real, but I was humbled to learn how unequal justice affects Black women.

Black women are the fastest growing prison population, and their stories must be told if we are going to break this trend.

Mr. Speaker, it is open season on all Americans.

## FLOOD INSURANCE

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

Mr. BILIRAKIS. Mr. Speaker, I rise today to underscore a serious problem in Pasco County, Florida, this week that is devastating homeowners—flooding—after days of continuous rain.

After Tropical Storm Debby in 2012, the Army Corps of Engineers worked with county officials to implement some measures to mitigate flooding, but more needs to be done.

For instance, Pasco County officials have been working for 19 years to extend Ridge Road. One of the main justifications for the Ridge Road extension is a matter of safety. An extension is a much-needed evacuation route in the case of natural disasters, like flooding or hurricanes.

As of today, an evacuation issued for Elfers, Florida, in my district, is ongoing. The Ridge Road extension needs to be approved. Nineteen years is far too long. The Army Corps must stop dragging its feet.

The serious flood this week demonstrates the need for action. I hope that the Corps gets the message.

## PRESERVE AND STRENGTHEN MEDICARE

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to remind my colleagues of our responsibility to preserve and strengthen the Medicare Program for future generations.

Last week, the Centers for Medicare and Medicaid Services released its annual Medicare trustees report, an update on the long-term solvency and effectiveness of this vastly important health insurance program.

While the report projected that the trust fund that finances Medicare's hospital insurance coverage will remain solvent until 2030, it also cautioned that a high number of Medicare beneficiaries could see their Medicare part B premiums sharply increase in January of 2016.

As a former healthcare professional and nursing home administrator, I understand the importance of providing access to quality care at a realistic cost. One of the ways we can make Medicare services more affordable is by targeting waste and abuse within the program.

With this in mind, I have consistently worked with my colleagues to introduce and support legislation aimed at reducing fraud and increasing administrative effectiveness.

I look forward to continuing these efforts and urge my colleagues to join me in finding new ways to safeguard and sustain Medicare.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. EMMER of Minnesota) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, July 24, 2015.*

Hon. JOHN A. BOEHNER,
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 24, 2015 at 10:19 a.m.:

That the Senate passed with an amendment H.R. 23.

That the Senate passed with an amendment H.R. 2499.

That the Senate passed without an amendment H.R. 1626.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 3 p.m. today.

Accordingly (at 2 o'clock and 12 minutes p.m.), the House stood in recess.

□ 1500

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 3 p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

## SAWTOOTH NATIONAL RECREATION AREA AND JERRY PEAK WILDERNESS ADDITIONS ACT

Mrs. RADEWAGEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1138) to establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National Forest System land and Bureau of Land Management land in central Idaho, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1138

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—WILDERNESS DESIGNATIONS

Sec. 101. Additions to National Wilderness Preservation System in the State of Idaho.
Sec. 102. Administration.
Sec. 103. Water rights.
Sec. 104. Military overflights.
Sec. 105. Adjacent management.
Sec. 106. Native American cultural and religious uses.
Sec. 107. Acquisition of land and interests in land.
Sec. 108. Wilderness review.

TITLE II—LAND CONVEYANCES FOR PUBLIC PURPOSES

Sec. 201. Short title.
Sec. 202. Blaine County, Idaho.
Sec. 203. Custer County, Idaho.
Sec. 204. City of Challis, Idaho.
Sec. 205. City of Clayton, Idaho.
Sec. 206. City of Stanley, Idaho.
Sec. 207. Terms and conditions of permits or land conveyances.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of Agriculture, with respect to land administered by the Forest Service; or

(B) the Secretary of the Interior, with respect to land administered by the Bureau of Land Management.

(2) WILDERNESS AREA.—The term ''wilderness area'' means any of the areas designated as a component of the National Wilderness Preservation System by section 101.

**TITLE I—WILDERNESS DESIGNATIONS**

**SEC. 101. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM IN THE STATE OF IDAHO.**

(a) HEMINGWAY-BOULDERS WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal lands in the Sawtooth and Challis National Forests in the State of Idaho, comprising approximately 67,998 acres, as generally depicted on the map entitled ''Hemingway/Boulders Wilderness Area-Proposed'' and dated February 25, 2015, are designated as wilderness and as a component of the National Wilderness Preservation System, which shall be known as the ''Hemingway-Boulders Wilderness''.

(b) WHITE CLOUDS WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal lands in the Sawtooth and Challis National Forests in the State of Idaho, comprising approximately 90,769 acres, as generally depicted on the map entitled ''White Clouds Wilderness Area-Proposed'' and dated March 13, 2014, are designated as wilderness and as a component of the National Wilderness Preservation System, which shall be known as the ''White Clouds Wilderness''.

(c) JIM MCCLURE-JERRY PEAK WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal lands in the Challis National Forest and Challis District of the Bureau of Land Management in the State of Idaho, comprising approximately 116,898 acres, as generally depicted on the map entitled ''Jim McClure-Jerry Peak Wilderness'' and dated February 21, 2015, are designated as wilderness and as a component of the National Wilderness Preservation System, which shall be known as the ''Jim McClure-Jerry Peak Wilderness''.

(d) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description for each wilderness area.

(2) EFFECT.—Each map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct minor errors in the map or legal description.

(3) AVAILABILITY.—Each map and legal description submitted under paragraph (1) shall be available in the appropriate offices of the Forest Service or the Bureau of Land Management.

**SEC. 102. ADMINISTRATION.**

(a) IN GENERAL.—Subject to valid existing rights, each wilderness area shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) with respect to wilderness areas that are administered by the Secretary of the Interior, any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(b) CONSISTENT INTERPRETATION.—The Secretary of Agriculture and the Secretary of the Interior shall seek to ensure that the wilderness areas are interpreted for the public as an overall complex linked by—

(1) common location in the Boulder-White Cloud Mountains; and

(2) common identity with the natural and cultural history of the State of Idaho and the Native American and pioneer heritage of the State.

(c) COMPREHENSIVE WILDERNESS MANAGEMENT PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall collaboratively develop wilderness management plans for the wilderness areas.

(d) FIRE, INSECTS, AND DISEASE.—Within the wilderness areas, the Secretary may take such measures as the Secretary determines to be necessary for the control of fire, insects, and disease in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1131(d)(1)).

(e) LIVESTOCK.—

(1) IN GENERAL.—Within the wilderness areas, the grazing of livestock in which grazing is established before the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary determines to be necessary, in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1131(d)(4));

(B) with respect to wilderness areas administered by the Secretary of Agriculture, the guidelines described in House Report 96–617 of the 96th Congress; and

(C) with respect to wilderness areas administered by the Secretary of the Interior, the guidelines described in appendix A of House Report 101–405 of the 101st Congress.

(2) DONATION OF GRAZING PERMITS AND LEASES.—

(A) ACCEPTANCE BY SECRETARY.—

(i) IN GENERAL.—The Secretary shall accept the donation of any valid existing leases or permits authorizing grazing on public land or National Forest System land, all or a portion of which are within the area depicted as the ''Boulder White Clouds Grazing Area'' on the map entitled ''Boulder White Clouds Grazing Area Map'' and dated January 27, 2010.

(ii) PARTIAL DONATION.—A person holding a valid grazing permit or lease for a grazing allotment partially within the area described in clause (i) may elect to donate only the portion of the grazing permit or lease that is within the area.

(B) TERMINATION.—With respect to each permit or lease donated under subparagraph (A), the Secretary shall—

(i) terminate the grazing permit or lease or portion of the permit or lease; and

(ii) except as provided in subparagraph (C), ensure a permanent end to grazing on the land covered by the permit or lease or portion of the permit or lease.

(C) COMMON ALLOTMENTS.—

(i) IN GENERAL.—If the land covered by a permit or lease donated under subparagraph (A) is also covered by another valid grazing permit or lease that is not donated, the Secretary shall reduce the authorized level on the land covered by the permit or lease to reflect the donation of the permit or lease under subparagraph (A).

(ii) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level of grazing on the land covered by the permit or lease donated under subparagraph (A), the

Secretary shall not allow grazing use to exceed the authorized level established under clause (i).

(D) PARTIAL DONATION.—If a person holding a valid grazing permit or lease donates less than the full amount of grazing use authorized under the permit or lease, the Secretary shall—

(i) reduce the authorized grazing level to reflect the donation; and

(ii) modify the permit or lease to reflect the revised level or area of use.

(f) OUTFITTING AND GUIDE ACTIVITIES.—In accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)), commercial services (including authorized outfitting and guide activities) within the wilderness areas are authorized to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the wilderness areas.

(g) FISH AND WILDLIFE.—Nothing in this title affects the jurisdiction of the State of Idaho with respect to the management of fish and wildlife on public land in the State, including the regulation of hunting, fishing, and trapping within the wilderness areas.

(h) ACCESS.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall provide the owner of State or private property within the boundary of a wilderness area adequate access to the property.

**SEC. 103. WATER RIGHTS.**

(a) STATUTORY CONSTRUCTION.—Nothing in this title—

(1) shall constitute either an express or implied reservation by the United States of any water rights with respect to the wilderness areas designated by section 101;

(2) affects any water rights—

(A) in the State of Idaho existing on the date of enactment of this Act, including any water rights held by the United States; or

(B) decreed in the Snake River Basin Adjudication, including any stipulation approved by the court in such adjudication between the United States and the State of Idaho with respect to such water rights; or

(3)(A) establishes a precedent with regard to any future wilderness designations; or

(B) limits, alters, modifies, or amends section 9 of the Sawtooth National Recreation Area Act (16 U.S.C. 460aa–8).

(b) NEW PROJECTS.—

(1) PROHIBITION.—Except as otherwise provided in this Act, on and after the date of the enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility inside any of the wilderness areas designated by section 101.

(2) DEFINITION.—In this subsection, the term ''water resource facility'' means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

**SEC. 104. MILITARY OVERFLIGHTS.**

Nothing in this title restricts or precludes—

(1) low-level overflights of military aircraft over the wilderness areas, including military overflights that can be seen or heard within the wilderness areas;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

**SEC. 105. ADJACENT MANAGEMENT.**

(a) IN GENERAL.—Nothing in this title creates a protective perimeter or buffer zone around a wilderness area.

(b) ACTIVITIES OUTSIDE WILDERNESS AREA.—The fact that an activity or use on land outside a wilderness area can be seen or heard within the wilderness area shall not preclude the activity or use outside the boundary of the wilderness area.

**SEC. 106. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.**

Nothing in this title diminishes the treaty rights of any Indian tribe.

**SEC. 107. ACQUISITION OF LAND AND INTERESTS IN LAND.**

(a) ACQUISITION.—

(1) IN GENERAL.—The Secretary may acquire any land or interest in land within the boundaries of the wilderness areas by donation, exchange, or purchase from a willing seller.

(2) LAND EXCHANGE.—Not later than 3 years after the date of enactment of this Act, the Secretary shall seek to complete an exchange for State land located within the boundaries of the wilderness areas designated by this title.

(b) INCORPORATION IN WILDERNESS AREA.—Any land or interest in land located inside the boundary of a wilderness area that is acquired by the United States after the date of enactment of this Act shall be added to, and administered as part of the, wilderness area.

**SEC. 108. WILDERNESS REVIEW.**

(a) NATIONAL FOREST SYSTEM LAND.—Section 5 of Public Law 92–400 (16 U.S.C. 460aa–4) is repealed.

(b) PUBLIC LAND.—

(1) FINDING.—Congress finds that, for purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land administered by the Bureau of Land Management in the following wilderness study areas have been adequately studied for wilderness designation:

(A) Jerry Peak Wilderness Study Area.

(B) Jerry Peak West Wilderness Study Area.

(C) Corral-Horse Basin Wilderness Study Area.

(D) Boulder Creek Wilderness Study Area.

(2) RELEASE.—Any public land within the areas described in paragraph (1) that is not designated as wilderness by this title—

(A) shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

## TITLE II—LAND CONVEYANCES FOR PUBLIC PURPOSES

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Central Idaho Economic Development and Recreation Act''.

**SEC. 202. BLAINE COUNTY, IDAHO.**

The Secretary of Agriculture shall issue a special use permit or convey to Blaine County, Idaho, without consideration, not to exceed one acre of land for use as a school bus turnaround, as generally depicted on the map entitled ''Blaine County Conveyance—Eagle Creek Parcel—Proposed'' and dated October 1, 2006.

**SEC. 203. CUSTER COUNTY, IDAHO.**

(a) PARK AND CAMPGROUND.—The Secretary of the Interior shall convey to Custer County, Idaho (in this section referred to as the ''County''), without consideration, approximately 114 acres of land depicted as ''Parcel A'' on the map entitled ''Custer County and City of Mackay Conveyances'' and dated April 6, 2010, for use as a public park and campground, consistent with uses allowed under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(b) FIRE HALL.—The Secretary of the Interior shall convey to the County, without consideration, approximately 10 acres of land depicted as ''Parcel B'' on the map entitled ''Custer County and City of Mackay Conveyances'' and dated April 6, 2010, for use as a fire hall, consistent with uses allowed under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(c) WASTE TRANSFER SITE.—The Secretary of the Interior shall convey to the County, without consideration, approximately 80 acres of land depicted as ''Parcel C'' on the map entitled ''Custer County and City of Mackay Conveyances'' and dated April 6, 2010, to be used for a waste transfer site, consistent with uses allowed under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(d) FOREST SERVICE ROAD.—

(1) CONVEYANCE.—The Secretary of Agriculture shall convey to the County, without consideration, the Forest Service road that passes through the parcel of National Forest System land to be conveyed to the City of Stanley, Idaho, under section 206 from the junction of the road with Highway 75 to the junction with Valley Creek Road at the City of Stanley boundary.

(2) RELOCATION.—The conveyance under paragraph (1) is subject to the condition that the County agree to relocate the portion of the road that passes through the section 206 conveyance parcel to the southeast along the boundary of the conveyance parcel.

**SEC. 204. CITY OF CHALLIS, IDAHO.**

The Secretary of the Interior shall convey to the City of Challis, Idaho, without consideration, approximately 460 acres of land within the area generally depicted as ''Parcel B'' on the map entitled ''Custer County and City of Challis Conveyances'' and dated February 2, 2010, to be used for public purposes consistent with uses allowed under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

**SEC. 205. CITY OF CLAYTON, IDAHO.**

(a) CEMETERY.—The Secretary of the Interior shall convey to the City of Clayton, Idaho (in this section referred to as the ''City''), without consideration, approximately 23 acres of land depicted as ''Parcel A'' on the map entitled ''City of Clayton Conveyances'' and dated April 6, 2010, for use as a public cemetery.

(b) PARK.—The Secretary of the Interior shall convey to the City, without consideration, approximately two acres of land depicted as ''Parcel B'' on the map entitled ''City of Clayton Conveyances'' and dated April 6, 2010, for use as a public park or other public purpose consistent with uses allowed under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(c) WATER TOWER.—The Secretary of the Interior shall convey to the City, without consideration, approximately two acres of land depicted as ''Parcel C'' on the map entitled ''City of Clayton Conveyances'' and dated April 6, 2010, for location of a water tower, consistent with uses allowed under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(d) WASTEWATER TREATMENT FACILITY.—The Secretary of the Interior shall convey to the City, without consideration, approximately six acres of land depicted as ''Parcel D'' on the map entitled ''City of Clayton Conveyances'' and dated April 6, 2010 (including any necessary access right-of-way across the river), for use as a wastewater treatment facility, consistent with uses allowed under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(e) FIRE HALL.—The Secretary of the Interior shall convey to the City, without consideration, approximately two acres of land depicted as ''Parcel E'' on the map entitled ''City of Clayton Conveyances'' and dated April 6, 2010, for use as a fire hall and related purposes, consistent with uses allowed under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

**SEC. 206. CITY OF STANLEY, IDAHO.**

(a) WORKFORCE HOUSING.—The Secretary of Agriculture shall convey to the City of Stanley, Idaho (in this section referred to as the ''City''), without consideration, a parcel of National Forest System land within the Sawtooth National Recreation Area, but outside the area managed by the Sawtooth Interpretative and Historical Association under special use permit with the Secretary, that consists of approximately four acres as indicated on the map entitled ''Custer County and City of Stanley Conveyance Parcel-Proposed'' and dated February 24, 2015, for the purpose of permitting the City to develop the parcel to provide workforce housing for persons employed in the City or its environs.

(b) NUMBER AND CONSTRUCTION OF HOUSING.—The City will construct up to 20 apartment units on the parcel conveyed under subsection (a). The actual design and configuration of the apartment units will be determined by the City in consultation with the Secretary and other interested parties, except that units may not exceed two stories and must be located near or against the hillside to blend in with the terrain.

(c) RECREATION AREA PRIVATE LAND USE REGULATIONS.—The private land use regulations of the Sawtooth National Recreation Area shall not apply to the parcel conveyed under subsection (a), including with regard to the number and type of apartments units to be constructed on the parcel.

(d) REMOVAL OF EXISTING STRUCTURE.—The Secretary shall be responsible for the removal of the barn located, as of the date of the enactment of this Act, on the parcel to be conveyed under subsection (a). The Secretary may remove the barn either before the conveyance of the parcel or at such later date as the City may request.

(e) RELATION TO REQUIRED REVERSIONARY INTEREST.—Consistent with the reversionary interest required by section 207(b), the City may contract for the development and management of the apartment units constructed on the parcel conveyed under subsection (a) so long as the City retains ownership of the parcel in perpetuity.

**SEC. 207. TERMS AND CONDITIONS OF PERMITS OR LAND CONVEYANCES.**

(a) TERMS AND CONDITIONS.—The issuance of a special use permit or the conveyance of land under this title shall be subject to any terms and conditions that the Secretary determines to be appropriate.

(b) REVERSIONARY INTEREST.—If any parcel of land conveyed under this title ceases to be used for the public purpose for which the parcel was conveyed, the parcel shall, at the discretion of the Secretary, based on a determination that reversion is in the best interests of the United States, revert to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from American Samoa (Mrs. RADEWAGEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentlewoman from American Samoa.

GENERAL LEAVE

Mrs. RADEWAGEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from American Samoa?

There was no objection.

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

H.R. 1138, introduced by my good friend, Congressman MICHAEL SIMPSON of Idaho, would establish new recreation and wilderness areas and release 154,000 acres of wilderness study areas back to multiple use in central Idaho.

This area, which is predominantly Bureau of Land Management and U.S. Forest Service land, is home to world-class scenery and attracts thousands of outdoor recreationists, including snowmobilers, hunters, backpackers, hikers, mountain bikers, outfitters, and campers. The bill also conveys several Federal parcels to local counties and cities to be used for a variety of municipal purposes.

Congressman SIMPSON has worked tirelessly on this issue for the last decade. I encourage my colleagues to vote ''yes'' on H.R. 1138.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
*Washington, DC, June 9, 2015.*

Hon. BILL SHUSTER,
*Chairman, Committee on Transportation and Infrastructure, Washington, DC.*

DEAR MR. CHAIRMAN: On April 30, 2015, the Committee on Natural Resources ordered favorably reported without amendment H.R. 774, the Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015, by unanimous consent. The bill was referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Transportation and Infrastructure.

I ask that you allow the Committee on Transportation and Infrastructure to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. I understand that our staffs have worked out some additional language that affects provisions in your jurisdiction for the Floor, and I pledge to incorporate this language when we get to that point in the process. In addition, should a conference on the bill be necessary, I would support having the Committee on Transportation and Infrastructure represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill report filed by the Committee on Natural Resources to memorialize our understanding.

Thank you for your consideration of my request, and for your continued strong cooperation between our committees.

Sincerely,

ROB BISHOP,
*Chairman, Committee on Natural Resources.*

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,
*Washington, DC, June 19, 2015.*

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 774, the Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015, as ordered reported by the Committee on Natural Resources on April 30, 2015. I appreciate your inclusion of changes requested by the Committee on Transportation and Infrastructure as this bill moves forward.

I agree to allow the Committee on Transportation and Infrastructure to be discharged from consideration of H.R. 774 with the understanding that this discharge does not affect the Committee's jurisdiction over the subject matter of the bill, and does not serve as precedent for future referrals. In addition, I expect the negotiated text to be the text considered on the floor. Finally, as stated in your letter, should a conference on the bill be necessary, I fully expect the Committee on Transportation and Infrastructure to be represented on the conference committee.

Thank you for your assistance in this matter and for agreeing to include a copy of this letter in the bill report filed by the Committee on Natural Resources, as well as in the Congressional Record during floor consideration.

Sincerely,

BILL SHUSTER,
*Chairman.*

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

Mr. Speaker, I rise today in support of H.R. 1138. This bill adds over 275,000 acres of wilderness to the Sawtooth National Recreational Area and Jerry Peak Wilderness in Idaho's Boulder-White Cloud Mountains.

The Boulder-White Clouds region in central Idaho is the largest contiguous roadless area in the 48 States, and it deserves the permanent protection provided by this bill. The region contains over 150 mountains that are over 10,000 feet and provides critical habitat for numerous fish and wildlife species. It is also a popular recreation destination that attracts people who hunt, fish, ski, and hike along the pristine shores of the alpine lakes and the ridges of the rugged mountains.

This bill will leave a lasting legacy of conservation, and I applaud my colleague from Idaho for all of his work and determination. Mr. Speaker, I also thank the committee for their work on this bill.

I reserve the balance of my time.

Mrs. RADEWAGEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho (Mr. SIMPSON) the author of the bill.

Mr. SIMPSON. I thank the gentlewoman for yielding.

Mr. Speaker, I want to thank Leader MCCARTHY and Chairman BISHOP for bringing H.R. 1138 to the floor today, which we refer to as SNRA+. I also want to thank Ranking Member GRIJALVA of the full committee, Chairman MCCLINTOCK of the subcommittee, and Ranking Member TSONGAS of the subcommittee.

In 2005, we had the first congressional hearing on the Boulder-White Clouds on what then was a bill called CIEDRA. CIEDRA was a complicated 60-page bill that tried to do a lot of things for a lot of different people.

Today, we have a simplified 20-page bill we call SNRA+ that brings management certainty—and that is an important aspect—to the Boulder-White Clouds. It does this by making the determination about which parts of the current wilderness study area will in fact become wilderness and which parts will be released for multiple use.

There will be three new wilderness areas totaling 275,665 acres: Hemmingway-Boulders Wilderness, with 67,998 acres; White Clouds Wilderness, with 90,769 acres; and in honor of the late Senator Jim McClure, we have the James A. McClure-Jerry Peak Wilderness, with 116,898 acres. The bill also releases wilderness study areas back to multiple use, totaling 153,883 acres.

So this not only makes the determination of what is going to be wilderness, it releases the other wilderness study areas for multiple use.

It is important to note in this bill that we do not close any motorized roads or trails in this bill. Ranchers with allotments on the SNRA would be allowed to voluntarily retire their grazing permits and be eligible for compensation from a third party. Any retired grazing permits would be permanently closed.

There is a provision that nothing in the bill affects the jurisdiction of the State of Idaho with respect to the management of fish and wildlife on public land in the State, including the regulation of hunting, fishing, and trapping within the wilderness areas.

Individual parcels of land will be conveyed to Custer and Blaine Counties and rural communities for public purposes, including workforce housing, cemeteries, water towers, and waste transfer sites.

As part of this process, grants have been provided to the SNRA for trail maintenance and improvements, including maintenance and improvements of existing motorized trails and two existing trials to provide primitive wheelchair access and for acquiring the land to build a mechanized bike/snowmobile access trail between Redfish Lake and Stanley.

Mr. Speaker, this bill meets the needs of today's users and resolves longstanding debates over the management of the Boulder-White Clouds. It will end the discussion of monuments and wilderness in the Boulder-White Clouds, and secures the future for generations of Idahoans who want to continue using and enjoying our beautiful Boulder-White Clouds.

Finally, I am proud of the wide array of support we now have for this bill. We have the support of the Idaho Recreation Council, whose members include ATVers, motorcyclists, motorized and nonmotorized boaters, rafters, backcountry pilots, RVers, rock hounds, recreational miners, and snowmobilers in the Idaho State Snowmobile Association.

We also have the support of the Sawtooth Society, the Custer County Commissioners, East Fork Ranchers, the Idaho Farm Bureau, the Idaho Cattle Association, Idaho Outfitters and Guides, the Idaho Conservation League, and the Idaho Wilderness Society.

This is a broad array of users and conservation groups, and it demonstrates how far we have come with this bill and how widely it is supported.

This is an Idaho bill—crafted by Idahoans over the past 15 years—to address some of the most contentious land management issues in one of the most beautiful places on Earth so that we can both use and enjoy it and preserve it for future generations. It is, by any definition, a ''compromise'' by all stakeholders, and I urge my colleagues to pass this bill.

Mr. Speaker, I have a list of people I want to thank who helped support this bill over the years and have worked very diligently on this bill.

Mr. Speaker, I would like to thank the following people who have worked with me during most or part of the last 15 years. They each played a role in their own way.

From the Conservation Community I want to thank Rick Johnson, who has become a true friend and honest broker in this long journey. I also want to thank Tim Mahoney, Marcia Argust, Craig Gehrke, Brad Brooks, Mike Matz, John Gilroy, Linn Kincannon, Lynne Stone, Tom Pomeroy, Bart Koehler, Kai Anderson, Athan Manuel, Chris Wood, Erik Schultz, Dani Mazzotta, and Myke Bybee.

I want to thank the Custer County Commissioners Wayne Butts, Lin Hintze, Doyle Lamb and Cliff Hansen. They stood by us throughout and made sure their concerns were heard and taken care of.

I want to thank current and former Blaine County Commissioners including Sarah Michael and also Larry Schoen who signed a joint letter with Commissioner Butts of Custer County.

Additionally, I need to thank Stanley City Council President Steve Botti and Mayor Herb Mumford and former mayor Hannah Stauts.

I want to thank the East Fork Ranchers Wayne and Melody Baker, Gary and Jackie Ingram, Doug, Cheryl and Sarah Baker and Junior and Lura Baker. They stood by me through thick and thin. They were the reason we started this process, and we are going to make sure their livelihoods on the East Fork continue for future generations.

At the Sawtooth Society, I need to thank former executive director Bob Hayes, current executive director Gary O'Malley, Hans Carstensen and the current President Paul Hill.

From the Idaho Recreation Council who represent motorized users I want to thank Brett Madron, Steve Frisbie and Gary Cvecich. I want to also thank their leader Sandra Mitchell. She is an incredible woman who represents her members very, very well.

I want to thank Grant Simonds and Louise and Mike Stark who represent the outfitters and guides.

At the Forest Service, I need to thank Ed Cannady for answering the hundreds of questions we asked over the years on uses and map boundaries. He knows the area better than anyone and he cares even more about them. He also took me, my staff and even the Forest Service Chief into the White Clouds on various trips so I could get a better understanding of the area. Ed has become a very good friend throughout this process.

Additionally, at the Forest Service I want to thank Kit Mullen, Ruth Monahan, David Stockdale, Brenda Geesey, Bonnie Luckman, Barbara Garcia, Julie Thomas, Jennifer Blake, and Beckie Wagoner.

At the BLM, Laurie Sedlmayr and Lara Douglas were a great help throughout this process.

I want to thank Erica Rhoad who started working on this bill with Chairman Pombo and is finishing it with Chairman BISHOP. She is very good at her job.

I want to thank Gregory Kostka at Legislative Counsel. He drafted and redrafted countless versions of this bill over the years. He is a true professional.

I want to thank Laurel Sayer who was on my staff and is now working in the conservation community. She attended many meetings and did terrific ground work for me throughout the process.

I want to thank Senator RISCH who when I spoke to him last year about one last try before a monument proclamation he said "I think we can do this, MIKE." The Senator and his staff John Sandy and Darren Parker have done a great job helping us get to the finish line.

Finally, I want to thank my staff, Lindsay Slater, Malisah Small, Nathan Greene, Sarah Cannon, James Neill, Emilee Henshaw, Solara Linehan, Billy Valderrama, John Revier and Nikki Wallace. They have each helped in many different ways.

Ms. BORDALLO. Mr. Speaker, again, I want to thank my colleague, Mr. SIMPSON, for sponsoring this very important piece of legislation.

I ask my colleagues to help support H.R. 1138, and I yield back the balance of my time.

Mrs. RADEWAGEN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from American Samoa (Mrs. RADEWAGEN) that the House suspend the rules and pass the bill, H.R. 1138.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## ILLEGAL, UNREPORTED, AND UNREGULATED FISHING ENFORCEMENT ACT OF 2015

Mrs. RADEWAGEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 774) to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, to amend the Tuna Conventions Act of 1950 to implement the Antigua Convention, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 774

*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 ''Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015''.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—STRENGTHENING FISHERIES ENFORCEMENT MECHANISMS

Sec. 101. Amendments to the High Seas Driftnet Fishing Moratorium Protection Act.
Sec. 102. Amendments to the High Seas Driftnet Fisheries Enforcement Act.
Sec. 103. Amendments to North Pacific Anadromous Stocks Act of 1992.
Sec. 104. Amendments to the Pacific Salmon Treaty Act of 1985.
Sec. 105. Amendments to the Western and Central Pacific Fisheries Convention Implementation Act.
Sec. 106. Amendments to the Antarctic Marine Living Resources Convention Act.
Sec. 107. Amendments to the Atlantic Tunas Convention Act.
Sec. 108. Amendments to the High Seas Fishing Compliance Act of 1965.
Sec. 109. Amendments to the Dolphin Protection Consumer Information Act.
Sec. 110. Amendments to the Northern Pacific Halibut Act of 1982.
Sec. 111. Amendments to the Northwest Atlantic Fisheries Convention Act of 1995.
Sec. 112. Amendment to the Magnuson-Stevens Fishery Conservation and Management Act.

TITLE II—IMPLEMENTATION OF THE ANTIGUA CONVENTION

Sec. 201. Short title.
Sec. 202. Amendment of the Tuna Conventions Act of 1950.
Sec. 203. Definitions.
Sec. 204. Commissioners; number, appointment, and qualifications.
Sec. 205. General Advisory Committee and Scientific Advisory Subcommittee.
Sec. 206. Rulemaking.
Sec. 207. Prohibited acts.
Sec. 208. Enforcement.
Sec. 209. Reduction of bycatch.
Sec. 210. Repeal of Eastern Pacific Tuna Licensing Act of 1984.

TITLE III—AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

Sec. 301. Short title.
Sec. 302. Purpose.
Sec. 303. Definitions.
Sec. 304. Duties and authorities of the Secretary.
Sec. 305. Authorization or denial of port entry.
Sec. 306. Inspections.
Sec. 307. Prohibited acts.
Sec. 308. Enforcement.
Sec. 309. International cooperation and assistance.
Sec. 310. Relationship to other laws.

## TITLE I—STRENGTHENING FISHERIES ENFORCEMENT MECHANISMS

### SEC. 101. AMENDMENTS TO THE HIGH SEAS DRIFTNET FISHING MORATORIUM PROTECTION ACT.

(a) ADMINISTRATION AND ENFORCEMENT.—

(1) IN GENERAL.—Section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g) is amended by inserting before the first sentence the following:

''(a) IN GENERAL.—The Secretary and the Secretary of the department in which the Coast Guard is operating shall enforce this Act, and the Acts to which this section applies, in accordance with this section. Each such Secretary may, by agreement, on a reimbursable basis or otherwise, utilize the personnel services, equipment (including aircraft and vessels), and facilities of any other Federal agency, and of any State agency, in the performance of such duties.

''(b) ACTS TO WHICH SECTION APPLIES.—This section applies to—

''(1) the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3631 et seq.);

''(2) the Dolphin Protection Consumer Information Act (16 U.S.C. 1385);

''(3) the Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.);

''(4) the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5001 et seq.);

''(5) the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 et seq.);

''(6) the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5601 et seq.);

''(7) the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 et seq.); and

''(8) the Antigua Convention Implementing Act of 2015.

''(c) ADMINISTRATION AND ENFORCEMENT.—

''(1) IN GENERAL.—The Secretary shall prevent any person from violating this Act, or any Act to which this section applies, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though sections 308 through 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858 through 1861) were incorporated into and made a part of and applicable to this Act and each such Act.

''(2) INTERNATIONAL COOPERATION.—The Secretary may, subject to appropriations and in the course of carrying out the Secretary's responsibilities under the Acts to which this section applies, engage in international cooperation to help other nations combat illegal, unreported, and unregulated fishing and achieve sustainable fisheries.

''(d) SPECIAL RULES.—

''(1) ADDITIONAL ENFORCEMENT AUTHORITY.—In addition to the powers of officers authorized pursuant to subsection (c), any officer who is authorized by the Secretary, or the head of any Federal or State agency that has entered into an agreement with the Secretary under subsection (a), may enforce the provisions of any Act to which this section applies, with the same jurisdiction, powers, and duties as though section 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861) were incorporated into and made a part of each such Act.

''(2) DISCLOSURE OF ENFORCEMENT INFORMATION.—

''(A) IN GENERAL.—The Secretary, subject to the data confidentiality provisions in section 402 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a), may disclose, as necessary and appropriate, information, including information collected under joint authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 71 et seq.) or the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 et seq.) or other statutes implementing international fishery agreements, to any other Federal or State government agency, the Food and Agriculture Organization of the United Nations, the secretariat or equivalent of an international fishery management organization or arrangement made pursuant to an international fishery agreement, or a foreign government, if—

''(i) such government, organization, or arrangement has policies and procedures to protect such information from unintended or unauthorized disclosure; and

''(ii) such disclosure is necessary—

''(I) to ensure compliance with any law or regulation enforced or administered by the Secretary;

''(II) to administer or enforce any international fishery agreement to which the United States is a party;

''(III) to administer or enforce a binding conservation measure adopted by any international organization or arrangement to which the United States is a party;

''(IV) to assist in any investigative, judicial, or administrative enforcement proceeding in the United States; or

''(V) to assist in any law enforcement action undertaken by a law enforcement agency of a foreign government, or in relation to a legal proceeding undertaken by a foreign government to the extent the enforcement action is consistent with rules and regulations of a regional fisheries management organization (as that term is defined by the United Nation's Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing) of which the United States is a member, or the Secretary has determined that the enforcement action is consistent with the requirements under Federal law for enforcement actions with respect to illegal, unreported, and unregulated fishing.

''(B) DATA CONFIDENTIALITY PROVISIONS NOT APPLICABLE.—The data confidentiality provisions of section 402 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a) shall not apply with respect to this Act with respect to—

''(i) any obligation of the United States to share information under a regional fisheries management organization (as that term is defined by the United Nation's Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing) of which the United States is a member; or

''(ii) any information collected by the Secretary regarding foreign vessels.

''(e) PROHIBITED ACTS.—It is unlawful for any person—

''(1) to violate any provision of this Act or any regulation or permit issued pursuant to this Act;

''(2) to refuse to permit any officer authorized to enforce the provisions of this Act to board, search, or inspect a vessel, subject to such person's control for the purposes of conducting any search, investigation, or inspection in connection with the enforcement of this Act, any regulation promulgated under this Act, or any Act to which this section applies;

''(3) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search, investigation, or inspection described in paragraph (2);

''(4) to resist a lawful arrest for any act prohibited by this section or any Act to which this section applies;

''(5) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of an other person, knowing that such person has committed any act prohibited by this section or any Act to which this section applies; or

''(6) to forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with—

''(A) any observer on a vessel under this Act or any Act to which this section applies; or

''(B) any data collector employed by the National Marine Fisheries Service or under contract to any person to carry out responsibilities under this Act or any Act to which this section applies.

''(f) CIVIL PENALTY.—Any person who commits any act that is unlawful under subsection (e) shall be liable to the United States for a civil penalty, and may be subject to a permit sanction, under section 308 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858).

''(g) CRIMINAL PENALTY.—Any person who commits an act that is unlawful under subsection (e)(2), (e)(3), (e)(4), (e)(5), or (e)(6) is deemed to be guilty of an offense punishable under section 309(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1859(b)).

''(h) UTILIZATION OF FEDERAL AGENCY ASSETS.—''.

(2) CONFORMING AMENDMENT.—Section 308(a) of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2437(a)) is amended to read as follows:

''(a) IN GENERAL.—Any person who commits an act that is unlawful under section 306 shall be liable to the United States for a civil penalty, and may be subject to a permit sanction, under section 308 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858).''.

(b) ACTIONS TO IMPROVE THE EFFECTIVENESS OF INTERNATIONAL FISHERY MANAGEMENT ORGANIZATIONS.—Section 608 of such Act (16 U.S.C. 1826i) is amended by—

(1) inserting before the first sentence the following: ''(a) IN GENERAL.—'';

(2) in subsection (a) (as designated by paragraph (1) of this subsection) in the first sentence, inserting '', or arrangements made pursuant to an international fishery agreement,'' after ''organizations''; and

(3) adding at the end the following new subsections:

''(b) DISCLOSURE OF INFORMATION.—

''(1) IN GENERAL.—The Secretary, subject to the data confidentiality provisions in section 402 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a) except as provided in paragraph (2), may disclose, as necessary and appropriate, information, including information collected under joint authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 71 et seq.), the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 et seq.), any other statute implementing an international fishery agreement, to any other Federal or State government agency, the Food and Agriculture Organization of the United Nations, or the secretariat or equivalent of an international fishery management organization or arrangement made pursuant to an international fishery agreement, if such government, organization, or arrangement, respectively, has policies and procedures to protect such information from unintended or unauthorized disclosure.

''(2) EXCEPTIONS.—The data confidentiality provisions in section 402 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a) shall not apply with respect to this Act—

''(A) for obligations of the United States to share information under a regional fisheries management organization (as that term is defined by the United Nation's Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing) of which the United States is a member; or

''(B) to any information collected by the Secretary regarding foreign vessels.

''(c) IUU VESSEL LISTS.—The Secretary may—

''(1) develop, maintain, and make public a list of vessels and vessel owners engaged in illegal, unreported, or unregulated fishing or fishing-related activities in support of illegal, unreported, or unregulated fishing, including vessels or vessel owners identified by an international fishery management organization or arrangement made pursuant to an international fishery agreement, that—

''(A) the United States is party to; or

''(B) the United States is not party to, but whose procedures and criteria in developing and maintaining a list of such vessels and vessel owners are substantially similar to such procedures and criteria adopted pursuant to an international fishery agreement to which the United States is a party; and

''(2) take appropriate action against listed vessels and vessel owners, including action against fish, fish parts, or fish products from such vessels, in accordance with applicable United States law and consistent with applicable international law, including principles, rights, and obligations established in applicable international fishery management agreements and trade agreements.

''(d) REGULATIONS.—The Secretary may promulgate regulations to implement this section.''.

(c) NOTIFICATION REGARDING IDENTIFICATION OF NATIONS.—Section 609(b) of such Act (166 U.S.C. 1826j(b)) is amended to read as follows:

''(b) NOTIFICATION.—The Secretary shall notify the President and that nation of such an identification.''.

(d) NATIONS IDENTIFIED UNDER SECTION 610.—Section 610(b)(1) of such Act (16 U.S.C. 1826k(b)(1)) is amended to read as follows:

''(1) notify, as soon as possible, the President and nations that have been identified under subsection (a), and also notify other nations whose vessels engage in fishing activities or practices described in subsection (a), about the provisions of this section and this Act;''.

(e) EFFECT OF CERTIFICATION UNDER SECTION 609.—Section 609(d)(3)(A)(i) of such Act (16 U.S.C. 1826j(d)(3)(A)(i)) is amended by striking ''that has not been certified by the Secretary under this subsection, or''.

(f) EFFECT OF CERTIFICATION UNDER SECTION 610.—Section 610(c)(5) of such Act (16 U.S.C. 1826k(c)(5)) is amended by striking ''that has not been certified by the Secretary under this subsection, or''.

(g) IDENTIFICATION OF NATIONS.—

(1) SCOPE OF IDENTIFICATION FOR ACTIONS OF FISHING VESSELS.—Section 609(a) of such Act (16 U.S.C. 1826j(a)) is amended—

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

(i) by inserting '', based on a cumulative compilation and analysis of data collected and provided by international fishery management organizations and other nations and organizations,'' after ''shall''; and

(ii) by striking ''2 years'' and inserting ''3 years'';

(B) in paragraph (1), by inserting ''that undermines the effectiveness of measures required by an international fishery management organization, taking into account whether'' after ''(1)''; and

(C) in paragraph (1), by striking ''vessels of''.

(2) ADDITIONAL GROUNDS FOR IDENTIFICATION.—Section 609(a) of such Act (16 U.S.C. 1826j(a)) is further amended—

(A) by redesignating paragraphs (1) and (2) in order as subparagraphs (A) and (B) (and by moving the margins of such subparagraphs 2 ems to the right);

(B) by inserting before the first sentence the following:

''(1) IDENTIFICATION FOR ACTIONS OF FISHING VESSELS.—''; and

(C) by adding at the end the following:

''(2) IDENTIFICATION FOR ACTIONS OF NATION.—Taking into account the factors described under section 609(a)(1), the Secretary shall also identify, and list in such report, a nation—

''(A) if it is violating, or has violated at any point during the preceding three years, conservation and management measures required under an international fishery management agreement to which the United States is a party and the violations undermine the effectiveness of such measures; or

''(B) if it is failing, or has failed in the preceding 3-year period, to effectively address or regulate illegal, unreported, or unregulated fishing in areas described under paragraph (1)(B).

''(3) APPLICATION TO OTHER ENTITIES.—Where the provisions of this Act are applicable to nations, they shall also be applicable, as appropriate, to other entities that have competency to enter into international fishery management agreements.''.

(3) PERIOD OF FISHING PRACTICES SUPPORTING IDENTIFICATION.—Section 610(a)(1) of such Act (16 U.S.C. 1826k(a)(1)) is amended by striking ''calendar year'' and inserting ''3 years''.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Commerce $450,000 for each of fiscal years 2016 through 2020 to implement the amendments made by subsections (b) and (g).

(i) TECHNICAL CORRECTIONS.—

(1) Section 607(2) of such Act (16 U.S.C. 1826h(2)) is amended by striking ''whose vessels'' and inserting ''that''.

(2) Section 609(d)(1) of such Act (16 U.S.C. 1826j(d)(1)) is amended by striking ''of its fishing vessels''.

(3) Section 609(d)(1)(A) of such Act (16 U.S.C. 1826j(d)(1)(A)) is amended by striking ''of its fishing vessels''.

(4) Section 609(d)(2) of such Act (16 U.S.C. 1826j(d)(2)) is amended—

(A) by striking ''for certification'' and inserting ''to authorize'';

(B) by inserting ''the importation'' after ''or other basis'';

(C) by striking ''harvesting''; and

(D) by striking ''not certified under paragraph (1)'' and inserting ''issued a negative certification under paragraph (1)''.

(5) Section 610 of such Act (16 U.S.C. 1826k) is amended as follows:

(A) In subsection (a)(1), by striking ''practices;'' and inserting ''practices—''.

(B) In subsection (c)(4), by striking all preceding subparagraph (B) and inserting the following:

''(4) ALTERNATIVE PROCEDURE.—The Secretary may establish a procedure to authorize, on a shipment-by-shipment, shipper-by-shipper, or other basis the importation of fish or fish products from a vessel of a nation issued a negative certification under paragraph (1) if the Secretary determines that such imports were harvested by practices that do not result in bycatch of a protected marine species, or were harvested by practices that—

''(A) are comparable to those of the United States, taking into account different conditions; and''.

**SEC. 102. AMENDMENTS TO THE HIGH SEAS DRIFTNET FISHERIES ENFORCEMENT ACT.**

(a) NEGATIVE CERTIFICATION EFFECTS.—Section 101 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a) is amended—

(1) in subsection (a)(2), by striking ''recognized principles of'' after ''in accordance with'';

(2) in subsection (a)(2)(A), by inserting ''or, as appropriate, for fishing vessels of a nation that receives a negative certification under section 609(d) or section 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826)'' after ''(1)'';

(3) in subsection (a)(2)(B), by inserting before the period the following: '', except for the purposes of inspecting such vessel, conducting an investigation, or taking other appropriate enforcement action'';

(4) in subsection (b)(1)(A)(i), by striking ''or illegal, unreported, or unregulated fishing'' after ''driftnet fishing'';

(5) in subsection (b)(1)(B) and subsection (b)(2), by striking ''or illegal, unreported, or unregulated fishing'' after ''driftnet fishing'' each place it appears;

(6) in subsection (b)(3)(A)(i), by inserting ''or a negative certification under section 609(d) or section 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d), 1826k(c))'' after ''(1)(A)'';

(7) in subsection (b)(4)(A), by inserting ''or issues a negative certification under section 609(d) or section 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d), 1826k(c))'' after ''paragraph (1)'';

(8) in subsection (b)(4)(A)(i), by striking ''or illegal, unreported, or unregulated fishing'' after ''driftnet fishing''; and

(9) in subsection (b)(4)(A)(i), by inserting '', or to address the offending activities for which a nation received a negative certification under section 609(d) or 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d), 1826k(c))'' after ''beyond the exclusive economic zone of any nation''.

(b) DURATION OF NEGATIVE CERTIFICATION EFFECTS.—Section 102 of such Act (16 U.S.C. 1826b) is amended by—

(1) striking ''or illegal, unreported, or unregulated fishing''; and

(2) inserting ''or effectively addressed the offending activities for which the nation received a negative certification under 609(d) or 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d), 1826k(c))'' before the period at the end.

**SEC. 103. AMENDMENTS TO NORTH PACIFIC ANADROMOUS STOCKS ACT OF 1992.**

(a) UNLAWFUL ACTIVITIES.—Section 810 of the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5009) is amended—

(1) in paragraph (5), by inserting '', investigation,'' after ''search''; and

(2) in paragraph (6), by inserting '', investigation,'' after ''search''.

(b) ADDITIONAL PROHIBITIONS AND ENFORCEMENT.—Section 811 of the Northern Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5010) is amended to read as follows:

**''SEC. 811. ADDITIONAL PROHIBITIONS AND ENFORCEMENT.**

''For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).''.

**SEC. 104. AMENDMENTS TO THE PACIFIC SALMON TREATY ACT OF 1985.**

Section 8 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3637) is amended—

(1) in subsection (a)(2)—

(A) by inserting '', investigation,'' after ''search''; and

(B) by striking ''this title;'' and inserting ''this Act;'';

(2) in subsection (a)(3)—

(A) by inserting '', investigation,'' after ''search''; and

(B) by striking ''subparagraph (2);'' and inserting ''paragraph (2);'';

(3) in subsection (a)(5), by striking ''this title; or'' and inserting ''this Act;''; and

(4) by striking subsections (b) through (f) and inserting the following:

''(b) ADDITIONAL PROHIBITIONS AND ENFORCEMENT.—For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).''.

**SEC. 105. AMENDMENTS TO THE WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION IMPLEMENTATION ACT.**

The Western and Central Pacific Fisheries Convention Implementation Act (title V of Public Law 109–479) is amended—

(1) by amending section 506(c) (16 U.S.C. 6905(c)) to read as follows:

''(c) ADDITIONAL PROHIBITIONS AND ENFORCEMENT.—For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).''; and

(2) in section 507(a)(2) (16 U.S.C. 6906(a)(2)) by striking ''suspension, on'' and inserting ''suspension, of''.

**SEC. 106. AMENDMENTS TO THE ANTARCTIC MARINE LIVING RESOURCES CONVENTION ACT.**

The Antarctic Marine Living Resources Convention Act of 1984 is amended—

(1) in section 306 (16 U.S.C. 2435)—

(A) in paragraph (3), by striking ''which he knows, or reasonably should have known, was'';

(B) in paragraph (4), by inserting '', investigation,'' after ''search''; and

(C) in paragraph (5), by inserting '', investigation,'' after ''search''; and

(2) in section 307 (16 U.S.C. 2436)—

(A) by inserting ''(a) IN GENERAL.—'' before the first sentence; and

(B) by adding at the end the following:

''(b) REGULATIONS TO IMPLEMENT CONSERVATION MEASURES.—

''(1) IN GENERAL.—Notwithstanding subsections (b), (c), and (d) of section 553 of title 5, United States Code, the Secretary of Commerce may publish in the Federal Register a final regulation to implement any conservation measure for which the Secretary of State notifies the Commission under section 305(a)(1)—

''(A) that has been in effect for 12 months or less;

''(B) that is adopted by the Commission; and

''(C) with respect to which the Secretary of State does not notify Commission in accordance with section 305(a)(1) within the time period allotted for objections under Article IX of the Convention.

''(2) ENTERING INTO FORCE.—Upon publication of such regulation in the Federal Register, such conservation measure shall enter into force with respect to the United States.''.

**SEC. 107. AMENDMENTS TO THE ATLANTIC TUNAS CONVENTION ACT.**

The Atlantic Tunas Convention Act of 1975 is amended—

(1) in section 6(c)(2) (16 U.S.C. 971d(c)(2)(2))—

(A) by striking ''(A)'' and inserting ''(i)'';

(B) by striking ''(B)'' and inserting ''(ii)'';

(C) by inserting ''(A)'' after ''(2)''; and

(D) by adding at the end the following:

''(B) Notwithstanding the requirements of subparagraph (A) and subsections (b) and (c) of section 553 of title 5, United States Code, the Secretary may issue final regulations to implement Commission recommendations referred to in paragraph (1) concerning trade restrictive measures against nations or fishing entities.'';

(2) in section 7 (16 U.S.C. 971e) by striking subsections (e) and (f) and redesignating subsection (g) as subsection (e);

(3) in section 8 (16 U.S.C. 971f)—

(A) by striking subsections (a) and (c); and

(B) by inserting before subsection (b) the following:

''(a) For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).'';

(4) in section 8(b) by striking ''the enforcement activities specified in section 8(a) of this Act'' each place it appears and inserting ''enforcement activities with respect to this Act that are otherwise authorized by law''; and

(5) by striking section 11 (16 U.S.C. 971j) and redesignating sections 12 and 13 as sections 11 and 12, respectively.

**SEC. 108. AMENDMENTS TO THE HIGH SEAS FISHING COMPLIANCE ACT OF 1965.**

Section 104(f) of the High Seas Fishing Compliance Act of 1995 (16 U.S.C. 5503(f)) is amended to read as follows:

''(f) VALIDITY.—A permit issued under this section for a vessel is void if—

''(1) any other permit or authorization required for the vessel to fish is expired, revoked, or suspended; or

''(2) the vessel is no longer documented under the laws of the United States or eligible for such documentation.''.

**SEC. 109. AMENDMENTS TO THE DOLPHIN PROTECTION CONSUMER INFORMATION ACT.**

The Dolphin Protection Consumer Information Act (16 U.S.C. 1385) is amended by amending subsection (e) to read as follows:

''(e) ADDITIONAL PROHIBITIONS AND ENFORCEMENT.—For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).''.

**SEC. 110. AMENDMENTS TO THE NORTHERN PACIFIC HALIBUT ACT OF 1982.**

Section 7 of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773e) is amended—

(1) in subsection (a) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F);

(2) by redesignating subsections (a) and (b) as paragraphs (1) and (2), respectively;

(3) in paragraph (1)(B), as so redesignated, by inserting '', investigation,'' before ''or inspection'';

(4) in paragraph (1)(C), as so redesignated, by inserting '', investigation,'' before ''or inspection'';

(5) in paragraph (1)(E), as so redesignated, by striking ''or'' after the semicolon; and

(6) in paragraph (1)(F), as so redesignated, by striking ''section.'' and inserting ''section; or''.

**SEC. 111. AMENDMENTS TO THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.**

Section 207 of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5606) is amended—

(1) in the section heading, by striking ''**AND PENALTIES**'' and inserting ''**AND ENFORCEMENT**'';

(2) in subsection (a)(2), by inserting '', investigation,'' before ''or inspection'';

(3) in subsection (a)(3), by inserting '', investigation,'' before ''or inspection''; and

(4) by striking subsections (b) through (f) and inserting the following:

''(b) ADDITIONAL PROHIBITIONS AND ENFORCEMENT.—For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).''.

**SEC. 112. AMENDMENT TO THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.**

Section 307(1)(Q) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(Q)) is amended by inserting before the semicolon the following: ''or any treaty or in contravention of any binding conservation measure adopted by an international agreement or organization to which the United States is a party''.

## TITLE II—IMPLEMENTATION OF THE ANTIGUA CONVENTION

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Antigua Convention Implementing Act of 2015''.

**SEC. 202. AMENDMENT OF THE TUNA CONVENTIONS ACT OF 1950.**

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.).

**SEC. 203. DEFINITIONS.**

Section 2 (16 U.S.C. 951) is amended to read as follows:

**''SEC. 2. DEFINITIONS.**

''In this Act:

''(1) ANTIGUA CONVENTION.—The term 'Antigua Convention' means the Convention for the Strengthening of the Inter-American Tropical Tuna Commission Established by the 1949 Convention Between the United States of America and the Republic of Costa Rica, signed at Washington, November 14, 2003.

''(2) COMMISSION.—The term 'Commission' means the Inter-American Tropical Tuna Commission provided for by the Convention.

''(3) CONVENTION.—The term 'Convention' means—

''(A) the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, by the United States of America and the Republic of Costa Rica;

''(B) the Antigua Convention, upon its entry into force for the United States, and any amendments thereto that are in force for the United States; or

''(C) both such Conventions, as the context requires.

''(4) PERSON.—The term 'person' means an individual, partnership, corporation, or association subject to the jurisdiction of the United States.

''(5) UNITED STATES.—The term 'United States' includes all areas under the sovereignty of the United States.

''(6) UNITED STATES COMMISSIONERS.—The term 'United States commissioners' means the individuals appointed in accordance with section 3(a).''.

**SEC. 204. COMMISSIONERS; NUMBER, APPOINTMENT, AND QUALIFICATIONS.**

Section 3 (16 U.S.C. 952) is amended to read as follows:

**''SEC. 3. COMMISSIONERS.**

''(a) COMMISSIONERS.—The United States shall be represented on the Commission by 4 United States Commissioners. The President shall appoint individuals to serve on the Commission. The United States Commissioners shall be subject to supervision and removal by the Secretary of State, in consultation with the Secretary. In making the appointments, the President shall select United States Commissioners from among individuals who are knowledgeable or experienced concerning highly migratory fish stocks in the eastern tropical Pacific Ocean, one of whom shall be an officer or employee of the Department of Commerce. Not more than 2 United States Commissioners may be appointed who reside in a State other than a State whose vessels maintain a substantial fishery in the area of the Convention.

''(b) ALTERNATE COMMISSIONERS.—The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise, at any meeting of the Commission or of the General Advisory Committee or Scientific Advisory Subcommittee established pursuant to section 4(b), all powers and duties of a United States Commissioner in the absence of any United States Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.

''(c) ADMINISTRATIVE MATTERS.—

''(1) EMPLOYMENT STATUS.—Individuals serving as United States Commissioners, other than officers or employees of the United States Government, shall not be considered Federal employees except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

''(2) COMPENSATION.—The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as United States Commissioners or Alternate Commissioners.

''(3) TRAVEL EXPENSES.—

''(A) The Secretary of State shall pay the necessary travel expenses of United States Commissioners and Alternate United States Commissioners to meetings of the Inter-American Tropical Tuna Commission and other meetings the Secretary of State deems necessary to fulfill their duties, in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

''(B) The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.''.

**SEC. 205. GENERAL ADVISORY COMMITTEE AND SCIENTIFIC ADVISORY SUBCOMMITTEE.**

Section 4 (16 U.S.C. 953) is amended—

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

''(a) GENERAL ADVISORY COMMITTEE.—

''(1) APPOINTMENTS; PUBLIC PARTICIPATION; COMPENSATION.—

''(A) The Secretary, in consultation with the Secretary of State, shall appoint a General Advisory Committee which shall consist of not more than 25 individuals who shall be representative of the various groups concerned with the fisheries covered by the Convention, including nongovernmental conservation organizations, providing to the maximum extent practicable an equitable balance among such groups. Members of the General Advisory Committee will be eligible to participate as members of the United States delegation to the Commission and its working groups to the extent the Commission rules and space for delegations allow.

''(B) The chair of the Pacific Fishery Management Council's Advisory Subpanel for Highly Migratory Fisheries and the chair of the Western Pacific Fishery Management Council's Advisory Committee shall be ex-officio members of the General Advisory Committee by virtue of their positions in those Councils.

''(C) Each member of the General Advisory Committee appointed under subparagraph (A) shall serve for a term of 3 years and is eligible for reappointment.

''(D) The General Advisory Committee shall be invited to attend all non-executive meetings of the United States delegation and at such meetings shall be given opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the Commission.

''(E) The General Advisory Committee shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this title, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the Convention. The General Advisory Committee shall publish and make available to the public a statement of its organization, practices and procedures. Meetings of the General Advisory Committee, except when in executive session, shall be open to the public, and prior notice of meetings shall be made public in timely fashion. The General Advisory Committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

''(2) INFORMATION SHARING.—The Secretary and the Secretary of State shall furnish the General Advisory Committee with relevant information concerning fisheries and international fishery agreements.

''(3) ADMINISTRATIVE MATTERS.—

''(A) The Secretary shall provide to the General Advisory Committee in a timely manner such administrative and technical support services as are necessary for its effective functioning.

''(B) Individuals appointed to serve as a member of the General Advisory Committee—

''(i) shall serve without pay, but while away from their homes or regular places of business to attend meetings of the General Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code; and

''(ii) shall not be considered Federal employees except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.'';

(2) by striking so much of subsection (b) as precedes paragraph (2) and inserting the following:

''(b) SCIENTIFIC ADVISORY SUBCOMMITTEE.—(1) The Secretary, in consultation with the Secretary of State, shall appoint a Scientific Advisory Subcommittee of not less than 5 nor more than 15 qualified scientists with balanced representation from the public and private sectors, including nongovernmental conservation organizations.''; and

(3) in subsection (b)(3), by striking ''General Advisory Subcommittee'' and inserting ''General Advisory Committee''.

**SEC. 206. RULEMAKING.**

Section 6 (16 U.S.C. 955) is amended to read as follows:

**''SEC. 6. RULEMAKING.**

''(a) REGULATIONS.—The Secretary, in consultation with the Secretary of State and, with respect to enforcement measures, the Secretary of the Department in which the Coast Guard is operating, may promulgate such regulations as may be necessary to carry out the United States international obligations under the Convention and this Act, including recommendations and decisions adopted by the Commission. In cases where the Secretary has discretion in the implementation of one or more measures

adopted by the Commission that would govern fisheries under the authority of a Regional Fishery Management Council, the Secretary may, to the extent practicable within the implementation schedule of the Convention and any recommendations and decisions adopted by the Commission, promulgate such regulations as may be necessary to carry out the United States international obligations under the Convention and this Act, in accordance with the procedures established by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

''(b) JURISDICTION.—The Secretary may promulgate regulations as may be necessary to carry out the United States international obligations under the Convention and this Act, applicable to all vessels and persons subject to the jurisdiction of the United States, including vessels documented under chapter 121 of title 46, United States Code, wherever they may be operating, on such date as the Secretary shall prescribe.''.

**SEC. 207. PROHIBITED ACTS.**

Section 8 (16 U.S.C. 957) is amended—

(1) by striking ''section 6(c) of this Act'' each place it appears and inserting ''section 6''; and

(2) by adding at the end the following:

''(i) ADDITIONAL PROHIBITIONS AND ENFORCEMENT.—For prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).''.

**SEC. 208. ENFORCEMENT.**

Section 10 (16 U.S.C. 959) is amended to read as follows:

**''SEC. 10. ENFORCEMENT.**

''For enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).''.

**SEC. 209. REDUCTION OF BYCATCH.**

Section 15 (16 U.S.C. 962) is amended by striking ''vessel'' and inserting ''vessels''.

**SEC. 210. REPEAL OF EASTERN PACIFIC TUNA LICENSING ACT OF 1984.**

The Eastern Pacific Tuna Licensing Act of 1984 (16 U.S.C. 972 et seq.) is repealed.

## TITLE III—AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

**SEC. 301. SHORT TITLE.**

This title may be cited as the ''Port State Measures Agreement Act of 2015''.

**SEC. 302. PURPOSE.**

The purpose of this title is to implement the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

**SEC. 303. DEFINITIONS.**

As used in this title:

(1) The term ''Agreement'' means the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, done at the Food and Agriculture Organization of the United Nations, in Rome, Italy, November 22, 2009, and signed by the United States November 22, 2009.

(2) The term ''IUU fishing'' means any activity set out in paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

(3) The term ''listed IUU vessel'' means a vessel that is included in a list of vessels having engaged in IUU fishing or fishing-related activities in support of IUU fishing that has been adopted by a regional fisheries management organization of which the United States is a member, or a list adopted by a regional fisheries management organization of which the United States is not a member if the Secretary determines the criteria used by that organization to create the IUU list is comparable to criteria adopted by RFMOs of which the United States is a member for identifying IUU vessels and activities.

(4) The term ''Magnuson-Stevens Act'' means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(5) The term ''person'' has the same meaning as that term has in section 3 of the Magnuson-Stevens Act (16 U.S.C. 1802).

(6) The terms ''RFMO'' and ''regional fisheries management organization'' mean a regional fisheries management organization (as that term is defined by the United Nation's Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing) that is recognized by the United States.

(7) The term ''Secretary'' means the Secretary of Commerce or his or her designee.

(8) The term ''vessel'' means any vessel, ship of another type, or boat used for, equipped to be used for, or intended to be used for, fishing or fishing-related activities, including container vessels that are carrying fish that have not been previously landed.

(9) The term ''fish'' means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds.

(10) The term ''fishing''—

(A) except as provided in subparagraph (B), means—

(i) the catching, taking, or harvesting of fish;

(ii) the attempted catching, taking, or harvesting of fish;

(iii) any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(iv) any operations at sea in support of, or in preparation for, any activity described in clauses (i) through (iii); and

(B) does not include any scientific research activity that is conducted by a scientific research vessel.

**SEC. 304. DUTIES AND AUTHORITIES OF THE SECRETARY.**

(a) REGULATIONS.—The Secretary may, as needed, promulgate such regulations—

(1) in accordance with section 553 of title 5, United States Code;

(2) consistent with provisions of the title; and

(3) with respect to enforcement measures, in consultation with the Secretary of the department in which the Coast Guard is operating;

as may be necessary to carry out the purposes of this title, to the extent that such regulations are not already promulgated.

(b) PORTS OF ENTRY.—The Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, may designate and publicize the ports to which vessels may seek entry. No port may be designated under this section that has not also been designated as a port of entry for customs reporting purposes pursuant to section 1433 of title 19, United States Code, or that is not specified under an existing international fisheries agreement.

(c) NOTIFICATION.—The Secretary shall provide notification of the denial of port entry or the use of port services for a vessel under section 305, the withdrawal of the denial of port services for a foreign vessel, the taking of enforcement action pursuant to section 306 with respect to a foreign vessel, or the results of any inspection of a foreign vessel conducted pursuant to this title to the flag nation of the vessel and, as appropriate, to the nation of which the vessel's master is a national, relevant coastal nations, RFMOs, the Food and Agriculture Organization of the United Nations, and other relevant international organizations.

(d) CONFIRMATION THAT FISH WERE TAKEN IN ACCORDANCE WITH CONSERVATION AND MANAGEMENT MEASURES.—The Secretary may request confirmation from the flag state of a foreign vessel that the fish on board a foreign vessel in a port subject to the jurisdiction of the United States were taken in accordance with applicable RFMO conservation and management measures.

**SEC. 305. AUTHORIZATION OR DENIAL OF PORT ENTRY.**

(a) SUBMISSION OF INFORMATION REQUIRED UNDER AGREEMENT.—

(1) IN GENERAL.—A vessel described in paragraph (2) seeking entry to a port that is subject to the jurisdiction of the United States must submit to the Secretary of the department in which the Coast Guard is operating information as required under the Agreement in advance of its arrival in port. The Secretary of the department in which the Coast Guard is operating shall provide that information to the Secretary.

(2) COVERED VESSELS.—A vessel referred to in paragraph (1) is any vessel that—

(A) is not documented under chapter 121 of title 46, United States Code; and

(B) is not numbered under chapter 123 of that title.

(b) DECISION TO AUTHORIZE OR DENY PORT ENTRY.—

(1) DECISION.—The Secretary shall decide, based on the information submitted under subsection (a), whether to authorize or deny port entry by the vessel, and shall communicate such decision to—

(A) the Secretary of the department in which the Coast Guard is operating; and

(B) the vessel or its representative.

(2) AUTHORIZATION OR DENIAL OF ENTRY.—The Secretary of the department in which the Coast Guard is operating shall authorize or deny entry to vessels to which such a decision applies.

(3) VESSELS TO WHICH ENTRY MAY BE DENIED.—The Secretary of the department in which the Coast Guard is operating may deny entry to any vessel to which such a decision applies—

(A) that is described in subsection (a)(2); and

(B) that—

(i) is a listed IUU vessel; or

(ii) the Secretary of Commerce has reasonable grounds to believe—

(I) has engaged in IUU fishing or fishing-related activities in support of such fishing; or

(II) has violated this title.

(c) DENIAL OF USE OF PORT.—If a vessel described in subsection (a)(2) is in a port that is subject to the jurisdiction of the United States, the Secretary of the department in which the Coast Guard is operating, at the request of the Secretary, shall deny such vessel the use of the port for landing, transshipment, packaging and processing of fish, refueling, resupplying, maintenance, and drydocking, if—

(1) the vessel entered without authorization under subsection (b);

(2) the vessel is a listed IUU vessel;

(3) the vessel is not documented under the laws of another nation;

(4) the flag nation of the vessel has failed to provide confirmation requested by the Secretary that the fish on board were taken in accordance with applicable RFMO conservation and management measures; or

(5) the Secretary has reasonable grounds to believe—

(A) the vessel lacks valid authorizations to engage in fishing or fishing-related activities

as required by its flag nation or the relevant coastal nation;

(B) the fish on board were taken in violation of foreign law or in contravention of any RFMO conservation and management measure; or

(C) the vessel has engaged in IUU fishing or fishing-related activities in support of such fishing, including in support of a listed IUU vessel, unless it can establish that—

(i) it was acting in a manner consistent with applicable RFMO conservation and management measures; or

(ii) in the case of the provision of personnel, fuel, gear, and other supplies at sea, the vessel provisioned was not, at the time of provisioning, a listed IUU vessel.

(d) EXCEPTIONS.—Notwithstanding subsections (b) and (c), the Secretary of the department in which the Coast Guard is operating may allow port entry or the use of port services—

(1) if they are essential to the safety or health of the crew or safety of the vessel;

(2) to allow, where appropriate, for the scrapping of the vessel; or

(3) pursuant to an inspection or other enforcement action.

**SEC. 306. INSPECTIONS.**

The Secretary, and the Secretary of the department in which the Coast Guard is operating, shall conduct foreign vessel inspections in ports subject to the jurisdiction of the United States as necessary to achieve the purposes of the Agreement and this title. If, following an inspection, the Secretary has reasonable grounds to believe that a foreign vessel has engaged in IUU fishing or fishing-related activities in support of such fishing, the Secretary may take enforcement action under this title or other applicable law, and shall deny the vessel the use of port services, in accordance with section 305.

**SEC. 307. PROHIBITED ACTS.**

It is unlawful for any person subject to the jurisdiction of the United States—

(1) to violate any provision of this title or the regulations issued under this title;

(2) to refuse to permit any authorized officer to board, search, or inspect a vessel that is subject to the person's control in connection with the enforcement of this title or the regulations issued under this title;

(3) to submit false information pursuant to any requirement under this title or the regulations issued under this title; or

(4) to commit any offense enumerated in paragraph (4), (5), (7), or (9) of section 707(a) of the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6906(a)).

**SEC. 308. ENFORCEMENT.**

(a) EXISTING AUTHORITIES AND RESPONSIBILITIES.—

(1) AUTHORITIES AND RESPONSIBILITIES.—The authorities and responsibilities under subsections (a), (b), and (c) of section 311 and subsection (f) of section 308 of the Magnuson-Stevens Act (16 U.S.C. 1861, 1858) and paragraphs (2), (3), and (7) of section 310(b) of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2439(b)) shall apply with respect to enforcement of this title.

(2) INCLUDED VESSELS.—For purposes of enforcing this title, any reference in such paragraphs and subsections to a ''vessel'' or ''fishing vessel'' includes all vessels as defined in section 303(8) of this title.

(3) APPLICATION OF OTHER PROVISIONS.—Such paragraphs and subsections apply to violations of this title and any regulations promulgated under this title.

(b) CIVIL ENFORCEMENT.—

(1) CIVIL ADMINISTRATIVE PENALTIES.—

(A) IN GENERAL.—Any person who is found by the Secretary (after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code) to have committed an act prohibited under section 307 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall be consistent with the amount under section 308(a) of the Magnuson-Stevens Act (16 U.S.C. 1858(a)).

(B) COMPROMISE OR OTHER ACTION BY SECRETARY.—The Secretary shall have the same authority as provided in section 308(e) of the Magnuson-Stevens Act (16 U.S.C. 1858(e)) with respect to a violation of this Act.

(2) IN REM JURISDICTION.—For purposes of this title, the conditions for in rem liability shall be consistent with section 308(d) of the Magnuson-Stevens Act (16 U.S.C. 1858(d)).

(3) ACTION UPON FAILURE TO PAY ASSESSMENT.—If any person fails to pay an assessment of a civil penalty under this title after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(c) FORFEITURE.—

(1) IN GENERAL.—Any foreign vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any fish (or the fair market value thereof) imported or possessed in connection with or as result of the commission of any act prohibited by section 307 of this title shall be subject to forfeiture under section 310 of the Magnuson-Stevens Act (16 U.S.C. 1860).

(2) APPLICATION OF THE CUSTOMS LAWS.—All provisions of law relating to seizure, summary judgment, and judicial forfeiture and condemnation for violation of the customs laws, the disposition of the property forfeited or condemned or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, insofar as applicable and not inconsistent with the provisions hereof. For seizures and forfeitures of property under this section by the Secretary, such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs law may be performed by such officers as are designated by the Secretary or, upon request of the Secretary, by any other agency that has authority to manage and dispose of seized property.

(3) PRESUMPTION.—For the purposes of this section there is a rebuttable presumption that all fish, or components thereof, found on board a vessel that is used or seized in connection with a violation of this title (including any regulation promulgated under this Act) were taken, obtained, or retained as a result of IUU fishing or fishing-related activities in support of IUU fishing.

(d) CRIMINAL ENFORCEMENT.—Any person (other than a foreign government agency, or entity wholly owned by a foreign government) who knowingly commits an act prohibited by section 307 of this title shall be subject to subsections (b) and (c) of section 309 of the Magnuson-Stevens Act (16 U.S.C. 1859).

(e) PAYMENT OF STORAGE, CARE, AND OTHER COSTS.—Any person assessed a civil penalty for, or convicted of, any violation of this title (including any regulation promulgated under this title) and any claimant in a forfeiture action brought for such a violation, shall be liable for the reasonable costs incurred by the Secretary in storage, care, and maintenance of any property seized in connection with the violation.

**SEC. 309. INTERNATIONAL COOPERATION AND ASSISTANCE.**

(a) ASSISTANCE TO DEVELOPING NATIONS AND INTERNATIONAL ORGANIZATIONS.—Consistent with existing authority and the availability of funds, the Secretary shall provide appropriate assistance to developing nations and international organizations of which such nations are members to assist those nations in meeting their obligations under the Agreement.

(b) PERSONNEL, SERVICES, EQUIPMENT, AND FACILITIES.—In carrying out subsection (a), the Secretary may, by agreement, on a reimbursable or nonreimbursable basis, utilize the personnel, services, equipment, and facilities of any Federal, State, local, or foreign government or any entity of any such government.

**SEC. 310. RELATIONSHIP TO OTHER LAWS.**

(a) IN GENERAL.—Nothing in this title shall be construed to displace any requirements imposed by the customs laws of the United States or any other laws or regulations enforced or administered by the Secretary of Homeland Security. Where more stringent requirements regarding port entry or access to port services exist under other Federal law, those more stringent requirements shall apply. Nothing in this title shall affect a vessel's entry into port, in accordance with international law, for reasons of force majeure or distress.

(b) UNITED STATES OBLIGATIONS UNDER INTERNATIONAL LAW.—This title shall be interpreted and applied in accordance with United States obligations under international law.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from American Samoa (Mrs. RADEWAGEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentlewoman from American Samoa.

GENERAL LEAVE

Mrs. RADEWAGEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from American Samoa?

There was no objection.

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

As the Congresswoman from American Samoa, I can confidently say that fishing and the jobs it provides are one of the biggest issues of our territory. It is a way of life. It has shaped our culture, our customs, and our traditions, and that must continue. It is for that reason that I am a cosponsor of H.R. 774, the Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015.

Sometimes referred to as ''pirate fishing,'' illegal, unreported, and unregulated—or IUU—fishing is a wide range of fishing activities that fail to comply with national, regional, or global fisheries, conservation, and management requirements. These unlawful practices impact various sectors of our seafood industry, which is certainly true in respect to our tuna industry in American Samoa.

By nature, the impact of IUU fishing is difficult to quantify, though some estimates suggest that it results in economic losses between $10 billion to $23 billion worldwide annually. The effects of IUU fishing aren't only felt on the decks of our fishing boats, the impacts that we are talking about here can be felt all the way to your dinner plate.

The intent of H.R. 774 is to ensure that the fishermen that I represent can operate on a level playing field with foreign nation vessels. Specifically, the bill aims to identify and regulate illegal foreign fishing vessels that are hurting our fishermen's ability to provide for their families.

I do have to say that, while I am a cosponsor of this legislation, I wish that we would have been able to come to an agreement on language that I had proposed specific to the actions and regulations administered by the Western and Central Pacific Fisheries Commission, of which American Samoa is a participating territory.

The intent of my language was to ensure that the Commission could not act in a manner that would hurt our fishermen more than those of other participating foreign nations. All I want is for our fishermen in American Samoa to be on a level playing field with foreign nation vessels to be able to provide for their families.

While we were not able to reach consensus on my proposed language, I look forward to working with my fellow committee colleagues toward a solution to help the fishing industry in American Samoa.

Remaining fair and true to our fishermen is so important in the territory that I represent because the fishing industry is the economic driver of many of our communities. While I will continue to work on those ideas legislatively in another vehicle, this is a good bill, and I urge my colleagues to support it.

I reserve the balance of my time.

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

Today, I rise to urge my colleagues to support passage of H.R. 774, a bill that I sponsored. It is the Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015.

H.R. 774 would strengthen enforcement mechanisms to combat IUU fishing, which threatens the economic and social infrastructure of our fishing communities and industry. IUU fishing also threatens the security of the United States and our allies. Countries like Australia, Papua New Guinea, and Palau have led the way in combating IUU fishing. I appreciate that the House is finally taking action that will help to demonstrate U.S. leadership on this important issue.

IUU fishing costs our fishing industry over tens of billions of dollars over the years. This tremendous impact on fishing economies undermines their financial security and can destabilize regions. Additionally, in some cases, we have seen IUU fishing facilitates illegal human and wildlife trafficking. IUU is bad for our national security, and we must give U.S. authorities the tools to combat this illegal activity.

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The bill would provide NOAA and the Coast Guard with much-needed tools to fight foreign illegal fishing. It would also implement the Agreement on Port State Measures to Prevent, Deter and Eliminate IUU fishing, a treaty ratified by the Senate that would set international standards for denying port entry and services to vessels that have engaged in illegal fishing.

I am proud to note that H.R. 774 is a truly bipartisan effort, a result of the hard work of both Democratic and Republican staff, the cosponsorships of both Republican and Democratic Members, and the leadership of the Natural Resources Committee, as well as the Transportation and Infrastructure Committee.

I want to thank Matt Strickler and Jean Flemma, the Natural Resources Committee staff, for their tireless work to move this forward.

I would also like to acknowledge the International Conservation Caucus Foundation, the Gulf Coast Leadership Conference, and the countless recreational and commercial fishing businesses across the country for their full-fledged support of this bill.

I urge my colleagues to vote ''yes'' on H.R. 774, to ensure that the U.S. remains a leader in ensuring the economic security of our Nation and our allies.

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

Mr. Speaker, today I rise to urge my colleagues to support H.R. 774, the Illegal Unreported and Unregulated (IUU) Fishing Enforcement Act of 2015. H.R. 774 would strengthen enforcement mechanisms to stop IUU fishing, which threatens the economic and social infrastructure of our fishing communities and industry, as well as the security of the United States and our allies.

While it is difficult to fully track IUU fishing, it is estimated to have a global value of $10 billion to $23.5 billion, representing between 11 million and 26 million tons of fish. Not only does this kind of fishing harm marine ecosystems and deplete fish stocks around the world, it also causes significant economic harm to U.S. fishermen. For example, the $700 million worth of king crab harvested illegally from Russian waters alone undercuts the prices Alaskan king crab fishermen get for their catch, hurting the bottom line of a fishery that has become a model for sustainable harvest. IUU fishing in Pacific Ocean waters accounts for approximately 33 percent of total catch from those fisheries. IUU fishing on highly migratory stocks like tuna leaves fewer fish in the water for U.S. fishermen who play by the rules, and frustrates our efforts to manage far-ranging stocks responsibly. If stocks fail to recover, additional restrictions may be placed on U.S. fishermen, forcing economic losses and undermining confidence in the fairness of the management system.

In addition to depressing job opportunities and income in the U.S. fishing industry, IUU fishing is also a matter of national and regional security for the U.S. and our allies. IUU fishing is closely associated with various trafficking activities that are highly likely to operate from the same foreign vessels that engage in IUU fishing activities. A 2011 report issued by the United Nations Office on Drugs and Crime documented the link between illegal fishing and transnational organized crime including human trafficking, drug smuggling, gun running, terrorism, and even slave labor. Especially given that 91 percent of seafood consumed in the United States is imported, it is critical to ensure that the purchases of unsuspecting Americans are not supporting these activities.

We often view security issues through the traditional prism of hard power, but we need to shift that paradigm, particularly in the Asia-Pacific region. IUU fishing has become a significant issue that has caused conflicts between countries and threatens regional stability such as that in the Asia-Pacific region. IUU fishing is a threat to regional security, and we must take steps to address the matter. Banyan Analytics released a report in 2014 that talks about security in the Pacific Island nations, and IUU fishing or food security was a major issue for this region. As we rebalance to the Asia-Pacific region, we cannot ignore these types of issues.

Just as importantly, the problem of IUU fishing is not unique to the Western Pacific. Many American communities, from Alaska and the Pacific Northwest to the Gulf Coast and up and down the Atlantic seaboard, face similar challenges that threaten local economies as well as our national food security.

The United States has become a world leader in sustainable management of marine fisheries, in great part due to the Magnuson-Stevens Act. In other parts of the world, however, poor fisheries management is more common, and stocks are overharvested—the direct result of IUU fishing.

The National Oceanic and Atmospheric Administration (NOAA) recently reported that no federally-managed fisheries are subject to overfishing. However, that is not the case for many stocks managed by other nations, as well as those managed by several countries through regional fishery management organizations (RFM0s). Over seventy percent of major global marine fish stocks are fully exploited, overexploited, depleted, or recovering from depletion, driven in part by the persistence of IUU fishing.

Our allies and partners have already taken the lead on this issue. The EU Fisheries Council has implemented trade restrictions on countries who do not cooperate in combating IUU fishing. Our partners like Australia, Palau, and Papua New Guinea have all taken action to curb IUU fishing in their own EEZs. We cannot continue to lead from behind on IUU fishing enforcement The United States must take our leadership role in this important national security matter seriously.

I commend the work of the Presidential Task Force on IUU Fishing and Seafood Fraud, which is the culmination and continuation of the many years of effort on the part of leaders and stakeholders in our fishing communities, in the seafood sector, and in our conservation community. However, we must

continue to do more. Moreover, H.R. 774 includes provisions that were specifically requested by the Task Force that would enhance the United States' ability to combat IUU fishing.

H.R. 774 is the product of extensive negotiations between Democratic and Republican staff in the last Congress, and I commend the Natural Resources Committee staff, particularly Matt Strickler and former staff Jean Flemma, for their work in moving this legislation forward. It is also supported by a broad coalition that includes the U.S. State Department, fishing industry interests, and conservation groups. I also thank Mr. YOUNG of Alaska and his staff for working with us on this legislation, and for his continued leadership on an issue that impacts many of his Alaska constituents.

I am proud to note that H.R. 774 was introduced with—and quickly gained—strong bipartisan support, which included Mr. DON YOUNG of Alaska; Mr. PETER DEFAZIO, Ranking Member of the Transportation and Infrastructure Committee; Mr. ROB WITTMAN, Chair of the Subcommittee on Readiness in the Armed Services Committee; Mr. DUNCAN HUNTER and Mr. JOHN GARAMENDI, respectively Chair and Ranking Member of the Coast Guard and Maritime Transportation Subcommittee of the Transportation and Infrastructure Subcommittee; Mr. ED ROYCE, Chair of the Foreign Affairs Committee; and Mr. MICHAEL MCCAUL, Chair of the Homeland Security Committee.

I also acknowledge and thank the leadership of Chairman ROB BISHOP and Ranking Member RAÚL GRIJALVA of the Natural Resources Committee. H.R. 774 passed the Natural Resources Committee by unanimous consent on April 30, 2015.

I would also like to thank the International Conservation Caucus Foundation, the Gulf Coast Leadership Conference, and the countless recreational and commercial fishing businesses across the country for their full-fledged support of this bill.

It will continue to take a collective effort to prevent IUU fishing, from stakeholders, the White House, and Congress, so I urge my colleagues to vote yes on H.R. 774, so that the U.S. remains a leader in ensuring the economic security of our nation and our allies.

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

Ms. BORDALLO. Mr. Speaker, I have no further speakers, so I yield back the balance of my time.

Mrs. RADEWAGEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from American Samoa (Mrs. RADEWAGEN) that the House suspend the rules and pass the bill, H.R. 774, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## EVIDENCE-BASED POLICYMAKING COMMISSION ACT OF 2015

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1831) to establish the Commission on Evidence-Based Policymaking, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1831

*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 ''Evidence-Based Policymaking Commission Act of 2015''.

**SEC. 2. ESTABLISHMENT.**

There is established in the executive branch a commission to be known as the ''Commission on Evidence-Based Policymaking'' (in this Act referred to as the ''Commission'').

**SEC. 3. MEMBERS OF THE COMMISSION.**

(a) NUMBER AND APPOINTMENT.—The Commission shall be comprised of 15 members as follows:

(1) Three shall be appointed by the President, of whom—

(A) one shall be an academic researcher, data expert, or have experience in administering programs;

(B) one shall have expertise in database management, confidentiality, and privacy matters; and

(C) one shall be the Director of the Office of Management and Budget (or the Director's designee).

(2) Three shall be appointed by the Speaker of the House of Representatives, of whom—

(A) two shall be academic researchers, data experts, or have experience in administering programs; and

(B) one shall have expertise in database management, confidentiality, and privacy matters.

(3) Three shall be appointed by the Minority Leader of the House of Representatives, of whom—

(A) two shall be academic researchers, data experts, or have experience in administering programs; and

(B) one shall have expertise in database management, confidentiality, and privacy matters.

(4) Three shall be appointed by the Majority Leader of the Senate, of whom—

(A) two shall be academic researchers, data experts, or have experience in administering programs; and

(B) one shall have expertise in database management, confidentiality, and privacy matters.

(5) Three shall be appointed by the Minority Leader of the Senate, of whom—

(A) two shall be academic researchers, data experts, or have experience in administering programs; and

(B) one shall have expertise in database management, confidentiality, and privacy matters.

(b) EXPERTISE.—In making appointments under this section, consideration should be given to individuals with expertise in economics, statistics, program evaluation, data security, confidentiality, or database management.

(c) CHAIRPERSON AND CO-CHAIRPERSON.—The President shall select the chairperson of the Commission and the Speaker of the House of Representatives shall select the co-chairperson.

(d) TIMING OF APPOINTMENTS.—Appointments to the Commission shall be made not later than 45 days after the date of enactment of this Act.

(e) TERMS; VACANCIES.—Each member shall be appointed for the duration of the Commission. Any vacancy in the Commission shall not affect its powers, and shall be filled in the manner in which the original appointment was made.

(f) COMPENSATION.—Members of the Commission shall serve without pay.

(g) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of 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 Commission.

**SEC. 4. DUTIES OF THE COMMISSION.**

(a) STUDY OF DATA.—The Commission shall conduct a comprehensive study of the data inventory, data infrastructure, and statistical protocols related to Federal policymaking and the agencies responsible for maintaining that data to—

(1) determine the optimal arrangement for which administrative data on Federal programs and tax expenditures, survey data, and related statistical data series may be integrated and made available to facilitate program evaluation, continuous improvement, policy-relevant research, and cost-benefit analyses by qualified researchers and institutions;

(2) make recommendations on how data infrastructure and statistical protocols should be modified to best fulfill the objectives identified in paragraph (1); and

(3) make recommendations on how best to incorporate outcomes measurement, institutionalize randomized controlled trials, and rigorous impact analysis into program design.

(b) CLEARINGHOUSE.—In undertaking the study required by subsection (a), the Commission shall consider whether a clearinghouse for program and survey data should be established and how to create such a clearinghouse. The Commission shall evaluate—

(1) what administrative data and survey data are relevant for program evaluation and Federal policy-making and should be included in a potential clearinghouse;

(2) which survey data the administrative data identified in paragraph (1) may be linked to, in addition to linkages across administrative data series;

(3) what are the legal and administrative barriers to including or linking these data series;

(4) what data-sharing infrastructure should be used to facilitate data merging and access for research purposes;

(5) how a clearinghouse could be self-funded;

(6) which types of researchers, officials, and institutions should have access to data and what their qualifications should be;

(7) what limitations should be placed on the use of data provided;

(8) how to protect information and ensure individual privacy and confidentiality;

(9) how data and results of research can be used to inform program administrators and policymakers to improve program design; and

(10) what incentives may facilitate interagency sharing of information to improve programmatic effectiveness and enhance data accuracy and comprehensiveness.

(c) REPORT.—Upon the affirmative vote of at least three-quarters of the members of the Commission, the Commission shall submit to the President and Congress a detailed statement of its findings and conclusions as a result of the activities required by subsections (a) and (b), together with its recommendations for such legislation or administrative actions as the Commission considers appropriate in light of the results of the study.

(d) DEADLINE.—The report under subsection (c) shall be submitted not later than

the date that is 15 months after the date a majority of the members of the Commission are appointed pursuant to section 3.

(e) DEFINITION.—In this section, the term ''administrative data'' means data—

(1) held by an agency or a contractor or grantee of an agency (including a State or unit of local government); and

(2) collected for other than statistical purposes.

**SEC. 5. OPERATION AND POWERS OF THE COMMISSION.**

(a) EXECUTIVE BRANCH ASSISTANCE.—The heads of the following agencies shall advise and consult with the Commission on matters within their respective areas of responsibility:

(1) The Bureau of the Census.

(2) The Internal Revenue Service.

(3) The Department of Health and Human Services.

(4) The Department of Agriculture.

(5) The Department of Housing and Urban Development.

(6) The Social Security Administration.

(7) The Department of Education.

(8) The Department of Justice.

(9) The Office of Management and Budget.

(10) The Bureau of Economic Analysis.

(11) The Bureau of Labor Statistics.

(12) Any other agency, as determined by the Commission.

(b) MEETINGS.—The Commission shall meet not later than 30 days after the date upon which a majority of its members have been appointed and at such times thereafter as the chairperson or co-chairperson shall determine.

(c) RULES OF PROCEDURE.—The chairperson and co-chairperson shall, with the approval of a majority of the members of the Commission, establish written rules of procedure for the Commission, which shall include a quorum requirement to conduct the business of the Commission.

(d) HEARINGS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(e) CONTRACTS.—The Commission may contract with and compensate government and private agencies or persons for any purpose necessary to enable it to carry out this Act.

(f) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(g) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

**SEC. 6. FUNDING.**

(a) IN GENERAL.—Subject to subsection (b) and the availability of appropriations—

(1) at the request of the Director of the Census, the agencies identified as ''Principal Statistical Agencies'' in the report, published by the Office of Management and Budget, entitled ''Statistical Programs of the United States Government, Fiscal Year 2015'' shall transfer funds, as specified in advance in appropriations Acts and in a total amount not to exceed $3,000,000, to the Bureau of the Census for purposes of carrying out the activities of the Commission as provided in this Act; and

(2) the Bureau of the Census shall provide administrative support to the Commission, which may include providing physical space at, and access to, the headquarters of the Bureau of the Census, located in Suitland, Maryland.

(b) PROHIBITION ON NEW FUNDING.—No additional funds are authorized to be appropriated to carry out this Act. This Act shall be carried out using amounts otherwise available for the Bureau of the Census or the agencies described in subsection (a)(1).

**SEC. 7. PERSONNEL.**

(a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the chairperson with the concurrence of the co-chairperson. The Director shall be paid at a rate of pay established by the chairperson and co-chairperson, not to exceed the annual rate of basic pay payable for level V of the Executive Schedule (section 5316 of title 5, United States Code).

(b) STAFF.—The Director may appoint and fix the pay of additional staff as the Director considers appropriate.

(c) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not to exceed the daily equivalent of the annual rate of basic pay for a comparable position paid under the General Schedule.

**SEC. 8. TERMINATION.**

The Commission shall terminate not later than 18 months after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentlewoman from Michigan (Mrs. LAWRENCE) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 1831, as amended, introduced by the gentleman from Wisconsin (Mr. RYAN), my friend, the chairman of the Ways and Means Committee.

H.R. 1831 establishes a commission to study data across the Federal Government in order to approve policymaking. Under the bill, the President and the congressional leaders will appoint 15 leading researchers, program administrators, and data and privacy experts who will have 18 months to complete their work.

The commission will determine the best way to make the data accessible they need to make informed policy decisions. It will consider whether or not a clearinghouse would be a more prudent method of coordinating and protecting data.

The commission will also make recommendations on how to incorporate outcome data when designing Federal programs. It will help ensure the taxpayer can track the value of the program from the very first dollar that is spent. Chairman PAUL RYAN has tackled many important issues in this bill, ensuring access to existing Federal data to improve public policy decisionmaking.

The Government Accountability Office repeatedly calls for more and better data for both GAO and agencies to effectively analyze Federal programs. Policymakers need access to data for decisionmaking so the Federal Government can be an effective steward of the taxpayers' money and resources.

The Federal Government administers more than 1,500 different programs, and the Congressional Budget Office estimates the annual Federal spending will exceed $4 trillion in just 2 years' time.

We know that some programs are duplicative or wasteful, but what about all the others? Are they working? Do they make taxpayers' lives better? For the most part, we simply do not know and have the analytics to back it up.

According to two former Office of Management and Budget Directors—OMB Directors—Mr. Jim Nussle and Mr. Peter Orszag, less than 1 percent of Federal spending is based on such evidence.

The first step in ensuring evidence-based policy is to understand what data the Federal Government already has. From there, we can make an informed plan on how to protect the data while ensuring greater access for decisionmakers and a more informed public.

I want to thank Chairman PAUL RYAN for his work to give policymakers and the taxpayer access to the data needed to improve program results.

Senator PATTY MURRAY has introduced the companion bill in the United States Senate, and President Obama has called for an emphasis on evidence-based policies in his budget as well.

I want to thank, again, Chairman RYAN for his leadership and work on the bill, and I urge my colleagues to support H.R. 1831.

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

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

The Evidence-Based Policymaking Commission Act was introduced in the House by Representative PAUL RYAN and in the Senate by Senator PATTY MURRAY on April 16, 2015. The Committee on Oversight and Government Reform ordered the bill reported by voice vote on May 19, 2015.

The bill, as amended, will create a 15-member commission to study ways to improve the use of administrative data on Federal programs and tax expenditures. The commission would also consider whether to establish a clearinghouse for information collected by Federal agencies.

Federal agencies collect a large amount of data on existing programs, and they are also the beneficiaries of those programs. Too often, however, Federal agencies do not share data with other agencies or with private researchers in a way that can help determine what is working and what is not.

The administration called for greater use of evidence to improve Federal programs, especially in the areas of education, health, and international development programs. The authors of this

bill have worked with the administration in drafting this legislation.

In examining ways to better use administrative data, it is critical to ensure that the privacy of individuals continues to be protected. That is why the members of this commission would be required to have expertise not only in economics and statistics, but also in data security and confidentiality.

This bill is supported by a wide range of private sector organizations, from The Heritage Foundation to the Urban Institute.

I believe an evidence-based policymaking commission would help us improve the way the Federal Government works. I urge my colleagues to support this bill, and I reserve the balance of my time.

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

Mr. Speaker, I wanted to highlight the President's budget, on page 65, where it says: ''The Budget also embraces Representative PAUL RYAN and Senator PATTY MURRAY's proposal to create a commission that would make recommendations about how to fully realize the potential of administrative data to improve Federal programs. The proposal exemplifies the high-level and bipartisan momentum for doing more to tap this important resource.''

It is important that we come together. In this case, I want to thank members on both sides of the aisle, there in the Oversight and Government Reform Committee.

I am somewhat resistant to creating another commission or board; it seems like we have an awful lot of these, but here, we see some good thinking in a bipartisan way with some support from not only the House of Representatives and the United States Senate, but also the President of the United States.

I see fit to pass this out of our committee. It sailed through, and I believe that it is a good bill and would urge our Members to vote ''aye'' in favor of this piece of legislation.

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

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

I want to state that being a Member of Congress, a freshman, that it is refreshing to be able to stand here today on a bipartisan bill and be supportive.

I do want the RECORD to reflect that the bill would require the President and four congressional leaders to each appoint three commission members. One of the President's appointees will be the Director of the Office of Management and Budget or a designee.

Some members would have to have experience as academic researchers, data experts, or program administrators. Other members would be required to have experience with database management confidentiality and privacy matters. Individuals with expertise in economics, statistics, program, and evaluation will also be considered.

It is important that we understand that there are currently so many of our agencies that are collecting data and that now we have understood and in the spirit of being efficient and being progressive in our government, that this commission will satisfy that.

I am very much in support of this and urge my colleagues, and I yield back the balance of my time.

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

Again, I appreciate the gentlewoman's comments and agree that this is a place where we can come together and work together.

This 15-member commission would be directed to determine the best structure for information that is collected and maintained by Federal agencies.

One of the things that we will all have to be cognizant about is not only making this information available to congressional researchers and people at the GAO or OMB, but also making sure that the public has access to this information for they are, ultimately, the ones that have paid for it, and they should be able to consume it.

In this data-driven age, we should be able to find new methods, whether it is some new app or some other new way to collectively bring this information and have that information that is then passed on and accessible by the public.

I also look forward to Congress receiving the recommendations and would highlight one of the things that I think is good about the structure of this bill is that it expires 18 months after its enactment, so there is a built-in exit here. This does not continue on in perpetuity. It is something that has an expiration date, which we should probably look at on a more frequent basis.

Again, I would urge my colleagues to vote in favor of H.R. 1831.

Mr. Speaker, I yield back the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I just want to say a few words about what we're trying to do here.

We're trying to change the mindset in Washington.

Right now, when we're making policy, we focus on inputs . . . on effort—like how much money we're spending, how many people we're serving, how many programs we're creating.

What we need to do is focus on outcomes . . . on results—like how many people we're getting out of poverty.

Creating this commission is the first step in a long-term effort.

We're going to bring together the best minds on data collection and figure out how we can up our game.

Let's use the data we're already collecting to improve how government works.

How can we use data to evaluate policy?

How can we protect people's privacy?

How can we get the best results for the American people?

If we do this right, we'll stop having debates over what's Republican and what's Democrat . . . or what's liberal and conservative . . .

And we'll start having debates over what works and what doesn't work.

Those are the kinds of debates we need to have. So I urge all my colleagues to support his bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 1831, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1530

## HIRE MORE HEROES ACT OF 2015

Mr. RYAN of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 61) amending 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 Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 61

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This joint resolution may be cited as the ''Hire More Heroes Act of 2015''.

**SEC. 2. EMPLOYEES WITH HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION NOT TAKEN INTO ACCOUNT IN DETERMINING EMPLOYERS TO WHICH THE EMPLOYER MANDATE APPLIES UNDER PATIENT PROTECTION AND AFFORDABLE CARE ACT.**

(a) IN GENERAL.—Section 4980H(c)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(F) EXEMPTION FOR HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION.—Solely for purposes of determining whether an employer is an applicable large employer under this paragraph for any month, an individual shall not be taken into account as an employee for such month if such individual has medical coverage for such month under—

''(i) chapter 55 of title 10, United States Code, including coverage under the TRICARE program, or

''(ii) under a health care program under chapter 17 or 18 of title 38, United States Code, as determined by the Secretary of Veterans Affairs, in coordination with the Secretary of Health and Human Services and the Secretary.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to months beginning after December 31, 2013.

**SEC. 3. BUDGETARY EFFECTS; STATUTORY PAY-AS-YOU-GO (PAYGO) SCORECARDS.**

The budgetary effects of this joint resolution shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. RYAN) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 61 currently under consideration.

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

There was no objection.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. RODNEY DAVIS), the author of this legislation, for the purposes of explaining what it does.

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I am proud to rise in support of my bill, the Hire More Heroes Act.

This commonsense legislation will help small businesses hire more of our veterans by exempting veterans who are already receiving health care through the DOD or the VA from being counted towards the 50-employee limit for the employer mandate under the Affordable Care Act.

On opening day, the House passed H.R. 22, the Hire More Heroes Act, by an overwhelming bipartisan vote of 412–0.

I especially want to thank my colleague from Hawaii, TULSI GABBARD, for working together on this issue. And I also want to take this time, Mr. Speaker, to thank Chairman PAUL RYAN and his entire Ways and Means Committee for ensuring that this very important issue is addressed in this Congress.

In order to maximize the chances for this important legislation to be implemented into law this session, we are again considering the Hire More Heroes Act, which I reintroduced last week as H.J. Res. 61.

H.J. Res. 61 is an example of how Washington is supposed to work. I say this because this idea didn't come from Washington. It came from a member of my Veterans Advisory Board in Madison County, Illinois.

After explaining ObamaCare to veterans throughout southwestern Illinois and how it impacts their VA benefits, this advisory board member, Brad Lavite, began wondering why they were subject to the employer mandate if they were not even in need of health insurance coverage.

His concern was raised with me at one of my Veterans Advisory Board meetings, and shortly thereafter we began work on this Hire More Heroes Act.

This bill will help small businesses, those with less than 50 employees, hire more of our Nation's veterans by making a commonsense change to ObamaCare.

We continue to see this law's lingering impact on our economy, as many small businesses delay hiring, cut hours and, in some cases, reduce payroll.

In fact, the National Small Business Association found that 91 percent of small businesses have seen increases in their healthcare costs, and two-thirds of their members listed the Affordable Care Act as a reason for holding off on investing in people.

Mr. Speaker, when a small business invests in people, that is how America creates jobs.

In my home State of Illinois, it is estimated this year that Affordable Care Act premium increases will rise as much as 30 percent.

By making this commonsense change to the law, we will not only help provide small businesses much-needed relief, but also—the main goal—help veterans, our heroes, find more work.

Despite receiving some of the best training in the world, post-9/11 veterans are consistently faced with higher unemployment rates than that of other veterans.

So as more and more of our veterans return home, the Hire More Heroes Act will give these veterans a boost in this very competitive job market.

Again, Mr. Speaker, this bill passed earlier this year 412–0. I am asking all of my colleagues to support this commonsense, bipartisan policy that will help American businesses hire more of our heroes.

Mr. Speaker, I again want to thank Chairman RYAN.

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

I rise in active support of this bill. It encourages veteran employment as well as the growth of mid-sized businesses.

The unemployment rate for veterans of recent times has gone down, but it still remains too high. That is especially true for those women who have served in our armed services.

As I talk to veterans at home, the challenge they face continues in terms of employment. In Macomb County, for example, there is a particularly active part of the Vietnam veterans.

That post works day and night to try to get employment for their membership, but there remains a major challenge. This bill will help.

This bill continues to be part of our national commitment to help the veterans who have served this Nation and who deserve the chance as they return to find full-time employment.

So let's all of us, as we did before, vote unanimously for this bill.

I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

I, too, want to echo the sentiment here, which is this is just a no-brainer. What I particularly like about this bill is this is just the gentleman from Illinois (Mr. RODNEY DAVIS) doing his job as a Member of Congress, getting a very constructive idea from a constituent veteran who pointed out a flaw in the law so he went and spoke to his Member of Congress.

His Member of Congress looked at the law, saw that it needed to be changed, and here we are making this change.

This is democracy. This is how this Republic is supposed to work. So I am very pleased to see that we are here doing this on a bipartisan basis.

I was, unfortunately, unavoidably detained for the last bill. I wanted to make just a couple of points on the last suspension that just passed that the gentleman from Utah (Mr. CHAFFETZ) brought to the floor, H.R. 1831, Evidence-Based Policymaking Commission Act of 2015.

Right now we spend so much of our time here in Congress and in the Federal Government focusing on measuring success of our policies based on measuring inputs, not outcomes, how many programs are we creating, how much money are we spending, not are these programs working or not.

So we have bipartisan legislation that just passed to create a commission to take a look at the data that we already collect and see if we can give access to academics and use this data more effectively so we can better measure outcomes of our policies.

We want to make sure that we can use our data to evaluate better policy. We want to make sure that we do it in a way that ensures people's privacy.

But we want to move the kind of debate we have been having here from liberal versus conservative or Republican versus Democrat to what works and what doesn't work.

Nowhere is this more crucial than in our efforts to fight poverty, to try to make a difference, to move people from being dependent, from being stuck in poverty, from being frozen in their current station of life, to reigniting the notion of upward mobility and more successfully targeting and going at the root cause of poverty so that we can actually have programs that are measured based on success and outcomes, which is, are we actually getting people out of poverty.

The purpose of the bill that just passed is to reorient our entire way of looking at things so that we can focus on these outcomes. So I just wanted to lend my statement on that.

I want to congratulate the gentleman from Illinois (Mr. RODNEY DAVIS) for bringing this issue with our veterans to our attention. I urge adoption.

Mr. Speaker, I yield 1 minute to the gentlewoman from Kansas (Ms. JENKINS), a member of the Ways and Means Committee.

Ms. JENKINS of Kansas. I thank the chairman. And I thank the gentleman from Illinois (Mr. RODNEY DAVIS) for his leadership on this issue.

Mr. Speaker, I am pleased to come to the floor today again as a supporter of the Hire More Heroes Act. This bill is as commonsense as they come. It exempts our heroes, those veterans and Active-Duty military from counting towards the President's employer mandate penalty tax.

These veterans and Active-Duty military already receive health insurance

through the VA and TRICARE. So requiring these employers to provide them with health insurance is redundant and could also have the unintended effect of discouraging employers from hiring these folks.

This part of the President's healthcare law is clearly not drafted in a thoughtful manner.

I urge my colleagues again today to vote in favor of this bill that would eliminate the unnecessary confusion and encourage businesses to hire more heroes.

Finally, I urge the Senate to pass this legislation so that it can finally get to the President's desk.

Mr. LEVIN. Mr. Speaker, I yield back the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. RODNEY DAVIS) for the purpose of closing.

Mr. RODNEY DAVIS of Illinois. I again thank the chairman.

Thank you to Ranking Member LEVIN and all of my colleagues on both sides of the aisle for looking at this very important issue, this correction that needed to be made so that our veterans get the opportunities they deserve.

I would like to thank my colleague from Kansas (Ms. JENKINS) for coming to the floor today to talk about how important this issue is.

I urge all of my colleagues to listen to everybody on the floor today and the bipartisan consensus to, once again, pass this commonsense piece of legislation.

I also want to thank the veterans that I have the honor to serve in Illinois. This idea came from one of them, a constituent who saw the flaw.

Now we have the chance to, once again, correct it. I hope this bill can get to the President's desk.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. RYAN) that the House suspend the rules and pass the joint resolution, H.J. Res. 61.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

□ 1545

## NEED-BASED EDUCATIONAL AID ACT OF 2015

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1482) to improve and reauthorize provisions relating to the application of the antitrust laws to the award of need-based educational aid.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1482

*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 ''Need-Based Educational Aid Act of 2015''.

**SEC. 2. EXTENSION RELATING TO THE APPLICATION OF THE ANTRITRUST LAWS TO THE AWARD OF NEED-BASED EDUCATIONAL AID.**

Section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting ''or'' after the semicolon;

(B) in paragraph (3), by striking ''; or'' and inserting a period at the end; and

(C) by striking paragraph (4); and

(2) in subsection (d), by striking ''2015'' and inserting ''2022''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on the bill currently under consideration.

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

There was no objection.

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

S. 1482, the Need-Based Educational Aid Act of 2015, continues an antitrust exemption that is set to expire on September 30, 2015. The exemption allows participating colleges and universities to collaborate on a set of criteria to determine applicants' needs for private financial aid.

To be clear, this exemption does not apply to Federal financial aid, only to aid directly provided by the participating colleges and universities.

The Antitrust Modernization Commission generally cautioned against antitrust exemptions and recommended that Congress closely examine any proposed antitrust immunities.

The antitrust exemption continued by S. 1482 has been in place since 1992. Over the past 23 years, Congress has extended the antitrust exemption on four separate occasions, each time with broad, bipartisan support.

Additionally, the Government Accountability Office conducted a study to determine whether the exemption adversely impacted the affordability of college and concluded that it did not.

While S. 1482 continues the existing antitrust exemption, it also narrows it in recognition of the fact that one of the practices allowed by that exemption has not been utilized by participating colleges and universities. Accordingly, the legislation limits the scope of antitrust exemption to those activities that colleges and universities truly need and use.

Given the lengthy legislative record, the narrowed scope of the exemption, the GAO study on the effects of the bill, and the 7-year sunset included in the bill, I believe that S. 1482 proposes a safe extension of a reasonable and worthwhile antitrust exemption.

I thank the former chairman of the Judiciary Committee, Congressman SMITH, for introducing the House version of this legislation, H.R. 2604, which the Judiciary Committee ordered favorably reported without amendment.

I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1482, the Need-Based Educational Aid Act of 2015, would extend an exemption to the Federal antitrust laws that permits some of our Nation's most prestigious colleges and universities to agree to admit students on a need-blind basis and award financial aid to students with the most demonstrated need.

I am pleased to serve as the lead Democratic cosponsor of the House companion to this bipartisan legislation. S. 1482 allows colleges and universities that admit students on a need-blind basis to collaborate on the formula they use to determine how much families can pay for college.

This exemption was first enacted in 1992, and since then, Congress has reauthorized it four times without opposition, most recently in 2008.

In addition to allowing collaboration on a common formula for calculating an applicant's ability to pay for college, the exemption also allows academic institutions to agree to award aid only on the basis of financial need.

In other words, this exemption ensures that the most qualified students may attend some of our Nation's most prestigious schools, regardless of family income. This is especially important for low-income students, who should not be forced to choose between academic institutions on the basis of financial need or financial aid alone.

While I think we could do more to empower students through better funding of higher education, this legislation is critical to preserving a level playing field for students at these institutions through a need-blind admissions process.

The 568 Presidents' Group, a coalition of 23 prestigious colleges and universities that support need-based financial aid, strongly supports this bill.

In a letter sent to the Judiciary Committee earlier this year, the 568 Presidents' Group stated that the exemption allows institutions to maximize the allocation of financial aid to ''ensure that those funds are targeted to benefit the students with the greatest financial need and to reduce or, in some cases, eliminate debt loads on graduation.''

Similarly, the presidents of Duke and Cornell have written in support of this legislation, stating that the exemption ''makes a real difference for our students'' and is essential to developing

the ''best practices to calculate institutional aid awards.''

We should move quickly to adopt this legislation and ensure that this important exemption does not expire.

In closing, I thank my colleague Congressman LAMAR SMITH, the former chairman of the Judiciary Committee, for his steadfast leadership on this bill since the 105th Congress and during this Congress.

I also thank my Senate colleagues, Senate Judiciary Chairman LEAHY and Ranking Member GRASSLEY, for their leadership on the bill.

I encourage my colleagues to support S. 1482, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SMITH), the chairman of the Science Committee, the former chairman of the Judiciary Committee, and the chief sponsor of the House version of this legislation.

Mr. SMITH of Texas. Mr. Speaker, let me thank my friend from Virginia, the chairman of the Judiciary Committee, BOB GOODLATTE, for yielding me time and also for bringing this bill to the House floor.

I support S. 1482, the Need-Based Educational Aid Act. As the author of the identical House bill, I am pleased that we are considering it today.

The Need-Based Educational Aid Act extends the current antitrust exemptions set to expire on September 30 for another 7 years. It allows a limited number of private universities that admit students on need-blind basis to award financial aid from the schools' own funds, based entirely on students' demonstrated financial need.

This bill authorizes these institutions of higher education to use common principles to assess students' financial need, and it allows the schools to use a common financial aid application form.

It also permits multiple schools that have accepted the same student to award the same assistance. This ensures that the student selects the college that is the best fit, rather than the school that offered the most financial aid.

This issue has long been of interest to me personally, having worked on three previous extensions. Common treatment of this narrow category of educational aid makes sense. A Government Accountability Office study previously found that there has been no abuse of the antitrust exemption and that tuition has not gone up as a result.

The Need-Based Educational Aid Act helps ensure that financial aid is available to students solely on the basis of demonstrated need. Students who otherwise qualify should not be denied the opportunity to access higher education due to limited financial means. S. 1482 protects this need-based aid and need-blind admissions.

Mr. Speaker, I would like to thank the gentleman from Georgia, HANK JOHNSON, a member of the Judiciary Committee, for being the original coauthor of the identical House bill and for his leadership on this particular issue.

I urge my colleagues to support the Need-Based Educational Aid Act.

Again, I thank the chairman of the Judiciary Committee for bringing it to the House floor.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I would, at this time, like to thank my chairman, BOB GOODLATTE, of the Judiciary Committee, for his expeditious bringing of this legislation to the committee and now to the floor.

Mr. Speaker, I yield back the balance of my time.

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

I want to thank the gentleman from Georgia; the gentleman from Texas (Mr. SMITH); the ranking member, Mr. CONYERS; and others for this very bipartisan legislation.

I urge my colleagues to support it, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, S. 1482.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

## SECRET SERVICE IMPROVEMENTS ACT OF 2015

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1656) to provide for additional resources for the Secret Service, and to improve protections for restricted areas, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1656

*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 ''Secret Service Improvements Act of 2015''.

**SEC. 2. PRESIDENTIAL APPOINTMENT OF DIRECTOR OF THE SECRET SERVICE.**

Section 3056 of title 18, United States Code, is amended by adding at the end:

''(h) The Director of the Secret Service shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Secret Service is the head of the Secret Service.''.

**SEC. 3. RESTRICTED BUILDING OR GROUNDS.**

Section 1752(a) of title 18, United States Code, is amended—

(1) in paragraph (3), by striking ''or'' at the end;

(2) in paragraph (4), by inserting ''or'' at the end; and

(3) by inserting after paragraph (4) the following:

''(5) knowingly, and with the intent to enter a restricted building or grounds, causes any object to enter any restricted building or grounds, when, or so that, such object, in fact, impedes or disrupts the orderly conduct of government business or official functions;''.

**SEC. 4. THREATS AGAINST FORMER VICE PRESIDENTS.**

Section 879(a)(4) of title 18, United States Code, is amended by striking ''section 3056(a)(6)'' and inserting ''paragraph (6) or (8) of section 3056(a)''.

**SEC. 5. INCREASED TRAINING.**

Beginning in the first full fiscal year after the date of enactment of this Act, the Director of the Secret Service shall increase the annual number of hours spent training by officers and agents of the Secret Service, including officers of the United States Secret Service Uniformed Division established under section 3056A of title 18, United States Code and agents operating pursuant to section 3056 of title 18, United States Code, including joint training between the two.

**SEC. 6. TRAINING FACILITIES.**

The Director of the Secret Service is authorized to construct facilities at the Rowley Training Center necessary to improve the training of officers of the United States Secret Service Uniformed Division established under section 3056A of title 18, United States Code and agents of the United States Secret Service, operating pursuant to section 3056 of title 18, United States Code.

**SEC. 7. HIRING OF ADDITIONAL OFFICERS AND AGENTS.**

The Director of the Secret Service is authorized to hire not fewer than—

(1) 200 additional officers for the United States Secret Service Uniformed Division established under section 3056A of title 18, United States Code; and

(2) 85 additional agents for the United States Secret Service Presidential Protective Detail, operating pursuant to section 3056 of title 18, United States Code.

**SEC. 8. EVALUATION OF VULNERABILITIES AND THREATS.**

(a) IN GENERAL.—The Director of the Secret Service shall devise and adopt improved procedures for evaluating vulnerabilities in the security of the White House and threats to persons protected by the Secret Service, including threats posed by unmanned aerial systems or explosive devices.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director of the Secret Service shall report on the implementation of subsection (a) to—

(1) the Committee on the Judiciary of the House of Representatives;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Homeland Security of the House of Representatives;

(4) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(5) the Committee on Oversight and Government Reform of the House of Representatives.

**SEC. 9. EVALUATION OF USE OF TECHNOLOGY.**

(a) IN GENERAL.—The Director of the Secret Service, in consultation with the Under Secretary for Science and Technology of the Department of Homeland Security, and other experts, shall devise and adopt improved procedures for—

(1) evaluating the ways in which technology may be used to improve the security of the White House and the response to threats to persons protected by the Secret Service; and

(2) retaining evidence pertaining to the duties referred to in paragraph (1) for an extended period of time.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director of the Secret Service shall report on the implementation of subsection (a) to—

(1) the Committee on the Judiciary of the House of Representatives;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Homeland Security of the House of Representatives;

(4) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(5) the Committee on Oversight and Government Reform of the House of Representatives.

**SEC. 10. EVALUATION OF USE OF ADDITIONAL WEAPONRY.**

The Director of the Secret Service shall evaluate the practicability of equipping agents and officers with weapons other than those provided to officers and agents of the Secret Service as of the date of enactment of this Act, including nonlethal weapons.

**SEC. 11. SECURITY COSTS FOR SECONDARY RESIDENCES.**

(a) IN GENERAL.—The Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note) is amended by striking section 4 and inserting the following:

**"SEC. 4. NOTIFICATION REGARDING EXPENDITURES ON NON-GOVERNMENTAL PROPERTIES.**

''The Secret Service shall notify the Committees on Appropriations of the House and Senate of any expenditures for permanent facilities, equipment, and services to secure any non-Governmental property in addition to the one non-Governmental property designated by each protectee under subsection (a) or (b) of section 3.''.

(b) CONFORMING AMENDMENTS.—The Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note), as amended by this Act, is further amended—

(1) in section 3(b), by striking ''any expenditures by the Secret Service'' and all that follows through ''imposed under section 4'' and inserting ''any expenditures by the Secret Service for permanent facilities, equipment, and services to secure the non-Governmental property previously designated under subsection (a) are subject to the requirements set forth in section 4''; and

(2) in section 5(c), by striking ''within the limitations imposed under section 4''.

**SEC. 12. ESTABLISHMENT OF ETHICS PROGRAM OFFICE.**

Subject to the oversight of the Office of Chief Counsel of the United States Secret Service, the Director of the Secret Service shall establish an Ethics Program Office, consisting of a minimum of 2 employees, to administer the provisions of the Ethics in Government Act of 1978, as amended, and to provide increased training to employees of the United States Secret Service.

**SEC. 13. SENSE OF CONGRESS.**

It is the sense of Congress that an assessment made by the Secretary of Homeland Security or the Director of the Secret Service with regard to physical security of the White House and attendant grounds, and any security-related enhancements thereto should be accorded substantial deference by the National Capital Planning Commission, the Commission of Fine Arts, and any other relevant entities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on the bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, the Secret Service has two primary missions: criminal investigations and protection of the President, Vice President, and other dignitaries. As a result, the Secret Service is entrusted with protecting some of our most valuable assets. This is an extremely difficult, high-profile mission, in an environment with zero margin for error.

The Secret Service is comprised of many outstanding and upstanding men and women who do excellent work; however, over the last few years, a series of embarrassing scandals, security failures, and instances of poor judgment have rocked the Secret Service. These incidents range from agents' use of prostitutes while on official travel to Colombia; to an incident in the Netherlands involving intoxicated agents; to the agency's failure to initially apprehend fence jumper Omar Gonzalez, who was later arrested inside the White House.

Following these incidents, the President appointed a new director of the Secret Service, Joseph Clancy, who has implemented a number of reforms. The President also appointed a panel of experts to recommend changes to the Secret Service. Through this committee's oversight and the recommendations of the panel, it is clear that, despite Director Clancy's initiatives, legislative action is still necessary.

We must ensure that the agency's officers and agents are properly trained in order to successfully identify potential threats and prevent them from materializing, as well as to ensure that the agency has the tools it needs to carry out its mission.

H.R. 1656, the Secret Service Improvements Act of 2015, is bipartisan legislation introduced to provide much-needed resources to the agency and implement many of the U.S. Secret Service Protective Mission Panel's recommendations for improvements for the agency. I am pleased to have worked on this legislation with Judiciary Committee Ranking Member CONYERS, Crime Subcommittee Chairman SENSENBRENNER, and Ranking Member JACKSON LEE.

This bill makes much-needed improvements to the Secret Service. These improvements strengthen the security of the President, other protectees, and the White House complex; enhance Secret Service officers' and agents' training; and increase the agency's manpower.

This legislation also improves transparency and accountability within the agency by requiring Senate confirmation of the Director of the Secret Service. The person entrusted to not only protect the President, but to also head a $1.5 billion Federal law enforcement agency, should be subject to the same process of advice and consent of the Senate as his counterparts at other comparable agencies.

Finally, this legislation creates an ethics office within the office of the general counsel in order to respond to rectify and help prevent misconduct at the agency.

The resources and improvements provided by this legislation will help to reform the Secret Service and to restore the trust that Congress, the President, and the American people must have in the vital tasks that the Secret Service carries out every single day.

This bill passed unanimously from the Judiciary Committee, and I urge my House colleagues to join me in support of the legislation.

I reserve the balance of my time.

□ 1600

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1656, the Secret Service Improvements Act, will assist the Secret Service with its critical mission of protecting the President and Vice President and other dignitaries as well as with its investigative role in protecting our Nation's financial infrastructure against criminal threats.

This important bill was introduced by the bipartisan leadership of the Judiciary Committee: Chairman BOB GOODLATTE, Ranking Member JOHN CONYERS, Crime Subcommittee Chairman JIM SENSENBRENNER, and Crime Subcommittee Ranking Member SHEILA JACKSON LEE.

H.R. 1656 was developed to address shortcomings related to the Secret Service that have come to light in recent years.

Unfortunately, the image of this once revered agency has been tarnished both because of the misbehavior of agents and of the performance issues that have resulted in security lapses. Last fall, the Judiciary Committee held an important oversight hearing to review the operation of this vitally important agency.

Then-Acting Director Joseph Clancy, who has since taken on the job on a more permanent basis, came before the committee to discuss the mission of the agency and issues relating to recent lapses in security that could have jeopardized the individuals the agency is sworn to protect. In particular, the committee engaged in a frank discussion about the unacceptable incident last September in which a man was able to jump over the White House's fence, run past Secret Service officers, and enter the White House.

We learned that, while there were performance errors made by some of the officers that day, the protective mission of the Secret Service has been jeopardized largely because the agency has been allowed to fall into a state of disrepair. Personnel levels are unacceptably low; the long hours on duty leave little time for training; equipment and technological systems are not upgraded or integrated sufficiently; and the culture of the agency has suffered from poor leadership.

These conclusions were confirmed and expanded upon by the review panel established by Department of Homeland Security Secretary Jeh Johnson in the wake of the White House's intrusion last year. H.R. 1656 was introduced to address several categories of these challenges to the mission of the Secret Service: leadership, resources, training, authorities, and personal conduct:

With respect to leadership, the bill requires the position of Director of the Secret Service to be confirmed by the Senate after the Presidential nomination;

With respect to resources, the bill authorizes the hiring of additional personnel and requires a review of the agency's use of technology, an area of concern based on past security lapses;

With respect to training, the bill requires more training for agents and Uniformed Division officers, and it also authorizes the construction of better training facilities;

With respect to authorities, the bill allows the agency to investigate threats against former Vice Presidents in the same way it investigates threats against former Presidents;

With respect to personal conduct, the bill establishes an Ethics Program Office that will emphasize the need for agency personnel to conduct themselves according to established ethical standards.

The goal of this bill is to prevent future security lapses similar to what the agency has experienced in recent years and to protect against even more sophisticated threats that could result in far more harm.

This is a strong, bipartisan bill that, I hope, will soon become law. Therefore, I urge my colleagues to vote in favor of it today.

I reserve the balance of my time.

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

Mr. JOHNSON of Georgia. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I certainly appreciate my good friend from Georgia for yielding to me to speak on this Secret Service reform bill and on the work of the chairman of the committee, Mr. GOODLATTE from Virginia, on this bill.

Our Oversight and Government Reform Committee held several hearings on Secret Service reform, and much of the content, I am pleased to say, is reflected in H.R. 1656. There, of course, have been an increasing number of fence jumpers in recent years, but it took a stunning penetration to the very interior of the White House by Omar Gonzalez last year to make it clear that the reform of the Secret Service was urgent.

At hearings, we learned that there had never been—not once—a top-to-bottom review of the Secret Service in its more than 100 years of existence. This was, clearly, urgently needed; so Secretary Jeh Johnson appointed the first independent review panel. What it found was, across the board, weakness and flaws in the United States Secret Service.

Although its mission has expanded greatly over the years, today, the Secret Service simply does not reflect the post-9/11 experience, much less that of today's ISIL and domestic terrorism. The fence jumpers had already shown that the Secret Service could not be expected to meet its zero failure mission.

Today's bill shows that Congress takes the reform of the Secret Service very seriously. The funding, which is usually missing from such reform these days, is authorized, and the bill adopts much of the independent review's recommendations:

Instead of blaming overworked uniformed Secret Service and agents who have been working 6 and 7 days a week for 12 hours a day because of no additional personnel, the bill authorizes the addition of 80 agents and 200 Uniformed Division personnel, which is virtually what the independent review panel recommended;

The bill increases the number of hours of training to meet the Secret Service's expanded mission;

It faces the need to make greater use of technology, and it even takes note of a post-fence jumper phenomenon, the unmanned drones that have become a new form of fence jumping.

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

Mr. JOHNSON of Georgia. Mr. Speaker, I yield the gentlewoman an additional 1 minute.

Ms. NORTON. I appreciate that.

Mr. Speaker, the space in front of the White House is a First Amendment park. I was invited down to a commemoration by citizens, who come every Monday to urge the reform of our gun laws.

To respond to fence jumping, some had talked of making it difficult for the public to come to that space in front of Pennsylvania Avenue. At hearings, I was assured that that was not necessary; and this bill backs that up. Spikes have been added for the fence jumpers, making it difficult to jump over, but Mr. Speaker, I was pleased to see today that the public continues to use Pennsylvania Avenue as the First Amendment space it has always been.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, again, I thank the gentleman from Georgia and the ranking member of the committee, Mr. CONYERS, as well as Mr. SENSENBRENNER and the ranking member of the subcommittee, Ms. JACKSON LEE.

I urge my colleagues to support this bipartisan legislation.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise today in strong support of H.R. 1656, the "Secret Service Improvements Act of 2015."

The "Secret Service Improvements Act," is important because it will provide vital resources and strengthen protections of this important agency.

The Secret Service agency is one of the most elite law enforcement organizations in the world and has earned this reputation by providing 140 years of unparalleled service to this nation.

However, the Secret Service is facing a number of challenges, including the need for more resources, better training, better use of technology, and a better understanding of emerging threats.

This bill addresses each of these needs.

I am particularly pleased that Section 14 of this bill incorporates my amendment to create an Ethics Program Office to fully and effectively implement and administer the ethics laws, regulations, and policies governing Secret Service employees.

In recent years, the image of this once-revered agency has been tarnished—both because of misbehavior of agents and performance issues that resulted in security lapses.

Much of the negative attention on the personal behavior of Secret Service agents was initially prompted by the revelations in 2012 involving the solicitation of prostitutes by agents of the Secret Service in Cartagena, Colombia.

At the time, it was reported that a dozen Secret Service agents engaged the services of prostitutes before a presidential visit to Colombia for the Summit of the Americas.

I attended that Summit and was appalled to have learned of the behavior of some of the agents.

In my capacity as Ranking Member of the Judiciary's Subcommittee on Crime and Senior Member of the Committee on Homeland Security, I examined the Cartagena incident, and met with then-Director Mark Sullivan to express my concern and press for strong corrective action.

In fact, I have engaged in persistent oversight with respect to issues involving the Secret Service, ranging from the intrusion into the White House last year to the 2009 incident in which a couple evaded security to attend a state dinner at the White House honoring the Prime Minister of India.

I have met with Directors of the Secret Service on multiple occasions over the past several years to discuss and address performance and misconduct issues.

Agent misconduct of the sorts that have taken place in recent years is unacceptable.

It is more than offensive—it jeopardizes the ability of the agency to carry out its core mission.

To address misconduct issues and ethical lapses by Secret Service personnel, the manager's amendment includes a provision I developed, in cooperation with the Secret Service, that will help elevate the issue of ethical conduct at the agency through the creation of an Ethics Program Office.

With respect to other issues related to the protection provided by the Secret Service, it is

clear that the agency has been operating at an unacceptable level of resources.

The agency is understaffed at the agent and Uniform Division levels, resulting in shifts that are too long and which leave inadequate time for training.

The agency also needs to better use state-of-the-art technology and communications equipment.

All of these deficiencies contributed to the security breakdowns that allowed a man to climb over the White House fence, evade Secret Service officers while running across the White House lawn, and then run into the White House itself.

The goal of H.R. 1656 is to prevent future such incidents—and to protect against even more sophisticated threats that could result in far more harm.

This bill also would require that future directors of the Secret Service, after nomination by the President, be subject to Senate confirmation.

The current Director, Joseph Clancy, appears to be doing a good job in reinvigorating that agency, and we do not propose this as a criticism of him, or the President's selection of him, in any way.

However, this position—as is the case with the directors of the other law enforcement components of the Department of Homeland Security—should be Senate-confirmed, reinforcing the need to appoint the most highly-qualified candidates and elevating the position in stature.

With the consideration of this legislation today, we recognize that it is unfortunately the case that the Secret Service has recently failed to live up to its high standards with respect to the protection it provides our President and others.

By adopting the "Secret Service Improvements Act," we can help restore the agency so that it will be better prepared to achieve its mission.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 1656, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

## BORDER SECURITY TECHNOLOGY ACCOUNTABILITY ACT OF 2015

Ms. MCSALLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1634) to strengthen accountability for deployment of border security technology at the Department of Homeland Security, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1634

*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 "Border Security Technology Accountability Act of 2015".

**SEC. 2. BORDER SECURITY TECHNOLOGY ACCOUNTABILITY.**

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following new section:

**"SEC. 434. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.**

"(a) PLANNING DOCUMENTATION.—For each border security technology acquisition program of the Department that is determined to be a major acquisition program, the Secretary shall—

"(1) ensure that each such program has a written acquisition program baseline approved by the relevant acquisition decision authority;

"(2) document that each such program is meeting cost, schedule, and performance thresholds as specified in such baseline, in compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

"(3) have a plan for meeting program implementation objectives by managing contractor performance.

"(b) ADHERENCE TO STANDARDS.—The Secretary, acting through the Under Secretary for Management and the Commissioner of U.S. Customs and Border Protection, shall ensure border security technology acquisition program managers who are responsible for carrying out this section adhere to relevant internal control standards identified by the Comptroller General of the United States. The Commissioner shall provide information, as needed, to assist the Under Secretary in monitoring proper program management of border security technology acquisition programs under this section.

"(c) PLAN.—The Secretary, acting through the Under Secretary for Management, in coordination with the Under Secretary for Science and Technology and the Commissioner of U.S. Customs and Border Protection, shall submit to the appropriate congressional committees a plan for testing and evaluation, as well as the use of independent verification and validation resources, for border security technology so that new border security technologies are evaluated through a series of assessments, processes, and audits to ensure compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation, as well as the effectiveness of taxpayer dollars.

"(d) MAJOR ACQUISITION PROGRAM DEFINED.—In this section, the term 'major acquisition program' means a Department acquisition program that is estimated by the Secretary to require an eventual total expenditure of at least $300,000,000 (based on fiscal year 2015 constant dollars) over its life cycle cost.".

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 433 the following new item:

"Sec. 434. Border security technology program management.".

**SEC. 3. PROHIBITION ON ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.**

No additional funds are authorized to be appropriated to carry out this Act and the amendments made by this Act. This Act and such amendments shall be carried out using amounts otherwise available for such purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Arizona (Ms. MCSALLY) and the gentleman from Texas (Mr. VELA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Arizona.

GENERAL LEAVE

Ms. MCSALLY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Arizona?

There was no objection.

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

I rise today in support of H.R. 1634, the Border Security Technology Accountability Act, which I introduced earlier this year.

This bill seeks to provide the improved management of border security technology projects, safeguarding taxpayer dollars and increasing accountability for some of the Department of Homeland Security's largest acquisition programs.

The constituents I represent in southern Arizona are demanding better border security, and they expect us to do it through cost-effective and efficient means. They know that wasting taxpayer dollars on poorly managed border technology projects does little to actually secure the border or to improve our strategy. That is why this bill is so important.

The GAO has repeatedly included DHS acquisition management activities on its high-risk list, demonstrating that these programs are highly susceptible to waste, fraud, abuse, or mismanagement. The Secure Border Initiative, also known as SBInet, is a prime example of acquisition mismanagement at DHS. Initial plans developed in 2005 and 2006 called for the SBInet to extend across the entire U.S.-Mexico land border. However, SBInet deployment in my home State of Arizona was fraught with management problems, including a failure to adequately set requirements so the system would meet the needs of its users—our border patrol agents. After spending nearly $1 billion of the taxpayers' money with minimal results, DHS canceled SBInet in 2011.

SBInet is not the only example, as DHS does not seem to be learning its lesson. The Government Accountability Office recently reported to the Committee on Homeland Security that Customs and Border Protection's Strategic Air and Marine Plan—or StAMP—initiated in 2006, with a cost of $1.8 billion to date, still does not have an approved acquisition program baseline. This means that, despite CBP's plans to acquire boats and aircraft through 2035, they have not yet estimated how much it would cost to operate and maintain these systems.

How can we ensure programs like StAMP are on time, on budget, and are fiscally sound if DHS fails to follow sound management procedures?

We cannot afford to waste another minute or another dollar. We must put

in place strong, effective technology programs to secure our borders. This bill requires that border security technology programs at the Department have an acquisition program baseline—a critical document that lays out what a program will do, what it will cost, and when it will be completed.

□ 1615

The bill also requires programs to adhere to internal control standards and have a plan for testing and evaluation as well as the use of independent verification and validation resources.

My district includes over 80 miles of our U.S. border with Mexico, and I have spent countless hours at the border meeting with border residents and our Border Patrol.

I know firsthand that, when our border technology project lacks the proper oversight and accountability, it is bad for the taxpayers, those who defend our border and those who live along our border.

The Committee on Homeland Security approved my legislation by a unanimous voice vote last month. I urge all Members to join me in supporting robust, responsible secure technology along our border.

I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H.R. 1634, the Border Security Technology Accountability Act of 2015.

Over the past several years, the Government Accountability Office has examined the various Department of Homeland Security programs and concluded that DHS has not followed standard best practices for acquisitions management.

Though DHS has taken steps to improve its performance, specific deficiencies in how the Department carries out major acquisitions remain.

When a DHS acquisition program falls short in terms of effectiveness or efficiency, it not only risks undermining that program, but also risks wasting limited Homeland Security dollars.

For example, DHS spent hundreds of millions of dollars on the SBInet border security program before it was ultimately canceled. No doubt, this funding could have been put to far better use along our Nation's border.

The Border Security Technology Accountability Act would require each of the Department's major acquisitions for border security technology to have written documentation reflecting a baseline approved by the relevant acquisition decision authority and demonstrate that the program is meeting agreed-upon cost, schedule, and performance thresholds before moving into the next phase of the acquisition cycle.

The bill also requires the Under Secretary for Management, in coordination with the Commissioner of Customs and Border Protection, to submit to Congress a plan for testing and evaluation as well as the use of independent verification and validation resources for border security technology.

There is need for improving acquisitions management at the Department of Homeland Security as a whole, and addressing border security technology acquisitions is an important step. We owe it to the American taxpayers to make sure we are managing these investments wisely and preventing wasteful spending.

Mr. Speaker, H.R. 1634 aims to focus and improve the way we invest in and manage border security technology by providing a specific framework for accountability and oversight on behalf of the American taxpayer.

I thank Congresswoman MCSALLY for her leadership in bringing this bill forward, and I urge my colleagues to support this bill.

I yield back the balance of my time.

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

I want to thank my colleague, Mr. VELA, for his support and all of my colleagues on our committee for support for this bill.

I once again urge my colleagues to support transparency, accountability, and efficiency of vital border security technology projects.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Arizona (Ms. MCSALLY) that the House suspend the rules and pass the bill, H.R. 1634, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## PRECLEARANCE AUTHORIZATION ACT OF 2015

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 998) to establish the conditions under which the Secretary of Homeland Security may establish preclearance facilities, conduct preclearance operations, and provide customs services outside the United States, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 998

*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 ''Preclearance Authorization Act of 2015''.

**SEC. 2. DEFINITION.**

In this Act, the term ''appropriate congressional committees'' means the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate.

**SEC. 3. ESTABLISHMENT OF PRECLEARANCE OPERATIONS.**

Pursuant to section 1629 of title 19, United States Code, and subject to section 5, the Secretary of Homeland Security may establish U.S. Customs and Border Protection preclearance operations in a foreign country to—

(1) prevent terrorists, instruments of terrorism, and other security threats from entering the United States;

(2) prevent inadmissible persons from entering the United States;

(3) ensure merchandise destined for the United States complies with applicable laws;

(4) ensure the prompt processing of persons eligible to travel to the United States; and

(5) accomplish such other objectives as the Secretary determines necessary to protect the United States.

**SEC. 4. NOTIFICATION AND CERTIFICATION TO CONGRESS.**

(a) NOTIFICATION.—Not later than 180 days before entering into an agreement with the government of a foreign country to establish U.S. Customs and Border Protection preclearance operations in such foreign country, the Secretary of Homeland Security shall provide to the appropriate congressional committees the following:

(1) A copy of the proposed agreement to establish such preclearance operations, including an identification of the foreign country with which U.S. Customs and Border Protection intends to enter into a preclearance agreement, the location at which such preclearance operations will be conducted, and the terms and conditions for U.S. Customs and Border Protection personnel operating at the location.

(2) An estimate of the date on which U.S. Customs and Border Protection intends to establish preclearance operations under such agreement.

(3) The anticipated funding sources for preclearance operations under such agreement, and other funding sources considered.

(4) An assessment of the impact such preclearance operations will have on legitimate trade and travel, including potential impacts on passengers traveling to the United States.

(5) A homeland security threat assessment for the country in which such preclearance operations are to be established.

(6) An assessment of the impacts such preclearance operations will have on U.S. Customs and Border Protection domestic port of entry staffing.

(7) Information on potential economic, competitive, and job impacts on United States air carriers associated with establishing such preclearance operations.

(8) Information on the anticipated homeland security benefits associated with establishing such preclearance operations.

(9) Information on potential security vulnerabilities associated with commencing such preclearance operations, and mitigation plans to address such potential security vulnerabilities.

(10) A U.S. Customs and Border Protection staffing model for such preclearance operations, and plans for how such positions would be filled.

(11) Information on the anticipated costs over the next five fiscal years associated with commencing such preclearance operations.

(12) A copy of the agreement referred to in subsection (a) of section 5.

(13) Other factors that the Secretary of Homeland Security determines to be necessary for Congress to comprehensively assess the appropriateness of commencing such preclearance operations.

(b) CERTIFICATIONS RELATING TO PRECLEARANCE OPERATIONS ESTABLISHED AT AIRPORTS.—In the case of an airport, in addition to the notification requirements under subsection (a), not later than 90 days before

entering into an agreement with the government of a foreign country to establish U.S. Customs and Border Protection preclearance operations at an airport in such foreign country, the Secretary of Homeland Security shall provide to the appropriate congressional committees the following:

(1) A certification that preclearance operations under such preclearance agreement would provide homeland security benefits to the United States.

(2) A certification that preclearance operations within such foreign country will be established under such agreement only if—

(A) at least one United States passenger carrier operates at such airport; and

(B) the access of all United States passenger carriers to such preclearance operations is the same as the access of any non-United States passenger carrier.

(3) A certification that the Secretary of Homeland Security has considered alternative options to preclearance operations and has determined that such options are not the most effective means of achieving the objectives specified in section 3.

(4) A certification that the establishment of preclearance operations in such foreign country will not significantly increase customs processing times at United States airports.

(5) An explanation of other objectives that will be served by the establishment of preclearance operations in such foreign country.

(6) A certification that representatives from U.S. Customs and Border Protection consulted publically with interested parties, including providers of commercial air service in the United States, employees of such providers, security experts, and such other parties as the Secretary determines to be appropriate, before entering into such an agreement with such foreign government.

(7) A report detailing the basis for the certifications referred to in paragraphs (1) through (6).

(c) MODIFICATION OF EXISTING AGREEMENTS.—Not later than 30 days before substantially modifying a preclearance agreement with the government of a foreign country in effect as of the date of the enactment of this Act, the Secretary of Homeland Security shall provide to the appropriate congressional committees a copy of the proposed agreement, as modified, and the justification for such modification.

(d) REMEDIATION PLAN.—

(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection shall monthly measure the average customs processing time to enter the 25 United States airports that support the highest volume of international travel (as determined by available Federal passenger data) and provide to the appropriate congressional committees such measurements.

(2) ASSESSMENT.—Based on the measurements described in paragraph (1), the Commissioner of U.S. Customs and Border Protection shall quarterly assess whether the average customs processing time referred to in such paragraph significantly exceeds the average customs processing time to enter the United States through a preclearance operation.

(3) SUBMISSION.—Based on the assessment conducted under paragraph (2), if the Commissioner of U.S. Customs and Border Protection determines that the average customs processing time referred to in paragraph (1) significantly exceeds the average customs processing time to enter the United States through a preclearance operation described in paragraph (2), the Commissioner shall, not later than 60 days after making such determination, provide to the appropriate congressional committees a remediation plan for reducing such average customs processing time referred to in paragraph (1).

(4) IMPLEMENTATION.—Not later than 30 days after submitting the remediation plan referred to in paragraph (3), the Commissioner of United States Customs and Border Protection shall implement those portions of such plan that can be carried out using existing resources, excluding the transfer of personnel.

(5) SUSPENSION.—If the Commissioner of U.S. Customs and Border Protection does not submit the remediation plan referred to in paragraph (3) within 60 days in accordance with such paragraph, the Commissioner may not, until such time as such remediation plan is submitted, conduct any negotiations relating to preclearance operations at an airport in any country or commence any such preclearance operations.

(6) STAKEHOLDER RECOMMENDATIONS.—The remediation plan described in paragraph (3) shall consider recommendations solicited from relevant stakeholders.

(e) CLASSIFIED REPORT.—The assessment required pursuant to subsection (a)(5) and the report required pursuant to subsection (b)(7) may be submitted in classified form if the Secretary of Homeland Security determines that such is appropriate.

**SEC. 5. AVIATION SECURITY SCREENING AT PRECLEARANCE AIRPORTS.**

(a) AVIATION SECURITY STANDARDS AGREEMENT.—Prior to the commencement of preclearance operations at an airport in a foreign country under this Act, the Administrator of the Transportation Security Administration shall enter into an agreement with the government of such foreign country that delineates and requires the adoption of aviation security screening standards that are determined by the Administrator to be comparable to those of the United States.

(b) AVIATION SECURITY RESCREENING.—If the Administrator of the Transportation Security Administration determines that the government of a foreign country has not maintained security standards and protocols comparable to those of the United States at airports at which preclearance operations have been established in accordance with an agreement entered into pursuant to subsection (a), the Administrator shall require the rescreening in the United States by the Transportation Security Administration of passengers and their property before such passengers may deplane into sterile areas of airports in the United States.

(c) SELECTEES.—Any passenger who is determined to be a selectee based on a check against a terrorist watch list and arrives on a flight originating from a foreign airport at which preclearance operations have been established in accordance with an agreement entered into pursuant to subsection (a), shall be required to undergo security rescreening by the Transportation Security Administration before being permitted to board a domestic flight in the United States.

**SEC. 6. LOST AND STOLEN PASSPORTS.**

The Secretary of Homeland Security may not enter into or renew an agreement with the government of a foreign country to establish or maintain U.S. Customs and Border Protection preclearance operations at an airport in such foreign country unless such government certifies—

(1) that it routinely submits information about lost and stolen passports of its citizens and nationals to INTERPOL's Stolen and Lost Travel Document database; or

(2) makes available to the United States Government such information through another comparable means of reporting.

**SEC. 7. EFFECTIVE DATE.**

Except for subsection (c) of section 4, this Act shall apply only to the establishment of preclearance operations in a foreign country in which no preclearance operations have been established as of the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Texas (Mr. VELA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Mrs. MILLER from Michigan. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER from Michigan. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 998. Few issues actually have kept the CBP leadership busier over the last year than preclearance.

Failure to properly consult with stakeholders on preclearance expansion at Abu Dhabi caused a lot of consternation on Capitol Hill and certainly in the Homeland Security Committee last Congress.

This lack of appropriate congressional coordination and notification troubled many Members as well as the affected stakeholders, specifically, the airline industry.

We now hope that the Department will keep Congress fully abreast of future plans, especially in light of their recent announcement of the intention to expand preclearance to ten additional locations.

This bill, we believe, sets the groundwork for greater oversight and coordination on future preclearance operations.

I certainly want to thank Mr. MEEHAN from Pennsylvania, who was actually a former member on the Homeland Security Committee, who raised concerns with the Department of Homeland Security preclearance operations early in the Abu Dhabi agreement process.

His leadership has really been very, very important to the success of the legislation that we are considering today, Mr. Speaker.

Certainly we support preclearance where it makes sense as well as other CBP efforts to push out the border, if you will.

Preclearance has been an effective security screening and trade facilitation tool since the early 1950s, actually. Of course, since 9/11, the security value of these operations has only been heightened.

However, the mistakes of the Abu Dhabi agreement cannot be repeated. Expansion of preclearance must be done in such a way that it supports our security and does not disadvantage our domestic airlines.

This bill was very carefully crafted after several oversight hearings and numerous consultations with the Department, the airline industry, and Members from both parties. It is a bipartisan bill.

This bill sets the contours for future preclearance operations and incorporates a series of notifications and certifications, including a justification that outlines the Homeland Security benefit and impact to domestic staffing and wait times of any new preclearance operations.

As well, this bill requires that Congress be notified in the event that Department of Homeland Security modifies or changes an existing agreement at any one of the 17 existing preclearance locations.

Most importantly, we think, this bill makes very clear the Department of Homeland Security cannot establish new locations without conducting the due diligence that we in Congress expect.

Mr. Speaker, we need to balance security operations and economic impact here at home.

Finally, I would certainly like to thank Chairman PAUL RYAN of the Ways and Means Committee and his staff for working to bring this important bill to the floor.

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

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
*Washington, DC, July 16, 2015.*

Hon. MICHAEL MCCAUL,
*Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.*

DEAR CHAIRMAN MCCAUL, I am writing with respect to H.R. 998, the ''Preclearance Authorization Act of 2015.'' As a result of your having consulted with us on provisions in H.R. 998 that fall within the Rule X jurisdiction of the Committee on Ways and Means, I agree to waive consideration of this bill so that it may proceed expeditiously to the House floor.

The Committee on Ways and Means takes this action with the mutual understanding that by forgoing consideration of H.R. 998 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for such request.

Finally, I would appreciate your response to this letter confirming this understanding, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration thereof.

Sincerely,

PAUL D. RYAN,
*Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
*Washington, DC, July 20, 2015.*

Hon. PAUL RYAN,
*Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.*

DEAR CHAIRMAN RYAN, Thank you for your letter regarding H.R. 998, the ''Preclearance Authorization Act of 2015.'' I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Ways and Means will forego consideration of the bill.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing consideration on this bill at this time, the Committee on Ways and Means does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support a request by the Committee on Ways and Means for conferees on those provisions within your jurisdiction.

I will insert copies of this exchange in the Congressional Record during consideration of this bill on the House floor. I thank you for your cooperation in this matter.

Sincerely,

MICHAEL T. MCCAUL,
*Chairman.*

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

I rise in strong support of H.R. 998, the Preclearance Authorization Act of 2015.

This bipartisan bill would authorize the Secretary of Homeland Security to establish U.S. Customs and Border Protection preclearance operations with 180 days' prior notification and certification to Congress that certain specified conditions exist.

These conditions include that there are Homeland Security benefits for establishment of the preclearance location, a U.S. air carrier service serves the location, and establishment of the location will not significantly increase customs processing wait times in the United States.

The bill would require all countries with preclearance locations to routinely submit information about lost and stolen passports of their citizens to INTERPOL's stolen and lost travel document database or make such information available to the U.S. through other means.

H.R. 998 is intended to address many of the shortcomings in DHS' deployment of preclearance to Abu Dhabi last year and ensure that Congress receives appropriate notice prior to future expansion of the program to new locations.

Similar legislation was passed by the House under suspension of the rules in July 2014, but no action was taken by the Senate. I urge my colleagues to support H.R. 998, sending it to the Senate for consideration in the 114th Congress.

H.R. 998 will help ensure that expansion of the Department of Homeland Security's preclearance program enhances our Nation's security, facilitates legitimate travel to the United States, and does not disadvantage domestic air carriers or United States ports of entry.

I thank Congresswoman MILLER, the chairman of the Border and Maritime Security Subcommittee, for all of her efforts in bringing all these bills forward and for her strong bipartisan leadership.

I urge my colleagues to support this bill, and I yield back the balance of my time.

Mrs. MILLER from Michigan. Mr. Speaker, I, too, want to again indicate that these are bipartisan bills, the Homeland Security Committee bills that are coming forward on the floor.

I really have appreciated the opportunity and look forward to continuing to work with my ranking member, Mr. VELA, shoulder to shoulder on so many of these important issues before our country today.

So, Mr. Speaker, I would once again urge my colleagues to support this very strong bipartisan piece of legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER of Michigan) that the House suspend the rules and pass the bill, H.R. 998, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## IMPROVED SECURITY VETTING FOR AVIATION WORKERS ACT OF 2015

Mr. KATKO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2750) to reform programs of the Transportation Security Administration, streamline transportation security regulations, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2750

*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 ''Improved Security Vetting for Aviation Workers Act of 2015''.

**SEC. 2. AVIATION SECURITY.**

(a) IN GENERAL.—Subtitle A of title XVI of the Homeland Security Act of 2002 (6 U.S.C. 561 et seq.) is amended by adding after section 1601 the following new section:

**''SEC. 1602. VETTING OF AVIATION WORKERS.**

''(a) IN GENERAL.—By not later than December 31, 2015, the Administrator, in coordination with the Assistant Secretary for Policy of the Department, shall request from the Director of National Intelligence access to additional data from the Terrorist Identities Datamart Environment (TIDE) data and any or other terrorism-related information to improve the effectiveness of the Administration's credential vetting program for individuals with unescorted access to sensitive areas of airports.

''(b) SECURITY INSPECTION.—By not later than December 31, 2015, the Administrator

shall issue guidance for Transportation Security Inspectors to annually review airport badging office procedures for applicants seeking access to sensitive areas of airports. Such guidance shall include a comprehensive review of applicants' Criminal History Records Check (CHRC) and work authorization documentation during the course of an inspection.

''(c) INFORMATION SHARING.—By not later than December 31, 2015, the Administrator may conduct a pilot program of the Rap Back Service, in coordination with the Director of the Federal Bureau of Investigation, to determine the feasibility of full implementation of a service through which the Administrator would be notified of a change in status of an individual holding a valid credential granting unescorted access to sensitive areas of airports across eligible Administration-regulated populations.

''(d) PROCEDURES.—The pilot program under subsection (c) shall evaluate whether information can be narrowly tailored to ensure that the Administrator only receives notification of a change with respect to a disqualifying offense under the credential vetting program under subsection (a), as specified in 49 C.F.R. 1542.209, and in a manner that complies with current regulations for fingerprint-based criminal history records checks. The pilot program shall be carried out in a manner so as to ensure that, in the event that notification is made through the Rap Back Service of a change but a determination of arrest status or conviction is in question, the matter will be handled in a manner that is consistent with current regulations. The pilot program shall also be carried out in a manner that is consistent with current regulations governing an investigation of arrest status, correction of Federal Bureau of Investigation records and notification of disqualification, and corrective action by the individual who is the subject of an inquiry.

''(e) DETERMINATION AND SUBMISSION.—If the Administrator determines that full implementation of the Rap Back Service is feasible and can be carried out in a manner that is consistent with current regulations for fingerprint-based criminal history checks, including the rights of individuals seeking credentials, the Administrator shall submit such determination, in writing, to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate, together with information on the costs associated with such implementation, including the costs incurred by the private sector. In preparing this determination, the Administrator shall consult with the Chief Civil Rights and Civil Liberties Officer of the Department to ensure that protocols are in place to align the period of retention of personally identifiable information and biometric information, including fingerprints, in the Rap Back Service with the period in which the individual who is the subject of an inquiry has a valid credential.

''(f) CREDENTIAL SECURITY.—By not later than September 30, 2015, the Administrator shall issue guidance to airports mandating that all federalized airport badging authorities place an expiration date on airport credentials commensurate with the period of time during which an individual is lawfully authorized to work in the United States.

''(g) AVIATION WORKER LAWFUL STATUS.—By not later than December 31, 2015, the Administrator shall review the denial of credentials due to issues associated with determining an applicant's lawful status in order to identify airports with specific weaknesses and shall coordinate with such airports to mutually address such weaknesses, as appropriate.

''(h) REPORTS TO CONGRESS.—Upon completion of the determinations and reviews required under this section, the Administrator shall brief the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate on the results of such determinations and reviews.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 1601 the following new item:

''Sec. 1602. Vetting of aviation workers.''.

**SEC. 3. STATUS UPDATE ON RAP BACK SERVICE PILOT PROGRAM.**

Not later than 60 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of plans to conduct a pilot program in coordination with the Federal Bureau of Investigation of the Rap Back Service in accordance with subsection (c) of section 1602 of the Homeland Security Act of 2002, as added by section 2 of this Act. The report shall include details on the business, technical, and resource requirements for the Transportation Security Administration and pilot program participants, and provide a timeline and goals for the pilot program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KATKO) and the gentlewoman from New York (Miss RICE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KATKO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

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

There was no objection.

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

Today we will consider four bipartisan bills that address security vulnerabilities and improvements to the Transportation Security Administration.

I am proud of the bipartisan work this subcommittee has done and will continue to do to address the issue. I would like to thank Chairman MCCAUL, Ranking Member THOMPSON of the Homeland Security Committee, as well as my colleague, Ranking Member RICE, from the Subcommittee on Transportation Security for their leadership.

These four bills being on the floor today demonstrate that, when we work together, we can get things done. I look forward to continuing to work together on these issues.

Mr. Speaker, today I rise in strong support of H.R. 2750, the Improved Security Vetting for Aviation Workers Act of 2015.

In June of this year, the Department of Homeland Security inspector general released a report that found a stunning 73 aviation workers that had possible ties to terrorism.

The findings of this report were indeed alarming, and 14 years after 9/11 findings like this are simply unacceptable.

This vital piece of bipartisan legislation will strengthen the vetting of these workers, close these security gaps, and ensure the safety and security of our Nation's aviation system.

The inspector general's June report found that TSA does not have access to all the data it may need to thoroughly check an aviation worker's potential ties to terrorism.

However, what is even more alarming is that a memo was sent to the TSA Administrator noting the need for additional information and TSA has still yet to resolve this gap.

The report also found that airports do not match the expiration date of an employee's credential to the expiration of their legal work authorization in the United States.

□ 1630

Again, while TSA stated they are working to resolve this issue by the end of the year, it raises serious concern that this gap exists in the first place. That is why this legislation is so critical, in order to guarantee that TSA addresses these known vulnerabilities.

Since the start of this Congress, as chairman of the Subcommittee on Transportation Security of the Committee on Homeland Security, I have actively examined a number of alarming aspects related to TSA's operations, policies, and procedures. Through hearings, oversight inquiries, and legislation, I have been working to get to the bottom of these issues and raise awareness of the urgent need to fix them.

Unfortunately, these findings by the inspector general are not an anomaly. In May, the inspector general released a report that found that TSA did not have the appropriate controls in place to ensure that screening equipment has necessary maintenance work performed, an issue that Miss RICE's bill, H.R. 2770, addresses.

Last month, news outlets reported test results showing that screeners failed to detect prohibited threat items 96 percent of the time—96 percent.

These more recent findings come on the heels of revelations earlier this year of security breaches by employees at major airports across this country involving a nationwide gun smuggling ring and an employee of the FAA bypassing security and flying with a loaded firearm using his SIDA badge, and this month, four airport workers from Dallas were arrested for exploiting their access to aircraft to smuggle what they believed to be cocaine and other drugs.

All of these findings individually are concerning and, in the aggregate, shake public's confidence and only further display the need for this legislation.

Aviation workers are supposed to be thoroughly vetted due to their continuing access to sensitive areas of airports and the fact that they hold a position of trust within the transportation system. However, the findings by the inspector general and the dozens of arrests of aviation workers this year demonstrate that the status quo is not working.

The insider threat is the hardest threat to combat, and while this bill will not eliminate this threat, H.R. 2750 will indeed give TSA and the airports the ability to more thoroughly vet these employees and have a better understanding of whom we are granting secured access to.

The reality is that, in this post-9/11 world, the terrorist threat is metastasizing; and we, as a Nation, must remain responsive to any holes in the security of our transportation systems and ensure that protocols keep place with the ever-evolving threat landscape.

Improving the vetting of the aviation workers who have access to sensitive areas of airports can help close another backdoor vulnerability at our Nation's airports.

I would like to thank Chairman MCCAUL, Ranking Member RICE, Congresswoman MCSALLY, Congressman KEATING, and Congressman PAYNE for joining me as cosponsors of this bill. I urge my other colleagues to join me in supporting this critical piece of legislation.

I reserve the balance of my time.

Miss RICE of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 2750, the Improved Security Vetting for Aviation Workers Act of 2015.

Mr. Speaker, a recent review by the Department of Homeland Security's inspector general found that, although TSA's multilayered process for vetting airport workers is generally effective, there were instances where the process did not detect airport workers with potential links to terrorism.

In total, the inspector general identified 73 aviation workers with possible links to terrorism after running data against the so-called TIDE database, which is maintained by the National Counterterrorism Center.

TSA does not have access to this database under current interagency watch listing policies. Chairman KATKO introduced H.R. 2750 to rectify this situation, and I am proud to be an original cosponsor of this bipartisan bill.

H.R. 2750 will put TSA on a path to accessing terrorism-related data in order to more effectively vet employees who work in our Nation's airports. In addition, this bill will require TSA to conduct an annual review of the procedures for issuing security credentials to employees seeking to work in highly sensitive, secure areas of our airports.

Lastly, under H.R. 2750, TSA is authorized to pilot the FBI's Rap Back Service, which provides near real-time information about changes in an airport worker's criminal history. The possibility of someone with ties to terrorism getting a job in an American airport is a very real threat, one of many that we live with every day and one that we must do everything in our power to prevent. H.R. 2750 will help neutralize that threat. I urge my colleagues to give it their full support.

Mr. Speaker, in closing, together with Chairman KATKO, I am proud of the work that we have done on the Subcommittee on Transportation Security to address this and other pressing transportation security issues within TSA in a constructive, bipartisan way.

The four bipartisan TSA bills that we are considering today are a testament to that effort and to what we can accomplish when we work together to solve real problems. I hope that we will continue to make progress together, and I urge my colleagues to support H.R. 2750.

Mr. Speaker, I yield back the balance of my time.

Mr. KATKO. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, I once again urge my colleagues to support this strong, bipartisan piece of legislation.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of H.R. 2750, the Improved Security Vetting for Aviation Workers Act, which directs the Transportation Security Administrator to annually review airport badging office procedures for applicants seeking access to sensitive areas of airports.

I commend the bipartisan work of Chairman MCSALLY and Ranking Member PAYNE for their work on this bill.

The bill would direct the Transportation Security Administrator to coordinate with the Secretary of Homeland Security and consult with the Federal Bureau of Investigation to conduct a pilot program of the Rap Back Service in preparation for possible full implementation.

The Administrator is further directed to determine the lawful status of aviation workers in order to identify airports with specific weaknesses.

The Administrator will brief the House Committees on Homeland Security and Transportation and Infrastructure as well as the Senate Committees on Homeland Security and Government Affairs and Commerce, Science, and Transportation on the results of the determinations and reviews.

This is a good step forward in support of security at our nation's airports.

As the Committee charged with the responsibility of improving security at our nation's airports this forward looking bill will allow a pilot program to determine if there are better resources for assuring the security of the traveling public.

I ask my colleagues to join me in voting in favor of H.R. 2750.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KATKO) that the House suspend the rules and pass the bill, H.R. 2750, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## KEEPING OUR TRAVELERS SAFE AND SECURE ACT

Mr. KATKO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2770) to amend the Homeland Security Act of 2002 to require certain maintenance of security-related technology at airports, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2770

*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 ''Keeping our Travelers Safe and Secure Act''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The Administrator of the Transportation Security Administration has stated that the maintenance of security-related technology such as x-rays, explosive trace detection systems, explosive detection systems, liquid scanners, and enhanced walk-through metal detectors, is central to the execution of Transportation Security Administration's mission to protect United States transportation systems.

(2) Preventive and corrective maintenance is essential to ensuring and extending the service lives of security-related technology.

(3) In May 2015, the Inspector General of the Department of Homeland Security, reporting on the results of a performance audit conducted between December 2013 and November 2014, concluded that because the Transportation Security Administration did not properly manage the maintenance of its security-related technology deployed to airports, it cannot be assured that routine preventive maintenance is performed or that equipment is repaired and ready for operational use.

(4) Specifically, the Inspector General found that the Transportation Security Administration did not issue adequate policies and procedures to document, track, and maintain preventive maintenance actions at the airport level and oversight of contractor-performed maintenance needed to be strengthened.

(5) According to the Inspector General, if the equipment is not fully operational, the Transportation Security Administration may have to use other screening measures that may be less effective at detecting dangerous items, thereby potentially jeopardizing passenger safety and security.

**SEC. 3. MAINTENANCE OF SECURITY-RELATED TECHNOLOGY.**

(a) IN GENERAL.—Title XVI of the Homeland Security Act of 2002 (6 U.S.C. 561 et seq.) is amended by adding at the end the following:

**"Subtitle C—Maintenance of Security-Related Technology**

**"SEC. 1621. MAINTENANCE VALIDATION AND OVERSIGHT.**

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this subtitle, the Administrator shall develop and

implement a preventive maintenance validation process for security-related technology deployed to airports.

''(b) MAINTENANCE BY ADMINISTRATION PERSONNEL AT AIRPORTS.—For maintenance to be carried out by Administration personnel at airports, the process referred to in subsection (a) shall include the following:

''(1) Guidance to Administration personnel, equipment maintenance technicians, and other personnel at airports specifying how to conduct and document preventive maintenance actions.

''(2) Mechanisms for the Administrator to verify compliance with the guidance issued pursuant to paragraph (1).

''(c) MAINTENANCE BY CONTRACTORS AT AIRPORTS.—For maintenance to be carried out by a contractor at airports, the process referred to in subsection (a) shall require the following:

''(1) Provision of monthly preventive maintenance schedules to appropriate Administration personnel at each airport that includes information on each action to be completed by a contractor.

''(2) Notification to appropriate Administration personnel at each airport when maintenance action is completed by a contractor.

''(3) A process for independent validation by a third party of contractor maintenance.

''(d) PENALTIES FOR NONCOMPLIANCE.—The Administrator shall require maintenance contracts for security-related technology deployed to airports to include penalties for noncompliance when it is determined that either preventive or corrective maintenance has not been completed according to contractual requirements and manufacturers' specifications.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 1616 the following:

''Subtitle C—Maintenance of Security-Related Technology

''Sec. 1621. Maintenance validation and oversight.''.

**SEC. 4. INSPECTOR GENERAL ASSESSMENT.**

Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall assess implementation of the requirements under this Act and the amendments made by this Act, and provide findings and recommendations with respect to the provision of training to Administration personnel, equipment maintenance technicians, and other personnel under section 1621 of the Homeland Security Act of 2002 (as added by section 3 of this Act) and the availability and utilization of equipment maintenance technicians employed by the Administration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KATKO) and the gentlewoman from New York (Miss RICE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KATKO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 2770, the Keeping Our Travelers Safe and Secure Act, sponsored by my colleague, Miss RICE. This legislation will strengthen TSA's management of its screening equipment maintenance contracts and related maintenance activities.

The Department of Homeland Security Office of Inspector General released a report in May that found that TSA is not properly managing the maintenance of its critical airport screening equipment. Because TSA does not adequately oversee this equipment, it cannot be assured that the routine preventive maintenance is performed or that equipment is repaired and ready for operational use.

This bill codifies the three recommendations made by the IG, all of which TSA concurred with. I am pleased to join Miss RICE; Mr. THOMPSON; my fellow New York delegation members Mr. KING, Mr. DONOVAN, and Mr. HIGGINS; along with Mr. PAYNE; Mr. KEATING; and Mr. RICHMOND as cosponsors of this important legislation.

I urge my other colleagues to join me in supporting H.R. 2770.

I reserve the balance of my time.

Miss RICE of New York. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of H.R. 2770, the Keeping Our Travelers Safe and Secure Act.

Mr. Speaker, last May, the Department of Homeland Security inspector general released a report with a blunt and revealing title: ''The Transportation Security Administration Does Not Properly Manage Its Airport Screening Equipment Maintenance Program.''

The report revealed that TSA lacks strict policies and procedures for maintaining critical screening technology, including x-ray machines and explosive detection equipment. The consequences of this deficiency could be severe.

First, as the inspector general's report noted, the lack of regular maintenance reduces the life of screening equipment, which means TSA would have to incur the cost of new equipment. That is a problem for American taxpayers.

Even more importantly, the inspector general also noted that, if screening equipment becomes less than fully operational, TSA will be forced to rely on alternative screening measures that may not be as effective at detecting dangerous items. That creates serious risks for passengers, risks that we can and must eliminate.

As threats to our homeland evolve, particularly threats to our commercial aviation sector, we cannot afford to be complacent about maintaining screening equipment.

This legislation, which I introduced with Ranking Member THOMPSON, Chairman KATKO, and Representative PAYNE, requires TSA to get serious about maintaining security-related technology in our Nation's airports.

Specifically, it requires TSA, within 180 days of enactment, to develop and implement a comprehensive preventive maintenance validation process. This process must include strict maintenance schedules, clear guidance for TSA personnel and contractors on how to conduct and document maintenance actions, mechanisms to ensure compliance, and penalties for noncompliance.

These measures are common sense. This is a threat that we can neutralize. I urge my colleagues to do so by supporting this bipartisan legislation.

Mr. Speaker, in closing, I would like to thank members of the Committee on Homeland Security for supporting this legislation. There was truly a constructive bipartisan effort to make this legislation what it is today, and because of it, the commercial aviation sector will be more secure.

I once again urge all of my colleagues to support this legislation. I thank Chairman KATKO for his support.

I yield back the balance of my time.

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

Mr. Speaker, I once again urge my colleagues to support this strong, bipartisan piece of legislation.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support to H.R. 2770, the ''Keeping Our Travelers Safe and Secure Act of 2015'', which would amend the Homeland Security Act of 2002 to require improvements in the maintenance of security-related technology located at airports.

I commend my colleague's bill, which would outline specific requirements and procedures that the Transportation Security Administration (TSA) must follow in maintaining security-related technology deployed at airports.

I strongly support the measures that would be implemented in this bill in light of the Homeland Security Department's Inspector General Examination of the Transportation Security Administration's (TSA's) airport screening equipment maintenance program, which determined that adequate policies and procedures had not been implemented.

Mr. Speaker, as a senior Member of the Homeland Security Committee and former chair of the Subcommittee on Transportation Security, I strongly support measures to improve aviation security.

The Inspector General, report focused on concerns in the security technologies maintenance processes of our airports.

The report said that TSA did not have sufficient policies to oversee whether routine preventative maintenance was accomplished.

Mr. Speaker, in my hometown of Houston, nearly 40 million passengers traveled through Bush International Airport (IAH) and an additional 10 million traveled through William P. Hobby (HOU).

This makes my city one of the busiest traveled cities in the country, and as TSA is the first line of defense in safeguarding transportation throughout the nation, we as a Congress should make sure we do all we can to support their needs.

This bill will ensure that these imperative steps in the upkeep of TSA equipment are not overlooked any more, as the agency must provide a monthly preventive maintenance schedule to appropriate airport personnel, streamlining the communication process amongst contractors and the airports themselves.

Also, this bill requires that the TSA must impose penalties for noncompliance when preventative and/or corrective maintenance does not meet contractual requirements or manufacturer specifications.

Mr. Speaker, we must provide the guidance and tools needed by the TSA to ensure the safety of the millions that travel through our nation's airports.

H.R. 2770, the "Keeping Our Travelers Safe and Secure Act of 2015" is a positive step forward in handling the issues raised by the Inspector General's report on our country's airports security systems.

I urge my colleagues to join me in voting in support of H.R. 2770.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KATKO) that the House suspend the rules and pass the bill, H.R. 2770, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

## TSA PRECHECK EXPANSION ACT

Mr. KATKO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2843) to require certain improvements in the Transportation Security Administration's PreCheck expedited screening program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2843

*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 "TSA PreCheck Expansion Act".

**SEC. 2. DEFINITIONS.**

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Transportation Security Administration.

(2) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(3) TSA.—The term "TSA" means the Transportation Security Administration.

**SEC. 3. ENROLLMENT EXPANSION.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall publish PreCheck application enrollment standards to add multiple private sector application capabilities for the TSA PreCheck program to increase the public's enrollment access to such program, including standards that allow the use of secure technologies, including online enrollment, kiosks, tablets, or staffed laptop stations at which individuals can apply for entry into such program.

(b) REQUIREMENTS.—Upon publication of the PreCheck program application enrollment standards pursuant to subsection (a), the Administrator shall—

(1) coordinate with interested parties to deploy TSA-approved ready-to-market private sector solutions that meet the TSA PreCheck application enrollment standards described in paragraph (1), make available additional PreCheck enrollment capabilities, and offer secure online and mobile enrollment opportunities;

(2) partner with the private sector to collect biographic and biometric identification information via kiosks, mobile devices, or other mobile enrollment platforms to reduce the number of instances in which passengers need to travel to enrollment centers;

(3) ensure that the kiosks, mobile devices, or other mobile enrollment platforms referred to in paragraph (3) are certified as secure and not vulnerable to data breaches;

(4) ensure that any biometric and biographic information is collected in a manner which is comparable with the National Institute of Standards and Technology standards and ensures privacy and data security protections, including that applicants' personally identifiable information is collected, retained, used, and shared in a manner consistent with section 552a of title 5, United States Code (commonly known as "Privacy Act of 1974"), and agency regulations;

(5) ensure that an individual who wants to enroll in the PreCheck program and has started an application with a single identification verification at one location will be able to save such individual's application on any kiosk, personal computer, mobile device, or other mobile enrollment platform and be able to return within a reasonable time to submit a second identification verification; and

(6) ensure that any enrollment expansion using a private sector risk assessment instead of a fingerprint-based criminal history records check is determined, by the Secretary of Homeland Security, to be equivalent to a fingerprint-based criminal history records check conducted through the Federal Bureau of Investigation.

(c) MARKETING OF PRECHECK PROGRAM.—Upon publication of PreCheck program application enrollment standards pursuant to subsection (a), the Administrator shall—

(1) in accordance with the standards described in paragraph (1) of subsection (a), develop and implement—

(A) a process, including an associated timeframe, for approving private sector marketing of the TSA PreCheck program; and

(B) a strategy for partnering with the private sector to encourage enrollment in such program; and

(2) submit to Congress a report on any PreCheck fees collected in excess of the costs of administering such program, including recommendations for using such amounts to support marketing of such program under this subsection.

(d) IDENTITY VERIFICATION ENHANCEMENT.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall—

(1) coordinate with the heads of appropriate components of the Department to leverage Department-held data and technologies to verify the citizenship of individuals enrolling in the TSA PreCheck program; and

(2) partner with the private sector to use advanced biometrics and standards comparable with National Institute of Standards and Technology standards to facilitate enrollment in such program.

(e) PRECHECK LANE OPERATION.—The Administrator shall—

(1) ensure that TSA PreCheck screening lanes are open and available during peak and high-volume travel times at airports to individuals enrolled in the PreCheck program; and

(2) make every practicable effort to provide expedited screening at standard screening lanes during times when PreCheck screening lanes are closed to individuals enrolled in such program in order to maintain operational efficiency.

(f) VETTING FOR PRECHECK PARTICIPANTS.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall initiate an assessment of the security vulnerabilities in the vetting process for the PreCheck program that includes an evaluation of whether subjecting PreCheck participants to recurrent fingerprint-based criminal history records checks, in addition to recurrent checks against the terrorist watchlist, could be done in a cost-effective manner to strengthen the security of the PreCheck program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KATKO) and the gentlewoman from New York (Miss RICE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KATKO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 2843, the TSA PreCheck Expansion Act. This piece of legislation serves as an important driving force to advance risk-based security and better secure our Nation's aviation sector.

TSA's PreCheck program, which grants expedited security screening to passengers at airports nationwide, has been an incredibly popular tool used by the Agency to improve the traveling public's airport screening experience, while moving away from a one-size-fits-all approach to security screening by identifying trusted travelers.

Risk-based security hinges on the ability to deploy our resources on those passengers whom we have not thoroughly vetted. However, the effectiveness and integrity of this program depends on TSA's ability to better market this program and increase passenger enrollment.

As the Agency has become overly dependent on alternate methods of expedited screening, such as managed inclusion, a problem addressed by Ranking Member THOMPSON's bill, which I cosponsored, H.R. 2127, TSA has become ineffective in prioritizing enrollment and partnering with the private sector.

Only the level of innovation found in the private sector will be able to assist TSA in driving continued enrollment in PreCheck. That being said, it is important that any expansion of the PreCheck program be conducted in a secure and responsible manner, which ensures the public's security and privacy.

This bill before the Congress right now does just that. Specifically, this

legislation directs TSA to partner with the private sector to find technological solutions for expanding enrollment in PreCheck and requires the Agency to develop a comprehensive marketing strategy for PreCheck.

Additionally, H.R. 2843 mandates that the Administrator coordinate with other Department of Homeland Security components to leverage existing data and technologies while also encouraging TSA to develop alternative recurrent vetting capabilities for those enrolled in PreCheck in order to maintain the program's security effectiveness.

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Every day, TSA screens 2 million passengers. By expanding known traveler programs such as PreCheck, we can ensure that TSA is focusing its resources on those passengers who are unknown and therefore pose a greater risk.

I would like to thank Chairman MCCAUL and Congressman ROGERS for joining me as cosponsors of this important piece of legislation. I urge my other colleagues to do the same, and I look forward to continuing our efforts to expand PreCheck in a secure and effective manner.

I reserve the balance of my time.

Miss RICE of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2843, the TSA PreCheck Expansion Act.

A decade after Congress directed the establishment of a trusted passenger program, TSA announced its PreCheck pilot program in 2011. Initially, PreCheck participants were frequent flyers of major airlines, Active Duty military members, and participants in other Department of Homeland Security known traveler programs.

Over the past 4 years, PreCheck participation has expanded significantly and now encompasses over 1 million Americans who submitted biographic and biometric information and paid a fee to participate in the program.

While I am pleased that TSA has reached the milestone of enrolling 1 million people, there are 650 million people who fly in the U.S. every year, and we must keep working to bring more of them into the program.

Enrolling in PreCheck is a win-win for passengers and for airport security. Passengers get the benefit of expedited screening, and we get the benefit of an expanded universe of passengers who have undergone extensive vetting and are known to be low risk, and that allows TSA to focus its limited resources on passengers who are unknown and may be higher risk.

We can expand PreCheck participation by streamlining the enrollment process to make it more convenient and more accessible. H.R. 2843 seeks to do just that by requiring enrollment standards to include secure technologies such as kiosks and tablets that can collect biographic and biometric information.

Additionally, this bills directs TSA to more aggressively market the PreCheck program. Getting the word out about the merits of PreCheck is vital to ensuring that the program continues to grow.

To keep Congress engaged in its progress, this bill requires that TSA report any fees in excess of administration costs.

This is also an opportunity for the private sector to work together with the Federal Government to expand PreCheck participation, and this partnership will continue to push the program in the right direction.

I urge my colleagues to support this bipartisan legislation, Mr. Speaker, and I reserve the balance of my time.

Mr. KATKO. Mr. Speaker, I have no more speakers, and I reserve the balance of my time.

Miss RICE of New York. Mr. Speaker, I yield myself such time as I may consume.

I support this commonsense legislation, and I congratulate my partner on the Transportation Security Subcommittee, Chairman KATKO, for authoring it.

I urge my colleagues to support H.R. 2843, and I yield back the balance of my time.

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

Mr. Speaker, I once again urge my colleagues to support this strong, bipartisan piece of legislation. Miss RICE is absolutely correct: it is common sense. It is common sense that a program that has been with TSA for a while now and that has not been expanded on by TSA despite its popularity and it is common sense with respect to risk-based security that this should be passed. I urge passage of it, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KATKO) that the House suspend the rules and pass the bill, H.R. 2843, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## SECURING EXPEDITED SCREENING ACT

Mr. KATKO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2127) to direct the Administrator of the Transportation Security Administration to limit access to expedited airport security screening at an airport security checkpoint to participants of the PreCheck program and other known low-risk passengers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2127

*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 ''Securing Expedited Screening Act''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The Aviation and Transportation Security Act (Public Law 107–71) authorized the Transportation Security Administration to ''establish requirements to implement trusted passenger programs and use available technologies to expedite the security screening of passengers who participate in such programs, thereby allowing security screening personnel to focus on those passengers who should be subject to more extensive screening.''.

(2) In October 2011, the Transportation Security Administration began piloting the PreCheck program in which a limited number of passengers who were participants in the frequent flyer programs of domestic air carriers were directed to special screening lanes for expedited security screening.

(3) In December 2013, the Transportation Security Administration opened the PreCheck program to eligible passengers who submit biographic and biometric information for a security risk assessment.

(4) Today, expedited security screening is provided to passengers who, in general, are members of populations identified by the Administrator of the Transportation Security Administration as presenting a low risk to aviation security, including members of populations known and vetted by the Administrator or through another Department of Homeland Security trusted traveler program, and to passengers who are selected by expedited screening on a case-by-case basis through the Transportation Security Administration's Managed Inclusion process and other procedures.

(5) According to the Transportation Security Administration, the Managed Inclusion process ''combines the use of multiple layers of security to indirectly conduct a real-time assessment of passengers'' through the use of Passenger Screening Canine teams, Behavior Detection Officers, Explosives Trace Detection (ETD) machines, and other activities.

(6) In December 2014, the Comptroller General of the United States concluded in a report entitled ''Rapid Growth in Expedited Passenger Screening Highlights Need to Plan Effective Security Assessments'' that ''it will be important for TSA to evaluate the security effectiveness of the Managed Inclusion process as a whole, to ensure that it is functioning as intended and that passengers are being screened at a level commensurate with their risk''.

(7) On March 16, 2015, the Inspector General of the Department of Homeland Security released a report entitled ''Allegation of Granting Expedited Screening through TSA PreCheck Improperly'', in which the Inspector General determined that the Transportation Security Administration granted expedited security screening at a PreCheck security lane to a passenger who had served time in prison for felonies committed as a member of a domestic terrorist group and who was not a participant in the PreCheck program.

**SEC. 3. LIMITATION; PRECHECK OPERATIONS MAINTAINED; ALTERNATE METHODS.**

(a) IN GENERAL.—Except as provided in subsection (d), not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall direct that access to expedited airport security screening at an

airport security checkpoint be limited to only the following:

(1) A passenger who voluntarily submits biographic and biometric information for a security risk assessment and whose application for the PreCheck program has been approved, or a passenger who is a participant in another trusted or registered traveler program of the Department of Homeland Security.

(2) A passenger traveling pursuant to section 44903 of title 49, United States Code (as established under the Risk-Based Security for Members of the Armed Forces Act (Public Law 112–86)), section 44927 of such title (as established under the Helping Heroes Fly Act (Public Law 113–27)), or section 44928 of such title (as established under the Honor Flight Act (Public Law 113–221)).

(3) A passenger who did not voluntarily submit biographic and biometric information for a security risk assessment but is a member of a population designated by the Administrator of the Transportation Security Administration as known and low-risk and who may be issued a unique, known traveler number by the Administrator determining that such passenger is a member of a category of travelers designated by the Administrator as known and low-risk.

(b) PRECHECK OPERATIONS MAINTAINED.—In carrying out subsection (a), the Administrator of the Transportation Security Administration shall ensure that expedited airport security screening remains available to passengers at or above the level that exists on the day before the date of the enactment of this Act.

(c) MINORS AND SENIORS.—The Administrator of the Transportation Security Administration may provide access to expedited airport security screening at an airport security checkpoint to a passenger who is—

(1) 75 years old or older; or

(2) 12 years old or under and who is traveling with a parent or guardian who is a participant in the PreCheck program.

(d) FREQUENT FLIERS.—If the Administrator of the Transportation Security Administration determines that such is appropriate, the date specified in subsection (a) may be extended by up to one year to implement such subsection with respect to the population of passengers who did not voluntarily submit biographic and biometric information for security risk assessments but who nevertheless receive expedited airport security screening because such passengers are designated as frequent fliers by air carriers. If the Administrator uses the authority provided by this subsection, the Administrator shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate of such phased-in implementation.

(e) ALTERNATE METHODS.—The Administrator of the Transportation Security Administration may provide access to expedited airport security screening to additional passengers pursuant to an alternate method upon the submission to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of an independent assessment of the security effectiveness of such alternate method that is conducted by an independent entity that determines that such alternate method is designed to—

(1) reliably and effectively identify passengers who likely pose a low risk to the United States aviation system;

(2) mitigate the likelihood that a passenger who may pose a security threat to the United States aviation system is selected for expedited security screening; and

(3) address known and evolving security risks to the United States aviation system.

(f) INFORMATION SHARING.—The Administrator of the Transportation Security Administration shall provide to the entity conducting the independent assessment under subsection (c) effectiveness testing results that are consistent with established evaluation design practices, as identified by the Comptroller General of the United States.

**SEC. 4. REPORTING.**

Not later than three months after the date of the enactment of this Act and annually thereafter, the Administrator of the Transportation Security Administration shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the percentage of all passengers who are provided expedited security screening, and of such passengers so provided, the percentage who are participants in the PreCheck program (who have voluntarily submitted biographic and biometric information for security risk assessments), the percentage who are participants in another trusted traveler program of the Department of Homeland Security, the percentage who are participants in the PreCheck program due to the Administrator's issuance of known traveler numbers, and for the remaining percentage of passengers granted access to expedited security screening in PreCheck security lanes, information on the percentages attributable to each alternative method utilized by the Transportation Security Administration to direct passengers to expedited airport security screening at PreCheck security lanes.

**SEC. 5. RULE OF CONSTRUCTION.**

Nothing in this Act may be construed to—

(1) authorize or direct the Administrator of the Transportation Administration to reduce or limit the availability of expedited security screening at an airport; or

(2) limit the authority of the Administrator to use technologies and systems, including passenger screening canines and explosives trace detection, as a part of security screening operations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KATKO) and the gentlewoman from New York (Miss RICE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KATKO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 2127, the Securing Expedited Screening Act. This important piece of legislation directs TSA to suspend the use of alternative methods for granting passengers access to PreCheck expedited screening unless the agency can prove the security effectiveness of such methods.

Specifically, this bill requires that expedited screening be limited to passengers who have successfully enrolled in the PreCheck program or who are eligible for PreCheck by being part of an already identified low-risk population.

Managed Inclusion is intended to conduct a ''real-time'' threat assessment to identify passengers who are eligible for TSA PreCheck on a flight-by-flight basis through the use of already present layers of security at the airports. However, travelers who experience expedited screening through Managed Inclusion are not subject to a criminal history background check, have not paid for TSA PreCheck—unlike other passengers—are often unaware of the reason they are receiving expedited screening, and are generally not encouraged to enroll in TSA PreCheck during the experience.

While Managed Inclusion may help reduce wait times and increase utilization of TSA PreCheck lanes, it has not been tested or proven to improve the experience of travelers or, more importantly, reduce the security risks to aviation.

On the contrary, passengers who go through the TSA PreCheck enrollment process and pay $85 for expedited screening are not seeing the benefits that were promised to them. This is because passengers who did not enroll, have not submitted to a background check, and are unfamiliar with TSA PreCheck are being ushered into those expedited screening lanes.

This bill, along with a piece of legislation that I introduced, H.R. 2843, the TSA PreCheck Expansion Act, will ensure that we are providing expedited screening in a manner that is both deliberate and secure, and that we are expanding the known traveler population so that we can focus our resources on unknown travelers.

I am very pleased to join my colleagues Mr. THOMPSON and Miss RICE as a cosponsor of this important legislation. I urge my other colleagues to join me in supporting H.R. 2127, and I reserve the balance of my time.

Miss RICE of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2127, the Securing Expedited Screening Act.

The Transportation Security Administration is charged with the great responsibility of keeping commercial aviation passengers safe and keeping criminals, terrorists, and dangerous objects off of flights. They do so using limited resources, relying on a risk-based approach that focuses those resources on the passengers about whom we know the least. The PreCheck program is a key element of this approach, granting expedited screening to trusted or ''known'' passengers who have undergone an extensive vetting process.

But even as TSA expanded the PreCheck program, it was also granting expedited screening to other supposedly ''low-risk'' passengers through the Managed Inclusion process—passengers who hadn't gone through the PreCheck application process, hadn't been vetted, and were not known to be low risk.

Numerous classified reports from both the Department of Homeland Security inspector general and the Government Accountability Office have detailed the security risks created by the Managed Inclusion process. We must take action to eliminate this vulnerability, and we can do so by passing H.R. 2127.

Ranking Member THOMPSON's bipartisan legislation will require TSA to limit expedited screening to the population for which it was intended: those travelers who have been vetted and are known to be low risk.

I urge my colleagues to join Ranking Member THOMPSON, Chairman KATKO, and me in supporting this legislation, and I reserve the balance of my time.

Mr. KATKO. Mr. Speaker, I have no more speakers, and I reserve the balance of my time.

Miss RICE of New York. Mr. Speaker, I yield myself such time as I may consume.

In closing, I would like to again thank Members for supporting this legislation. H.R. 2127 will eliminate a significant gap in our aviation security and ensure that each passenger who boards a commercial flight receives the appropriate level of screening.

I urge all my colleagues to join us in supporting this legislation, and I yield back the balance of my time.

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

Mr. Speaker, I once again urge my colleagues to support this strong, bipartisan piece of legislation.

H.R. 2843, which we just spoke about, and H.R. 2127, this bill, work side by side with each other, and it is a good example of the bipartisan nature which permeates this committee. One bill deals with the expansion of PreCheck; the other one deals with the constriction on the other side of PreCheck, and that is the Managed Inclusion, which none of us think is a good idea, long term, for security purposes.

I am proud to be part of this legislation. I am proud of the bipartisan work we are doing on this committee, and I look forward to much more production moving forward.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KATKO) that the House suspend the rules and pass the bill, H.R. 2127, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## FIRST RESPONDER ANTHRAX PREPAREDNESS ACT

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1300) to direct the Secretary of Homeland Security to make anthrax vaccines and antimicrobials available to emergency response providers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1300

*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 ''First Responder Anthrax Preparedness Act''.

**SEC. 2. PRE-EVENT ANTHRAX VACCINATION PROGRAM FOR EMERGENCY RESPONSE PROVIDERS.**

(a) ANTHRAX PREPAREDNESS.—

(1) IN GENERAL.—Title V of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 311 et seq.) is amended by adding at the end the following new section:

**''SEC. 526. ANTHRAX PREPAREDNESS.**

''(a) PRE-EVENT ANTHRAX VACCINATION PROGRAM FOR EMERGENCY RESPONSE PROVIDERS.—For the purpose of domestic preparedness for and collective response to terrorism, the Secretary, in coordination with the Secretary of Health and Human Services, shall establish a program to provide anthrax vaccines from the strategic national stockpile under section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)) that will be nearing the end of their labeled dates of use at the time such vaccines are to be administered to emergency response providers who are at high risk of exposure to anthrax and who voluntarily consent to such administration, and shall—

''(1) establish any necessary logistical and tracking systems to facilitate making such vaccines so available;

''(2) distribute disclosures regarding associated benefits and risks to end users; and

''(3) conduct outreach to educate emergency response providers about the voluntary program.

''(b) THREAT ASSESSMENT.—The Secretary shall—

''(1) support homeland security-focused risk analysis and risk assessments of the threats posed by anthrax from an act of terror;

''(2) leverage existing and emerging homeland security intelligence capabilities and structures to enhance prevention, protection, response, and recovery efforts with respect to an anthrax terror attack; and

''(3) share information and provide tailored analytical support on threats posed by anthrax to State, local, and tribal authorities, as well as other national biosecurity and biodefense stakeholders.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting at the end of the items relating to title V the following new item:

''Sec. 526. Anthrax preparedness.''.

(b) PILOT PROGRAM.—

(1) IN GENERAL.—In carrying out the pre-event vaccination program authorized in section 526(a) of the Homeland Security Act of 2002, as added by subsection (a), the Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services, shall carry out a pilot program to provide anthrax vaccines to emergency response providers as so authorized. The duration of the pilot program shall be 24 months from the date the initial vaccines are administered to participants.

(2) PRELIMINARY REQUIREMENTS.—By not later than one year after the date of the enactment of this Act, and prior to implementing the pilot program under paragraph (1), the Secretary of Homeland Security shall—

(A) establish a communication platform for the pilot program;

(B) establish education and training modules for the pilot program;

(C) conduct economic analysis of the pilot program; and

(D) create a logistical platform for the anthrax vaccine request process under the pilot program.

(3) LOCATION.—In carrying out the pilot program under this subsection, the Secretary of Homeland Security shall select emergency response providers based in at least two States for participation in the pilot program.

(4) DISTRIBUTION OF INFORMATION.—The Secretary of Homeland Security shall provide to each emergency response provider who participates in the pilot program under this subsection disclosures and educational materials regarding the associated benefits and risks of any vaccine provided under the pilot program and of exposure to anthrax.

(5) REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter until one year after the completion of the pilot program, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the progress and results of the pilot program, including the percentage of eligible emergency response providers, as determined by each pilot location, that volunteer to participate, the degree to which participants obtain necessary vaccinations, as appropriate, and recommendations to improve initial and recurrent participation in the pilot program. The report shall include a plan under which the Secretary plans to continue the program to provide vaccines to emergency response providers under section 526(a) of the Homeland Security Act of 2002, as added by subsection (a).

(6) DEADLINE FOR IMPLEMENTATION.—The Secretary of Homeland Security shall begin implementing the pilot program under this subsection by not later than the date that is one year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentlewoman from New York (Miss RICE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

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

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 1300, the First Responder Anthrax Preparedness Act, which I introduced along with my good friend and colleague from New Jersey, BILL PASCRELL. This important, bipartisan legislation will ensure that emergency response providers have access to preevent anthrax vaccines.

An anthrax attack is a serious mass casualty threat. Our national response

capability to a wide-area anthrax attack would be greatly enhanced by having prevaccinated responders able to deploy immediately and confidently, knowing that they have been afforded as much protection as possible.

To achieve that goal, this legislation establishes a preevent anthrax vaccination program to provide surplus anthrax vaccines from the Strategic National Stockpile to emergency response providers on a voluntary basis. In advance of the full vaccination program, the bill directs the Secretary of DHS to carry out a pilot program. Both the preevent vaccination program and the pilot program are required to have robust communication, education, and training for program participants.

The bill requires a report on the progress of the pilot and directs the Department of Homeland Security to conduct risk assessments regarding anthrax terror attacks and to share threat information with State and local law enforcement.

The Department has been working for over 3 years on establishing a preevent vaccination effort for first responders, but the project has been continually stalled. I am encouraged that DHS has hired a vaccination expert from the Department of Defense to take over the effort, and I believe that the mandates in this legislation will ensure that the pilot program moves forward.

I would like to thank Committee on Homeland Security Chairman MCCAUL and Ranking Member THOMPSON, along with Chairman MCSALLY and Ranking Member DON PAYNE of the committee's Subcommittee on Emergency Preparedness, Response, and Communications for their leadership on this issue and their work to advance this bill to the floor. I also want to thank Homeland Security Committee staff Kerry Kinirons, Kate Nichols, and Rosanna Muno.

And this is significant, Mr. Speaker. I want to thank Chairman UPTON and his staff at Energy and Commerce, Carly McWilliams and Karen Christian, for working with us on this bill. This bill is a great example of how committees can and should work together to advance commonsense legislation and not get involved in turf battles.

I will include the letters exchanged by Chairman MCCAUL and Chairman UPTON on H.R. 1300 in the RECORD.

H.R. 1300 has 50 bipartisan cosponsors and is supported by the International Association of Fire Chiefs, the International Association of EMS Chiefs, and the Alliance for Biosecurity.

I urge all Members to join me in supporting this bill, which will help to ''protect our protectors,'' and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
*Washington, DC, July 21, 2015.*

Hon. MICHAEL T. MCCAUL,
*Chairman, Committee on Homeland Security, Washington, DC.*

DEAR CHAIRMAN MCCAUL: I write in regard to H.R. 1300, First Responder Anthrax Preparedness Act, which was ordered to be reported by the Committee on Homeland Security on May 20, 2015. As you are aware, the bill also was referred to the Committee on Energy and Commerce. I wanted to notify you that the Committee on Energy and Commerce will forgo action on H.R. 1300 so that it may proceed expeditiously to the House floor for consideration.

This is done with the understanding that the Committee on Energy and Commerce's jurisdictional interests over this and similar legislation are in no way diminished or altered. In addition, the Committee reserves the right to seek conferees on H.R. 1300 and requests your support when such a request is made.

I would appreciate your response confirming this understanding with respect to H.R. 1300 and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

FRED UPTON,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
*Washington, DC, July 22, 2015.*

Hon. FRED UPTON,
*Chairman, Committee on Energy on Commerce, Washington, DC.*

DEAR CHAIRMAN UPTON, Thank you for your letter regarding H.R. 1300, the ''First Responder Anthrax Preparedness Act.'' I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Energy and Commerce will forego consideration of the bill.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing consideration on this bill at this time, the Committee on Energy and Commerce does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support a request by the Committee on Energy and Commerce for conferees on those provisions within your jurisdiction.

I will insert copies of this exchange in the Congressional Record during consideration of this bill on the House floor. I thank you for your cooperation in this matter.

Sincerely,

MICHAEL T. MCCAUL,
*Chairman.*

□ 1700

Miss RICE of New York. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of H.R. 1300, the First Responder Anthrax Preparedness Act.

Mr. Speaker, I want to begin by commending my colleague from New York, my good friend, Mr. KING, for working to make sure we are prepared to respond to an event involving a weapon of mass destruction.

For nearly a decade, Mr. KING and Mr. PASCRELL have partnered to improve our ability to prevent, prepare for, and respond to WMD incidents; and I am pleased to be here today to help advance part of that agenda.

As the Capitol Hill community witnessed just over a decade ago, even a relatively small-scale anthrax attack can be devastating. An anthrax attack on a larger scale would not only result in more sick people, but would also demand a larger response effort that could stretch our emergency response capabilities.

Although we typically think about our WMD policies at the national level, it is important to remember that the initial response to an anthrax event is local. We have an obligation to make sure that those who are called upon to respond to an anthrax attack can do so without jeopardizing their own health in the process.

As a member of the Emergency Preparedness Subcommittee, I have heard from emergency responders about what they need to effectively respond to an anthrax attack.

I have also had conversations with first responders in my own district, and what I have heard repeatedly is that first responders need access to preevent vaccinations so that, if and when the time comes, they can respond swiftly without fear for their own health.

These are the men and women we will rely on in the event of a WMD incident, the men and women we will call on to risk their lives, as they do every day; and they deserve every layer of protection we can provide.

H.R. 1300 would direct the Secretary of Homeland Security to establish a program to provide surplus anthrax vaccines and antimicrobials to emergency response providers, on a voluntary basis, before an attack occurs.

This legislation has the support of the International Association of Fire Chiefs, the International Association of Emergency Medical Services Chiefs, and the Alliance for Biosecurity.

In my opinion, a program like this is long overdue, and I want to thank Mr. KING and Mr. PASCRELL for their leadership in working to make it a reality.

I urge my colleagues to support the First Responder Anthrax Preparedness Act, and I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I reserve the balance of my time.

Miss RICE of New York. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I want to say to my brother, PETER KING, we wouldn't be here except for you. We have talked about this thing for 10 years; more than that, PETER, through the chair, and we have insisted. I am proud to introduce this legislation with my friend, Congressman KING.

It is critical that first responders have access to stockpiled vaccines so that they can respond quickly and confidently in the event of a biological threat.

Just weeks ago, we were reminded of the grave danger that anthrax poses and the need for an effective response—a strategy—when live anthrax was mistakenly shipped to dozens of labs all over the place.

This is not a hypothetical danger, Mr. Speaker. Some of us remember when anthrax was mailed to some of our colleagues' offices in 2001. Several staffers were impacted. We shut down

the Longworth House Office Building to decontaminate it. Packages were sent to other locations. Twenty-two Americans were infected; 5 were killed, and here we are, 14 years later.

For over a decade, Congressman KING and I have been fighting to develop a comprehensive national strategy to counter the grave threat that weapons of mass destruction pose to our Nation.

According to the former chief medical officer and assistant secretary of the Office of Health Affairs at the Department of Homeland Security, Alexander Garza:

> A successful anthrax attack could potentially expose hundreds of thousands of people, cause illness, death, panic, economic losses . . . making this a weapon of mass disruption as well as destruction.

By passing this legislation, we will expand our national response capability by administering surpluses and expiring anthrax vaccines and antimicrobials to emergency first responders on a voluntary basis.

Making expiring anthrax vaccines from the Strategic National Stockpile available to emergency first responders provides a cost-effective solution.

It is important that we pass this legislation. I want to thank all of those who made it possible to get here today; and hopefully, in a few weeks, when we get back, we will have a big WMD legislation on this floor.

Mr. KING of New York. Mr. Speaker, I have no more speakers. If Miss RICE has no further speakers, I am prepared to close after she closes.

I reserve the balance of my time.

Miss RICE of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a responsibility to protect the men and women we call on to protect the public when disaster strikes. H.R. 1300 is commonsense legislation. It will provide emergency responders with anthrax vaccines from the Strategic National Stockpile that are approaching their expiration.

Certainly, our hope is that our emergency responders will never have to respond to an anthrax attack, but they deserve to know that, if that call ever does come, they can respond without fear for their own safety.

Once again, I would like to congratulate my colleagues from New York and New Jersey on this legislation. I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. KING of New York. Mr. Speaker, I once again urge my colleagues to support this bipartisan legislation. Let me emphasize the bipartisan nature of it.

BILL PASCRELL has been there from the start. He referenced the anthrax attacks here in the Capitol back in 2001. None of us who was here at that time will ever, ever forget that. That should have been a wakeup call then. Unfortunately, not enough action was taken. Now, finally, after all these years, we are taking this first major step.

I want to thank BILL PASCRELL for being there. I want to thank Miss RICE for the whole tone of the debate here this afternoon.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HOLDING). The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 1300, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KING of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

## STATE WIDE INTEROPERABLE COMMUNICATIONS ENHANCEMENT ACT

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2206) to amend the Homeland Security Act of 2002 to require recipients of State Homeland Security Grant Program funding to preserve and strengthen interoperable emergency communications capabilities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2206

*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 ''State Wide Interoperable Communications Enhancement Act'' or the ''SWIC Enhancement Act''.

**SEC. 2. MINIMUM CONTENTS OF APPLICATION FOR CERTAIN HOMELAND SECURITY GRANT FUNDS.**

(a) IN GENERAL.—Paragraph (2) of section 2004(b) of the Homeland Security Act of 2002 (6 U.S.C. 605(b)) is amended by—

(1) redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) inserting after subparagraph (A) the following new subparagraph:

''(B)(i) certification that the Governor of the State has designated a Statewide Interoperability Coordinator, including identification in such certification of the individual so designated, who shall be responsible for—

''(I) coordinating the daily operations of the State's interoperability efforts;

''(II) coordinating State interoperability and communications projects and grant applications for such projects;

''(III) establishing and maintaining working groups to develop and implement key interoperability initiatives; and

''(IV) coordinating and updating, as necessary, a Statewide Communications Interoperability Plan that specifies the current status of State efforts to enhance communications interoperability within the State, including progress, modifications, or setbacks, and future goals for communications interoperability among emergency response agencies in the State; or

''(ii) if a Statewide Interoperability Coordinator has not been designated in accordance with clause (i)—

''(I) certification that the State is performing in another manner the functions described in subclauses (I) through (IV) of such clause; and

''(II) identification in such certification of an individual who has been designated by the State as the primary point of contact for performance of such functions;''.

(b) LIMITATION ON APPLICATION.—The amendment made by subsection (a) shall not apply with respect to any grant for which an application was submitted under the State Homeland Security Grant Program before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentlewoman from New York (Miss RICE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

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

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say at the outset, it is great to have two New Yorkers running a debate. It doesn't happen often that we run the House; so, KATHLEEN, let's take advantage of it while we can. Any motions you can think of we can make?

Mr. Speaker, I rise today in strong support of H.R. 2206, the State Wide Interoperable Communications Enhancement Act, which was introduced by the ranking member of the Committee on Homeland Security's Subcommittee on Emergency Preparedness, Response, and Communications, the gentleman from New Jersey (Mr. PAYNE). This bill recognizes the important role played by Statewide Interoperability Coordinators, SWICs.

We have all witnessed the communications failures during the response to the September 11 terrorist attacks and Hurricane Katrina. Interoperability is vital during disaster response.

However, despite investing more than $5 billion in grant funding to enhance communications capability over the past 10 years, interoperability remains a challenge. To address this challenge, States have appointed SWICs to ensure emergency response providers in their States have the ability to communicate.

SWICs complete Statewide Interoperable Communications Plans, ensure grant investments are coordinated statewide, and oversee communications projects. Many SWICs also serve as the State point of contact to FirstNet for the design and construction of the Public Safety Broadband Network.

H.R. 2206 requires Governors to certify, as part of their applications for

State Homeland Security grant programs, that they have designated a person to serve as the SWIC or, if not, that the functions of a SWIC are being carried out in another manner.

The Committee on Homeland Security approved H.R. 2206 in May by a bipartisan voice vote. I urge Members to join me in supporting this bill.

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

Miss RICE of New York. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of H.R. 2206, the State Wide Interoperable Communications Enhancement Act.

Mr. Speaker, it is a great privilege to be here with my colleague and friend from New York. This legislation, introduced by Congressman DONALD PAYNE, will help prevent Federal grant dollars from being spent on communications equipment that will not advance the goal of interoperability.

After the September 11 attack, interoperable communications failures were identified as a factor that complicated first responders' efforts. In the immediate aftermath, Congress appropriated millions of dollars in grant funds to address national response capability gaps, including interoperable communications.

Unfortunately, millions of dollars were invested on interoperable communications equipment before State and local governments had developed the strategies, plans, and governance structures to ensure that the investments would actually advance their interoperability goals.

Nearly 10 years ago, when interoperability challenges plagued the Hurricane Katrina response, one of the major takeaways was that spending millions of dollars on the interoperability problem does not yield results unless there are mechanisms in place for coordination.

In response to that tough lesson, Congress, in 2006, authorized the creation of the Office of Emergency Communications within the Department of Homeland Security and tasked the office with developing a National Emergency Communications Plan.

The first plan, which was released in 2008, set as a milestone for every State the designation of a full-time Statewide Interoperability Coordinator. This was a major recommendation from first responders across the Nation.

States initially met the goal of appointing full-time SWICs, and we saw the benefits firsthand during the response to the Boston Marathon bombings.

In the years and months leading up to that day, the Massachusetts SWIC had engaged in significant planning activities and had coordinated with organizations at the Federal, State, and local levels to exercise the emergency communications capabilities.

As a result of the high performance of the emergency communications systems, lives were saved that day in Boston.

Due to recent budgetary pressures, however, the number of States that maintain dedicated full-time SWICs has dwindled. SWICs are charged with overseeing the daily operation of the State's interoperability efforts, coordinating interoperability and communications projects, maintaining governance structures, and implementing Statewide Communications Interoperability Plans.

H.R. 2206 seeks to maintain the governance structures and coordination activities that have helped guide interoperable communications investments since Hurricane Katrina.

Nationwide, over $13 billion of Federal money has been spent on developing robust interoperable communications capabilities, and the goal still has not been achieved.

But we have made progress, and we cannot fall backwards by losing the governance and coordination that ensures we are making sound investments in emergency communications.

H.R. 2206 requires that States, in some way, are overseeing emergency communications investments to ensure that the systems are interoperable.

On behalf of the Emergency Preparedness Subcommittee Ranking Member PAYNE, I would like to thank full Committee Chairman MIKE MCCAUL, Ranking Member THOMPSON, and Subcommittee Chairman MCSALLY for supporting this measure and for helping to bring it to the floor today.

I urge my colleagues to join me in supporting H.R. 2206, and I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Miss RICE of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2206 will protect the progress we have made toward achieving nationwide interoperable emergency communications and prevent money from being wasted on investments that will not advance that goal.

SWICs play a critical role in coordinating emergency communications investments and policies at the State level, and it is important that this work continue.

I urge my colleagues to support this important legislation, and I yield back the balance of my time.

Mr. KING of New York. Mr. Speaker, I want to commend Ranking Member PAYNE and Chairman MARTHA MCSALLY for their efforts on this.

I, again, urge my colleagues to support H.R. 2206, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of H.R. 2206, the State Wide Interoperable Communications Enhancement Act, which would establish a grant program to preserve and strengthen interoperable emergency communications capabilities for local and state first responders.

The bill requires a state to include in its application for State Homeland Security Grant Program funding a certification:

That the governor of the state has designated a Statewide Interoperability Coordinator; or

Indicating that the state is performing the functions of such a Coordinator in another manner and identifying the primary point of contact for performance of such functions.

The bill would establish the role of State Interoperability Coordinator as:

Overseeing the daily operations of the state's interoperability efforts;

Coordinating state interoperability and communications projects and grant applications for such projects;

Establishing and maintaining working groups to develop and implement key interoperability initiatives; and

Implementing and updating a Statewide Communications Interoperability Plan that specifies the current status of state efforts to enhance communications interoperability within the state, including future goals for communications interoperability among emergency response agencies in the state.

The bill would formalize the role of the State Wide Interoperability Coordinator to ensure that there was a single point of contact in each state.

The bill will assist in establishing a single point of contact for Statewide interoperability for state and local first responders; Second, the legislation is necessary to create a seamless level of communication between the Department of Homeland Security and states to ensure that communications regarding terrorist attacks, natural or manmade disasters are managed appropriately.

As a senior member of the House Committee on Homeland Security, I am well aware, as are many of my colleagues, of the essential and lifesaving role of communications during a crisis.

Because the tragedy of September 11, 2001, was compounded by communication failures among the brave first responders who entered the burning towers that comprised the World Trade Center it has been an imperative of the Homeland Security Committee to address first responder communication interoperability challenges.

The number of first responders lost on that single day was the greatest loss of first responders at any single event in U.S. History: 343 New York City Fire Department firefighters; 23 New York City Police Department Officers; 37 Port Authority Police Department officers, 15 EMTs and 3 court officers were casualties of the attacks.

The need for this bill authored by Congressman PAYNE is evident.

The City of Houston covers over a 1,000 square mile region in Southeast Texas. It has a night-time population of nearly two million people, which peaks with over three million daytime inhabitants.

The city of Houston's 9–1–1 Emergency Center manages nearly 9,000 emergency calls per day. The volume of emergency calls can easily double during times of inclement weather or special City social/sporting events like Hurricanes Ike in September 2008; and Katrina as well as Rita, which occurred in September and October of 2005.

Annually, one out of every ten citizens uses EMS.

There are over 200,000 EMS incidents involving over 225,000 patients or potential patients annually. On the average, EMS responds to a citizen every 3 minutes. Each

EMS response is made by one of 88 City of Houston EMS vehicles.

In 2013, the City of Houston's fire Department lost Captain EMT Matthew Renaud, Engineer Operator EMT Robert Bebee, Firefighter EMT Robert Garner and Probationary Firefighter Anne Sullivan when they responded to a hotel fire.

Each member of the House of Representatives knows of the loss of a first responder who was going to the aid of those in harm's way.This bill will offer additional resources to the first responders of the Department of Homeland Security.

This bill will ensure that a critical communication element for our nation's first responders and the role of the Department of Homeland Security in providing them with support is addressed.

I ask my colleagues to join me in voting in favor of H.R. 2206.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 2206, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1715

## VETERANS ENTREPRENEURSHIP ACT OF 2015

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2499) to amend the Small Business Act to increase access to capital for veteran entrepreneurs, to help create jobs, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

At the end, add the following:

***SEC. 4. BUSINESS LOANS PROGRAM.***

*(a) SECTION 7(a) FUNDING LEVELS.—The third proviso under the heading ''BUSINESS LOANS PROGRAM ACCOUNT'' under the heading ''SMALL BUSINESS ADMINISTRATION'' under title V of division E of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235; 128 Stat. 2371) is amended by striking ''$18,750,000,000'' and inserting ''$23,500,000,000''.*

*(b) LOAN LIMITATIONS.—Section 7(a)(1) of the Small Business Act (15 U.S.C. 636(a)(1)) is amended—*

*(1) in subparagraph (A)—*

*(A) by striking ''No financial assistance'' and inserting the following:*

*''(i) IN GENERAL.—No financial assistance''; and*

*(B) by adding at the end the following:*

*''(ii) LIQUIDITY.—On and after October 1, 2015, the Administrator may not guarantee a loan under this subsection if the lender determines that the borrower is unable to obtain credit elsewhere solely because the liquidity of the lender depends upon the guaranteed portion of the loan being sold on the secondary market.''; and*

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

*''(C) LENDING LIMITS OF LENDERS.—On and after October 1, 2015, the Administrator may not guarantee a loan under this subsection if the sole purpose for requesting the guarantee is to allow the lender to exceed the legal lending limit of the lender.''.*

*(c) REPORTING.—*

*(1) DEFINITIONS.—In this subsection—*

*(A) the term ''Administrator'' means the Administrator of the Small Business Administration;*

*(B) the term ''business loan'' means a loan made or guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a));*

*(C) the term ''cancellation'' means that the Administrator approves a proposed business loan, but the prospective borrower determines not to take the business loan; and*

*(D) the term ''net dollar amount of business loans'' means the difference between the total dollar amount of business loans and the total dollar amount of cancellations.*

*(2) REQUIREMENT.—During the 3-year period beginning on the date of enactment of this Act, the Administrator shall submit to Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and the Committee on Small Business and the Committee on Appropriations of the House of Representatives a quarterly report regarding the loan programs carried out under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), which shall include—*

*(A) for the fiscal year during which the report is submitted and the 3 fiscal years before such fiscal year—*

*(i) the weekly total dollar amount of business loans;*

*(ii) the weekly total dollar amount of cancellations;*

*(iii) the weekly net dollar amount of business loans—*

*(I) for all business loans; and*

*(II) for each category of loan amount described in clause (i), (ii), or (iii) of section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18));*

*(B) for the fiscal year during which the report is submitted—*

*(i) the amount of remaining authority for business loans, in dollar amount and as a percentage; and*

*(ii) estimates of the date on which the net dollar amount of business loans will reach the maximum for such business loans based on daily net lending volume and extrapolations based on year to date net lending volume, quarterly net lending volume, and quarterly growth trends;*

*(C) the number of early defaults (as determined by the Administrator) during the quarter covered by the report;*

*(D) the total amount paid by borrowers in early default during the quarter covered by the report, as of the time of purchase of the guarantee;*

*(E) the number of borrowers in early default that are franchisees;*

*(F) the total amount of guarantees purchased by the Administrator during the quarter covered by the report; and*

*(G) a description of the actions the Administrator is taking to combat early defaults administratively and any legislative action the Administrator recommends to address early defaults.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their legislative remarks and include extraneous materials in the bill under consideration.

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

There was no objection.

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

Two weeks ago, on July 13, this Chamber overwhelmingly passed H.R. 2499. This legislation provides greater assistance to our veteran entrepreneurs by making Small Business Administration, SBA, loans more affordable for veterans.

It permanently waives the up-front fee charged by the SBA to borrowers through the agency's 7(a) Express loan program without imposing any additional costs on taxpayers.

As my colleagues are aware, the SBA's 7(a) loan guarantee program is vital for small businesses to get the capital needed for growth of the American economy. As the economic outlook begins to brighten, more small businesses than ever before are taking advantage of this program.

Despite a significant increase in demand over the past several months, Congress was not notified until June 25 that the program was dangerously close to its authorized lending authority of $18.75 billion and might surpass it prior to the end of the fiscal year.

Such eleventh hour notification makes it difficult for Congress to act. Yet, Congress is acting swiftly to help America's small businesses, businesses that no longer could get SBA-guaranteed loans as of noon on July 23, when the SBA reached its authorized limit.

I want to thank my counterparts in the other body for working quickly to resolve this matter and offering an amendment to H.R. 2499, the veterans bill.

This amendment ensures that the SBA will have sufficient authority to guarantee loans through the end of the fiscal year. This increase comes at no cost to the taxpayer. Let me repeat that. At no cost to the taxpayer.

That is because the fees paid by the users of the program—not taxpayers—cover the costs of the program. This is a win-win situation, as this will allow banks to continue offering 7(a) loans.

Further, this amendment also ensures that, from now on, Congress will be informed on a regular basis about the status of a loan program and lending authority limits.

This will ensure that Congress can address the situation in a timelier manner and inquire of the SBA what steps it might use administratively to ameliorate a situation in which the agency might exceed its lending authorization level.

The amendment ensures that we do not repeat the experience of the previous 2 years, where Congress at the eleventh hour had to scramble for a solution because it wasn't notified by the SBA of its problem until the last minute.

This is truly a time-sensitive issue that needs to be corrected today. Between noon and 2:30 on July 23, the

SBA stated that it had 315 new loans totaling $220 million waiting in the queue. These are small firms who need the money in hand now to grow their companies and create jobs.

I want to take the time to highlight that this legislation would not have come together without extraordinary bipartisan, bicameral efforts.

I would like to thank Senator VITTER, the chairman of the Senate Committee on Small Business and Entrepreneurship, for his leadership on this issue.

He worked tirelessly over the past few weeks to develop a solution that would be acceptable to the Senate and to the House.

I would also like to thank Senators RISCH, SHAHEEN, PETERS, and COONS, who each cosponsored the amendment.

Further, on this side of the Capitol, I would be remiss if I did not mention the efforts of the gentleman from Florida (Mr. CRENSHAW), who will be speaking here soon, and the gentleman from New York (Mr. SERRANO) and their expertise and assistance in resolving this matter.

And I wanted to offer a special thanks to our committee's ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for her insight and leadership.

In addition to offering the bill H.R. 3132, to increase the lending authority, she was steadfast in her efforts to repeatedly warn the SBA that continuing to issue 7(a) loan guarantees for the maximum amount allowed by statute, yet failing to take administrative action to manage loan guarantees as the SBA crept closer to its lending authority, could result in a cessation of the lending.

The ranking member and her staff were extremely helpful in bringing this matter to a resolution and are to be commended for helping to craft a strong, bipartisan product, which is what we are dealing with here today.

This legislation, as amended by the Senate, provides two critical items for the 7(a) program. It allows us to support veteran entrepreneurs for years to come at no cost by waiving fees, and it ensures that the program continues to run, since waiving fees on a program that can no longer offer loans doesn't help anyone. It is a smart, commonsense approach which passed the Senate by unanimous consent.

I urge my colleagues to concur in the Senate amendment to the bill H.R. 2499, as amended, by the Senate.

I reserve the balance of my time.

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

For the past 4 years, our Nation has faced economic headwinds, but was able to break through and strengthen considerably.

In that time, over 12 million jobs have been created, the stock market has come roaring back, and optimism in the small business sector has returned to prerecession levels.

As we all know, small businesses are the driving force in our Nation's economy, creating two out of three new jobs and producing roughly 50 percent of our GDP. In order to fulfill that role, they need capital.

One option is SBA's 7(a) Loan Program, which has been very popular over the past 2 years. In 2014, the program made over 52,000 loans, totaling $19 billion, one of its best years since 2007. SBA carried that momentum into 2015, growing another 20 percent overall, which brings us to today.

Due to this unexpected robust lending activity, SBA learned it will reach its $18.75 billion lending cap before the end of the year, cutting off thousands of borrowers.

The chairman is totally correct when he talks about the issue of SBA not notifying Congress in the proper time.

Last week I introduced H.R. 3132 to raise the cap to $23.5 billion, giving SBA over $4 billion in additional authority to provide capital to deserving small businesses. Unfortunately, the cap was reached on Thursday before we could get that bill to the floor.

Today's bill includes my language to raise the lending cap to $23.5 billion. It will mean a significant capital infusion into the economy.

With these types of loans flowing again, small companies will have more resources to expand their facilities, reinvest in their operations, and create jobs.

When a small manufacturer can access these loans, they can build additional warehouse space, creating both short-term and long-term employment opportunities.

Restaurants and retailers can use this capital to pay vendors, freeing up funding to keep employees on their payrolls, and potentially hire more workers.

This bill does require additional reporting requirements and other changes at SBA. While I would have liked to have seen a clean increase in the authorization level, we all recognize the critical role the 7(a) program plays. This compromise will turn the spigot back on, helping entrepreneurs grow and create jobs.

I want to thank Senators VITTER and SHAHEEN, Leader PELOSI, Ranking SERRANO, and especially Chairman CHABOT for working in a bipartisan manner to bring this bill to the floor.

I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. CRENSHAW), who is the chairman of the Subcommittee on Financial Services and General Government of the Committee on Appropriations.

Mr. CRENSHAW. I thank the gentleman for yielding the time.

Mr. Speaker, as has been pointed out, this is legislation that is the result of the hard work of the Small Business Committee here in the House, the Appropriations Committee here in the House, along with the United States Senate.

What this does, as has been pointed out, is simply allows the 7(a) lending program to continue on. It is a program that doesn't cost the taxpayers any money, and, yet, it allows the Small Business Administration to lend money to thousands of small businesses all across this country to keep the economy growing, to keep jobs being created.

And as chairman of the subcommittee that oversees and funds this program, the SBA, let me assure my colleagues that this will not require any additional appropriations this year.

It would simply lift the cap, as has been pointed out, let this continue on, and, again, do the good job that the SBA does.

So I urge my colleagues to support this. I thank everyone involved that has worked in such a timely manner to make this happen so quickly so that we don't interrupt the lending that goes on.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Mrs. LAWRENCE).

Mrs. LAWRENCE. Mr. Speaker, I rise today in support of H.R. 2499, the Veterans Entrepreneurship Act of 2015.

The Small Business Administration 7(a) Loan Program is a critical source of capital for America's entrepreneurs and is SBA's largest and most important program in terms of the number of loans and programs supported.

My home State of Michigan, where I am proud to serve as the congressional Representative, has benefited greatly from the SBA 7(a) Loan Program.

In fiscal year 2013, the SBA guaranteed nearly 2,000 loans to Michigan small businesses through the 7(a) Loan Program for more than $500 million. Michigan ranked second in the Nation that year for all SBA loans.

Even better, in fiscal year 2014, the SBA guaranteed more than 2,000 loans to Michigan small businesses, for more than $600 million. This was an increase of 17 percent over the previous fiscal year.

This immensely successful program continues to show strong success, with loan volume up 20 percent this year over last year.

Unfortunately, the lending cap established in the 2015 omnibus appropriations bills of about $18 billion was reached last week.

That means that roughly $3 billion in loan programs needed for small American businesses have been stalled, putting America's entrepreneurs at a serious financial risk.

H.R. 2499 will reopen the crucially needed 7(a) Loan Program for America's small businesses and provide a fee waiver for our Nation's veterans who are seeking new careers after service to our country.

I am proud to be a cosponsor of this bill that would raise the cap of 7(a) loans to over $23 billion.

I want to thank the chairman and the ranking member for their leadership on this issue. I strongly urge my

colleagues to join me in supporting the underlying bill.

Mr. CHABOT. Mr. Speaker, at this time I have no additional speakers, and I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 3 minutes to the gentleman from Hawaii (Mr. TAKAI), the ranking member on the Contracting and Workforce Subcommittee.

Mr. TAKAI. Mr. Speaker, first of all, I would like to thank Chairman CHABOT and Ranking Member VELÁZQUEZ for this opportunity.

Mr. Speaker, on Friday, the 7(a) program reached its loan guarantee program limit for the year. As a result, the Small Business Administration was forced to suspend its 7(a) small business lending until the start of the new fiscal year or until such time as the 7(a) program is reauthorized or increased by Congress.

□ 1730

Over 20 of my colleagues joined me in sending a letter to Speaker BOEHNER asking to bring this legislation to the floor to raise this limit before Congress goes on its August work period break.

While I am thankful that we are finally doing this, it only speaks to the pattern of inaction that has plagued us here in Congress. Right now, because of this inaction, small businesses across the country are facing the uncertainty of where their next loan will come from.

Lenders use the 7(a) program to fund working capital and other critical needs to small businesses, and the SBA provides a backstop by guaranteeing this loan in case the borrower defaults.

Due to restrictive marketing conditions, SBA programs like the 7(a) loan program have seen an increase in usage by small businesses, making it more imperative that the lending limit be increased for this program. As you know, Mr. Speaker, over 90 percent of the American businesses are considered small and make up the backbone of our Nation's economy.

It is critical to note that the 7(a) program is funded entirely by guarantee fees paid by the program beneficiaries, not taxpayer dollars. Increasing this loan limit will not increase our national debt or deficit, but it will mean that small businesses can get access to the credit they need to expand and create jobs in our communities. Without SBA loan options, millions of small businesses will have to resort to practices not in their best interest.

I came to Congress assuring my constituents that we would break this pattern of crisis and do our jobs. This shouldn't be a last-minute issue. Let's be sure our small businesses have the resources they need to continue being the engine of our economy.

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

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself the balance of my time.

Evidence points to an economy that is slowly but surely on the mend. The Federal Reserve reports banks are more willing to lend and small business demand is clearly picking up at an accelerated pace. This month alone, SBA has guaranteed over $3 billion in the 7(a) program—an all-time record.

Providing the Agency with additional lending authority will ensure creditworthy firms will continue to have access to low cost capital for the rest of the fiscal year.

I want to again thank Chairman CHABOT for working with me to bring this bill to the floor.

I ask my colleagues to support this bill, and I yield back the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, I again want to thank the gentlewoman from New York (Ms. VELÁZQUEZ), our ranking member on the Small Business Committee, for her cooperation and her hard work in making sure that we resolve this sticky issue and that small businesses across the country who need access to capital will get that access. So I definitely want to make sure that it is recognized that we have been working on this in a bipartisan and cooperative effort.

I again want to stress that it is critical that we pass H.R. 2499 today for the benefit of both our veterans and also the benefit of the entire small business community, which right now is unable to obtain loans from the flagship SBA 7(a) lending program since last Friday.

I would also note that there are reforms in this bill so that the SBA has to bring notice to Congress to let us know up front next time and not wait until the eleventh hour to notify Congress that they are in trouble. Hopefully, this will resolve this so that we don't see this in the future, that we will get notification on a fairly regular basis and not put the elected representatives of the American people in this kind of dilemma where we have to act at the last minute and that we basically put small businesses all across the country in jeopardy of not having access to loans.

As we know, by pushing this forward along with the veterans bill, which, in essence, waived the fee that they would have had to pay so that veterans have access to loans that they need to grow a business or to create businesses since they have worn the uniform of our country, we certainly need to do everything we can to help them, and this bill does that as well.

As has been mentioned by Mr. TAKAI and others, this does not cost the taxpayers any additional dollars because the money for this is generated from the fees of those who take advantage of the program, so it is a win-win all around.

I urge my colleagues to vote to concur on the Senate amendment to H.R. 2499, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2499.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 36 minutes p.m.), the House stood in recess.

□ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HULTGREN) at 6 o'clock and 30 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 1482, by the yeas and nays;
H.R. 1656, by the yeas and nays;
H.R. 2770, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## NEED-BASED EDUCATIONAL AID ACT OF 2015

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 1482) to improve and reauthorize provisions relating to the application of the antitrust laws to the award of need-based educational aid, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 378, nays 0, not voting 55, as follows:

[Roll No. 467]

YEAS—378

| | | |
|---|---|---|
| Abraham | Benishek | Bost |
| Adams | Bera | Boustany |
| Aderholt | Beyer | Boyle, Brendan F. |
| Aguilar | Bilirakis | Brady (TX) |
| Allen | Bishop (GA) | Brat |
| Amash | Bishop (MI) | Bridenstine |
| Ashford | Bishop (UT) | Brooks (AL) |
| Babin | Black | Brooks (IN) |
| Barletta | Blackburn | Brown (FL) |
| Barr | Blumenauer | Brownley (CA) |
| Barton | Bonamici | |

Buchanan
Buck
Bucshon
Burgess
Bustos
Byrne
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter (GA)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clyburn
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Gallego
Garamendi
Garrett
Gibson
Gohmert
Goodlatte
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grayson
Green, Gene
Griffith
Grijalva
Grothman
Guinta
Guthrie
Hahn
Hanna
Hardy
Harper
Harris
Hartzler
Hastings
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins
Hill
Himes
Holding
Honda
Hoyer
Hudson
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Kaptur
Katko
Keating
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Kuster
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Levin
Lewis
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Lowenthal
Lowey
Lucas
Luetkemeyer
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Maloney, Carolyn
Marchant
Marino
Massie
Matsui
McCarthy
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moulton
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Newhouse
Noem
Nolan
Norcross
Nunes
O'Rourke
Olson
Palazzo
Pallone
Palmer
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pitts
Pocan
Poe (TX)
Poliquin
Polis
Pompeo
Posey
Price (NC)
Price, Tom
Quigley
Ratcliffe
Reed
Reichert
Ribble
Rice (NY)
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Ross
Rothfus
Rouzer
Royce
Ruiz
Ruppersberger
Russell
Ryan (OH)
Ryan (WI)
Salmon
Sánchez, Linda T.
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sherman
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stefanik
Stutzman
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (PA)
Thornberry
Titus
Tonko
Torres
Trott
Tsongas
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walberg
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—55

Amodei
Bass
Beatty
Becerra
Blum
Brady (PA)
Butterfield
Carter (TX)
Clawson (FL)
Cleaver
Cohen
Conyers
Fudge
Gabbard
Gibbs
Gosar
Green, Al
Gutiérrez
Hinojosa
Huelskamp
Jackson Lee
Johnson, E. B.
Joyce
Kelly (IL)
Kirkpatrick
Labrador
Lee
Lieu, Ted
Love
Lujan Grisham (NM)
Maloney, Sean
McNerney
Meeks
Meng
Moore
Nugent
Pittenger
Rangel
Renacci
Richmond
Roskam
Roybal-Allard
Rush
Sanchez, Loretta
Sewell (AL)
Sires
Slaughter
Stewart
Stivers
Thompson (MS)
Tiberi
Tipton
Turner
Wagner
Walden

□ 1857

Ms. MCCOLLUM changed her vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOMENT OF SILENCE FOR LAFAYETTE SHOOTING VICTIMS

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

Mr. BOUSTANY. Mr. Speaker, I rise today with a heavy heart in the aftermath of a terrible and horrific act of violence that killed two innocent victims and injured nine others in my hometown of Lafayette, Louisiana, last Thursday night.

Lafayette, my hometown, is known for its joie de vivre. We work together. We play hard together. It is a great community, close-knit, and has been recognized as the happiest city in America by an organization.

But last Thursday our community was shaken to the core as a man, a lone gunman, opened fire at the Grand Theatre on Johnston Street, killing Jillian Johnson, a 31-year-old musician, local artist, and local businesswoman, and Mayci Breaux, 21, a radiology student. Nine others were injured in this attack; senseless, horrible violence.

It would have been a lot worse if not for the heroics of our law enforcement, who moved promptly on the scene and got control of the situation.

But I want to relay one other instance of heroic activity. One schoolteacher jumped in front of another schoolteacher to save her life and literally did. Both were injured. One of them had the wherewithal to hit the alarm to signal that something bad was happening.

Last night I attended a vigil for the victims at the Cathedral of St. John the Evangelist, where our community took time to reflect upon the lives that were lost.

Now, as our community tries to make sense and come to grips with what happened, I just simply ask my colleagues to stand with me and my colleagues from our Louisiana delegation and with the community of Lafayette for a moment of silence.

The SPEAKER pro tempore. Members will please stand and observe a moment of silence.

## SECRET SERVICE IMPROVEMENTS ACT OF 2015

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1656) to provide for additional resources for the Secret Service, and to improve protections for restricted areas, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 365, nays 16, not voting 52, as follows:

[Roll No. 468]

YEAS—365

Abraham
Adams
Aderholt
Aguilar
Allen
Ashford
Barletta
Barr
Barton
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Buck
Bucshon
Bustos
Byrne
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter (GA)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clyburn
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Duffy
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Eshoo
Esty
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores

Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Gallego
Garamendi
Garrett
Gibson
Gohmert
Goodlatte
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grayson
Green, Gene
Griffith
Grijalva
Guinta
Guthrie
Hahn
Hanna
Hardy
Harper
Harris
Hartzler
Hastings
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins
Hill
Himes
Holding
Honda
Hoyer
Hudson
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Kaptur
Katko
Keating
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Kuster
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Levin
Lewis
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Lowenthal
Lowey
Lucas
Luetkemeyer
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Matsui
McCarthy
McCaul
McCollum
McDermott
McGovern
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moulton
Mullin
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Newhouse
Noem
Nolan
Norcross
Nunes
O'Rourke
Olson
Palazzo
Pallone
Palmer
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pitts
Pocan
Poe (TX)
Poliquin
Polis
Pompeo
Posey
Price (NC)
Price, Tom
Quigley
Ratcliffe
Reed
Reichert
Ribble
Rice (NY)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Ross
Rothfus
Rouzer
Royce
Ruiz
Ruppersberger
Russell
Ryan (OH)
Ryan (WI)
Salmon
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sherman
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stefanik
Stutzman
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (PA)
Thornberry
Titus
Tonko
Torres
Trott
Tsongas
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walberg
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Webster (FL)
Welch
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—16

Amash
Babin
Burgess
Duncan (SC)
Duncan (TN)
Engel
Grothman
Jones
Lummis
Massie
McClintock
Mulvaney
Rice (SC)
Sanford
Weber (TX)
Yoho

NOT VOTING—52

Amodei
Bass
Beatty
Becerra
Blum
Brady (PA)
Butterfield
Carter (TX)
Clawson (FL)
Cleaver
Cohen
Conyers
Fudge
Gabbard
Gibbs
Gosar
Green, Al
Gutiérrez
Hinojosa
Huelskamp
Jackson Lee
Johnson, E. B.
Kelly (IL)
Kirkpatrick
Labrador
Lee
Lieu, Ted
Love
Lujan Grisham (NM)
McNerney
Meeks
Moore
Nugent
Pittenger
Rangel
Renacci
Richmond
Roskam
Roybal-Allard
Rush
Sanchez, Loretta
Sewell (AL)
Sires
Slaughter
Stewart
Stivers
Thompson (MS)
Tiberi
Tipton
Turner
Wagner
Walden

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1902

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## KEEPING OUR TRAVELERS SAFE AND SECURE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2770) to amend the Homeland Security Act of 2002 to require certain maintenance of security-related technology at airports, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KATKO) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 380, nays 0, not voting 53, as follows:

[Roll No. 469]

YEAS—380

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

NOT VOTING—53

| | | |
|---|---|---|
| Amodei | Hinojosa | Rangel |
| Bass | Huelskamp | Renacci |
| Beatty | Jackson Lee | Richmond |
| Becerra | Jenkins (WV) | Roskam |
| Blum | Johnson, E. B. | Roybal-Allard |
| Brady (PA) | Kelly (IL) | Rush |
| Butterfield | Kirkpatrick | Sanchez, Loretta |
| Carter (TX) | Labrador | Sewell (AL) |
| Clawson (FL) | Lee | Sires |
| Cleaver | Lieu, Ted | Slaughter |
| Cohen | Love | Stewart |
| Conyers | Lujan Grisham (NM) | Stivers |
| Fudge | McNerney | Thompson (MS) |
| Gabbard | Meeks | Tiberi |
| Gibbs | Moore | Tipton |
| Gosar | Nugent | Turner |
| Green, Al | Pittenger | Wagner |
| Gutiérrez | | Walden |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DOLD) (during the vote). There are 2 minutes remaining.

□ 1915

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. AL GREEN of Texas. Mr. Speaker, today I missed the following votes: S. 1482—Need-Based Educational Aid Act of 2015. Had I been present, I would have voted "yes" on this bill; H.R. 1656—Secret Service Improvements Act of 2015, as amended. Had I been present, I would have voted "yes" on this bill; and H.R. 2770—Keeping our Travelers Safe and Secure Act, as amended. Had I been present, I would have voted "yes" on this bill.

PERSONAL EXPLANATION

Ms. SEWELL of Alabama. Mr. Speaker, during the votes on S. 1482, H.R. 1656 and H.R. 2770, I was inescapably detained and away handling important matters related to my District and the State of Alabama. If I had been present, I would have voted "yes" on all of the aforementioned bills.

PERSONAL EXPLANATION

Mr. TIBERI. Mr. Speaker, on rollcall Nos. 467 (On Motion to Suspend the Rules and Pass S. 1482), 468 (On Motion to Suspend the Rules and Pass, as Amended, H.R. 1656), 469 (On Motion to Suspend the Rules and Pass, as Amended, H.R. 2270), I was unavoidably detained and did not cast my vote. Had I been present, I would have voted, "yea" on all three votes.

PERSONAL EXPLANATION

Mr. HUELSKAMP. Mr. Speaker, today, July 27, 2015, I was not present for rollcall votes Nos. 467, 468, or 469 due to weather-related travel delays. If I had been in attendance, I would have voted "yes" on rollcall vote 467, "no" on rollcall vote 468, and "yes" on rollcall vote 469.

PERSONAL EXPLANATION

Mr. GUTIÉRREZ. Mr. Speaker, I was unavoidably absent in the House chamber for votes on July 27, 2015. Had I been present, I would have voted "yea" on rollcall votes 467, 468, and 469.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 427, REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2015; PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM JULY 30, 2015, THROUGH SEPTEMBER 7, 2015; AND FOR OTHER PURPOSES

Mr. COLLINS of Georgia, from the Committee on Rules, submitted a privileged report (Rept. No. 114–230) on the resolution (H. Res. 380) providing for consideration of the bill (H.R. 427) to amend Chapter 8 of Title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law; providing for proceedings during the period from July 30, 2015, through September 7, 2015; and for other purposes, which was referred to the House Calendar and ordered to be printed.

## AUTHORIZING THE USE OF EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER FOR A CEREMONY TO PRESENT THE CONGRESSIONAL GOLD MEDAL TO THE MONUMENTS MEN

Mr. HARPER. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of House Concurrent Resolution 64, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 64

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. USE OF EMANCIPATION HALL FOR CEREMONY TO PRESENT CONGRESSIONAL GOLD MEDAL TO THE MONUMENTS MEN.**

Emancipation Hall in the Capitol Visitor Center is authorized to be used on October 22, 2015, for a ceremony to present the Congressional Gold Medal to the Monuments Men collectively, in recognition of their heroic role in the preservation, protection, and restitution of monuments, works of art, and artifacts of cultural importance during and following World War II. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 836

Mr. DENT. Mr. Speaker, I ask unanimous consent that Representative CLARK of Massachusetts be removed as a cosponsor of H.R. 836.

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

There was no objection.

## VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2015

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 675) to increase, effective as of December 1, 2015, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 675

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

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment Act of 2015''.*

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

*Sec. 1. Short title; table of contents.*

*TITLE I—COMPENSATION COST-OF-LIVING ADJUSTMENT*

*Sec. 101. Increase in rates of disability compensation and dependency and indemnity compensation.*

*Sec. 102. Publication of adjusted rates.*

*TITLE II—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS*

*Sec. 201. Extending temporary expansion of United States Court of Appeals for Veterans Claims.*

*Sec. 202. Recall of retired judges of United States Court of Appeals for Veterans Claims.*

*Sec. 203. Life insurance program relating to judges of United States Court of Appeals for Veterans Claims.*

*Sec. 204. Voluntary contributions to enlarge survivors' annuity.*

*Sec. 205. Salaries of judges of United States Court of Appeals for Veterans Claims.*

*Sec. 206. Selection of chief judge of United States Court of Appeals for Veterans Claims.*

*TITLE III—IMPROVEMENT OF CLAIMS PROCESSING*

*Sec. 301. Interim payments of compensation benefits under laws administered by the Secretary of Veterans Affairs.*

*Sec. 302. Claims processors training.*

*Sec. 303. Notice of average times for processing claims and percentage of claims approved.*

*TITLE IV—OTHER MATTERS*

*Sec. 401. Clarification of eligible recipients of certain accrued benefits upon death of beneficiary.*

*Sec. 402. Observance of Veterans Day.*

***TITLE I—COMPENSATION COST-OF-LIVING ADJUSTMENT***

***SEC. 101. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.***

*(a) RATE ADJUSTMENT.—Effective on December 1, 2015, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30,*

*2015, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).*

*(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:*

*(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.*

*(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.*

*(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.*

*(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.*

*(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.*

*(c) DETERMINATION OF INCREASE.—*

*(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2015, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).*

*(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.*

*(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.*

***SEC. 102. PUBLICATION OF ADJUSTED RATES.***

*The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 101(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2016.*

## *TITLE II—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS*

***SEC. 201. EXTENDING TEMPORARY EXPANSION OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.***

*Section 7253(i)(2) of title 38, United States Code, is amended by striking ''January 1, 2013'' and inserting ''January 1, 2020''.*

***SEC. 202. RECALL OF RETIRED JUDGES OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.***

*Paragraph (1) of section 7257(b) of title 38, United States Code, is amended to read as follows:*

*''(1)(A) The chief judge may recall for further service on the Court a recall-eligible retired judge in accordance with this section. Such a recall shall be made upon written certification by the chief judge that substantial service is expected to be performed by the retired judge for such period, not to exceed 90 days (or the equivalent), as determined by the chief judge to be necessary to meet the needs of the Court.*

*''(B)(i) A recall-eligible judge may request that the chief judge recall the recall-eligible judge for a period of service of not less than 90 days (or the equivalent).*

*''(ii) The chief judge shall approve a request made by a recall-eligible judge pursuant to clause (i) unless the chief judge certifies, in writing, that the Court does not have—*

*''(I) sufficient work to assign such recall-eligible judge during the period of recalled service; or*

*''(II) sufficient resources to provide to such recall-eligible judge appropriate administrative and office support.*

*''(iii) At any time during the period of recalled service of a judge who is recalled pursuant to clause (i), the chief judge may terminate such recalled service if the chief judge makes a written certification described in clause (ii).''.*

***SEC. 203. LIFE INSURANCE PROGRAM RELATING TO JUDGES OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.***

*(a) IN GENERAL.—Section 7281 of title 38, United States Code, is amended by adding at the end the following:*

*''(j) For purposes of chapter 87 of title 5, a judge who is in regular active service and a judge who is retired under section 7296 of this title or under chapter 83 or 84 of title 5 shall be treated as an employee described in section 8701(a)(5) of title 5.''.*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of the enactment of this Act.*

***SEC. 204. VOLUNTARY CONTRIBUTIONS TO ENLARGE SURVIVORS' ANNUITY.***

*Section 7297 of title 38, United States Code, is amended by adding at the end the following new subsection:*

*''(p)(1) A covered judge who makes an election under subsection (b) may purchase, in three-month increments, up to an additional year of service credit for each year of Federal judicial service completed, under the terms set forth in this section.*

*''(2) In this subsection, the term 'covered judge' means any of the following:*

*''(A) A judge in regular active service.*

*''(B) A retired judge who is a recall-eligible retired judge pursuant to subsection (a) of section 7257 of this title.*

*''(C) A retired judge who would be a recall-eligible retired judge pursuant to subsection (a) of section 7257 but for—*

*''(i) meeting the aggregate recall service requirements under subsection (b)(3) of such section; or*

*''(ii) being permanently disabled as described by subsection (b)(4) of such section.''.*

***SEC. 205. SALARIES OF JUDGES OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.***

*Section 7253(e) of title 38, United States Code, is amended by striking ''district courts'' and inserting ''courts of appeals''.*

***SEC. 206. SELECTION OF CHIEF JUDGE OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.***

*Section 7253(d) of title 38, United States Code, is amended—*

*(1) in paragraph (1)—*

*(A) in subparagraph (A), by striking ''and'';*

*(B) by redesignating subparagraph (B) as subparagraph (C); and*

*(C) by inserting after subparagraph (A) the following new subparagraph (B):*

*''(B) are 64 years of age or under and have at least three years remaining in term of office; and''; and*

*(2) by amending paragraph (2) to read as follows:*

*''(2)(A) In any case in which there is no judge of the Court in regular active service who meets the requirements under paragraph (1), the judge of the Court in regular active service who is senior in commission and meets subparagraph (A) or (B) and subparagraph (C) of paragraph (1) shall act as the chief judge.*

*''(B) In any case under subparagraph (A) of this paragraph in which there is no judge of the Court in regular active service who meets subparagraph (A) or (B) and subparagraph (C) of paragraph (1), the judge of the Court in regular active service who is senior in commission and meets subparagraph (C) shall act as the chief judge.''.*

## *TITLE III—IMPROVEMENT OF CLAIMS PROCESSING*

***SEC. 301. INTERIM PAYMENTS OF COMPENSATION BENEFITS UNDER LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.***

*(a) IN GENERAL.—Subchapter III of chapter 51 of title 38, United States Code, is amended by adding at the end the following new section:*

***''§ 5127. Interim payments of compensation benefits***

*''(a) IN GENERAL.—In the case of a claim described in subsection (b), prior to adjudicating the claim, the Secretary shall make interim payments of monetary benefits to the claimant based on any disability for which the Secretary has made a decision or, with respect to such a disability that is not compensable, notify the claimant of the rating relating to such disability. Upon the adjudication of the claim, the Secretary shall pay to the claimant any monetary benefits awarded to the claimant for the period of payment under section 5111 of this title less the amount of such benefits paid to the claimant under this section.*

*''(b) CLAIM DESCRIBED.—A claim described in this subsection is a claim for disability compensation under chapter 11 of this title (including a claim regarding an increased rating)—*

*''(1) the adjudication of which requires the Secretary to make decisions with respect to two or more disabilities; and*

*''(2) for which, before completing the adjudication of the claim, the Secretary makes a decision with respect to a disability that would result in the payment of monetary benefits to the claimant upon the adjudication of the claim.''.*

*(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to such subchapter the following new item:*

*''5127. Interim payments of compensation benefits.''.*

***SEC. 302. CLAIMS PROCESSORS TRAINING.***

*(a) ESTABLISHMENT.—The Secretary of Veterans Affairs shall establish a training program to provide newly hired claims processors of the Department of Veterans Affairs with training for a period of not less than two years. In carrying out such program, the Secretary shall identify successful claims processors of the Department who can assist in the training of newly hired claims processors.*

*(b) ABILITY TO PROCESS CLAIMS.—The Secretary shall carry out the training program established under subsection (a) without increasing the amount of time in which claims are processed by the Department.*

*(c) EFFECTIVE DATE.—This section shall take effect on the date that is one year after the date of the enactment of this Act.*

***SEC. 303. NOTICE OF AVERAGE TIMES FOR PROCESSING CLAIMS AND PERCENTAGE OF CLAIMS APPROVED.***

*(a) PUBLIC NOTICE.—The Secretary of Veterans Affairs shall post the information described in subsection (c)—*

*(1) in a conspicuous place in each regional office and claims intake facilities of the Department of Veterans Affairs; and*

*(2) on the Internet Web site of the Department.*

*(b) NOTICE TO APPLICANTS.—*

*(1) IN GENERAL.—The Secretary shall provide to each person who submits a claim for benefits under the laws administered by the Secretary before the person submits such claim—*

*(A) notice of the information described in subsection (c); and*

*(B) notice that the person is eligible to receive up to an extra year of benefits payments if the person files a claim that is fully developed.*

*(2) ACKNOWLEDGMENT OF RECEIPT OF NOTICE.—Each person who submits a claim for benefits under the laws administered by the Secretary shall include in such application a signed form acknowledging that the person received the information described in subsection (c).*

*(c) INFORMATION DESCRIBED.—*

*(1) IN GENERAL.—The information described in this subsection is the following:*

*(A) The average processing time of the claims described in paragraph (2) and the percentage of such submitted claims for which benefits are awarded.*

*(B) The percentage of each of the following types of submitted claims for benefits under the laws administered by the Secretary of Veterans Affairs for which benefits are awarded:*

*(i) Claims filed by veterans who authorized a veterans service organization to act on the veterans' behalf under a durable power of attorney.*

*(ii) Claims filed by veterans who authorized a person other than a veterans service organization to act on the veterans' behalf under a durable power of attorney.*

*(iii) Claims filed by veterans who did not authorize a person to act on the veterans' behalf under a durable power of attorney.*

*(2) CLAIMS DESCRIBED.—The claims described in this paragraph are each of the following types of claims for benefits under the laws administered by the Secretary of Veterans Affairs:*

*(A) A fully developed claim that is submitted in standard electronic form.*

*(B) A fully developed claim that is submitted in standard paper form.*

*(C) A claim that is not fully developed that is submitted in standard electronic form.*

*(D) A claim that is not fully developed that is submitted in standard paper form.*

*(E) A claim that is not fully developed that is submitted in non-standard paper form.*

*(3) UPDATE OF INFORMATION.—The information described in this subsection shall be updated not less frequently than once each fiscal quarter.*

***TITLE IV—OTHER MATTERS***

***SEC. 401. CLARIFICATION OF ELIGIBLE RECIPIENTS OF CERTAIN ACCRUED BENEFITS UPON DEATH OF BENEFICIARY.***

*(a) ELIGIBILITY OF ESTATE.—Section 5121(a)(2) of title 38, United States Code, is amended—*

*(1) in the matter preceding subparagraph (A), by inserting '', or estate,'' after ''person''; and*

*(2) by adding at the end the following new subparagraph:*

*''(D) The estate of the veteran (unless the estate will escheat).''.*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the death of an individual on or after the date that is two years after the date of the enactment of this Act.*

***SEC. 402. OBSERVANCE OF VETERANS DAY.***

*(a) TWO MINUTES OF SILENCE.—Chapter 1 of title 36, United States Code, is amended by adding at the end the following new section:*

***''§ 145. Veterans Day***

*''The President shall issue each year a proclamation calling on the people of the United States to observe two minutes of silence on Veterans Day in honor of the service and sacrifice of veterans throughout the history of the Nation, beginning at—*

*''(1) 3:11 p.m. Atlantic standard time;*

*''(2) 2:11 p.m. eastern standard time;*

*''(3) 1:11 p.m. central standard time;*

*''(4) 12:11 p.m. mountain standard time;*

*''(5) 11:11 a.m. Pacific standard time;*

*''(6) 10:11 a.m. Alaska standard time; and*

*''(7) 9:11 a.m. Hawaii-Aleutian standard time.''.*

*(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 36, United States Code, is amended by adding at the end the following new item:*

*''145. Veterans Day.''.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentlewoman from Nevada (Ms. TITUS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to add extraneous material on H.R. 675, as amended.

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

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge all Members to support H.R. 675, as amended. The bill includes several important provisions that would help our Nation's veterans, including the annual COLA increase, changes to the Court of Appeals for Veterans Claims, requirements for VA to pay accrued benefits to the estate of a deceased veteran, improvements to claims processing, and would encourage Americans to observe 2 minutes of silence to honor our Nation's heroes on Veterans Day.

Mr. Speaker, many disabled veterans and their families depend on VA benefits to pay for their housing, their food, and other necessities. Therefore, it is absolutely essential that VA benefits keep pace with the rate of inflation so that our Nation's heroes are able to make ends meet.

The original text of H.R. 675, introduced by the chairman of the Subcommittee on Disability Assistance and Memorial Affairs, Dr. Abraham, would authorize the annual COLA increase to veterans disability compensation rates and other benefits.

The amount of the increase will be determined by the Consumer Price Index, which also establishes the COLA for Social Security beneficiaries.

H.R. 675, as amended, would also incorporate legislation that was originally introduced by Representative COSTELLO that would modernize our Court of Appeals for Veterans Claims, or CAVC, to ensure that the CAVC is able to meet the anticipated increase in the number of appeals that are coming over the next few years.

To address this problem, the bill would extend the temporary expansion of the CAVC from seven to nine judges through 2020. The bill would also authorize the chief judge to recall retired judges to serve more than 90 days, if necessary. These two changes would help ensure that the CAVC is able to continue deciding cases in a timely fashion.

Additionally, H.R. 675, as amended, would revise the qualifications for the chief judge and make CAVC judges eligible for the same salaries, life insurance programs, and retirement service credit benefits that are offered to other Federal appellate court judges.

H.R. 675, as amended, also includes provisions introduced by Representative TITUS that would help veterans who seek disability benefits for more than one medical condition. VA would be required to make interim payments for disabilities found to be service connected while the Department makes determinations with respect to claims for individual conditions that have yet to be adjudicated.

Additionally, this bill would require VA to establish a 2-year training program that would help ensure claims processors have the skills necessary to accurately decide claims for beneficiaries.

The bill would also address another serious problem for veterans and their families, which is that many veterans die before the VA is able to decide their claim for benefits.

Processing a claim for benefits can often take years, and if a veteran dies before VA completes adjudication of the claim, VA currently pays any accrued benefits to qualifying family members, such as spouses, dependent children, and dependent parents. However, if the veteran dies without any surviving qualifying family member, VA simply keeps the benefits.

This legislation, however, includes language authorized by Representative ZELDIN to fix this problem by requiring that VA pay any accrued benefits to the estate of the veteran, unless the estate would escheat. This would ensure that adult children and other beneficiaries of the veteran's estate will receive the benefits to which the veteran was legally entitled.

Finally, Mr. Speaker, this bill incorporates a bill by my friend Representative LYNCH that would help remind the American public of the true meaning of Veterans Day.

H.R. 675, as amended, would direct the President to issue an annual proclamation calling on the people of the United States to observe a 2-minute moment of silence in honor of our Nation's veterans' service and their sacrifice.

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

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

I, too, rise in support of H.R. 675, as amended, which serves to provide an increase in the benefit payments for our veterans, as well as for their families and survivors.

I thank the chairman and Ranking Member BROWN for their help and their work on this important legislation.

Since 1976, Congress has consistently increased the rates of basic compensation for disabled veterans and the rates of dependency and indemnity compensation, DIC, for their survivors and dependents. This is in order to keep pace with inflation.

However, unlike Social Security cost-of-living adjustments, known commonly as COLAs, Congress must act each year to provide veterans with the benefit adjustments they deserve. This legislation will bring COLA increases for veterans to the same level as Social Security recipients for this year.

This action is very important in the short term, but I look forward to the House also considering H.R. 677, the American Heroes COLA Act of 2015, which I introduced, along with Chairman ABRAHAM. This would eliminate the possibility of congressional gridlock ensnaring the yearly COLA adjustments by making the increases automatic, just like they are for Social Security.

I would like to highlight an additional provision included in H.R. 675 that will also help ensure our veterans receive the benefits they have earned in a more timely fashion. Title 3 of this legislation is the text of H.R. 1414, the Pay As You Rate Act, which I introduced earlier this year.

The VA pays veterans when their complete claim has been reviewed and processed. The Pay as You Rate Act would expedite the benefit claims process for veterans by requiring the VA to pay benefits to veterans as individual components of their claims are reviewed, rather than at the completion of the entire claim.

The average benefits claim for our Iraq and Afghanistan veterans contained over eight separate components. Each medical condition is individually adjudicated, but the veteran only begins receiving benefits when the entire claim has been processed.

The Pay as You Rate Act is a commonsense change that will help reduce the backlog and provide veteran families much-needed financial support. I am pleased it has been included as part of H.R. 675.

This legislation also includes H.R. 2139, introduced by Representative O'ROURKE, which requires the VA to inform veterans of the expected turnaround for VA's various methods of filing a benefits claim. The intent of this legislation is to aid veterans as they determine the most appropriate manner for filing their benefits claim.

Lastly, included in this bill is H.R. 995, introduced by Representative LYNCH. This legislation would honor our veterans by formalizing a Veterans Day moment of silence across the Nation.

Again, I thank the chairman and subcommittee Chairman ABRAHAM for their work on behalf of our Nation's heroes, and I look forward to continuing to work with them in a bipartisan fashion to ensure that all our Nation's veterans are receiving the benefits they have earned and they deserve.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I am happy at this time to yield 4 minutes to the gentleman from Pennsylvania (Mr. COSTELLO), from the Sixth District of Pennsylvania, who is a member of our committee.

Mr. COSTELLO of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 675, the Veterans' Compensation Cost of Living Adjustment Act of 2015. I applaud Chairman MILLER, subcommittee Chairman ABRAHAM, and our committee staff for bringing this commonsense legislation to the floor today.

First, Mr. Speaker, this bill would take a commonsense step to ensure that veterans disability benefits are eligible for cost-of-living adjustments, much like our seniors are eligible for Social Security benefit adjustments.

Next, Mr. Speaker, this bill would take steps towards ensuring that our veterans are able to receive more timely and prompt review of their benefit appeals.

This legislation contains my legislation that I introduced earlier this year, H.R. 1067, the U.S. Court of Appeals for Veterans Claims Reform Act.

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This measure is a proactive step to ensure that the U.S. Court of Appeals for Veterans Claims, known as the CAVC, is able to meet the growing demand for review of veterans' claims benefits.

Not only would H.R. 675 ensure that we have an adequate number of appellate judges to handle current and future demand, but it would also ensure that we continue to attract qualified and capable individuals to serve our veterans on this critical panel.

Mr. Speaker, as you know, particularly from my vantage point, the Philadelphia VA regional office has been plagued with claims backlogs, data manipulation, and excessive wait times. It is not only happening at this VA facility. As we continue to fix this mess, we need to make sure that we do all we can to promote and support efficiency within the VA and to ensure that there is no additional interruption in the benefits review process and service provided to our veterans.

To provide a little background, in November 1988, President Ronald Reagan signed the Veterans' Judicial Review Act into law, which established the CAVC as a court of record within the Federal judiciary. The court has exclusive appellate jurisdiction over decisions of the Board of Veterans' Appeals, and it plays a critical role in ensuring the timely and accurate review of veterans' claims.

Currently, the court is authorized to have seven permanent judges and two temporary additional judges; but absent legislative action, the court is expected to revert back to its permanent seven judges without the two additional temporary judges. In order to handle the increase in claims, this legislation would enable the court to maintain nine judges through 2020.

As we continue to see reports of mismanagement, data manipulation, excessive wait times, and lost claims, it is imperative that this measure, as included in H.R. 675, is passed to proactively address potential complications that could hinder the effectiveness and efficiency of the CAVC to review and process veterans' claims. I encourage my colleagues to pass H.R. 675.

I thank the gentleman from Louisiana for introducing the legislation and for working with members of the committee to get this well-rounded, commonsense legislation to the floor.

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

Mr. MILLER of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from the Fifth District of Louisiana (Mr. ABRAHAM), the chairman of a very critical subcommittee on our Veterans' Affairs Committee.

Mr. ABRAHAM. I thank the chairman.

Mr. Speaker, as chairman of the Disability Assistance and Memorial Affairs Subcommittee, I would like to thank the Veterans' Affairs Committee as a whole and leadership on their role in getting this important bill to the floor.

I am proud to have introduced the Veterans' Compensation Cost-of-Living Adjustment Act of 2015, which is also known as COLA.

The bill provides a cost-of-living adjustment increase to the veterans' disability compensation and other veterans' benefits for 2016. The amount of the increase is the same given to Social Security beneficiaries.

We all understand how important it is for the VA benefits to keep pace with the rate of inflation, and our Nation's veterans depend on these benefits to pay for housing, food, and other necessities. Congress has previously passed similar increases with wide bipartisan support because both parties see the need in making sure that our American heroes are cared for, which they most markedly deserve.

I would also like to thank the ranking member, Representative TITUS, for her support as an original cosponsor of H.R. 675.

These benefits are instrumental in supporting those who have honorably served our Nation. Passing the Veterans' Compensation Cost-of-Living Adjustment Act of 2015 provides our veterans with much-needed peace of mind so that they know their benefits will be secure each year.

We must demand the highest protection of our veterans and their financial security. Our veterans are our Nation's heroes; and this bill, which enjoys bipartisan support, gives Congress a chance to give back to those who have already given so much. I urge the full passage of this bill, H.R. 675.

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

Mr. MILLER of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from the First District of the State of New York (Mr. ZELDIN), another valued member of our committee.

Mr. ZELDIN. I thank the chairman for his leadership on the Veterans' Affairs Committee and for his unyielding passion toward always putting veterans first.

I thank the great staff as well on both sides of the aisle with the Veterans' Affairs Committee. It is a pleasure to serve with all of them.

Mr. Speaker, I rise this evening in support of H.R. 675, which has been amended to include my bill, H.R. 1569, the Veterans Estate Transfer to Survivors Act, or the VETS Act.

I am honored to represent the First Congressional District of New York, which is located on the east end of Long Island. My district is in the County of Suffolk, which has the largest veterans population of any county in New York and the second highest in the entire country. With so many veterans in my home county, I am extremely proud to serve on the House Veterans' Affairs Committee.

With the passage of H.R. 675, the Veterans' Compensation Cost-of-Living Adjustment Act of 2015, which has been amended to include my bill, H.R. 1569, veterans are securing a big victory here in the Halls of Congress.

The VETS Act is a commonsense reform to the VA benefit payouts that will help veterans and their families on Long Island and across the country as my legislation would require the Department of Veterans Affairs to pay certain benefits that were earned by a veteran to the veteran's estate.

Under current law, if a veteran passes away while the VA is still reviewing a claim, the VA no longer has to award the earned benefits. Currently, only a veteran's spouse, minor child, or dependent parent is eligible to collect the accrued benefits. By adding the estate to the current list of beneficiaries, adult children can now also receive the benefits earned should there be no other qualifying family members.

My bill ensures our veteran families, who rightfully earned and deserve their benefits, actually receive their benefits even after the veteran passes away. I encourage all of my colleagues to support H.R. 675.

Ms. TITUS. Mr. Speaker, I have no further requests for time. I simply urge my colleagues to support the passage of H.R. 675, as amended.

I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I also urge the passage of H.R. 675, as amended.

I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, I rise today in support of H.R. 675, the Veterans' Compensation Cost of Living Adjustment Act and urge my colleagues to vote in favor of it.

This is an important bill that provides a critical cost-of-living increase for the service-connected disability compensation that our disabled veterans need and deserve. In addition, it makes other needed changes to a number of programs administered by the VA to ensure that they better meet the needs of our veterans and their families.

I am pleased that H.R. 675, as amended by the Veterans Affairs Committee, includes the text of my bill, H.R. 995, the "Veterans Day Moment of Silence Act." This bipartisan legislation calls for two minutes of silence every Veterans Day. Its set time of 2:11 p.m., Eastern Standard Time, allows all Americans from coast to coast and Puerto Rico to come together to reflect on the service of our veterans, past and present. Generations of brave men and women have served our nation with honor: risking their lives to keep us safe and free. They deserve our support and, most of all our gratitude.

Mr. Speaker, there are few words that can do justice to the magnitude of what our servicemembers have done throughout our history, and continue to do for us every day. They leave their families and loved ones behind, and go to some of the world's most dangerous places. They risk their health and their lives to serve and defend the nation we all love. I have had the honor and pleasure of meeting with some of them in my travels abroad and I am always moved by their dedication, their professionalism, and their courage.

I would like to thank Veterans Affairs Committee Chairman MILLER and Ranking Member BROWN for including the language of "The Veterans Day Moment of Silence Act" to this bill. I also wish to recognize and thank the Bendetson family who first approached me with the concept of this tribute. Daniel and Michael Bendetson, along with their father, Dr. Peter Bendetson, have worked tirelessly for years to bring this proposal to fruition. Finally, I would most like to thank all the veterans in my district and across America, in whose honor I am proud to have introduced this legislation.

Once again, I urge my colleagues to support and pass H.R. 675.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 675, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MILLER of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

## RUTH MOORE ACT OF 2015

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1607) to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to military sexual trauma, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1607

*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 "Ruth Moore Act of 2015".*

***SEC. 2. REPORTS ON CLAIMS FOR DISABILITIES INCURRED OR AGGRAVATED BY MILITARY SEXUAL TRAUMA.***

*(a) ANNUAL REPORTS.—*

*(1) IN GENERAL.—Subchapter VI of chapter 11 of title 38, United States Code, is amended by adding at the end the following new section:*

***"§ 1164. Reports on claims for disabilities incurred or aggravated by military sexual trauma***

*"(a) REPORTS.—Not later than December 1, 2015, and each year thereafter through 2019, the Secretary shall submit to Congress a report on covered claims submitted during the previous fiscal year.*

*"(b) ELEMENTS.—Each report under subsection (a) shall include the following:*

*"(1) The number of covered claims submitted to or considered by the Secretary during the fiscal year covered by the report.*

*"(2) Of the covered claims listed under paragraph (1), the number and percentage of such claims—*

*"(A) submitted by each sex;*

*"(B) that were approved, including the number and percentage of such approved claims submitted by each sex; and*

*"(C) that were denied, including the number and percentage of such denied claims submitted by each sex.*

*"(3) Of the covered claims listed under paragraph (1) that were approved, the number and percentage, listed by each sex, of claims assigned to each rating percentage.*

*"(4) Of the covered claims listed under paragraph (1) that were denied—*

*"(A) the three most common reasons given by the Secretary under section 5104(b)(1) of this title for such denials; and*

*"(B) the number of denials that were based on the failure of a veteran to report for a medical examination.*

*"(5) The number of covered claims that, as of the end of the fiscal year covered by the report, are pending and, separately, the number of such claims on appeal.*

*"(6) For the fiscal year covered by the report, the average number of days that covered claims take to complete beginning on the date on which the claim is submitted.*

*"(7) A description of the training that the Secretary provides to employees of the Veterans Benefits Administration specifically with respect to covered claims, including the frequency, length, and content of such training.*

*"(c) DEFINITIONS.—In this section:*

*"(1) The term 'covered claims' means claims for disability compensation submitted to the Secretary based on a covered mental health condition alleged to have been incurred or aggravated by military sexual trauma.*

*"(2) The term 'covered mental health condition' means post-traumatic stress disorder, anxiety, depression, or other mental health diagnosis described in the current version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association that the Secretary determines to be related to military sexual trauma.*

*"(3) The term 'military sexual trauma' means, with respect to a veteran, psychological trauma, which in the judgment of a mental health professional, resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred during active military, naval, or air service.".*

*(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:*

*"1164. Reports on claims for disabilities incurred or aggravated by military sexual trauma.".*

*(3) INITIAL REPORT.—The Secretary of Veterans Affairs shall submit to Congress an initial report described in section 1164 of title 38, United States Code, as added by paragraph (1), by not later than 90 days after the date of the enactment of this Act. Such initial report shall be in addition to the annual reports required under such section beginning in December 2015.*

*(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Veterans Affairs should update and improve the regulations of the Department of Veterans Affairs with respect to military sexual trauma by—*

*(1) ensuring that military sexual trauma is specified as an in-service stressor in determining the service-connection of post-traumatic stress disorder by including military sexual trauma as*

*a stressor described in section 3.304(f)(3) of title 38, Code of Federal Regulations; and*

*(2) recognizing the full range of physical and mental disabilities (including depression, anxiety, and other disabilities as indicated in the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association) that can result from military sexual trauma.*

*(c) PROVISION OF INFORMATION.—During the period beginning on the date that is 15 months after the date of the enactment of this Act and ending on the date on which the Secretary updates and improves regulations as described in subsection (b), the Secretary shall—*

*(1) provide to each veteran who has submitted a covered claim or been treated for military sexual trauma at a medical facility of the Department with a copy of the report under subsection (a)(3) or section 1164 of title 38, United States Code, as added by subsection (a)(1), that has most recently been submitted to Congress;*

*(2) provide on a monthly basis to each veteran who has submitted any claim for disability compensation or been treated at a medical facility of the Department information that includes—*

*(A) the date that the Secretary plans to complete such updates and improvements to such regulations;*

*(B) the number of covered claims that have been granted or denied during the month covered by such information;*

*(C) a comparison to such rate of grants and denials with the rate for other claims regarding post-traumatic stress disorder;*

*(D) the three most common reasons for such denials;*

*(E) the average time for completion of covered claims;*

*(F) the average time for processing covered claims at each regional office; and*

*(G) any information the Secretary determines relevant with respect to submitting a covered claim;*

*(3) in addition to providing to veterans the information described in paragraph (2), the Secretary shall make available on a monthly basis such information on a conspicuous location of the Internet website of the Department; and*

*(4) submit to Congress on a monthly basis a report that includes—*

*(A) a list of all adjudicated covered claims, including ancillary claims, during the month covered by the report;*

*(B) the outcome with respect to each medical condition included in the claim; and*

*(C) the reason given for any denial of such a claim.*

*(d) MILITARY SEXUAL TRAUMA DEFINED.—In this section:*

*(1) The term ''covered claim'' has the meaning given that term in section 1164(c)(1) of title 38, United States Code, as added by subsection (a)(1).*

*(2) The term ''military sexual trauma'' has the meaning given that term in section 1164(c)(3) of title 38, United States Code, as added by subsection (a)(1).*

***SEC. 3. LIMITATION ON AWARDS AND BONUSES PAID TO SENIOR EXECUTIVE EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.***

*Section 705 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 703 note) is amended by striking the period at the end and inserting the following: '', of which, during fiscal years 2016 through 2018, not more than an aggregate amount of $2,000,000 in each such fiscal year may be paid to employees of the Department of Veterans Affairs who are members of the Senior Executive Service.''.*

The SPEAKER pro tempore (Mr. COSTELLO of Pennsylvania). Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentlewoman from Nevada (Ms. TITUS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to add any extraneous material that they may have on H.R. 1607, as amended.

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

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

I urge all Members to support H.R. 1607, as amended, which would help veterans who are seeking benefits for conditions that arose as a result of military sexual trauma, or MST.

Tragically, MST has been a serious problem in the U.S. military; although, in recent years, the DOD has been taking steps to reduce these assaults. We owe it to our veterans who are subject to personal assaults during their military service to ensure that the VA expeditiously and accurately processes mental health claims for conditions related to MST, such as depression, anxiety, or PTSD.

Several factors complicate the process for veterans who seek disability compensation for mental health conditions that might arise from MST. The vast majority of sexual assaults in the military are not reported, and even fewer cases are actually prosecuted. As a result, many veterans find it hard to prove that the assaults actually occurred; therefore, service connection is often difficult to establish.

H.R. 1607, as amended, which was introduced by Representative PINGREE, would also express the sense of Congress that the VA should update and improve its regulations with respect to MST.

Although current VA regulations purport to reduce the burden of proof for veterans who file claims for PTSD, in practice, the VA claims processors do not use the broader standard of evidence when adjudicating claims related to MST. Moreover, these regulations do not address mental health conditions, with the exception of PTSD, that might arise as a result of military sexual trauma.

To help Congress conduct better oversight of the VA's processing of MST claims, H.R. 1607, as amended, would require the VA to submit annual reports through 2019. These reports would provide certain data, including the number of military sexual trauma claims approved. The VA would also be required to provide the three most common reasons the Department denies such claims.

Until the VA updates and improves its regulations with respect to MST claims, the Department would be required to provide each veteran who has submitted an MST claim or has been treated for MST with a copy of the report most recently submitted to Congress. The VA would have to provide monthly updates on the status of the changes to the regulations to both Congress and the veterans who are affected.

Finally, H.R. 1607, as amended, would limit awards and bonuses paid to the VA employees who are members of the Senior Executive Service to not more than an aggregate of $2 million for each of the next 3 years.

I reserve the balance of my time.

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

I rise in support of H.R. 1607, as amended, the Ruth Moore Act of 2015.

This very important legislation, which was introduced by my friend, Representative CHELLIE PINGREE of Maine, seeks to improve services for the men and women who have been the victims of military sexual trauma. In particular, this legislation sends a loud and clear message to the VA by requiring the Department to update its regulations to better serve veterans affected by MST.

Current VA regulations related to MST are outdated and do not reflect the needs of those who have lived through such awful experiences. The VA's existing policy is to update regulations periodically as they see fit. However, information we have received indicates that the VA needs to do more for these veterans.

Recently, the VA revised their regulations in order to do the right thing for veterans exposed to Agent Orange on aircraft, which will result in better health care and benefits for those veterans who are suffering from exposure to the toxin. We now expect the VA to do the same thing for the men and women affected by military sexual trauma. They, too, deserve the proper health care and adequate benefits. They deserve them today, not tomorrow.

As we provide for the victims of MST, however, we must also work on ways to both eliminate it from our armed services and change the culture of the military.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Ms. TITUS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maine (Ms. PINGREE).

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Ms. PINGREE. Mr. Speaker, I thank the gentlewoman for yielding and for her great work on this issue.

I also want to thank Chairman MILLER, Chairman ABRAHAM, Ranking Member BROWN, and my good friend, Ranking Member TITUS, for all their work on this piece of bipartisan legislation. I think it is clear this committee is truly working for our Nation's veterans.

Mr. Speaker, almost every day I hear from another veteran who is the survivor of sexual assault in the military,

men and women of all ages and from every branch of the service.

I have heard from survivors of sexual assault from World War II, the war in Afghanistan, and every conflict in every era in between. There are veterans who are suffering from PTSD because they were sexually assaulted, and they are not being treated fairly.

With this bill, we are fighting to hold the VA accountable and making sure that they are following through on their promises.

The VA has acknowledged that PTSD from combat is a real injury and needs to be treated that way, and it should be the same for those who suffer from PTSD from sexual assault.

A Pentagon report showed 19,000 women and men were sexually assaulted in the military just last year, but only about a quarter of those assaults were reported and even fewer ended up with a prosecution.

I am glad the Defense Department and the VA has increased training and prevention efforts around rape and harassment, but let me be clear. As you have already heard, the problem is not fixed.

Survivors of sexual assault have been blamed and harassed, crimes have been covered up, and survivors themselves have been the subject of further harassment and recrimination. In the latest Pentagon report, 62 percent of the individuals who reported sexual assault have also reported retaliation.

Mr. Speaker, I want to talk for a minute about a very brave woman, Ruth Moore, a veteran from Maine and the person who we named this bill for.

Ruth fought for 23 years before she was finally given the benefits we owed her. When I met her in my office in Maine 4 years ago, she could barely tell her story.

Bit by bit, she has rebuilt her trust of people in positions of responsibility to the point where she is able to tell her story publicly. There are thousands and thousands of Ruth Moores out there who have been fighting for their benefits for years or even decades.

The Ruth Moore Act of 2015 is an important next step in ensuring that the VA treats these veterans fairly. To be clear, this bill does not create any new benefits for survivors of sexual assault or give special treatment to the survivors of sexual assault. This bill just tries to level the playing field, to hold the VA accountable, and ensure these veterans are treated fairly.

We were able to pass this bill in the last Congress, and I urge my colleagues to do so again this time around. This issue is too important. It cannot be ignored.

Mr. MILLER of Florida. I reserve the balance of my time.

Ms. TITUS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Massachusetts (Ms. TSONGAS).

Ms. TSONGAS. Mr. Speaker, I rise in support of the Ruth Moore Act. In 2012, 1 in 5 female and 1 in 100 male veterans told the VA that they had experienced sexual abuse while serving in the military.

Yet, despite egregious prevalence of sexual abuse in the military, it remains difficult for veterans to receive disability benefits as a result of their military sexual trauma.

In 2013, the Service Women's Action Network, the Yale Law School Veterans Legal Services Clinic, the ACLU, and the ACLU of Connecticut released a report that shows that veterans who experienced sexual assault have their benefits claims denied more often than veterans with other types of PTSD claims.

The report also found the rate of granting these claims varied greatly, depending upon the VA regional office.

The St. Paul, Minnesota, office granted only 26 percent of the MST claims they received, while the office in Los Angeles granted more than 88 percent of the claims they received.

Last year the U.S. Government Accountability Office backed up these findings. GAO found approval rates ranged from 14 percent to 88 percent at different regional offices.

The GAO also found that some medical examiners examining these claims required more evidence than others to establish these claims.

The Ruth Moore Act we are considering today would require that the VA report data on military sexual trauma claims to Congress.

While this reporting is a good step forward and could lead to more consistency and transparency in claims processing, I am disappointed that we are not considering Representative PINGREE's original bill, which would have also made it easier for survivors of military sexual trauma to make their case and made the claims process more uniform.

This bill is named after Ruth Moore, a Maine constituent of Representative PINGREE who spent more than 20 years fighting for her own benefits. Other survivors should not be made to repeat her battle.

I urge passage of this bill.

Mr. MILLER of Florida. I reserve the balance of my time.

Ms. TITUS. Mr. Speaker, I have no further speakers at this time. So I would just simply urge my colleagues to support passage of the Ruth Moore Act of 2015, H.R. 1607, as amended, and to provide support to the victims of MST who have so bravely served our Nation.

I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I urge all Members to support H.R. 1607, as amended.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 1607, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 876. An act to amend title XVIII of the Social Security Act to require hospitals to provide certain notifications to individuals classified by such hospitals under observation status rather than admitted as inpatients of such hospitals.

## AMERICANS WITH DISABILITIES ACT

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

Mr. DOLD. Mr. Speaker, yesterday was the 25th anniversary of the Americans with Disability Act. I rise to thank the members of the Lake County Board for issuing a resolution designating July 26, 2015, as Americans with Disabilities Act Awareness Day.

The Americans with Disabilities Act was in response to an appalling problem, widespread discrimination against people with disabilities.

Over the past 25 years, the ADA has had a profound impact across our country, requiring accessibility and banning discrimination all across America.

In Lake County, we are fortunate to have many great organizations that provide resources to people with disabilities and their families.

I particularly want to recognize the Lake County Center for Independent Living, an organization that provides free life skills training, employment training, and advocacy services to disabled individuals in our community.

Mr. Speaker, I am pleased to join with the Lake County Board to celebrate the Americans with Disabilities Act, and I remain committed to working for policies that prohibit discrimination of all kinds.

## MEDICARE'S FIFTIETH ANNIVERSARY

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

Mr. TONKO. Mr. Speaker, access to affordable, quality health care is a fundamental value, and Medicare and Medicaid have helped millions of Americans live with economic security and dignity for 50 years.

President Lyndon Johnson signed Medicare and Medicaid into law in 1965 on the basic principles that access to health care is a right, not a privilege, and certainly no one should be forced into poverty because of healthcare costs.

Thirty-four percent of those in New York's capital region that I represent

depends on these programs, and we must do everything we can here in the House to strengthen Medicare and Medicaid.

No programs have changed the lives of Americans more over the last 50 years. We cannot strengthen these programs. We cannot ensure the long-term survival of these programs by passing budgets that turn Medicaid into block grants or Medicare into a voucher system.

Medicare and Medicaid save lives, help people live longer, and provide the peace of mind that comes with affordable health care that is there when you need it most.

Moving forward, I hope the House breaks with its recent tradition and works together to pass meaningful legislation that boosts these programs, like the Affordable Care Act.

Happy 50th birthday, Medicare. Happy 50th birthday, Medicaid. Here's to many, many more.

## QUESTIONS FROM TEXANS ABOUT THE IRANIAN DEAL

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

Mr. POE of Texas. Mr. Speaker, I have asked people on my Facebook page what they think about the Iranian deal. Here are a few of the 300 responses.

Tammy says: Why were our hostages left out of the negotiation? Why even trust Iran at all to live up to the deal when they hate America?

John says: Why are there no American inspectors? Why no instant inspections?

Jacob says: Why are they doing a deal with the world's number one state sponsor of terrorism? This used to be called treason.

Carlos says: Ask them if they remember who Neville Chamberlain was and his policy toward Nazi Germany. Giving into Iran has a very similar overtone to what Chamberlain and the world did back then.

Adam says: 24 days' notice, no USA inspectors, no prisoners coming home? No inspection of their most lucrative site? China and Russia can sell them weapons?

Mr. Speaker, the American public wants some candid answers. Tomorrow Mr. Kerry will testify before our Foreign Affairs Committee. Time for some frank, no-double-talk answers from the administration on this Iranian deal.

And that is just the way it is.

## RECOVERING MISSING CHILDREN ACT

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

Mr. PAULSEN. Mr. Speaker, one out of four child abductions in the United States are not committed by a stranger, but instead are perpetrated by a relative.

An inspector general's report has found that tax filings can help locate these missing children nearly half of the time because new addresses can be identified, but law enforcement can't access this critical information.

We owe it to these children to give law enforcement the tools they need in order to find the more than 200,000 children that are kidnapped by family members every year here in the United States.

That is why Congressman COURTNEY and I have introduced the bipartisan Recovering Missing Children Act, which will allow law enforcement, with a court order, to access tax filings that could aid in the search for abducted children.

This legislation has been endorsed by the Fraternal Order of Police, the National Association of Police Organizations, the Major County Sheriffs' Association, and the Sergeants Benevolent Association.

Mr. Speaker, this is a zero-cost, commonsense way to cut red tape and help law enforcement bring these missing children home.

## RESILIENT FEDERAL FOREST ACT OF 2015

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

Mr. LAMALFA. Mr. Speaker, well, we have yet another reminder why we need for the Senate to take up H.R. 2647, the Resilient Federal Forest Act of 2015. We need to bring active management back to our forests.

Why is this important? Because now in California as well as the rest of the Western States the fire season is upon us.

In my district, the Lowell fire is burning near Alto, California. It has already consumed over 1,700 acres since Saturday, and it is only 20 percent contained. This is one of 12 fires burning in California. It is unknown how many throughout the West.

Sadly, four firefighters have already been injured in this blaze, two from the State and two from the Federal level. Thankfully, three of the men have been released, though one is still hospitalized with severe burns. Thankfully, they are nonlife-threatening.

Nonetheless, the nonmanagement of our forests are roadblocks that get thrown up by a few environmental groups to the type of wise management we need, especially in the time of drought, especially in the time we have millions of dead trees in the Western States and in California.

They should be thinned. They should be managed. We should have a forest where it will be better for the habitat, better for everybody, and better for everything involved. Instead, we have roadblocks.

We need this bill. We need a much better attitude on managing our forests because, again, this is hurting our firefighters, putting them at unnecessary risk, as well as the homeowners in the area, the wildlife, the habitat, and the economy that used to come from those areas.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CLAWSON of Florida (at the request of Mr. MCCARTHY) for today and for the balance of the week on account of a family emergency.

Mr. COHEN (at the request of Ms. PELOSI) for today on account of a flight delay due to weather.

Ms. GABBARD (at the request of Ms. PELOSI) for today on account of a flight delay.

Mr. AL GREEN of Texas (at the request of Ms. PELOSI) for today and tomorrow on account of official business.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Ms. PELOSI) for today through July 29 on account of official business.

Ms. ROYBAL-ALLARD (at the request of Ms. PELOSI) for today.

Ms. SLAUGHTER (at the request of Ms. PELOSI) for today on account of travel complications.

## ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1626. An act to reduce duplication of information technology at the Department of Homeland Security, and for other purposes.

H.R. 2499. An act to amend the Small Business Act to increase access to capital for veteran entrepreneurs, to help create jobs, and for other purposes.

## ADJOURNMENT

Mr. LAMALFA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 28, 2015, at 10 a.m. for morning-hour debate.

## EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the first and second quarters of 2015, pursuant to Public Law 95–384, are as follows:

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO LATVIA, EXPENDED BETWEEN JUNE 26 AND JUNE 29, 2015

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Mario Diaz-Balart | 6/27 | 6/29 | Latvia | | 470.00 | | 12,543.00 | | | | 13,013.00 |
| Hon. Jim Costa | 6/26 | 6/29 | Latvia | | 470.00 | | 11,132.00 | | | | 11,602.00 |
| Hon. Eliot Engel | 6/27 | 6/29 | Latvia | | 470.00 | | 5,833.00 | | | | 6,303.00 |
| Hon. Darrell Issa | 6/27 | 6/29 | Latvia | | 470.00 | | 9,356.00 | | | | 9,826.00 |
| Hon. Robert Latta | 6/27 | 6/29 | Latvia | | 212.00 | | 4,685.00 | | | | 4,897.00 |
| Hon. Gregory Meeks | 6/27 | 6/29 | Latvia | | 470.00 | | 9,203.00 | | | | 9,673.00 |
| Hon. Mike Turner | 6/27 | 6/29 | Latvia | | 470.00 | | 3,684.00 | | | | 4,154.00 |
| Hon. George Holding | 6/27 | 6/29 | Latvia | | 470.00 | | 3,264.00 | | | | 3,734.00 |
| Brady Howell | 6/27 | 6/29 | Latvia | | 470.00 | | 6,528.00 | | | | 6,998.00 |
| Janice Robinson | 6/26 | 6/29 | Latvia | | 695.00 | | 6,528.00 | | | | 7,223.00 |
| Kyle Parker | 6/27 | 6/29 | Latvia | | 470.00 | | 6,528.00 | | | | 6,998.00 |
| Phil Bednarczyk | 6/27 | 6/29 | Latvia | | 470.00 | | 6,528.00 | | | | 6,998.00 |
| Committee total | | | | | 5,607.00 | | 85,812.00 | | | | 91,419.00 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. MARIO DIAZ-BALART, July 17, 2015.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ETHICS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2015

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. CHARLES W. DENT, Chairman, July 8, 2015.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2015

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. LAMAR SMITH, Chairman, July 10, 2015.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2015

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. STEVE CHABOT, Chairman, July 10, 2015.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2292. A letter from the Farm Service Agency Regulatory Review Director, Department of Agriculture, transmitting the Department's interim rule — Conservation Reserve Program (RIN: 0560-AI30) received July 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Agriculture.

2293. A letter from the Comptroller, Under Secretary of Defense, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Army case number 15-01, as required by 31 U.S.C. 1351; to the Committee on Appropriations.

2294. A letter from the Counsel, Legal Division, Bureau of Consumer Financial Protection, transmitting the Bureau's final rule — 2013 Integrated Mortgage Disclosures Rule Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z) and Amendments; Delay of Effective Date [Docket No.: CFPB-2015-0029] (RIN: 3170-AA48) received July 24, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Financial Services.

2295. A letter from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule — Affirmatively Furthering Fair Housing [Docket No.: FR-5173-F-04] (RIN: 2501-AD33) received July 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Financial Services.

2296. A letter from the Deputy Director, Administration for Community Living, Department of Health and Human Services, transmitting the Department's final rule — Developmental Disabilities Program (RIN: 0970-AB11) received July 24, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Energy and Commerce.

2297. A letter from the Associate Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Lifeline and

Link Up Reform and Modernization; Telecommunications Carriers Eligible for Universal Service Support; Connect America Fund [WC Docket No.: 11-42] [WC Docket No.: 09-197] [WC Docket No.: 10-90] received July 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Energy and Commerce.

2298. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling; Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments; Extension of Compliance Date [Docket No.: FDA-2011-F-0172] (RIN: 0910-AG57) received July 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Energy and Commerce.

2299. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No.: 150428405-5539-02] (RIN: 0648-XD927) received July 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Natural Resources.

2300. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries; 2015 and 2016 Commercial Fishing Restrictions for Pacific Bluefin Tuna in the Eastern Pacific Ocean [Docket No.: 141222999-5561-02] (RIN: 0648-BE71) received July 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Natural Resources.

2301. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Snapper-Grouper Fishery of the South Atlantic; 2015 Recreational Accountability Measures and Closure for South Atlantic Snowy Grouper [Docket No.: 0907271173-0629-03] (RIN: 0648-XE014) received July 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Natural Resources.

2302. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Re-Opening of Commercial Sector for Atlantic Dolphin [Docket No.: 130403322-4454-02] (RIN: 0648-XE017) received July 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Natural Resources.

2303. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Gulf of Mexico Highly Migratory Species; Commercial Blacknose Sharks and Non-Blacknose Small Coastal Sharks in the Gulf of Mexico Region [Docket No.: 140429387-4971-02] (RIN: 0648-XD954) received July 23, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Natural Resources.

2304. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final regulations — Claims for Credit or Refund [TD 9727] (RIN: 1545-BI36) received July 24, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Ways and Means.

2305. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Applicable Federal Rates — August 2015 (Rev. Rule. 2015-16) received July 24, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Ways and Means.

2306. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Revisions to the Employee Plans Determination Letter Program (Announcement 2015-19) received July 24, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Ways and Means.

2307. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a letter and attachments satisfying all requirements of Sec. 135(a) of the Atomic Energy Act of 1954, as amended by the Iran Nuclear Agreement Review Act of 2015 (Pub. L. 114-17), as received July 19, 2015; jointly to the Committees on Foreign Affairs, Financial Services, the Judiciary, Oversight and Government Reform, and Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of Florida: Committee on Veterans' Affairs. Supplemental report on H.R. 1994. A bill to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes (Rept. 114–225, Pt. 2). Referred to the Committee on the Whole House on the state of the Union.

Mr. MCCAUL: Committee on Homeland Security. H.R. 1634. A bill to strengthen accountability for deployment of border security technology at the Department of Homeland Security, and for other purposes; with an amendment (Rept. 114–226). Referred to the Committee on the Whole House on the state of the Union.

Mr. MCCAUL: Committee on Homeland Security. H.R. 2750. A bill to reform programs of the Transportation Security Administration, streamline transportation security regulations, and for other purposes; with an amendment (Rept. 114–227). Referred to the Committee on the Whole House on the state of the Union.

Mr. GOODLATTE: Committee on the Judiciary. H.R. 348. A bill to provide for improved coordination of agency actions in the preparation and adoption of environmental documents for permitting determinations, and for other purposes (Rept. 114–228, Pt. 1). Ordered to be printed.

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 1138. A bill to establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National Forest System land and Bureau of Land Management land in central Idaho, and for other purposes (Rept. 114–229). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLLINS of Georgia: Committee on Rules. House Resolution 380. Resolution providing for consideration of the bill (H.R. 427) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law; providing for proceedings during the period from July 30, 2015, through September 7, 2015; and for other purposes (Rept. 114–230). Referred to the House Calendar.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 348. Referral to the Committee on Natural Resources extended for a period ending not later than September 11, 2015.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HUNTER (for himself, Mr. YOUNG of Alaska, Mr. DEFAZIO, Mr. GARAMENDI, Mr. LARSEN of Washington, and Mr. GRAVES of Louisiana):

H.R. 3214. A bill to amend title 14, United States Code, to establish the National Icebreaker Fund to pay the costs of construction, alteration, renovation, lease, or charter of icebreakers for the Coast Guard, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMBORN:

H.R. 3215. A bill to prohibit any person from soliciting or knowingly acquiring, receiving, or accepting a donation of human fetal tissue for any purpose other than disposal of the tissue if the donation affects interstate commerce and the tissue will be or is obtained pursuant to an induced abortion; to the Committee on Energy and Commerce.

By Mr. NEWHOUSE (for himself, Mr. BOUSTANY, Ms. BORDALLO, and Mr. LATTA):

H.R. 3216. A bill to amend title 38, United States Code, to clarify the emergency hospital care furnished by the Secretary of Veterans Affairs to certain veterans; to the Committee on Veterans' Affairs.

By Mrs. BUSTOS (for herself, Mr. LOEBSACK, Ms. DUCKWORTH, and Mr. FARR):

H.R. 3217. A bill to require the Secretary of Transportation to conduct a study on the adequacy of motor vehicle refueling assistance to individuals with disabilities, to promulgate regulations in accordance with the results of such study, and for other purposes; to the Committee on the Judiciary.

By Mrs. CAPPS (for herself, Mr. AGUILAR, Ms. BASS, Mr. BECERRA, Mr. BERA, Ms. BROWNLEY of California, Mr. CALVERT, Mr. CÁRDENAS, Ms. JUDY CHU of California, Mr. COOK, Mr. COSTA, Mrs. DAVIS of California, Mr. DENHAM, Mr. DESAULNIER, Ms. ESHOO, Mr. FARR, Mr. GARAMENDI, Ms. HAHN, Mr. HONDA, Mr. HUFFMAN, Mr. HUNTER, Mr. ISSA, Mr. KNIGHT, Mr. LAMALFA, Ms. LEE, Mr. TED LIEU of California, Ms. LOFGREN, Mr. LOWENTHAL, Ms. MATSUI, Mr. MCCLINTOCK, Mr. MCNERNEY, Mrs. NAPOLITANO, Mr. NUNES, Mr. PETERS, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Mr. ROYCE, Mr. RUIZ, Ms. LINDA T. SÁNCHEZ of California, Ms.

LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SPEIER, Mr. SWALWELL of California, Mr. TAKANO, Mr. THOMPSON of California, Mrs. TORRES, Mr. VALADAO, Mr. VARGAS, Mrs. MIMI WALTERS of California, and Ms. MAXINE WATERS of California):

H.R. 3218. A bill to designate the facility of the United States Postal Service located at 836 Anacapa Street, Santa Barbara, California as the ''Special Warfare Operator Master Chief Petty Officer (SEAL) Louis 'Lou' J. Langlais Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. CICILLINE:

H.R. 3219. A bill to amend title 39, United States Code, to provide that post offices shall comply with public accommodation standards under the Americans with Disabilities Act of 1990, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. ROSKAM (for himself, Mr. BLUMENAUER, Mr. DOLD, Mr. BRENDAN F. BOYLE of Pennsylvania, and Mr. COSTELLO of Pennsylvania):

H.R. 3220. A bill to establish a smart card pilot program under the Medicare program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARK of Massachusetts (for herself, Mr. MARINO, Mr. THOMPSON of Pennsylvania, Mr. BARLETTA, Mr. MULLIN, Mr. FRANKS of Arizona, Mrs. LAWRENCE, Ms. BASS, and Mr. LANGEVIN):

H.R. 3221. A bill to amend the Elementary and Secondary Education Act of 1965 to require States to include information on the academic progress of homeless children and children in foster care in annual State report cards; to the Committee on Education and the Workforce.

By Mr. TOM PRICE of Georgia (for himself, Mr. BILIRAKIS, Mr. BROOKS of Alabama, Mr. CARTER of Georgia, Mr. CARTER of Texas, Mr. DESJARLAIS, Mr. DUNCAN of South Carolina, Mr. FINCHER, Mr. GOSAR, Mr. HARDY, Mrs. HARTZLER, Mr. HENSARLING, Mr. HUDSON, Mr. HUELSKAMP, Mr. KING of Iowa, Mr. LAMALFA, Mrs. LOVE, Mr. MCCLINTOCK, Mr. MESSER, Mr. MILLER of Florida, Mr. MULVANEY, Mr. NUGENT, Mr. POMPEO, Mr. ROONEY of Florida, Mr. ROUZER, Mr. SCHWEIKERT, Mr. STEWART, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. YOHO, and Mr. WOODALL):

H.R. 3222. A bill to provide protections for workers with respect to their right to select or refrain from selecting representation by a labor organization; to the Committee on Education and the Workforce.

By Mr. RODNEY DAVIS of Illinois:

H.R. 3223. A bill to award a Congressional Gold Medal to Timothy Nugent, in recognition of his pioneering work on behalf of people with disabilities, including disabled veterans; to the Committee on Financial Services.

By Mr. ENGEL (for himself and Mr. GRIJALVA):

H.R. 3224. A bill to regulate the sale of cases and covers that resemble firearms, to amend the Consumer Product Safety Improvement Act of 2008 with respect to the regulation of toy, look-alike, and imitation firearms, and to provide penalties for a violation of such regulations; to the Committee on Energy and Commerce.

By Mr. GRAVES of Missouri (for himself and Mr. LOEBSACK):

H.R. 3225. A bill to amend titles XVIII and XIX of the Social Security Act to provide for enhanced payments to rural health care providers under the Medicare and Medicaid programs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAROLYN B. MALONEY of New York (for herself and Mr. SMITH of New Jersey):

H.R. 3226. A bill to amend the Securities Exchange Act of 1934 to require certain companies to disclose information describing any measures the company has taken to identify and address conditions of forced labor, slavery, human trafficking, and the worst forms of child labor within the company's supply chains; to the Committee on Financial Services.

By Mr. RUSSELL:

H.R. 3227. A bill to protect the Second Amendment rights of members of the Armed Forces and civilian employees of the Department of Defense trained in the use of firearms to carry officially-issued or personally-owned firearms on military installations in the United States; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 3228. A bill to require that until a comprehensive study is completed, the volume of cellulosic biofuel mandated under the renewable fuel program be limited to what is commercially available, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ZELDIN:

H.R. 3229. A bill to amend title XVIII of the Social Security Act to provide for the non-application of Medicare competitive acquisition rates to complex rehabilitative wheelchairs and accessories; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BENISHEK:

H. Res. 381. A resolution to refer H.R. 3133, a bill making congressional reference to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, of certain Indian land-related takings claims of the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan and its individual members; to the Committee on the Judiciary.

By Mr. CÁRDENAS:

H. Res. 382. A resolution expressing the need to eliminate life without parole for children; to the Committee on the Judiciary.

By Mr. FLEISCHMANN (for himself, Mrs. BLACK, Mrs. BLACKBURN, Mr. COOPER, Mr. COHEN, Mr. DESJARLAIS, Mr. DUNCAN of Tennessee, Mr. FINCHER, Mr. ROE of Tennessee, Mr. FRELINGHUYSEN, Mr. TOM PRICE of Georgia, Mr. FARENTHOLD, Mr. LOBIONDO, Mr. WESTMORELAND, Mr. GRAVES of Georgia, Mr. GRAVES of Missouri, Mr. ROUZER, Mr. WHITFIELD, Ms. JACKSON LEE, Mr. YOUNG of Iowa, Mr. MEEHAN, Mr. CONNOLLY, Mr. HURD of Texas, Mr. LOUDERMILK, Mr. BYRNE, Mr. WALKER, Mr. POE of Texas, Mr. WILSON of South Carolina, Mr. AMODEI, Mr. ROONEY of Florida, Mr. GRIFFITH, Mr. SHIMKUS, Mr. CURBELO of Florida, Mr. POLIQUIN, Mr. JONES, Mr. LAMALFA, Mr. DENT, Mr. THOMPSON of California, Mr. HARDY, Mr. ADERHOLT, Mr. SESSIONS, Mr. HUNTER, Mr. OLSON, Mr. RODNEY DAVIS of Illinois, Mr. COLLINS of New York, Mr. BILIRAKIS, Mr. PIERLUISI, Mr. HARPER, Mr. WEBER of Texas, Mr. DUNCAN of South Carolina, Mr. TED LIEU of California, Mr. DONOVAN, Mr. MEADOWS, Mr. RYAN of Ohio, Ms. GABBARD, Mr. GOHMERT, Mrs. MILLER of Michigan, Mr. BROOKS of Alabama, Mr. WALBERG, Mr. BARLETTA, Mr. ASHFORD, Mr. JODY B. HICE of Georgia, Mr. GIBBS, Mr. KATKO, Mr. SAM JOHNSON of Texas, Mr. HUIZENGA of Michigan, Mr. AUSTIN SCOTT of Georgia, Mr. KING of Iowa, Mr. MCCAUL, Mr. NEWHOUSE, Mr. LATTA, Mr. PEARCE, and Mr. MCGOVERN):

H. Res. 383. A resolution expressing the sense of the House of Representatives regarding the appropriate award of the Purple Heart to the Marines and Sailors killed or wounded in the recent attack at the Navy Operational Support Center and Marine Corps Reserve Center and the Armed Forces Career Center in Chattanooga, Tennessee; to the Committee on Armed Services.

By Mr. RANGEL (for himself, Mr. CONYERS, and Mr. SAM JOHNSON of Texas):

H. Res. 384. A resolution calling for a formal end of the Korean War; to the Committee on Foreign Affairs, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. RYAN of Ohio introduced a bill (H.R. 3230) for the relief of Erdal Dede; which was referred to the Committee on the Judiciary.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. HUNTER:

H.R. 3214.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. LAMBORN:

H.R. 3215.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article 1 of the Constitution states that Congress has the authority to ''regulate Commerce with foreign nations, and among the several states.''

By Mr. NEWHOUSE:

H.R. 3216.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution

By Mrs. BUSTOS:

H.R. 3217.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mrs. CAPPS:

H.R. 3218.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7 of the United States Constitution, which reads: ''The Congress shall have Power . . . To establish Post Offices and post Roads''

Article 1, Section 8, Clause 18 of the United States Constitution, which reads: ''The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States or in any Department or Officer thereof''

By Mr. CICILLINE:

H.R. 3219.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. ROSKAM:

H.R. 3220.

Congress has the power to enact this legislation pursuant to the following:

(a) Article I, Section 1, to exercise the legislative powers vested in Congress as granted in the Constitution; and

(a) Article I, Section 8, Clause 18, which gives Congress the authority ''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof''.

By Ms. CLARK of Massachusetts:

H.R. 3221.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States

By Mr. TOM PRICE of Georgia:

H.R. 3222.

Congress has the power to enact this legislation pursuant to the following:

the authority enumerated in Clause 3 of Section 8 of Article I of the United States Constitution.

By Mr. RODNEY DAVIS of Illinois:

H.R. 3223.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 5 of the Constitution

By Mr. ENGEL:

H.R. 3224.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const. Art. I §8.

By Mr. GRAVES of Missouri:

H.R. 3225.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 (General Welfare) and Article 1, Section 8, Clause 3 (Commerce) of the Constitution.

The bill makes several changes to the way hospitals are regulated by the Centers for Medicare and Medicaid Services (CMS). This includes transaction between hospitals, CMS, and third parties, which constitutes commerce. Further, Medicare is considered to be constitutional as part of providing for the general welfare and therefore any changes to Medicare would fall under this provision as well.

By Mrs. CAROLYN B. MALONEY of New York:

H.R. 3226.

Congress has the power to enact this legislation pursuant to the following:

Amendment 13 to the U.S. Constitution—Abolition of Slavery ''Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.''

By Mr. RUSSELL:

H.R. 3227.

Congress has the power to enact this legislation pursuant to the following:

Amendment 2: A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

By Mr. SENSENBRENNER:

H.R. 3228.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States

By Mr. ZELDIN:

H.R. 3229.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. RYAN of Ohio:

H.R. 3230.

Congress has the power to enact this legislation pursuant to the following:

''The Congress enacts this bill pursuant to Clause 18 of Section 8 of Article I of the United States Constitution.''

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 27: Mr. THOMPSON of Pennsylvania.
H.R. 93: Mr. CONAWAY.
H.R. 167: Mr. RUIZ and Mr. CULBERSON.
H.R. 419: Mr. BISHOP of Utah.
H.R. 499: Mr. SHUSTER.
H.R. 546: Mr. COURTNEY.
H.R. 592: Mr. NEUGEBAUER, Mr. WEBSTER of Florida, Mr. FOSTER, and Ms. ADAMS.
H.R. 665: Mr. HANNA.
H.R. 676: Mrs. LAWRENCE.
H.R. 699: Mr. BRIDENSTINE.
H.R. 702: Mrs. MIMI WALTERS of California.
H.R. 707: Mr. PALAZZO and Mr. NUGENT.
H.R. 721: Mr. FLORES and Mr. SMITH of Missouri.
H.R. 729: Ms. TSONGAS.
H.R. 744: Mr. CUMMINGS.
H.R. 748: Mr. HIGGINS.
H.R. 757: Mr. VEASEY.
H.R. 774: Mr. CICILLINE and Mr. GRIJALVA.
H.R. 775: Mr. ROONEY of Florida.
H.R. 776: Mr. CHAFFETZ and Mrs. ELLMERS of North Carolina.
H.R. 789: Mr. HANNA.
H.R. 815: Mr. HUIZENGA of Michigan and Mr. ROUZER.
H.R. 816: Mr. DENHAM, Mr. KELLY of Mississippi, and Mr. CONAWAY.
H.R. 825: Mr. FRELINGHUYSEN.
H.R. 829: Ms. JUDY CHU of California.
H.R. 840: Mr. BLUMENAUER.
H.R. 842: Mr. COURTNEY.
H.R. 864: Mr. DESAULNIER.
H.R. 865: Mr. KINZINGER of Illinois.
H.R. 902: Mr. BRADY of Pennsylvania.
H.R. 911: Ms. TSONGAS.
H.R. 918: Mr. GOODLATTE.
H.R. 920: Ms. DUCKWORTH.
H.R. 985: Ms. ADAMS and Mr. COHEN.
H.R. 1019: Mr. BRENDAN F. BOYLE of Pennsylvania and Mr. CULBERSON.
H.R. 1027: Mr. NOLAN.
H.R. 1062: Mr. GRIFFITH, Mr. BARLETTA, Mr. HUIZENGA of Michigan, and Mr. DENHAM.
H.R. 1100: Ms. BONAMICI.
H.R. 1107: Mr. POCAN.
H.R. 1151: Mr. RODNEY DAVIS of Illinois.
H.R. 1185: Mr. ROE of Tennessee.
H.R. 1188: Ms. SPEIER.
H.R. 1211: Mrs. KIRKPATRICK and Ms. PINGREE.
H.R. 1222: Ms. DUCKWORTH.
H.R. 1226: Mr. WALBERG.
H.R. 1321: Ms. STEFANIK and Ms. SCHAKOWSKY.
H.R. 1336: Mr. CARSON of Indiana, Mrs. BROOKS of Indiana, Mr. BARR, and Mr. CARNEY.
H.R. 1342: Mr. PERLMUTTER and Mr. KING of New York.
H.R. 1356: Ms. SLAUGHTER, Ms. GRANGER, Mr. SCOTT of Virginia, Ms. BONAMICI, Mr. BEYER, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. JENKINS of Kansas, Mr. CARSON of Indiana, and Mr. POCAN.
H.R. 1384: Mr. CONAWAY, Ms. LINDA T. SÁNCHEZ of California, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. CARSON of Indiana, and Ms. KUSTER.
H.R. 1391: Mr. COHEN and Mr. CÁRDENAS.
H.R. 1401: Ms. ROS-LEHTINEN.
H.R. 1422: Ms. NORTON.
H.R. 1434: Mrs. KIRKPATRICK.
H.R. 1475: Mr. ZINKE, Ms. PLASKETT, Mr. RIGELL, and Mr. CARNEY.
H.R. 1478: Mr. HARRIS.
H.R. 1515: Mr. TAKANO.
H.R. 1516: Mr. HIGGINS and Mr. FARR.
H.R. 1550: Mr. SHERMAN.
H.R. 1559: Mr. CARTER of Georgia and Mr. DOLD.
H.R. 1567: Mr. MESSER.
H.R. 1594: Mr. FITZPATRICK, Mr. DESANTIS, Ms. BONAMICI, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. CARSON of Indiana, Ms. JENKINS of Kansas, and Mr. POCAN.
H.R. 1604: Mr. ROSS and Mr. ABRAHAM.
H.R. 1608: Ms. SPEIER and Mr. DENT.
H.R. 1624: Mr. BENISHEK, Mr. DESAULNIER, Mr. PEARCE, Mr. BERA, Mr. CULBERSON, Mr. SAM JOHNSON of Texas, Ms. DUCKWORTH, Mr. EMMER of Minnesota, Mr. MCHENRY, Mr. MOOLENAAR, Mr. MESSER, Mr. DENT, and Mr. GOSAR.
H.R. 1628: Mr. POCAN and Mr. JONES.
H.R. 1655: Mr. BENISHEK and Ms. GABBARD.
H.R. 1684: Mr. POCAN.
H.R. 1716: Mr. MASSIE.
H.R. 1721: Mr. TAKANO.
H.R. 1737: Mr. O'ROURKE.
H.R. 1839: Mr. SCHWEIKERT.
H.R. 1901: Mr. WESTMORELAND.
H.R. 1937: Mrs. HARTZLER.
H.R. 1942: Miss RICE of New York, Ms. HAHN, Mr. CARSON of Indiana, and Mr. COOPER.
H.R. 1967: Mr. KING of New York, Mrs. CAPPS, Mr. HUFFMAN, and Ms. PINGREE.
H.R. 1974: Mr. VAN HOLLEN.
H.R. 1977: Ms. TSONGAS.
H.R. 2017: Mr. LAMALFA, Mr. ROUZER, Mr. BRIDENSTINE, and Mr. JOYCE.
H.R. 2025: Mr. DESAULNIER.
H.R. 2026: Mr. WILSON of South Carolina and Mr. TAKANO.
H.R. 2063: Ms. JACKSON LEE.
H.R. 2096: Mr. HUIZENGA of Michigan.
H.R. 2102: Ms. MCSALLY.
H.R. 2147: Mr. CONYERS and Mr. PALLONE.
H.R. 2205: Mr. MURPHY of Florida.
H.R. 2209: Ms. NORTON.
H.R. 2243: Mr. POSEY.
H.R. 2315: Mr. CONAWAY, Mr. PETERS, Mr. BRAT, and Mr. ROSKAM.
H.R. 2320: Ms. DUCKWORTH.
H.R. 2328: Mr. WALBERG.
H.R. 2342: Mr. PEARCE and Mr. HECK of Nevada.
H.R. 2369: Mr. GOSAR.
H.R. 2403: Mr. RICHMOND.

H.R. 2404: Ms. CLARKE of New York.
H.R. 2410: Ms. DELBENE.
H.R. 2494: Mr. ZELDIN.
H.R. 2513: Mr. WOMACK and Mr. WESTERMAN.
H.R. 2530: Ms. TSONGAS.
H.R. 2540: Mr. TONKO.
H.R. 2557: Mr. REED.
H.R. 2567: Mr. SMITH of Missouri.
H.R. 2595: Mr. POCAN.
H.R. 2602: Mrs. KIRKPATRICK, Ms. MENG, and Mr. MCNERNEY.
H.R. 2624: Ms. JACKSON LEE.
H.R. 2643: Mr. CURBELO of Florida and Mr. STIVERS.
H.R. 2646: Mr. SALMON and Mr. COFFMAN.
H.R. 2653: Mr. JOHNSON of Ohio, Mr. MARCHANT, Mrs. BLACK, and Mrs. ROBY.
H.R. 2663: Mr. ROKITA.
H.R. 2669: Mr. COLLINS of New York.
H.R. 2680: Mr. BRADY of Pennsylvania.
H.R. 2689: Mr. NUNES, Mr. TED LIEU of California, Mr. BERA, and Mr. TAKANO.
H.R. 2769: Ms. NORTON.
H.R. 2775: Mr. ROONEY of Florida.
H.R. 2793: Mr. GRAVES of Louisiana.
H.R. 2802: Mr. CULBERSON and Mr. KLINE.
H.R. 2805: Ms. STEFANIK.
H.R. 2811: Mr. HONDA, Mr. DESAULNIER, and Mr. POCAN.
H.R. 2824: Mr. RANGEL and Ms. SCHAKOWSKY.
H.R. 2844: Mr. VEASEY and Mr. MCDERMOTT.
H.R. 2847: Mr. LEWIS.
H.R. 2849: Mr. WELCH, Mr. QUIGLEY, and Mr. VAN HOLLEN.
H.R. 2903: Mr. WALBERG, Mr. POE of Texas, Mr. HUIZENGA of Michigan, Mrs. BUSTOS, Mr. TAKAI, Mr. CHABOT, Mr. BOUSTANY, and Mr. TROTT.
H.R. 2911: Ms. LORETTA SANCHEZ of California, Mr. NUNES, Mr. BLUMENAUER, and Mr. MARCHANT.
H.R. 2915: Mr. JONES, Mr. LANGEVIN, Mr. COFFMAN, and Ms. KUSTER.
H.R. 2920: Mr. PRICE of North Carolina, Mr. FRELINGHUYSEN, and Ms. BROWNLEY of California.
H.R. 2963: Mr. GARAMENDI, Mrs. BUSTOS, Ms. JUDY CHU of California, and Ms. KAPTUR.
H.R. 2973: Mr. JONES.
H.R. 2979: Ms. TSONGAS.
H.R. 2984: Mr. GUTHRIE.
H.R. 2992: Mr. RENACCI.
H.R. 3018: Mr. ROE of Tennessee.
H.R. 3029: Mr. RYAN of Ohio.
H.R. 3036: Mr. GIBSON and Ms. JACKSON LEE.
H.R. 3039: Mr. SMITH of Texas.
H.R. 3040: Ms. BORDALLO.
H.R. 3071: Ms. TSONGAS.
H.R. 3106: Mr. BILIRAKIS.
H.R. 3108: Mr. POCAN.
H.R. 3114: Mrs. KIRKPATRICK and Mr. JONES.
H.R. 3118: Mr. BLUM, Mr. NEWHOUSE, and Mr. RUSSELL.
H.R. 3132: Mr. HIGGINS, Ms. MAXINE WATERS of California, Mrs. BEATTY, Mr. BERA, Mr. COURTNEY, Mr. RICHMOND, and Mr. TED LIEU of California.
H.R. 3136: Mr. LUETKEMEYER and Mr. YOHO.
H.R. 3137: Mr. KLINE, Mr. COOK, Mr. DENHAM, and Mr. HONDA.
H.R. 3163: Mr. MCGOVERN.
H.R. 3171: Mr. BROOKS of Alabama.
H.R. 3183: Ms. BORDALLO.
H.R. 3189: Mr. EMMER of Minnesota, Mr. FINCHER, Mr. MESSER, Mr. WILLIAMS, and Mr. STUTZMAN.
H.R. 3193: Mrs. LOWEY.
H.R. 3199: Mr. PERRY and Mr. BROOKS of Alabama.
H.R. 3209: Ms. MOORE.
H.J. Res. 2: Mr. ZINKE.
H.J. Res. 9: Mr. FLEMING.
H.J. Res. 51: Mr. GALLEGO.
H.J. Res. 55: Mr. JONES, Mr. POSEY, Mr. DUNCAN of South Carolina, Mr. ROHRABACHER, Mr. SANFORD, Mr. HARRIS, Mr. LABRADOR, Mr. RIGELL, Mr. YOHO, Mr. GOWDY, Mr. STUTZMAN, Mr. MESSER, Mr. GIBSON, Mr. PALAZZO, Mr. WEBSTER of Florida, Mr. WESTERMAN, Mr. SENSENBRENNER, Mrs. LOVE, Mr. MOOLENAAR, and Mr. GROTHMAN.
H.J. Res. 61: Ms. GABBARD and Mr. CURBELO of Florida.
H. Con. Res. 40: Mr. GRIJALVA, Mr. COOK, Mr. YOUNG of Alaska, Mr. GRAYSON, Ms. LOFGREN, Mr. HIGGINS, and Mr. MILLER of Florida.
H. Con. Res. 50: Mr. RUSH, Mr. DELANEY, Mr. YOUNG of Alaska, Mr. HONDA, Mr. GIBSON, and Mr. RUSSELL.
H. Res. 12: Mr. JEFFRIES.
H. Res. 110: Mr. CRENSHAW.
H. Res. 220: Mrs. MCMORRIS RODGERS.
H. Res. 289: Mr. GRIJALVA and Mr. VAN HOLLEN.
H. Res. 294: Mr. RIBBLE and Ms. JUDY CHU of California.
H. Res. 354: Mr. JORDAN, Mr. COFFMAN, and Ms. FRANKEL of Florida.
H. Res. 367: Mr. RYAN of Wisconsin, Ms. GRANGER, Mr. GOODLATTE, Mr. BUCK, Mr. MCCAUL, Mr. GRIFFITH, Mr. ROHRABACHER, Mr. TROTT, Mrs. LUMMIS, Mr. KATKO, Mr. CULBERSON, Mr. CRENSHAW, Mr. SIMPSON, Mr. MICA, Mr. NUGENT, Mr. SMITH of Missouri, Mr. GRAVES of Missouri, Mr. DUFFY, and Mr. GUTHRIE.
H. Res. 379: Mr. BABIN, Mr. PERRY, Mr. MEADOWS, Mr. COSTELLO of Pennsylvania, Mr. COOK, and Mr. RIBBLE.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolution, as follows:

H.R. 836: Ms. CLARK of Massachusetts.

## PETITIONS, ETC.

Under clause 3 of rule XII,

18. The SPEAKER presented a petition of Mr. Gregory D. Watson, a Citizen of Austin, TX, relative to urging Congress to propose, for ratification by special conventions held within the individual states, an amendment to the United States Constitution which would establish a procedure by which the President of the United States may be removed from office by means of a nationwide recall election; which was referred to the Committee on the Judiciary.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161 WASHINGTON, MONDAY, JULY 27, 2015 No. 119

# Senate

The Senate met at 2 p.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.

Eternal God, incline Your ear and hear our prayer, for without Your presence and power, our striving is in vain. Preserve us with Your loving providence, guiding us through each season of life's sojourn.

Lord, teach our lawmakers Your way, illuminating their path with the lamp and light of Your truth. Remind them that true greatness comes through service, as they remember to esteem others as better than themselves.

You, O Lord, are a God full of compassion. You are gracious, long-suffering, and abundant in mercy and truth.

We praise Your matchless 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 MAJORITY LEADER

The PRESIDING OFFICER (Mr. JOHNSON). The majority leader is recognized.

## THE HIGHWAY BILL

Mr. MCCONNELL. Mr. President, ''there is no such thing as a Republican road or a Democrat road.'' That is what Chairman INHOFE said a few days ago, and he is absolutely right. No wonder Republicans and Democrats continue to rally around a bipartisan, multiyear highway measure that is fiscally responsible and will not raise taxes.

The bill before us would streamline regulations, advance research and innovation in transportation, modernize infrastructure and transportation systems, and inject new accountability measures so Americans can get a better handle on how their tax money is actually being spent.

This multiyear bill also reverses the trend of short-term temporary patches, giving State and local Governments the certainty and the stability they need to better plan road and bridge projects. On top of that, the bill would also provide State and local Governments with more flexible options for stretching those transportation dollars.

So this is a good bill for our country. Substantial numbers of Republicans and Democrats continue to support it. But time is running out to get this bill through Congress. We are up against a deadline at the end of the week. Jobs are on the line. Important infrastructure projects are too. So we have to get the job done—and we are.

We have had to navigate some especially difficult political terrain to get this far already. It hasn't always been easy, but we are now nearing completion of the Senate's work on this bill.

If the bipartisan coalition supporting this fiscally responsible, multiyear bill continues to cooperate and work hard, I know we can get there.

I want to thank every colleague who has worked so hard already on this bill, particularly Chairman INHOFE and Senator BOXER, who have really done magnificent work to get us to this point. Let's hope we can all get it across the finish line.

## RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

## ORDER OF BUSINESS

Mr. REID. Mr. President, I choose not to speak today. So I would ask the Chair to announce the business of the day.

## RESERVATION OF LEADER TIME

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

## HIRE MORE HEROES ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 22, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 22) to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.

Pending:

McConnell modified amendment No. 2266, in the nature of a substitute.

McConnell (for Kirk) amendment No. 2327 (to amendment No. 2266), to reauthorize and reform the Export-Import Bank of the United States.

McConnell amendment No. 2328 (to amendment No. 2327), to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 entirely.

McConnell amendment No. 2329 (to the language proposed to be stricken by amendment No. 2266), of a perfecting nature.

McConnell amendment No. 2330 (to amendment No. 2329), to change the enactment date.

The PRESIDING OFFICER. The Senator from Illinois.

### 25TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

Mr. DURBIN. Mr. President, there are no ideas more central to America's democracy and identity than liberty

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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and equality. The Declaration of Independence lists liberty among mankind's inalienable rights and states: ''All men are created equal.'' But it wasn't until 1870 that the 15th Amendment to the Constitution was ratified, extending the vote to African-American men, and women were not given the right to vote in America until 1920, when the 19th Amendment was ratified.

America's democracy has indeed been imperfect, but throughout our history, we have sought to address our imperfections. After all, the story of America is not the story of a perfect nation. It is the story of a nation in pursuit of a more perfect nation.

So it is sobering but not surprising that it took us nearly to the end of the 20th century to expand and acknowledge the rights of another group of Americans who suffered discrimination through history—people with disabilities.

This Sunday we mark the 25th anniversary of one of the most important civil rights victories in our nation's history—the enactment of the Americans with Disabilities Act. The Americans with Disabilities Act set forth four great goals for people with disabilities: equal opportunity, full participation, independent living, and economic self-sufficiency. But the fundamental goal of the ADA is simple. In the words of one activist, the ADA is about securing for people with disabilities the most fundamental of rights: ''the right to live in the world.''

It is worth remembering that this was a bipartisan victory. Senator Bob Dole, a Republican and a veteran wounded by German machine gun fire in World War II, and Tom Harkin, a Democrat from Iowa, teamed up to get this done.

When President George H.W. Bush signed the ADA into law, he said: ''Today's legislation brings us closer to that day when no Americans will ever again be deprived of their basic guarantee of life, liberty, and the pursuit of happiness.''

Tom Harkin called the day the ADA passed the proudest day of his legislative career. I remember a story he told the Senate a few years ago. When he was first elected to the Senate, his whole family came for the swearing-in ceremony. They sat up in the gallery right behind me. He even arranged a sign language interpreter for his older brother Frank, who was deaf. But he was told by the guard outside of the gallery door that the interpreter was not allowed to stand in the gallery and interpret.

Tom Harkin could not believe it. He came down to the floor and told the majority leader, Bob Dole, the situation. Senator Dole said: ''I will take care of it.'' And he did. It was the first thing they did together. It sure wasn't the last. Five years later they watched President Bush sign the ADA into law.

I want to give credit to some tireless advocates who helped make that a reality: Justin Dart, the ''Father of the ADA,'' who has passed on, and my great friend from Chicago, Marca Bristo, President and CEO of Access Living.

In 1977, Marca had a serious accident and broke her neck, leaving her paralyzed from the chest down. She lost her job, her house, and her health insurance. A lot of people would have given up—but not Marca Bristo. She led an army of people who could not see, hear, walk, and talk to mobilize and pass the most comprehensive civil rights law since the Civil Rights Act of 1964.

Marca is a force of nature. Every day, Marca and her team are on the frontlines helping people with disabilities. They help people such as Michael Grice. He uses a power wheelchair and has been involved with disability activism for many years. He has a bright personality that draws many people to him.

He speaks with passion and compassion. He calls himself a very active person. He was living on his own in an apartment in Hyde Park on the South Side of Chicago until health complications led him into a group home, where he lived for more than a year. His health continued to deteriorate, and he moved into a nursing home.

Michael and the group home staff planned for him to stay at the nursing home for 6 to 8 weeks and then move back on his own. Those 6 to 8 weeks became nearly 3 years. Michael grew more frustrated. That is when Marca Bristo and Access Living came to the rescue, and they helped Michael find a new place so he could live on his own. Last year Michael was able to move from the nursing home into his own apartment.

I am proud of activists such as Michael and Marca and the folks at Access Living. We owe them a debt of gratitude for helping America realize our full potential.

It is hard to imagine, but before the Americans with Disabilities Act, people with disabilities were denied the opportunity to participate fully in society. Back then, very few transit systems had buses or trains equipped for wheelchairs. If you needed a haircut or to see a doctor or just wanted to meet a friend for a cup of coffee, you probably had to rely on family and friends or a social service agency.

The Americans with Disabilities Act has changed that. The Americans with Disabilities Act has changed America. Every day you can see how far we have come as you walk down the street—with curb cuts, ramps, braille signs, and assisted listening devices. Because of the ADA, thousands of Americans with disabilities get to go to school, get a good education, and enter the workforce.

We still have a long way to go. The unemployment rate for people with disabilities is still too high. Most people with disabilities want to work and have to work. When they do work, that can impact our communities in ways that are hard to imagine.

Let me tell you about the late Bob Greenberg, a legendary sportscaster at WBEZ radio in Chicago. For his loyal Chicago radio audience, Bob described sporting events that they couldn't see. But Bob's story is unique because Bob couldn't see them either. Bob Greenberg was blind. But that didn't stop him from achieving his dreams.

In the early 1980s, Hall of Fame basketball player Kareem Abdul-Jabbar was taking questions from reporters after a hard game. He turned to Bob, who was holding a white cane and a microphone and he said: How did you get here?

It wasn't hard, Bob said. He then explained how he knew the exact number of steps from his home to the Lake Street ''L,'' how he felt for the right combination of coins to put in the turnstile, and then how he knew the exact number of steps to take along West Madison to Chicago Stadium.

Kareem Abdul-Jabbar paused to take that in and finally said: Ask your question, sir.

It was clear. Bob Greenberg worked hard to get where he was.

There is no doubt that laws such as the ADA helped Bob. I just wish we had passed it sooner. Maybe Bob's road to achieving his dream could have been a little smoother.

Let me close by noting this. I wonder if the Americans with Disabilities Act were called before the Senate today, if it would pass. We know how great it is. We know what it has done for America. But there were also always voices then—and there are voices now—that question whether Government ought to have that big a say, that big a role, that big a voice in our private lives and our public lives. Thank goodness Bob Dole, a Republican, and Tom Harkin, a Democrat, put together a coalition that realized that at some moments in history we have to move together as an American family to solve a problem. We use our Government to achieve that goal.

The day the ADA passed, Senator Harkin stood at this podium in the Chamber and gave his entire speech in sign language. Afterward, he said it was the first time anyone ever gave a long-winded speech on the Senate floor and no one ever heard him. He was wrong. His brother Frank heard him. Marca Bristo heard him, Michael Grice heard him, Bob Greenberg heard him, and millions of others with disabilities heard that speech.

Before leaving the Senate, Senator Harkin taught me a wonderful sign for the word ''America.'' It is this: All ten fingers joined together, rotating in a circle around your chest. That is sign language for ''America.'' That is the America that we all are striving to become, a place where no one is left out, where we are all included within the circle of equal opportunity. That is how we honor our Constitution and our great Nation—with liberty and justice for all.

SYRIAN SAFE ZONE ANNOUNCEMENT

Mr. President, I recently spoke on the floor about the terrible humanitarian crisis in Syria. If you had to pick out one place in the world today where more innocent people are dying, it is hard to think of any place that matches Syria. Over 200,000 people have died during the course of the Syrian war, and up to 12 million Syrians have been displaced.

I have a friend of mine in Chicago, he is a Syrian American doctor, Dr. Sahloul, who comes to see me regularly and brings photos back from Syria. They are heartbreaking photos.

Dr. Sahloul and his friends literally sneak across the border into Syria to treat the casualties in this war. He shows me pictures of surgeries performed on the floors of schools and on card tables, and he shows me those who have been maimed and killed by the barrel bombs of Bashar Assad and by the ravages of war.

We will be judged as a generation as to whether we have responded properly to this humanitarian challenge.

In April, Senators KAINE, GRAHAM, and MCCAIN joined me on a letter to President Obama urging him to work with other world leaders to create no-fly zones within Syria where modern medical treatment can be provided and displaced persons can safely escape.

I have raised this with many involved in this extremely difficult issue, including Gen. John Allen, Retired, U.N. Special Envoy for Syria Staffan de Mistura, the Turkish Ambassador, and National Security Advisor Susan Rice.

So, I was heartened today—in fact, exhilarated—to read in the morning paper that the United States is now working with Turkey and other countries to establish a humanitarian safe zone in the northern part of Syria to try to find one patch of real estate in that war-ravaged country where these children, their mothers, families, elderly people, and those who have been hurt can go and safely—safely—be treated and live.

We have to do this. The Turks are going to lead the way. We are going to support them, but it is a challenge not just to our two countries—to us and to Turkey—but to the world to step up and put an end to this bloody, terrible, ruthless war.

There have been so many casualties. The United States—our good people who reach out to help those around the world—should stand and be counted when it comes to the establishment of this humanitarian zone to try to bring some peace to some part of the population living in war-torn Syria.

This won't solve the larger crisis right away, which ultimately will require a political transition in Syria. Without a political dialogue, there is no long-term hope for Syria, only short-term relief.

But this announcement does have the possibility to bring the Syrian civil war one step closer to an end.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I once again come to the floor to talk about a Feinstein-Wicker amendment to this Transportation bill, which I hope we can have a vote on and dispose of and let the U.S. Senate work its will on, either late tonight or perhaps tomorrow after the pending business is taken care of.

I would begin by quoting from an editorial that was in yesterday's Post-Gazette, the daily newspaper in Pittsburgh, where it says: ''The tractor-trailer roaring by you on the highway could be 9 feet longer next year.'' It could be this long, as shown on this chart I have in the Chamber. It could be mandated by this Congress on 39 States that do not want it.

The editorial goes on to point out there is legislation pending that would force these longer trucks on these 39 States—on all 50 States—11 of them already allow it, but 39 do not. Unless we act and adopt the Feinstein-Wicker amendment on this bill, a provision in the Transportation appropriations bill will go forward and is likely to be signed into law requiring this. This will have been done, I might add, without a full debate, without a hearing being held in any committee of the Senate on this issue.

So what are we talking about? I have in the Chamber a poster that says: ''Would You Feel Safe Driving Next to a Double 33?'' As shown here, this is the size of the proposed new longer trucks that we would mandate on all 50 States. As you can see on the chart, here is the size of a typical passenger car. Here is the comparative size of a motorcycle, a bicycle, and, of course, here is a defenseless pedestrian. Compared to the pedestrian down to the passenger car, this Federal mandate that I am trying to at least give a timeout to would mandate on States that they allow these twin 33 trailers, and they would be driving along next to this car that my kids are going to be driving in and my grandchildren are going to be riding in. I do not think it is a good idea.

But I would point out, if a State does think it is a good idea, I am not going to stand in their way. Some 11 States have decided they are willing to take this risk—many of them out in the wide-open spaces of the West. But it is worth saying that these 39 States do not allow longer tandem trucks, and we should ask ourselves whether Congress knows better than these States.

These States do not allow them: Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, and Illinois. As a matter of fact, we have a unanimous resolution from the Illinois State Senate, a bipartisan, unanimous resolution from the Illinois State Senate, saying: Do not mandate these double 33s on us. I go on: Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, my home State of Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin, Mr. President. None of those States allows twin 33s now, but there is a proposal I am trying to stop that would mandate that these States must allow for the longer and, I believe, more dangerous trucks.

The editorial goes on to quote the former head of the National Highway Traffic Safety Administration, who ''likens the massive trucks to 'trains on highways' that would damage roads and endanger motorists.'' I think it makes a lot of sense. I think it would damage roads. I think it would endanger motorists.

Now, if my State of Mississippi, with the considered judgment of the Mississippi Department of Transportation and their commission, the Mississippi Sheriffs' Association, the Mississippi Association of Chiefs of Police—if all of those people are advising us against this, why should we as a Congress tell these States that we know better than they do?

I will just quote one final statement from the editorial before I ask it be printed in the RECORD. The editorial concludes: ''With its bridges already in the worst shape in the nation, Pennsylvania doesn't need longer trucks on its roads.''

Mr. President, I ask unanimous consent that this editorial be printed in the RECORD.

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

[From the Pittsburgh Post-Gazette, July 26, 2015]

BIGGER'S NOT BETTER: LONGER TRACTOR-TRAILERS SPELL TROUBLE ON THE ROAD

(By the Editorial Board)

The tractor-trailer roaring by you on the highway could be 9 feet longer next year if Congress approves a measure backed by FedEx and other shippers, who want bigger trucks so they can haul more stuff. It's a bad idea everywhere in the nation, but particularly in Pennsylvania with its poorly maintained roads and bridges.

The legislation would force states to allow ''twin 33s''—trucks that pull two trailers, each 33 feet long. Only 11 states allow them now, and Pennsylvania is not among them. Double trailers here cannot be more than 28 feet, 6 inches, and single trailers can be no more than 53 feet long.

Supporters say the change would eliminate 6 million trips each year, improve the environment and cut down on crashes. But anyone who has ever held his breath as a massive truck comes within inches of his car while making a turn would be hard to convince that bigger is better.

The former head of the National Highway Traffic Safety Administration likens massive trucks to ''trains on highways'' that would damage roads and endanger motorists. Trucks weigh 20 to 30 times more than cars, and they take longer than cars to come to a stop, particularly on wet and slippery roads. A U.S. Department of Transportation study found that the twin 33s require 22 more feet

for braking than the current trucks on the road. In 2013, 3,964 people died in crashes involving large trucks.

Pennsylvania Sen. Bob Casey, a Democrat who is crusading against the change, says longer trucks would cause more than $2 billion in damage to the nation's roads and bridges. With it bridges already in the worst shape in the nation, Pennsylvania doesn't need longer trucks on its roads.

Mr. WICKER. Once again, I stress the point, this is Pennsylvania specific. Pennsylvania has made a considered decision not to allow these. I think it ill-behooves us as a Congress to say we know better about the roads and the condition of the bridges in the State of Pennsylvania than the local authorities do.

So in the interest of deferring to the States, I think we should adopt the Feinstein-Wicker amendment not to mandate these longer trucks on States that do not want them.

Also, I do want to stress a few things. If this goes forward, it will have been done with no hearings in this Congress in any committee. The Appropriations Committee, which voted on this, did not have a hearing. The transportation committee, which I serve on, did not have a hearing. The commerce committee, which is another committee of jurisdiction on this matter, never had a hearing about this. Wouldn't it be a good idea—before we tell States they have to do this—to get proponents of this Federal mandate before us to answer questions about it—perhaps opponents of this Federal mandate to come and give us their considered opinion, experts about the safety issues, experts about what this will do to bridges, about what it will do to tear up our highways. Wouldn't that be a good idea before we decide in our wisdom inside the beltway in Washington, DC, that we know better than 39 States? I think it would be a good idea.

We might want to hear from AAA. We might want to hear from officials of the State of Missouri who have memorialized this Congress not to mandate this on the very people whom they are trying to represent on a State-by-State basis. I would like to get the Mississippi Trucking Association here. They have come out against this Federal mandate. They are in favor of the Feinstein-Wicker amendment to continue to leave this up to the States. I would like to get them before a hearing and hear them out. Perhaps Members of Congress and members of the various committees could be convinced, as I have become convinced, that they are correct.

Why would any trucker be opposed to this? I will simply tell you, a lot of truckers are small businesspeople. We honor small business people. We know they are the engine of job creation in the United States of America. Many of the small truckers have told me—and they make up organizations like the Mississippi Trucking Association—they cannot compete in an environment in which this becomes the norm. The big guys can easily move to the tandem 33 trailers, but the small business people cannot. It is much harder for them to get a loan. It is much harder for them to come up with the capital expenditure of moving to this, and many of them feel as though they will be put out of business.

So I think we should be very careful about saying we are going to run over the considered opinion of people in 39 States, we are going to disregard the Mississippi Association of Chiefs of Police and a host of other State chiefs of police associations, we are going to disregard the Mississippi Sheriffs' Association and a laundry list of other sheriffs associations from all around the United States of America.

I think the better approach is the Feinstein approach, which lost on a tie vote in the Appropriations Committee. The Feinstein approach says: Let's make sure we have a full and comprehensive study about this and get back to us, and if we implement it, let's do it in the normal course of events with the rulemaking process and comments from all sides.

So all this Feinstein-Wicker amendment does is say we cannot mandate this this year. Instead, we are going to ask the leading experts in this city to come back to us and tell us if, in their opinion, this is safe, to tell us, in their opinion, what this will do to bridges and infrastructure. I think that is the better approach.

There were 30 members of the Appropriations Committee who voted on this issue—exactly 30. Let me make sure I am precise. The Feinstein amendment lost on a vote of 15 to 15. Now, should that go forward as the policy of this U.S. Senate? I do not think so. I think we owe it to the American people, on an issue that involves safety, on an issue that involves infrastructure, and on an issue that involves deferring to the States to make the best decisions for their people—I think we owe it to them to have a full vote and not let something go forward on a virtual tie vote.

The provision that is now in the appropriations bill was adopted 16 to 14 in the Appropriations Committee with no hearings. I simply ask my colleagues, is that the way to make a major safety decision, an infrastructure decision for the American people?

So we are nearing the time when supporters of the Feinstein-Wicker amendment are hoping for a vote. I was heartened to hear the conversation of the majority leader yesterday that he certainly hoped we would be able to have votes on germane amendments like this. I appreciate the efforts of the ranking member of the committee, a friend of mine from California, in saying she is going to do whatever she can to get us a vote on this. So I do appreciate it.

I would say to Members listening today, it is time to get informed on this issue. It is time to find out what the facts are, to realize this appropriations decision that I am trying to reverse and put the brakes on, to a certain extent, is not permissive in nature. It is a requirement. If it goes through, we will be telling 39 States they are wrong, somehow we are right here in Washington, DC.

So I hope, first of all, we can get an amendment on the floor, and I hope Members will search their consciences and decide that indeed this is something which at least ought to be thoroughly studied. We ought to have all of the facts. More than that, this is something where we don't need to run over the 39 States that happen to feel otherwise.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I appreciate the presentation by my friend. He is absolutely right and my colleague Senator FEINSTEIN is absolutely right on this point.

I think the American truckers are saying, I say to my friend from Mississippi, that this is a modest extension, a 5-feet extension, but it is 5 times 2, as my staff pointed out, so this is a 10-foot extension. And many of our States are already in trouble. Many of our bridges are structurally obsolete. So the American truckers are pushing hard for this. But I think my friend is right. I think States ought to be able to decide the condition of their roads, the condition of their bridges, and if they feel this type of increase is going to jeopardize safety, I don't think Uncle Sam ought to be telling them what to do.

Mr. WICKER. If my friend will yield briefly.

Mrs. BOXER. Yes.

Mr. WICKER. I know she wants to talk about the larger issue. If it is, in fact, a modest and relatively harmless extension of the size, then I think perhaps States might want to make that decision themselves. They may very well conclude—39 have not made that decision, but 11 States have made that decision. And even though some may consider this a modest extension, I think modesty and the length of the trucks and the safety thereof is really in the eye of the beholder, and the State of Mississippi might feel very different than one of the wide-open Western States.

I thank my friend for her comments.

Mrs. BOXER. I thank my friend, and I agree with him. If each of us had written the bill that is before us, it wouldn't look the way it looks. Clearly, if my friend had written it, this wouldn't be in there. If I had written it, this wouldn't be in there and a lot of other things would.

I am so happy Chairman INHOFE has arrived. I am the ranking member on the Environment and Public Works Committee. Our title is responsible for 70 percent of the spending in this legislation. We knew that everyone had a wish list. We knew that if one Senator got everything he or she wanted, we

wouldn't have a bill, and if I got everything I wanted, we wouldn't have a bill. We had to meet in the middle, and we had to withhold on some of the items on our wish list. Frankly, I think that is the story of legislating a huge and important bill such as this, and it is an important bill.

Before I came over here, I say to my friend Senator INHOFE, I read that the whip over in the House, who comes from California, said: The Senate should not send the bill over to the House.

My response to that is, if we have a bill, we are sending it.

He said: We are leaving, and that is it.

If the House chooses to go out on vacation, a work period, or whatever they do, that is their business, but it is our job to fix the problems we are facing.

With the help of my friend Chairman INHOFE, I have a couple of pictures to show everyone.

The first picture is my photograph of the bridge collapse on Interstate 10 at the Arizona-California border. Years ago they said this bridge was functionally obsolete. In other words, when it was built, nobody thought so much traffic would be traveling on it. Later they gave it an A, but it was determined to be obsolete.

The reason bridges like this aren't getting fixed is we just haven't had enough funds to do it. In this bill, it is true—we stayed away from a tax gas increase, and we found a way to get enough for what I consider to be a very solid funding bill.

I will show everyone some other bridges that have collapsed, and there are so many. Here is Washington State. The Skagit River Bridge collapsed. Look at this. It is unbelievable. There are cars down below that have crashed. This is pathetic. This isn't a third-world Nation; this is America, and a Washington State bridge collapsed. How are we going to get the money for it? We need to pass a long-term bill.

If we pass a 5-month bill the way some of our opponents are calling for here and in the House, we won't have a dime to fix any bridge. All we are doing is, at the bare minimum, extending the program. Nobody is going to undertake any type of long-term fix on these bridges.

This is the Arlington Memorial Bridge. It was built in 1932. We know about it; it is right here. It is deteriorating. It is in trouble. We are trying to avoid a collapse. We need this bill to do that.

So when I talk about this bill—these bridges are in trouble.

Here is a picture of another bridge that actually did collapse. This is in Minnesota. This started the whole thing, and it was in 2007. It was unbelievable what happened there, and we can see the devastation. This is why Senator INHOFE is doing this. It is the reason I am doing this. It is the reason Senator MCCONNELL is doing this. It is the reason DICK DURBIN is doing this. It is the reason so many of our colleagues on both sides of the aisle are willing to admit that while this isn't a perfect bill, we cannot sustain this. Either bridges are crumbling or they are collapsing.

There are other examples. I will keep up the California bridge collapse so everybody can see it. It is the one I know the best because it is in my State. As I have said, and I ask rhetorically, how much business are we losing when we have cars and cargo having to go 400 miles out of the way to get from California to Arizona or Arizona to California? This is a nightmare.

As I understand it, we found some emergency funds, and so now we need to try to figure this out. Should we close part of it down or keep part of it open? It is not that safe to do, and there is no reason why we should have a situation such as this.

It may surprise everyone to hear how many bridges are deficient and in need of repair. In Kentucky, the Brent Spence Bridge; in Louisiana, the Calcasieu River Bridge; in Maine, the Piscataqua River Bridge; in Maryland, the Chesapeake Bay Bridge; in Massachusetts, the I–95 Bridge in Middlesex; in Michigan, the I–75 Rouge River Bridge; in Minnesota, the I–35 East Bridge over Pennsylvania Avenue; in Mississippi, the Vicksburg Bridge; in Missouri, the I–270 East Bridge over Conway Road; in Nevada, the Virginia Street Bridge in Reno; in New Hampshire, the I–293 Bridge in Hillsborough.

When I am done reading this, I will have the whole list printed in the RECORD.

In New Jersey, the Garden State Parkway in Union County; in New Mexico, the Main Street Bridge; in New York, the Brooklyn Bridge.

These are iconic structures, and they need to be fixed. They are deficient.

In North Carolina, the Greensboro Bridge; in Ohio, the John Roebling Suspension Bridge; in Oklahoma, the I–40 Bridge over Crooked Oak Creek; in Oregon, the Columbia River Crossing; in Pennsylvania, the Benjamin Franklin Bridge.

Do you think we ought to fix the Benjamin Franklin Bridge?

In Rhode Island, the I–95 Viaduct in Providence; in South Carolina, the I–85 Bridge in Greenville; in Texas, the I–45 Bridge; in Utah, the I–15 Bridge; in Washington, the Evergreen Point River Bridge; in Wisconsin, the US–41 Bridge; Alabama; Arizona; Arkansas; and California.

The Golden Gate Bridge is the hallmark and one of the landmarks of my State, and it is deficient and in need of repair.

Colorado; Connecticut; the District of Columbia. I showed everybody the Memorial Bridge. Florida; Georgia; Hawaii, the Halona Street Bridge in Honolulu County; Illinois, the Poplar Street Bridge; Indiana, the I–65 Bridge over the CSX Railroad; in Iowa, the Centennial Bridge.

Mr. President, I ask unanimous consent that the list of deficient bridges in need of repair be printed in the RECORD.

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

STATE EXAMPLES OF DEFICIENT HIGHWAY BRIDGES IN NEED OF REPAIR

Alabama—I–65 Bridge over US–11 in Jefferson County
Arizona—I–17 Bridge over 19th Avenue in Maricopa County
Arkansas—I–30 Bridge over the UP Railroad in Pulaski County
California—Golden Gate Bridge
Colorado—I–70 Bridge in Denver
Connecticut—West River Bridge in New Haven
District of Columbia—Memorial Bridge
Florida—Pensacola Bay Bridge
Georgia—I–285 Bridge in Fulton County
Hawaii—Halona Street Bridge in Honolulu County
Illinois—Poplar Street Bridge connecting with St. Louis, MO
Indiana—I–65 Bridge over the CSX railroad
Iowa—Centennial Bridge
Kentucky—Brent Spence Bridge
Louisiana—Calcasieu River Bridge
Maine—Piscataqua River Bridge
Maryland—Chesapeake Bay Bridge
Massachusetts—I–95 Bridge in Middlesex
Michigan—I–75 Rouge River Bridge
Minnesota—I–35 E Bridge over Pennsylvania Avenue
Mississippi—Vicksburg Bridge
Missouri—I–270 E Bridge over Conway Road
Nevada—Virginia Street Bridge in Reno
New Hampshire—I–293 Bridge in Hillsborough
New Jersey—Garden State Parkway in Union County
New Mexico—Main Street Bridge
New York—Brooklyn Bridge
North Carolina—Greensboro Bridge
Ohio—John Roebling Suspension Bridge
Oklahoma—I–40 Bridge over Crooked Oak Creek
Oregon—Columbia River Crossing
Pennsylvania—Benjamin Franklin Bridge
Rhode Island—I–95 Viaduct in Providence
South Carolina—I–85 Bridge in Greenville
Texas—I–45 Bridge over White Oak Bayou
Utah—I–15 Bridge over SR 93 in Davis County
Washington—Evergreen Point Floating Bridge
Wisconsin—US–41 Bridge over the Menomonee River

Mrs. BOXER. Mr. President, if ever there were a bipartisan issue, it is this one. When Republican President Dwight Eisenhower was running for office, he was shocked at the condition of our roads and the fact that we really didn't have roads that were in good shape connecting one State to the next.

This is the United States of America. We are a large and sprawling nation. He said that ''a network of modern roads is as necessary to defense as it is to our national economy and our personal safety.'' This is Dwight Eisenhower. ''A network of modern roads is as necessary to defense as it is to our national economy and our personal safety.'' He was referring to the fact that we really couldn't move easily between the States if there was some type of national emergency.

I was a little girl when Eisenhower ran, and my father was a lifelong Democrat, but he was for Ike. One of the

reasons he was for Ike was because he knew we needed this kind of network. It appealed to him. He knew how important it was.

If we look at the groups that are supporting us in this effort, I will just say they represent America. They are everyone from the U.S. Conference of Mayors to the Brotherhood of Carpenters; from the Chamber of Commerce to the International Union of Operating Engineers; from AAA—and most of us belong to AAA because we are worried something is going to happen on one of these bridges or one of these roadways that are filled with obstacles and we could get in a crash. People belong to the AAA, and they support us. Also, the Laborers' International Union, Mothers Against Drunk Driving, the American Council of Engineering Companies.

Let's put up some more. Again, these are unusual allies. Usually they are fighting each other. The National Association of Counties agrees with the National Association of Manufacturers, and they agree with the Truck Stop Operators and the National Governors Association. The National League of Cities agrees with the National Ready Mixed Concrete Association; the National Stone, Sand, and Gravel Association; the Owner-Operator Independent Drivers Association; the Portland Cement Association; and the retail industry leaders. Why did they come together for this? If you are in the retail business and people cannot get to your store, you will not be there for very long. They may say it is just not worth it and will buy online.

The fact is that we need to fix our roads.

The American Highway Users Alliance agrees with the American Society of Civil Engineers and the Associated General Contractors.

I want to make a point. On Tuesday the Associated General Contractors—the AGC—put out a very important and alarming study. Construction employment declined in 25 States between May and June. They went on to explain to the press that there were monthly construction employment declines as Congress continued to search for ways to pay for new highway and transit investments. The monthly construction employment figures are troubling.

Investing in transportation infrastructure will make it easier for many firms involved in highway and transit construction to add new jobs.

There are certain States that are worse than others. Illinois lost 2.2 percent of its construction jobs—they shed so many jobs—followed by New Jersey. New Jersey had the second-most shedding of jobs, 4,600; Ohio shed 3,700 jobs; Florida, 3,100 jobs; Rhode Island, 700 jobs.

I heard my colleagues say: Well, Vermont lost 500 jobs. Here is the situation. I have heard my colleagues say: We don't like the way this is paid for. We have better ideas. I agree with them. I have better ideas too. I have 10 or 11 or 12, but I am not the only one putting this together. We have to find that magic sweet spot where we can get 60 votes here in the Senate.

I am thinking if they vote no on this but it passes, when they go to meet one of these workers and the worker says: Thank you so much; we got this job because we got a 3-year funding bill, what are they going to say? I didn't vote for it because I didn't think the funding was right? I wanted it to be done a different way? I am sure the worker would say, I appreciate that, but I am working. I am working. I am feeding my family.

I understand why people want a better source of funding, and we have tried. As my chairman knows, we have tried so hard. I know he wants to speak now, so I will close down my time with this——

Mr. INHOFE. Madam President, will the Senator yield?

Mrs. BOXER. I will yield.

(Mrs. ERNST assumed the Chair.)

Mr. INHOFE. I am not attempting to get the floor. I think what the Senator from California has said is very significant.

I think people realize—and I have said several times that the Senator from California and I are about as far apart philosophically as any two people can be. She is a very proud liberal. I am a very proud conservative. We disagree on a lot of issues on the committee which the Senator from California used to chair when the Democrats were in the majority and which I chair now, but during all that time and up to the present time, we have agreed on this.

When I see people saying they don't want—I am very disturbed by what the House is doing right now. If we don't have a long-term bill, then we will go right back to what we have done since 2009.

The Senator from California and I remember when we passed the 2005 transportation authorization. That was huge. We have had things that have happened in Oklahoma now as a result of that legislation that are saving lives. As I have mentioned before, remember the bridge when a chunk of concrete fell off and killed a mother of three. That happened right up toward the 2005 bill.

I can't imagine we are going to be in a position where we go back to increase the number of short-term—we have had 33 short-term extensions since 2009. I can't imagine we will go back to that. If we do that, we don't get the reforms. A lot of the reforms, I say to my friend from California, were reforms where she had a hard sell. She had a hard time doing it. There are a lot of things—I wanted to change the 80–20 federal share. In some areas it was 60–40, and then 70–30. We couldn't do it. We compromised. I remember there was quite a bit said about that, so that was one of my losses that wasn't necessarily one of the Senator's gains.

The bottom line is we have a bill that is going to be before the people who have a chance to vote on it. This is the last chance we have to get off of the part-time extensions.

I would ask my good friend from California if she is observing the same circumstances that I am.

Mrs. BOXER. Madam President, I am observing it exactly the same way. I said before that we have a very honest relationship in terms of where we can find that common ground, and it is in this arena.

As the Senator from Oklahoma has pointed out, he reads the Constitution and I read the Constitution. He has said many times—and he has addressed people who have heard the Senator say this—that this is a constitutional responsibility to make sure we have roads, bridges, highways, and we can move interstate commerce. From my perspective, not only do I agree with that, but I also think it is a very important way while we are taking care of the people to see that people have good, decent jobs, and that businesses prosper.

We have never had a problem working together on this. I hope our working together brings liberals, conservatives, moderates, and everybody in between to tonight's votes.

I don't know what the vote is going to be, I would say to my dear friend, but I do know this. The House is saying through their whip that they are leaving. Well, that is up to them. We all know, from the Association of General Contractors, it is stated right here that in 25 States we are seeing layoffs right now in the construction arena because we have not acted.

Madam President, I ask unanimous consent that their statement be printed in the RECORD.

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

[From the Associated General Contractors, July 21, 2015]

CONSTRUCTION EMPLOYMENT DECLINES IN HALF OF THE STATES BETWEEN MAY AND JUNE AS CONGRESS SEEKS NEW WAY TO PAY FOR NEEDED TRANSPORTATION UPGRADES

Illinois and Rhode Island Have Biggest Declines for the Month, Delaware and New York Have Largest Gains between May and June; Ohio and West Virginia Have Biggest Annual Declines, Idaho and California Add Most.

Construction employment declined in 25 states between May and June even as 39 states and the District of Columbia added construction jobs between June 2014 and June 2015, according to an analysis today of Labor Department data by the Associated General Contractors of America. Association officials noted that the monthly construction employment declines come as Congress continues to search for ways to pay for new highway and transit investments.

''While the year-over-year totals remains relatively positive, the monthly construction employment figures are troubling,'' said Ken Simonson, the association's chief economist. ''Investing in transportation infrastructure will make it easier for many firms involved in highway and transit construction to add new staff.''

Illinois (−4,700 jobs, −2.2 percent) shed more construction jobs during the past

month than any other state, followed by New Jersey (−4,600 jobs, −3.0 percent); Ohio (−3,700 jobs, −1.9 percent) and Florida (−3,100 jobs, −0.7 percent). Rhode Island (−4.5 percent, −700 jobs) list the highest percentage of construction jobs between May and June, followed by Vermont (−3.3 percent, −500 jobs); New Jersey and New Mexico (−2.7 percent, −1,100 jobs).

Twenty-four states added construction jobs between May and June, while construction employment was unchanged in Wyoming and the District of Columbia. New York (3,300 jobs, 0.9 percent) added the most construction jobs. Other states adding a high number of construction jobs included Minnesota (2,600 jobs, 2.4 percent) and Connecticut (2,200 jobs, 3.8 percent). Delaware (4.3 percent, 900 jobs) added the highest percentage of construction jobs during the past month followed by Connecticut, Hawaii (3.7 percent, 1,200 jobs) and Arkansas (3.5 percent, 1,700 jobs).

Eleven states shed construction jobs during the past 12 months with West Virginia (−12.8 percent, −4,300 jobs) losing the highest percent of construction jobs. Other states that lost a high percentage of jobs for the year included Rhode Island (−9.6 percent, −1,600 jobs); Mississippi (−7.9 percent, −3,900 jobs) and Ohio (−7.9 percent, −3,900 jobs). The largest job losses occurred in Ohio, West Virginia and Mississippi.

California added more new construction jobs (47,000 jobs, 7.0 percent) between June 2014 and June 2015 than any other state. Other states adding a high number of new construction jobs for the past 12 months included Florida (25,200 jobs, 6.4 percent), Texas (18,900 jobs, 2.9 percent), Washington (15,300 jobs, 9.7 percent) and Michigan (14,000 jobs, 9.8 percent). Idaho (12.9 percent, 4,600 jobs) added the highest percentage of new construction jobs during the past year, followed by Nevada (11.1 percent, 7,000 jobs); Michigan; Arkansas (9.7 percent, 4,400 jobs) and North Carolina.

Association officials said one of the challenges facing the construction industry is uncertainty about future federal funding levels for highway and transit repairs and improvements. Noting that the Senate is expected to vote on a new long-term surface transportation bill later today, they urged members of both parties to work together to address growing problems with the country's aging transportation infrastructure.

''Passing a long-term highway and transit bill will provide the kind of funding certainty many construction firms need to expand payrolls and invest in new equipment,'' said Stephen E. Sandherr, the association's chief executive officer. ''The series of short-term transportation funding extensions Congress has passed has clearly had a negative impact on the construction industry's recovery.''

Mrs. BOXER. That is tragic. What happens when people are laid off? We know what happens. We are getting out of this tough recession, and none of us wants to walk down the path of a short-term solution.

So I say to my friend, I am going to finish my remarks in about 2 minutes and when I yield the floor to him, I look forward to hearing his remarks.

We have work to do tonight. We have to get 60 votes.

Mr. INHOFE. Madam President, if the Senator from California will yield, let me make one statement, and then I will be coming back later to talk about some of these amendments that will be coming up.

One issue we need to clarify with our people on our side is that the conservative position is to support this. Our good friend, our mutual friend Gary Ridley, said that the extensions cost about 30 percent off the top—30 percent. In fact, I will say this, after our 27-month bill, we went over it in the House, and I had requested an audience with the entire—all 33 Republicans on the appropriate committees, and all 33 agreed that it was a conservative position. All 33 voted for the bill. I think we have the opportunity to make that happen again.

Mrs. BOXER. Madam President, reclaiming my time, my friend is right. This is an area where conservatives, progressives, liberals, moderates—what we call ourselves doesn't matter. We need to have a good, strong highway system. We need to fix the bridges. We need transportation. That is what we do here.

In closing, I wish to make this point. Each of our States has relied on the highway trust fund since Eisenhower was President. I have a list, and I think I put it in the RECORD yesterday so I don't have to put it in the RECORD again, but it shows how much each State relies on the highway trust fund. I will pull out a few States because it is interesting. I know my own State is 49 percent. We raise the rest of the money, but that 49 percent is huge, and if it were to disappear, we simply could not do what we need to do. So my State is about 50 percent.

Here are some of the States: Rhode Island, 100 percent of its program is funded by the Federal highway trust fund. Alaska, 93 percent is funded by the Federal highway trust fund. Vermont, 86 percent is funded by the Federal highway trust fund. South Carolina, 79 percent; Hawaii, 79 percent; North Dakota, 78 percent; South Dakota, 71 percent; Connecticut, 71 percent; New Mexico, 70 percent.

Now, from that list—that is, everybody who is 70 percent and over—those are red States, those are blue States, those are purple States.

My point is exactly what Senator INHOFE said yesterday. The fact is, there is no such thing as a Democratic road or a Republican road or an Independent road or a progressive road or a liberal road or a conservative road. We all use the roads, unfortunately, increasingly, at our peril—at our peril.

Idaho, 68 percent; Alabama, 68 percent; New Hampshire, 68 percent; Missouri, 65 percent; Minnesota, 64 percent; Oklahoma, 63 percent; Georgia, 62 percent; Iowa, 59 percent; Ohio, 58 percent; Virginia, 57 percent; Wisconsin, 55 percent; Oregon, 54 percent, and it goes on.

Every single one of our States is waiting. The lowest, as I understand it, looks to be New Jersey at 35 percent, but the fact is whether it is 35 percent or 45 percent or 90 percent or 100 percent, they all rely on the Federal highway trust fund. All of our people pay into it through the gas tax.

We have a responsibility. We are moving forward if we get the votes tonight. Again, we don't know that we will get them. We are working hard to get them. Hopefully, we will move forward with a good transportation bill and, for the first time in 10 years, we will have a long-term bill.

Now, the Washington Post did an interesting editorial. They don't adore this bill. They found problems with it, as we all do, but they said it is a sensible plan by Senators BOXER and INHOFE—if we worked it out—that it provides 3 years of guaranteed funding, that it would be a significant improvement from what we have done in Congress for the past decade. They said lawmakers fumbled from short-term funding patch to short-term funding patch—a nonstrategy that often relied on budget gimmicks and made it difficult for transportation officials to conduct long-term planning.

The New York Times said on Tuesday what I said before: Construction employment fell in 25 States this summer as State agencies awaited word from Congress on the future of the highway and transit spending. We also know there are well over one-half million unemployed construction workers—one-half million. Now they are starting to get laid off again.

I don't know what else to say to Members. The biggest reason they are voting no that I heard is they would like to find a better funding source. Well, all of us would, and if we had our way—the Presiding Officer would come up with her funding source. I love mine, which is a refundable gas tax increase, but I can't get a lot of votes for that. People won't give me the votes for that. So what do I do, throw up my hands and say we will have another short-term extension? No. I sat down with Senator INHOFE, I sat down with Senator DURBIN, I talked to Senator REID and Senator SCHUMER, of course, and all of my leadership over here, and I did my best. I think everyone has to understand, it is either this way or we will have to do a short-term patch.

I will predict—right now, seven States have shut down their program completely. If we don't find a solution, we are going to be looking at each other in a month, 2 months, and we are going to see programs shut down. I often use this analogy, so if my colleagues have heard it before, I apologize in advance. But if you go to the bank, you want to buy a house; they say: Great news, you qualify, and they only give you a 5-month mortgage. Are you going to buy the house? Of course you are not. Are our States going to build a highway if all they have is funding for 5 months? No. That is why the private sector that gets this money from the States—that is why they are laying people off.

Now, I want to say, working with Senator INHOFE, we were able to create a new National Freight Program and a new program called Assistance for Major Projects. This means that every

one of our States would be eligible. It is exciting to have those kinds of programs. The freight program will provide funds for all States. All States are going to get part of this formula to improve their goods movement, to reduce the costs, and improve performance for business. It expands flexibility for rural and urban areas to designate key freight corridors. This is exciting. The program is supported by the Coalition for America's Gateways and Trade Corridors, as well as business groups such as the National Association of Manufacturers.

Now, under the Assistance for Major Programs, this was something Senator WHITEHOUSE of Rhode Island worked very hard on. The bill provides support for major projects of high importance to a community, a region, or the Nation, through a competitive grant program. It includes a set-aside for rural areas and ensures an equitable geographic distribution of funds along with strong transparency provisions.

Now, these programs are exciting news. Whether one is from Iowa or California, we are all going to get these funds and locally, we will decide how to spend them.

Our bill passed the committee 20 to 0. What a great moment that was, and the reason is we knew we had to compromise. So the part of this bill from EPW was a compromise. The part of the bill from the commerce committee was a little bit trickier because it did come out on a partisan vote, but we have been working—Senator NELSON and Senator THUNE, Senator BLUMENTHAL, and others—on that to make it a better title. And I think it is moving in that direction. As to the banking bill, Senator BROWN's staff worked very hard on this with Senator SHELBY's staff, and I believe it has clearly been improved since it was first released. The Finance Committee was tough. Senator WYDEN tried hard. I put some ideas out there. It was tough to get them done. But somehow we have managed to put together the funding. It does clear the CBO. We are in surplus for 3 years in the highway trust fund. We haven't done that. It has been 10 years since we had more than a 2-year extension. This is real.

I just say to my friends from the House that I know you want to get out of town. Everybody does. It is August, and we have plans. A lot of us are going to go around the world and do our job that way, have community meetings, and take a week of vacation with our families as every family wants to do. But we are staying an extra week in August. You can stay an extra week in August. That is not such a terrible thing.

I get an announcement from the whip over there, Representative MCCARTHY from my State. He says: Don't send us a bill because we are going home.

Well, that is their choice.

There are so many good organizations. I am going to put this list up again and share it because I think it is so important. It is tough to put together a bill that the U.S. Chamber of Commerce supports, along with the International Union of Operating Engineers, the Laborers' International Union of North America, the U.S. Conference of Mayors, and AAA, not to mention Mothers Against Drunk Driving.

I will show you some others. It is exciting to see the National Association of Counties. I started off as a county supervisor. I was in local government. You know, to have us agree with the National Association of Manufacturers, the truckstop operators, the National Governors Association, the National League of Cities, the concrete people, and the gravel people—there is one more here—what you see is that everybody supports this—the American Public Transportation Association, the American Trucking Association, the Associated General Contractors of America. The Associated General Contractors of America has warned us if we don't get this done, it is going to be a real problem.

So for the sake of every single person in America, I hope we have the 60 votes we need tonight, and I hope we get this moving. There are a lot of people who are slowing this bill down. I understand they are upset about everything. Look, we each can be upset. I mean every day we can be upset, but we have to try to find common ground. Sometimes it is very hard to find it.

Certainly, Senator WICKER was here. He and Senator FEINSTEIN have an amendment. I support it. It is unfortunate that Senator WICKER's opinion didn't hold sway in the Appropriations Committee. It is hard. It is difficult. I personally think he is right. He didn't win in the Appropriations Committee. So now we are trying to fix the problem. We may not have the votes, but what we do have before us—and I will conclude with this—is a solid bill with increases so we can fix these bridges.

I want you to see the last image, which is the collapse of this bridge in California. It just happened a few weeks ago or less. What we had here was a bridge that was called functionally obsolete. What they said was that when it was built there was very little comment on it. But now it is a very important bridge because we have to take the goods from Arizona over to California and from California over to Arizona, and it has collapsed.

Senator INHOFE and I talk a lot about why we do what we do. He had a devastating bridge collapse—a devastating bridge collapse where a mother of three was killed just walking by the bridge. That is when he and I said enough is enough. We simply cannot handle it. It is our job.

Once I was told this when I was a county supervisor. If you know there is a problem and people are in danger—this is what they told us way back in the day because we had an earthquake problem with the building we were in and the county council said to the five supervisors: You know this is a problem. If you don't fix it, there is an argument to be made that you are personally liable. Now, I am not suggesting at all that Senators be held personally liable for a bridge collapse, but I am talking about the moral issue. We do know we have problems. We were fortunate that no one was killed in this collapse, and it was kind of a miracle. But we do know there is a problem. So while we don't have a legal obligation to step up to the plate—and I know Senator INHOFE agrees with me—we believe there is a moral obligation.

There is this list of bridges. There are three pages of bridges that we know are in trouble. We know that 50 percent of our roads are deficient. Isn't that enough for us to come together tonight—it will probably be late in the evening, I expect—and vote to move forward with this bill and get it done, send it to the House, and hopefully, they will decide in the same session and decide to pass it? There will be a celebration across this Nation. It will be a celebration by workers who want to fix these problems, by businesses who want to fix these problems, by people who drive who want to see these problems fixed. It is a win-win for our Nation.

I thank you so much, Madam President.

I yield the floor.

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. HOEVEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HOEVEN. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

VOLUNTARY COUNTRY OF ORIGIN LABELING AND TRADE ENHANCEMENT ACT

Mr. HOEVEN. Madam President, I come to the floor this afternoon to talk about a program called Product of Canada. Product of Canada, you might ask what it is. The Product of Canada Program is the voluntary food labeling program they have in Canada. So no one has to participate in this program in Canada, but if they want to, they can. It is just that, a voluntary food labeling program they call Product of Canada.

What does that mean? Well, just taking from one of the Web sites where we looked it up, the ''Product of Canada'' label can only be applied to animals that are born, raised, and slaughtered in Canada with some exceptions. Now, they also have labeling as far as prepacked products. That is actually mandatory labeling. Under their mandatory labeling it says: All prepackaged food products sold in Canada must be labeled with the name and address of the company. Also, it says: If

manufactured outside of Canada, the label must reflect it is imported. It is mandatory to state the country of origin on some specific imported prepackaged products such as wine and brandy, dairy products, honey, fish, and seafood products, fresh fruit and vegetables, eggs shelled, eggs processed, meat products, maple products, processed fruits and vegetables.

The program goes on, but the important point I want to make is they have some mandatory aspects to their prepackaged products and their prepackaged products program as I mentioned. But the Product of Canada Program and the ''Product of Canada'' label, that is a voluntary program. It is animals that are born, raised, and slaughtered in Canada. Why do I come to the floor of the Senate to point out that Canada has a voluntary meat labeling program, a Product of Canada Program? For the simple reason that we are and have been engaged in what do we do about COOL, the Country of Origin Labeling Program in the United States.

I have offered bipartisan legislation, legislation with Senator DEBBIE STABENOW of Michigan, who is the lead Democrat on the legislation, bipartisan legislation that includes a majority of the agricultural committee in the Senate. So what we are trying to do is solve the country-of-origin labeling dispute or disagreement by creating bipartisanship and passing a bill that addresses the underlying problem. So what is the problem?

The problem is that the WTO court, the World Trade Organization court has determined that a mandatory food labeling program, COOL, does not meet the WTO requirements. So the House of Representatives, led by the agriculture chairman, MIKE CONAWAY, who is an outstanding ag chairman in the House, passed a bill that repeals mandatory COOL.

You know what. We took that bill and we have included it in our legislation which we call the Voluntary Country of Origin Labeling and Trade Enhancement Act of 2015—we took the very same legislation, and we are trying to pass it here. We are trying to pass the same—we did not take anything out of Representative CONAWAY's bill, passed in the House. We took that bill. We are trying to pass it here to address the issue of mandatory food labeling, mandatory COOL.

But we also added a voluntary program, just as Canada has a voluntary Product of Canada Program. So there are just a few basic logical questions I would ask. First, we are repealing the mandatory program. So when somebody says: Well, you have to repeal mandatory COOL, and you cannot have anything else, we have to repeal mandatory COOL, that is exactly what we do. We pass the Conaway bill. We repeal mandatory COOL. That is a fact. Facts are stubborn things. So let's be clear on that. We do. We pass the House bill, and we add to it a voluntary program, similar to the Product of Canada Program because there are people in this country who want voluntary labeling. They want a voluntary country-of-origin labeling program. They want a program, which as Canada has—Product of Canada is a voluntary program.

At the end of the day, to get this done, to avoid any countervailing duty or tariffs under the WTO ruling, we need to repeal mandatory COOL, which we do, and we put in place the voluntary COOL, which we need to do to get bipartisan support in the Senate and the House and pass the legislation we need to pass. We need to do it in that way in order to get it done timely—certainly before we go on the August recess.

So this is a clear opportunity to come together in a bipartisan way and solve a problem and solve it in a way that makes sense. We reach out to our House counterparts. We reach out to our counterparts in the House and we say: You did good work. You did hard work. You passed a repeal of mandatory COOL.

That is fine. We are passing your bill. At the same time, because there are advocates for labeling, we pass a voluntary program so we can actually move the bill through the Senate, get into conference with the House, and get their work done now rather than waiting. The voluntary program is the same thing Canada does. So how can our very good friends in Canada say to us: Well, it is OK for Canada to have a voluntary program and, yes, we get that you are fully repealing mandatory COOL, but, gee, even though we in Canada have a voluntary program, gosh, we don't think you ought to have one in the United States. It does not make sense.

Come on. Let's get together. Let's find a way to get together in a bipartisan way, move this legislation, get together with the House and get this done. That is all we are asking. We have a good start on this bill. We have a majority on our ag committee. Sponsoring the legislation along with Senator STABENOW and me are Senator JOHN THUNE, Republican; Senator AMY KLOBUCHAR, Democrat; Senator CHUCK GRASSLEY, Republican; Senator HEIDI HEITKAMP, Democrat; Senator MIKE ENZI, Republican; Senator SHERROD BROWN, a Democrat. That is bipartisan. It is common sense.

It is a simple solution. We are saying: OK. We get it. Canada won in the WTO court. We cannot have a mandatory program. We follow the House's lead. We pass their legislation. At the same time, we put in place a voluntary program similar to Canada's. We are reaching out to our friends and neighbors in Canada and saying: Hey, we want to work with you. Please work with us. That is what we do in this legislation.

So I hope Senators will join together with us in a bipartisan—I emphasize that again—in a bipartisan way. That is what it takes in the Senate. It takes 60 votes to pass legislation. You cannot do it with just one party or the other. It takes 60 votes. You have to have bipartisan legislation.

I call on my colleagues to get together with us. Let's move this legislation. Let's get together with the House and our friends from Canada and get this done. We can do it. We can do it now in a timely way, and we can make sure we not only don't have any countervailing duty or tariffs on our exports, but we can also have a voluntary labeling program which many in this country want: consumers, producers, our farmers, our ranchers, retailers, some processors.

But you know what. If somebody does not want to participate, that is fine, hence the word ''voluntary.'' That is the American way. I have had the good fortune to work with Representative CONAWAY. I certainly appreciate him and his hard work. I have also had the opportunity to work with our good friends north of the border. We have no better friend and ally than Canada. We should be able to get together with our Canadian friends and say: Look, we are absolutely doing what the WTO court requires. We are repealing mandatory COOL. We are passing the House bill.

But at the same time, there are a lot of people in this country whom we have to be fair to who want a voluntary program. There is no reason in the world to hold up solving this problem by not allowing them to have a voluntary program, similar to the voluntary program Canada has, Product of Canada.

I also would note that my cosponsor on the legislation is on the floor. I greet her and thank her for her hard, bipartisan work to solve this challenge in a very commonsense way.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, first, let me say that it is always a pleasure to work with the senior Senator from North Dakota. We partnered on a number of different things, including efforts on the farm bill.

So it is with great pleasure that I am partnering with him again to solve this problem and to make sure that we eliminate any possibility of retaliation on our businesses and solve a problem in a way that meets our trade obligations and also makes sure that we are standing up for our farmers and our consumers in America. That is really the goal.

I appreciate Senator HOEVEN's leadership and commonsense approach to actually solving the problem. It is always great to be with the Senator.

As Senator HOEVEN did say, we have put together a thoughtful and bipartisan bill, the voluntary COOL and trade enforcement act. We are very ''COOL'' here in the country of origin labeling act.

I also thank our cosponsors. We have Senators GRASSLEY, HEITKAMP, KLOBUCHAR, THUNE, BROWN, ENZI, CASEY,

ROUNDS, MURRAY, BALDWIN, and WYDEN, and we are adding more people every day. So we are pleased to have the majority of the Agriculture Committee standing with us on this bipartisan effort.

Let me start by saying as well that while I disagree with the WTO's conclusion and I am disappointed at the final outcome of the case, I respect the decision and acknowledge that we have to act. We have to act in a responsible way to address this and live up to our trade allegations.

The potential impact on the economy and other industries demands that we give this issue our full attention, and that is what we are doing. Our legislation offers something that is common sense. It is trade compliant, and it is a path forward.

First, the bill repeals mandatory country-of-origin labeling. This is what we have to do to meet our trade obligations to Canada and Mexico. There is no way around it, certainly on beef and pork, in order to come together to be able to address this quickly. In fact, we have in our bill the same language as in the House. So we have the same language as the House and the same language as the amendment put forward by our chairman, Senator ROBERTS, and others.

No. 1, we all agree on what it takes to address the trade case and get that off the table.

No. 2, now it becomes this: What do we want to do as Americans? What do we want to do? This is not a realm where Canada or Mexico really has a voice. Once we meet the trade obligation, we have met the test. What do we want to do?

I remember during the farm bill, when we were talking about changes we needed to make to address the Brazil case on cotton, where they won a case against us, and I asked folks: Well, what do the Brazilians think?

I was told by members of the committee, many of whom are now saying we have to give Canada veto power or Mexico veto power, that Brazil can't have veto power over the United States on cotton and that is up to the United States.

We proceeded with a path that we believed met WTO rules and met the needs of American producers. Now we have some of the same folks saying: Oh, no, we can't do anything unless this is something that Mexico likes or Canada likes. So I would argue that we deal with that—with the trade decision in WTO—in all three bills. Now the question is this: What do we want to do for our consumers and to support American farmers?

So, second, we establish a voluntary ''Product of the United States'' label defined as born, raised, and slaughtered in the United States. So you can have whatever labels are appropriate to have, but if you want to have a label that says ''Product of the United States,'' you have to meet the integrity of that label.

If the consumer is seeking to purchase a product of the United States, a packer is willing to provide it, and they decide they want to do that—farmers want to do that; they want to provide that—then there should be an accurate label. They can look at all the pros and cons of doing that. Then they should be able to do that on a voluntary basis. That is all we are saying.

Anyone who has watched this issue over the years knows that both sides have become very entrenched, and we understand that. But our approach is to say now that we will agree with the House, we will agree with those who always opposed a mandatory country-of-origin labeling, and we will agree on repeal. However, we need to make sure, on behalf of American consumers, that for American farmers and processors it would give them a tool—a voluntary tool—they can use if they wish to do that.

Now, what is very interesting is the fact that back when the mandatory country-of-origin labeling bill was on floor and was being passed by the House and the Senate, the people who opposed that at the time introduced S. 1333, the Meat Promotion Act, which would ''establish a voluntary program for country of origin labeling of meat.'' It was introduced by the same people who are now saying we cannot do that—Senators CORNYN, ROBERTS, HATCH, ALEXANDER, and others—all of whom were arguing that we should have a voluntary program, not a mandatory program.

So now here we are. You would think this would be easy. You would think this would be a slam dunk. What we are suggesting, in fact, is something that was in a bill—a voluntary ''Product of the United States'' label for meat from animals born, raised, and slaughtered in the United States. At the time, it was broadly supported by the meatpacking industry as well as the largest organization of cattlemen in the United States. At the same time, they argued they thought this proposal was a smart way to promote U.S. meat products while also supporting international trade—the same people who are now working against us.

In fact, as it turns out, they were in the spot where we are now understanding we need to land. But instead of agreeing and saying to us that it is about time you got here, embracing it and saying let's do this very quickly so we can put other businesses where may face retaliation in a position of confidence so that is not going to happen—we thought this would be a no-brainer; take the bill that was already introduced, and take the language passed by the House—now we are seeing that, in fact, the same people who wanted S. 1333 are now saying that in the world it will start a trade war and all kinds of other things.

But let's talk about that for a moment. Even as recently as last August, Canadian officials openly discussed a voluntary COOL program as a way to address their trade concerns, and they said: ''If you do a voluntary label, which we do in Canada under product of Canada, you don't have that trade sanctioned problem.'' That was in August of 2014, Gerry Ritz, Agriculture Minister of Canada.

Next, in 2012, the WTO Appellate Body report quoted both Canada and Mexico, suggesting that the United States switch from a mandatory to a voluntary labeling program to move ''beyond the dispute.'' So, again, this was from Canada: ''Expanded as required to meet consumer interest, voluntary labelling can provide as much consumer information on origin to interested consumers as the COOL measure.'' That was in 2012, suggesting that was the tool that the United States should use.

Then, this is from our Mexican friends:

> Mexico submits that there are at least four alternative measures. . . . The first alternative is a voluntary country of origin labelling scheme, which in Mexico's view, could maintain the same labelling criteria on origin as the COOL measure—that is, born, raised, and slaughtered [in the United States].

That is 2012, Mexico.

So we clearly know that both Canada and Mexico have considered voluntarily labeling as the responsible approach. In fact, they have suggested we do that. So while both countries have been vocal, it still does not change the fact that Canada and Mexico are not entitled to veto what the Congress of the United States of America chooses to do with our laws, as long as we are compliant with our trade obligations.

Clearly, I understand politics—Lord knows we do. We understand politics, we understand elections, and we understand negotiations. We understand. If you can put the United States in a position to voluntarily stand down and not let consumers know on a voluntary basis what is a product of the United States, that is great for competition, if you are Canada or Mexico. And if they can bully us into doing that—well, shame on us if they can bully us into doing that.

The fact of the matter is our legislation, which I believe clearly has the majority of votes in the Senate and certainly on the agriculture committee, not only meets the trade requirements of the dispute—which we lost, we know it, and we have to address it—but stands up for American consumers, American farmers, and processors who choose to use the tool of a voluntary label.

WTO rules are very clear that a country should not proceed with retaliation if the underlying law has been made WTO-consistent. So folks can stomp around and threaten. We understand negotiations. We all negotiate with people who stomp around a lot.

But the reality is that if we take that away and we are now trade compliant, they no longer can legally proceed. The Office of the U.S. Trade Representative

has also stated that our approach would be just as WTO-consistent as the repeal bills alone: ''We believe both options—repealing the mandatory labeling scheme or repealing the mandatory labeling regime and replacing it with a voluntary labeling system—have the potential to constitute compliance with U.S. WTO obligations.''

There is no difference—no difference. And this is a few days ago—July 23, 2015.

It really comes down to the fact that if Canada has its own voluntary label for meat produced in Canada, how in the world can they argue with the United States of America that our farmers and consumers should not have the same label?

I think what it boils down to is competition. I do, because it starts as a trade case. We meet our trade obligations. We address what we have to do legally. Now the question is this: Can they bully us into a position to actually stand down so we cannot brag about the great meat that we have in this country and let consumers know about it?

I understand that the Canadians are afraid to compete head-to-head with products that are 100-percent born, raised, and harvested here in the United States. We do a pretty good job. Our farmers and our ranchers do a very good job, actually. After all, there is no safer, more abundant food supply produced anywhere in the world than in the United States. The American public deserves to know if they choose to look for that label and purchase that label. They should have the opportunity to do that. Certainly, when our friends in Canada—and they are our friends; we work on many issues together in a wonderful way. But on this one, I have to say I think this is very much about competition. And we need to be able to compete economically with them in the same way they compete with us. If they have a ''Made in Canada'' label, we need to be able to have a ''Product of the United States'' label.

So I would ask that we stop with all the rhetoric on the floor by folks who sponsored a voluntary label with the same definition a few years ago; stop the rhetoric by our friends from Canada and Mexico about how the world will come to an end if the United States has a voluntary program that meets our trade obligations. We need to just take a deep breath and make sure that we solve the trade case, that we do what we need to do and then have the USDA in America—the U.S. Department of Agriculture—allow all of us to decide what we want to do about voluntary labeling of our meat—or anything else, for that matter.

We are not interested in starting a trade war, and it seems pretty silly when I hear the hot rhetoric that tries to claim that. What we are wanting to do is solve a problem that relates to international trade that we all agree needs to be resolved. We must resolve it, we must make sure those not involved in the dispute don't somehow pay a penalty through retaliation, and then respect our own consumers enough—our own families, our own farmers, our own processors enough—to give them a tool, if they decide they wish to use it, to have the integrity of a product of the United States labeled.

It would be a sad day and I believe irresponsible on our part if we move back to the days prior to COOL where we were labeling meat that was born in a foreign country and spent most of its life in the foreign country but then could somehow come in and be harvested here and be called a product of the United States. Talk about something that is a problem—that is a problem. That is a problem. And American consumers deserve better than that. Our own processors and farmers who are competing with those in other countries deserve better than that.

We have the opportunity to embrace a proposal that, frankly, in my judgment, should be a no-brainer for us given all of the information and the case for why this works.

So, Madam President, I am looking forward to working with colleagues on both sides of the aisle to actually get this done. We should get it done quickly so that we can move on to a whole series of issues that need to be addressed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I ask unanimous consent to address the Senate as in morning business.

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

FEDERAL ENVIRONMENTAL REGULATIONS

Mr. MCCAIN. Madam President, all Americans but especially Arizonans should be concerned about the crushing wall of Federal environmental regulations that President Obama has been announcing is coming our way.

Politico recently noted, ''Two years [after the President originally announced his intent to take executive action on climate change], scarcely a week goes by without the administration unveiling a new climate change initiative.'' Common among all these regulations is their complete disregard for how businesses really operate and how they will adversely affect those businesses and their consumers.

According to a report recently released by the American Action Forum, just the 18 ''economically significant'' regulations the White House announced before Memorial Day will saddle the Nation's slowly recovering economy with more than $110 billion in potential cost, with billions more in unknown burdens. If left uncorrected, these regulations will unfairly impact Arizona consumers and businesses and, in the view of the Arizona Chamber of Commerce, ''cause significant economic harm to our state.''

One of the most alarming of these new regulations is the Environmental Protection Agency's so-called clean water rule or waters of the United States rule—a Federal regulation of almost unprecedented scope. The EPA has claimed this rule would just let it stop construction activities that disturb small, environmentally sensitive streams and wetlands, but when you dive into the rule's 299 pages, you will find it actually expands EPA's authority to roughly 60 percent of all ''waters of the United States,'' including irrigation ditches, stock ponds, and even dry desert washes.

This is bad news for Arizona agriculture and homebuilding sectors, which combined account for most of all economic activity in my State. If a farmer wants to build or repair a canal, the EPA could block it. A community that wants to build a school or a church near a dry wash will have to beg for EPA's permission. The EPA can even go after property owners if the Agency thinks water historically flowed across their land, even when there is no visible evidence.

Ultimately, water is the last thing the EPA will be worried about once their clean water rule becomes effective; they will be drowning in lawsuits.

Another proposed rule by the EPA—the ''Clean Power Plan rule''—would place new limits on greenhouse gas emissions that would prevent the use of coal and result in the elimination of 36 percent of Arizona's electric power generation. Of course, the billions of dollars that would be needed to comply with the plan would be passed on to consumers. Estimates are that utility rates could increase up to 13 percent in Arizona. If you are a small business owner and you don't have the luxury to pass on these costs, this dramatic increase in your utility bill could prevent replacing old equipment or hiring new employees or otherwise expanding your business.

In addition to being a job killer, this rule will impact Arizona's water supply, which in many cases is moved through the State by energy derived from coal-fired plants, negatively affecting consumers and commerce throughout the State.

This rule also threatens default on hundreds of millions of dollars in taxpayer-backed USDA rural utility service loans around the country which are critical to providing rural residents with affordable energy and reliable, good-paying jobs.

Another rule, which would revise ozone regulations, may also disproportionately impact Arizona, especially her rural communities. Failing to acknowledge qualities unique to Arizona regarding ozone concentrations in the State—for example, altitude, topography, lightning, and wildfires—this rule would undermine the State's continuing attractiveness to business by creating construction restrictions, permitting delays, and reduced Federal transportation funding.

So what can be done about all of this? Well, that depends. For those

rules that have been finalized, we can start looking at legislatively repealing them, as a bill Senator FLAKE and I recently sponsored would do with the clean water rule, or we can pass resolutions of disapproval under the Congressional Review Act to help bring public attention to them. For those rules that haven't been finalized yet, we can consider including riders in appropriations bills to disrupt their implementation.

Madam President, we need to be very clear on what is going on here. These regulations don't represent a good-faith effort by President Obama to work with Congress to legislate transparently with care and acuity to help the States ensure the health, welfare, and safety of our citizens; rather, like the President's Executive order on immigration, they are an example of his insistence on using his ''pen and phone'' to unconstitutionally and unilaterally forge a legacy—a legacy that will, in fact, have a chilling impact on economic growth and prosperity.

The fact is, after years of economic recession, the Arizona economy is showing signs of recovery. But with Arizona's growing slower than the rest of the country, with only a 1.1-percent increase in real gross State product compared to 2.2 nationwide and 65,500 fewer people working in Arizona compared to 8 years ago, Washington has to be focused on doing everything it can to unburden small business owners and promote entrepreneurialism. These regulations would do just the opposite.

For these reasons, it will be important for all Arizonans and all affected Americans to make their concern and outrage heard. For Arizona, Senator FLAKE and I join our colleagues representing other affected States and will continue to exercise our constitutional oversight prerogative to keep the Executive in check and help educate the American people about what is coming and how it will affect all of us.

Madam President, I ask unanimous consent to have printed in the RECORD the Arizona Republic's editorials on this issue that appeared yesterday and on June 30, 2015; the op-ed from me and Senator FLAKE in the Arizona Republic entitled ''We're standing up against regulation-happy Obama''; the two oversight letters we recently sent relevant Agency heads on the Clean Power Plan rule and the clean water rule; and the op-ed from Arizona Chamber of Commerce president Glenn Hamer in the Yuma Sun entitled ''List of examples of federal overregulation is way too long.''

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

[From The Republic, July 26, 2015]

NEW EPA CLEAN-AIR RULES THREATEN RURAL POWER CO-OPS

(By the Editorial Board)

OUR VIEW: COAL IS ON THE WAY OUT, BUT THE FEDS NEED TO ACKNOWLEDGE ECONOMICS.

By this fall, the federal Environmental Protection Agency is expected to march the nation's energy consumers into new territory on the frontier of controlling carbon emissions.

Representatives of the big power companies are flooding Washington, D.C., in a desperate effort to mitigate the impact of the EPA's venture, known as the Clean Power Plan.

Debates between environmental activists and politicians over its implications are heating up.

But few have looked at the EPA's new carbon plan with quite the riveted sense of alarm as small utility companies that serve rural customers.

The president of a small cooperative serving rural customers in Arizona, New Mexico and Nevada is blunt about that impact:

''The people throughout rural Arizona that we serve will be screwed more than anybody else in the country,'' Patrick Ledger, CEO of the Arizona Generation and Transmission Cooperatives, told the Environment and Energy news service.

Unless the EPA's plan includes substantial revisions. Ledger is not exaggerating.

His energy co-op, serving some 500,000 rural customers, operates one natural-gas-fired and two coal-fired units at the Apache Generating Station in southeastern Arizona.

One of the coal-fired units is scheduled to convert to gas in 2018 to accommodate recent EPA rules governing haze. But under the draft plan proposed by the EPA, the co-op would be forced to shutter its coal-fired unit altogether, stranding around $230 million in recent upgrades and investment.

In addition, the co-op would have to take on between $450 million and $600 million in additional debt to rebuild capacity to serve its customers.

All told, that would push the price of the energy Ledger's cooperative sells to distributive cooperatives to 38 percent above market rates. And that, says Ledger, spells the end.

''We will be put out of business,'' Ledger told the Republic editorial board last week. We go into bankruptcy.''

Arizona Generation's debt is owed to another federal agency. Repeat this story with multiple rural co-ops, and taxpayers will be stuck with an enormous bill.

Ledger and his colleagues understand that coal's future is limited, so they are lobbying the EPA to give the nation's 100 smallest utilities more flexibility in meeting the carbon goals.

Ledger doesn't hold much hope for that, so he's also working with Arizona's other utilities. This state faced the most ambitious goal to reduce carbon under the draft plan; utilities are urging the EPA to give them a longer glide path to ease the transition away from coal.

Concerns over enormous amounts of stranded debt is a near-universal one as the Clean Power Plan approaches.

Arizona's major utility companies, including Salt River Project and Arizona Public Service Co., recently invested hundreds of millions of dollars to bring their coal-fired plants into compliance with existing EPA regulations.

Much of that investment will be lost if the EPA does not revise the draconian carbon reductions written into the Clean Power Plan, much of which the agency expects to occur no later than 2020.

A battle among giants, the debate over the Clean Power Plan is scarcely considering the dire consequences for little-guy energy providers like the Arizona Generation and Transmission Cooperatives.

It needs to start.

[From The Republic, June 30, 2015]

WE HAVE THE RIGHT TO KNOW COST OF NEW EPA RULES

(By the Editorial Board)

OUR VIEW: HOW MUCH WILL NEW CARBON RULES COST YOU? THE SUPREME COURT SAYS TAXPAYERS SHOULD BE ABLE TO FIND OUT

Within months, maybe weeks, the Environmental Protection Agency will release new rules governing carbon dioxide emissions from energy plants.

The rules will constitute the most sweeping assertion ever of the EPA's regulatory power. And it is only the beginning. The EPA in the fall is expected to alter its standard for what constitutes unhealthy ground-level ozone pollution, which would require significant, economy-wide investment in ozone-pollution control measures.

That's a lot of unprecedented action. This would be a good time for an honest talk about the balance between the costs of these policies and their benefits.

The Supreme Court is strongly suggesting that conversation take place.

In a 5–4 vote, the high court on Monday said the EPA must reconsider a rule governing mercury emissions, mostly from coal-fired power plants, because it did not weigh the costs and benefits of the rule change before issuing it. The rule is estimated to cost $9.6 billion annually.

The decision is considered a setback for the Obama administration's all-but acknowledged mission to retire the majority of the nation's coal-fired electric plants.

But not necessarily a major setback. The court's decision does not throw out the mercury-emissions standards. It just requires the agency to recalculate the rule while considering more closely the price tag of implementing it.

Most importantly, it leaves the EPA in charge of determining anticipated costs and benefits.

In the coming debate over the EPA's Clean Power Plan mandates, Arizonans deserve to know exactly what environmental benefits they are getting and whether the costs of implementing these new emissions standards are reasonable.

The EPA's self-analysis of the costs and benefits of its mercury-pollution rule, however, suggests an honest report may not be in the cards.

According to the EPA, its mercury emissions rule would cost the energy industry (which is to say, consumers) $9.6 billion annually. That figure, however, doesn't take into account significant factors like the higher costs of additional borrowing the industry would have to incur, or the potential economic drag.

NERA Economic Consulting of Washington, D.C., calculated the rule's annual cost at $16 billion.

However, the EPA gets really creative in naming the ledger's benefits.

According to the EPA's figures, the mercury rule generates a direct economic benefit of less than $7 million annually. Part of that is derived from the 15 percent of pregnant women in Wisconsin the agency assumes catch and eat at least 300 pounds of lake fish per year.

The EPA also calculated that secondary impacts of the mercury rule—infinitely more malleable ''improvements to the public health''—would boost it's ''economic'' value to between $24 billion and $80 billion per year.

Bingo. Economic justification.

We are talking about a significant financial investment to achieve far less impressive results.

As long as the EPA is in control of economically certifying its own rules, it will be

impossible to seriously judge whether the upcoming Clean Power Plan emissions rules are justified. That stands in opposition to the court's direction.

In Monday's Michigan vs. EPA decision, the high court's majority concluded that federal administrative agencies ''are required to engage in 'reasoned decision-making.' ''

That means honestly assessing costs.

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[From The Republic, July 11, 2015]

WE'RE STANDING UP AGAINST REGULATION-HAPPY OBAMA

(By John McCain and Jeff Flake)

SENATORS: THIS ADMINISTRATION INTENDS TO REWRITE ENVIRONMENTAL POLICY WITH NO THOUGHT TO THE COSTS

A few days ago, the U.S. Supreme Court delivered a victory for businesses and consumers when it turned back the Obama administration's regulate-at-all-cost proposal for controlling power plant emissions.

In Michigan v. Environmental Protection Agency, the court held that the EPA failed to consider the potentially exorbitant cost its regulation would impose on the economy. The EPA's rationale? The costs are ''irrelevant'' to the decision to regulate.

We strongly disagree.

This is one of several new regulations the White House has imposed over the past two years with no regard for how businesses really operate. According to the American Action Forum, 37 major regulations the White House recently announced it is planning on releasing will saddle the nation's recovering economy with more than $110 billion in potential costs—hardly ''irrelevant.''

If left unchecked, those regulations will unfairly impact Arizonans and, according to the Arizona Chamber of Commerce, ''cause significant economic harm to our state.''

One of the most alarming new regulations is the Environmental Protection Agency's so-called Waters of the United States Rule. The EPA claims the rule protects only waters that ''have historically been covered by the Clean Water Act'' and that it ''protects clean water without getting in the way of farming, ranching, and forestry.''

But, dive into the rules 299 pages and you'll find it actually enshrines the EPA's authority to regulate nearly everything that is considered a ''tributary,'' including irrigation ditches and dry desert washes.

While this rule was supposed to be based on science, there are glaring omissions in how Arizona's arid landscape was considered. An analysis of U.S. Geological Survey stream maps projects that Arizona would see a 200 percent increase in river miles subject to the EPA's jurisdiction.

This is bad news for Arizona's agriculture and home-building sectors, which are vital to the state's economy. The federal government could block farmers from building or repairing canals, communities from building schools or churches near dry washes, or even private property owners from developing on their own land if the agency believes water historically flowed there, despite no visible evidence that it still does.

When this massive regulatory expansion becomes effective, Arizonans will be drowning in consultants' fees and lawyers bills. We have introduced legislation halting this rule until the scientific analysis of intermittent and ephemeral streams is complete.

We are also pushing back against the federal government's water grab in other ways. Recently, the Forest Service formally withdrew its groundwater directive, something we asked it to do last October. For now, at least, private property rights that could have been impacted by that rule are safe.

But another proposed rule by the EPA, the ''Clean Power Plan,'' would place new limits on greenhouse gas emissions, including preventing the use of coal, which produces 36 percent of Arizona's electric power generation. The billions of dollars necessary to comply with this plan would be passed on to consumers through increased utility rates.

This rule will most negatively impact those least able to afford such a rate hike. Likewise, small-business owners who don't have the luxury of passing on dramatic utility-price increases could have trouble replacing old equipment or hiring employees.

These regulations are not intended to bolster our economy or get Arizonans back to work. They are an assertion of executive power by a president intent on rewriting environmental policy, not a thoughtful attempt to help states ensure the health, welfare and safety of their citizens.

It is essential that those of us who represent Arizona in Congress exercise our constitutional oversight prerogative to keep the executive branch in check, and to help educate Americans about what's coming and how it will affect us all.

Given what is at stake here, we certainly will.

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U.S. SENATE,
*Washington, DC, July 8, 2015.*

Hon. GINA MCCARTHY,
*Administrator, Environmental Protection Agency, Washington, DC.*

Hon. TOM VILSACK,
*Secretary, U.S. Department of Agriculture, Washington, DC.*

Hon. SHAUN DONOVAN,
*Director, Office of Management and Budget, Washington, DC.*

DEAR ADMINISTRATOR MCCARTHY, SECRETARY VILSACK, AND DIRECTOR DONOVAN, We write to express deep concern with President Obama's attempt to bypass Congress and commandeer the state regulatory process to impose unduly burdensome carbon-emissions regulations at existing power plants; the so-called Clean Power Plan (CPP). Our fear is that the CPP would create significant technological and economic challenges that disproportionately affect Arizonans.

As proposed, the CPP would force Arizona, unlike almost any other state, to achieve a 52% reduction in its carbon-emissions by 2030, with nearly 90% of that reduction (equivalent to re-dispatching all of Arizona's coal-fired baseload generation) coming within five years. The plan effectively ignores Arizona's zero-emission nuclear asset, Palo Verde Generating Station, and gives little credit for the widespread deployment of renewable technology throughout the state. Instead, the plan charges head long toward dictating Arizona's resource portfolio and regulating beyond the fence line.

Shrouded by the veil of choice, EPA contends that Arizona can use a combination of options (aka ''building blocks'') to achieve these targets. In reality, the CPP treats Arizona so harshly that it would be compelled to maximize the use of all its building block ''options'' just to comply with the rule. This is hardly a choice. Rather, as explained by Harvard law professor Laurence Tribe, the proposed plan would effectively dictate the energy mix in each state, allowing a federal commandeering of state governments and violating principles of federalism that are basic to our constitutional order.

As an example, EPA expects Arizona to redispatch coal-fired generation almost entirely with increased natural gas generation. Yet, EPA ignores that more than half of the state's existing natural gas capacity is merchant capacity, not owned by Arizona utilities. Moreover, Arizona's natural gas generating units are often used to manage the diverse energy portfolio, including renewable supplies, meaning that increased baseload use of those resources limits their ability to assist with intermittent generation. Mistakenly, EPA assumes that Arizona can quickly transition from coal generation to natural gas generation by making greater use of existing natural gas facilities. The EPA is not taking into consideration the peak customer energy demands the state requires in the summer months or the current natural gas infrastructure in place.

Converting coal resources to natural gas will also leave millions of dollars in stranded assets in which plants are forced to close before their useful life. As you are well aware, utilities throughout the state have recently retrofitted a number of these units to comply with other EPA regulations, such as the regional haze rule. It is unreasonable for EPA to compel utilities and their ratepayers to comply with one rule, only to render those investments wasted just a couple of years later under a different rule.

Utilities and pipeline providers would, therefore, be forced to spend billions of dollars on new energy infrastructure which could take years to plan, implement, and negotiate. The state's year-round energy needs simply cannot be replaced by natural gas-fired plants in time for the CPP's 2020 interim deadline.

As the Supreme Court recently found, these types of economic issues are not ''irrelevant'' to the rulemaking process. They must be considered, rather than marginalized. And, in this case, it is not simply the stranded cost of investing in new emissions technology or the increased rates; it is also the impact on other areas of the state's economy, such as water deliveries that depend on energy. An increase in water-delivery costs, particularly during the ongoing drought, will only serve to further harm consumers.

This situation is no doubt exacerbated by the possibility that taxpayers could also pay more for this rule, as it threatens to cause default on over $250 million in taxpayer-backed Rural Utilities Service (RUS) loans in Arizona. But, Arizona's coal plants, including those with expensive air pollution controls, will not operate long enough under the CPP to pay these loans back. Shuttering Arizona's coal plants before their useful life is completed will challenge rural electric cooperative's ability to pay back those loans.

In an effort to address many of these concerns, on December 1, 2014, the Arizona Department of Environmental Quality (ADEQ) in concert with the Arizona Utility Group, proposed a compliance plan that would work for Arizona. They suggested narrowly modifying EPA's CPP to allow newer, more efficient coal-fired power plants to continue to fully operate after 2030. This more gradual plan would ensure that investments in expensive emission control technologies will not be stranded and that the CPP's impact on Arizonans will be mitigated.

With the proposed final rule currently pending before OMB, we would appreciate your consideration of the Arizona Utility Group proposal and our concerns, as well as a written response to the following questions no later than July 27, 2015:

1. What cost-benefit analysis was conducted in connection with the Administration's decision to go forward with this rule? Specifically, what is the expected aggregate economic impact of this rule on Arizona businesses and consumers?

2. The USDA has indicated that $254.8 million is held through RUS loans in Arizona. What is the value of these loans that USDA holds nationally?

3. Is the OMB taking the significant loss of taxpayer investment in these loans into consideration of the EPA's final rule?

4. If the rule is approved and Arizona's rural energy providers are forced out of business, what happens to the existing loans?

Thank you for your attention to this matter, I look forward to your response.

Sincerely,

JOHN MCCAIN.
JEFF FLAKE.

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U.S. SENATE,
*Washington, DC, July 23, 2015.*

Hon. GINA MCCARTHY,
*Administrator, Environmental Protection Agency, Pennsylvania Ave. NW., Washington, DC.*

DEAR ADMINISTRATOR MCCARTHY: I'm writing concerning the Environmental Protection Agency's (EPA) Clean Water Rule that was signed on May 27, 2015. As you know, I've written you before opposing the rule and I've cosponsored several bills in the Senate to block it because of the damage it will inflict on job creation and economic recovery in Arizona.

The Clean Water Rule will extend Clean Water Act jurisdiction to roughly 60-percent of all ''waters of the United States,'' effectively allowing EPA to regulate small streams like it currently does large rivers. But the rule can also apply to ephemeral streams, irrigation ditches, stock ponds, and even dry desert washes that are common in Arizona. As such, the rule disproportionately impacts Arizona farmers, cattlemen, developers and other key sectors of Arizona's economy historically and moving forward into the 21st century. Please bear in mind that agriculture makes up about 30-percent of the economy in my home state, and that construction jobs account for roughly 13-percent of new jobs created in Arizona during the economic recovery.

In recent years, the EPA has, unfortunately, succeeded in building a track record of unilaterally reinventing federal statutes, like the Clean Air Act and Clean Water Act, to advance politically-sensational regulations. What follows is not genuine environmental protection, which is vitally important, but a stigmatization of EPA and its restrictive regulations, which are criticized and then litigated for their blatant disregard for their economic harmfulness. This pattern recently forced the hand of the Supreme Court in Michigan et al. v Environmental Protection Agency, in which it rejected EPA's new rule on mercury and air toxic Standards because the agency had not justified the economic cost-benefit of the rule.

Against this backdrop, I respectfully request that you respond to the following questions:

1. Explain on what basis the EPA has concluded that its economic-impact analysis for the final Clean Water Rule determined that this rule is ''appropriate and necessary?''

2. What economic-impact analysis, if any, did the EPA conduct in connection with the Clean Water Rule that took into account Arizona businesses and consumers in particular?

3. Following the Supreme Court's ruling in Michigan et al. v EPA, do you believe EPA sufficiently calculated the rule's cost considering that the Small Business Administration's Office of Advocacy's requested that the EPA withdraw the rule because it ''will have a direct and potentially costly impact on small business'' and requested further review by the SBA? Please explain your answer.

Thank you for your attention to this request.

Sincerely,

JOHN MCCAIN,
*United States Senator.*

[From the Yuma Sun: Opinion, June 24, 2015]

GUEST COLUMN: LIST OF EXAMPLES OF FEDERAL OVERREGULATION IS WAY TOO LONG

(By Glenn Hamer)

During an address before a joint session of the Indiana State Legislature, Ronald Reagan once quipped, ''If the Federal Government had been around when the Creator was putting His hand to this State, Indiana wouldn't be here. It'd still be waiting for an environmental impact statement.'' These remarks were from a speech given in 1982, and although tongue-in-cheek, their meaning unfortunately still rings true 33 years later.

The federal government continues to roll out rules and regulations that are often overly burdensome and unnecessary. This has a particularly chilling effect on business and economic growth. What's more, the Arizona business community is increasingly concerned that the regulatory agenda of the current administration unfairly impacts Arizona, and has the potential to cause significant economic harm to our state.

Last week I sent a letter to Sen. John McCain outlining five federal rules, primarily driven by the Environmental Protection Agency (EPA), that illustrate this concern:

First up, the EPA's carbon emission rule for electric power plants. In this proposed rule, the EPA has assigned Arizona one of the most stringent reduction goals in the country—52 percent carbon emission reduction by 2030, with an aggressive interim goal to achieve more than three-quarters of that reduction by 2020. Arizona's utilities would need to retire a majority of the coal-fired generating facilities in the state to meet this goal, This transition is not economically feasible and would threaten the reliability of Arizona's electricity supply.

Next, the EPA and the U.S. Army Corps of Engineers (USACE) issued a final rule changing the definition of ''waters of the United States,'' under the Clean Water Act. This brings vast swaths of land under the federal government's jurisdiction and disproportionately impacts Arizona as a result of our unique landscape and infrastructure. For example, Arizona's canal systems, drainage systems, ditches, and private property will be subject to federal government control, which limits our ability to manage water allocation and usage locally. According to a recent economic analysis, our system of canals is responsible for 30 percent of Arizona's gross state product, yet the EPA found the definitional change would ''not have a significant economic impact.''

The EPA is also considering a rule that would lower the air quality standard for ozone. Under the EPA's proposed range, the entire state of Arizona stands to be classified as a non-attainment area. Such a designation brings significant consequences, including permitting delays, restrictions on construction, and threats to our federal transportation funding, all of which will undoubtedly make it more difficult for Arizona to attract and retain businesses.

Arizona is further disadvantaged by these environmental regulations because of the cost of proving so-called ''exceptional events'' and their frequency in our state. As we all know, Arizona is home to frequent dust storms during the summer months. These exceptional events occur regularly in Arizona and contribute to artificially poor air quality readings. Under the EPA's current Exceptional Events Rule, a state can be subject to a non-attainment designation and other significant consequences unless it can prove that a poor air quality reading is the result of an exceptional event.

Finally, the federal Endangered Species Act lists hundreds of species as endangered or threatened, many dozens in Arizona. This results in high costs to industry by hindering development and economic growth and imposing exorbitant compliance costs even when the designation does not give an accurate picture of the species' status.

Government regulation and oversight serves an important purpose. However, the federal government has a responsibility to ensure the regulations it promulgates are fair, equally applied, and result in an articulable benefit. Recent environmental regulations demonstrate a failure to recognize the limits of federal authority and to meaningfully engage the states to develop regulatory schemes that safeguard public health and safety, acknowledge the unique qualities of the individual states, and support a robust and growing economy.

Mr. MCCAIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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## HONORING THE MEMORY AND LEGACY OF THE TWO LOUISIANA CITIZENS WHO LOST THEIR LIVES IN THE ATTACK OF JULY 23, 2015, IN LAFAYETTE, LOUISIANA

Mr. CASSIDY. Madam President, last week a terrible tragedy occurred in Lafayette, LA, when a mentally ill gunman opened fire in a movie theater filled with innocent people.

Jillian Johnson was a talented artist, successful entrepreneur, and an active member of the Lafayette community. Jillian played in a local all-female band, co-owned a gift and toy shop, and often organized community projects that benefited all. She was a kind and charitable soul, described by her husband as a loving friend, daughter, sister, and wife.

Mayci Breaux was an incredible young lady with a bright future ahead of her. A student of Louisiana State University, Mayci was studying to be a medical radiology technician and was engaged to her high school sweetheart, planning to marry after she graduated. Mayci worked at a local fashion boutique, where her customers and coworkers remember her generous smile and wonderful optimism.

These two women exemplify the kindness and essence of the Lafayette community. Although they were taken from us far too quickly, their memories live on.

Let's also take a moment to thank the heroes in this tragedy—the Lafayette police, Acadian Ambulance, the employees of the Grand 16 movie theater, and other first responders who acted bravely and quickly to stop the shooter and aid the injured. We are grateful for their service, and we honor them today.

I also acknowledge by name Jena Meaux and Ali Martin. Their quick

thinking and courageousness saved lives when they crawled across the movie theater floor to pull the fire alarm to alert authorities.

Lafayette and Louisiana are resilient. In times of tragedy and pain, we come together to support and care for one another. The love we have for each other, even in the darkest of times, will help Lafayette, our State, and our community recover.

The events that transpired in Lafayette last week are a reminder of the long road we must take to reform our mental health system. Too many innocent lives are being taken from us in senseless attacks in movie theaters, schools, churches, and other places where we should feel safe. The common denominator in these tragedies is all too often untreated mental illness.

As public servants, we should seek to keep the public safe, but our mental health system is badly broken and fails to do so, and reforms are coming too slowly. It doesn't make sense that parents caring for a mentally ill child cannot be part of medical decisionmaking that could prevent horrendous tragedies like these. I can go down the list of reforms that need to be made to improve our mental health system. I am working with my good friend Senator CHRIS MURPHY on legislation that will help reform our mental health system and make it easier for those in need to get the help that could potentially avert a future tragedy like this.

I finish by saying once more that our thoughts and prayers are with the families and loved ones of Jillian and Mayci and all those wounded who are suffering. May they know God's comfort at a time when it may be otherwise impossible for them to feel comforted.

I yield to my fellow Senator and good friend, Senator VITTER.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I come to the Senate floor sadly, in light of this tragedy, to join my colleague Senator CASSIDY in expressing these heartfelt thoughts. We rise today to express our deepest sympathy for the victims of this horrible shooting in Lafayette. The hearts of all of Lafayette and Louisiana go out to all of the families involved in this tragic incident.

As Senator CASSIDY suggested, we lost two enormously talented, unique, and irreplaceable individuals, and we certainly pay tribute to them.

As Senator CASSIDY suggested, Mayci was a student at Louisiana State University, full of life, full of hope, full of promise. She was studying to become an ultrasound and radiology technician. She was scheduled to begin her training just a few days after her tragic death. She was at the movies with her boyfriend, Matthew Rodriguez, who was among the nine wounded.

Jillian was the owner of Parish Ink, a T-shirt printing company specializing in old Acadiana verities. She and her husband also owned the Red Arrow Workshop, a gift and toy shop in Lafayette. She also was full of life, full of talent, full of vigor and happiness. She played the ukulele and guitar for The Figs, an all-female sextet from Lafayette.

These are two individuals who are completely irreplaceable, and they will be sorely missed.

I also join Senator CASSIDY in recognizing and thanking the heroic actions of those two teachers from Jeanerette High School in Iberia Parish, Jena Meaux and Ali Martin. According to several reports, Ali jumped in front of Jena to shield her from the shooting, very likely saving her life; it caused the bullet to hit Jena's leg instead of Ali's head. Ali was shot in the leg in the process. Despite her injuries, Jena courageously pulled the fire alarm, alerting the whole movie theater and certainly saving lives. So we pay tribute and remember them as well.

We also pause and remember and continue praying for the recovery of nine other individuals who were wounded in that horrible incident: I mentioned Matthew Rodriguez, the boyfriend of Mayci Breaux; Morgan Julia Egedahl; Dwight ''Bo'' Ramsey and his wife Gerry—cousins of Congressman BOUSTANY, by the way, and good friends of mine and Senator CASSIDY's; Ali Viator Martin, an English teacher at Jeanerette Senior High School, and Jena Legnon Meaux, whom I mentioned as true heroes in this incident.

On Saturday evening, Lafayette residents gathered downtown to honor particularly the two victims who lost their lives. During the vigil, one Lafayette resident certainly stated it well:

> We can't let evil win. We as a community have to rise above that and move forward.

Well, we do, but as we do, Senator CASSIDY and I rise today to honor the victims, to remember them—particularly Mayci and Jillian—and to certainly recommit ourselves to the important work at hand, including regarding mental illness, as Senator CASSIDY suggested.

We have prepared a Senate resolution commemorating the victims of this horrible event.

Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 231, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

> A resolution (S. Res. 231) honoring the memory and legacy of the two Louisiana citizens who lost their lives, recognizing the heroism of first responders and those on the scene, and condemning the attack of July 23, 2015, in Lafayette, Louisiana.

There being no objection, the Senate proceeded to consider the resolution.

Mr. VITTER. Madam 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. 231) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

Mr. VITTER. Madam President, again, we all hold these families, particularly the two victims and their families, in our prayers and our continuing thoughts and our love. It was a horrible incident. But I know the community of Lafayette well, I know the State well, and it certainly will not stop with the pure tragedy. Certainly folks will hold up these families in love and support and prayer and work toward far better resolution of issues involved, as the one Senator CASSIDY mentioned.

I yield the floor.

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

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

## HIRE MORE HEROES ACT OF 2015—Continued

Mr. INHOFE. Madam President, I see there is kind of a lull here. We are waiting around for a vote to take place at 10 or 10:30 tonight, I think it is, and I thought I would share.

There are still some uncertainties on the bill, the Transportation reauthorization bill. It is one I am very proud to be the author of. In fact, I was privileged to be the author the last long-term reauthorization in 2005. At that time, I was working very closely with someone, with a fellow Member who is the least likely to be working with me on anything. By her own admission, Senator BOXER is a very proud liberal and I am a very proud conservative, but we do agree there is that old, worn-out document that nobody reads anymore called the Constitution, and it tells us what we are supposed to be doing here. It says, defend America and build our roads and bridges. That is what we are doing. That is what this is all about.

We received a disturbing message from the House about an hour ago saying they would not take up our bill. We are going to pass this bill, but they say they are not going to take it up. That means there is a dilemma because at the end of this month, there is no longer any money in the highway trust fund, and things will stop.

I don't know whether their intention is to give a short-term extension and go home or—of course, I am still thinking brighter minds will prevail and they will realize we have a long-term, 6-year highway authorization bill because the things you can't do in this

country, you can't do with the short-term extensions.

Yesterday, I listed many of the bridges that were in terrible shape and the fact that we could not address those problems unless we pass a long-term highway reauthorization bill. I mentioned also that someone I knew—it was right around the 2005 bill—a mother and three children were driving under a bridge in Oklahoma City. It was far out of its extended life, its warranty period, if you will, and a chunk of concrete fell off and killed her. This is happening all over America. We saw what happened in Minnesota when that disaster occurred, all the pictures of the people who died and were injured.

We are going to be looking at a lot of amendments. I heard there is one amendment that Senator MANCHIN along with Senator BOOZMAN are putting together to adopt the Pilot's Bill of Rights 2, which is appropriate. It may not be as germane as we would like it to be, but it is still transportation.

The Pilot's Bill of Rights 1 was passed 2 years ago. In fact, they would not even take it up in committee, but I had 67 cosponsors to the bill. I was very thankful at that time. Of course, the Democrats were in the majority. I went to HARRY REID's office and said: It doesn't seem fair to me that we have 67 cosponsors, and they will not even take it up in the committee.

He said: Well, that isn't right.

We came down to the floor, we rule XIV'd it, and passed it. It does show that sometimes when things get really outrageous, people tend to work together. That was on an issue that just a handful of people are aware of, but anyone who is a licensed pilot knows, in their minds, that was the most significant thing that was going on.

I have been flying for a lot more years than most people in this Chamber have been alive. Because I have been an active pilot—I have been in aviation for many years—the people who have problems with the FAA would come to me to help them with their problems. I found this to be true back when I was mayor of Tulsa. We had a police force, a very good police force. There are a few bad guys who get in there. The same thing is true with the FAA. You have a few people who take advantage of the power they have and take licenses away from people.

I remember 10 years ago, Bob Hoover—I bet none of you ever heard of Bob Hoover. Bob Hoover was arguably the best pilot in the history of aviation. He had a Shrike. A Shrike is a twin-engine Aero Commander. He would put a glass of water on the dash, and he would start doing barrel rolls and would not spill his glass of water. I would do barrel rolls, but I would spill my glass of water. This guy was really good.

There was an inspection in the field, and Bob Hoover lost his pilot's license. There was no reason for it. In order to get it back, I actually had to go to the floor, and it took a year to pass legislation that would stop that abuse from going on. That has continued. I have always helped people until it happened to me, and then that had a whole new feeling because people who are involved in aviation—the one thing they don't want to lose is their pilot's license.

For many years, I was a builder and developer in South Padre Island, TX. We are on the east coast now. Nobody knows where Texas is here. They think there is no such thing as a nice coast with beaches and all of that unless it is on the east coast, but there is the Padre Island area of Texas. It has beautiful beaches.

I was in the building business. We built condos and townhouses, and I always enjoyed that. Keep in mind this is the southern tip of Texas. It is just as far south as Key West, FL, is, but it is in the middle of the country. We would go down there. I would fly my plane probably once a week for quite a number of years. I went down, and I was making a normal landing. It is not a controlled field. You have your approach controls that control it. The approach control from valley approach—I am getting a little technical here, but I have a reason for telling this story.

He said: All right, you are clear to land on runway 1–3 in Cameron County. I went up to land. Just before I touched down, with six passengers—so it was too late for a go-around—I saw that there were a bunch of people working on the runway. There wasn't a big X on the runway, which is required. They claimed there was. They quickly painted one on right after that.

Everyone started criticizing me. I remember there was a front-page cartoon in the New York Times. Everyone was having a good time with that. The bottom line is, I didn't do anything. They claimed there was a NOTAM. That is short for Notice to Airmen. The Notice to Airmen says that if you check your notice before you land on the field, you will find out if there is construction on the runway, if lights are out or something else. Of course, we did that. There was no NOTAM. They claimed there was a NOTAM—the FAA did. They never could find it.

Anyway, to bring us up-to-date, I introduced and we passed the Pilot's Bill of Rights. In our system, our legal holdout was where you are guilty until you are proven innocent if you are a pilot. That is the last—because one man's accusation can turn into the revocation of a license, so we introduced the Pilot's Bill of Rights. We gave an opportunity, if they disagree with the FAA, if an accusation is made—or the NTSB—they can go to the Federal district court. That seemed to work out.

The bill forced the FAA to put NOTAMs in one secure place where everybody would have access to it, and all of these complaints that were made were dealt with, but a lot of the things we wanted to happen wouldn't happen.

In case you are wondering—I will take it off now since there is no reason to keep it on. Do you know what that is? That is the pass to get into Oshkosh. The Chair knows this because the Chair's husband has an FBO operation in Western Iowa. Anyway, I have gone to the largest aviation event worldwide in Oshkosh. It is the last weekend of July of every year. I have been to every one of those, along with my sons, for 36 years. I never missed one. I didn't miss one last week either. Some things are really important.

I went there with the idea that we have the Pilot's Bill of Rights 2 in order to correct the areas where the FAA is either not complying with the intent of the law or even the Federal district courts are not accepting cases. We are going to correct that.

First of all, if it happens that Senator MANCHIN and Senator BOOZMAN offer their amendments, then I will be supporting their amendments. I am going to go over why it is important, but if as a result of the announcement that was made by the House of Representatives 2 hours ago we are not going to be having amendments, it is still introduced as a freestanding bill. I have 56 cosponsors. That is a lot of cosponsors. If that happens, I want to mention a couple of things that are on here.

There is a problem with the third-class medical. So 10 years ago, a decision was made, and it was a good decision. They took the light aircraft, and they said if you can drive a car, you can fly an airplane. They went ahead, and we have had 10 years' experience now without a third-class medical certificate. There has not been one accident in 10 years where it was due to the fact that they didn't have any third-class medical certificates.

In this bill, we are taking that up to include a larger number of pilots, and to include airplanes as heavy as 6,000 pounds, carrying six passengers, not exceeding 250 knots, and several requirements like that in giving them the same opportunities the pilots of the light aircraft have. That is a part of this bill. I know there are a lot of people in this Chamber because I have talked with them, not a whole lot because we have 56 cosponsors, but there are a lot of them who really believe that would somehow be dangerous. For that purpose, we have made several exceptions to it. I will outline these because I know there are some Members of this body that if this comes up as an amendment, they need to know this.

First of all, on a third-class medical, we have the requirement for an online medical education course every 2 years. This will make sure the pilots coming up for renewal of their certificate are up-to-date on all of the new things that have transpired since the last time in the new medical requirements.

The second thing it does is anyone who is a new pilot just coming on, he has to have a thorough examination that now you have to have every couple of years. That hasn't changed.

And then the third would be the self-certification that takes place every 5

years, which could actually be done with your own doctor. Those are some of the changes that have been made to make it a little bit easier for some Senators who will be voting on this legislation.

The second area where the Pilot's Bill of Rights did not—they addressed it, but there are two Federal judges. You are supposed to be able to go from the FAA to the NTSB, the National Transportation Safety Board, and then to the Federal District Court. What has happened in the past is that the NTSB has rubberstamped anything the FAA does, so really the FAA is making those decisions without proper due course which other people are entitled to.

What we have done with this is—there are a couple of Federal judges who said they are not going to take a case on a pilot until they have exhausted all of the administrative remedies that come from the FAA and the NTSB. We have a solution to that in this bill so this actually explicitly states the pilots will have an option to appeal the FAA enforcement action directly to the Federal courts for a guaranteed de novo trial. De novo means, instead of taking the conclusions of the investigation from the FAA and risking rubber stamping it, they have to have a trial from the beginning. That is a very significant change we are making.

The other thing we neglected to do is include certificate holders other than pilots. You could be a mechanic, a flight attendant, or any number of things, and not be included in these legal opportunities, so the Pilot's Bill of Rights 2 allows all certificate holders to have this.

The third area is the access to the flight records. In my case, I could not get access as to what the FAA was accusing me of. We thought we had this corrected in the Pilot's Bill of Rights, but it still needs to be strengthened, so we have a section in the Pilot's Bill of Rights 2 that requires the FAA to notify a certificate holder that he is being investigated and clarify the incident being used to begin enforcement proceedings so that person will know what he has been accused of and can address it.

The fourth area has to do with document requests. The FAA has retaliated against pilots because the Pilot's Bill of Rights 1 requested broad documents from them, which can be very time consuming and very costly, and it is not necessary at all. The solution to that is that we explicitly rein in the ability of the FAA to initiate the expansive document request and limit them to the pertinent issues being investigated by the FAA. That should correct that.

We have several other items too. If somebody has a minor infraction in a car, then after 90 days, or so many days, it would be taken from their record. That is the way it used to be prior to 1996 when they had the Pilot Records Improvement Act of 1996, and now we will go back to where we were before that.

Many of these issues that were problems before and weren't corrected with the Pilot Bill of Rights are corrected, and I feel very comfortable with it.

The reason I have all of this in my mind now is that I just came back from Oshkosh. Although I was there only 2 days, I was able to give 10 presentations, and there were a little less than a half-million pilots there at the time, so I am sure I got to all half-million of those pilots collectively with all of those events that we had.

It is kind of interesting because for someone who is a pilot, that is the most important thing. We are not talking about Democrats, Republicans, or things that are controversial. It is just that when you go to Oshkosh and you see what people have accomplished through experimentation and the technology that has developed—it used to be that all planes had to be made out of aluminum, and this all changed with new types of things that were discovered at Oshkosh. People are building planes behind their garages.

Well, anyway, so much for that. We have a good solution for all of these problems, and I will say to the 56 members that they are certainly very popular among the pilots and the group I spent the last 2 days with.

I mentioned that only because in the event that they change the rules around here, and we are allowed to have amendments that are not germane, that would be one of the amendments that I would offer, and I want to be sure that we are at least getting things into the RECORD so people are aware of it. While there are no Members here right now, the staff is monitoring everything that is going on, so I want to make sure people know that is an issue we may or may not be dealing with.

It would be a surprise to me if the House of Representatives said: Well, we are just going to go home, and we are not going to pass this bill after we go through all of the trouble of passing it. I think there are ample votes to pass this legislation. Long-term reauthorization is a very important thing back in the States.

The coalitions which are coming together on this legislation include the Department of Transportation for every State, along with the labor unions. They are supporting this legislation because it will provide a lot of jobs. The Chambers of Commerce are all involved; the farmers are all involved. This has the most popular support of anything that we will deal with all year long, so we really need to have this bill. I am having a hard time believing that if we go through the trouble of having a reauthorization bill, the House is not going to take it up, but that statement was made 2 hours ago, and that may be the situation.

I can remember in the earlier days when the highway trust fund had one big problem: They always had a surplus. They had too much money, but that has changed with the increased efficiency of cars. Electric vehicles are using highways, but they are not paying the gas tax. Consequently, we have a real problem with funding this legislation.

If we take the total amount of revenues that come from the gas tax, let's say over the next 6 years because this is a 6-year bill, each year falls short by $15 billion. So we are looking at being short $90 billion over a 6-year period.

I can say this because I think I may be ranked as the most conservative Member for a longer period of time than anybody else in the Senate. I can talk about this because this is a conservative position. The conservative position is to have a long-term bill because if we do short-term fixes, it costs—and this is irrefutable and no one disagrees with this—an additional 30 percent off the top if we do short-term extensions, and that is what we have been doing. We have had 33 short-term extensions since the 2005 bill that we passed expired in 2009, and that has used a very large amount of the money that was there to take care of the problems with the roads and the highways.

We do have problems out there, and it is going to take a long-term bill to take care of it. I have a feeling, since the money runs out on the last day of this month, that the House, if they are not going to take up our bill, they may just pass a short-term extension and then go home. That is not the way I think it should be done, we have to get this long-term bill.

This is something that doesn't happen very often, but now and then it does. We went through the same thing with the other big bill, which was the Defense authorization bill over the last 3 or 4 years, and they didn't bring it up as they should have early in the year. I remember 2 years ago we passed our Defense authorization bill in June, and the leadership didn't bring it up until December. If we hadn't brought it up, then the kids who are out there risking their lives would lose their reenlistment bonuses, their hazard pay, and a lot of things would have happened. Just before the end of December, we were able to get it done. It is not the way things are supposed to be done around here. I certainly don't want that done with the highway reauthorization bill, but that is what very likely could happen if the House does what they say they are going to do.

With that, I do want to come back and go over some of the larger problems that cannot be addressed unless we pass a long-term highway reauthorization bill.

I will say this: There is a very fine FBO operation in Western Iowa called Red Oak. It just so happens that my son just left Red Oak on his way back from Oshkosh. It also happens that Red Oak is owned by the husband of a very prominent Senator in this body who happens to be presiding now.

With that, I will come back later, and we will be talking about these things because I understand the next thing we are going to do is a vote at 10 tonight, unless some time is yielded back. I hope they will yield back their time. They are not down here talking, so there is no reason not to yield back time. If time is not yielded back, I will talk about some of the projects that will not be done unless we have a long-term reauthorization bill.

With that, 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. JOHNSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

HONORING MARINE SERGEANT CARSON HOLMQUIST

Mr. JOHNSON. Madam President, I come to the floor to pay tribute to one of America's sons who has fallen in the line of duty. Sgt Carson Holmquist was a 25-year-old marine from Grantsburg, WI, who lost his life tragically as a result of the heinous act committed by a terrorist on July 16 in Chattanooga.

Sergeant Holmquist was one of the finest among us. He gave his life to preserve the liberties upon which America was founded. He was a son, a husband, a father, and a very proud marine.

He also must have been a great friend to all the people he knew and a man who was respected by many people he didn't know.

I was honored to attend his funeral this past Saturday, and I was witness to a tremendous outpouring of support. I saw a line—probably about 2 blocks long, three or four people wide—of citizens from all across Wisconsin and from several other States.

Some of these people were Sergeant Holmquist's relatives, some were his friends, many were brothers-in-arms, both past and present. Still others were citizens who had no personal connection to Sergeant Holmquist. They came simply to pay their respects to a man who swore to support and defend the Constitution of the United States.

They came to honor a man who so loved America that he chose to serve in faraway lands. He revered freedom, so he sacrificed his own freedom that we may be free. He defended our right to live as individuals by yielding his own individuality in that noble cause. He valued life. Yet he bravely readied himself to lay down his own life in humble service to his comrades-in-arms, to his family, and to his Nation.

For 239 years, our service men and women have served as guardians of our freedom. The cost of that vigilance has been high. Since the Revolutionary War, more than 42 million men and women have served in our military, and more than 1 million of those selfless heroes have given their lives. Wisconsin has borne its share of that sacrifice. Since statehood, more than 27,000 of Wisconsin's sons and daughters have died in military service. Statistics cannot possibly convey the weight of these losses. Statistics are merely numbers that could never fully communicate the qualities of promising lives which were cut far too short. Statistics say nothing of unfulfilled hopes and dreams.

So instead of numbers such as 1 million or 27,000, I ask everyone to think for a moment about a much smaller but yet even more staggering number—simply the number one. Sergeant Holmquist was one man, loved and cherished by family and friends. He was one man whose loss is a tremendous blow to Wisconsin and to this great Nation.

He was one man, but his sacrifice was not his alone. His parents Thomas and LaBrenda, his wife Jasmine, his son Wyatt, and every other relative and friend left behind are experiencing profound loss and grief. But tragedy multiplies. It is not contained. For those left behind, the pain may slowly subside, but the wound will never heal.

The Holmquist family loved Carson dearly, and our hearts go out to them. I pray they will find peace and comfort amid overwhelming tragic loss.

The torch of freedom burns brightly because of men like Sergeant Holmquist. May God bless and comfort the sergeant's loved ones. May He watch over those who have answered the Nation's call. May God bless America.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. COATS). Without objection, it is so ordered.

TRAFFICKING IN PERSONS REPORT

Mr. MENENDEZ. Mr. President, I rise because I am deeply and profoundly disappointed in this year's ''Trafficking in Persons Report'' that was released today. By upgrading Malaysia and Cuba, which were at tier 3—the worst tier at which any country could be considered—the administration has turned its back on the victims of trafficking and turned a blind eye to the facts and politicized the report, and they completely ignored the calls from Congress, from leading human rights advocates, from the realities on the ground in Cuba, and from Malaysian Government officials themselves to preserve the integrity of this exceedingly important report. They have succeeded in elevating political considerations and political goals above the most fundamental principles of basic human rights.

I heard Secretary Kerry, in his presentation of the report, say something to the extent that we should not put a price on our fellow human beings' freedom. Well, it seems we have in this case. In arbitrarily upgrading Malaysia and Cuba, they are clearly politicizing the report, giving an undeserved stamp of approval to countries that have failed to take the basic actions that would merit this upgrade. This flies in the face of what Malaysians themselves want. In Malaysia, members of the Parliament, the legal profession, and human rights activists have urged the United States to support their efforts to maintain the tier 3 ranking they tell us Malaysia deserves. Today we have failed them.

In Cuba, adults and children are subjected to sex trafficking, and the government continues perpetrating abusive practices of forced labor. The administration's decision to upgrade Cuba defies common sense. In the State Department's own words, Cuba is a source country where adults and children—children—are subjected to sex trafficking and forced labor.

In the case of forced labor, the Castro regime itself is the single greatest perpetrator of forced labor in Cuba. Every year the Cuban Government coerces tens of thousands of its own doctors and medical professionals to serve in foreign missions under conditions that violate international norm. The Castro regime restricts the movement of its doctors while they are overseas, takes their passports from them, and often prevents family visits. Additionally, the Cuban Government garnishes its doctors' wages by more than 70 percent, using what should be a humanitarian mission as a means to fill its own coffers.

This gross violation of international standards is so bad that the United States has a specific parole program for Cuban doctors who have been subjected to forced labor conditions by the Castro regime. We have our own special parole program for Cuban doctors who have been subjected to forced labor conditions by the Castro regime. Thousands of Cuban doctors have come to the United States as a result.

So at a time when these doctors are being received into the United States on humanitarian parole, we are going to turn a blind eye to the fact that the Castro regime is the sole responsible actor. This raises one question. Is this yet another emerging detail of something that the administration and the Cuban Government have been discussing in recent months, another demand of the Castro regime that the United States had to agree to in the name of normalizing the relations? They are willing to look the other way on human rights in order to normalize relations? As the State Department's own report recognizes, there has been no progress—no progress—on forced labor in Cuba. Given that reality, any upgrade of the country's ranking challenges common sense.

So I intend to use all the tools at my disposal—from hearings, to a call for

investigations, to legislation—to challenge these upgrades. The credibility and commitment of the United States to fighting the scourge of modern-day slavery is on the line. We spent an enormous amount of time in this Senate on the legislation Senator CORNYN had, along with others, on modern-day slavery, spent a lot of time on it in the Foreign Relations Committee on which I am privileged to serve under Senator CORKER, who had his own legislation about how we deal with human trafficking in the world—modern-day slavery, as he calls it. So we need to make clear that the ''Trafficking in Persons Report'' must not be subjected to political manipulation.

I am utterly dismayed at the administration's decision to upgrade Malaysia and Cuba under these circumstances. It represents a bastardization of the trafficking-in-persons ranking process and calls into question the credibility of the ''Trafficking in Persons Report,'' and it takes away the power to incentivize real progress. The administration's upgrade of Malaysia as well as Cuba compromises American values in the interest of promoting a trade agenda with a country that has consistently failed to uphold human rights. One can only characterize this action as a cynical maneuver to get around the clear intent of Congress with no regard for the effect on a key measurement tool of a country's human trafficking record. This not only represents the latest release of the ''Trafficking in Persons Report'' in the history of its publication—nearly a full 2 months' overdue—but calls into question this administration's commitment to uphold human rights.

We all know that the Malaysian Government has not undertaken a consistent, serious effort that would warrant an upgrade.

As I have noted before on other occasions, on April 17 of this year, the U.S. Ambassador to Malaysia—our Ambassador to Malaysia—said that the Malaysian Government needs to show greater political will in prosecuting human traffickers and protecting their victims if the country hopes to improve on its current lowest ranking in the ''Trafficking In Persons Report.'' This is the person on the ground in Malaysia representing the U.S. Government who has eyes on what is happening, and he said on April 17 that, in fact, the Malaysian Government needs to show greater political will in prosecuting human traffickers and protecting their victims if the country wanted to rise from tier 3 to a better tier 2 standard.

On June 1, the Assistant Secretary of State for Population, Migration and Refugees, Anne Richard, reaffirmed that ''this year's report covers up to March 2015, which means Malaysia's handling of the Rohingya refugee crisis will only be reflected in the 2016 report.'' According to the Assistant Secretary, then, actions taken after March of this year, good or bad, should certainly not be reflected in this year's evaluation.

Well, if you are not going to reflect the mass graves of Rohingya Muslims and what the Government of Malaysia did or did not do—the holding pens of humans—because it came after the reporting period, then you can't claim that the government's action to pass a law that has no teeth, no enforcement, and that hasn't even been put into effect after the date—the same date that you say you cannot consider the plight of hundreds who lost their lives—then you can't consider the passage of a hollow bill. It doesn't work both ways.

Even the Malaysian Bar, the Malaysian association of legal professionals, stated in a letter last week: ''If there is any lesson to be learnt from recent experience, it must be that the government has an excellent record of drafting written plans, but a less than satisfactory record of implementing them. As such, the upgrade of Malaysia, if it were to occur, would be premature and undeserved.''

The fact is, by the admission of the ''Trafficking in Persons Report,'' the Malaysian Government had only three human rights convictions in 2014—a two-thirds decrease from the last report. So compared to the last ''Trafficking in Persons Report,'' they had a two-thirds decrease in their convictions of human rights abuses. Yet they get an upgrade. Wow. That is a surefire way to send a message across the world that we are serious about human trafficking. Frankly, that is beyond comprehension and common sense.

There can be no clearer statement nor a more compelling statement that we have lowered the bar on human trafficking and lessened the value of the one report the world relies on to evaluate the behavior of nations. The events of recent months have clearly shown that the Malaysian Government has not even begun to adequately address its human trafficking problem. Thousands of victims continue to be exploited through sex trafficking and forced labor. And it was unnecessary to do this, having passed an amendment that said tier 3 countries in the ''Trafficking in Persons Report'' of the State Department would not be allowed preferential access to the U.S. market unless they cleaned up their record, which had strong bipartisan support of the members of the Senate Finance Committee and ultimately was incorporated in the TPA, the trade promotion authority legislation that passed the Senate and was sent to the House. In good faith, because of concerns that maybe that would undermine the Trans-Pacific Partnership, in good faith I negotiated an amendment—a provision to change it in the amendment that would have said you could still negotiate with Malaysia, but they had to clean up their act if you concluded that negotiation and they were part of TPP. They had to clean up their act on human trafficking before they got the preferential access to U.S. markets. I thought it was a significant give on my part, considering the vote of the Senate, but it was a good-faith effort. So this wasn't even necessary to do unless you just want to give Malaysia a pass. The goal was to take the full weight of the TPP deal off of the ''Trafficking in Persons Report'' process.

Instead of choosing the route we worked out together, requiring the President to testify in writing that Malaysia has taken concrete steps to deal with its very serious human trafficking problem, the administration backed out. I therefore see no reason why the comprehensive ban on fast-track for tier 3 human traffickers should now be amended. I see no reason why my willingness to accommodate should be amended.

This underscores the need for further oversight of the trafficking in persons process, both legislatively and through the noble work of human rights groups here in Washington and out in the field.

I plan to work with my colleagues to advance my amendment to the State authorization bill passed by the Senate Foreign Relations Committee last month which requires the State Department to notify Congress of all trafficking in persons upgrades and downgrades 30 days prior to the release of the report.

I am looking forward to speaking to the chairman of the Senate Foreign Relations Committee to see if he, within a very busy schedule because we have all of the Iran nuclear review—but it seems to me this merits a congressional hearing to determine what went on here. If I, for some reason, cannot achieve that, then I may very well turn to the inspector general of the Department to seek a report as to what went on.

Despite the clear will of Congress, this administration has made a mistake and will now have to answer questions as to its ability to objectively evaluate global human trafficking. The hard-working, committed NGOs that labor in the field to fight human trafficking and the countless victims who continue to suffer deserve an honest reflection of American values, not an arbitrary determination based upon expediency in achieving a limited political objective rather than a real solution.

I look forward to working with all of the groups that have been instrumental in shining a light on the continued human rights abuses that take place in Malaysia, in Cuba, and elsewhere, to ensure that the integrity of the ''Trafficking in Persons Report'' is restored.

Thousands and thousands of men, women, and children around the world who are the victims of human trafficking—it is on their behalf that I come to the floor. It is in their interest and in the interest of responsible trade policy that recognizes there can be no reward to nations that ignore those types of trafficking in persons and do

nothing to end the scourge of what amounts to modern-day slavery, one of the great moral challenges of our time.

It is for the world's 50 million refugees and displaced people—the largest number since World War II, many of whom are targets of traffickers. Because they are displaced, have nowhere to go, they are preyed upon. We have the largest number since World War II of refugees in the world. It is for the 36 million women and 5 million children around the world subjected to involuntary labor or sexual exploitation. For the victims of these crimes, the term ''modern slavery'' more starkly describes what is happening around the world.

I will continue to fight against human trafficking in all its forms. I intend to fight for the integrity of a report that is a critical tool for us to be able to not only cast the light upon human trafficking in the world but to get countries to understand they must meet this great moral challenge and change the course of events in their country. That is why I come so incredibly upset to the Senate floor on something I never thought would have happened, but it has. We need to change it and change the course of events.

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

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

CYBER SECURITY

Mr. DAINES. Mr. President, today I rise to speak about the Nation's cyber security. Prior to being elected to the Senate, I spent nearly 12 years working at a cloud computing company. This is a company we started from virtually nothing. We took the company public, and we grew to over 1,000 employees. It became a leading cloud computing company in the customer experience sector. I have seen firsthand the opportunities created by advances in technology, but I have also seen the power Big Data holds because our information becomes currency for both companies and for hackers.

These risks are even greater when they impact our children, and as the daddy of four children, I know the importance of maintaining a close relationship between the parents and their children's school. Today, student electronic records are used in schools across the country, and updates can be easily made and can follow a student from one school to another. This more accurately reflects the nature of students' movements within the school system.

But at a time when overseas hackers are fighting to gain access to any information they can, these technological gains also come with some risks. Securing students' digital information is critical to ensuring that our kids' privacy is protected. That is why I am grateful and proud to announce that I joined Senator BLUMENTHAL in introducing the SAFE KIDS Act.

The Safeguarding American Families from Exposure by Keeping Information and Data Secure—the SAFE KIDS Act—protects student privacy by establishing clear parameters for third-party operators when using data collected from students. This bipartisan legislation empowers parents to control access to their children's information because keeping personally identifiable information secure will lead to a uniform way to secure our students' data. By placing that power back in the hands of the students, in the hands of the parents, and in the hands of the schools, we can make progress toward protecting the privacy of our children because our schools and our kids aren't the only ones at risk for a serious breach.

This week we are debating ways to provide the certainty and resources needed to improve our Nation's infrastructure—our roads, our bridges, our ports, our highways—but recent news reminds us that we must also consider the security of the cars that are driving on our roadways. In fact, just in the past week, news broke that Fiat Chrysler announced a recall of 1.4 million vehicles due to a vulnerability that could allow hackers to disable the vehicles on the highways. In fact, through the radio of a Jeep Cherokee, hackers disabled the vehicle's transmission as a driver drove onto a public highway in St. Louis. This episode is telling in that cyber hacks can affect every sector of our economy, from the financial sector to our automotive manufacturers.

Our military installations across the globe are also vulnerable to an attack, according to a new report from the GAO. In fact, our utility systems that provide water, electricity, and other essential services to our military installations worldwide have limited defenses against cyber attacks. Report details that the industrial control system—ICS—the computers that monitor or operate physical utility infrastructure, ''have very little in the way of security controls and cybersecurity measures in place.'' In fact, in a recent July 25 Military Times article, they cite: ''An example of a successful cyber-physical attack through an ICS was the 'Stuxnet.' '' It was a computer virus that was used to attack Iranian centrifuges in 2010. By hacking the Iranian nuclear facility's ICS, the centrifuges were made to operate incorrectly, causing extensive damage.

The fears of a massive cyber security breach don't only rest in the Pentagon. Just yesterday, Attorney General Loretta Lynch said on ABC's ''This Week'' that a cyber attack by the Islamic State is one of the terrorist group's biggest emerging threats to our country. In fact, during the interview, Attorney General Lynch noted that the terrorist group now boasts over 20,000 English language Twitter followers. Our country's most sensitive data can be in the hands of our enemies at the mere click of a button or press of a screen.

As I speak today, we have yet to obtain answers from the Obama administration on the scope and the perpetrators from the massive hack at the Office of Personnel Management. This attack has paralyzed the Obama administration. They haven't put in place any real, meaningful reforms at OPM. I have called for Chief Information Officer Donna Seymour's resignation since June 24. Yet she still remains in her post and we still don't have any concrete answers for the 21 million-plus Federal employees who were victims of this attack.

We must do more. We must act more quickly and more nimbly than those seeking to wage a terror attack on our Nation's cyber security infrastructure.

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. THUNE. 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. THUNE. Mr. President, I rise to speak about the freight division of the DRIVE Act, the highway transportation bill that is under consideration before us at the moment.

The freight provisions represent the combined efforts of both the Commerce Committee, which I have the honor of chairing, and the Committee on Environment and Public Works. To create this division, we incorporate a number of provisions from legislation offered by Senator CANTWELL, Senator MARKEY, Senator BOOKER, Senator MURRAY, and the administration's GROW AMERICA Act proposal. We worked very hard to incorporate and make this a bipartisan product. We took into consideration suggestions that were made by our colleagues, many of whom serve on the Commerce Committee and some who don't, but we got to a point where we feel as if we had a good product that incorporates the best ideas—not everything, obviously, that everybody wanted but that addressed many of the issues that pertained to our particular part of this legislation.

The language included in the Commerce Committee's freight program also drew from recommendations made by the Department of Transportation's nonpartisan National Freight Advisory Committee—another entity we looked to and consulted with respect to these particular provisions of the bill.

Because of our Nation's vast transportation network, freight can move by rail, it can move by aircraft, it can move by truck, and it can move by ship. It is multimodal. Under the bipartisan legislation before the Senate, freight-planning efforts will be concentrated under the Secretary of

Transportation. This is to reflect the multimodal nature of how goods are transported and to ensure the involvement of various agencies which regulate different forms of transportation is properly coordinated.

Because freight moves from truck to rail to port, freight planning must consider these connections, and it must include the development of a strategy to expand capacity and to increase efficiency to meet growing demand. This is especially true when it comes to focusing infrastructure investment decisions. Growing demand indicates and fuels a growing economy. We need a plan to handle the significant growth of freight traffic we expect in the coming years.

The Department of Transportation notes that, by 2040, our transportation system is projected to haul an additional 9 billion tons of freight. That represents a 45 percent increase over what we move today. As our economy recovers and continues to grow, we will continue to need additional freight infrastructure. The freight network serves our import and export needs and is a critical element of our economic competitiveness.

Bottlenecks and delays have significant economic cost. Freight is, by nature, not just a highway problem. Airports, ports, and railroads connect farms, manufacturing centers, and the markets they serve.

Freight needs are not just urban issues. They are also very important for rural America. Advancing agricultural freight projects is necessary for the economies of many States, so ensuring planning and funding for these projects is also critical. Keeping freight transportation costs low keeps American farmers competitive in the global marketplace.

In the winter of 2014, South Dakota faced significant challenges moving grain from the State due to congestion in the rail network. When the freight couldn't move, farmers weren't getting paid. Commodities faced spoilage due to a lack of available storage space.

Agriculture is the leading driver of South Dakota's economy. Delays and the significant increased costs of moving grain by rail negatively impacted the pocketbooks of many of the farmers in my State. This, in turn, reduced Main Street's bottom line as well.

More recently, the West Coast port slowdowns delayed shipments to and from stores in South Dakota and across the country. Agricultural products for export were delayed, and imports of products from lumber, medical supplies, and automobiles to basic retail goods were delayed. This was an unforced error that harmed our economy for way too many months.

This labor strife underscored the interconnected nature of our transportation system and how vital our freight infrastructure is to each and to every State in this country. In fact, the resulting strife was widely cited as a contributing cause of the U.S. economy actually shrinking in the first quarter of 2015.

Protecting our competitiveness is at the core of this legislation's freight program that was developed between the Commerce, Science, and Transportation Committee and my colleagues on the Environment and Public Works Committee.

Planning for and fixing our freight network will create and maintain jobs over the long term. Reducing delays and lowering the price of freight transportation serves the entire supply chain and, ultimately, the American consumer.

That is why the freight division in the DRIVE Act is so important. The bill improves the planning process, engaging States and stakeholders to help plan for future freight needs. States will provide a forward-looking plan to address these freight needs step by step. These plans will develop investment strategies and prioritize projects for funding.

The bill's consolidated strategy that plans for both highway projects and multimodal projects is a significant improvement over what we have today—or the status quo. In addition, the Environment and Public Works Committee developed a highway trust fund formula program that will support critical projects in every State. In the first year alone, the bill provides $450 million of grant funding to assist with these critical investments.

Projects to improve rail grade crossings, port facilities, and connections between freight modes of transportation will have access to these new resources. This will reduce the time and the cost of moving goods.

The Coalition for America's Gateways and Trade Corridors noted that the planning and strategy outlined in the bill is ''a significant step forward for multimodal freight planning and policy.'' The American Association of Port Authorities says: ''Elevating a policy for freight within your legislation sends a strong message that freight must continue to be a priority and that planning, funding, and the establishment of a multimodal freight network are critical for the economic growth of our nation.''

Mr. President, I ask unanimous consent to have printed in the RECORD the full statements of these two organizations I just mentioned.

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

[From the Coalition for America's Gateways and Trade Corridors, July 16, 2015]

GOODS MOVEMENT COALITION APPLAUDS COMMERCE FREIGHT POLICY, CALLS FOR FREIGHT FUNDING

(By Executive Director Elaine Nessle)

WASHINGTON, DC.—Yesterday the Senate Committee on Commerce, Science, and Transportation approved a six-year transportation bill, the Comprehensive Transportation and Consumer Protection Act of 2015, S.1732. Included in the bill is a freight chapter, providing a focus on multimodal freight planning and policy.

The Comprehensive Transportation and Consumer Protection Act of 2015 is a significant step forward for multimodal freight planning and policy. I commend Chairman Thune and the Committee members for developing policy that incorporates the many modes of transportation that move freight. The proposal contains several policy objectives held by the Coalition for America's Gateways and Trade Corridors, including creation of a multimodal national freight policy and the call for designation of a multimodal national freight network to inform transportation planning and improve investment decision making.

While this proposal is a step in the right direction, dedicated freight funding is necessary to make targeted system improvements. The Coalition has long called for a minimum annual investment of $2 billion in addition to current programs of funding. A freight investment grant program, with multimodal project eligibility that distributes funding on a competitive basis, is needed to make strategic investments. Businesses and agricultural producers rely on our national multimodal freight system to move goods to market and support growth. To remain competitive in the global market place, we must invest in the system that moves our nation's commerce.''

Demonstrating the large number of projects that stand to benefit from a competitive grant approach, CAGTC published in April a booklet titled ''Freight Can't Wait.'' The booklet contains a sampling of significant freight infrastructure projects that could be realized with federal resources, like funding distributed through a competitive freight investment grant program.

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AMERICAN ASSOCIATION OF PORT AUTHORITIES,
*Alexandria, VA, July 23, 2015.*

Hon. JOHN THUNE,
*Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.*

Hon. JAMES M. INHOFE,
*Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.*

Hon. BILL NELSON,
*Ranking Member, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.*

Hon. BARBARA BOXER,
*Ranking Minority Member, Committee on Environment and Public Works, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN THUNE, CHAIRMAN INHOFE, RANKING MEMBER NELSON AND RANKING MINORITY MEMBER BOXER: On behalf of the American Association of Port Authorities (AAPA) I want to thank you for your leadership on the freight policy and funding provisions included in Division D of the DRIVE Act (H.R. 22) that will be considered on the Senate floor over the next week.

AAPA is the unified and collective voice of the seaport industry in the Americas. AAPA empowers port authorities, maritime industry partners and service providers to serve their global customers and create economic and social value for their communities. Our activities, resources and partnerships connect, inform and unify seaport leaders and maritime professionals in all segments of the industry around the western hemisphere. This letter is on behalf of our U.S. members.

The approach of grouping the Environment and Public Works and Commerce Committees' jurisdictions into one division within the DRIVE Act is a positive step forward. This grouping reinforces a top AAPA priority—that freight policy must be integrated as well as intermodal in order to be efficient, safe and secure. In the past, freight policy and funding measures have been fragmented.

Elevating a policy for freight within your legislation sends a strong message that freight must continue to be a priority and that planning funding and the establishment of a multimodal freight network are critical for the economic growth of our nation.

We look forward to continuing to work with you on building the freight provisions in the DRIVE Act as the legislation moves forward.

Sincerely,

KURT NAGLE,
*President and CEO.*

Mr. THUNE. Mr. President, the legislation before the Senate is a critically important part of addressing our Nation's current and future transportation investments. As Senator CANTWELL often says: Freight can't wait.

The DRIVE Act includes these critical freight provisions that will help our economy and lead to job creation. Strengthening our freight program is yet one more reason to support this legislation.

Mr. President, I hope before all is said and done in the Senate we will complete action on this legislation this week and get many of these provisions, which are so important to our economy, so important to jobs, and so important to America's competitiveness, passed into law.

Of course, first we have to get action by the House of Representatives in order to get it to the President's desk, but the work that has gone into this is the product of a lot of various Members and committees, those from the stakeholder community offering their input and consultation to get us to the point we are today where I think we have a product we can be proud of and that we can say actually will help address the freight challenges and the needs we have across this country and make our economy even more competitive.

Mr. President, I yield the floor.

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

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

AMENDMENT NO. 2327

Mr. PORTMAN. Mr. President, I rise today with regard to one of the parts of the highway bill we are talking about, and that is the Export-Import Bank, otherwise known as Ex-Im.

I rise today as somebody who feels strongly we need to have a long-term highway bill. I am glad we are on the floor with that because it is about jobs and crumbling infrastructure. I am also pleased that within this bill there is some regulatory reform on the permitting process, and I thank the authors for including my permitting reform bill. But I also am pleased by the fact we also voted to add as an amendment the reauthorization of this Bank called the Export-Import Bank.

If I may, let me talk about why this is so important to Ohio jobs and to jobs around this country and to keeping our economy from falling behind. Some people say: Well, why do we need the government involved in this business of providing financing or credit to companies that do business overseas? Well, frankly, it is because often these are relatively high-risk ventures, so companies cannot get the credits, the guarantees or the loans from private-sector companies.

I will give a few examples of this in a minute, but it is also because of the fact that other countries all over the world have these export credit subsidies. In fact, we are pikers. We have a lot less than our competitors. On average, our competitors do a lot more in terms of supporting their exports than we do.

So we need to have this in order to ensure that we don't lose jobs in this country. By our unilaterally saying we are not going to help our companies to export, we are shooting ourselves in the foot.

Now, if these other countries around the world were to say, you know what, we are going to back off on our export financing, that would be great. When I was U.S. Trade Representative back in the Bush administration, that is what I pushed for. I think we should be getting rid of these subsidies.

By the way, also in terms of agriculture subsidies and others, if there were a level playing field, where our competitors were not doing this, it would be a different world. I will note one thing I like about the amendment that was adopted—or at least the cloture vote here and the amendment that is likely to be adopted to this bill on the Export-Import Bank—is that it requires, as one of the reforms—and, yes, I think it should be reformed—that the administration begin the process of an international negotiation to get rid of these export subsidies all over the world.

In the meantime, if we as the United States of America say unilaterally that we are going to stop these export subsidies through this financing mechanism, we are going to lose jobs. It is not just we are not going to create jobs that would be otherwise created by these projects, it is the fact that some companies will actually move overseas to take advantage of the export subsidies in other countries. They have told me this, and I am sure they have told other Senators this, and Senators know this.

I view this in pretty simple terms: No. 1, this program actually puts money back into the coffers every year rather than taking money out. I think it added about $650 million or so to our surplus last year. Over time it has added billions of dollars, so it is not costing taxpayer money. It brought $7 million in profits to the U.S. Treasury since 1992. Last year it generated $675 million in profits, and by the way, it created 164,000 jobs and $27 billion in exports. So No. 1, it is not one of these government programs that is costing the taxpayer.

No. 2, other countries are doing it, and if we don't do it, they will continue to do it and we will lose out on jobs, on contracts. I am told, for instance, that right now, while this program is in flux—where we are not sure whether it will go forward or not because it has already technically expired—there are 100 transactions sitting in the pipeline worth more than $9 billion, and those transactions won't go forward unless we take action. So again, this is one where the United States of America would be shooting itself in the foot by saying we are not going to expand exports to the detriment of our workers.

Then No. 3, yes, we ought to get busy on reforms to the Export-Import Bank, to make it more transparent. I think that is good. One of the reforms in here, as I said earlier, is to ensure the President submits a strategy for ending government supported export subsidies internationally. The Obama administration should be more aggressive at that. I believe that is appropriate, and they should be doing it.

By the way, it also creates a risk management committee to oversee the Bank's risk exposure. It also sets up a new nonpolitical chief ethics officer to provide oversight with regard to the ethics practices of Bank employees. That is all important, and I support all those reforms. I could probably support some more, too, but let us not shoot ourselves in the foot and lose these good-paying jobs we have in this country.

I view it frankly a lot like the trade debate we just had. What we want to do in trade is have a balance, where we are sending more exports overseas, creating more jobs in this country—in my State of Ohio, in the Presiding Officer's State of Indiana, and other States around this country—at the same time leveling the playing field by increasing our enforcement and stopping the unfair imports from other countries—the dumping and the subsidies.

In the trade bill—we talked a lot about this over the last month—we actually got in place a new amendment to help companies be able to deal with unfairly traded imports, to get a remedy right away, and it is already working. SHERROD BROWN, my colleague from Ohio, and I put together an amendment. It is part of the trade bill that was passed. Already, tire workers in Ohio, United Steelworkers union employees in Ohio have been able to take advantage of that because they got a positive determination from the International Trade Commission, in part because we gave them better tools. We improved the law to be able to more easily show they have been injured by these unfairly traded imports that are sold below cost or dumped or subsidized and so that they can get the relief needed to avoid losing so many jobs that they go out of business.

That is one thing we ought to be doing to expand exports—more trade. Another thing we ought to be doing is ensuring we aren't pulling back on this

export financing—again, it doesn't cost the taxpayers anything—at a time when we are under-exporting compared to what we should be doing as a country.

When we look at our exports per capita in the United States of America, I think we are somewhere between Tonga and Ethiopia in terms of our exports per capita. Other countries depend a lot more on trade than we do.

We need to export more. Why? It creates good jobs—jobs that pay 13 percent to 15 percent more on average and offer better benefits. The last thing we want to do is to pull the rug out from under these exporters by saying we are going to change the law to make it even harder to export and put American workers at a disadvantage vis-a-vis the rest of the world.

It is the same thing with regard to trade policy, generally. Let's expand exports by opening up markets for our products through good trade agreements, and let's enforce the laws and increase the enforcement, as we did with regard to the amendment I talked about earlier. That makes it easier for those tire workers at Cooper Tire in Ohio and around the country to be able to say: This isn't fair. The Chinese tires—in this case—are coming in under cost and are being subsidized. We want our government to stand up for us so we can compete and so we can export more of our product.

So if we were not to allow this Export-Import Bank to continue, it would be running counter to everything we just did in the trade bill. We want more exports.

The final thing I have to say, again, is if we don't allow American companies to compete globally as American workers making products here in America, some of these companies are going to go overseas. A lot of them already have production overseas. Let's be honest. A lot of these U.S. multinational companies make things all over the world on two, three, four continents. They can shift production overseas, and then they take advantage of the export guarantees in that country. That is what some of them have told me they are likely to do if we don't have an export guarantee in this country and we don't do anything about the international situation, where these other countries do more than we do.

That reminds me of another topic we ought to be taking up here on the floor of the Senate, and that is tax reform, because our Tax Code does the same thing. Our Tax Code says to an American company: You can't compete fairly. You have to compete with one hand tied behind your back. It is the American workers who are hurt by this because our tax rate is so high. Because of the way we tax internationally, we make it an advantage to be a foreign company. That is why so many U.S. companies are becoming foreign companies. Last year there were twice as many transactions in dollar terms—twice as many as the year before—of foreign companies taking over U.S. companies, driven largely by our inefficient and out-of-date Tax Code.

So if we combine all of these—if we combine what is going on with trade, if we combine what is going on with our tax system—we certainly don't want to put our workers at a further disadvantage by pulling the rug out from under them with regard to this export financing. Yes, let's try to get the rest of the world to do the right thing. But in the meantime, let's not shoot ourselves in the foot.

On many of these projects overseas, there is a de facto requirement that you have to have financing from a government. All these other countries provide it. So whether in Africa, Asia or in some of these other emerging economies, they say: Where is your financing? This is why, as I said, there are about 100 projects in limbo right now.

Let me talk about some of the companies in Ohio that benefit from this Export-Import Bank—again, this bank that actually puts money back into the coffers every year. I have talked to these companies, and I have talked to the workers on the line whose jobs are at stake because of what we are going to decide here in this body.

One is U.S. Bridge. They are in Cambridge, OH. They have been manufacturing and building bridges in America and around the world for 81 years. They are quite a success story. Their global business depends on the financial guarantees of the Export-Import Bank. They can't compete in bidding for these projects around the world without it. Recently, they got a $100 million contract to build bridges in West Africa, but it was immediately put in jeopardy after they got it because Congress refused to move on the Ex-Im Bank one way or the other. We just allowed it to expire without even voting on it. That is one of those projects currently in limbo. They have 150 employees in a very small county with high unemployment in Eastern Ohio.

If they get this job we talked about to build bridges in West Africa, they say they can add up to 50 new manufacturing workers with this one contract. That is a big deal for a family-owned company that has been a cornerstone of the eastern part of Ohio in the small town of Cambridge, which has 10,000 people. That is 50 jobs right there, in a small town in an area of Ohio that has high unemployment, that are at stake if we don't move on Export-Import Bank.

Let me talk about McGregor Metalworking in Springfield, OH. I know a lot about the McGregor family because they are distant cousins of mine. My family was the McCullough family. They came to Springfield from Scotland.

The McGregors run a company that is a staple of the community. They are pillars in the community. They have skilled trade jobs. The workers there get good pay and good benefits. However, they are very concerned about what is going on with the Ex-Im Bank. More than 60 workers at McGregor work directly on products that depend on Ex-Im financing. That is about 16 percent of McGregor's sales. They are not a big company, but they are a really important company to that community, to those workers, and to their families.

So to the people who have stood up on this floor over the last couple of days and said this is not about jobs, this is about jobs, folks. This is not just about big businesses. Yes, it is about them, and that is important too. We want those jobs here as well. It is also about a lot of small businesses.

I recently spoke to some of the workers at McGregor. They told me there are a lot of manufacturing issues they just can't control—their health care costs, which are going up. ObamaCare has not helped. It has made it worse. In Ohio, they are told their costs are going to go up between 10 percent and 33 percent next year. That is what the insurance companies have told them. The price of steel goes up and down. Sometimes it is tough to get the skills to be able to compete and to get these jobs in places such as McGregor. Those are things that are out of their control. But Ex-Im is something they know we can control, and they are wondering why we are making it even more difficult and less predictable for them by not acting.

Let me talk about another small business in Hamilton, OH, called Kaivac. They employ 50 people. They manufacture commercial cleaning machines used to clean floors in schools, museums, stadiums, and airports. They are a kind of modern-day mop and pail.

With the help of Ex-Im, Kaivac grew its international sales by 60 percent last year, exporting their commercial cleaning machines all over the world. But as we have heard repeatedly, this is another company that said they can't do that in the future if they don't get this financing from Ex-Im.

So what will happen to these companies? For a lot of these smaller companies, they will just lose business, and they will lose jobs. They will lose the jobs they already have, and they won't be able to gain the jobs we have talked about today.

For some of the bigger companies, they will be OK. They will move overseas. Frankly, I am not worried about the companies. I am worried about the workers in Ohio—American workers who work hard, play by the rules, and do all the right things. We are going to pull the rug out from under them. That doesn't make any sense to me. We need to stand up for these American workers. Whether it is with regard to trade or whether it is with regard to taxes, as we talked about earlier, Washington is letting them down. We are not doing the basic things we ought to be doing to create the environment for success to allow them to be able to compete and to win.

Today we have the opportunity to stand with American workers. We have the opportunity to move forward—yes, with regard to trade, knocking down barriers to our exports, making sure there is a more level playing field, including the amendment we talked about earlier that allows us now to bring trade cases and get results and help American workers. We have to be sure that we do reform this Tax Code, because if we don't, more American companies and investments are going to go overseas. That is our job. We are letting the American worker down right now.

I see Senator SCHUMER here on the floor. Senator SCHUMER has been working on this international tax reform issue, and his point is a very simple one: We want the jobs and investments here. We are tired of seeing companies get taken over by foreign companies and move their jobs to those other countries. We saw this recently. A pharmaceutical company got bought by a foreign entity. By the way, the foreign company had just left America. They inverted to another country. They then came back and started buying American companies. One third of the workforce of that company bought by the foreign company is now gone—Raleigh, NC, to Canada.

So these are things we can do. It is within our control here in this body for us to pass these kinds of bills and, with regard to Ex-Im, to ensure that we are not shooting ourselves in the foot and shooting American workers in the foot by taking away their opportunity to, yes, win these bids, to win these competitions, to build that bridge in West Africa, to send those cleaning supplies all over the world, to be able to ensure, with regard to McGregor Industries, that the parts they put into those locomotive engines that get sent to developed countries and developing countries can continue to grow.

Our job here is not to make life harder for these workers and these small companies. It is to make it easier for them to compete and to win so that we can begin to bring back not just more jobs but better jobs.

Over the last 6 years, we have seen wages flatten out and on average go down. Economists tell me it is about a 6-percent reduction in real wages. Think about that. This at a time when health care costs are up, in part thanks to ObamaCare, which makes it harder, not easier, to get health care at a reasonable cost. Education costs are up. Electricity costs are going up, in part because of the regulations that the Obama administration is putting on the economy in my home State of Ohio and around the country. That is called the middle-class squeeze. Wages are flat and declining, and expenses going up. That is what the people I represent are experiencing.

Let's not make it more difficult for them. Let's stand up for American workers. Yes, let's tell the Obama administration, as this legislation does: You are required to put more pressure on the international community and other countries to reduce their export subsidies, their guarantees, their credit agencies. But in the meantime, let's be sure we are standing up for the people we represent and doing the right thing for the American worker.

I yield the floor.

Ms. MIKULSKI. Mr. President, I support the reauthorization of the Export-Import Bank and support American manufacturing, because a country that doesn't make something can't make something of itself.

I have seen everything manufactured in Maryland, from crab cakes on Kent Island and ice cream in Laurel to commercial truck engines in Hagerstown and unmanned aircraft in Hunt Valley. I have met with innovative manufacturers who credit the Export-Import Bank with helping them grow their businesses by exporting to new markets overseas.

Through critical assistance, at no cost to taxpayers, these small and medium-sized businesses are able to sell American products around the world.

I visit businesses all over Maryland. I have visited bakeries, microbreweries, factories of small machine tool companies. I visited Main Street, small streets, rural communities. And I have talked with business owners and their employees.

These are ''good guy'' businesses. They work hard and play by the rules. They have jobs right here in the U.S. They want to expand. They want to hire. They need a government on their side and at their side.

Some business owners I met with said that the secure financing at the Export-Import bank helped them strengthen their business and grow.

Selling your products overseas isn't as simple as selling them locally. But getting secure credit insurance helped Maryland manufacturers that relied on cash-in-advance payments for exports expand their businesses by exporting to new markets.

Other business owners I met with said that the Export-Import Bank was a lifeline during a difficult economy. They told me that they relied on private financing before 2008, but during the credit crisis even safe investments couldn't get help from the private sector. The Export-Import Bank helped them weather the storm.

The Export-Import Bank provides critical direct loans and loan guarantees to foreign buyers of U.S.-made goods. The Export-Import Bank also provides working capital loans to small businesses that are exporting. And it provides insurance for exporters in case a foreign buyer fails to pay.

In all these cases the bank is filling gaps in the private market. It is an important tool for U.S. companies that are seeking to compete with foreign firms, and those foreign firms often get aggressive trade financing support from their own national governments.

On July 1, 2015, the authorization for the Export-Import Bank lapsed. Right now, the bank is unable to process applications or engage in new business. The bank cannot authorize any new transaction to do any new lending or help any businesses with any new exports. That puts American jobs at risk. American businesses and workers are missing new opportunities because they can't get the new financing they need to close the deal and make the sale abroad.

A vote to support the Export-Import Bank is a vote to support American manufacturing jobs. Reauthorizing the Export-Import Bank means Maryland will be able to export more, manufacture more, and create more jobs.

The Export-Import Bank helped over $27 billion in export sales in fiscal year 2014 and supported 164,000 jobs nationwide.

Nearly 90 percent of the transactions done by the Export-Import Bank directly supported small businesses.

From 2007 to 2015, the Export-Import Bank financed $2 billion in exports from Maryland.

The Export-Import Bank is about helping Main Street. It is about helping the entrepreneurs with a dream in their heart, with a small business underway, with the grit and determination to be able to create a job for themselves and for others.

I call upon my colleagues to think about where America is going in the 21st century. Where are we going to be? Are we going to create more opportunity? Are we going to create more jobs that pay good wages with good benefits?

I am proud to stand firm in my commitment to manufacturing jobs from Hagerstown to Stevensville and from Baltimore to Easton.

Mr. PORTMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LANKFORD). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHATZ. 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. SCHATZ. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

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

CLIMATE CHANGE

Mr. SCHATZ. Mr. President, the facts are undeniable. Climate change is real, it is caused by humans, it is happening now, and, it is solvable.

Today I would like to talk about a noncontroversial way to reduce 10 percent of the world's carbon pollution: fighting deforestation.

Of course, no single action will solve climate change, but stopping deforestation is underrated as a solution, with a high impact and a low cost. While we have been on this floor for years in an intense, often partisan, debate over pipelines and the EPA's rules on coal-fired powerplants, forest conservation

is an area where we have always had strong bipartisan support.

As forests are cut down, two things happen. First, carbon stored in trees is released. Second, the trees stop absorbing carbon from the atmosphere.

Each year, the world loses forests the size of Ohio, and that rate is increasing. Unless we act, an area twice the size of Texas will be lost by the year 2030.

Of course, most deforestation is happening in tropical forests, in the Amazon, the Congo River Basin, and in Southeast Asia. But global demand, including demand from the United States, for palm oil, soy, beef, and timber products greatly contributes to forest loss in these regions.

This is why the United States has to lead in stopping deforestation. There are three things that we can do: First, we have to fully implement and fund the Lacey Act. This law prohibits the import of illegally harvested wood products but has only been in place since 2008. Congress hasn't given the USDA and other agencies the tools to fully implement it. We are good at catching raw products like lumber from illegally harvested forests, but we still need more tools to catch illegal wood, which is in processed products such as furniture.

Full enforcement of the Lacey Act could keep 27 million metric tons of carbon pollution out of the atmosphere each year. This is equivalent to the emissions from more than 5 million cars every year. The Lacey Act is also good for the U.S. timber industry because illegally harvested wood products undercut this industry by $1 billion in 2013 by reducing the competitive advantage of legal timber.

Second, we have to support private sector commitments to stopping deforestation. We have had some recent very good news in this space. Driven by consumer demand, 34 corporations recently committed to cutting deforestation from their products in half by 2020 and ending it by 2030. These are big companies—Walmart, McDonald's, and Unilever, among many others. These businesses were joined by 35 governments, 16 indigenous groups, and 45 NGOs. This was the first time that leaders from developed and developing countries have partnered around a timeline for ending deforestation.

One challenge in meeting these commitments is that we don't have a robust standard to verify that they are being met. Without this, we are merely taking everyone's word for it, but the United States can lead in monitoring and verifying these commitments. Publicly available satellite imagery from NASA and USGS has already allowed forest scientists to measure the magnitude of global deforestation, but we still need more accurate, real-time monitoring of the carbon content in forests, and the technologies do exist.

Finally, we have to provide forested countries with technical and financial support to protect and grow their forests. Absorbing carbon with trees is more cost-effective and more energy efficient than doing so from coal or gas powerplants. This is because trees capture carbon using energy from the Sun and powerplants capture carbon using additional energy from a powerplant.

Despite the ability of forests to capture and store carbon, we can't just tell landowners to stop cutting down their trees. They are often in a very dire financial situation on a personal level. We have to share with them our expertise in sustainable forest management—how to prosper from a forest without cutting it down and moving on to the next stand. The State Department, USAID, and USDA bring sought-after knowledge in this area from how to fight forest fires to how to combat illegal logging.

We also have to provide financial incentives for landowners to protect their forests. The economic benefit of forests is real. They store carbon, filter water, keep soil healthy, and protect against erosion.

The value of a forest's ecological services, not just its raw materials, must be recognized in the global economy. REDD-plus programs—shorthand for reducing emissions from deforestation and forest degradation—provide a mechanism for financially rewarding countries that reduce emissions from deforestation. If we want to lead in solving climate change, we have to contribute our fair share to these programs.

Thankfully, forests in the United States absorb more carbon than they release. However, the U.S. Forest Service estimates that the loss of forests through urban growth and wildfires could make our forests a source of carbon pollution as soon as 2030. We have to ensure that our forests continue to absorb more carbon than they release and work with our allies to protect our forests abroad.

We have solutions on climate change. Stopping deforestation is one of them, and it is one of the solutions I am most excited about because it is an opportunity for bipartisan work. We know what we need to do, and we know how to do it.

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.

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

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

Ms. MURKOWSKI. Mr. President, we have been discussing the value of having a multiyear transportation bill, a highway bill moving through the Senate. It is something that I, too, would like to see, but as with everything that we do around here, it is important how we do it. When you have a multiyear highway bill, it is important to ask the question, how are we paying for that?

One of the considerations that is in front of this body is to pay for $9 billion of this multiyear highway bill through a selloff of crude oil from our Strategic Petroleum Reserve—SPR.

I have come before this floor several times already during this debate to try to convince colleagues that this is exactly the wrong way to address our transportation priorities by selling off a national energy security priority; basically, an insurance policy that we have for this country, an insurance policy to ensure that at the time that we might be most vulnerable with our energy supplies, we have reserves, we have a safety net we can turn to in the event of an emergency brought about by a hurricane or natural disaster or whether it is a manmade disaster, war or something else that has caused global disruption.

In short, it boggles my mind that we would be willing, so willing and almost eager, to tap into this strategic asset for such short-term and limited gain. In the absence of supply disruption that justifies releasing oil from the SPR, selling our strategic reserves only worsens an existing competitive disadvantage for our American oil producers.

As you know, we have in place an outdated 40-year-old-plus ban on our ability to sell our domestic crude oil overseas. We are limited in our ability to export that. I think that is a wrong and outdated policy, and I am working with many, including the occupant of the chair, to lift this outdated policy. I have introduced legislation to do just that. We will actually have a bill before the banking committee tomorrow to, again, shed some light on the fact that it is so incredibly inconsistent from a policy perspective that we would be talking about lifting the sanctions on Iran, allowing Iran to access the broader global market so they can sell their oil reserves, so they can take advantage of the resources that will come to them to do who knows what mischief, while at the same time prohibiting, further prohibiting in this country our oil producers that opportunity to access the global market. By lifting the sanctions on Iran and keeping the oil export ban in place in this country, we are effectively sanctioning our own U.S. oil producers. That is wrong. Again, we are working to address that.

We are in a situation currently in which American companies cannot sell oil to the same countries that we let Iran sell its own oil to. Now, with this proposal in front of us to sell off some 101 million barrels of oil from the SPR, we are potentially going to saturate a market that is already oversupplied. Think about what that means to those in Oklahoma where the rig count in this country right now is down by half of what it was just last year. We are at a 5-year low with that. Our market is oversaturated.

This morning I introduced yet another white paper out of the energy

committee. It is entitled ''A Turbulent World: In Defense of the Strategic Petroleum Reserve.'' This white paper outlines some of the history behind the SPR, why I feel so strongly and why I will continue to come to this floor to oppose the sale of 101 million barrels of oil from the SPR to pay for a portion of this highway bill.

Let's take a look at the history of when we have had emergency drawdowns. We have had exactly three emergency drawdowns ever. The Strategic Petroleum Reserve has been in place since the mid-1970s. We had a drawdown in 1991 with Desert Storm. We had a drawdown in 2005 when Hurricane Katrina hit and then in Libya in 2011 during their civil war.

This red right here is the 101 million barrels that this legislation seeks to sell off—101 million barrels. The total amount of sales from emergency drawdowns ever combined is 58.9 million barrels.

What we are talking about doing is, in one act, taking 101 million barrels and putting it out there on the market. In the 40 years that we have had access to reserves in the Strategic Petroleum Reserve, we have had three emergency drawdowns—one, a hurricane and, two, in the event of disruption for war, and together, all three of those totaled just shy of 60 million barrels. Yet this proposal is 101 million barrels.

We have exchanged oil out of the SPR a total of 12 times. This was in Hurricanes Isaac, Katrina, Lili, Ivan, Gustav, and Ike. We have created a home heating oil reserve. We have closed some ship channels for accidents. We have imported oil from Mexico. All of those exchanges, not drawdowns, but all of those totaled only 68.9 million barrels. Again, we are talking about a 101-million-barrel sale. We have also done test sales. We have done three test sales. In 1985, in 1990, and then in 2014. We have also closed down a reserve site—Weeks Island. We have sold off some barrels for that. The total for all of that activity was 15 million barrels for all four sales.

I have had people tell me: Oh, don't overreact here; don't overreact. This is no different than what we did with the two sales in 1996 for Federal deficit reduction.

Let's look at that chart. In 1996, we had a deficit reduction in May, which is shown in blue, and then in October we did further reductions, and that is shown in green. Both of those sales totaled 23 million barrels. Again, back in 1996, there was a total of 23 million, and what we are looking at with this legislation is, again, a selloff of 101 million barrels. That is not even a fair comparison. Selling 101 million barrels would be the equivalent of 60 percent of all of the oil that has ever left the SPR.

We have effectively taken out a total of 161 million barrels and moved that out of this SPR since it was created in 1975, about 40 years ago. We have had three emergency drawdowns, we have had the exchanges I talked about, we had test sales, and then we had the sales in 1996 with the Federal deficit reduction. If we take all of that together—everything in the history of the Strategic Petroleum Reserve that we ever sold off or exchanged—it brings us to 161 million barrels, and now we are talking about selling 101 million barrels, which is 60 percent.

I think it is important to put into context because this is a big fat deal. Yet we are acting like this is just another withdrawal from your ATM. Just go down, check the balance, there is enough money in there so it must be OK.

Let's talk about the strategic environment we are operating in right now. There is a nominal drawdown capacity of 4.4 million barrels per day. I mentioned this the last time I was on the floor. The drawdown capacity is subject to some discussion in terms of what we are actually able to pump out, and that is why we do test sales. It is to make sure it works as it was designed.

Secretary of Energy Moniz has suggested that our distribution rate—our ability to move this once we take it out—is significantly less than this nominal drawdown capacity of 4.4 million barrels due to congestion and changes in midstream infrastructure. This is one of the reasons I have been banging the lectern, and Senator CANTWELL, the ranking member on the energy committee, has also been joining me in saying that doing this is not appropriate. We have significant maintenance issues within the SPR that we need to address. There is somewhere between $1.5 billion and $2 billion that it is going to take to address some of the shortcomings we have in the SPR, some of the maintenance and operations aspect of it. As we speak, there is a study underway to determine the right size of the Strategic Petroleum Reserve. What do we need to do in terms of maintenance?

If we go ahead and sell off 60 percent of what we have done historically throughout the whole lifetime of the SPR to fund a highway bill for 6 years—again, it just causes one to wonder why we are doing this because of the strategic environment and the drawdown capacity we have.

We have a pretty volatile world out there, and I think we all know that. We have unplanned disruptions, unplanned production outages, if you will, in Saudi Arabia, Kuwait, Iraq, Nigeria, Libya, and Iran. These are around 2.5 to 3 million barrels per day. These are pretty tense regions of the world, and I don't think anyone would dispute that.

On the next chart what we see is our drawdown rate of 4.4 or thereabouts is greater than the daily production of Iran, Iraq, Venezuela, Nigeria, Algeria or Libya. I don't think anybody would suggest that any of these countries in blue exudes stability or security.

Look at the transit chokepoints. A drawdown rate of 4.4 million barrels per day is bigger, in fairness, than the capacity of some of the other areas that would be clearly noted as these chokepoints. We have the Panama Canal at the end, the Turkish or Danish Straits, and Bab el-Mandab off the coast of Yemen. If something went wrong in more than one of these critical parts of the supply chain at once, we could be overtaken by upheaval in the global oil market without much recourse and our ability to respond would be dramatically lessened. And 4.4 million barrels per day is less than the oil that transships the Suez Canal and its accompanying pipeline. It is a fraction of the oil that goes through the Strait of Malacca or Strait of Hormuz which moves 15 to 17 million barrels per day.

This my central point. Our Strategic Petroleum Reserve is a tremendous national security asset, and we need it because the world is just simply more turbulent. I have been told: Look at what is happening domestically. We are importing less and producing more; therefore, we don't really need all of this. We don't need this safety net. We cannot immunize ourselves from global events and just suggest that somehow or other we need it less. It is like you go to the doctor and get a clean bill of health and you go home and you say: OK. Now I don't need life insurance or health insurance because the doctor just said I am fine. You know what. The world is not fine, and we know that. At a time when spare capacity is low and the global threat environment is heightened, selling 101 million barrels of America's strategic reserve to pay for legislation that makes almost no contribution to improving our energy security, I think, is just a foolish error of historic proportions.

I will restate what we would be doing if we moved forward with the pay-for as has been outlined. We would be conducting the largest sale in the history of the Strategic Petroleum Reserve since it was created in 1975. It would be greater than all of the previous emergency drawdowns combined. We are going into hurricane season. We don't know what may be coming at us in the Middle East. Yet we are proposing to pay for a short-term fix to the highway trust fund with a buyout of unprecedented proportions.

Last time I was on the floor, I said this is like cashing out your homeowner's insurance to pave your driveway. It is not the right pay-for.

Again, I, too, want to make sure we do right by our transportation infrastructure. It is important. It is about jobs and the strength of our economy, but we are also obligated to make sure the decisions we make in this Senate—in this Congress—are there to provide for our security as a nation.

I want to know that if we need these ready resources, we haven't moved precipitously to sell them off. The last time I checked this morning, the price of oil was at about $50 a barrel. Is this really a good time to sell at $50 a barrel?

I thank the Presiding Officer for his attention. I think those of us who have been following this issue with great interest are concerned and are conflicted because we want to make sure we do right by our highway systems, but I also want to make sure we do right by our national energy security, and selling off 101 million barrels of Strategic Petroleum Reserve is foolhardy.

With that, 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.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the en bloc consideration of Executive Calendar Nos. 219 through 223, 225 through 231, and 233 through 247, and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy; that the nominations be confirmed, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's actions, and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force 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 N. T. Shanahan

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. Michael X. Garrett

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 156:

*To be rear admiral (lower half)*

Capt. Darse E. Crandall

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Joseph E. Tofalo

IN THE AIR FORCE

The following named officer for appointment as the Vice Chairman of the Joint Chiefs of Staff and appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 154:

*To be general*

Gen. Paul J. Selva

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Gen. Darren W. McDew

The following named officer for appointment in the United States Air Force 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. David J. Buck

The following named officer for appointment in the United States Air Force 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. Tod D. Wolters

The following named officer for appointment in the United States Air Force 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. Russell J. Handy

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

*To be brigadier general*

Col. Frank H. Stokes

The following named officer for appointment in the United States Air Force 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. John W. Raymond

IN THE ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

*To be brigadier general*

Col. James E. Porter, Jr.

The following named Army National Guard of the United States officer for appointment in the Reserve of the 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. Daniel R. Hokanson

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Kevin D. Scott

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Kevin M. Donegan

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. Michael H. Shields

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

*To be major general*

Brig. Gen. Victor J. Braden

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Richard P. Breckenridge

IN THE AIR FORCE

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

*To be brigadier general*

Colonel David W. Ashley
Colonel Jeremy O. Baenen
Colonel Stephen F. Baggerly
Colonel Samuel W. Black
Colonel Christine M. Burckle
Colonel David B. Burgy
Colonel Janus D. Butcher
Colonel John D. Caine
Colonel Craig A. Campbell
Colonel Joseph S. Chisolm
Colonel Floyd W. Dunstan
Colonel Douglas A. Farnham
Colonel Laurie M. Farris
Colonel Jerry L. Fenwick
Colonel Dawn M. Ferrell
Colonel Douglas E. Fick
Colonel Arthur J. Flora
Colonel Donald A. Furland
Colonel Timothy H. Gaasch
Colonel Kerry M. Gentry
Colonel Jerome M. Gouhin
Colonel Randy E. Greenwood
Colonel Robert J. Grey, Jr.
Colonel Edith M. Grunwald
Colonel Gregory M. Henderson
Colonel Elizabeth A. Hill
Colonel John S. Joseph
Colonel Jill A. Lannan
Colonel James M. LeFavor
Colonel Jeffrey A. Lewis
Colonel Timothy T. Lunderman
Colonel Eric W. Mann
Colonel Betty J. Marshall
Colonel Sherrie L. McCandless
Colonel Kevin T. McManaman
Colonel David J. Meyer
Colonel Steven S. Nordhaus
Colonel Scott W. Normandeau
Colonel Richard C. Oxner, Jr.
Colonel Kirk S. Pierce
Colonel Theresa B. Prince
Colonel David L. Romuald
Colonel Edward A. Sauley, III
Colonel Keith A. Schell
Colonel Brian M. Simpler
Colonel Charles G. Stevenson
Colonel Bradley A. Swanson
Colonel Dean A. Tremps
Colonel William M Valentine

Colonel Richard W. Wedan

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. Steven A. Schaick

IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Jeffrey A. Doll

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Lt. Gen. Carlton D. Everhart, II

The following named officer for appointment as the Chief of Chaplains, United States Air Force, and appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 8039:

*To be major general*

Col. Dondi E. Costin

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. Stephen R. Lyons

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. John C. Aquilino

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Vice Adm. Robert L. Thomas, Jr.

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps 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. Lawrence D. Nicholson

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN594 AIR FORCE nomination of Robert B. A. MacGregor, which was received by the Senate and appeared in the Congressional Record of June 22, 2015.

PN602 AIR FORCE nominations (18) beginning JANE E. BOOMER, and ending MATTHEW D. VAN DALEN, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2015.

PN604 AIR FORCE nominations (48) beginning AFSANA AHMED, and ending REGGIE D. YAGER, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2015.

PN605 AIR FORCE nominations (13) beginning JOHN C. ROCKWELL, and ending STEPHEN J. TORRES, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2015.

PN606 AIR FORCE nominations (2) beginning ANA M. APOLTAN, and ending ALDO TTINOCO, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2015.

PN607 AIR FORCE nominations (57) beginning BRIAN H. ADAMS, and ending MARY JEAN WOOD, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2015.

PN666 AIR FORCE nominations (91) beginning ALLEN KIPP ALBRIGHT, and ending BRADLEY DUNCAN WHITE, which nominations were received by the Senate and appeared in the Congressional Record of July 15, 2015.

IN THE ARMY

PN609 ARMY nomination of David G. Jones, which was received by the Senate and appeared in the Congressional Record of June 24, 2015.

PN610 ARMY nomination of Raymond L. Phua, which was received by the Senate and appeared in the Congressional Record of June 24, 2015.

PN611 ARMY nomination of John M. Bradford, which was received by the Senate and appeared in the Congressional Record of June 24, 2015.

PN612 ARMY nominations (5) beginning STEVE J. CHUN, and ending BENJAMIN R. SIEBERT, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2015.

PN613 ARMY nomination of Steven L. Isenhour, which was received by the Senate and appeared in the Congressional Record of June 24, 2015.

PN614 ARMY nomination of Joseph D. Gramling, which was received by the Senate and appeared in the Congressional Record of June 24, 2015.

PN615 ARMY nomination of Mark S. Snyder, which was received by the Senate and appeared in the Congressional Record of June 24, 2015.

PN616 ARMY nomination of Keith J. McVeigh, which was received by the Senate and appeared in the Congressional Record of June 24, 2015.

PN617 ARMY nomination of Lisa M. Stremel, which was received by the Senate and appeared in the Congressional Record of June 24, 2015.

PN618 ARMY nominations (2) beginning MICHAEL N. CLEVELAND, and ending MICHAEL W. SUMMERS, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2015.

PN619 ARMY nominations (2) beginning MATTHEW H. BROOKS, and ending JAY D. HANSON, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2015.

PN620 ARMY nominations (5) beginning GIL A. DIAZCRUZ, and ending SOLIMAN G. VALDEZ, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2015.

PN635 ARMY nominations (7) beginning NICHOLAS R. CABANO, and ending JAMES W. PRATT, which nominations were received by the Senate and appeared in the Congressional Record of July 8, 2015.

PN636 ARMY nominations (17) beginning KIMBERLY D. BRENDA, and ending CARRIE A. STORER, which nominations were received by the Senate and appeared in the Congressional Record of July 8, 2015.

PN637 ARMY nominations (90) beginning ERIC J. ANSORGE, and ending D011713, which nominations were received by the Senate and appeared in the Congressional Record of July 8, 2015.

PN638 ARMY nominations (65) beginning JOHN L. AMENT, and ending WENDY G. WOODALL, which nominations were received by the Senate and appeared in the Congressional Record of July 8, 2015.

PN639 ARMY nomination of Laura M. Hudson, which was received by the Senate and appeared in the Congressional Record of July 8, 2015.

PN667 ARMY nomination of Mark R. Read, which was received by the Senate and appeared in the Congressional Record of July 15, 2015.

IN THE MARINE CORPS

PN625 MARINE CORPS nomination of John R. Barclay, which was received by the Senate and appeared in the Congressional Record of June 24, 2015.

IN THE NAVY

PN621 NAVY nomination of Thomas F. Murphy, III, which was received by the Senate and appeared in the Congressional Record of June 24, 2015.

PN622 NAVY nominations (2) beginning ARSLAN S. CHAUDHRY, and ending ANDREW D. SILVESTRI, which nominations were received by the Senate and appeared in the Congressional Record of June 24, 2015.

PN623 NAVY nomination of Benjamin M. Boche, which was received by the Senate and appeared in the Congressional Record of June 24, 2015.

PN624 NAVY nomination of Michael J. Elliott, which was received by the Senate and appeared in the Congressional Record of June 24, 2015.

PN640 NAVY nominations (42) beginning CHRISTOPHER N. ANDREWS, and ending NICHOLAS J. VANDYKE, which nominations were received by the Senate and appeared in the Congressional Record of July 8, 2015.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

## NOTICE ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of H.R. 876 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 876) to amend Title XVIII of the Social Security Act to require hospitals to provide certain notifications to individuals classified by such hospitals under observation status rather than admitted as inpatients of such hospitals.

There being no objection, the Senate proceeded to consider the bill.

Mr. CARDIN. Mr. President, I applaud the Senate passage of H.R. 876, the Notice of Observation Treatment and Implication for Care Eligibility, NOTICE, Act. Representative LLOYD DOGGETT of Texas introduced H.R. 876. Senator ENZI and I introduced an identical companion bill in the Senate, S. 1349, which the Finance Committee reported unanimously by voice vote on June 24, 2015. This important legislation requires hospitals to give notice to Medicare beneficiaries who are classified as ''outpatient observation'' status

for more than 24 hours rather than being admitted to the hospital as inpatients. Being classified as ''outpatient observation'' status may result in higher out-of-pocket costs for Medicare beneficiaries and makes those beneficiaries ineligible for Medicare coverage of post-acute care in a skilled nursing facility after they are discharged from the hospital.

The use of ''outpatient observation'' status has become more prevalent in recent years, and the duration of these ''outpatient observation'' stays has grown longer—meaning that an increasing number of Medicare beneficiaries are spending more and more time in the hospital without being admitted as inpatients. According to the Department of Health & Human Services's, HHS, inspector general, in 2012, Medicare beneficiaries had more than 600,000 ''outpatient observation'' stays that lasted 3 nights or more.

These ''outpatient observation'' stays can have serious financial consequences for seniors. Medicare beneficiaries classified as ''outpatient observation'' status are responsible for outpatient co-payments and prescription drug costs that they would not have had as an inpatient—and there is no out-of-pocket cap on these costs. Perhaps most importantly, Medicare will only cover post-acute care in a skilled nursing facility, SNF, if the beneficiary had 3 consecutive days of hospitalization as an inpatient—even though ''outpatient observation'' patients may spend multiple nights in the hospital and receive the same type and level of care as inpatients. This means Medicare beneficiaries classified as ''outpatient observation'' status who require skilled nursing care after discharge from the hospital must pay the entire cost themselves—an average out-of-pocket cost of more than $10,000 per beneficiary.

Understandably, Medicare beneficiaries spending several nights in the hospital often simply assume that they have been admitted as inpatients. Many seniors are unaware that they have actually been classified as ''outpatient observation'' status and what that means in terms of the financial consequences for them and their families. In some cases, these seniors only become aware of their ''outpatient observation'' status after they receive a bill from the nursing home for tens of thousands of dollars.

Under the NOTICE Act, within 36 hours or, if sooner, upon discharge, hospitals are required to provide written notice to the Medicare beneficiary explaining, No. 1, that he or she has been classified as an outpatient under observation status, instead of being admitted as an inpatient; No. 2, the reason for that classification; and, No. 3, the implications on cost-sharing and eligibility for Medicare coverage of post-acute care in a skilled nursing facility.

The NOTICE Act is a no-cost, commonsense approach that will help ensure our seniors are fully informed about their hospital status and the financial implications. I thank my colleagues for joining with me and Senator ENZI to support this important legislation.

Mr. MCCONNELL. Mr. President, I further ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (H.R. 876) was ordered to a third reading, was read the third time, and passed.

## RECESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate stand in recess until 9:15 p.m.; further, that all time during the recess count postcloture.

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

Thereupon, the Senate, at 6:57 p.m., recessed until 9:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BOOZMAN).

## HIRE MORE HEROES ACT OF 2015—Continued

### QUORUM CALL

Mr. WICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 6 Leg.]

| | | |
|---|---|---|
| Alexander | Durbin | Murphy |
| Barrasso | Fischer | Perdue |
| Boozman | Franken | Rounds |
| Boxer | Heinrich | Tillis |
| Cardin | Lee | Udall |
| Cornyn | McConnell | Whitehouse |

The PRESIDING OFFICER (Mr. TILLIS). A quorum is not present.

The majority leader.

Mr. MCCONNELL. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion of the Senator from Kentucky.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Tennessee (Mr. CORKER), the Senator from Arizona (Mr. FLAKE), and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from Massachusetts (Mr. MARKEY), and the Senator from Michigan (Mr. PETERS) are necesarily absent.

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

The result was announced—yeas 79, nays 14, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—79

| | | |
|---|---|---|
| Alexander | Franken | Murray |
| Baldwin | Gardner | Nelson |
| Barrasso | Gillibrand | Portman |
| Bennet | Graham | Reed |
| Blumenthal | Grassley | Reid |
| Booker | Hatch | Risch |
| Boxer | Heinrich | Roberts |
| Brown | Heitkamp | Rounds |
| Burr | Hirono | Sanders |
| Cantwell | Hoeven | Sasse |
| Capito | Inhofe | Schatz |
| Cardin | Isakson | Schumer |
| Carper | Johnson | Scott |
| Casey | Kaine | Sessions |
| Cassidy | King | Shaheen |
| Coats | Kirk | Shelby |
| Cochran | Klobuchar | Stabenow |
| Cornyn | Leahy | Tester |
| Crapo | Lee | Thune |
| Cruz | Manchin | Tillis |
| Daines | McCaskill | Udall |
| Donnelly | McConnell | Warner |
| Durbin | Menendez | Warren |
| Enzi | Merkley | Whitehouse |
| Ernst | Mikulski | Wyden |
| Feinstein | Murkowski | |
| Fischer | Murphy | |

NAYS—14

| | | |
|---|---|---|
| Ayotte | Lankford | Sullivan |
| Boozman | McCain | Toomey |
| Collins | Moran | Vitter |
| Cotton | Paul | Wicker |
| Heller | Perdue | |

NOT VOTING—7

| | | |
|---|---|---|
| Blunt | Flake | Rubio |
| Coons | Markey | |
| Corker | Peters | |

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The majority leader.

### VOTE ON AMENDMENT NO. 2329

Mr. MCCONNELL. Mr. President, I move to table amendment No. 2329.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The Democratic leader.

### AMENDMENT NO. 2328

Mr. REID. Mr. President, I raise a germaneness point of order against amendment No. 2328.

The PRESIDING OFFICER. The point of order is sustained, and the amendment falls.

### VOTE ON AMENDMENT NO. 2327

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 2327, offered by the Senator from Kentucky, Mr. MCCONNELL, for Mr. KIRK.

The yeas and nays were previously ordered.

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 Missouri (Mr. BLUNT), the Senator from Tennessee (Mr. CORKER), the Senator from Arizona (Mr. FLAKE), and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from Massachusetts (Mr. MARKEY), and the Senator from Michigan (Mr. PETERS) are necessarily absent.

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

The result was announced—yeas 64, nays 29, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—64

| | | |
|---|---|---|
| Alexander | Gillibrand | Murphy |
| Ayotte | Graham | Murray |
| Baldwin | Heinrich | Nelson |
| Bennet | Heitkamp | Portman |
| Blumenthal | Heller | Reed |
| Booker | Hirono | Reid |
| Boxer | Hoeven | Roberts |
| Brown | Isakson | Rounds |
| Burr | Johnson | Schatz |
| Cantwell | Kaine | Schumer |
| Cardin | King | Scott |
| Carper | Kirk | Shaheen |
| Casey | Klobuchar | Stabenow |
| Coats | Leahy | Tester |
| Cochran | Manchin | Udall |
| Collins | McCain | Warner |
| Donnelly | McCaskill | Warren |
| Durbin | Menendez | Whitehouse |
| Enzi | Merkley | Wicker |
| Ernst | Mikulski | Wyden |
| Feinstein | Moran | |
| Franken | Murkowski | |

NAYS—29

| | | |
|---|---|---|
| Barrasso | Gardner | Sanders |
| Boozman | Grassley | Sasse |
| Capito | Hatch | Sessions |
| Cassidy | Inhofe | Shelby |
| Cornyn | Lankford | Sullivan |
| Cotton | Lee | Thune |
| Crapo | McConnell | Tillis |
| Cruz | Paul | Toomey |
| Daines | Perdue | Vitter |
| Fischer | Risch | |

NOT VOTING—7

| | | |
|---|---|---|
| Blunt | Flake | Rubio |
| Coons | Markey | |
| Corker | Peters | |

The amendment (No. 2327) was agreed to.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call with respect to the cloture vote on the McConnell amendment No. 2266, as modified, be waived.

The PRESIDING OFFICER. Is there objection?

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 legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the McConnell amendment No. 2266, as modified.

Mitch McConnell, John Cornyn, Orrin G. Hatch, John Barrasso, Pat Roberts, Richard Burr, Thom Tillis, David Vitter, Lindsey Graham, Kelly Ayotte, Lamar Alexander, Daniel Coats, John Hoeven, James M. Inhofe, Roger F. Wicker, Susan M. Collins, John Thune.

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 amendment No. 2266, as modified, offered by the Senator from Kentucky, Mr. MCCONNELL, to H.R. 22, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER), the Senator from Arizona (Mr. FLAKE), and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from Massachusetts (Mr. MARKEY), and the Senator from Michigan (Mr. PETERS) are necessarily absent.

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

The yeas and nays resulted—yeas 62, nays 32, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—62

| | | |
|---|---|---|
| Alexander | Fischer | McConnell |
| Ayotte | Franken | Moran |
| Baldwin | Gardner | Murray |
| Barrasso | Graham | Nelson |
| Bennet | Grassley | Portman |
| Blunt | Hatch | Roberts |
| Boozman | Heitkamp | Rounds |
| Boxer | Heller | Sanders |
| Burr | Hoeven | Schatz |
| Cantwell | Inhofe | Scott |
| Capito | Isakson | Sessions |
| Cassidy | Johnson | Shaheen |
| Coats | Kaine | Stabenow |
| Cochran | King | Sullivan |
| Collins | Kirk | Tester |
| Cornyn | Klobuchar | Thune |
| Daines | Lankford | Tillis |
| Durbin | Leahy | Vitter |
| Enzi | Manchin | Whitehouse |
| Ernst | McCain | Wicker |
| Feinstein | McCaskill | |

NAYS—32

| | | |
|---|---|---|
| Blumenthal | Heinrich | Reid |
| Booker | Hirono | Risch |
| Brown | Lee | Sasse |
| Cardin | Menendez | Schumer |
| Carper | Merkley | Shelby |
| Casey | Mikulski | Toomey |
| Cotton | Murkowski | Udall |
| Crapo | Murphy | Warner |
| Cruz | Paul | Warren |
| Donnelly | Perdue | Wyden |
| Gillibrand | Reed | |

NOT VOTING—6

| | | |
|---|---|---|
| Coons | Flake | Peters |
| Corker | Markey | Rubio |

The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 32.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

AMENDMENT NO. 2421 TO AMENDMENT NO. 2266

(Purpose: Of a perfecting nature)

Mr. MCCONNELL. Mr. President, I call up amendment No. 2421.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2421 to amendment No. 2266.

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

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

(The amendment is printed in the RECORD of July 26, 2015, under ''Text of Amendments.'')

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2533 TO AMENDMENT NO. 2421

(Purpose: To improve the amendment)

Mr. MCCONNELL. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. INHOFE, proposes an amendment numbered 2533 to amendment No. 2421.

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

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 2417

Mr. MCCONNELL. Mr. President, I have an amendment to the text of the underlying bill.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2417 to the language proposed to be stricken by amendment No. 2266.

The amendment is as follows:

At the end add the following:

''This act shall be effective 1 day after enactment.''

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2418 TO AMENDMENT NO. 2417

Mr. MCCONNELL. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2418 to amendment No. 2417.

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

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

The amendment is as follows:

On line 2, strike ''1 day'' and insert ''2 days.''

Mr. MCCONNELL. 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.

## MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business,

with Senators permitted to speak therein for up to 10 minutes each.

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

## MUNCIE, INDIANA 150TH ANNIVERSARY

Mr. DONNELLY. Mr. President, I wish to honor the city of Muncie on its 150th anniversary and to recognize the many contributions of Muncie's citizens to the great State of Indiana and to our country.

Muncie's history dates to the 1790s when the Lenape Native Americans settled the area and named it Wapicamikunk. As early European settlers moved into the area, it was named Munsee Town after the dialect of the Lenape Native Americans, who spoke Munsee. When it was incorporated in 1865, Munsee Town became the city of Muncie.

The gas boom helped establish the city of Muncie as an important manufacturing center for the Nation. In 1880, the Ball brothers founded Ball Corporation where they specialized in manufacturing glass bottles. The company was moved from Buffalo, NY to Muncie in 1887 to take advantage of the ample amounts of available natural gas. The Ball Corporation provided jobs, local business funding, and philanthropy that propelled Muncie into a thriving city.

As business boomed for the Ball Corporation, new businesses opened and Muncie grew. In the early 1900s, manufacturing and industrial companies including Delco Battery, New Venture Gear, BorgWarner, and General Motors opened factories and businesses in Muncie. Muncie is also home to one of the famous early 20th century ''Middletown'' studies, which helped to measure social trends in the U.S.; Muncie is considered one of most studied communities in the country. Over the years, the city continued to grow and innovate with the addition of railroads, higher education institutions, and health care facilities.

Today, Muncie is one of the 10 largest cities in Indiana with a population of more than 70,000 citizens. Top attractions in the Muncie area include the north Walnut Street Fieldhouse, Emens Auditorium, historic downtown Muncie, the National Model Aviation Museum, the Cardinal Greenway trail system, Minnetrista Cultural Center, and Ball State University.

Ball State opened in 1899 as a small, private teacher training school. The university was founded in 1918. Ball State attracts students from around the Nation and 43 different countries, and is currently one of the top employers in the city of Muncie. Ball State is home to about 21,000 current students in undergraduate and graduate programs, and it recently experienced the largest 5-year increase in on-time graduation rates of any Indiana public institution of higher education. A report released by the Indiana Commission for Higher Education found that between 2009–2014, Ball State's 4-year graduation rates increased by 12.1 percentage points. Distinguished Ball State graduates include David Letterman, former host of CBS's Late Show and Jim Davis, creator of the iconic comic strip Garfield—recognized as the world's most widely-syndicated comic strip. With the addition of Ivy Technology Community College and Harrison College, Muncie has shown a continued commitment to higher education.

The city of Muncie reflects our Hoosier values, and its citizens serve as an example of how hard work and dedication lead to success, opportunity, and prosperity. It is a great honor to represent the city of Muncie in the Senate. On behalf of the State of Indiana, I congratulate each and every citizen of Muncie on the city's 150th anniversary and wish you continued success and prosperity in the future.

# ADDITIONAL STATEMENTS

## ORFORD, NEW HAMPSHIRE 250TH ANNIVERSARY

• Ms. AYOTTE. Mr. President, today I pay tribute to Orford, NH—a town in Grafton County celebrating the 250th anniversary of its founding. I am proud to join citizens across the Granite State in recognizing this historic occasion.

Orford village is the town's main population center and is situated along the Connecticut River. The town lies in the shadow of Sunday Mountain, Cottonstone Mountain, and Mount Cube—Orford's highest peak. The Appalachian Trail runs through the summit of Mount Cube, greatly contributing to the town's natural and scenic treasures.

The town of Orford is named for Robert Walpole, first earl of Orford, and England's first Prime Minister. It was originally chartered by Colonial Governor Benning Wentworth in 1761 and later settled in 1765.

The rich agricultural history of Orford is exemplified by the success of the Mt. Cube Sugar Farm. For over 60 years, the Thomson family has been producing its award-winning maple syrup from the groves located on the farm's namesake mountain.

Orford also boasts an impressive industrial past, including soapstone quarries, sawmills, a tannery, grist mill, and factories that manufactured starch, chairs, doors, boots and shoes. The town is known for its historic ''ridge'' homes and is credited with having one of the finest collections of federal-style houses in the Nation.

As innovators, statesmen and soldiers, Orford residents have been known throughout history for their commitment and sacrifice in the service of our great Nation. Early steamship pioneer Samuel Morey, U.S. Congressman Jeduthun Wilcox, Senators Gilman Marston and Leonard Wilcox, and most notably, New Hampshire's 73rd Governor Meldrim Thomson, Jr., all share ties to Orford.

On behalf of all Granite Staters, I am pleased to offer my congratulations to the citizens of Orford on reaching this special milestone, and I thank them for their many contributions to the life and spirit of New Hampshire.•

## TRIBUTE TO RICHARD LAPOINT

• Ms. AYOTTE. Mr. President, today I wish to recognize the exceptional public service of my good friend, Pittsburg Police Chief Richard ''Dick'' Lapoint. Chief Lapoint has worked as a Pittsburg, NH law enforcement officer for more than 40 years. He is retiring on August 16, 2015, the day after Pittsburg's 175th Old Home Day celebration.

Chief Lapoint is a 1968 graduate of Pittsburg High School, and first began his law enforcement career as a part-time officer in August 1975. After working part-time for 11 years, he became a sergeant, and was later promoted to the department's full-time chief on January 16, 1987. Having held the position for more than 28 years, Chief Lapoint is one of the longest serving police chiefs in the Granite State.

Throughout his career, Chief Lapoint has established a reputation not only as a knowledgeable, respected, and compassionate public safety professional, but also as an engaged community member. Chief Lapoint knows that in a small town, public safety means wearing many hats. He was a member of the fire department for 36 years and an emergency medical technician for over 20 years. Known for his advocacy of cooperative North Country policing, he was a leader in uniting local, county, State, and Federal agencies to share information, train, and work together. He also served as the president of the Coos County Chiefs Association, and has built strong partnerships with colleagues throughout the public safety community.

During my time as New Hampshire's attorney general, it was my privilege to work directly with Chief Lapoint on many important law enforcement initiatives. He earned the respect and admiration of his peers across the State, and has been a thoughtful and effective leader in efforts to improve the criminal justice system throughout New Hampshire. Additionally, Chief Lapoint served on the executive board of the New Hampshire Association of Chiefs of Police, and has represented Coos County with professionalism and integrity throughout his entire membership. Making frequent trips to Concord and southern New Hampshire, he ensured that our Great Northern Woods had an important voice on public safety issues.

As Chief Lapoint celebrates his retirement, I want to commend him on a job well done, and ask my colleagues to join me in thanking him for his outstanding service and in wishing him the best in all his future endeavors.•

RECOGNIZING ACADIA DEATLEY

• Mr. BARRASSO. Mr. President, I wish to take the opportunity to express my appreciation to Acadia DeAtley for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Acadia is a native of Cody, WY, and a graduate of Cody High School. She currently attends the University of Wyoming. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I thank Acadia for the dedication she has shown while working for me and my staff. It was a pleasure to have her as a part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.•

RECOGNIZING ABBEY ENGEN

• Mr. BARRASSO. Mr. President, I wish to take the opportunity to express my appreciation to Abbey Engen for her hard work as an intern in my Casper office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Abbey is a native of Casper, WY, and a graduate of Natrona County High School. She currently attends the University of Wyoming. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I thank Abbey for the dedication she has shown while working for me and my staff. It was a pleasure to have her as a part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.•

RECOGNIZING KAITLIN KRELL

• Mr. BARRASSO. Mr. President, I wish to take the opportunity to express my appreciation to Kaitlin Krell for her hard work as an intern in the Senate Republican Policy Committee. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Kaitlin is a native of Kemmerer, WY, and a graduate of Kemmerer High School. She currently attends the University of Wyoming. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I thank Kaitlin for the dedication she has shown while working for me and my staff. It was a pleasure to have her as a part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.•

RECOGNIZING OTTO MARTINEK

• Mr. BARRASSO. Mr. President, I wish to take the opportunity to express my appreciation to Otto Martinek for his hard work as an intern in the Senate Republican Policy Committee. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Otto is a native of Teton Village, WY, and a graduate of St. Mark's School of Texas. He currently attends the University of Texas at Austin. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Otto for the dedication he has shown while working for me and my staff. It was a pleasure to have him as a part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.•

RECOGNIZING SHELBY McREE

• Mr. BARRASSO. Mr. President, I wish to take the opportunity to express my appreciation to Shelby McRee for her hard work as an intern in my Casper office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Shelby is a native of Casper, WY, and a graduate of Kelly Walsh High School. She currently attends Casper College. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I thank Shelby for the dedication she has shown while working for me and my staff. It was a pleasure to have her as a part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.•

RECOGNIZING ERIC MORALES

• Mr. BARRASSO. Mr. President, I wish to take the opportunity to express my appreciation to Eric Morales for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Eric is a native of Casper, WY, and a graduate of Kelly Walsh High School. He currently attends Northwestern University. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I thank Eric for the dedication he has shown while working for me and my staff. It was a pleasure to have him as a part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.•

RECOGNIZING MACKENZIE MUIRHEAD

• Mr. BARRASSO. Mr. President, I wish to take the opportunity to express my appreciation to Mackenzie Muirhead for her hard work as an intern in my Cheyenne office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Mackenzie is a native of Cheyenne, WY, and a graduate of Cheyenne East High School. She currently attends the University of Wyoming. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I thank Mackenzie for the dedication she has shown while working for me and my staff. It was a pleasure to have her as a part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.•

RECOGNIZING ANDREW NEWBOLD

• Mr. BARRASSO. Mr. President, I wish to take the opportunity to express my appreciation to Andrew Newbold for his hard work as an intern in my Rock Springs office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Andrew lives in Rock Springs, WY, and he currently attends Western Wyoming Community College. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I thank Andrew for the dedication he has shown while working for me and my staff. It was a pleasure to have him as a part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.•

RECOGNIZING TESSA ROBINSON

• Mr. BARRASSO. Mr. President, I wish to take the opportunity to express my appreciation to Tessa Robinson for her hard work as an intern in my Sheridan office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Tessa lives in Gillette and currently attends Northern Wyoming Community College. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I thank Tessa for the dedication she has shown while working for me and my staff. It was a pleasure to have her as a part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.•

RECOGNIZING KYLIE TAYLOR

• Mr. BARRASSO. Mr. President, I wish to take the opportunity to express my appreciation to Kylie Taylor for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Kylie is a native of Cheyenne, WY, and a graduate of Cheyenne East High School. She recently graduated from the University of Wyoming. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I thank Kylie for the dedication she has shown while working for me and my staff. It was a pleasure to have her as a part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.•

RECOGNIZING MORGAN TEMTE

• Mr. BARRASSO. Mr. President, I wish to take the opportunity to express my appreciation to Morgan Temte for her hard work as an intern in my Cheyenne office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Morgan is a native of Cheyenne, WY, and a graduate of Cheyenne Central High School. She currently attends the University of Wyoming. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I thank Morgan for the dedication she has shown while working for me and my staff. It was a pleasure to have her as a part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.•

RECOGNIZING CASEY TERRELL

• Mr. BARRASSO. Mr. President, I wish to take the opportunity to express my appreciation to Casey Terrell for his hard work as an intern in my Cheyenne office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Casey is a native of Pinedale, WY, and a graduate of Pinedale High School. He currently attends the University of Wyoming. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I thank Casey for the dedication he has shown while working for me and my staff. It was a pleasure to have him as a part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.•

RECOGNIZING PETER VICENZI

• Mr. BARRASSO. Mr. President, I wish to take the opportunity to express my appreciation to Peter Vicenzi for his hard work as an intern in the U.S. Senate Committee on Indian Affairs. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Peter currently attends St. Mary's College in Maryland, where is he studying public policy and economics. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I thank Peter for the dedication he has shown while working for me and my staff. It was a pleasure to have him as a part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.•

RECOGNIZING ALYSSA VOLLMER

• Mr. BARRASSO. Mr. President, I wish to take the opportunity to express my appreciation to Alyssa Vollmer for her hard work as an intern in my Casper office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Alyssa is a graduate of Hanna Elk Mountain Junior/Senior High School. She currently attends Casper College. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I thank Alyssa for the dedication she has shown while working for me and my staff. It was a pleasure to have her as a part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.•

RECOGNIZING BRANDON WEDL

• Mr. BARRASSO. Mr. President, I wish to take the opportunity to express my appreciation to Brandon Wedl for his hard work as an intern in Senate Committee on Indian Affairs. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Brandon is a native of Cheyenne, WY, and a graduate of Cheyenne East High School. He currently attends the University of Wyoming. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I thank Brandon for the dedication he has shown while working for me and my staff. It was a pleasure to have him as a part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.•

REMEMBERING JOHN JAMES WILDING

• Mr. CASEY. Mr. President, I wish to honor Patrolman John James Wilding, who passed away after being injured in the line of duty on July 12, 2015. The loss of Patrolman Wilding is a tragedy for the Commonwealth of Pennsylvania, but the legacy of his bravery and selfless service to the people of Scranton will live on.

Born in Scranton, Patrolman Wilding dedicated his career to protecting and serving others. Prior to joining the Scranton Police Department in 2014, he worked at St. Joseph's Center, Dunbar Armored and Lackawanna College, where he built personal connections throughout the community that greatly influenced his service on the police force. He was well-known for his compassionate demeanor, respectful leadership, and love of his community. He loved his family fiercely, taking every opportunity to spend time with his wife Kristen, and children Loa Mae and Sidney.

Though Patrolman Wilding's life and career in public safety were cut short, we are all grateful for his dedicated service to Pennsylvania. He set a wonderful example of community activism for his children and he will be remembered for his bravery and humility. My thoughts and prayers are with his family and friends during this difficult time.•

STENNIS CENTER PROGRAM FOR CONGRESSIONAL INTERNS

• Mr. COCHRAN. Mr. President, this summer marks the 13th year during which Congressional office interns have benefitted from a program operated by the John C. Stennis Center for Public Service Leadership. This 6-week program is designed to enhance the internship experience for exceptional college students by giving them an inside look at how Congress works and a deeper appreciation and understanding for the role that Congress plays in our democracy. Each week, the interns meet with senior congressional staff and other experts to discuss issues including the legislative process, the constitutional power of the purse, our government's separation of powers, the media, and other topics.

Interns are selected based on their college records, community service experience, and interest in a career in public service. This year, 30 outstanding interns participated in the program. Most of them are juniors and seniors in college who are working in Republican and Democratic offices in both the House and Senate, including one intern in my office, John Bartley Boykin of Meridian, MS.

I congratulate the interns for their completion of this special program. I also thank the Stennis Center and the Senior Stennis Fellows for providing a meaningful experience for these young leaders and for encouraging them to consider a future in public service.

I ask unanimous consent that a list of the 2015 Stennis Congressional Interns and the offices in which they work be printed in the RECORD.

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

David Banta, attending Brigham Young University, interning in the office of U.S. Representative Mia Love; Darius I. Baxter, attending Georgetown University, interning in the office of U.S. Delegate Eleanor Holmes Norton; Melissa Borom, attending Valparaiso Law School, interning on the House Committee on Appropriations; John Bartley Boykin, attending the University of Mississippi, interning in the office of U.S. Senator Thad Cochran; Erika Byun, attending Brown University, interning on the House Committee on Education and the Workforce Minority Staff.

Dushani De Silva, attending the University of California Santa Cruz, interning in the office of U.S. Representative Sam Farr; Bethel Domfeh, attending George Mason University, interning in the office of U.S. Representative C.A. ''Dutch'' Ruppersberger; Luke Drachenberg, attending the University of Wisconsin-Madison, interning on the Senate Committee on Agriculture, Nutrition and Forestry; Autumn Duguay, attending the University of Southern Maine, interning in the office of U.S. Senator Angus King; Alison Galetti, attending the University of Miami, interning in the office of U.S. Representative Derek Kilmer; Greta Gormley, attending Loyola University of Maryland, interning in the office of U.S. Representative Thomas Rooney.

Adam Gould, attending the University of Oregon, interning in the office of U.S. Representative Ted Lieu; Connor Hillard, attending Baylor University, interning in the office of U.S. Representative Rodney Davis; Sarah Hochman, attending the University of Illinois at Urbana-Champaign, interning on the Senate Committee on Agriculture, Nutrition and Forestry; Elise Johnson, attending the University of Rochester, interning in the office of U.S. Senator Orrin Hatch; Garrett Kays, attending Kansas State University, interning on the Senate Committee on Agriculture, Nutrition and Forestry; Iyesha Key, attending George Mason University, interning on the House Committee on Education and the Workforce Minority Staff; Carmel Mitchell, attending the University of California, Irvine, interning in the office of U.S. Representative Janice Hahn.

Andrew Morley, attending St. John's University, interning in the office of U.S. Representative Erik Paulsen; Kevin O'Regan, attending the University College Dublin, interning in the office of U.S. Representative Brendan Boyle; Anna Pham, attending the University of California, Hastings College of the Law, interning in the office of U.S. Representative Alan Lowenthal; Perez Pickney, attending Southern University A & M College, interning in the office of U.S. Representative Ralph Abraham; Gabrielle Rosenfeld, attending Middlebury College, interning in the office of U.S. Representative Ted Lieu; Grant Schauer, attending Texas A & M University, interning in the office of U.S. Senator Ted Cruz.

Patrick Sheehy, attending the University of Mary Washington, interning in the office of U.S. Representative John Shimkus; Colin Snider, attending Brigham Young University, interning in the office of U.S. Representative Adrian Smith; Edwin Torres, attending Saint John's University, interning in the office of U.S. Representative Janice Hahn; Alexandra Vangrow, attending Colgate University, interning in the office of U.S. Representative Alan Lowenthal; Katelyn Walker, attending George Washington University Law School, interning in the office of U.S. Representative Marcia Fudge; and Mai Tong Yang, attending the College of St. Benedict, interning in the office of U.S. Senator Al Franken.●

## TRIBUTE TO CALEY CLARK

● Mr. DAINES. Mr. President, I wish to recognize Caley Clark, an educator from White Sulphur Springs, MT. Ms. Clark has recently been chosen from among more than 300 other applicants to participate this week in the Library of Congress' Teaching with Primary Sources Summer Teacher Institute.

Every year, the Library of Congress hosts five teacher institutes in Washington, DC for a select number of K–12 educators from across the Nation. During the Library's Teaching with Primary Sources Summer Teacher Institute, Ms. Clark will work with education specialists and subject-matter experts about how to best utilize primary sources in the classroom. In doing so, she will explore the world's largest online collection of historical artifacts, and will be able to access millions of unique primary source documents for her work as an educator.

Teaching with primary source documents is an effective way of educating students not just about the history that these firsthand sources give us, but also helps students to develop important skills like critical thinking. Ms. Clark will have the opportunity to bring what she has learned at the Library of Congress back to her students and colleagues at White Sulphur Springs School. I am proud to call Ms. Clark a fellow Montanan, and to recognize her achievement and her contribution to the students of our great State.●

## TRIBUTE TO KATIE DECKER

● Mr. HELLER. Mr. President, today, I wish to recognize Principal Katie Decker for her unwavering dedication to the Clark County School District and to the Las Vegas community. Her contributions to the local school district have had tremendous positive impacts, which will be felt by future generations of Clark County students for years to come.

Throughout her 25 years in the district, Principal Decker has worked tirelessly to give students the best opportunity for success. She currently serves as principal of two different elementary schools, Walter Bracken STEAM Academy, Bracken, and Long Elementary School, splitting her days to spend time at each individual institution. Her work at Bracken has been recognized nationally, as Bracken has been named a 2015 Merit School of Excellence. Along with this outstanding achievement, Principal Decker was awarded the Magnet Schools of America Principal of the Year in 2013, the Terrel Bell Award for Outstanding Leadership, and locally by United Way Women's Leadership for commitment to financial stability in 2015. April 15 has also been named ''Katie Decker Day'' by the city of Las Vegas. No amount of recognition could adequately thank Principal Decker for all that she has done.

When Principal Decker initially began at Bracken, the elementary school was one of the lowest performing schools in the district. She worked to improve the climate and academics of the school, spearheading the development of unique magnet programs. Bracken is now a five-star Blue Ribbon magnet school and is one of the top schools offered in the Nation. Recently, a local initiative began to incorporate techniques from highly performing schools, also referred to as franchise schools, into poorly performing schools. Principals from franchise schools were selected to lead poorly performing schools, ultimately introducing successful programs into the curriculum. Principal Decker was one of two principals chosen to participate in the initiative and has been assigned to Long Elementary School, where she is working to bring consistency to the schools she leads and greater opportunity to all of her students. It is because of her consistent academic success with her students that the franchise initiative began. Her Piggy Bank Program was utilized at Bracken and will be expanded to her Franchise School Walter Long STEAM Academy in the fall. Principal Decker has also worked to bring improvement to schools across the district by providing mentoring and administrative help. She teaches student climate classes to administrators, counselors, and teachers and has shared her leadership experience at the State of Nevada Mega Conference. She has also presented her ideas on innovative programs to schools across the country for over 10 years. Her great list of accomplishments is legendary in the Clark County community and remains invaluable to local students.

As a father of four children who attended Nevada's public schools and as the husband of a life long teacher, I understand the important role that educational institutions play in enriching the lives of Nevada's students. Ensuring that America's youth are prepared to compete in the 21st century is critical for the future of our country. The State of Nevada is fortunate to be home to an educator like Principal Decker, whose mission is to prepare our children for their futures.

I ask my colleagues and all Nevadans to join me in thanking Principal Decker for her dedication to enriching the lives of Nevada's students and congratulating her on her many achievements.●

## CONGRATULATING KEN FURLONG

● Mr. HELLER. Mr. President, today, I wish to congratulate Carson City sheriff Ken Furlong on being named the

D.A.R.E Law Enforcement Executive of the Year. It gives me great pleasure to see him receive this prestigious award after years of hard work within the local community.

Sheriff Furlong was born and raised in Carson City. In 1975, he graduated from Carson High School and enlisted into the U.S. Air Force in 1978. Throughout his service, Sheriff Furlong earned associate degrees in political science and criminal justice, as well as a bachelor's degree in criminal justice administration. He retired from the U.S. Air Force, Office of Special Investigation in 1998 and began work with the Nevada Department of Public Safety, Investigations Division and Parole Probation. In 2003, he was elected to the Office of Sheriff and has continued to serve the local community in this role ever since.

The D.A.R.E Law Enforcement Executive of the Year is awarded each year by D.A.R.E America and the Drug Enforcement Agency to recognize law enforcement officers who go above and beyond in drug prevention and enforcement. Sheriff Furlong reinstated the D.A.R.E Program during his first term in office and has consistently worked to improve the initiative throughout his tenure, heavily involving local schools and the community. He has expanded the program to cover several topics pertaining to positive decisions in addition to substance abuse. His dedication and commitment to shaping positive futures for Carson City students is undeniable. The efforts made by Sheriff Furlong and the Carson City Sheriff's Office are truly admirable, standing as an example to neighboring communities. Along with the award, Sheriff Furlong will receive $1,000 that he has decided to put back towards the D.A.R.E America Program.

I also commend each contributing organization that has made this important program possible, including Grocery Outlet, the Emblem Club, Northern Nevada Coin, the Elks, the Eagles, and the Downtown Business Association, as well as the local schools that have facilitated the D.A.R.E Program. Through the help of local funding, students learn about peer pressure, resistance strategies, internet use, safety, bullying, violence prevention, and the value in making wise choices. The Carson City Sheriff's Office provides numerous activities and educational opportunities throughout the year to compliment the curriculum and further inform students. This initiative is truly a reflection of Carson City's strong and dedicated community.

Throughout his tenure, Sheriff Furlong has demonstrated professionalism, commitment to excellence, and dedication to the highest standards of the Carson City Sheriff's Department. This program could not have achieved its success without Sheriff Furlong's hard work. I am honored by his service and am proud to call him a fellow Nevadan. Today, I ask all of my colleagues to join me in congratulating Sheriff Furlong on receiving this award, and I give my deepest appreciation for all that he has done to educate our local students on these important topics. I offer him my best wishes on the D.A.R.E Program and in his role to keep Carson City safe for years to come.●

## CONGRATULATING CARRIE HAIR AND JAN HRINDO

● Mr. HELLER. Mr. President, today I wish to congratulate Carrie Hair and Jan Hrindo on receiving the Presidential Awards for Excellence in Mathematics and Science Teaching. These awards are truly prestigious, attained by only the most influential educators across the country. The Silver State is fortunate to have both of these successful teachers working at local schools.

The Presidential Awards for Excellence in Mathematics and Science Teaching are considered the Nation's highest honor for kindergarten through high school mathematics and science educators. These teachers stand as role models to their colleagues and are dedicated to the success of Nevada's future generations, particularly in encouraging students to pursue science, technology, engineering, and math. The first teachers to receive these awards were selected in 1983, with 108 recognized annually. These educators go above and beyond in their local schools to implement unique, high-quality curriculum to help students excel in their learning. I am thankful to both Ms. Hair and Mrs. Hrindo for their invaluable educational contributions.

Mrs. Hrindo has been very influential in the lives of students, teaching for a total of 20 years. She has spent the last 15 years at Incline Elementary and Incline Middle School, teaching a variety of different science classes. She also taught at Sierra Nevada College for several years, serving as a mentor to preservice teachers. Mrs. Hrindo currently teaches sixth grade earth science, seventh grade life science, and eighth grade Spanish. Her vast range of knowledge is truly inspirational. She is most recognized for her hands-on labs and activities that provide students with a unique learning experience and for incorporating science into her students' lives outside the walls of the classroom. She has also administrated community science events and science fair workshops. Mrs. Hrindo's work is truly commendable.

Ms. Hair has been a mathematics teacher for 15 years. Her past 4 years have been spent teaching seventh and eighth grade students in Reno at Darrell C. Swope Middle School, a highly successful magnet school. Ms. Hair was a key contributor in developing the curriculum incorporated at several middle magnet schools in Washoe County School District, which aims to enrich student knowledge at an accelerated pace. Ms. Hair is also an active member in the Nevada Math Council and the Northern Nevada Math Council and presents workshops at regional conferences. Her work is greatly appreciated.

As a father of four children who attended Nevada's public schools, and as the husband of a life-long teacher, I understand the important role that teachers play in enriching the lives of Nevada's students. Ensuring that America's youth are prepared to compete in the 21st century is critical for the future of our country. The State of Nevada is fortunate to be home to educators like Ms. Hair and Mrs. Hrindo.

I ask my colleagues and all Nevadans to join me in thanking Ms. Hair and Mrs. Hrindo for their dedication to enriching the lives of Nevada's students and in congratulating them on receiving this incredible award. I wish them well in all of their future endeavors and in creating success for all students who enter their classrooms.●

## RECOGNIZING THE NATIONAL WOMEN'S LAW CENTER

● Mrs. MURRAY. Mr. President, I wish to recognize the National Women's Law Center for its longtime leadership and tireless commitment to expanding opportunities for women, girls, and families. The law center's advocacy has made a difference in countless lives for more than 40 years, and I have been proud to work with its members on many issues during my time in the Senate.

On July 30, the Coalition on Human Needs will honor the law center as its 2015 Human Needs Hero, recognizing years of research, analysis, advocacy, and litigation on a wide range of issues at the State and Federal levels. Since its inception in 1972, the law center has been a tireless advocate for women, children, families, and those Americans most in need. It has been at the forefront of many important policy initiatives and a source of insightful information that is essential to promoting and enacting good public policy.

Over the years, I have been proud to work with the law center on important programs and policies—from affordable childcare to expanding tax credits for low- and moderate-income families, increasing the minimum wage, and narrowing the wage gap. The law center's outreach and hard work have educated grassroots advocates and helped convey their views to policymakers for over 40 years—it is truly an invaluable resource.

As a determined and committed defender of the needs of women and families, the law center has earned the admiration of fellow advocacy organizations, the respect of its ideological opponents, and the trust of members of this body, including myself. I congratulate the National Women's Law Center for receiving this important award recognizing its hard work and commitment to social justice. I look forward to continuing to work together for years to come.●

## 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 Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 5:42 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:

H.R. 1626. An act to reduce duplication of information technology at the Department of Homeland Security, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

At 5:56 p.m., a message from the House of Representatives, delivered by Mrs. Cole, 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. 1138. An act to establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National Forest System land and Bureau of Land Management land in central Idaho, and for other purposes.

At 6:06 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 2499) to amend the Small Business Act to increase access to capital for veteran entrepreneurs, to help create jobs, and for other purposes.

ENROLLED BILL SIGNED

At 7:11 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2499. An act to amend the Small Business Act to increase access to capital for veteran entrepreneurs, to help create jobs, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 310. A bill to prohibit the use of Federal funds for the costs of painting portraits of officers and employees of the Federal Government (Rept. No. 114–93).

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 1172. A bill to improve the process of presidential transition (Rept. No. 114–94).

S. 1576. A bill to amend title 5, United States Code, to prevent fraud by representative payees (Rept. No. 114–95).

## 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. KIRK:

S. 1863. A bill to award a Congressional Gold Medal to Timothy Nugent, in recognition of his pioneering work on behalf of people with disabilities, including disabled veterans; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSON (for himself, Mr. MCCAIN, and Mr. CORNYN):

S. 1864. A bill to improve national security by developing metrics to measure the effectiveness of security between ports of entry, at points of entry, and along the maritime border; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself, Ms. AYOTTE, Mrs. CAPITO, and Ms. BALDWIN):

S. 1865. A bill to amend the Public Health Service Act with respect to eating disorders, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER (for himself and Mrs. SHAHEEN):

S. 1866. A bill to establish the veterans' business outreach center program, to improve the programs for veterans of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. SHELBY (for himself, Ms. MIKULSKI, and Mr. KIRK):

S. 1867. A bill to protect children from exploitation by providing advance notice of intended travel by registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known sex offender is seeking to enter the United States, and for other purposes; to the Committee on Foreign Relations.

By Mr. CARPER:

S. 1868. A bill to extend by 15 years the authority of the Secretary of Commerce to conduct the quarterly financial report program; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARPER (for himself and Mr. JOHNSON):

S. 1869. A bill to improve federal network security and authorize and enhance an existing intrusion detection and prevention system for civilian federal networks; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MORAN (for himself and Mr. TESTER):

S. 1870. A bill to amend the Small Business Act to require the Administrator of the Small Business Administration to carry out a pilot program on issuing grants to eligible veterans to start or acquire qualifying businesses, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. KIRK (for himself and Mr. RUBIO):

S. 1871. A bill to establish a smart card pilot program under the Medicare program; to the Committee on Finance.

By Mr. BOOKER (for himself, Ms. HIRONO, Mr. FRANKEN, Ms. STABENOW, Mr. SCHUMER, Mr. KAINE, Ms. MIKULSKI, Mr. TESTER, Mr. MARKEY, Mr. MURPHY, Mr. SCHATZ, and Mr. MERKLEY):

S. 1872. A bill to amend the Higher Education Act of 1965 to require the Secretary to provide for the use of data from the second preceding tax year to carry out the simplification of applications for the estimation and determination of financial aid eligibility, to increase the income threshold to qualify for zero expected family contribution, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. KING (for himself, Ms. COLLINS, Mr. WHITEHOUSE, Mrs. SHAHEEN, Mr. REED, Ms. AYOTTE, and Mr. MURPHY):

S. Res. 230. A resolution designating September 25, 2015, as ''National Lobster Day''; to the Committee on the Judiciary.

By Mr. VITTER (for himself, Mr. CASSIDY, Mr. MCCONNELL, Mr. REID, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, 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. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, 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. MIKULSKI, Mr. MORAN, 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. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 231. A resolution honoring the memory and legacy of the two Louisiana citizens who lost their lives, recognizing the heroism of first responders and those on the scene, and condemning the attack of July 23, 2015, in Lafayette, Louisiana; considered and agreed to.

By Mr. BOOZMAN (for himself, Mr. ROBERTS, Mr. BROWN, Mr. TILLIS, Mr. PERDUE, Mrs. CAPITO, Mr. WARNER, Mr. CARDIN, Mr. WICKER, Mr. ISAKSON, Mr. SESSIONS, Mr. INHOFE, Mr. MANCHIN, Mr. COCHRAN, Mr. PORTMAN, Mr. COONS, Mr. CARPER, and Mr. COTTON):

S. Res. 232. A resolution expressing the sense of the Senate that August 30, 2015, be observed as ''1890 Land-Grant Institutions Quasquicentennial Recognition Day''; to the Committee on Agriculture, Nutrition, and Forestry.

## ADDITIONAL COSPONSORS

S. 31

At the request of Ms. KLOBUCHAR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 31, a bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries.

S. 32

At the request of Mrs. FEINSTEIN, the names of the Senator from Texas (Mr. CORNYN), the Senator from New York (Mr. SCHUMER) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 32, a bill to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity, and for other purposes.

S. 51

At the request of Mr. VITTER, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor 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. 235

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 235, a bill to provide for wildfire suppression operations, and for other purposes.

S. 280

At the request of Mr. PORTMAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 280, a bill to improve the efficiency, management, and interagency coordination of the Federal permitting process through reforms overseen by the Director of the Office of Management and Budget, and for other purposes.

S. 314

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. ROUNDS) 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.

S. 330

At the request of Mr. HELLER, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 330, 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. 491

At the request of Ms. KLOBUCHAR, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 491, a bill to lift the trade embargo on Cuba.

S. 512

At the request of Mr. HATCH, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 512, a bill to amend title 18, United States Code, to safeguard data stored abroad from improper government access, and for other purposes.

S. 564

At the request of Mr. MORAN, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 564, a bill to amend title 38, United States Code, to include licensed hearing aid specialists as eligible for appointment in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

S. 571

At the request of Mr. INHOFE, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor 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. 578

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 578, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 598

At the request of Mr. CARDIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 598, a bill to improve the understanding of, and promote access to treatment for, chronic kidney disease, and for other purposes.

S. 609

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 609, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 624

At the request of Mr. BROWN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 624, a bill to amend title XVIII of the Social Security Act to waive coinsurance under Medicare for colorectal cancer screening tests, regardless of whether therapeutic intervention is required during the screening.

S. 628

At the request of Mr. KIRK, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 628, a bill to amend the Public Health Service Act to provide for the designation of maternity care health professional shortage areas.

S. 683

At the request of Mr. BOOKER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 683, a bill to extend the principle of federalism to State drug policy, provide access to medical marijuana, and enable research into the medicinal properties of marijuana.

S. 689

At the request of Mr. THUNE, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 689, a bill to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.

S. 706

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 706, a bill to amend the Higher Education Act of 1965 to require institutions of higher education to have an independent advocate for campus sexual assault prevention and response.

S. 776

At the request of Mrs. SHAHEEN, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 776, a bill to amend title XVIII of the Social Security Act to improve access to medication therapy management under part D of the Medicare program.

S. 862

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 862, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 898

At the request of Mr. KIRK, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to provide for the participation of optometrists in the National Health Service Corps scholarship and loan repayment programs, and for other purposes.

S. 993

At the request of Mr. FRANKEN, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 993, a bill to increase public safety by facilitating collaboration among the criminal justice, juvenile justice, veterans treatment services, mental health treatment, and substance abuse systems.

S. 1020

At the request of Mr. CARDIN, the name of the Senator from Minnesota

(Ms. KLOBUCHAR) was added as a cosponsor of S. 1020, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services, and for other purposes.

S. 1081

At the request of Mr. BOOKER, the name of the Senator from Maryland (Ms. MIKULSKI) 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. 1121

At the request of Ms. AYOTTE, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1121, a bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

S. 1214

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1214, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 1461

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 1461, a bill to provide for the extension of the enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2015.

S. 1498

At the request of Mr. WYDEN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 1498, a bill to amend title 10, United States Code, to require that military working dogs be retired in the United States, and for other purposes.

S. 1512

At the request of Mr. CASEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1512, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 1703

At the request of Mr. UDALL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1703, a bill to direct the Administrator of the National Highway Traffic Safety Administration to carry out a collaborative research effort to prevent drunk driving injuries and fatalities, and for other purposes.

S. 1792

At the request of Mr. SCHUMER, the names of the Senator from Delaware (Mr. COONS) and the Senator from New Jersey (Mr. BOOKER) were added as cosponsors of S. 1792, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 1836

At the request of Mr. LANKFORD, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1836, a bill to provide for a moratorium on Federal funding to Planned Parenthood Federation of America, Inc.

S. 1842

At the request of Mr. SESSIONS, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1842, a bill to ensure State and local compliance with all Federal immigration detainers on aliens in custody and for other purposes.

S. 1857

At the request of Mrs. FISCHER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1857, a bill to amend the Small Business Act to provide for expanded participation in the microloan program, and for other purposes.

S. 1861

At the request of Mr. PAUL, the names of the Senator from Louisiana (Mr. CASSIDY) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 1861, a bill to prohibit Federal funding of Planned Parenthood Federation of America.

S. RES. 222

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 222, a resolution expressing the sense of the Senate that the Federation Internationale de Football Association should immediately eliminate gender pay inequity and treat all athletes with the same respect and dignity.

S. RES. 226

At the request of Mr. CRUZ, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of 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 and Euclid Street, Northwest in Washington, District of Columbia, should be designated as ''Oswaldo Paya Way'' .

AMENDMENT NO. 2268

At the request of Mr. PAUL, the names of the Senator from Louisiana (Mr. CASSIDY) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of amendment No. 2268 intended to be proposed to H.R. 22, a bill 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.

AMENDMENT NO. 2272

At the request of Mr. TESTER, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of amendment No. 2272 intended to be proposed to H.R. 22, a bill 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.

AMENDMENT NO. 2289

At the request of Mr. BOOKER, the names of the Senator from Michigan (Mr. PETERS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2289 intended to be proposed to H.R. 22, a bill 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.

AMENDMENT NO. 2292

At the request of Mr. CRUZ, the names of the Senator from Utah (Mr. LEE) and the Senator from Oklahoma (Mr. LANKFORD) were added as cosponsors of amendment No. 2292 intended to be proposed to H.R. 22, a bill 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.

AMENDMENT NO. 2336

At the request of Mr. BLUMENTHAL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 2336 intended to be proposed to H.R. 22, a bill 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.

AMENDMENT NO. 2337

At the request of Mr. BLUMENTHAL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 2337 intended to be proposed to H.R. 22, a bill 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.

AMENDMENT NO. 2353

At the request of Mr. MERKLEY, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of amendment No. 2353 intended to be proposed to H.R. 22, a bill 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.

AMENDMENT NO. 2362

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of amendment No. 2362 intended to be proposed to H.R. 22, a bill 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.

AMENDMENT NO. 2363

At the request of Ms. MURKOWSKI, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 2363 intended to be proposed to H.R. 22, a bill 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.

AMENDMENT NO. 2371

At the request of Mr. HOEVEN, the names of the Senator from South Dakota (Mr. ROUNDS), the Senator from Washington (Mrs. MURRAY) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of amendment No. 2371 intended to be proposed to H.R. 22, a bill 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.

AMENDMENT NO. 2397

At the request of Ms. HIRONO, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 2397 intended to be proposed to H.R. 22, a bill 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.

AMENDMENT NO. 2406

At the request of Mr. LEAHY, the names of the Senator from Delaware (Mr. CARPER), the Senator from Massachusetts (Mr. MARKEY) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 2406 intended to be proposed to H.R. 22, a bill 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.

AMENDMENT NO. 2414

At the request of Mr. REED, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 2414 intended to be proposed to H.R. 22, a bill 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.

AMENDMENT NO. 2416

At the request of Mrs. MURRAY, the names of the Senator from New Jersey (Mr. BOOKER), the Senator from California (Mrs. FEINSTEIN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 2416 intended to be proposed to H.R. 22, a bill 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.

AMENDMENT NO. 2420

At the request of Ms. CANTWELL, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 2420 intended to be proposed to H.R. 22, a bill 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.

AMENDMENT NO. 2456

At the request of Mr. MORAN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 2456 intended to be proposed to H.R. 22, a bill 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.

AMENDMENT NO. 2492

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 2492 intended to be proposed to H.R. 22, a bill 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.

AMENDMENT NO. 2495

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 2495 intended to be proposed to H.R. 22, a bill 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.

AMENDMENT NO. 2496

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 2496 intended to be proposed to H.R. 22, a bill 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.

AMENDMENT NO. 2504

At the request of Mr. BROWN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of amendment No. 2504 intended to be proposed to H.R. 22, a bill 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.

AMENDMENT NO. 2516

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of amendment No. 2516 intended to be proposed to H.R. 22, a bill 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.

AMENDMENT NO. 2518

At the request of Mr. KIRK, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2518 intended to be proposed to H.R. 22, a bill 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.

AMENDMENT NO. 2519

At the request of Mr. KIRK, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2519 intended to be proposed to H.R. 22, a bill 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.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KIRK:

S. 1863. A bill to award a Congressional Gold Medal to Timothy Nugent, in recognition of his pioneering work on behalf of people with disabilities, including disabled veterans; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KIRK. Mr. President, today I wish to commemorate the 25th anniversary of the Americans with Disabilities Act, ADA, as well as Timothy Nugent, who has spent the past 70 years as a relentless innovator and tireless advocate for disabled people across the country. Together with Congressman RODNEY DAVIS, I have introduced a bill that would award Mr. Nugent with the Congressional Gold Medal. Mr. Nugent and the ADA have helped millions of Americans live better, more productive lives, improving the United States overall, and making us an example for the world to follow.

Timothy Nugent saw a need for services and accommodations for disabled servicemen when they came home from the battlefields of World War II. Mr. Nugent founded the first higher educational program for wounded and disabled soldiers in the world, and he confronted the bias of the general public by bringing students with disabilities into the mainstream of college campuses and societies. Because of Mr. Nugent's leadership and commitment, the University of Illinois built accommodations for the disabled veteran and created a hospitable environment for our Nation's greatest heroes, providing them the same educational opportunities as others. He also disproved many in the medical community who believed that either rehabilitation and sporting activities were harmful to individuals with severe disabilities or that education was not necessary because of the beliefs at the time was that the lifespan of persons with spinal cord injuries would be too short for them to benefit from college degrees.

Many of the architectural accessibility standards and laws of the United States, including the welcoming Americans with Disabilities Act, trace back directly to innovations created by Nugent. I know firsthand how important this law and Mr. Nugent's actions are to the University of Illinois and the community of 50 million Americans living with a disabilities. Laws like the Americans with Disabilities Act allow all Americans to live life on their own terms, and Mr. Nugent's work on behalf of these individuals is well-deserving of the Congressional Gold Medal.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 230—DESIGNATING SEPTEMBER 25, 2015, AS ''NATIONAL LOBSTER DAY''

Mr. KING (for himself, Ms. COLLINS, Mr. WHITEHOUSE, Mrs. SHAHEEN, Mr. REED, Ms. AYOTTE, and Mr. MURPHY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 230

Whereas lobster from the United States is recognized around the world as a prized culinary delicacy;

Whereas lobster fishing has served as an economic engine and a family tradition in the United States for centuries;

Whereas thousands of families in the United States make their livelihoods from lobster fishing and processing;

Whereas more than 120,000,000 pounds of lobster are caught each year in waters of the United States, representing one of the Nation's most valuable catches;

Whereas the lobster industry is booming abroad, with profits climbing from $335,800,000 in 2009 to $738,600,000 in 2014;

Whereas historical lore notes that lobster likely joined turkey on the table at the very first Thanksgiving Day feast in 1621;

Whereas responsible lobstering practices, beginning in the 1600s, have created one of the world's most sustainable fisheries;

Whereas Lobster Newburg was featured on the menu at the inaugural dinner celebration for President John F. Kennedy;

Whereas lobsters are one of the most healthy and nutritious sources of protein;

Whereas the peak of the lobstering season in the United States occurs in the late summer;

Whereas lobster has become a culinary icon, with the lobster roll being featured at the 2015 World Food Expo in Milan, Italy; and

Whereas lobster is featured on more and more restaurant menus, growing by 35 percent from 2009 to 2013: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 25, 2015, as ''National Lobster Day''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

### SENATE RESOLUTION 231—HONORING THE MEMORY AND LEGACY OF THE TWO LOUISIANA CITIZENS WHO LOST THEIR LIVES, RECOGNIZING THE HEROISM OF FIRST RESPONDERS AND THOSE ON THE SCENE, AND CONDEMNING THE ATTACK OF JULY 23, 2015, IN LAFAYETTE, LOUISIANA

Mr. VITTER (for himself, Mr. CASSIDY, Mr. MCCONNELL, Mr. REID, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, 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. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, 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. MIKULSKI, Mr. MORAN, 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. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 231

Whereas on July 23, 2015, a gunman perpetrated a horrific attack at the Grand Theatre 16 movie theatre in Lafayette, Louisiana, killing two Louisiana citizens;

Whereas Jillian Johnson, of Lafayette, Louisiana, a Lafayette businesswoman, musician, and wife, who served her community with kindness and grace, was killed;

Whereas Mayci Breaux, of Franklin, Louisiana, a student preparing for a career as an ultrasound and radiology technician, who served her community with compassion and enthusiasm, was also killed;

Whereas nine Louisiana citizens were injured in the course of this senseless attack;

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

Whereas the people of the United States stand united with the community of Lafayette 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 attack of July 23, 2015, in Lafayette, Louisiana;

(2) honors the memory of the two Louisiana citizens 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;

(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 victims, and to all those affected in the community of Lafayette and in the United States; and

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

## SENATE RESOLUTION 232—EXPRESSING THE SENSE OF THE SENATE THAT AUGUST 30, 2015, BE OBSERVED AS ''1890 LAND-GRANT INSTITUTIONS QUASQUICENTENNIAL RECOGNITION DAY''

Mr. BOOZMAN (for himself, Mr. ROBERTS, Mr. BROWN, Mr. TILLIS, Mr. PERDUE, Mrs. CAPITO, Mr. WARNER, Mr. CARDIN, Mr. WICKER, Mr. ISAKSON, Mr. SESSIONS, Mr. INHOFE, Mr. MANCHIN, Mr. COCHRAN, Mr. PORTMAN, Mr. COONS, Mr. CARPER, and Mr. COTTON) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 232

Whereas the Act of August 30, 1890 (7 U.S.C. 321 et seq.), popularly known as the ''Second Morrill Act'', led to the creation of 19 historically black Federal land-grant educational institutions;

Whereas the 19 historically black 1890 land-grant universities are identified as Lincoln University, Alcorn State University, the University of Arkansas at Pine Bluff, Alabama A&M University, Prairie View A&T University, Southern University, Virginia State University, Kentucky State University, the University of Maryland-Eastern Shore, Florida A&M University, Delaware State University, North Carolina A&T University, Fort Valley State University, South Carolina State University, Langston University, Tennessee State University, Tuskegee University, Central State University, and West Virginia State University;

Whereas the Act of May 8, 1914 (7 U.S.C. 341), popularly known as the ''Smith-Lever Act'', provided for the establishment of the Cooperative Extension Service within the Department of Agriculture for the dissemination, through Federal land-grant institutions, of information pertaining to agriculture and home economics; and

Whereas appropriate recognition should be given to the contributions made by the 19 historically black Federal land-grant institutions to the heritage, educational development, and agricultural strength of the United States: Now, therefore, be it

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

(1) August 30, 2015, should be designated as ''1890 Land-Grant Institutions Quasquicentennial Recognition Day'';

(2) such day should be observed with appropriate ceremonies and activities to recognize the collective contributions that these institutions have made to the United States;

(3) the Second Morrill Act and the Smith-Lever Act have helped the United States develop agricultural leaders; and

(4) the Department of Agriculture and the National Institute of Food and Agriculture should remain committed to supporting the goals of the Second Morrill Act and the Smith-Lever Act.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2528. Mr. CASSIDY (for himself and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 2266 proposed by Mr. MCCONNELL 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 2529. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 2266 proposed by Mr. MCCONNELL to the bill H.R. 22, supra; which was ordered to lie on the table.

SA 2530. Mr. JOHNSON 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 2531. Mr. JOHNSON 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 2532. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2527 submitted by Mr. INHOFE and intended to be proposed to the amendment SA 2266 proposed by Mr. MCCONNELL to the bill H.R. 22, supra; which was ordered to lie on the table.

SA 2533. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2421 proposed by Mr. MCCONNELL to the amendment SA 2266 proposed by Mr. MCCONNELL to the bill H.R. 22, supra.

SA 2534. Mr. KIRK (for himself, Mr. GRAHAM, Mr. BLUNT, Ms. AYOTTE, Ms. HEITKAMP, Mr. MANCHIN, Mr. DONNELLY, Mr. WARNER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2421 proposed by Mr. MCCONNELL to the amendment SA 2266 proposed by Mr. MCCONNELL to the bill H.R. 22, supra; which was ordered to lie on the table.

SA 2535. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 2272 submitted by Mr. TESTER and intended to be proposed to the bill H.R. 22, supra; which was ordered to lie on the table.

SA 2536. 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 2537. Mr. MENENDEZ 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 2528.** Mr. CASSIDY (for himself and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 2266 proposed by Mr. MCCONNELL 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:

Strike section 52204 and insert the following:

**SEC. 52204. STRATEGIC PETROLEUM RESERVE DRAWDOWN AND SALE.**

(a) DRAWDOWN AND SALE.—

(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsections (b) and (c), the Secretary of Energy shall drawdown and sell from the Strategic Petroleum Reserve—

(A) the quantity of barrels of crude oil that the Secretary of Energy determines to be appropriate to maximize the financial return to United States taxpayers for each of fiscal years 2016 and 2017;

(B) 4,000,000 barrels of crude oil during fiscal year 2018;

(C) 5,000,000 barrels of crude oil during fiscal year 2019;

(D) 8,000,000 barrels of crude oil during fiscal year 2020;

(E) 8,000,000 barrels of crude oil during fiscal year 2021;

(F) 10,000,000 barrels of crude oil during fiscal year 2022;

(G) 16,000,000 barrels of crude oil during fiscal year 2023;

(H) 25,000,000 barrels of crude oil during fiscal year 2024; and

(I) 25,000,000 barrels of crude oil during fiscal year 2025.

(2) DEPOSIT OF AMOUNTS RECEIVED FROM SALE.—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

(b) EMERGENCY PROTECTION.—In any 1 fiscal year described in subsection (a)(1), the Secretary of Energy shall not drawdown and sell crude oil under this section in quantities that would result in a Strategic Petroleum Reserve that contains an inventory of petroleum products representing fewer than 90 days of emergency reserves, based on the average daily level of net imports of crude oil and petroleum products in the calendar year preceding that fiscal year.

(c) INCREASE; LIMITATION.—

(1) INCREASE.—The Secretary of Energy may increase the drawdown and sales under subparagraphs (A) through (I) of subsection (a)(1) as the Secretary of Energy determines to be appropriate to maximize the financial return to United States taxpayers.

(2) LIMITATION.—The Secretary of Energy shall not drawdown or conduct sales of crude oil under this section after the date on which a total of $9,050,000,000 has been deposited in the general fund of the Treasury from sales authorized under this section.

**SA 2529.** Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 2266 proposed by Mr. MCCONNELL 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. _____. CLEARING TRAINS FROM GRADE CROSSINGS.**

(a) SHORT TITLE.—This section may be cited as the ''Moving Obstructed Trains In-between Openings Now (MOTION) Act''.

(b) GRADE CROSSING EXCEPTION.—

(1) AMENDMENT.—Chapter 211 of title 49, United States Code, is amended by adding at the end the following:

**''§ 21110. Grade crossing exception.**

''Employees may be allowed to remain or go on duty for a period in excess of the limitations established under this chapter to the extent necessary to clear a blockage of vehicular traffic at a grade crossing.''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 211 of such title is amended by adding at the end the following:

''21110. Grade crossing exception.''.

**SA 2530.** Mr. JOHNSON 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. _____. EXEMPTION FOR LOGGING VEHICLES IN WISCONSIN.**

Section 127 of title 23, United States Code (as amended by section 11203), is amended by adding at the end the following:

''(n) LOGGING VEHICLES IN WISCONSIN.—No limit or other prohibition under this section, except the limit described in this subsection, shall apply to a vehicle with a gross weight of 98,000 pounds or less if the vehicle is—

''(1) transporting raw or unfinished forest product; and

''(2) operating on Interstate Route 39 in Wisconsin from mile marker 175.8 to mile marker 189.''.

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**SA 2531.** Mr. JOHNSON 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. _____. MOTORCYCLIST ADVISORY COUNCIL.**

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Federal Highway Administration, in consultation with the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, shall appoint a Motorcyclist Advisory Council to coordinate with and advise the Administrator on infrastructure issues of concern to motorcyclists, including—

(1) barrier design;

(2) road design, construction, and maintenance practices; and

(3) the architecture and implementation of intelligent transportation system technologies.

(b) COMPOSITION.—The Council shall consist of not more than 10 members of the motorcycling community with professional expertise in national motorcyclist safety advocacy, including—

(1) at least—

(A) 1 member recommended by a national motorcyclist association;

(B) 1 member recommended by a national motorcycle riders foundation;

(C) 1 representative of the National Association of State Motorcycle Safety Administrators;

(D) 2 members of State motorcyclists' organizations;

(E) 1 member recommended by a national organization that represents the builders of highway infrastructure;

(F) 1 member recommended by a national association that represents the traffic safety systems industry; and

(G) 1 member of a national safety organization; and

(2) at least 1, and not more than 2, motorcyclists who are traffic system design engineers or State transportation department officials.

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**SA 2532.** Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2527 submitted by Mr. INHOFE and intended to be proposed to the amendment SA 2266 proposed by Mr. MCCONNELL 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:

One line 2, strike ''$439,999,999'' and insert ''$439,999,998''.

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**SA 2533.** Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2421 proposed by Mr. MCCONNELL to the amendment SA 2266 proposed by Mr. MCCONNELL 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; as follows:

In lieu of the matter proposed to be inserted, insert the following:

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

**TITLE I—FEDERAL-AID HIGHWAYS**

**Subtitle A—Authorizations and Programs**

**SEC. 11001. AUTHORIZATION OF APPROPRIATIONS.**

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

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

(A) $39,579,500,000 for fiscal year 2016;

(B) $40,771,300,000 for fiscal year 2017;

(C) $42,127,100,000 for fiscal year 2018;

(D) $43,476,400,000 for fiscal year 2019;

(E) $44,570,700,000 for fiscal year 2020; and

(F) $45,691,900,000 for fiscal year 2021.

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

(3) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—

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

(i) $465,000,000 for fiscal year 2016;

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

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

(iv) $495,000,000 for fiscal year 2019;

(v) $505,000,000 for fiscal year 2020; and

(vi) $515,000,000 for fiscal year 2021.

(B) FEDERAL LANDS TRANSPORTATION PROGRAM.—

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

(I) $305,000,000 for fiscal year 2016;

(II) $310,000,000 for fiscal year 2017;

(III) $315,000,000 for fiscal year 2018;

(IV) $320,000,000 for fiscal year 2019;

(V) $325,000,000 for fiscal year 2020; and

(VI) $330,000,000 for fiscal year 2021.

(ii) SPECIAL RULE.—

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

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

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

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

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

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

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

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

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

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

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

(A) $250,000,000 for fiscal year 2016;

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

(C) $350,000,000 for fiscal year 2018;

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

(E) $400,000,000 for fiscal year 2020; and

(F) $400,000,000 for fiscal year 2021.

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

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

(A) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—To carry out the highway research and development program under section 503(b) of title 23, United States Code, $130,000,000 for each of fiscal years 2016 through 2021.

(B) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—To carry out the technology and innovation deployment program under section 503(c) of title 23, United States Code, $62,500,000 for each of fiscal years 2016 through 2021.

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

(D) INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.—To carry out the intelligent transportation systems program under sections 512 through 518 of title 23, United States Code, $100,000,000 for each of fiscal years 2016 through 2021.

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

(2) BUREAU OF TRANSPORTATION STATISTICS.—There are authorized to be appropriated out of the general fund of the Treasury to carry out chapter 63 of title 49, United States Code, $26,000,000 for each of fiscal years 2016 through 2021.

(3) ADMINISTRATION.—The Federal Highway Administration shall administer the programs described in subparagraphs (D) and (E) of paragraph (1).

(4) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by paragraph (1) shall—

(A) be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code;

(B) remain available until expended; and

(C) not be transferable.

(c) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) FINDINGS.—Congress finds that—

(A) while significant progress has occurred due to the establishment of the disadvantaged business enterprise program, discrimination and related barriers continue to pose significant obstacles for minority- and women-owned businesses seeking to do business in federally assisted surface transportation markets across the United States;

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

(C) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits, which show that race- and gender-neutral efforts alone are insufficient to address the problem;

(D) the testimony and documentation described in subparagraph (C) demonstrate that discrimination across the United States poses a barrier to full and fair participation in surface transportation-related businesses of women business owners and minority business owners and has impacted firm development and many aspects of surface transportation-related business in the public and private markets; and

(E) the testimony and documentation described in subparagraph (C) provide a strong basis that there is a compelling need for the continuation of the disadvantaged business enterprise program to address race and gender discrimination in surface transportation-related business.

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

(A) SMALL BUSINESS CONCERN.—

(i) IN GENERAL.—The term ''small business concern'' means a small business concern (as the term is used in section 3 of the Small Business Act (15 U.S.C. 632)).

(ii) EXCLUSIONS.—The term ''small business concern'' does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals that have average annual gross receipts during the preceding 3 fiscal years in excess of $23,980,000, as adjusted annually by the Secretary for inflation.

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term ''socially and economically disadvantaged individuals'' has the meaning given the term in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to that Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

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

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

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

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

(i) women;

(ii) socially and economically disadvantaged individuals (other than women); and

(iii) individuals who are women and are otherwise socially and economically disadvantaged individuals.

(5) UNIFORM CERTIFICATION.—

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

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

(i) on-site visits;

(ii) personal interviews with personnel;

(iii) issuance or inspection of licenses;

(iv) analyses of stock ownership;

(v) listings of equipment;

(vi) analyses of bonding capacity;

(vii) listings of work completed;

(viii) examination of the resumes of principal owners;

(ix) analyses of financial capacity; and

(x) analyses of the type of work preferred.

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

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

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

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

(d) CONFORMING AMENDMENT.—Section 1101(b) of MAP–21 (Public Law 112–141; 126 Stat. 414) is repealed.

**SEC. 11002. OBLIGATION CEILING.**

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

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

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

(3) $44,331,100,000 for fiscal year 2018;

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

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

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

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

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

(2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

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

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

(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);

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

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

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

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

(10) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;

(11) section 1603 of SAFETEA–LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation;

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

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

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

(1) not distribute obligation authority provided by subsection (a) for the fiscal year for—

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

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

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

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

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

(3) determine the proportion that—

(A) an amount equal to the difference between—

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

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

(B) an amount equal to the difference between—

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

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

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

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

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

(5) distribute the obligation authority provided by subsection (a), less the aggregate amount not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code, (other than the amounts apportioned for the national highway performance program under section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(13) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—

(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for the fiscal year; bears to

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

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

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

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

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

(1) IN GENERAL.—Except as provided in paragraph (2), obligation limitations imposed by subsection (a) shall apply to contract authority for transportation research programs carried out under chapter 5 of title 23, United States Code.

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

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

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

(f) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation authority under subsection (c) for each of fiscal years 2016 through 2021, the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that—

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

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

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

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

**SEC. 11003. APPORTIONMENT.**

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended—

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

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

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

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

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

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

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

(2) in subsection (b)—

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

(B) in each of paragraphs (1), (2), and (3) by striking ''paragraphs (4) and (5)'' each place it appears and inserting ''paragraphs (4), (5), and (6), and section 213(a)'';

(C) in paragraph (1), by striking ''63.7 percent'' and inserting ''65 percent'';

(D) in paragraph (2), by striking ''29.3 percent'' and inserting ''29 percent'';

(E) in paragraph (3), by striking ''7 percent'' and inserting ''6 percent'';

(F) in paragraph (4), in the matter preceding subparagraph (A), by striking ''determined for the State under subsection (c)'' and inserting ''remaining under subsection (c) after making the set-asides in accordance with paragraph (5) and section 213(a)'';

(G) by redesignating paragraph (5) as paragraph (6);

(H) by inserting after paragraph (4) the following:

''(5) NATIONAL FREIGHT PROGRAM.—

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

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

''(i) $1,000,000,000 for fiscal year 2016;

''(ii) $1,450,000,000 for fiscal year 2017;

''(iii) $2,000,000,000 for fiscal year 2018;

''(iv) $2,300,000,000 for fiscal year 2019;

''(v) $2,400,000,000 for fiscal year 2020; and

''(vi) $2,500,000,000 for fiscal year 2021.

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

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

''(ii) the total apportionments for all States.

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

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

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

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

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

''(3) FOR FISCAL YEARS 2016 THROUGH 2021.—

''(A) STATE SHARE.—For each of fiscal years 2016 through 2021, the amount for each State of combined apportionments for the national highway performance program under section 119, the surface transportation program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, the national freight program under section 167, the transportation alternatives program under section 213, and to carry out section 134, shall be determined as follows:

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

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

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

''(ii) ADJUSTMENTS TO AMOUNTS.—The initial amounts resulting from the calculation under clause (i) shall be adjusted to ensure that, for each State, the amount of combined apportionments for the programs shall not be less than 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available.

''(B) STATE APPORTIONMENT.—For each of fiscal years 2016 through 2021, on October 1, the Secretary shall apportion the sum authorized to be appropriated for expenditure on the national highway performance program under section 119, the surface transportation program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, the national freight program under section 167, the transportation alternatives program under section 213, and to carry out section 134 in accordance with subparagraph (A).''.

(b) CONFORMING AMENDMENTS.—

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

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

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

(B) in subparagraph (C)(i), by striking ''and (5)'' and inserting ''(5)(D), and (6)''.

(3) Section 135(i) of title 23, United States Code, is amended by striking ''section 104(b)(5)'' and inserting ''paragraphs (5)(D) and (6) of section 104(b)''.

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

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

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

**SEC. 11004. SURFACE TRANSPORTATION PROGRAM.**

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

(1) in subsection (b)—

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

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

(2) in subsection (c)—

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

(B) by striking paragraph (2); and

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

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''50 percent'' and inserting ''55 percent''; and

(II) in clause (ii), by striking ''greater than 5,000'' and inserting ''of 5,000 or more''; and

(ii) in subparagraph (B), by striking ''50 percent'' and inserting ''45 percent''; and

(B) in paragraph (3)—

(i) by striking ''paragraph (1)(A)(ii)'' and inserting ''paragraph (1)(A)(iii)''; and

(ii) by striking ''greater than 5,000 and less than 200,000'' and inserting ''of 5,000 to 200,000'';

(4) in subsection (f)(1)—

(A) by striking ''104(b)(3)'' and inserting ''104(b)(2)''; and

(B) by striking ''the period of fiscal years 2011 through 2014'' and inserting ''each fiscal year'';

(5) by redesignating subsection (h) as subsection (i);

(6) in subsection (g)—

(A) by striking the subsection designation and heading and all that follows through paragraph (1) and inserting the following:

''(g) BRIDGES OFF THE NATIONAL HIGHWAY SYSTEM.—

''(1) DEFINITION OF OFF-NHS BRIDGE.—In this subsection, the term 'off-NHS bridge' means a highway bridge located on a public road, other than a bridge on the National Highway System.''; and

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

''(A) SET-ASIDE.—Each State shall obligate for replacement (including replacement with fill material), rehabilitation, preservation, and protection (including scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) for off-NHS bridges an amount equal to the greater of—

''(i) 15 percent of the amount apportioned to the State under section 104(b)(2); and

''(ii) an amount equal to at least 110 percent of the amount of funds set aside for bridges not on Federal-aid highways in the State for fiscal year 2014.'';

(ii) in subparagraph (B), by striking ''off-system'' and inserting ''off-NHS''; and

(iii) by adding at the end the following:

''(C) SET-ASIDE FOR CERTAIN OFF-NHS BRIDGES.—Each State shall obligate an amount equal to not less than 50 percent of the amount set aside under subparagraph (A) for off-NHS bridges located on public roads that are not Federal-aid highways.''; and

(C) by redesignating paragraph (3) as subsection (h);

(7) in subsection (h) (as so redesignated)—

(A) by striking the heading and inserting ''CREDIT FOR BRIDGES NOT ON THE NATIONAL HIGHWAY SYSTEM.—'';

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

(C) in the matter preceding paragraph (1) (as so redesignated)—

(i) by striking ''the replacement of a bridge or rehabilitation of''; and

(ii) by striking '', and is determined by the Secretary upon completion to be no longer a deficient bridge'';

(8) in subsection (i)(1) (as redesignated by paragraph (5)), by striking ''under subsection (d)(1)(A)(iii) for each of fiscal years 2013 through 2014'' and inserting ''under subsection (d)(1)(A)(ii) for each fiscal year''; and

(9) by adding at the end the following:

''(j) BORDER STATES.—

''(1) IN GENERAL.—After consultation with relevant transportation planning organizations, the Governor of a State that shares a land border with Canada or Mexico may designate for each fiscal year not more than 5 percent of funds made available to the State under subsection (d)(1)(B) for border infrastructure projects eligible under section 1303 of SAFETEA–LU (23 U.S.C. 101 note; Public Law 109–59).

''(2) USE OF FUNDS.—Funds designated under this subsection shall be available under the requirements of section 1303 of SAFETEA–LU (23 U.S.C. 101 note; Public Law 109–59).

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

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

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

''(6) DEADLINE FOR DESIGNATION.—A designation under paragraph (1) shall—

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

''(B) remain in effect for the funds designated under paragraph (1) for a fiscal year until the Governor of the State notifies the Secretary of the termination of the designation.

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

**SEC. 11005. METROPOLITAN TRANSPORTATION PLANNING.**

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

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

(2) in subsection (c)(2), by striking ''and bicycle transportation facilities'' and inserting '', bicycle transportation facilities, intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities, and commuter vanpool providers'';

(3) in subsection (d)—

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

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

''(3) REPRESENTATION.—

''(A) IN GENERAL.—Designation or selection of officials or representatives under paragraph (2) shall be determined by the metropolitan planning organization according to the bylaws or enabling statute of the organization.

''(B) PUBLIC TRANSPORTATION REPRESENTATIVE.—Subject to the bylaws or enabling statute of the metropolitan planning organization, a representative of a provider of public transportation may also serve as a representative of a local municipality.

''(C) POWERS OF CERTAIN OFFICIALS.—An official described in paragraph (2)(B) shall have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials described in paragraph (2)(B).''; and

(C) in paragraph (5) (as redesignated by subparagraph (A)), by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(4) in subsection (e)(4)(B), by striking ''subsection (d)(5)'' and inserting ''subsection (d)(6)'';

(5) in subsection (g)(3)(A), by inserting ''natural disaster risk reduction,'' after ''environmental protection,'';

(6) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (G), by striking ''and'' at the end;

(ii) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(I) improve the resilience and reliability of the transportation system.''; and

(B) in paragraph (2)(A), by striking ''and in section 5301(c) of title 49'' and inserting ''and the general purposes described in section 5301 of title 49'';

(7) in subsection (i)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i), by striking ''transit'' and inserting ''public transportation facilities, intercity bus facilities'';

(ii) in subparagraph (G)—

(I) by striking ''and provide'' and inserting '', provide''; and

(II) by inserting '', and reduce vulnerability due to natural disasters of the existing transportation infrastructure'' before the period at the end; and

(iii) in subparagraph (H), by inserting '', including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated'' before the period at the end;

(B) in paragraph (6)(A)—

(i) by inserting ''public ports,'' before ''freight shippers,''; and

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

(C) in paragraph (8), by striking ''(2)(C)'' each place it appears and inserting ''(2)(E)'';

(8) in subsection (j)(5)(A), by striking ''subsection (k)(4)'' and inserting ''subsection (k)(3)'';

(9) in subsection (k)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(10) in subsection (*l*)—

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

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

(11) by striking subsection (n);

(12) by redesignating subsections (o) through (q) as subsections (n) through (p), respectively;

(13) in subsection (o) (as so redesignated), by striking ''set aside under section 104(f)'' and inserting ''apportioned under paragraphs (5)(D) and (6) of section 104(b)'' ; and

(14) by adding at the end the following:

''(q) TREATMENT OF LAKE TAHOE REGION.—

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

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

''(A) a metropolitan planning organization;

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

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

''(3) SUBALLOCATED FUNDING.—

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

''(i) calculate the population under each of those clauses;

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

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

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

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

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

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

**SEC. 11006. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.**

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

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

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (G), by striking ''and'' at the end;

(ii) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(I) improve the resilience and reliability of the transportation system.''; and

(B) in paragraph (2)(A), by striking ''and in section 5301(c) of title 49'' and inserting ''and the general purposes described in section 5301 of title 49'';

(3) in subsection (e)(1), by striking ''subsection (m)'' and inserting ''subsection (l)'';

(4) in subsection (f)—

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

(B) in paragraph (3)(A)—

(i) in clause (i), by striking ''subsection (m)'' and inserting ''subsection (l)''; and

(ii) in clause (ii), by inserting ''(including intercity bus operators and commuter vanpool providers)'' after ''private providers of transportation'';

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

(D) in paragraph (8), by inserting '', including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated'' before the period at the end;

(5) in subsection (g)—

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

(B) in paragraph (3)—

(i) by inserting ''public ports,'' before ''freight shippers''; and

(ii) by inserting ''(including intercity bus operators),'' after ''private providers of transportation''; and

(C) in paragraph (6)(A), by striking ''subsection (m)'' and inserting ''subsection (l)'';

(6) by striking subsection (j); and

(7) by redesignating subsections (k) through (m) as subsections (j) through (l), respectively.

(b) CONFORMING AMENDMENTS.—Section 134(b)(5) of title 23, United States Code, is amended by striking ''section 135(m)'' and inserting ''section 135(l)''.

**SEC. 11007. HIGHWAY USE TAX EVASION PROJECTS.**

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

''(A) IN GENERAL.—From administrative funds made available under section 104(a), the Secretary shall deduct such sums as are necessary, not to exceed $4,000,000 for each fiscal year, to carry out this section.''.

**SEC. 11008. BUNDLING OF BRIDGE PROJECTS.**

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

(1) in subsection (c)(2)(A), by striking ''the natural condition of the bridge'' and inserting ''the natural condition of the water'';

(2) by redesignating subsection (j) as subsection (k);

(3) by inserting after subsection (i) the following:

''(j) BUNDLING OF BRIDGE PROJECTS.—

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

''(2) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means an entity eligible to carry out a bridge project under section 119 or 133.

''(3) BUNDLING OF BRIDGE PROJECTS.—An eligible entity may bundle 2 or more similar bridge projects that are—

''(A) eligible projects under section 119 or 133;

''(B) included as a bundled project in a transportation improvement program under section 134(j) or a statewide transportation improvement program under section 135, as applicable; and

''(C) awarded to a single contractor or consultant pursuant to a contract for engineering and design or construction between the contractor and an eligible entity.

''(4) ITEMIZATION.—Notwithstanding any other provision of law (including regulations), an eligible bridge project included in a bundle under this subsection may be listed as—

''(A) 1 project for purposes of sections 134 and 135; and

''(B) a single project within the applicable bundle.

''(5) FINANCIAL CHARACTERISTICS.—Projects bundled under this subsection shall have the same financial characteristics, including—

''(A) the same funding category or subcategory; and

''(B) the same Federal share.''; and

(4) in subsection (k)(2) (as redesignated by paragraph (2)), by striking ''104(b)(3)'' and inserting ''104(b)(2)''.

**SEC. 11009. FLEXIBILITY FOR CERTAIN RURAL ROAD AND BRIDGE PROJECTS.**

(a) AUTHORITY.—With respect to rural road and rural bridge projects eligible for funding under title 23, United States Code, subject to the provisions of this section and on request by a State, the Secretary may—

(1) exercise all existing flexibilities under and exceptions to—

(A) the requirements of title 23, United States Code; and

(B) other requirements administered by the Secretary, in whole or part; and

(2) otherwise provide additional flexibility or expedited processing with respect to the requirements described in paragraph (1).

(b) TYPES OF PROJECTS.—A rural road or rural bridge project under this section shall—

(1) be located in a county that, based on the most recent decennial census—

(A) has a population density of 80 or fewer persons per square mile of land area; or

(B) is the county that has the lowest population density of all counties in the State;

(2) be located within the operational right-of-way (as defined in section 1316(b) of MAP–21 (23 U.S.C. 109 note; 126 Stat. 549)) of an existing road or bridge; and

(3)(A) receive less than $5,000,000 of Federal funds; or

(B) have a total estimated cost of not more than $30,000,000 and Federal funds comprising less than 15 percent of the total estimated project cost.

(c) PROCESS TO ASSIST RURAL PROJECTS.—

(1) ASSISTANCE WITH FEDERAL REQUIREMENTS.—

(A) IN GENERAL.—For projects under this section, the Secretary shall seek to provide, to the maximum extent practicable, regulatory relief and flexibility consistent with this section.

(B) EXCEPTIONS, EXEMPTIONS, AND ADDITIONAL FLEXIBILITY.—Exceptions, exemptions, and additional flexibility from regulatory requirements may be granted if, in the opinion of the Secretary—

(i) the project is not expected to have a significant adverse impact on the environment;

(ii) the project is not expected to have an adverse impact on safety; and

(iii) the assistance would be in the public interest for 1 or more reasons, including—

(I) reduced project costs;

(II) expedited construction, particularly in an area where the construction season is relatively short and not granting the waiver or additional flexibility could delay the project to a later construction season; or

(III) improved safety.

(2) MAINTAINING PROTECTIONS.—Nothing in this subsection—

(A) waives the requirements of section 113 or 138 of title 23, United States Code;

(B) supersedes, amends, or modifies—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental law; or

(ii) any requirement of title 23, United States Code; or

(C) affects the responsibility of any Federal officer to comply with or enforce any law or requirement described in this paragraph.

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

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

(1) in subsection (a), by striking ''IN GENERAL'' and inserting ''PROGRAM'';

(2) by striking subsections (d) through (g) and inserting the following:

''(d) FORMULA.—Of the amounts allocated under subsection (c)—

''(1) 35 percent shall be allocated among eligible entities in the proportion that—

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

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

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

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

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

''(3) 30 percent shall be allocated among eligible entities in the proportion that—

''(A) the total route nautical miles serviced by each ferry system in the most recent calendar year for which data is available; bears to

''(B) the total route nautical miles serviced by all ferry systems in the most recent calendar year for which data is available.

''(e) REDISTRIBUTION OF UNOBLIGATED AMOUNTS.—The Secretary shall—

''(1) withdraw amounts allocated to an eligible entity under subsection (c) that remain unobligated by the end of the third fiscal year following the fiscal year for which the amounts were allocated; and

''(2) in the subsequent fiscal year, redistribute the funds referred to in paragraph (1) in accordance with the formula under subsection (d) among eligible entities for which no amounts were withdrawn under paragraph (1).

''(f) MINIMUM AMOUNT.—Notwithstanding subsection (c), a State with an eligible entity that meets the requirements of this section shall receive not less than $100,000 under this section for a fiscal year.

''(g) IMPLEMENTATION.—

''(1) DATA COLLECTION.—

''(A) NATIONAL FERRY DATABASE.—Amounts made available for a fiscal year under this section shall be allocated using the most recent data available, as collected and imputed in accordance with the national ferry database established under section 1801(e) of SAFETEA–LU (23 U.S.C. 129 note; 119 Stat. 1456).

''(B) ELIGIBILITY FOR FUNDING.—To be eligible to receive funds under subsection (c), data shall have been submitted in the most recent collection of data for the national ferry database under section 1801(e) of SAFETEA–LU (23 U.S.C. 129 note; 119 Stat. 1456) for at least 1 ferry service within the State.

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

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $80,000,000 for each of fiscal years 2016 through 2021.

''(i) PERIOD OF AVAILABILITY.—Notwithstanding section 118(b), funds made available to carry out this section shall remain available until expended.

''(j) APPLICABILITY.—All provisions of this chapter that are applicable to the National Highway System, other than provisions relating to apportionment formula and Federal share, shall apply to funds made available to carry out this section, except as determined by the Secretary to be inconsistent with this section.''.

(b) NATIONAL FERRY DATABASE.—Section 1801(e)(4) of SAFETEA–LU (23 U.S.C. 129 note; 119 Stat. 1456) is amended by striking subparagraph (D) and inserting the following:

''(D) make available, from the amounts made available for each fiscal year to carry out chapter 63 of title 49, not more than $500,000 to maintain the database.''.

(c) CONFORMING AMENDMENTS.—Section 129(c) of title 23, United States Code, is amended—

(1) in paragraph (2), in the first sentence, by inserting '', or on a public transit ferry eligible under chapter 53 of title 49'' after ''Interstate System'';

(2) in paragraph (3)—

(A) by striking ''(3) Such ferry'' and inserting ''(3)(A) The ferry''; and

(B) by adding at the end the following:

''(B) Any Federal participation shall not involve the construction or purchase, for private ownership, of a ferry boat, ferry terminal facility, or other eligible project under this section.'';

(3) in paragraph (4), by striking ''and repair,'' and inserting ''repair,''; and

(4) by striking paragraph (6) and inserting the following:

''(6) The ferry service shall be maintained in accordance with section 116.

''(7)(A) No ferry boat or ferry terminal with Federal participation under this title may be sold, leased, or otherwise disposed of, except in accordance with part 18 of title 49, Code of Federal Regulations (as in effect on December 18, 2014).

''(B) The Federal share of any proceeds from a disposition referred to in subparagraph (A) shall be used for eligible purposes under this title.''.

**SEC. 11011. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

Section 148 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (4)(B)—

(i) in the matter preceding clause (i), by striking ''includes, but is not limited to,'' and inserting ''only includes''; and

(ii) by adding at the end the following:

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

''(xxvi) Pedestrian hybrid beacons.

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

''(xxviii) An infrastructure safety project not described in clauses (i) through (xxvii).''; and

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

(2) in subsection (c)(1)(A), by striking ''subsection (a)(12)'' and inserting ''subsection (a)(11)'';

(3) in subsection (d)(2)(B)(i), by striking ''subsection (a)(12)'' and inserting ''subsection (a)(11)''; and

(4) in subsection (g)(1)—

(A) by striking ''increases'' and inserting ''does not decrease''; and

(B) by inserting ''and exceeds the national fatality rate on rural roads,'' after ''available,''.

**SEC. 11012. DATA COLLECTION ON UNPAVED PUBLIC ROADS.**

Section 148 of title 23, United States Code, is amended by adding at the end the following:

''(k) DATA COLLECTION ON UNPAVED PUBLIC ROADS.—

''(1) IN GENERAL.—A State may elect not to collect fundamental data elements for the model inventory of roadway elements on public roads that are gravel roads or otherwise unpaved if—

''(A)(i) more than 45 percent of the public roads in the State are gravel roads or otherwise unpaved; and

''(ii) less than 10 percent of fatalities in the State occur on those unpaved public roads; or

''(B)(i) more than 70 percent of the public roads in the State are gravel roads or otherwise unpaved; and

''(ii) less than 25 percent of fatalities in the State occur on those unpaved public roads.

''(2) CALCULATION.—The percentages described in paragraph (1) shall be based on the average for the 5 most recent years for which relevant data is available.

''(3) USE OF FUNDS.—If a State elects not to collect data on a road described in paragraph (1), the State shall not use funds provided to carry out this section for a project on that road until the State completes a collection of the required model inventory of roadway elements for the road.''.

**SEC. 11013. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.**

Section 149 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(i)(I), by inserting ''in the designated nonattainment area'' after ''air quality standard'';

(B) in paragraph (3), by inserting ''or maintenance'' after ''likely to contribute to the attainment'';

(C) in paragraph (4), by striking ''attainment of'' and inserting ''attainment or maintenance of the area of''; and

(D) in paragraph (8)(A)(ii)—

(i) in the matter preceding subclause (I), by inserting ''or port-related freight operations'' after ''construction projects''; and

(ii) in subclause (II), by inserting ''or chapter 53 of title 49'' after ''this title'';

(2) in subsection (c)(2), by inserting ''(giving priority to corridors designated under section 151)'' after ''at any location in the State'';

(3) in subsection (d)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting ''would otherwise be eligible under subsection (b) if the project were carried out in a nonattainment or maintenance area or'' after ''may use for any project that''; and

(II) in clause (i), by striking ''(excluding the amount of funds reserved under paragraph (1))''; and

(ii) in subparagraph (B)(i), by striking ''MAP–21t'' and inserting ''MAP–21''; and

(B) in paragraph (3), by inserting '', in a manner consistent with the approach that was in effect on the day before the date of enactment of MAP–21,'' after ''the Secretary shall modify'';

(4) in subsection (g)—

(A) in paragraph (2)(B), by striking ''not later that'' and inserting ''not later than'';

(B) in paragraph (3)—

(i) by striking ''States and metropolitan'' and inserting the following:

''(A) IN GENERAL.—States and metropolitan'';

(ii) by striking ''are proven to reduce'' and inserting ''reduce directly emitted''; and

(iii) by adding at the end the following:

''(B) USE OF PRIORITY FUNDING.—To the maximum extent practicable, PM2.5 priority funding shall be used on the most cost-effective projects and programs that are proven to reduce directly emitted fine particulate matter.'';

(5) in subsection (k)—

(A) in paragraph (1)—

(i) by striking ''that has a nonattainment or maintenance area'' and inserting ''that has 1 or more nonattainment or maintenance areas'';

(ii) by striking ''a nonattainment or maintenance area that are'' and inserting ''the nonattainment or maintenance areas that are'';

(iii) by striking ''such area'' both places it appears and inserting ''such areas''; and

(iv) by striking ''such fine particulate'' and inserting ''directly-emitted fine particulate'';

(B) in paragraph (2), by striking ''highway construction'' and inserting ''transportation construction''; and

(C) by adding at the end the following:

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

''(A) EXCEPTION.—In any State with a population density of 80 or fewer persons per square mile of land area, based on the most recent decennial census, the requirements under subsection (g)(3) and paragraphs (1) and (2) of this subsection shall not apply to a nonattainment or maintenance area in the State if—

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

''(ii) regional motor vehicle emissions are an insignificant contributor to the air quality problem for PM2.5 in the nonattainment or maintenance area.

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

''(4) PORT-RELATED EQUIPMENT AND VEHICLES.—To meet the requirements under paragraph (1), a State or metropolitan planning organization may elect to obligate funds to the most cost-effective projects to reduce emissions from port-related landside nonroad or on-road equipment that is operated within the boundaries of a PM2.5 nonattainment or maintenance area.'';

(6) in subsection (*l*)(1)(B), by inserting ''air quality and traffic congestion'' before ''performance targets''; and

(7) in subsection (m), by striking ''section 104(b)(2)'' and inserting ''section 104(b)(4)''.

**SEC. 11014. TRANSPORTATION ALTERNATIVES.**

(a) IN GENERAL.—Section 213 of title 23, United States Code, is amended—

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

''(a) RESERVATION OF FUNDS.—

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

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

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

''(A) the amount apportioned to the State for the transportation enhancements program for fiscal year 2009 under section 133(d)(2), as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141; 126 Stat. 405); bears to

''(B) the total amount of funds apportioned to all States for that fiscal year for the transportation enhancements program for fiscal year 2009.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''Of the funds'' and all that follows through ''shall be obligated under this section'' in subparagraph (A) and inserting ''Funds reserved in a State under this section shall be obligated'';

(ii) by striking subparagraph (B);

(iii) by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively;

(iv) in subparagraph (B) (as so redesignated), by striking ''greater than 5,000'' and inserting ''of 5,000 or more''; and

(v) in subparagraph (C) (as so redesignated), by striking ''; and'' and inserting a period;

(B) in paragraph (2), by striking ''paragraph (1)(A)(i)'' and inserting ''paragraph (1)(A)'';

(C) in paragraph (3)(A)—

(i) by striking ''Except as provided in paragraph (1)(B), the'' and inserting ''The''; and

(ii) by striking ''paragraph (1)(A)(i)'' both places it appears and inserting ''paragraph (1)(A)'';

(D) in paragraph (4)(B)—

(i) in clause (vi), by striking ''and'' at the end;

(ii) by redesignating clause (vii) as clause (viii); and

(iii) by inserting after clause (vi) the following:

''(vii) a nonprofit entity responsible for the administration of local transportation safety programs; and''; and

(E) in paragraph (5)—

(i) by striking ''For funds reserved'' and inserting the following:

''(A) IN GENERAL.—For funds reserved'';

(ii) by striking ''paragraph (1)(A)(i)'' and inserting ''paragraph (1)(A)''; and

(iii) by adding at the end the following:

''(B) NO RESTRICTION ON SUBALLOCATION.—Nothing in this section prevents a metropolitan planning organization from further suballocating funds within the boundaries of the metropolitan planning area if a competitive process is implemented for the award of the suballocated funds.''; and

(3) by adding at the end the following:

''(h) ANNUAL REPORTS.—

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

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

''(i) the aggregate cost of the projects for which applications are received; and

''(ii) the types of project to be carried out (as described in subsection (b)), expressed as percentages of the total apportionment of the State under subsection (a); and

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

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

''(i) EXPEDITING INFRASTRUCTURE PROJECTS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall develop regulations or guidance relating to the implementation of this section that encourages the use of the programmatic approaches to environmental reviews, expedited procurement techniques, and other best practices to facilitate productive and timely expenditure for projects that are small, low-impact, and constructed within an existing built environment.

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

(b) CONFORMING AMENDMENT.—Section 126(b) of title 23, United States Code, is amended—

(1) by striking ''SET-ASIDES.—'' and all that follows through ''Funds that'' in paragraph (1) and inserting ''SET-ASIDES.—Funds that'';

(2) by striking ''sections 104(d) and 133(d)'' and inserting ''sections 104(d), 133(d), and 213(c)''; and

(3) by striking paragraph (2).

**SEC. 11015. CONSOLIDATION OF PROGRAMS.**

Section 1519(a) of MAP–21 (Public Law 112–141; 126 Stat. 574) is amended in the matter preceding paragraph (1) by striking ''fiscal years 2013 and 2014'' and inserting ''fiscal years 2013 through 2021''.

**SEC. 11016. STATE FLEXIBILITY FOR NATIONAL HIGHWAY SYSTEM MODIFICATIONS.**

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

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

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

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

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

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

(3) in the case of a State that requests the withdrawal of reclassified roads from the National Highway System under section 103(b)(3) of title 23, United States Code, to carry out that withdrawal if the inclusion of the reclassified road in the National Highway System is not consistent with the needs and priorities of the community or region in which the reclassified road is located.

(c) NATIONAL HIGHWAY SYSTEM MODIFICATION REGULATIONS.—The Secretary shall—

(1) review the National Highway System modification process described in appendix D of part 470 of title 23, Code of Federal Regulations (or successor regulations); and

(2) take any action necessary to ensure that a State may submit to the Secretary a request to modify the National Highway System by withdrawing a road from the National Highway System.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes a description of—

(1) each request for reclassification of National Highway System roads;

(2) the status of each request; and

(3) if applicable, the justification for the denial by the Secretary of a request.

(e) MODIFICATIONS TO THE NATIONAL HIGHWAY SYSTEM.—Section 103(b)(3)(A) of title 23, United States Code, is amended—

(1) in the matter preceding clause (i)—

(A) by striking '', including any modification consisting of a connector to a major intermodal terminal,''; and

(B) by inserting '', including any modification consisting of a connector to a major intermodal terminal or the withdrawal of a road from that system,'' after ''the National Highway System''; and

(2) in clause (ii)—

(A) by striking ''(ii) enhances'' and inserting ''(ii)(I) enhances'';

(B) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(II) in the case of the withdrawal of a road, is reasonable and appropriate.''.

**SEC. 11017. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.**

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

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by striking ''(other than a highway on the Interstate System)''; and

(ii) by inserting ''non-HOV'' after ''toll-free'' each place it appears;

(B) by striking subparagraph (C); and

(C) by redesignating subparagraphs (D) through (I) as subparagraphs (C) through (H), respectively;

(2) by striking paragraph (4) and paragraph (6);

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

(4) in paragraph (4)(B) (as so redesignated), by striking ''the Federal-aid system'' and inserting ''Federal-aid highways''; and

(5) by inserting after paragraph (7) (as so redesignated) the following:

''(8) EQUAL ACCESS FOR MOTORCOACHES.—A private motorcoach that serves the public shall be provided access to a toll facility under the same rates, terms, and conditions as public transportation buses in the State.''.

**SEC. 11018. HOV FACILITIES.**

Section 166 of title 23, United States Code, is amended—

(1) in subsection (b)—

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

''(4) HIGH OCCUPANCY TOLL VEHICLES.—

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

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

''(ii) in the case of a high occupancy vehicle facility that affects a metropolitan area, submits to the Secretary a written statement that the metropolitan planning organization designated under section 134 for the area has been consulted concerning the placement and amount of tolls on the converted facility;

''(iii) develops, manages, and maintains a system that will automatically collect the toll; and

''(iv) establishes policies and procedures—

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

''(II) to enforce violations of the use of the facility; and

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

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

''(i) designate classes of vehicles that are exempt from the toll; and

''(ii) charge different toll rates for different classes of vehicles.'';

(B) in paragraph (5), by striking subparagraph (A) and inserting the following:

''(A) INHERENTLY LOW EMISSION VEHICLE.—If a State agency establishes procedures for enforcing the restrictions on the use of a HOV facility by vehicles described in clauses (i) and (ii), the State agency may allow the use of the HOV facility by—

''(i) alternative fuel vehicles; and

''(ii) any motor vehicle described in section 30D(d)(1) of the Internal Revenue Code of 1986.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''Tolls'' and inserting ''Notwithstanding section 301, tolls''; and

(ii) by striking ''notwithstanding section 301 and, except as provided in paragraphs (2) and (3)'';

(B) by striking paragraph (2); and

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

(3) in subsection (d)(1), by striking subparagraphs (D) and (E) and inserting the following:

''(D) MAINTENANCE OF OPERATING PERFORMANCE.—

''(i) SUBMISSION OF PLAN.—Not later than 180 days after the date on which a facility is degraded under paragraph (2), the State agency with jurisdiction over the facility shall submit to the Secretary for approval a plan that details the actions the State agency will take to bring the facility into compliance with the minimum average operating speed performance standard through changes to operation of the facility, including—

''(I) increasing the occupancy requirement for HOV lanes;

''(II) varying the toll charged to vehicles allowed under subsection (b) to reduce demand;

''(III) discontinuing allowing non-HOV vehicles to use HOV lanes under subsection (b); or

''(IV) increasing the available capacity of the HOV facility.

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

''(iii) BIANNUAL PROGRESS UPDATES.—Until the date on which the Secretary determines that the State agency has brought the HOV facility into compliance with this subsection, the State agency shall submit biannual updates that describe—

''(I) the actions taken to bring the HOV facility into compliance; and

''(II) the progress made by those actions.

''(E) COMPLIANCE.—The Secretary shall subject the State to appropriate program sanctions under section 1.36 of title 23, Code of Federal Regulations (or successor regulations), until the performance is no longer degraded, if—

''(i) the State agency fails to submit an approved action plan under subparagraph (D) to bring a degraded facility into compliance; or

''(ii) after the State submits and the Secretary approves an action plan under subparagraph (D), the Secretary determines that, on a date that is not earlier than 1 year after the approval of the action plan, the State agency is not making significant progress toward bringing the HOV facility into compliance with the minimum average operating speed performance standard.''; and

(4) in subsection (f)(1), in the matter preceding subparagraph (A), by inserting ''solely'' before ''operating''.

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

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

(1) in paragraph (3)—

(A) in subparagraph (A), by striking ''the age, condition, and intensity of use of the facility'' and inserting ''an analysis demonstrating that the facility has a significant age, condition, or intensity of use to require expedited reconstruction or rehabilitation'';

(B) in subparagraph (D)(iii), by inserting '', and that demonstrates the capability of that agency to perform or oversee the building, operation, and maintenance of a toll expressway system meeting criteria for the Interstate System'' before the semicolon at the end; and

(C) by adding at the end the following:

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

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

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

''(H) Approved documentation that the project—

''(i) has received a categorical exclusion, a finding of no significant impact, or a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(ii) complies with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).'';

(2) by striking paragraphs (4) and (6);

(3) by redesignating paragraph (5) as paragraph (4);

(4) in paragraph (4)(as so redesignated)—

(A) in the matter preceding subparagraph (A), by striking ''Before the Secretary may permit'' and inserting ''As a condition of permitting'';

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''for—'' and inserting ''for permissible uses described in section 129(a)(3) of title 23, United States Code; and''; and

(ii) by striking clauses (i) through (iii);

(5) by inserting after paragraph (4) (as so redesignated) the following:

''(5) APPLICATION PROCESSING PROCEDURE.—

''(A) IN GENERAL.—Not later than 60 days after receipt of an application under this subsection, the Secretary shall provide to the applicant a written notice informing the applicant whether—

''(i) the application is complete and meets all requirements under this subsection; or

''(ii) additional information or materials are needed—

''(I) to complete the application; or

''(II) to meet the eligibility requirements under paragraph (3).

''(B) ADDITIONAL INFORMATION OR MATERIALS.—

''(i) IN GENERAL.—Not later than 60 days after receipt of an application, the Secretary shall—

''(I) identify any additional information or materials that are needed under subparagraph (A)(ii); and

''(II) provide to the applicant written notice specifying the details of the additional required information or materials.

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

''(C) TECHNICAL ASSISTANCE.—On the request of a State, the Secretary shall provide technical assistance to facilitate the development of a complete application under this paragraph that is likely to satisfy the eligibility criteria under paragraph (3).

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

''(E) LIMITATION ON APPROVED APPLICATION.—

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

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

''(II) not later than 2 years after the date on which the application is approved, execute a contract for the reconstruction or rehabilitation of the facility.

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

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

''(II) not later than 2 years after the date of enactment of the DRIVE Act, execute a contract for the reconstruction or rehabilitation of the facility.

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

''(I) cancel the application approval; or

''(II) grant an extension of not more than 1 year for the applicable deadline, on the condition that—

''(aa) there has been demonstrable progress toward meeting the applicable requirements; and

''(bb) the requirements are likely to be met within 1 year.

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

(6) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(7) by inserting after paragraph (6) the following:

''(7) WITHDRAWAL.—A State may elect to withdraw participation of the State in the pilot program at any time.''; and

(8) in paragraph (8) (as redesignated by paragraph (6)), by inserting ''after the date of enactment of the DRIVE Act'' after ''10 years''.

**SEC. 11020. EMERGENCY RELIEF FOR FEDERALLY OWNED ROADS.**

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

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

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

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

''(1) DEFINITIONS.—In this subsection:

''(A) OPEN TO PUBLIC TRAVEL.—The term 'open to public travel' means, with respect to a road, that, except during scheduled periods, extreme weather conditions, or emergencies, the road—

''(i) is maintained;

''(ii) is open to the general public; and

''(iii) can accommodate travel by a standard passenger vehicle, without restrictive gates or prohibitive signs or regulations, other than for general traffic control or restrictions based on size, weight, or class of registration.

''(B) STANDARD PASSENGER VEHICLE.—The term 'standard passenger vehicle' means a vehicle with 6 inches of clearance from the lowest point of the frame, body, suspension, or differential to the ground.''.

**SEC. 11021. BRIDGES REQUIRING CLOSURE OR LOAD RESTRICTIONS.**

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

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(2) by inserting after paragraph (5) the following:

''(6) BRIDGES REQUIRING CLOSURE OR LOAD RESTRICTIONS.—

''(A) BRIDGES OWNED BY FEDERAL AGENCIES OR TRIBAL GOVERNMENTS.—If a Federal agency or tribal government fails to ensure that any highway bridge that is open to public travel and located in the jurisdiction of the Federal agency or tribal government is properly closed or restricted to loads that the bridge can carry safely, the Secretary—

''(i) shall, on learning of the need to close or restrict loads on the bridge, require the Federal agency or tribal government to take action necessary—

''(I) to close the bridge within 48 hours; or

''(II) within 30 days, to restrict public travel on the bridge to loads that the bridge can carry safely; and

''(ii) may, if the Federal agency or tribal government fails to take action required under clause (i), withhold all funding authorized under this title for the Federal agency or tribal government.''.

''(B) OTHER BRIDGES.—If a State fails to ensure that any highway bridge, other than a bridge described in subparagraph (A), that is open to public travel and is located within the boundaries of the State is properly closed or restricted to loads the bridge can carry safely, the Secretary—

''(i) shall, on learning of the need to close or restrict loads on the bridge, require the State to take action necessary—

''(I) to close the bridge within 48 hours; or

''(II) within 30 days, to restrict public travel on the bridge to loads that the bridge can carry safely; and

''(ii) may, if the State fails to take action required under clause (i), withhold approval for Federal-aid projects in that State.''; and

(3) in paragraph (8) (as redesignated by paragraph (1)), by striking ''(6)'' and inserting ''(7)''.

**SEC. 11022. NATIONAL ELECTRIC VEHICLE CHARGING AND NATURAL GAS FUELING CORRIDORS.**

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 150 the following:

**''§ 151. National electric vehicle charging and natural gas fueling corridors**

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the DRIVE Act, the Secretary shall designate national electric vehicle charging and natural gas fueling corridors that identify the near- and long-term need for, and location of, electric vehicle charging infrastructure and natural gas fueling infrastructure at strategic locations along major national highways to improve the mobility of passenger and commercial vehicles that employ electric and natural gas fueling technologies across the United States.

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

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

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

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

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

''(1) the heads of other Federal agencies;

''(2) State and local officials;

''(3) representatives of—

''(A) energy utilities;

''(B) the electric and natural gas vehicle industries;

''(C) the freight and shipping industry;

''(D) clean technology firms;

''(E) the hospitality industry;

''(F) the restaurant industry; and

''(G) highway rest stop vendors; and

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

''(d) REDESIGNATION.—Not later than 5 years after the date of establishment of the corridors under subsection (a), and every 5 years thereafter, the Secretary shall update and redesignate the corridors.

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

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

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

(b) CONFORMING AMENDMENT.—The analysis of chapter 1 of title 23, United States Code, is amended by striking the item relating to section 151 and inserting the following:

''151. National Electric Vehicle Charging and Natural Gas Fueling Corridors.''.

**SEC. 11023. ASSET MANAGEMENT.**

(a) Section 119 of title 23, United States Code, is amended—

(1) in subsection (f)(2)—

(A) in subparagraph (A), by striking ''structurally deficient'' and inserting ''being in poor condition''; and

(B) in subparagraph (B), by striking ''structurally deficient'' and inserting ''being in poor condition''; and

(2) by adding at the end the following:

''(h) CRITICAL INFRASTRUCTURE.—

''(1) DEFINITION OF CRITICAL INFRASTRUCTURE.—In this subsection, the term 'critical infrastructure' means those facilities the incapacity or failure of which would have a debilitating impact on national or regional economic security, national or regional energy security, national or regional public health or safety, or any combination of those matters.

''(2) DESIGNATION.—The asset management plan of a State developed pursuant to subsection (e) may include a designation of a critical infrastructure network of facilities from among those facilities in the State that are eligible under subsection (c).

''(3) RISK REDUCTION.—A State may use funds apportioned under this section for projects intended to reduce the risk of failure of facilities designated as being on the critical infrastructure network of the State.''.

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

(1) in subsection (a)(1)(B), by striking ''deficient''; and

(2) in subsection (b)(5), by striking ''each structurally deficient bridge'' and inserting ''each bridge in poor condition''.

(c) Section 202(d) of title 23, United States Code, is amended—

(1) in paragraph (1), by striking ''deficient'';

(2) in paragraph (2)(B), by striking ''deficient''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking the semicolon at the end and inserting ''; and'';

(B) in subparagraph (B), by striking ''; and'' at the end and inserting a period; and

(C) by striking subparagraph (C).

**SEC. 11024. TRIBAL TRANSPORTATION PROGRAM AMENDMENT.**

Section 202 of title 23, United States Code, is amended—

(1) in subsection (a)(6), by striking ''6 percent'' and inserting ''5 percent''; and

(2) in subsection (d)(2), in the matter preceding subparagraph (A) by striking ''2 percent'' and inserting ''3 percent''.

**SEC. 11025. NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM.**

(a) PURPOSE.—The Secretary shall establish a nationally significant Federal lands and tribal projects program (referred to in this section as the ''program'') to provide funding to construct, reconstruct, or rehabilitate nationally significant Federal lands and tribal transportation projects.

(b) ELIGIBLE APPLICANTS.—

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

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

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

(1) on a Federal lands transportation facility, a Federal lands access transportation facility, or a Tribal transportation facility (as those terms are defined in section 101 of title 23, United States Code), except that such facility is not required to be included on an inventory described in sections 202 or 203 of title 23, United States Code;

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

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

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

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

(3) having an estimated cost, based on the results of preliminary engineering, equal to or exceeding $25,000,0000, with priority consideration given to projects with an estimated cost equal to or exceeding $50,000,000.

(d) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Subject to paragraph (2), an eligible applicant receiving funds under the program may only use the funds for construction, reconstruction, and rehabilitation activities.

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

(e) APPLICATIONS.—Eligible applicants shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require.

(f) SELECTION CRITERIA.—In selecting a project to receive funds under the program, the Secretary shall consider the extent to which the project—

(1) furthers the goals of the Department, including state of good repair, environmental sustainability, economic competitiveness, quality of life, and safety;

(2) improves the condition of critical multimodal transportation facilities;

(3) needs construction, reconstruction, or rehabilitation;

(4) is included in or eligible for inclusion in the National Register of Historic Places;

(5) enhances environmental ecosystems;

(6) uses new technologies and innovations that enhance the efficiency of the project;

(7) is supported by funds, other than the funds received under the program, to construct, maintain, and operate the facility;

(8) spans 2 or more States; and

(9) serves land owned by multiple Federal agencies or Indian tribes.

(g) FEDERAL SHARE.—The Federal share of the cost of a project shall be 95 percent.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $150,000,000 for each of fiscal years 2016 through 2021, to remain available for a period of 3 fiscal years following the fiscal year for which the amounts were appropriated.

**SEC. 11026. FEDERAL LANDS PROGRAMMATIC ACTIVITIES.**

Section 201(c) of title 23, United States Code, is amended—

(1) in paragraph (6)(A)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(B) in the matter preceding subclause (I) (as so redesignated), by striking ''The Secretaries'' and inserting the following:

''(i) IN GENERAL.—The Secretaries'';

(C) by inserting a period after ''tribal transportation program''; and

(D) by striking ''in accordance with'' and all that follows through ''including—'' and inserting the following:

''(ii) REQUIREMENT.—Data collected to implement the tribal transportation program shall be in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(iii) INCLUSIONS.—Data collected under this paragraph includes—''; and

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

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

''(8) FUNDING.—

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

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

''(i) bridge inspections on any federally owned bridge even if that bridge is not included on the inventory described under section 203; and

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

**SEC. 11027. FEDERAL LANDS TRANSPORTATION PROGRAM.**

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

(1) in subsection (a)(1)—

(A) in subparagraph (B), by striking ''operation'' and inserting ''capital, operations,''; and

(B) in subparagraph (D), by striking ''subparagraph (A)(iv)'' and inserting ''subparagraph (A)(iv)(I)'';

(2) in subsection (b)—

(A) in paragraph (1)(B)—

(i) in clause (iv), by striking ''and'' at the end;

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

(iii) by adding at the end the following:

''(vi) the Bureau of Reclamation; and

''(vii) independent Federal agencies with natural resource and land management responsibilities.''; and

(B) in paragraph (2)(B), in the matter preceding clause (i), by inserting ''performance management, including'' after ''support''; and

(3) in subsection (c)(2)(B), by adding at the end the following:

''(vi) The Bureau of Reclamation.''.

**SEC. 11028. INNOVATIVE PROJECT DELIVERY.**

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

(1) in subparagraph (A)(ii)—

(A) by inserting ''engineering or design approaches,'' after ''technologies,''; and

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

(2) in subparagraph (B)(iii), by inserting ''and alternative bidding'' before the semicolon at the end.

**SEC. 11029. OBLIGATION AND RELEASE OF FUNDS.**

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

(1) in the matter preceding subparagraph (A), by striking ''Any funds'' and inserting the following:

''(A) IN GENERAL.—Any funds'';

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

(3) by adding at the end the following:

''(B) SAME CLASS OF FUNDS NO LONGER AUTHORIZED.—If the same class of funds described in subparagraph (A)(i) is no longer authorized in the most recent authorizing law, the funds may be credited to a similar class of funds, as determined by the Secretary.''.

**Subtitle B—Acceleration of Project Delivery**

**SEC. 11101. CATEGORICAL EXCLUSION FOR PROJECTS OF LIMITED FEDERAL ASSISTANCE.**

Section 1317 of MAP-21 (23 U.S.C. 109 note; Public Law 112–141) is amended—

(1) in the matter preceding paragraph (1), by striking ''Not later than'' and inserting the following:

''(a) IN GENERAL.—Not later than''; and

(2) by adding at the end the following:

''(b) INFLATIONARY ADJUSTMENT.—The dollar amounts described in subsection (a) shall be adjusted for inflation—

''(1) effective October 1, 2015, to reflect changes since July 1, 2012, in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor; and

''(2) effective October 1, 2016, and each succeeding October 1, to reflect changes for the preceding 12-month period in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''.

**SEC. 11102. PROGRAMMATIC AGREEMENT TEMPLATE.**

(a) IN GENERAL.—Section 1318 of MAP-21 (23 U.S.C. 109 note; Public Law 112–141) is amended by adding at the end the following:

''(e) PROGRAMMATIC AGREEMENT TEMPLATE.—

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

''(2) USE OF TEMPLATE.—The Secretary—

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

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

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

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

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

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

**SEC. 11103. AGENCY COORDINATION.**

(a) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—Section 139(c)(6) of title 23, United States Code, is amended—

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

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

(3) by adding at the end the following:

''(C) to consider and respond to comments received from participating agencies on matters within the special expertise or jurisdiction of the participating agencies.''.

(b) PARTICIPATING AGENCY RESPONSIBILITIES.—Section 139(d) of title 23, United States Code, is amended by adding at the end the following:

''(8) PARTICIPATING AGENCY RESPONSIBILITIES.—An agency participating in the collaborative environmental review process under this section shall—

''(A) provide comments, responses, studies, or methodologies on those areas within the special expertise or jurisdiction of the Federal participating or cooperating agency; and

''(B) use the process to address any environmental issues of concern to the participating or cooperating agency.''.

**SEC. 11104. INITIATION OF ENVIRONMENTAL REVIEW PROCESS.**

Section 139 of title 23, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and inserting the following:

''(6) PROJECT.—

''(A) IN GENERAL.—The term 'project' means any highway project, public transportation capital project, or multimodal project that, if implemented as proposed by the project sponsor, would require approval by any operating administration or secretarial office within the Department.

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

(2) in subsection (e)—

(A) in paragraph (1), by inserting ''(including any additional information that the project sponsor considers to be important to initiate the process for the proposed project)'' after ''location of the proposed project''; and

(B) by adding at the end the following:

''(3) REVIEW OF APPLICATION.—Not later than 45 days after the date on which an application is received by the Secretary under this subsection, the Secretary shall provide to the project sponsor a written response that, as applicable—

''(A) describes the determination of the Secretary—

''(i) to initiate the environmental review process, including a timeline and an expected date for the publication in the Federal Register of the relevant notice of intent; or

''(ii) to decline the application, including an explanation of the reasons for that decision; or

''(B) requests additional information, and provides to the project sponsor an accounting, regarding what is necessary to initiate the environmental review process.

''(4) REQUEST TO DESIGNATE A LEAD AGENCY.—

''(A) IN GENERAL.—Any project sponsor may submit a request to the Secretary to designate a specific operating administration or secretarial office within the Department of Transportation to serve as the Federal lead agency for a project.

''(B) PROPOSED SCHEDULE.—A request under subparagraph (A) may include a proposed schedule for completing the environmental review process.

''(C) SECRETARIAL ACTION.—

''(i) IN GENERAL.—If a request under subparagraph (A) is received, the Secretary shall respond to the request not later than 45 days after the date of receipt.

''(ii) REQUIREMENTS.—The response shall—

''(I) approve the request;

''(II) deny the request, with an explanation of the reasons; or

''(III) require the submission of additional information.

''(iii) ADDITIONAL INFORMATION.—If additional information is submitted in accordance with clause (ii)(III), the Secretary shall respond to that submission not later than 45 days after the date of receipt.''; and

(3) in subsection (f)(4), by adding at the end the following:

''(E) REDUCTION OF DUPLICATION.—

''(i) IN GENERAL.—In carrying out this paragraph, the lead agency shall reduce duplication, to the maximum extent practicable, between—

''(I) the evaluation of alternatives under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(II) the evaluation of alternatives in the metropolitan transportation planning process under section 134 of title 23, United States Code, or an environmental review process carried out under State law (referred to in this subparagraph as a 'State environmental review process').

''(ii) CONSIDERATION OF ALTERNATIVES.—The lead agency may eliminate from detailed consideration an alternative proposed in an environmental impact statement regarding a project if, as determined by the lead agency—

''(I) the alternative was considered in a metropolitan planning process or a State environmental review process by a metropolitan planning organization or a State or local transportation agency, as applicable;

''(II) the lead agency provided guidance to the metropolitan planning organization or State or local transportation agency, as applicable, regarding analysis of alternatives in the metropolitan planning process or State environmental review process, including guidance on the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other requirements of Federal law necessary for approval of the project;

''(III) the applicable metropolitan planning process or State environmental review process included an opportunity for public review and comment;

''(IV) the applicable metropolitan planning organization or State or local transportation agency rejected the alternative after considering public comments;

''(V) the Federal lead agency independently reviewed the alternative evaluation approved by the applicable metropolitan planning organization or State or local transportation agency; and

''(VI) the Federal lead agency has determined—

''(aa) in consultation with Federal participating or cooperating agencies, that the alternative to be eliminated from consideration is not necessary for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

''(bb) with the concurrence of Federal agencies with jurisdiction over a permit or approval required for a project, that the alternative to be eliminated from consideration is not necessary for any permit or approval under any other Federal law.''.

**SEC. 11105. IMPROVING COLLABORATION FOR ACCELERATED DECISION MAKING.**

(a) COORDINATION AND SCHEDULING.—Section 139(g)(1)(B)(i) of title 23, United States Code, is amended—

(1) by striking ''The lead agency'' and inserting ''For a project requiring an environmental impact statement or environmental assessment, the lead agency''; and

(2) by striking ''may'' and inserting ''shall''.

(b) ISSUE IDENTIFICATION AND RESOLUTION.—Section 139(h) of title 23, United States Code, is amended—

(1) in paragraph (4)(C), by striking ''paragraph (5) and'' and inserting ''paragraph (5)'';

(2) in paragraph (5)(A)(ii)(I), by inserting '', including modifications to the project schedule'' after ''review process''; and

(3) in paragraph (6)(B), by striking clause (ii) and inserting the following:

''(ii) DESCRIPTION OF DATE.—The date referred to in clause (i) is 1 of the following:

''(I) The date that is 30 days after the date for rendering a decision as described in the project schedule established pursuant to subsection (g)(1)(B).

''(II) If no schedule exists, the later of—

''(aa) the date that is 180 days after the date on which an application for the permit, license or approval is complete; or

''(bb) the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(III) A modified date consistent with subsection (g)(1)(D).''.

**SEC. 11106. ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.**

(a) IN GENERAL.—Section 139 of title 23, United States Code, is amended by adding at the end the following:

''(n) ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.—

''(1) IN GENERAL.—In preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the lead agency modifies the statement in response to comments that are minor and are confined to factual corrections or explanations regarding why the comments do not warrant additional agency response, the lead agency may write on errata sheets attached to the statement instead of rewriting the draft statement, subject to the condition that the errata sheets shall—

''(A) cite the sources, authorities, or reasons that support the position of the lead agency; and

''(B) if appropriate, indicate the circumstances that would trigger agency reappraisal or further response.

''(2) INCORPORATION.—To the maximum extent practicable, the lead agency shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, unless—

''(A) the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or

''(B) there are significant new circumstances or information that—

''(i) are relevant to environmental concerns; and

''(ii) bear on the proposed action or the impacts of the proposed action.''.

(b) REPEAL.—Section 1319 of MAP–21 (42 U.S.C. 4332a) is repealed.

**SEC. 11107. IMPROVING TRANSPARENCY IN ENVIRONMENTAL REVIEWS.**

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

''(o) REVIEWS, APPROVALS, AND PERMITTING PLATFORM.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall establish an online platform and, in coordination with agencies described in paragraph (2), issue reporting standards to make publicly available the status of reviews, approvals, and permits required for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other applicable Federal laws for projects and activities requiring an environmental assessment or an environmental impact statement.

''(2) FEDERAL AGENCY PARTICIPATION.—A Federal agency of jurisdiction over a review, approval, or permit described in paragraph (1) shall provide status information in accordance with the standards established by the Secretary under paragraph (1).

''(3) STATE RESPONSIBILITIES.—A State that is assigned and assumes responsibilities under section 326 or 327 shall provide applicable status information in accordance with standards established by the Secretary under paragraph (1).''.

**SEC. 11108. INTEGRATION OF PLANNING AND ENVIRONMENTAL REVIEW.**

Section 168 of title 23, United States Code, is amended to read as follows:

**''§ 168. Integration of planning and environmental review**

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

''(1) ENVIRONMENTAL REVIEW PROCESS.—The term 'environmental review process' means the process for preparing for a project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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

''(3) PLANNING PRODUCT.—The term 'planning product' means a decision, analysis, study, or other documented information that is the result of an evaluation or decision-making process carried out by a metropolitan planning organization or a State, as appropriate, during metropolitan or statewide transportation planning under section 134 or 135, respectively.

''(4) PROJECT.—The term 'project' has the meaning given the term in section 139(a).

''(b) ADOPTION OF PLANNING PRODUCTS FOR USE IN NEPA PROCEEDINGS.—

''(1) IN GENERAL.—Subject to subsection (d), the Federal lead agency for a project may adopt and use a planning product in proceedings relating to any class of action in the environmental review process of the project.

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

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

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

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

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

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

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

''(c) APPLICABILITY.—

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

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

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

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

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

''(E) a basic description of the environmental setting;

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

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

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

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

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

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

''(A) travel demands;

''(B) regional development and growth;

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

''(D) population and employment;

''(E) natural and built environmental conditions;

''(F) environmental resources and environmentally sensitive areas;

''(G) potential environmental effects, including the identification of resources of concern and potential indirect and cumulative effects on those resources; and

''(H) mitigation needs for a proposed action, or for programmatic level mitigation, for potential effects that the Federal lead agency determines are most effectively addressed at a regional or national program level.

''(d) CONDITIONS.—The lead agency in the environmental review process may adopt and use a planning product under this section if the lead agency determines, with the concurrence of other participating agencies with relevant expertise and project sponsors, as appropriate, that the following conditions have been met:

''(1) The planning product was developed through a planning process conducted pursuant to applicable Federal law.

''(2) The planning product was developed in consultation with appropriate Federal and State resource agencies and Indian tribes.

''(3) The planning process included broad multidisciplinary consideration of systems-level or corridor-wide transportation needs and potential effects, including effects on the human and natural environment.

''(4) The planning process included public notice that the planning products produced in the planning process may be adopted during a subsequent environmental review process in accordance with this section.

''(5) During the environmental review process, the lead agency has—

''(A) made the planning documents available for public review and comment;

''(B) provided notice of the intention of the lead agency to adopt the planning product; and

''(C) considered any resulting comments.

''(6) There is no significant new information or new circumstance that has a reasonable likelihood of affecting the continued validity or appropriateness of the planning product.

''(7) The planning product has a rational basis and is based on reliable and reasonably current data and reasonable and scientifically acceptable methodologies.

''(8) The planning product is documented in sufficient detail to support the decision or the results of the analysis and to meet requirements for use of the information in the environmental review process.

''(9) The planning product is appropriate for adoption and use in the environmental review process for the project and is incorporated in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 1502.21 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the DRIVE Act).

''(e) EFFECT OF ADOPTION.—Any planning product adopted by the Federal lead agency in accordance with this section may be—

''(1) incorporated directly into an environmental review process document or other environmental document; and

''(2) relied on and used by other Federal agencies in carrying out reviews of the project.

''(f) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—This section does not make the environmental review process applicable to the transportation planning process conducted under this title and chapter 53 of title 49.

''(2) TRANSPORTATION PLANNING ACTIVITIES.—Initiation of the environmental review process as a part of, or concurrently with, transportation planning activities does not subject transportation plans and programs to the environmental review process.

''(3) PLANNING PRODUCTS.—This section does not affect the use of planning products in the environmental review process pursuant to other authorities under any other provision of law or restrict the initiation of the environmental review process during planning.''.

**SEC. 11109. USE OF PROGRAMMATIC MITIGATION PLANS.**

Section 169(f) of title 23, United States Code, is amended—

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

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

**SEC. 11110. ADOPTION OF DEPARTMENTAL ENVIRONMENTAL DOCUMENTS.**

(a) IN GENERAL.—Title 49, United States Code, is amended by inserting after section 306 the following:

**''§ 307. Adoption of Departmental environmental documents**

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

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

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

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

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by striking the item relating to section 307 and inserting the following:

''Sec. 307. Adoption of Departmental environmental documents.''.

**SEC. 11111. TECHNICAL ASSISTANCE FOR STATES.**

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

(1) in subsection (c)—

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

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

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

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

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

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

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

''(1) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of any State in the program, if—

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

''(B) the Secretary provides to the State—

''(i) a notification of the determination of noncompliance;

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

''(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

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

**SEC. 11112. SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM.**

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

''(1) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of any State in the program if—

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

''(B) the Secretary provides to the State—

''(i) a notification of the determination of noncompliance;

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

''(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

''(C) the State, after the notification and period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by the Secretary.''.

**SEC. 11113. CATEGORICAL EXCLUSIONS FOR MULTIMODAL PROJECTS.**

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

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

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

(1) in subsection (a)—

(A) in paragraph (1), by striking ''operating authority that is not the lead authority with respect to a project'' and inserting ''operating administration or secretarial office that has expertise but is not the lead authority with respect to a proposed multimodal project''; and

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

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

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

(3) in subsection (c)—

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

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

(ii) by striking ''other components of the'' and inserting ''a proposed multimodal''; and

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

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

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

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

''(4) the lead authority determines that—

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

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

(4) by striking subsection (d) and inserting the following:

''(d) COOPERATIVE AUTHORITY EXPERTISE.—A cooperating authority shall provide expertise to the lead authority on aspects of the multimodal project in which the cooperating authority has expertise.''.

**SEC. 11114. MODERNIZATION OF THE ENVIRONMENTAL REVIEW PROCESS.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall examine ways to modernize, simplify, and improve the implementation of the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.) by the Department.

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

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

(A) searchable databases;

(B) geographic information system mapping tools;

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

(D) other innovative technologies;

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

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

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

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the review carried out under subsection (a).

**SEC. 11115. SERVICE CLUB, CHARITABLE ASSOCIATION, OR RELIGIOUS SERVICE SIGNS.**

Notwithstanding section 131 of title 23, United States Code, and part 750 of title 23, Code of Federal Regulations (or successor regulations), a State may allow the maintenance of a sign of a service club, charitable association, or religious service that was erected as of the date of enactment of this Act, the area of which is less than or equal to 32 square feet, if the State notifies the Federal Highway Administration.

**SEC. 11116. SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES.**

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

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

''(1) IN GENERAL.—The Secretary shall—

''(A) align, to the maximum extent practicable, with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.) and section 306108 of title 54, including implementing regulations; and

''(B) not later than 90 days after the date of enactment of this subsection, coordinate with the Secretary of the Interior and the Executive Director of the Advisory Council on Historic Preservation (referred to in this subsection as the 'Council') to establish procedures to satisfy the requirements described in subparagraph (A) (including regulations).

''(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

''(A) IN GENERAL.—If, in an analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.), the Secretary determines that there is no feasible or prudent alternative to avoid use of an historic site, the Secretary may—

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

''(ii) provide a notice of the determination to—

''(I) each applicable State historic preservation officer and tribal historic preservation officer;

''(II) the Council, if the Council is participating in the consultation process under section 306108 of title 54; and

''(III) the Secretary of the Interior; and

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

''(B) CONCURRENCE.—If the applicable preservation officer, the Council, and the Secretary of the Interior each provide a concurrence requested under subparagraph (A)(iii), no further analysis under subsection (a)(1) shall be required.

''(C) PUBLICATION.—A notice of a determination, together with each relevant concurrence to that determination, under subparagraph (A) shall be—

''(i) included in the record of decision or finding of no significant impact of the Secretary; and

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

''(3) ALIGNING HISTORICAL REVIEWS.—

''(A) IN GENERAL.—If the Secretary, the applicable preservation officer, the Council, and the Secretary of the Interior concur that no feasible and prudent alternative exists as described in paragraph (2), the Secretary may provide to the applicable preservation officer, the Council, and the Secretary of the Interior notice of the intent of the Secretary to satisfy the requirements of subsection (a)(2) through the consultation requirements of section 306108 of title 54.

''(B) SATISFACTION OF CONDITIONS.—To satisfy the requirements of subsection (a)(2), each individual described in paragraph (2)(A)(ii) shall concur in the treatment of the applicable historic site described in the memorandum of agreement or programmatic agreement developed under section 306108 of title 54.''.

(b) PUBLIC TRANSPORTATION.—Section 303 of title 49, United States Code, is amended—

(1) in subsection (c), in the matter preceding paragraph (1), by striking ''subsection (d)'' and inserting ''subsections (d) and (e)''; and

(2) by adding at the end the following:

''(e) SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES.—

''(1) IN GENERAL.—The Secretary shall—

''(A) align, to the maximum extent practicable, the requirements of this section with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.) and section 306108 of title 54, including implementing regulations; and

''(B) not later than 90 days after the date of enactment of this subsection, coordinate with the Secretary of the Interior and the Executive Director of the Advisory Council on Historic Preservation (referred to in this subsection as the 'Council') to establish procedures to satisfy the requirements described in subparagraph (A) (including regulations).

''(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

''(A) IN GENERAL.—If, in an analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.), the Secretary determines that there is no feasible or prudent alternative to avoid use of an historic site, the Secretary may—

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

''(ii) provide a notice of the determination to—

''(I) each applicable State historic preservation officer and tribal historic preservation officer;

''(II) the Council, if the Council is participating in the consultation process under section 306108 of title 54; and

''(III) the Secretary of the Interior; and

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

''(B) CONCURRENCE.—If the applicable preservation officer, the Council, and the Secretary of the Interior each provide a concurrence requested under subparagraph (A)(iii), no further analysis under subsection (a)(1) shall be required.

''(C) PUBLICATION.—A notice of a determination, together with each relevant concurrence to that determination, under subparagraph (A) shall be—

''(i) included in the record of decision or finding of no significant impact of the Secretary; and

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

''(3) ALIGNING HISTORICAL REVIEWS.—

''(A) IN GENERAL.—If the Secretary, the applicable preservation officer, the Council, and the Secretary of the Interior concur that no feasible and prudent alternative exists as described in paragraph (2), the Secretary may provide to the applicable preservation officer, the Council, and the Secretary of the Interior notice of the intent of the Secretary to satisfy the requirements of subsection (c)(2) through the consultation requirements of section 306108 of title 54.

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

**SEC. 11117. BRIDGE EXEMPTION FROM CONSIDERATION UNDER CERTAIN PROVISIONS.**

(a) PRESERVATION OF PARKLANDS.—Section 138 of title 23, United States Code, as amended by section 11116, is amended by adding at the end the following:

''(d) BRIDGE EXEMPTION FROM CONSIDERATION.—A common post-1945 concrete or steel bridge or culvert (as described in 77 Fed. Reg. 68790) that is exempt from individual review under section 306108 of title 54, United States Code, shall be exempt from consideration under this section.''.

(b) POLICY ON LANDS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORIC SITES.—Section 303 of title 49, United States Code, as amended by section 11116, is amended by adding at the end the following:

''(f) BRIDGE EXEMPTION FROM CONSIDERATION.—A common post-1945 concrete or steel bridge or culvert (as described in 77 Fed. Reg. 68790) that is exempt from individual review under section 306108 of title 54, United States Code, shall be exempt from consideration under this section.''.

**SEC. 11118. ELIMINATION OF BARRIERS TO IMPROVE AT-RISK BRIDGES.**

(a) TEMPORARY AUTHORIZATION.—

(1) IN GENERAL.—Until the Secretary of the Interior takes the action described in subsection (b), the take of nesting swallows to facilitate a construction project on a bridge eligible for funding under title 23, United States Code, with any component condition rating of 3 or less (as defined by the National Bridge Inventory General Condition Guidance issued by the Federal Highway Administration) is authorized under the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) between April 1 and August 31.

(2) MEASURES TO MINIMIZE IMPACTS.—

(A) NOTIFICATION BEFORE TAKING.—Prior to the taking of nesting swallows authorized under paragraph (1), any person taking that action shall submit to the Secretary of the Interior a document that contains—

(i) the name of the person acting under the authority of paragraph (1) to take nesting swallows;

(ii) a list of practicable measures that will be undertaken to minimize or mitigate significant adverse impacts on the population of that species;

(iii) the time period during which activities will be carried out that will result in the taking of that species; and

(iv) an estimate of the number of birds, by species, to be taken in the proposed action.

(B) NOTIFICATION AFTER TAKING.—Not later than 60 days after the taking of nesting swallows authorized under paragraph (1), any person taking that action shall submit to the Secretary of the Interior a document that contains the number of birds, by species, taken in the action.

(b) AUTHORIZATION OF TAKE.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary, shall promulgate a regulation under the authority of section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) authorizing the take of nesting swallows to facilitate bridge repair, maintenance, or construction—

(A) without individual permit requirements; and

(B) under terms and conditions determined to be consistent with treaties relating to migratory birds that protect swallow species occurring in the United States.

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

(c) SUSPENSION OR WITHDRAWAL OF TAKE AUTHORIZATION.—If the Secretary of the Interior, in consultation with the Secretary, determines that taking of nesting swallows carried out under the authority provided in subsection (a)(1) is having a significant adverse impact on swallow populations, the Secretary of the Interior may suspend that authority through publication in the Federal Register.

**SEC. 11119. AT-RISK PROJECT PREAGREEMENT AUTHORITY.**

(a) DEFINITION OF PRELIMINARY ENGINEERING.—In this section, the term ''preliminary engineering'' means allowable preconstruction project development and engineering costs.

(b) AT-RISK PROJECT PREAGREEMENT AUTHORITY.—A recipient or subrecipient of Federal-aid funds under title 23, United States Code, may—

(1) incur preliminary engineering costs for an eligible project under title 23, United States Code, before receiving project authorization from the State, in the case of a subrecipient, and the Secretary to proceed with the project; and

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

(c) ELIGIBILITY.—The Secretary may reimburse preliminary engineering costs incurred by a recipient or subrecipient under subsection (b)—

(1) if the costs meet all applicable requirements under title 23, United States Code, at the time the costs are incurred and the Secretary concurs that the requirements have been met;

(2) in the case of a project located within a designated nonattainment or maintenance area for air quality, if the conformity requirements of the Clean Air Act (42 U.S.C. 7401 et seq.) have been met; and

(3) if the costs would have been allowable if incurred after the date of the project authorization by the Department.

(d) AT-RISK.—A recipient or subrecipient that elects to use the authority provided under this section shall—

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

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

(e) RESTRICTIONS.—Nothing in this section—

(1) allows a recipient or subrecipient to use the authority under this section to advance a project beyond preliminary engineering prior to the completion of the environmental review process;

(2) waives the applicability of Federal requirements to a project other than the reimbursement of preliminary engineering costs incurred prior to an authorization to proceed in accordance with this section; or

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

**Subtitle C—Miscellaneous**

**SEC. 11201. CREDITS FOR UNTAXED TRANSPORTATION FUELS.**

(a) DEFINITION OF QUALIFIED REVENUES.—In this section, the term ''qualified revenues'' means any amounts—

(1) collected by a State—

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

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

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

(b) CREDIT.—

(1) IN GENERAL.—Subject to paragraph (2), if a State contributes qualified revenues to cover not less than 5 percent of the total cost of a project eligible for assistance under this title, the Federal share payable for the project under this section may be increased by an amount that is—

(A) equal to the percent of the total cost of the project from contributed qualified revenues; but

(B) not more than 5 percent of the total cost of the project.

(2) EXPIRATION.—The authorization of an increased Federal share for a project pursuant to paragraph (1) expires on September 30, 2023.

(c) STUDY.—

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

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

**SEC. 11202. JUSTIFICATION REPORTS FOR ACCESS POINTS ON THE INTERSTATE SYSTEM.**

Section 111(e) of title 23, United States Code, is amended by inserting ''(including new or modified freeway-to-crossroad interchanges inside a transportation management area)'' after ''the Interstate System''.

**SEC. 11203. EXEMPTIONS.**

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

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

''(1) the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle; and

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

''(n) EMERGENCY VEHICLES.—

''(1) DEFINITION OF EMERGENCY VEHICLE.—In this subsection, the term 'emergency vehicle' means a vehicle designed to be used under emergency conditions—

''(A) to transport personnel and equipment; and

''(B) to support the suppression of fires and mitigation of other hazardous situations.

''(2) EMERGENCY VEHICLE WEIGHT LIMIT.—Notwithstanding subsection (a), a State shall not enforce against an emergency vehicle a vehicle weight limit (up to a maximum gross vehicle weight of 86,000 pounds) of less than—

''(A) 24,000 pounds on a single steering axle;

''(B) 33,500 pounds on a single drive axle;

''(C) 62,000 pounds on a tandem axle; or

''(D) 52,000 pounds on a tandem rear drive steer axle.

''(o) OPERATION OF CERTAIN SPECIALIZED VEHICLES ON CERTAIN HIGHWAYS IN THE STATE OF ARKANSAS.—If any segment of United States Route 63 between the exits for highways 14 and 75 in the State of Arkansas is designated as part of the Interstate System—

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

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

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

Section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031) is amended—

(1) in subsection (c) (105 Stat. 2032; 112 Stat. 190; 119 Stat. 1213)—

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

''(13) Raleigh-Norfolk Corridor from Raleigh, North Carolina, through Rocky Mount, Williamston and Elizabeth City, North Carolina, to Norfolk, Virginia.'';

(B) in paragraph (18)(D)—

(i) in clause (ii), by striking ''and'' at the end;

(ii) in clause (iii), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(iv) include Texas State Highway 44 from United States Route 59 at Freer, Texas, to Texas State Highway 358.''; and

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

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

''(A) in the case of the Washoe County Corridor, along Interstate Route 580/United States Route 95/United States Route 95A, from Reno, Nevada, to Las Vegas, Nevada; and

''(B) in the case of the Intermountain West Corridor, from the vicinity of Las Vegas extending north along United States Route 95, terminating at Interstate Route 80.''; and

(D) by adding at the end the following:

''(81) United States Route 117/Interstate Route 795 from United States Route 70 in Goldsboro, Wayne County, North Carolina, to Interstate Route 40 west of Faison, Sampson County, North Carolina.

''(82) United States Route 70 from its intersection with Interstate Route 40 in Garner, Wake County, North Carolina, to the Port at Morehead City, Carteret County, North Carolina.

''(83) The Central Texas Corridor commencing at the logical terminus of Interstate 10, and generally following portions of United States Route 190 eastward passing in the vicinity Fort Hood, Killeen, Belton, Temple, Bryan, College Station, Huntsville, Livingston, Woodville, and to the logical terminus of Texas Highway 63 at the Sabine River Bridge at Burrs Crossing.'';

(2) in subsection (e)(5)—

(A) in subparagraph (A) (109 Stat. 597; 118 Stat. 293; 119 Stat. 1213), in the first sentence—

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

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

(iii) by striking ''and subsection (c)(57)'' and inserting ''subsection (c)(57), subsection (c)(68)(B), subsection (c)(81), and subsection (c)(82)''; and

(B) in subparagraph (C)(i) (109 Stat. 598; 126 Stat. 427), by striking the last sentence and inserting ''The routes referred to in subparagraphs (A) and (B)(i) of subsection (c)(26) and in subsection (c)(68)(B) are designated as Interstate Route I–11.''.

**SEC. 11205. REPEAT INTOXICATED DRIVER LAW.**

Section 164(a)(4) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by inserting ''or combination of laws'' after ''means a State law''.

**SEC. 11206. VEHICLE-TO-INFRASTRUCTURE EQUIPMENT.**

(a) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—Section 119(d)(2)(L) of title 23, United States Code, is amended by inserting '', including the installation of interoperable vehicle-to-infrastructure communication equipment'' after ''capital improvements''.

(b) SURFACE TRANSPORTATION PROGRAM.—Section 133(b)(16) of title 23, United States Code, by inserting '', including the installation of interoperable vehicle-to-infrastructure communication equipment'' after ''capital improvements''.

**SEC. 11207. RELINQUISHMENT.**

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

**SEC. 11208. TRANSFER AND SALE OF TOLL CREDITS.**

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

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

(A) is eligible to use a credit under section 120(i) of title 23, United States Code; and

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

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

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

(c) PURPOSES.—The purposes of the pilot program established under subsection (b) are—

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

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

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

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

(d) SELECTION OF ELIGIBLE STATES.—

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

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

(e) TRANSFER OR SALE OF CREDITS.—

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

(2) USE OF CREDITS BY TRANSFEREE OR PURCHASER.—A recipient State may use a credit received under paragraph (1) toward the non-Federal share requirement for any funds made available to carry out title 23 or chapter 53 of title 49, United States Code.

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

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

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

(h) NOTIFICATION.—Not later than 30 days after the date on which a credit is transferred or sold under subsection (e)(1), the eligible State shall submit to the Secretary in writing a notification of the transfer or sale.

(i) REPORTING REQUIREMENTS.—

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

(2) STATE REPORT.—

(A) REPORT BY ELIGIBLE STATE.—Not later than 30 days after a purchase or sale under subsection (e)(1), an eligible State shall submit to the Secretary a report that describes—

(i) information on the transaction;

(ii) the amount of cash received and the value of toll credits sold;

(iii) the intended use of the cash; and

(iv) an update on the remaining toll credit balance of the State.

(B) REPORT BY RECIPIENT STATE.—Not later than 30 days after a purchase or sale under subsection (e)(1), a recipient State shall submit to the Secretary a report that describes—

(i) the value of toll credits purchased;

(ii) the anticipated use of the toll credits; and

(iii) plans for maintaining maintenance of effort for spending on Federal-aid highways projects.

(3) ANNUAL REPORT.—Not later than 1 year after the date on which the pilot program under subsection (b) is established and each year thereafter that the pilot program is in effect, the Secretary shall—

(A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(i) determines whether a toll credit marketplace is viable;

(ii) describes the buying and selling activities of the pilot program;

(iii) describes the monetary value of toll credits;

(iv) determines whether the pilot program could be expanded to more States or all States; and

(v) provides updated information on the toll credit balance accumulated by each State; and

(B) make the report described in subparagraph (A) publicly available on the website of the Department.

(j) TERMINATION.—The Secretary may terminate the program established under this section or the participation of any State in the program if the Secretary determines that the program is not serving a public benefit.

**SEC. 11209. REGIONAL INFRASTRUCTURE ACCELERATOR DEMONSTRATION PROGRAM.**

(a) IN GENERAL.—The Secretary shall establish a regional infrastructure demonstration program (referred to in this section as the ''program'') to assist entities in developing improved infrastructure priorities and financing strategies for the accelerated development of a project that is eligible for funding under the TIFIA program under chapter 6 of title 23, United States Code.

(b) DESIGNATION OF REGIONAL INFRASTRUCTURE ACCELERATORS.—In carrying out the program, the Secretary may designate regional infrastructure accelerators that will—

(1) serve a defined geographic area; and

(2) act as a resource in the geographic area to qualified entities in accordance with this section.

(c) APPLICATION.—To be eligible for a designation under subsection (b), a proposed regional infrastructure accelerator shall submit to the Secretary a proposal at such time, in such manner, and containing such information as the Secretary may require.

(d) CRITERIA.—In evaluating a proposal submitted under subsection (c), the Secretary shall consider—

(1) the need for geographic diversity among regional infrastructure accelerators; and

(2) the ability of the proposal to promote investment in covered infrastructure projects, which shall include a plan—

(A) to evaluate and promote innovative financing methods for local projects, including the use of the TIFIA program under chapter 6 of title 23, United States Code;

(B) to build capacity of State, local, and tribal governments to evaluate and structure projects involving the investment of private capital;

(C) to provide technical assistance and information on best practices with respect to financing the projects;

(D) to increase transparency with respect to infrastructure project analysis and using innovative financing for public infrastructure projects;

(E) to deploy predevelopment capital programs designed to facilitate the creation of a pipeline of infrastructure projects available for investment;

(F) to bundle smaller-scale and rural projects into larger proposals that may be more attractive for investment; and

(G) to reduce transaction costs for public project sponsors.

(e) ANNUAL REPORT.—Not less frequently than once each year, the Secretary shall submit to Congress a report that describes the findings and effectiveness of the program.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $12,000,000, of which the Secretary shall use—

(1) $11,750,000 for initial grants to regional infrastructure accelerators under subsection (b); and

(2) $250,000 for administrative costs of carrying out the program.

**SEC. 11210. SONORAN CORRIDOR INTERSTATE DEVELOPMENT.**

(a) FINDINGS.—Congress finds that the designation of the Sonoran Corridor Interstate connecting Interstate 19 to Interstate 10

south of the Tucson International Airport as a future part of the Interstate System would—

(1) enhance direct linkage between major trading routes connecting growing ports, agricultural regions, infrastructure and manufacturing centers, and existing high priority corridors of the National Highway System; and

(2) significantly improve connectivity on the future Interstate 11 and the CANAMEX Corridor, a route directly linking the United States with Mexico and Canada.

(b) HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1210) (as amended by section 11204) is amended by adding at the end the following:

''(84) State Route 410, the Sonoran Corridor connecting Interstate 19 to Interstate 10 south of the Tucson International Airport.''.

(c) FUTURE PARTS OF INTERSTATE SYSTEM.—Section 1105(e)(5)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033; 119 Stat. 1213) (as amended by section 11204) is amended in the first sentence by striking ''and subsection (c)(82)'' and inserting ''subsection (c)(82), and subsection (c)(84)''.

## TITLE II—TRANSPORTATION INNOVATION

### Subtitle A—Research

**SEC. 12001. RESEARCH, TECHNOLOGY, AND EDUCATION.**

(a) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—Section 503(b)(3) of title 23, United States Code, is amended—

(1) in subparagraph (C)—

(A) in clause (xviii), by striking ''and'' at the end;

(B) in clause (xix), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(xx) accelerated mobile, highway-speed, bridge inspection methods that provide quantitative data-driven decisionmaking capabilities without requiring lane closures; and

''(xxi) innovative segmental wall technology for soil bank stabilization and roadway sound attenuation, and articulated technology for hydraulic sheer-resistant erosion control.''; and

(2) in subparagraph (D)(i), by inserting ''and section 119(e)'' after ''this subparagraph''.

(b) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—Section 503(c) of title 23, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''carry out'' and inserting ''establish and implement'';

(2) in paragraph (2)—

(A) in subparagraph (B), by striking clause (i) and inserting the following:

''(i) use not less than 50 percent of the funds authorized to carry out this subsection to make grants to, and enter into cooperative agreements and contracts with, States, other Federal agencies, local governments, metropolitan planning organizations, institutions of higher education, private sector entities, and nonprofit organizations to carry out demonstration programs that will accelerate the deployment and adoption of transportation research activities;'';

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

''(C) INNOVATION GRANTS.—

''(i) IN GENERAL.—In carrying out the program established under subparagraph (B)(i), the Secretary shall establish a transparent competitive process in which entities described in subparagraph (B)(i) may submit an application to receive a grant under this subsection.

''(ii) PUBLICATION OF APPLICATION PROCESS.—A description of the application process established by the Secretary shall—

''(I) be posted on a public website;

''(II) identify the information required to be included in the application; and

''(III) identify the criteria by which the Secretary shall select grant recipients.

''(iii) SUBMISSION OF APPLICATION.—To receive a grant under this paragraph, an entity described in subparagraph (B)(i) shall submit an application to the Secretary.

''(iv) SELECTION AND APPROVAL.—The Secretary shall select and approve an application submitted under clause (iii) based on whether the project described in the application meets the goals of the program described in paragraph (1).''; and

(3) in paragraph (3)(C), by striking ''each of fiscal years 2013 through 2014'' and inserting ''each fiscal year''.

(c) CONFORMING AMENDMENT.—Section 505(c)(1) of title 23, United States Code, is amended by striking ''section 503(c)(2)(C)'' and inserting ''section 503 (c)(2)(D)''.

**SEC. 12002. INTELLIGENT TRANSPORTATION SYSTEMS.**

(a) INTELLIGENT TRANSPORTATION SYSTEMS DEPLOYMENT.—Section 513 of title 23, United States Code, is amended by adding at the end the following:

''(d) SYSTEM OPERATIONS AND ITS DEPLOYMENT GRANT PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a competitive grant program to accelerate the deployment, operation, systems management, intermodal integration, and interoperability of the ITS program and ITS-enabled operational strategies—

''(A) to measure and improve the performance of the surface transportation system;

''(B) to reduce traffic congestion and the economic and environmental impacts of traffic congestion;

''(C) to minimize fatalities and injuries;

''(D) to enhance mobility of people and goods;

''(E) to improve traveler information and services; and

''(F) to optimize existing roadway capacity.

''(2) APPLICATION.—To be eligible for a grant under this subsection, an eligible entity shall submit an application to the Secretary that includes—

''(A) a plan to deploy and provide for the long-term operation and maintenance of intelligent transportation systems to improve safety, efficiency, system performance, and return on investment, such as—

''(i) autonomous vehicle communication technologies;

''(ii) vehicle-to-vehicle or vehicle-to-infrastructure communication technologies;

''(iii) real-time integrated traffic, transit, and multimodal transportation information;

''(iv) advanced traffic, freight, parking, and incident management systems;

''(v) advanced technologies to improve transit and commercial vehicle operations;

''(vi) synchronized, adaptive, and transit preferential traffic signals;

''(vii) advanced infrastructure condition assessment technologies; and

''(viii) other technologies to improve system operations, including ITS applications necessary for multimodal systems integration and for achieving performance goals;

''(B) quantifiable system performance improvements, including—

''(i) reductions in traffic-related crashes, congestion, and costs;

''(ii) optimization of system efficiency; and

''(iii) improvement of access to transportation services;

''(C) quantifiable safety, mobility, and environmental benefit projections, including data-driven estimates of the manner in which the project will improve the efficiency of the transportation system and reduce traffic congestion in the region;

''(D) a plan for partnering with the private sector, including telecommunications industries and public service utilities, public agencies (including multimodal and multijurisdictional entities), research institutions, organizations representing transportation and technology leaders, and other transportation stakeholders;

''(E) a plan to leverage and optimize existing local and regional ITS investments; and

''(F) a plan to ensure interoperability of deployed technologies with other tolling, traffic management, and intelligent transportation systems.

''(3) SELECTION.—

''(A) IN GENERAL.—Effective beginning not later than 1 year after the date of enactment of the DRIVE Act, the Secretary may provide grants to eligible entities under this subsection.

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

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

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

''(A) the deployment of autonomous vehicle communication technologies;

''(B) the deployment of vehicle-to-vehicle or vehicle-to-infrastructure communication technologies;

''(C) the establishment and implementation of ITS and ITS-enabled operations strategies that improve performance in the areas of—

''(i) traffic operations;

''(ii) emergency response to surface transportation incidents;

''(iii) incident management;

''(iv) transit and commercial vehicle operations improvements;

''(v) weather event response management by State and local authorities;

''(vi) surface transportation network and facility management;

''(vii) construction and work zone management;

''(viii) traffic flow information;

''(ix) freight management; and

''(x) congestion management;

''(D) carrying out activities that support the creation of networks that link metropolitan and rural surface transportation systems into an integrated data network, capable of collecting, sharing, and archiving transportation system traffic condition and performance information;

''(E) the implementation of intelligent transportation systems and technologies that improve highway safety through information and communications systems linking vehicles, infrastructure, mobile devices, transportation users, and emergency responders;

''(F) the provision of services necessary to ensure the efficient operation and management of ITS infrastructure, including costs associated with communications, utilities, rent, hardware, software, labor, administrative costs, training, and technical services;

''(G) the provision of support for the establishment and maintenance of institutional relationships between transportation agencies, police, emergency medical services, private emergency operators, freight operators, shippers, public service utilities, and telecommunications providers;

''(H) carrying out multimodal and cross-jurisdictional planning and deployment of regional transportation systems operations and management approaches; and

''(I) performing project evaluations to determine the costs, benefits, lessons learned, and future deployment strategies associated with the deployment of intelligent transportation systems.

''(5) REPORT TO SECRETARY.—For each fiscal year that an eligible entity receives a grant under this subsection, not later than 1 year after receiving the grant, each recipient shall submit to the Secretary a report that describes how the project has met the expectations projected in the deployment plan submitted with the application, including information on—

''(A) how the program has helped reduce traffic crashes, congestion, costs, and other benefits of the deployed systems;

''(B) the effect of measuring and improving transportation system performance through the deployment of advanced technologies;

''(C) the effectiveness of providing real-time integrated traffic, transit, and multimodal transportation information to the public that allows the public to make informed travel decisions; and

''(D) lessons learned and recommendations for future deployment strategies to optimize transportation efficiency and multimodal system performance.

''(6) REPORT TO CONGRESS.—Not later than 2 years after the date on which the first grant is awarded under this subsection and annually thereafter for each fiscal year for which grants are awarded under this subsection, the Secretary shall submit to Congress a report that describes the effectiveness of the grant recipients in meeting the projected deployment plan goals, including data on how the grant program has—

''(A) reduced traffic-related fatalities and injuries;

''(B) reduced traffic congestion and improved travel-time reliability;

''(C) reduced transportation-related emissions;

''(D) optimized multimodal system performance;

''(E) improved access to transportation alternatives;

''(F) provided the public with access to real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions;

''(G) provided cost savings to transportation agencies, businesses, and the traveling public; and

''(H) provided other benefits to transportation users and the general public.

''(7) ADDITIONAL GRANTS.—If the Secretary determines, based on a report submitted under paragraph (5), that a grant recipient is not complying with the established grant criteria, the Secretary may—

''(A) cease payment to the recipient of any remaining grant amounts; and

''(B) redistribute any remaining amounts to other eligible entities under this section.

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

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

(b) INTELLIGENT TRANSPORTATION SYSTEMS GOALS AND PURPOSES.—Section 514(a) of title 23, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end; and

(2) by striking paragraph (5) and inserting the following:

''(5) improvement of the ability of the United States to respond to security-related or other manmade emergencies and natural disasters; and

''(6) enhancement of the freight system of the United States and support to freight policy goals by conducting heavy duty vehicle demonstration activities and accelerating adoption of ITS applications in freight operations.''.

(c) ITS ADVISORY COMMITTEE REPORT.—Section 515(h)(4) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by striking ''February 1 of each year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012'' and inserting ''May 1 of each year''.

**SEC. 12003. FUTURE INTERSTATE STUDY.**

(a) FINDINGS.—Congress finds that—

(1) a well-developed system of transportation infrastructure is critical to the economic well-being, health, and welfare of the people of the United States;

(2) the 47,000-mile national Interstate System is the backbone to that transportation infrastructure system; and

(3) as of the date of enactment of this Act—

(A) many segments of the approximately 60- year-old Interstate System are well beyond the 50-year design life of the System and yet these aging facilities are central to the transportation infrastructure system, carrying 25 percent of the vehicle traffic of the United States on just 1 percent of the total public roadway mileage;

(B) the need for ongoing maintenance, preservation, and reconstruction of the Interstate System has grown due to increasing and changing travel demands; and

(C) simple maintenance of the current condition and configuration of the Interstate System is insufficient for the System to fully serve the transportation needs of the United States for the next 50 years.

(b) FUTURE INTERSTATE SYSTEM STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the Transportation Research Board of the National Academies to conduct a study on the actions needed to upgrade and restore the Dwight D. Eisenhower National System of Interstate and Defense Highways to its role as a premier system network that meets the growing and shifting demands of the 21st century and for the next 50 years (referred to in this section as the ''study'').

(c) METHODOLOGIES.—In conducting the study, the Transportation Research Board shall build on the methodologies examined and recommended in the report prepared for the American Association of State Highway and Transportation Officials entitled ''National Cooperative Highway Research Program Project 20–24(79): Specifications for a National Study of the Future 3R, 4R, and Capacity Needs of the Interstate System'' and dated December 2013.

(d) RECOMMENDATIONS.—The study—

(1) shall include specific recommendations regarding the features, standards, capacity needs, application of technologies, and intergovernmental roles to upgrade the Interstate System, including any revisions to law (including regulations) that the Transportation Research Board determines appropriate to achieve the goals; and

(2) is encouraged to build on the robust institutional knowledge in the highway industry in applying the techniques involved in implementing the study.

(e) CONSIDERATIONS.—In carrying out the study, the Transportation Research Board shall determine the need for reconstruction and improvement of the Interstate System by considering—

(1) future demands on transportation infrastructure determined for national planning purposes, including commercial and private traffic flows to serve future economic activity and growth;

(2) the expected condition of the current Interstate System over the next 50 years, including long-term deterioration and reconstruction needs;

(3) those National Highway System routes that should be added to the existing Interstate System to more efficiently serve national traffic flows;

(4) features that would take advantage of technological capabilities to address modern standards of construction, maintenance, and operations, for purposes of safety, and system management, taking into further consideration system performance and cost; and

(5) the resources necessary to maintain and improve the Interstate System, including the resources required to upgrade those National Highway System routes identified in paragraph (3) to Interstate standards.

(f) CONSULTATION.—In carrying out the study, the Transportation Research Board—

(1) shall convene and consult with a panel of national experts including current and future owners, operators, and users of the Interstate System and private sector stakeholders; and

(2) is encouraged to consult with—

(A) the Federal Highway Administration;

(B) States;

(C) planning agencies at the metropolitan, State, and regional levels;

(D) the motor carrier industry;

(E) freight shippers;

(F) highway safety groups; and

(G) other appropriate entities.

(g) REPORT.—Not later than 3 years after the date of enactment of this Act, the Transportation Research Board shall submit to the Secretary, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study conducted under this section.

(h) FUNDING.—From amounts authorized to carry out the Highway Research and Development Program, the Secretary shall use up to $5,000,000 for fiscal year 2016 to carry out this section.

**SEC. 12004. RESEARCHING SURFACE TRANSPORTATION SYSTEM FUNDING ALTERNATIVES.**

(a) IN GENERAL.—The Secretary shall promote the research of user-based alternative revenue mechanisms that preserve a user fee structure to maintain the long-term solvency of the Highway Trust Fund.

(b) OBJECTIVES.—The objectives of the research described in subsection (a) shall be—

(1) to study uncertainties relating to the design, acceptance, and implementation of 2 or more future user-based alternative revenue mechanisms;

(2) to define the functionality of those user-based alternative revenue mechanisms;

(3) to conduct or promote research activities to demonstrate and test those user-based alternative revenue mechanisms, including by conducting field trials, by partnering with individual States, groups of States, or other appropriate entities to conduct the research activities;

(4) to conduct outreach to increase public awareness regarding the need for alternative funding sources for surface transportation programs and provide information on possible approaches;

(5) to provide recommendations regarding adoption and implementation of those user-based alternative revenue mechanisms; and

(6) to minimize the administrative cost of any potential user-based alternative revenue mechanisms.

(c) GRANTS.—The Secretary shall provide grants to individual States, groups of States, or other appropriate entities to conduct research that addresses—

(1) the implementation, interoperability, public acceptance, and other potential hurdles to the adoption of a user-based alternative revenue mechanism;

(2) the protection of personal privacy;

(3) the use of independent and private third-party vendors to collect fees and operate the user-based alternative revenue mechanism;

(4) equity concerns, including the impacts of the user-based alternative revenue mechanism on differing income groups, various geographic areas, and the relative burdens on rural and urban drivers;

(5) ease of compliance for different users of the transportation system;

(6) the reliability and security of technology used to implement the user-based alternative revenue mechanism;

(7) the flexibility and choices of user-based alternative revenue mechanisms, including the ability of users to select from various technology and payment options;

(8) the cost of administering the user-based alternative revenue mechanism; and

(9) the ability of the administering entity to audit and enforce user compliance.

(d) ADVISORY COUNCIL.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury, shall establish and lead a Surface Transportation Revenue Alternatives Advisory Council (referred to in this subsection as the ''Council'') to inform the selection and evaluation of user-based alternative revenue mechanisms.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The members of the Council shall—

(i) be appointed by the Secretary; and

(ii) include, at a minimum—

(I) representatives with experience in user-based alternative revenue mechanisms, of which—

(aa) not fewer than 1 shall be from the Department;

(bb) not fewer than 1 shall be from the Department of the Treasury; and

(cc) not fewer than 2 shall be from State departments of transportation;

(II) representatives from applicable users of the surface transportation system; and

(III) appropriate technology and public privacy experts.

(B) GEOGRAPHIC CONSIDERATIONS.—The Secretary shall consider geographic diversity when selecting members under this paragraph.

(3) FUNCTIONS.—Not later than 1 year after the date on which the Council is established, the Council shall, at a minimum—

(A) define the functionality of 2 or more user-based alternative revenue mechanisms;

(B) identify technological, administrative, institutional, privacy, and other issues that—

(i) are associated with the user-based alternative revenue mechanisms; and

(ii) may be researched through research activities;

(C) conduct public outreach to identify and assess questions and concerns about the user-based alternative revenue mechanisms for future evaluation through research activities; and

(D) provide recommendations to the Secretary on the process and criteria used for selecting research activities under subsection (c).

(4) EVALUATIONS.—The Council shall conduct periodic evaluations of the research activities that have received assistance from the Secretary under this section.

(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Council shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) BIENNIAL REPORTS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until the completion of the research activities under this section, the Secretary shall submit to the Secretary of the Treasury, the Committee on Finance and the Committee on Environment and Public Works of the Senate, and the Committee on Ways and Means and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the progress of the research activities.

(f) FINAL REPORT.—On the completion of the research activities under this section, the Secretary and the Secretary of the Treasury, acting jointly, shall submit to the Committee on Finance and the Committee on Environment and Public Works of the Senate and the Committee on Ways and Means and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the research activities and any recommendations.

(g) FUNDING.—Of the funds authorized to carry out section 503(b) of title 23, United States Code—

(1) $15,000,000 shall be used to carry out this section in fiscal year 2016; and

(2) $20,000,000 shall be used to carry out this section in each of fiscal years 2017 through 2021.

## Subtitle B—Data

### SEC. 12101. TRIBAL DATA COLLECTION.

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

''(C) TRIBAL DATA COLLECTION.—In addition to the data to be collected under subparagraph (A), not later than 90 days after the end of each fiscal year, any entity carrying out a project under the tribal transportation program under section 202 shall submit to the Secretary and the Secretary of Interior, based on obligations and expenditures under the tribal transportation program during the preceding fiscal year, the following data:

''(i) The names of projects or activities carried out by the entity under the tribal transportation program during the preceding fiscal year.

''(ii) A description of the projects or activities identified under clause (i).

''(iii) The current status of the projects or activities identified under clause (i).

''(iv) An estimate of the number of jobs created and the number of jobs retained by the projects or activities identified under clause (i).''.

### SEC. 12102. PERFORMANCE MANAGEMENT DATA SUPPORT PROGRAM.

(a) PERFORMANCE MANAGEMENT DATA SUPPORT.—The Administrator of the Federal Highway Administration shall develop, use, and maintain data sets and data analysis tools to assist metropolitan planning organizations, States, and the Federal Highway Administration in carrying out performance management analyses (including the performance management requirements under section 150 of title 23, United States Code).

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

(1) collecting and distributing vehicle probe data describing traffic on Federal-aid highways;

(2) collecting household travel behavior data to assess local and cross-jurisdictional travel, including to accommodate external and through travel;

(3) enhancing existing data collection and analysis tools to accommodate performance measures, targets, and related data, so as to better understand trip origin and destination, trip time, and mode;

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

(5) developing tools—

(A) to improve performance analysis; and

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

(c) FUNDING.—From amounts authorized to carry out the Highway Research and Development Program, the Administrator may use up to $10,000,000 for each of fiscal years 2016 through 2021 to carry out this section.

## Subtitle C—Transparency and Best Practices

### SEC. 12201. EVERY DAY COUNTS INITIATIVE.

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

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

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

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

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

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

(1) accelerate innovation deployment;

(2) shorten the project delivery process;

(3) improve environmental sustainability;

(4) enhance roadway safety; and

(5) reduce congestion.

(c) INNOVATION DEPLOYMENT.—

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

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

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

### SEC. 12202. DEPARTMENT OF TRANSPORTATION PERFORMANCE MEASURES.

(a) PERFORMANCE MEASURES.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the heads of other Federal agencies with responsibility for the review and approval of projects funded under title 23, United States Code, shall measure and report on—

(1) the progress made toward aligning Federal reviews of projects funded under title 23,

United States Code, and the improvement of project delivery associated with those projects; and

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

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

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

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

(a) DEFINITIONS.—In this section:

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

(A) a State;

(B) a unit of local government;

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

(D) a metropolitan planning organization.

(2) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory (as defined in section 165(c)(1) of title 23, United States Code).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a competitive grant program to reward—

(1) achievement in transportation performance management; and

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

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

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

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

(d) APPLICATION.—

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

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

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

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

(C) employing transportation planning tools and procedures that improve transparency and the development of transportation investment strategies within the jurisdiction of the eligible entity.

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

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

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

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

(1) title 23, United States Code; or

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

(g) LIMITATION.—The amount of a grant under this section shall be not more than $15,000,000.

(h) AUTHORIZATION OF APPROPRIATIONS.—

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

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

(i) APPLICABILITY OF REQUIREMENTS.—Amounts made available under this section shall be administered as if the funds were apportioned under chapter 1 of title 23, United States Code.

**SEC. 12204. HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY.**

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

''(g) HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY REPORT.—

''(1) PUBLICLY AVAILABLE REPORT.—Not later than 180 days after the date of enactment of the DRIVE Act and quarterly thereafter, the Secretary shall compile data in accordance with this subsection on the use of Federal-aid highway program funds made available under this title.

''(2) REQUIREMENTS.—The Secretary shall ensure that the reports required under this subsection are made available in a user-friendly manner on the public website of the Department of Transportation and can be searched and downloaded by users of the website.

''(3) CONTENTS OF REPORT.—

''(A) APPORTIONED AND ALLOCATED PROGRAMS.—For each fiscal year, the report shall include comprehensive data for each program, organized by State, that includes—

''(i) the total amount of funds available for obligation, identifying the unobligated balance of funds available at the end of the preceding fiscal year and new funding available for the current fiscal year;

''(ii) the total amount of funding obligated during the current fiscal year;

''(iii) the remaining amount of funds available for obligation;

''(iv) changes in the obligated, unexpended balance during the current fiscal year, including the obligated, unexpended balance at the end of the preceding fiscal year and current fiscal year expenditures; and

''(v) the percentage of the total amount of obligations for the current fiscal year used for construction and the total amount obligated during the current fiscal year for rehabilitation.

''(B) PROJECT DATA.—To the maximum extent practicable, the report shall include project-specific data, including data describing—

''(i) the specific location of a project;

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

''(I) less than 5,000 individuals;

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

''(III) 50,000 or more individuals;

''(iii) the total cost of the project;

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

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

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

''(I) a road reconstruction project;

''(II) a new road construction project;

''(III) a new bridge construction project;

''(IV) a bridge rehabilitation project; or

''(V) a bridge replacement project; and

''(vii) the ownership of the highway or bridge.

''(C) TRANSFERS BETWEEN PROGRAMS.—The report shall include a description of the amount of funds transferred between programs by each State under section 126.''.

(b) CONFORMING AMENDMENT.—Section 1503 of MAP–21 (23 U.S.C. 104 note; Public Law 112–141) is amended by striking subsection (c).

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

(a) INITIAL REPORT.—Not later than 150 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the administrative expenses of the Federal Highway Administration funded from the Highway Trust Fund during the 3 most recent fiscal years.

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

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

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

(2) tracking and monitoring of administrative expenses;

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

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

**SEC. 12206. AVAILABILITY OF REPORTS.**

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

(b) DEADLINE.—Each report described in subsection (a) shall be made available on the website not later than 30 days after the report is submitted to Congress.

**SEC. 12207. PERFORMANCE PERIOD ADJUSTMENT.**

(a) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—Section 119 of title 23, United States Code, is amended—

(1) in subsection (e)(7), by striking ''for 2 consecutive reports submitted under this paragraph shall include in the next report submitted'' and inserting ''shall include as part of the performance target report under section 150(e)''; and

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

(b) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—Section 148(i) of title 23, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''performance targets of the State established under section 150(d) by the date that is 2 years after the date of the establishment of the performance targets'' and inserting ''safety performance targets of the State established under section 150(d)''; and

(2) in paragraphs (1) and (2), by inserting ''safety'' before ''performance targets'' each place it appears.

**SEC. 12208. DESIGN STANDARDS.**

(a) IN GENERAL.—Section 109 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''may take into account'' and inserting ''shall consider''; and

(ii) in subparagraph (C), by striking ''access for'' and inserting ''access and safety for''; and

(B) in paragraph (2)—

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

(ii) by redesignating subparagraph (D) as subparagraph (F); and

(iii) by inserting after subparagraph (C) the following:

''(D) the publication entitled 'Highway Safety Manual' of the American Association of State Highway and Transportation Officials;

''(E) the publication entitled 'Urban Street Design Guide' of the National Association of City Transportation Officials; and'';

(2) in subsection (f), by inserting ''pedestrian walkways,'' after ''bikeways,''; and

(3) by adding at the end the following:

''(s) SAFETY FOR MOTORIZED AND NONMOTORIZED USERS.—

''(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this subsection, the Secretary shall establish standards to ensure that the design of Federal surface transportation projects provides for the safe and adequate accommodation (as determined by the State or other direct recipient of funds), in all phases of project planning, development, and operation, of all users of the transportation network, including motorized and nonmotorized users.

''(2) WAIVER FOR STATE LAW OR POLICY.—The Secretary may waive the application of standards established under paragraph (1) to a State that has adopted a law or policy that provides for the safe and adequate accommodation (as determined by the State or other direct recipient of funds), in all phases of project planning and development, of users of the transportation network on federally funded surface transportation projects.

''(3) COMPLIANCE.—

''(A) IN GENERAL.—Each State department of transportation shall submit a report to the Secretary, at such time, in such manner, and containing such information as the Secretary shall require, that describes measures implemented by the State to comply with this subsection.

''(B) DETERMINATION BY SECRETARY.—Upon the receipt of a report from a State under subparagraph (A), the Secretary shall determine whether the State is in compliance with this section.''.

(b) DESIGN STANDARD FLEXIBILITY.—Notwithstanding section 109(o) of title 23, United States Code, a local jurisdiction may use a roadway design guide that is different from the roadway design guide used by the State in which the local jurisdiction is located for the design of projects on all roadways under the ownership of the local jurisdiction (other than a highway on the Interstate System) if—

(1) the local jurisdiction is the project sponsor;

(2) the roadway design guide—

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

(B) is adopted by the local jurisdiction; and

(3) the design complies with all other applicable Federal laws.

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

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

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

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

(A) by striking ''In this chapter, the'' and inserting ''The''; and

(B) by inserting ''to sections 601 through 609'' after ''apply'';

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''and'' at the end;

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

(C) by adding at the end the following:

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

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

(4) in paragraph (10)—

(A) in the matter preceding subparagraph (A)—

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

(ii) by striking ''(which shall receive an investment grade rating from a rating agency)'';

(B) in subparagraph (A), by striking ''subject to the availability of future funds being made available to carry out this chapter;'' and inserting ''subject to—

''(i) the availability of future funds being made available to carry out the TIFIA program; and

''(ii) the satisfaction of all of the conditions for the provision of credit assistance under the TIFIA program, including section 603(b)(1);''; and

(C) in subparagraph (D)—

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

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

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

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

(iv) in clause (iv) (as so redesignated), by striking ''this chapter'' and inserting ''the TIFIA program'';

(5) in paragraph (12)—

(A) in subparagraph (D)(iv), by striking the period at the end and inserting ''; and''; and

(B) by adding at the end the following:

''(E) a project to improve or construct public infrastructure that is located within walking distance of, and accessible to, a fixed guideway transit facility, passenger rail station, intercity bus station, or intermodal facility, including a transportation, public utility, and capital project described in section 5302(3)(G)(v) of title 49, and related infrastructure;

''(F) a project for the acquisition of plant and wildlife habitat pursuant to a conservation plan that—

''(i) has been approved by the Secretary of the Interior pursuant to section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539); and

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

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

(6) in paragraph (15), by striking ''means'' and all that follows through the period at the end and inserting ''means a surface transportation infrastructure project located in an area that is outside of an urbanized area with a population greater than 150,000 individuals, as determined by the Bureau of the Census.'';

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

(8) by inserting after paragraph (15) the following:

''(16) RURAL PROJECTS FUND.—The term 'rural projects fund' means a fund—

''(A) established by a State infrastructure bank in accordance with section 610(d)(4);

''(B) capitalized with the proceeds of a secured loan made to the bank in accordance with sections 602 and 603; and

''(C) for the purpose of making loans to sponsors of rural infrastructure projects in accordance with section 610.'';

(9) by inserting after paragraph (18) (as redesignated) the following:

''(19) STATE INFRASTRUCTURE BANK.—The term 'State infrastructure bank' means an infrastructure bank established under section 610.''; and

(10) in paragraph (22) (as redesignated), by inserting ''established under sections 602 through 609'' after ''Department''.

(b) DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.—Section 602 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''this chapter'' and inserting ''the TIFIA program'';

(B) in paragraph (2)(A), by striking ''this chapter'' and inserting ''the TIFIA program'';

(C) in paragraph (3), by striking ''this chapter'' and inserting ''the TIFIA program'';

(D) in paragraph (5)—

(i) by striking the heading and inserting ''ELIGIBLE PROJECT COST PARAMETERS.—'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''subparagraph (B), to be eligible for assistance under this chapter, a project'' and inserting ''subparagraphs (B) and (C), a project under the TIFIA program'';

(II) by striking clause (i) and inserting the following:

''(i) $50,000,000; and''; and

(III) in clause (ii), by striking ''assistance''; and

(iii) in subparagraph (B)—

(I) by striking the subparagraph designation and heading and all that follows through ''In the case'' and inserting the following:

''(B) EXCEPTIONS.—

''(i) INTELLIGENT TRANSPORTATION SYSTEMS.—In the case''; and

(II) by adding at the end the following:

''(ii) TRANSIT-ORIENTED DEVELOPMENT PROJECTS.—In the case of a project described in section 601(a)(12)(E), eligible project costs shall be reasonably anticipated to equal or exceed $10,000,000.

''(iii) RURAL PROJECTS.—In the case of a rural infrastructure project or a project capitalizing a rural projects fund, eligible project costs shall be reasonably anticipated

to equal or exceed $10,000,000, but not to exceed $100,000,000.

''(iv) LOCAL INFRASTRUCTURE PROJECTS.—Eligible project costs shall be reasonably anticipated to equal or exceed $10,000,000 in the case of projects or programs of projects—

''(I) in which the applicant is a local government, public authority, or instrumentality of local government;

''(II) located on a facility owned by a local government; or

''(III) for which the Secretary determines that a local government is substantially involved in the development of the project.'';

(E) in paragraph (9), in the matter preceding subparagraph (A), by striking ''this chapter'' and inserting ''the TIFIA program''; and

(F) in paragraph (10)—

(i) by striking ''To be eligible'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible'';

(ii) by striking ''this chapter'' each place it appears and inserting ''the TIFIA program'';

(iii) by striking ''not later than'' and inserting ''no later than''; and

(iv) by adding at the end the following:

''(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the State infrastructure bank shall demonstrate, not later than 2 years after the date on which a secured loan is obligated for the project under the TIFIA program, that the bank has executed a loan agreement with a borrower for a rural infrastructure project in accordance with section 610. After the demonstration is made, the bank may draw upon the secured loan. At the end of the 2-year period, to the extent the bank has not used the loan commitment, the Secretary may extend the term of the loan or withdraw the loan commitment.'';

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

''(2) MASTER CREDIT AGREEMENTS.—

''(A) PROGRAM OF RELATED PROJECTS.—The Secretary may enter into a master credit agreement for a program of related projects secured by a common security pledge on terms acceptable to the Secretary.

''(B) ADEQUATE FUNDING NOT AVAILABLE.—If the Secretary fully obligates funding to eligible projects for a fiscal year and adequate funding is not available to fund a credit instrument, a project sponsor of an eligible project may elect to enter into a master credit agreement and wait to execute a credit instrument until the fiscal year for which additional funds are available to receive credit assistance.'';

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

(4) in subsection (e), by striking ''this chapter'' and inserting ''the TIFIA program''.

(c) SECURED LOAN TERMS AND LIMITATIONS.—Section 603(b) of title 23, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking ''The amount of'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of''; and

(B) by adding at the end the following:

''(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the maximum amount of a secured loan made to a State infrastructure bank shall be determined in accordance with section 602(a)(5)(B)(iii).'';

(2) in paragraph (3)(A)(i)—

(A) in subclause (III), by striking ''or'' at the end;

(B) in subclause (IV), by striking ''and'' at the end and inserting ''or''; and

(C) by adding at the end the following:

''(V) in the case of a secured loan for a project capitalizing a rural projects fund, any other dedicated revenue sources available to a State infrastructure bank, including repayments from loans made by the bank for rural infrastructure projects; and'';

(3) in paragraph (4)(B)—

(A) in clause (i), by striking ''under this chapter'' and inserting ''or a rural projects fund under the TIFIA program''; and

(B) in clause (ii), by inserting ''and rural project funds'' after ''rural infrastructure projects'';

(4) in paragraph (5)—

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

(B) in the matter preceding subparagraph (A), by striking ''The final'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), the final''; and

(C) by adding at the end the following:

''(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the final maturity date of the secured loan shall not exceed 35 years after the date on which the secured loan is obligated.'';

(5) in paragraph (8), by striking ''this chapter'' and inserting ''the TIFIA program''; and

(6) in paragraph (9)—

(A) by striking ''The total Federal assistance provided on a project receiving a loan under this chapter'' and inserting the following:

''(A) IN GENERAL.—The total Federal assistance provided for a project receiving a loan under the TIFIA program''; and

(B) by adding at the end the following:

''(B) RURAL PROJECTS FUND.—A project capitalizing a rural projects fund shall satisfy clause (i) through compliance with the Federal share requirement described in section 610(e)(3)(B).''.

(d) PROGRAM ADMINISTRATION.—Section 605 of title 23, United States Code, is amended—

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

(2) by adding at the end the following:

''(f) ASSISTANCE TO SMALL PROJECTS.—

''(1) RESERVATION OF FUNDS.—Of the funds made available to carry out the TIFIA program for each fiscal year, and after the set-aside under section 608(a)(6), not less than $2,000,000 shall be made available for the Secretary to use in lieu of fees collected under subsection (b) for projects under the TIFIA program having eligible project costs that are reasonably anticipated not to equal or exceed $75,000,000.

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

(e) STATE AND LOCAL PERMITS.—Section 606 of title 23, United States Code, is amended in the matter preceding paragraph (1) by striking ''this chapter'' and inserting ''the TIFIA program''.

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

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

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

(2) in subsection (a)—

(A) in paragraph (2), by inserting ''of'' after ''504(f)'';

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting ''or rural projects funds'' after ''rural infrastructure projects''; and

(ii) in subparagraph (B), by inserting ''or rural projects funds'' after ''rural infrastructure projects'';

(C) by striking paragraph (4) and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively; and

(D) in paragraph (5) (as so redesignated), by striking ''0.50 percent'' and inserting ''1.5 percent''.

(h) REPORTS TO CONGRESS.—Section 609 of title 23, United States Code, is amended by striking ''this chapter (other than section 610)'' each place it appears and inserting ''the TIFIA program''.

(i) STATE INFRASTRUCTURE BANK PROGRAM.—Section 610 of title 23, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

''(11) RURAL INFRASTRUCTURE PROJECT.—The term 'rural infrastructure project' has the meaning given the term in section 601.

''(12) RURAL PROJECTS FUND.—The term 'rural projects fund' has the meaning given the term in section 601.'';

(2) in subsection (d)—

(A) in paragraph (1)(A), by striking ''each of fiscal years'' and all that follows through the end of subparagraph (A) and inserting ''each fiscal year under each of paragraphs (1), (2), and (5) of section 104(b); and'';

(B) in paragraph (2), by striking ''in each of fiscal years 2005 through 2009'' and inserting ''in each fiscal year'';

(C) in paragraph (3), by striking ''in each of fiscal years 2005 through 2009'' and inserting ''in each fiscal year'';

(D) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively;

(E) by inserting after paragraph (3) the following:

''(4) RURAL PROJECTS FUND.—Subject to subsection (j), the Secretary may permit a State entering into a cooperative agreement under this section to establish a State infrastructure bank to deposit into the rural projects fund of the bank the proceeds of a secured loan made to the bank in accordance with section 602 and 603.''; and

(F) in paragraph (6) (as redesignated), by striking ''section 133(d)(3)'' and inserting ''section 133(d)(1)(A)(i)'';

(3) by striking subsection (e) and inserting the following:

''(e) FORMS OF ASSISTANCE FROM STATE INFRASTRUCTURE BANKS.—

''(1) IN GENERAL.—A State infrastructure bank established under this section may—

''(A) with funds deposited into the highway account, transit account, or rail account of the bank, make loans or provide other forms of credit assistance to a public or private entity to carry out a project eligible for assistance under this section; and

''(B) with funds deposited into the rural projects fund, make loans to a public or private entity to carry out a rural infrastructure project.

''(2) SUBORDINATION OF LOAN.—The amount of a loan or other form of credit assistance provided for a project described in paragraph (1) may be subordinated to any other debt financing for the project.

''(3) MAXIMUM AMOUNT OF ASSISTANCE.—A State infrastructure bank established under this section may—

''(A) with funds deposited into the highway account, transit account, or rail account, make loans or provide other forms of credit assistance to a public or private entity in an amount up to 100 percent of the cost of carrying out a project eligible for assistance under this section; and

''(B) with funds deposited into the rural projects fund, make loans to a public or private entity in an amount not to exceed 80

percent of the cost of carrying out a rural infrastructure project.

''(4) INITIAL ASSISTANCE.—Initial assistance provided with respect to a project from Federal funds deposited into a State infrastructure bank under this section may not be made in the form of a grant.'';

(4) in subsection (g)—

(A) in paragraph (1), by striking ''each account'' and inserting ''the highway account, the transit account, and the rail account''; and

(B) in paragraph (4), by inserting '', except that any loan funded from the rural projects fund of the bank shall bear interest at or below the interest rate charged for the TIFIA loan provided to the bank under section 603'' after ''feasible''; and

(5) in subsection (k), by striking ''For each of fiscal years 2005 through 2009'' and inserting ''For each fiscal year''.

## TITLE IV—TECHNICAL CORRECTIONS

### SEC. 14001. TECHNICAL CORRECTIONS.

(a) Section 101(a)(29) of title 23, United States Code, is amended—

(1) in subparagraph (B), by inserting a comma after ''disabilities''; and

(2) in subparagraph (F)(i), by striking ''133(b)(11)'' and inserting ''133(b)(14)''.

(b) Section 119(d)(1)(A) of title 23, United States Code, is amended by striking ''mobility,'' and inserting ''congestion reduction, system reliability,''.

(c) Section 126(b) of title 23, United States Code (as amended by section 11014(b)), is amended by striking ''133(d)'' and inserting ''133(d)(1)(A)''.

(d) Section 127(a)(3) of title 23, United States Code, is amended by striking ''118(b)(2) of this title'' and inserting ''118(b)''.

(e) Section 150(c)(3)(B) of title 23, United States Code, is amended by striking the semicolon at the end and inserting a period.

(f) Section 153(h)(2) of title 23, United States Code, is amended by striking ''paragraphs (1) through (3)'' and inserting ''paragraphs (1), (2), and (4)''.

(g) Section 163(f)(2) of title 23, United States Code, is amended by striking ''118(b)(2)'' and inserting ''118(b)''.

(h) Section 165(c)(7) of title 23, United States Code, is amended by striking ''paragraphs (2), (4), (7), (8), (14), and (19)'' and inserting ''paragraphs (2), (4), (6), (7), and (14)''.

(i) Section 202(b)(3) of title 23, United States Code, is amended—

(1) in subparagraph (A)(i), in the matter preceding subclause (I), by inserting ''(a)(6),'' after ''subsections''; and

(2) in subparagraph (C)(ii)(IV), by striking ''(III).]'' and inserting ''(III).''.

(j) Section 217(a) of title 23, United States Code, is amended by striking ''104(b)(3)'' and inserting ''104(b)(4)''.

(k) Section 327(a)(2)(B)(iii) of title 23, United States Code, is amended by striking ''(42 U.S.C. 13 4321 et seq.)'' and inserting ''(42 U.S.C. 4321 et seq.)''.

(l) Section 504(a)(4) of title 23, United States Code, is amended by striking ''104(b)(3)'' and inserting ''104(b)(2)''.

(m) Section 515 of title 23, United States Code, is amended by striking ''this chapter'' each place it appears and inserting ''sections 512 through 518''.

(n) Section 518(a) of title 23, United States Code, is amended by inserting ''a report'' after ''House of Representatives''.

(o) Section 6302(b)(3)(B)(vi)(III) of title 49, United States Code, is amended by striking ''6310'' and inserting ''6309''.

(p) Section 1301(*l*)(3) of SAFETEA–LU (23 U.S.C. 101 note; Public Law 109–59) is amended—

(1) in subparagraph (A)(i), by striking ''complied'' and inserting ''compiled''; and

(2) in subparagraph (B), by striking ''paragraph (1)'' and inserting ''subparagraph (A)''.

(q) Section 4407 of SAFETEA–LU (Public Law 109–59; 119 Stat. 1777), is amended by striking ''hereby enacted into law'' and inserting ''granted''.

(r) Section 51001(a)(1) of the Transportation Research and Innovative Technology Act of 2012 (126 Stat. 864) is amended by striking ''sections 503(b), 503(d), and 509'' and inserting ''section 503(b)''.

## TITLE V—MISCELLANEOUS

### SEC. 15001. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

Section 1528 of MAP–21 (40 U.S.C. 14501 note; Public Law 112–141) is amended—

(1) by striking ''2021'' each place it appears and inserting ''2050''; and

(2) by striking ''shall be 100 percent'' each place it appears and inserting ''shall be up to 100 percent, as determined by the State''.

### SEC. 15002. APPALACHIAN REGIONAL DEVELOPMENT PROGRAM.

(a) HIGH-SPEED BROADBAND DEVELOPMENT INITIATIVE.—

(1) IN GENERAL.—Subchapter I of chapter 145 of subtitle IV of title 40, United States Code, is amended by adding at the end the following:

**''§ 14509. High-speed broadband deployment initiative**

''(a) IN GENERAL.—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to individuals or entities in the Appalachian region for projects and activities—

''(1) to increase affordable access to broadband networks throughout the Appalachian region;

''(2) to conduct research, analysis, and training to increase broadband adoption efforts in the Appalachian region;

''(3) to provide technology assets, including computers, smartboards, and video projectors to educational systems throughout the Appalachian region;

''(4) to increase distance learning opportunities throughout the Appalachian region;

''(5) to increase the use of telehealth technologies in the Appalachian region; and

''(6) to promote e-commerce applications in the Appalachian region.

''(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section—

''(1) not more than 50 percent may be provided from amounts appropriated to carry out this section; and

''(2) notwithstanding paragraph (1)—

''(A) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, not more than 80 percent may be provided from amounts appropriated to carry out this section; and

''(B) in the case of a project to be carried out in a county for which an at-risk designation is in effect under section 14526, not more than 70 percent may be provided from amounts appropriated to carry out this section.

''(c) SOURCES OF ASSISTANCE.—Subject to subsection (b), a grant provided under this section may be provided from amounts made available to carry out this section in combination with amounts made available—

''(1) under any other Federal program; or

''(2) from any other source.

''(d) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Appalachian Regional Commission determines to be appropriate.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 145 of title 40, United States Code, is amended by inserting after the item relating to section 14508 the following:

''14509. High-speed broadband deployment initiative.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 14703 of title 40, United States Code, is amended—

(1) in subsection (a)(5), by striking ''fiscal year 2012'' and inserting ''each of fiscal years 2012 through 2021'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

''(c) HIGH-SPEED BROADBAND DEPLOYMENT INITIATIVE.—Of the amounts made available under subsection (a), $10,000,000 shall be used to carry out section 14509 for each of fiscal years 2016 through 2021.''.

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

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

### SEC. 15003. WATER INFRASTRUCTURE FINANCE AND INNOVATION.

Section 3907(a) of title 33, United States Code, is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

### SEC. 15004. ADMINISTRATIVE PROVISIONS TO ENCOURAGE POLLINATOR HABITAT AND FORAGE ON TRANSPORTATION RIGHTS-OF-WAY.

(a) IN GENERAL.—Section 319 of title 23, United States Code, is amended—

(1) in subsection (a), by inserting ''(including the enhancement of habitat and forage for pollinators)'' before ''adjacent''; and

(2) by adding at the end the following:

''(c) ENCOURAGEMENT OF POLLINATOR HABITAT AND FORAGE DEVELOPMENT AND PROTECTION ON TRANSPORTATION RIGHTS-OF-WAY.—In carrying out any program administered by the Secretary under this title, the Secretary shall, in conjunction with willing States, as appropriate—

''(1) encourage integrated vegetation management practices on roadsides and other transportation rights-of-way, including reduced mowing; and

''(2) encourage the development of habitat and forage for Monarch butterflies, other native pollinators, and honey bees through plantings of native forbs and grasses, including noninvasive, native milkweed species that can serve as migratory way stations for butterflies and facilitate migrations of other pollinators.''.

(b) PROVISION OF HABITAT, FORAGE, AND MIGRATORY WAY STATIONS FOR MONARCH BUTTERFLIES, OTHER NATIVE POLLINATORS, AND HONEY BEES.—Section 329(a)(1) of title 23, United States Code, is amended by inserting ''provision of habitat, forage, and migratory way stations for Monarch butterflies, other native pollinators, and honey bees,'' before ''and aesthetic enhancement''.

### SEC. 15005. STUDY ON PERFORMANCE OF BRIDGES.

(a) IN GENERAL.—Subject to subsection (c), the Administrator of the Federal Highway Administration (referred to in this section as the ''Administrator'') shall commission the Transportation Research Board of the National Academy of Sciences to conduct a study on the performance of bridges that received funding under the innovative bridge research and construction program (referred to in this section as the ''program'') under section 503(b) of title 23, United States Code (as in effect on the day before the date of enactment of SAFETEA–LU (Public Law 109–59; 119 Stat. 1144)) in meeting the goals of that program, which included—

(1) the development of new, cost-effective innovative material highway bridge applications;

(2) the reduction of maintenance costs and lifecycle costs of bridges, including the costs of new construction, replacement, or rehabilitation of deficient bridges;

(3) the development of construction techniques to increase safety and reduce construction time and traffic congestion;

(4) the development of engineering design criteria for innovative products and materials for use in highway bridges and structures;

(5) the development of cost-effective and innovative techniques to separate vehicle and pedestrian traffic from railroad traffic;

(6) the development of highway bridges and structures that will withstand natural disasters, including alternative processes for the seismic retrofit of bridges; and

(7) the development of new nondestructive bridge evaluation technologies and techniques.

(b) CONTENTS.—The study commissioned under subsection (a) shall include—

(1) an analysis of the performance of bridges that received funding under the program in meeting the goals described in paragraphs (1) through (7) of subsection (a);

(2) an analysis of the utility, compared to conventional materials and technologies, of each of the innovative materials and technologies used in projects for bridges under the program in meeting the needs of the United States in 2015 and in the future for a sustainable and low lifecycle cost transportation system;

(3) recommendations to Congress on how the installed and lifecycle costs of bridges could be reduced through the use of innovative materials and technologies, including, as appropriate, any changes in the design and construction of bridges needed to maximize the cost reductions; and

(4) a summary of any additional research that may be needed to further evaluate innovative approaches to reducing the installed and lifecycle costs of highway bridges.

(c) PUBLIC COMMENT.—Before commissioning the study under subsection (a), the Administrator shall provide an opportunity for public comment on the study proposal.

(d) DATA FROM STATES.—Each State that received funds under the program shall provide to the Transportation Research Board any relevant data needed to carry out the study commissioned under subsection (a).

(e) DEADLINE.—The Administrator shall submit to Congress the study commissioned under subsection (a) not later than 3 years after the date of enactment of this Act.

**SEC. 15006. SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY.**

Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c), as amended by section 73103, is amended—

(1) in subsection (a), in the matter preceding paragraph (1) by striking ''2015'' and inserting ''2021''; and

(2) in subsection (b)(1)(A) by striking ''2015'' and inserting ''2021''.

## DIVISION B—PUBLIC TRANSPORTATION

## TITLE XXI—FEDERAL PUBLIC TRANSPORTATION ACT

**SEC. 21001. SHORT TITLE.**

This title may be cited as the ''Federal Public Transportation Act of 2015''.

**SEC. 21002. DEFINITIONS.**

Section 5302 of title 49, United States Code, is amended—

(1) in paragraph (1)(E), by striking ''bicycle storage facilities and installing equipment'' and inserting ''bicycle storage shelters and parking facilities and the installation of equipment'';

(2) in paragraph (3)—

(A) by striking subparagraph (F) and inserting the following:

''(F) leasing equipment or a facility for use in public transportation;'';

(B) in subparagraph (G)—

(i) in clause (iv), by adding ''and'' at the end;

(ii) in clause (v), by striking ''and'' at the end; and

(iii) by striking clause (vi);

(C) in subparagraph (K), by striking ''or'' at the end;

(D) in subparagraph (L), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

''(M) associated transit improvements; or

''(N) technological changes or innovations to modify low or no emission vehicles (as defined in section 5339(c)) or facilities.''; and

(3) by adding at the end the following:

''(24) VALUE CAPTURE.—The term 'value capture' means recovering the increased value to property located near public transportation resulting from investments in public transportation.''.

**SEC. 21003. METROPOLITAN TRANSPORTATION PLANNING.**

Section 5303 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by inserting ''resilient'' after ''development of'';

(2) in subsection (c)(2), by striking ''and bicycle transportation facilities'' and inserting '', bicycle transportation facilities, intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities, and commuter vanpool providers'';

(3) in subsection (d)—

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

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

''(3) REPRESENTATION.—

''(A) IN GENERAL.—Designation or selection of officials or representatives under paragraph (2) shall be determined by the metropolitan planning organization according to the bylaws or enabling statute of the organization.

''(B) PUBLIC TRANSPORTATION REPRESENTATIVE.—Subject to the bylaws or enabling statute of the metropolitan planning organization, a representative of a provider of public transportation may also serve as a representative of a local municipality.

''(C) POWERS OF CERTAIN OFFICIALS.—An official described in paragraph (2)(B) shall have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials described in paragraph (2)(B).''; and

(C) in paragraph (5), as so redesignated, by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(4) in subsection (e)(4)(B), by striking ''subsection (d)(5)'' and inserting ''subsection (d)(6)'';

(5) in subsection (g)(3)(A), by inserting ''natural disaster risk reduction,'' after ''environmental protection,'';

(6) in subsection (h)(1)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(I) improve the resilience and reliability of the transportation system.'';

(7) in subsection (i)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i), by striking ''transit'' and inserting ''public transportation facilities, intercity bus facilities'';

(ii) in subparagraph (G)—

(I) by striking ''and provide'' and inserting '', provide''; and

(II) by inserting before the period at the end the following: '', and reduce vulnerability due to natural disasters of the existing transportation infrastructure''; and

(iii) in subparagraph (H), by inserting before the period at the end the following: '', including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated'';

(B) in paragraph (6)(A)—

(i) by inserting ''public ports,'' before ''freight shippers''; and

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

(C) in paragraph (8), by striking ''paragraph (2)(C)'' each place that term appears and inserting ''paragraph (2)(E)'';

(8) in subsection (j)(5)(A), by striking ''subsection (k)(4)'' and inserting ''subsection (k)(3)'';

(9) in subsection (k)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(10) in subsection (l)—

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

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

(11) by striking subsection (n);

(12) by redsignating subsections (o), (p), and (q) as subsections (n), (o), and (p), respectively;

(13) in subsection (o), as so redesignated, by striking ''set aside under section 104(f) of title 23'' and inserting ''apportioned under paragraphs (5)(D) and (6) of section 104(b) of title 23''; and

(14) by adding at the end the following:

''(q) TREATMENT OF LAKE TAHOE REGION.—

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

''(2) TREATMENT.—For purposes of this title, the Lake Tahoe Region shall be treated as—

''(A) a metropolitan planning organization;

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

''(C) an urbanized area, which is comprised of—

''(i) a population of 145,000 and 25 square miles of land area in the State of California; and

''(ii) a population of 65,000 and 12 square miles of land area in the State of Nevada.''.

**SEC. 21004. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.**

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

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

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (G), by striking ''and'' at the end;

(ii) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(I) improve the resilience and reliability of the transportation system.''; and

(B) in paragraph (2)—

(i) in subparagraph (B)(ii), by striking ''urbanized areas with a population of fewer than 200,000 individuals, as calculated according to the most recent decennial census, and'' and inserting ''areas''; and

(ii) in subparagraph (C)—

(I) by striking ''title 23'' and inserting ''this chapter''; and

(II) by striking ''urbanized areas with a population of fewer than 200,000 individuals, as calculated according to the most recent decennial census, and'' and inserting ''areas'';

(3) in subsection (e)(1)—

(A) by striking '''In'' and inserting ''In''; and

(B) by striking ''subsection (l)'' and inserting ''subsection (k)'';

(4) in subsection (f)—

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

(B) in paragraph (3)(A)—

(i) in clause (i), by striking ''subsection (l)'' and inserting ''subsection (k)''; and

(ii) in clause (ii), by inserting ''(including intercity bus operators and commuter vanpool providers)'' after ''private providers of transportation'';

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

(D) in paragraph (8), by inserting '', including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated'' before the period at the end;

(5) in subsection (g)—

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

(B) in paragraph (3)—

(i) by inserting ''public ports,'' before ''freight shippers''; and

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

(C) in paragraph (6)(A), by striking ''subsection (l)'' and inserting ''subsection (k)'';

(6) by striking subsection (i); and

(7) by redesignating subsections (j), (k), and (l) as subsections (i), (j), and (k), respectively.

(b) CONFORMING AMENDMENT.—Section 5303(b)(5) of title 49, United States Code, is amended by striking ''section 5304(l)'' and inserting ''section 5304(k)''.

**SEC. 21005. URBANIZED AREA FORMULA GRANTS.**

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

(1) in subsection (a)—

(A) in paragraph (2), by inserting ''or general public demand response service'' before ''during'' each place that term appears; and

(B) by adding at the end the following:

''(3) EXCEPTION TO SPECIAL RULE.—Notwithstanding paragraph (2), if a public transportation system described in that paragraph executes a written agreement with 1 or more other public transportation systems within the urbanized area to allocate funds for the purposes described in that paragraph by a method other than by measuring vehicle revenue hours, each public transportation system that is a party to the written agreement may follow the terms of the written agreement without regard to measured vehicle revenue hours referred to in that paragraph.

''(4) TEMPORARY AND TARGETED ASSISTANCE.—

''(A) ELIGIBILITY.—The Secretary may make a grant under this section to finance the operating cost of equipment and facilities to a recipient for use in public transportation in an area that the Secretary determines has—

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

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

''(I) greater than 7 percent; and

''(II) at least 2 percentage points greater than the lowest 3-month unemployment rate for the area during the 5-year period preceding the date of the determination.

''(B) AWARD OF GRANT.—

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

''(ii) ADDITIONAL YEAR.—If, at the end of the second fiscal year following the date on which the Secretary makes a determination under subparagraph (A) with respect to an area, the Secretary determines that the 3-month unemployment rate for the area is at least 2 percentage points greater than the unemployment rate for the area at the time the Secretary made the determination under subparagraph (A), the Secretary may make a grant to a recipient in the area for 1 additional consecutive fiscal year.

''(iii) EXCLUSION PERIOD.—Beginning on the last day of the last consecutive fiscal year for which a recipient receives a grant under this paragraph, the Secretary may not make a subsequent grant under this paragraph to the recipient for a number of fiscal years equal to the number of consecutive fiscal years in which the recipient received a grant under this paragraph.

''(C) LIMITATION.—

''(i) FIRST FISCAL YEAR.—For the first fiscal year following the date on which the Secretary makes a determination under subparagraph (A) with respect to an area, not more than 25 percent of the amount apportioned to a designated recipient under section 5336 for the fiscal year shall be available for operating assistance for the area.

''(ii) SECOND AND THIRD FISCAL YEARS.—For the second and third fiscal years following the date on which the Secretary makes a determination under subparagraph (A) with respect to an area, not more than 20 percent of the amount apportioned to a designated recipient under section 5336 for the fiscal year shall be available for operating assistance for the area.

''(D) PERIOD OF AVAILABILITY FOR OPERATING ASSISTANCE.—Operating assistance awarded under this paragraph shall be available for expenditure to a recipient in an area until the end of the second fiscal year following the date on which the Secretary makes a determination under subparagraph (A) with respect to the area, after which time any unexpended funds shall be available to the recipient for other eligible activities under this section.

''(E) CERTIFICATION.—The Secretary may make a grant for operating assistance under this paragraph for a fiscal year only if the recipient certifies that—

''(i) the recipient will maintain public transportation service levels at or above the current service level, which shall be demonstrated by providing an equal or greater number of vehicle hours of service in the fiscal year than the number of vehicle hours of service provided in the preceding fiscal year;

''(ii) any non-Federal entity that provides funding to the recipient, including a State or local governmental entity, will maintain the tax rate or rate of allocations dedicated to public transportation at or above the rate for the preceding fiscal year;

''(iii) the recipient has allocated the maximum amount of funding under this section for preventive maintenance costs eligible as a capital expense necessary to maintain the level and quality of service provided in the preceding fiscal year; and

''(iv) the recipient will not use funding under this section for new capital assets except as necessary for the existing system to maintain or achieve a state of good repair, assure safety, or replace obsolete technology.''; and

(2) in subsection (c)(1)—

(A) in subparagraph (C), by inserting ''in a state of good repair'' after ''equipment and facilities'';

(B) in subparagraph (J), by adding ''and'' at the end;

(C) by striking subparagraph (K); and

(D) by redesignating subparagraph (L) as subparagraph (K).

**SEC. 21006. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.**

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

(1) in subsection (a)—

(A) in paragraph (3), by striking ''and weekend days'';

(B) in paragraph (6)—

(i) in subparagraph (A), by inserting '', small start projects,'' after ''new fixed guideway capital projects''; and

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

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

(C) in paragraph (7)—

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

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

(2) in subsection (d)—

(A) in paragraph (1)(B), by striking '', policies and land use patterns that promote public transportation,''; and

(B) in paragraph (2)(A)—

(i) in clause (iii), by adding ''and'' at the end;

(ii) by striking clause (iv); and

(iii) by redesignating clause (v) as clause (iv);

(3) in subsection (g)(2)(A)(i), by striking '', the policies and land use patterns that support public transportation,'';

(4) in subsection (i)—

(A) in paragraph (1), by striking ''subsection (d) or (e)'' and inserting ''subsection (d), (e), or (h)'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting ''new fixed guideway capital project or core capacity improvement'' after ''federally funded'';

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

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

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

''(I) new fixed guideway capital projects;

''(II) core capacity improvement projects; or

''(III) small start projects; or

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

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

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

''(A) PROJECT ADVANCEMENT.—A project receiving a grant under this section that is part of a program of interrelated projects may not advance—

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

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

(5) by adding at the end the following:

''(p) JOINT PUBLIC TRANSPORTATION AND INTERCITY PASSENGER RAIL PROJECTS.—

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

''(2) ELIGIBLE COSTS.—Eligible costs for a project under this subsection shall be limited to the net capital costs of the public transportation costs attributable to the project based on projected use of the new segment or expanded capacity of the project corridor, not including project elements designed to achieve or maintain a state of good repair, as determined by the Secretary under paragraph (4).

''(3) PROJECT JUSTIFICATION AND LOCAL FINANCIAL COMMITMENT.—A project under this subsection shall be evaluated for project justification and local financial commitment under subsections (d), (e), (f), and (h), as applicable to the project, based on—

''(A) the net capital costs of the public transportation costs attributable to the project as determined under paragraph (4); and

''(B) the share of funds dedicated to the project from sources other than this section included in the unified finance plan for the project.

''(4) CALCULATION OF NET CAPITAL PROJECT COST.—The Secretary shall estimate the net capital costs of a project under this subsection based on—

''(A) engineering studies;

''(B) studies of economic feasibility;

''(C) the expected use of equipment or facilities; and

''(D) the public transportation costs attributable to the project.

''(5) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.—

''(A) GOVERNMENT SHARE.—The Government share shall not exceed 80 percent of the net capital cost attributable to the public transportation costs of a project under this subsection as determined under paragraph (4).

''(B) NON-GOVERNMENT SHARE.—The remainder of the net capital cost attributable to the public transportation costs of a project under this subsection shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.''.

(b) EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM.—

(1) DEFINITIONS.—In this subsection, the following definitions shall apply:

(A) APPLICANT.—The term ''applicant'' means a State or local governmental authority that applies for a grant under this subsection.

(B) CAPITAL PROJECT; FIXED GUIDEWAY; LOCAL GOVERNMENTAL AUTHORITY; PUBLIC TRANSPORTATION; STATE; STATE OF GOOD REPAIR.—The terms ''capital project'', ''fixed guideway'', ''local governmental authority'', ''public transportation'', ''State'', and ''state of good repair'' have the meanings given those terms in section 5302 of title 49, United States Code.

(C) CORE CAPACITY IMPROVEMENT PROJECT.—The term ''core capacity improvement project''—

(i) means a substantial corridor-based capital investment in an existing fixed guideway system that increases the capacity of a corridor by not less than 10 percent; and

(ii) may include project elements designed to aid the existing fixed guideway system in making substantial progress towards achieving a state of good repair.

(D) CORRIDOR-BASED BUS RAPID TRANSIT PROJECT.—The term ''corridor-based bus rapid transit project'' means a small start project utilizing buses in which the project represents a substantial investment in a defined corridor as demonstrated by features that emulate the services provided by rail fixed guideway public transportation systems—

(i) including—

(I) defined stations;

(II) traffic signal priority for public transportation vehicles;

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

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

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

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

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

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

(ii) that represents a substantial investment in a single route in a defined corridor or subarea; and

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

(I) defined stations;

(II) traffic signal priority for public transportation vehicles;

(III) short headway bidirectional services for a substantial part of weekdays and weekend days; and

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

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

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

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

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

(I) SMALL START PROJECT.—The term ''small start project'' means a new fixed guideway capital project, a fixed guideway bus rapid transit project, or a corridor-based bus rapid transit project for which—

(i) the Federal assistance provided or to be provided under this subsection is less than $75,000,000; and

(ii) the total estimated net capital cost is less than $300,000,000.

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

(A) new fixed guideway capital projects or small start projects, including the acquisition of real property, the initial acquisition of rolling stock for the system, the acquisition of rights-of-way, and relocation, for projects in the advanced stages of planning and design; and

(B) core capacity improvement projects, including the acquisition of real property, the acquisition of rights-of-way, double tracking, signalization improvements, electrification, expanding system platforms, acquisition of rolling stock associated with corridor improvements increasing capacity, construction of infill stations, and such other capacity improvement projects as the Secretary determines are appropriate to increase the capacity of an existing fixed guideway system corridor by not less than 10 percent. Core capacity improvement projects do not include elements to improve general station facilities or parking, or acquisition of rolling stock alone.

(3) GRANT REQUIREMENTS.—

(A) IN GENERAL.—The Secretary may make not more than 10 grants under this subsection for an eligible project if the Secretary determines that—

(i) the eligible project is part of an approved transportation plan required under sections 5303 and 5304 of title 49, United States Code;

(ii) the applicant has, or will have—

(I) the legal, financial, and technical capacity to carry out the eligible project, including the safety and security aspects of the eligible project;

(II) satisfactory continuing control over the use of the equipment or facilities;

(III) the technical and financial capacity to maintain new and existing equipment and facilities; and

(IV) advisors providing guidance to the applicant on the terms and structure of the project that are independent from investors in the project;

(iii) the eligible project is supported, or will be supported, in part, through a public-private partnership, provided such support is determined by local policies, criteria, and decisionmaking under section 5306(a) of title 49, United States Code;

(iv) the eligible project is justified based on findings presented by the project sponsor to the Secretary, including—

(I) mobility improvements attributable to the project;

(II) environmental benefits associated with the project;

(III) congestion relief associated with the project;

(IV) economic development effects derived as a result of the project; and

(V) estimated ridership projections; and

(v) the eligible project is supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources).

(B) CERTIFICATION.—An applicant that has submitted the certifications required under subparagraphs (A), (B), (C), and (H) of section 5307(c)(1) of title 49, United States Code, shall be deemed to have provided sufficient information upon which the Secretary may make the determinations required under this paragraph.

(C) TECHNICAL CAPACITY.—The Secretary shall use an expedited technical capacity review process for applicants that have recently and successfully completed not less than 1 new fixed guideway capital project, small start project, or core capacity improvement project, if—

(i) the applicant achieved budget, cost, and ridership outcomes for the project that are consistent with or better than projections; and

(ii) the applicant demonstrates that the applicant continues to have the staff expertise and other resources necessary to implement a new project.

(D) FINANCIAL COMMITMENT.—

(i) REQUIREMENTS.—In determining whether an eligible project is supported by an acceptable degree of local financial commitment and shows evidence of stable and dependable financing sources for purposes of subparagraph (A)(v), the Secretary shall require that—

(I) each proposed source of capital and operating financing is stable, reliable, and available within the proposed eligible project timetable; and

(II) resources are available to recapitalize, maintain, and operate the overall existing and proposed public transportation system, including essential feeder bus and other services necessary, without degradation to the existing level of public transportation services.

(ii) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of financing under clause (i), the Secretary shall consider—

(I) the reliability of the forecasting methods used to estimate costs and revenues made by the applicant and the contractors to the applicant;

(II) existing grant commitments;

(III) the degree to which financing sources are dedicated to the proposed eligible project;

(IV) any debt obligation that exists or is proposed by the applicant, for the proposed eligible project or other public transportation purpose; and

(V) private contributions to the eligible project, including cost-effective project delivery, management or transfer of project risks, expedited project schedule, financial partnering, and other public-private partnership strategies.

(E) LABOR STANDARDS.—The requirements under section 5333 of title 49, United States Code, shall apply to each recipient of a grant under this subsection.

(4) PROJECT ADVANCEMENT.—An applicant that desires a grant under this subsection and meets the requirements of paragraph (3) shall submit to the Secretary, and the Secretary shall approve for advancement, a grant request that contains—

(A) identification of an eligible project;

(B) a schedule and finance plan for the construction and operation of the eligible project;

(C) an analysis of the efficiencies of the proposed eligible project development and delivery methods and innovative financing arrangement for the eligible project, including any documents related to the—

(i) public-private partnership required under paragraph (3)(A)(iii); and

(ii) project justification required under paragraph (3)(A)(iv); and

(D) a certification that the existing public transportation system of the applicant or, in the event that the applicant does not operate a public transportation system, the public transportation system to which the proposed project will be attached, is in a state of good repair.

(5) WRITTEN NOTICE FROM THE SECRETARY.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Secretary receives a grant request of an applicant under paragraph (4), the Secretary shall provide written notice to the applicant—

(i) of approval of the grant request; or

(ii) if the grant request does not meet the requirements under paragraph (4), of disapproval of the grant request, including a detailed explanation of the reasons for the disapproval.

(B) CONCURRENT NOTICE.—The Secretary shall provide concurrent notice of an approval or disapproval of a grant request under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(6) WAIVER.—The Secretary may grant a waiver to an applicant that does not comply with paragraph (4)(D) if—

(A) the eligible project meets the definition of a core capacity improvement project; and

(B) the Secretary certifies that the eligible project will allow the applicant to make substantial progress in achieving a state of good repair.

(7) SELECTION CRITERIA.—The Secretary may enter into a full funding grant agreement with an applicant under this subsection for an eligible project for which an application has been submitted and approved for advancement by the Secretary under paragraph (4), only if the applicant has completed the planning and activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(8) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—

(A) LETTERS OF INTENT.—

(i) AMOUNTS INTENDED TO BE OBLIGATED.—The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for an eligible project under this subsection, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the eligible project. When a letter is issued for an eligible project under this subsection, the amount shall be sufficient to complete at least an operable segment.

(ii) TREATMENT.—The issuance of a letter under clause (i) is deemed not to be an obligation under section 1108(c), 1501, or 1502(a) of title 31, United States Code, or an administrative commitment.

(B) FULL FUNDING GRANT AGREEMENTS.—

(i) IN GENERAL.—Except as provided in clause (v), an eligible project shall be carried out under this subsection through a full funding grant agreement.

(ii) CRITERIA.—The Secretary shall enter into a full funding grant agreement, based the requirements of this subparagraph, with each applicant receiving assistance for an eligible project that has received a written notice of approval under paragraph (5)(A)(i).

(iii) TERMS.—A full funding grant agreement shall—

(I) establish the terms of participation by the Federal Government in the eligible project;

(II) establish the maximum amount of Federal financial assistance for the eligible project;

(III) include the period of time for completing construction of the eligible project, consistent with the terms of the public-private partnership agreement, even if that period extends beyond the period of an authorization; and

(IV) make timely and efficient management of the eligible project easier according to the law of the United States.

(iv) SPECIAL FINANCIAL RULES.—

(I) IN GENERAL.—A full funding grant agreement under this subparagraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this subparagraph, to obligate an additional amount from future available budget authority specified in law.

(II) STATEMENT OF CONTINGENT COMMITMENT.—A full funding grant agreement shall state that the contingent commitment is not an obligation of the Federal Government.

(III) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out a part of the eligible project within a reasonable time are a cost of carrying out the eligible project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the eligible project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

(IV) COMPLETION OF OPERABLE SEGMENT.—The amount stipulated in an agreement under this subparagraph for a new fixed guideway capital project, core capacity improvement project, or small start project shall be sufficient to complete at least an operable segment.

(v) EXCEPTION.—

(I) IN GENERAL.—The Secretary, to the maximum extent practicable, shall provide Federal assistance under this subsection for a small start project in a single grant. If the Secretary cannot provide such a single grant, the Secretary may execute an expedited grant agreement in order to include a commitment on the part of the Secretary to provide funding for the project in future fiscal years.

(II) TERMS OF EXPEDITED GRANT AGREEMENTS.—In executing an expedited grant agreement under this clause, the Secretary may include in the agreement terms similar to those established under clause (iii).

(C) LIMITATION ON AMOUNTS.—

(i) IN GENERAL.—The Secretary may enter into full funding grant agreements under this paragraph for eligible projects that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.

(ii) APPROPRIATION REQUIRED.—An obligation may be made under this paragraph only when amounts are appropriated for obligation.

(D) NOTIFICATION TO CONGRESS.—

(i) IN GENERAL.—Not later than 30 days before the date on which the Secretary issues a letter of intent or enters into a full funding grant agreement for an eligible project under this paragraph, the Secretary shall notify, in writing, the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives of the proposed letter of intent or full funding grant agreement.

(ii) CONTENTS.—The written notification under clause (i) shall include a copy of the proposed letter of intent or full funding grant agreement for the eligible project.

(9) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.—

(A) IN GENERAL.—A grant for an eligible project shall not exceed 25 percent of the net capital project cost.

(B) REMAINDER OF NET CAPITAL PROJECT COST.—The remainder of the net capital

project cost shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

(C) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as authorizing the Secretary to require a non-Federal financial commitment for a project that is more than 75 percent of the net capital project cost.

(D) SPECIAL RULE FOR ROLLING STOCK COSTS.—In addition to amounts allowed pursuant to subparagraph (A), a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant satisfies the Secretary that only amounts other than amounts provided by the Federal Government were used and that the purchase was made for use on the extension. A refund or reduction of the remainder may be made only if a refund of a proportional amount of the grant of the Federal Government is made at the same time.

(E) FAILURE TO CARRY OUT PROJECT.—If an applicant does not carry out an eligible project for reasons within the control of the applicant, the applicant shall repay all Federal funds awarded for the eligible project from all Federal funding sources, for all eligible project activities, facilities, and equipment, plus reasonable interest and penalty charges allowable by law.

(F) CREDITING OF FUNDS RECEIVED.—Any funds received by the Federal Government under this paragraph, other than interest and penalty charges, shall be credited to the appropriation account from which the funds were originally derived.

(10) AVAILABILITY OF AMOUNTS.—

(A) IN GENERAL.—An amount made available for an eligible project shall remain available to that eligible project for 5 fiscal years, including the fiscal year in which the amount is made available. Any amounts that are unobligated to the eligible project at the end of the 5-fiscal-year period may be used by the Secretary for any purpose under this subsection.

(B) USE OF DEOBLIGATED AMOUNTS.—An amount available under this subsection that is deobligated may be used for any purpose under this subsection.

(11) ANNUAL REPORT ON EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that includes a proposed amount to be available to finance grants for anticipated projects under this subsection.

(12) BEFORE AND AFTER STUDY AND REPORT.—

(A) STUDY REQUIRED.—Each recipient shall conduct a study that—

(i) describes and analyzes the impacts of the eligible project on public transportation services and public transportation ridership;

(ii) describes and analyzes the consistency of predicted and actual benefits and costs of the innovative project development and delivery methods or innovative financing for the eligible project; and

(iii) identifies reasons for any differences between predicted and actual outcomes for the eligible project.

(B) SUBMISSION OF REPORT.—Not later than 2 years after an eligible project that is selected under this subsection begins revenue operations, the recipient shall submit to the Secretary a report on the results of the study conducted under subparagraph (A).

(13) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) require the privatization of the operation or maintenance of any project for which an applicant seeks funding under this subsection;

(B) revise the determinations by local policies, criteria, and decisionmaking under section 5306(a) of title 49, United States Code;

(C) alter the requirements for locally developed, coordinated, and implemented transportation plans under sections 5303 and 5304 of title 49, United States Code; or

(D) alter the eligibilities or priorities for assistance under this subsection or section 5309 of title 49, United States Code.

**SEC. 21007. MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES.**

(a) COORDINATION OF PUBLIC TRANSPORTATION SERVICES WITH OTHER FEDERALLY ASSISTED LOCAL TRANSPORTATION SERVICES.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''allocated cost model'' means a method of determining the cost of trips by allocating the cost to each trip purpose served by a transportation provider in a manner that is proportional to the level of transportation service that the transportation provider delivers for each trip purpose, to the extent permitted by applicable Federal requirements; and

(B) the term ''Council'' means the Interagency Transportation Coordinating Council on Access and Mobility established under Executive Order 13330 (49 U.S.C. 101 note).

(2) COORDINATING COUNCIL ON ACCESS AND MOBILITY STRATEGIC PLAN.—Not later than 2 years after the date of enactment of this Act, the Council shall publish a strategic plan for the Council that—

(A) outlines the role and responsibilities of each Federal agency with respect to local transportation coordination, including non-emergency medical transportation;

(B) identifies a strategy to strengthen interagency collaboration;

(C) addresses any outstanding recommendations made by the Council in the 2005 Report to the President relating to the implementation of Executive Order 13330, including—

(i) a cost-sharing policy endorsed by the Council; and

(ii) recommendations to increase participation by recipients of Federal grants in locally developed, coordinated planning processes; and

(D) to the extent feasible, addresses recommendations by the Comptroller General of the United States concerning local coordination of transportation services.

(3) DEVELOPMENT OF COST-SHARING POLICY IN COMPLIANCE WITH APPLICABLE FEDERAL REQUIREMENTS.—In establishing the cost-sharing policy required under paragraph (2), the Council may consider, to the extent practicable—

(A) the development of recommended strategies for grantees of programs funded by members of the Council, including strategies for grantees of programs that fund non-emergency medical transportation, to use the cost-sharing policy in a manner that does not violate applicable Federal requirements; and

(B) optional incorporation of an allocated cost model to facilitate local coordination efforts that comply with applicable requirements of programs funded by members of the Council, such as—

(i) eligibility requirements;

(ii) service delivery requirements; and

(iii) reimbursement requirements.

(b) PILOT PROGRAM FOR INNOVATIVE COORDINATED ACCESS AND MOBILITY.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''eligible project'' has the meaning given the term ''capital project'' in section 5302 of title 49, United States Code; and

(B) the term ''eligible recipient'' means a recipient or subrecipient, as those terms are defined in section 5310 of title 49, United States Code.

(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to eligible recipients to assist in financing innovative projects for the transportation disadvantaged that improve the coordination of transportation services and non-emergency medical transportation services, including—

(A) the deployment of coordination technology;

(B) projects that create or increase access to community One-Call/One-Click Centers; and

(C) such other projects as determined by the Secretary.

(3) APPLICATION.—An eligible recipient shall submit to the Secretary an application that, at a minimum, contains—

(A) a detailed description of the eligible project;

(B) an identification of all eligible project partners and their specific role in the eligible project, including—

(i) private entities engaged in the coordination of non-emergency medical transportation services for the transportation disadvantaged; or

(ii) nonprofit entities engaged in the coordination of non-emergency medical transportation services for the transportation disadvantaged;

(C) a description of how the eligible project would—

(i) improve local coordination or access to coordinated transportation services;

(ii) reduce duplication of service, if applicable; and

(iii) provide innovative solutions in the State or community; and

(D) specific performance measures the eligible project will use to quantify actual outcomes against expected outcomes.

(4) GOVERNMENT SHARE OF COSTS.—

(A) IN GENERAL.—The Government share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

(B) NON-GOVERNMENT SHARE.—The non-Government share of the cost of an eligible project carried out under this subsection may be derived from in-kind contributions.

(5) RULE OF CONSTRUCTION.—For purposes of this subsection, non-emergency medical transportation services shall be limited to services eligible under Federal programs other than programs authorized under chapter 53 of title 49, United States Code.

(c) TECHNICAL CORRECTION.—Section 5310(a) of title 49, United States Code, is amended by striking paragraph (1) and inserting the following:

''(1) RECIPIENT.—The term 'recipient' means—

''(A) a designated recipient or a State that receives a grant under this section directly; or

''(B) a State or local governmental entity that operates a public transportation service.''.

**SEC. 21008. FORMULA GRANTS FOR RURAL AREAS.**

Section 5311 of title 49, United States Code, is amended—

(1) in subsection (c)(1), as amended by division G, by striking subparagraphs (A) and (B) and inserting the following:

''(A) $5,000,000 for each fiscal year shall be distributed on a competitive basis by the Secretary.

''(B) $30,000,000 for each fiscal year shall be apportioned as formula grants, as provided in subsection (j).''; and

(2) in subsection (j)(1)—

(A) in subparagraph (A)(iii), by striking ''(as defined by the Bureau of the Census)'' and inserting ''(American Indian Areas, Alaska Native Areas, and Hawaiian Home Lands, as defined by the Bureau of the Census)''; and

(B) by adding at the end the following:

''(E) ALLOCATION BETWEEN MULTIPLE INDIAN TRIBES.—If more than 1 Indian tribe provides public transportation service on tribal lands in a single Tribal Statistical Area, and the Indian tribes do not determine how to allocate the funds apportioned under clause (iii) of subparagraph (A) between the Indian tribes, the Secretary shall allocate the funds such that each Indian tribe shall receive an amount equal to the total amount apportioned under such clause (iii) multiplied by the ratio of the number of annual unlinked passenger trips provided by each Indian tribe, as reported to the National Transit Database, to the total unlinked passenger trips provided by all the Indian tribes in the Tribal Statistical Area.''.

**SEC. 21009. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROGRAM.**

(a) IN GENERAL.—Section 5312 of title 49, United States Code, is amended—

(1) in the section heading, by striking ''**projects**'' and inserting ''**program**'';

(2) in subsection (a), in the subsection heading, by striking ''PROJECTS'' and inserting ''PROGRAM'';

(3) in subsection (d)—

(A) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by inserting ''demonstration, deployment, or evaluation'' before ''project that'';

(ii) in subparagraph (A), by striking ''and'' at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(iv) by adding at the end the following:

''(C) the deployment of low or no emission vehicles, zero emission vehicles, or associated advanced technology.''; and

(B) by striking paragraph (5) and inserting the following:

''(5) PROHIBITION.—The Secretary may not make grants under this subsection for the demonstration, deployment, or evaluation of a vehicle that is in revenue service unless the Secretary determines that the project makes significant technological advancements in the vehicle.

''(6) DEFINITIONS.—In this subsection—

''(A) the term 'direct carbon emissions' means the quantity of direct greenhouse gas emissions from a vehicle, as determined by the Administrator of the Environmental Protection Agency;

''(B) the term 'low or no emission vehicle' means—

''(i) a passenger vehicle used to provide public transportation that the Secretary determines sufficiently reduces energy consumption or harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle; or

''(ii) a zero emission vehicle used to provide public transportation; and

''(C) the term 'zero emission vehicle' means a low or no emission vehicle that produces no carbon or particulate matter.'';

(4) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(5) by inserting after subsection (d) the following:

''(e) LOW OR NO EMISSION VEHICLE COMPONENT ASSESSMENT.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'covered institution of higher education' means an institution of higher education with which the Secretary enters into a contract or cooperative agreement, or to which the Secretary makes a grant, under paragraph (2)(B) to operate a facility designated under paragraph (2)(A);

''(B) the terms 'direct carbon emissions' and 'low or no emission vehicle' have the meanings given those terms in subsection (d)(6);

''(C) the term 'institution of higher education' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and

''(D) the term 'low or no emission vehicle component' means an item that is separately installed in and removable from a low or no emission vehicle.

''(2) ASSESSING LOW OR NO EMISSION VEHICLE COMPONENTS.—

''(A) IN GENERAL.—The Secretary shall designate not more than 2 facilities to conduct testing, evaluation, and analysis of low or no emission vehicle components intended for use in low or no emission vehicles.

''(B) OPERATION AND MAINTENANCE.—

''(i) IN GENERAL.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to, not more than 2 institutions of higher education to each operate and maintain a facility designated under subparagraph (A).

''(ii) REQUIREMENTS.—An institution of higher education described in clause (i) shall have—

''(I) previous experience with transportation-related advanced component and vehicle evaluation;

''(II) laboratories capable of testing and evaluation;

''(III) direct access to or a partnership with a testing facility capable of emulating real-world circumstances in order to test low or no emission vehicle components installed on the intended vehicle;

''(IV) extensive knowledge of public-private partnerships in the transportation sector, with emphasis on development and evaluation of materials, products, and components;

''(V) the ability to reduce costs to partners by leveraging existing programs to provide complementary research, development, testing, and evaluation; and

''(VI) the means to conduct performance assessments on low or no emission vehicle components based on industry standards.

''(C) FEES.—A covered institution of higher education shall establish and collect fees, which shall be approved by the Secretary, for the assessment of low or no emission components at the applicable facility designated under subparagraph (A).

''(D) AVAILABILITY OF AMOUNTS TO PAY FOR ASSESSMENT.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to, each covered institution of higher education under which—

''(i) the Secretary shall pay 50 percent of the cost of assessing a low or no emission vehicle component at the applicable facility designated under subparagraph (A) from amounts made available to carry out this section; and

''(ii) the remaining 50 percent of such cost shall be paid from amounts recovered through the fees established and collected pursuant to subparagraph (C).

''(E) VOLUNTARY TESTING.—A manufacturer of a low or no emission vehicle component is not required to assess the low or no emission vehicle component at a facility designated under subparagraph (A).

''(F) COMPLIANCE WITH SECTION 5318.—Notwithstanding whether a low or no emission vehicle component is assessed at a facility designated under subparagraph (A), each new bus model shall comply with the requirements under section 5318.

''(G) SEPARATE FACILITY.—Each facility designated under subparagraph (A) shall be separate and distinct from the facility operated and maintained under section 5318.

''(3) LOW OR NO EMISSION VEHICLE COMPONENT PERFORMANCE REPORTS.—Not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2015, and annually thereafter, the Secretary shall issue a report on low or no emission vehicle component assessments conducted at each facility designated under paragraph (2)(A), which shall include information related to the maintainability, reliability, performance, structural integrity, efficiency, and noise of those low or no emission vehicle components.

''(4) PUBLIC AVAILABILITY OF ASSESSMENTS.—Each assessment conducted at a facility designated under paragraph (2)(A) shall be made publically available, including to affected industries.

''(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require—

''(A) a low or no emission vehicle component to be tested at a facility designated under paragraph (2)(A); or

''(B) the development or disclosure of a privately funded component assessment.'';

(6) in subsection (f), as so redesignated—

(A) in paragraph (2), by striking ''and'' at the end;

(B) by redesignating paragraph (3) as paragraph (4);

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

''(3) a list of any projects that returned negative results in the preceding fiscal year and an analysis of such results; and''; and

(D) in paragraph (4), as so redesignated, by inserting before the period at the end the following: ''based on projects in the pipeline, ongoing projects, and anticipated research efforts necessary to advance certain projects to a subsequent research phase''; and

(7) by adding at the end the following:

''(h) COOPERATIVE RESEARCH PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish—

''(A) a public transportation cooperative research program under this subsection; and

''(B) an independent governing board for the program, which shall recommend public transportation research, development, and technology transfer activities the Secretary considers appropriate.

''(2) FEDERAL ASSISTANCE.—The Secretary may make grants to, and cooperative agreements with, the National Academy of Sciences to carry out activities under this subsection that the Secretary determines appropriate.

''(3) GOVERNMENT SHARE.—If there would be a clear and direct financial benefit to an entity under a grant or contract financed under this section, the Secretary shall establish a Government share consistent with that benefit.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 49.—Chapter 53 of title 49, United States Code, is amended by striking section 5313.

(2) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 53 of title 49, United States Code, is amended by striking the items relating to sections 5312 and 5313 and inserting the following:

''5312. Research, development, demonstration, and deployment program.

''[5313. Repealed.]''.

**SEC. 21010. PRIVATE SECTOR PARTICIPATION.**

(a) IN GENERAL.—Section 5315 of title 49, United States Code, is amended by adding at the end the following:

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter—

''(1) the eligibilities, requirements, or priority for assistance provided under this chapter; or

''(2) the requirements of section 5306(a).''.

(b) MAP-21 TECHNICAL CORRECTION.—Section 20013(d) of the Moving Ahead for Progress in the 21st Century Act (Public Law 112–141; 126 Stat. 694) is amended by striking ''5307(c)'' and inserting ''5307(b)''.

**SEC. 21011. INNOVATIVE PROCUREMENT.**

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5315 the following:

**''§ 5316. Innovative procurement**

''(a) DEFINITION.—In this section, the term 'grantee' means a recipient or subrecipient of assistance under this chapter.

''(b) COOPERATIVE PROCUREMENT.—

''(1) DEFINITIONS; GENERAL RULES.—

''(A) DEFINITIONS.—In this subsection—

''(i) the term 'cooperative procurement contract' means a contract—

''(I) entered into between a State government or eligible nonprofit and 1 or more vendors; and

''(II) under which the vendors agree to provide an option to purchase rolling stock and related equipment to multiple participants;

''(ii) the term 'eligible nonprofit entity' means—

''(I) a nonprofit entity that is not a grantee; or

''(II) a consortium of entities described in subclause (I);

''(iii) the terms 'lead nonprofit entity' and 'lead procurement agency' mean an eligible nonprofit entity or a State government, respectively, that acts in an administrative capacity on behalf of each participant in a cooperative procurement contract;

''(iv) the term 'participant' means a grantee that participates in a cooperative procurement contract; and

''(v) the term 'participate' means to purchase rolling stock and related equipment under a cooperative procurement contract using assistance provided under this chapter.

''(B) GENERAL RULES.—

''(i) PROCUREMENT NOT LIMITED TO INTRASTATE PARTICIPANTS.—A grantee may participate in a cooperative procurement contract without regard to whether the grantee is located in the same State as the parties to the contract.

''(ii) VOLUNTARY PARTICIPATION.—Participation by grantees in a cooperative procurement contract shall be voluntary.

''(iii) CONTRACT TERMS.—The lead procurement agency or lead nonprofit entity for a cooperative procurement contract shall develop the terms of the contract.

''(iv) DURATION.—A cooperative procurement contract—

''(I) subject to subclauses (II) and (III), may be for an initial term of not more than 2 years;

''(II) may include not more than 3 optional extensions for terms of not more than 1 year each; and

''(III) may be in effect for a total period of not more than 5 years, including each extension authorized under subclause (II).

''(v) ADMINISTRATIVE EXPENSES.—A lead procurement agency or lead nonprofit entity, as applicable, that enters into a cooperative procurement contract—

''(I) may charge the participants in the contract for the cost of administering, planning, and providing technical assistance for the contract in an amount that is not more than 1 percent of the total value of the contract; and

''(II) with respect to the cost described in subclause (I), may incorporate the cost into the price of the contract or directly charge the participants for the cost, but not both.

''(2) STATE COOPERATIVE PROCUREMENT SCHEDULES.—

''(A) AUTHORITY.—A State government may enter into a cooperative procurement contract with 1 or more vendors if—

''(i) the vendors agree to provide an option to purchase rolling stock and related equipment to the State government and any other participant; and

''(ii) the State government acts throughout the term of the contract as the lead procurement agency.

''(B) APPLICABILITY OF POLICIES AND PROCEDURES.—In procuring rolling stock and related equipment under a cooperative procurement contract under this subsection, a State government shall comply with the policies and procedures that apply to procurement by the State government when using non-Federal funds, to the extent that the policies and procedures are in conformance with applicable Federal law.

''(3) PILOT PROGRAM FOR NONPROFIT COOPERATIVE PROCUREMENTS.—

''(A) ESTABLISHMENT.—The Secretary shall establish and carry out a pilot program to demonstrate the effectiveness of cooperative procurement contracts administered by nonprofit entities.

''(B) DESIGNATION.—In carrying out the program under this paragraph, the Secretary shall designate not less than 1 eligible nonprofit entity to enter into a cooperative procurement contract under which the nonprofit entity acts throughout the term of the contract as the lead nonprofit entity.

''(C) NUMBER OF ENTITIES.—The Secretary may designate not more than 3 geographically diverse eligible nonprofit entities under subparagraph (B).

''(D) NOTICE OF INTENT TO PARTICIPATE.—At a time determined appropriate by the lead nonprofit entity, each participant in a cooperative procurement contract under this paragraph shall submit to the lead nonprofit entity a nonbinding notice of intent to participate.

''(c) LEASING ARRANGEMENTS.—

''(1) CAPITAL LEASE DEFINED.—

''(A) IN GENERAL.—In this subsection, the term 'capital lease' means any agreement under which a grantee acquires the right to use rolling stock or related equipment for a specified period of time, in exchange for a periodic payment.

''(B) MAINTENANCE.—A capital lease may require that the lessor provide maintenance of the rolling stock or related equipment covered by the lease.

''(2) PROGRAM TO SUPPORT INNOVATIVE LEASING ARRANGEMENTS.—

''(A) AUTHORITY.—A grantee may use assistance provided under this chapter to enter into a capital lease if—

''(i) the rolling stock or related equipment covered under the lease is eligible for capital assistance under this chapter; and

''(ii) there is or will be no Federal interest in the rolling stock or related equipment covered under the lease as of the date on which the lease takes effect.

''(B) GRANTEE REQUIREMENTS.—A grantee that enters into a capital lease shall—

''(i) maintain an inventory of the rolling stock or related equipment acquired under the lease; and

''(ii) maintain on the accounting records of the grantee the liability of the grantee under the lease.

''(C) ELIGIBLE LEASE COSTS.—The costs for which a grantee may use assistance under this chapter, with respect to a capital lease, include—

''(i) the cost of the rolling stock or related equipment;

''(ii) associated financing costs, including interest, legal fees, and financial advisor fees;

''(iii) ancillary costs such as delivery and installation charges; and

''(iv) maintenance costs.

''(D) TERMS.—A grantee shall negotiate the terms of any lease agreement that the grantee enters into.

''(E) APPLICABILITY OF PROCUREMENT REQUIREMENTS.—

''(i) LEASE REQUIREMENTS.—Part 639 of title 49, Code of Federal Regulations, or any successor regulation, and implementing guidance applicable to leasing shall not apply to a capital lease.

''(ii) BUY AMERICA.—The requirements under section 5323(j) shall apply to a capital lease.

''(3) INCENTIVE PROGRAM FOR CAPITAL LEASING OF ROLLING STOCK.—

''(A) AUTHORITY.—The Secretary shall carry out an incentive program for capital leasing of rolling stock (referred to in this paragraph as the 'program').

''(B) SELECTION OF PARTICIPANTS.—

''(i) IN GENERAL.—The Secretary shall select not less than 6 grantees to participate in the program, which shall be—

''(I) geographically diverse; and

''(II) evenly distributed among grantees in accordance with clause (ii).

''(ii) POPULATION SIZE.—In selecting an even distribution of grantees under clause (i)(II), the Secretary shall select not less than—

''(I) 2 grantees that serve rural areas;

''(II) 2 grantees that serve urbanized areas with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census; and

''(III) 2 grantees that serve urbanized areas with a population of 200,000 or more individuals, as determined by the Bureau of the Census.

''(iii) WAIVER.—The Secretary may waive a requirement under clause (ii) if an insufficient number of eligible grantees of a particular population size apply to participate in the program.

''(C) PARTICIPANT REQUIREMENTS.—

''(i) IN GENERAL.—A grantee that participates in the program shall—

''(I) enter into a capital lease for a period of not less than 5 years; and

''(II) replace not less than ¼ of the grantee's fleet through the capital lease.

''(ii) VEHICLE REQUIREMENTS.—The vehicles replaced under clause (i)(II), with respect to the fleet as constituted on the day before the date on which the capital lease is entered into, shall—

''(I) be the oldest vehicles in the fleet; or

''(II) produce the highest quantity of direct greenhouse gas emissions relative to the other vehicles in the fleet, as determined by the Administrator of the Environmental Protection Agency.

''(iii) WAIVER OF FEDERAL INTEREST REQUIREMENTS.—If a grantee participating in the program seeks to replace vehicles that have a remaining Federal interest, the Secretary shall—

''(I) evaluate the economic and environmental benefits of waiving the Federal interest, as demonstrated by the grantee;

''(II) if the grantee demonstrates a net economic or environmental benefit, grant an early disposition of the vehicles; and

''(III) publish each evaluation and final determination of the Secretary under this clause in a conspicuous location on the website of the Federal Transit Administration.

''(D) PARTICIPANT BENEFIT.—During the period during which a capital lease described in subparagraph (C)(i)(I), entered into by a grantee participating in the program, is in effect, the limit on the Government share of operating expenses under subsection (d)(2) of section 5307, subsection (d)(2) of section 5310, or subsection (g)(2) of section 5311 shall not

apply with respect to any grant awarded to the grantee under the applicable section.

''(E) REPORTING REQUIREMENT.—Not later than 3 years after the date on which a grantee enters into a capital lease under the program, the grantee shall submit to the Secretary a report that contains—

''(i) an evaluation of the overall costs and benefits of leasing rolling stock;

''(ii) a cost comparison of leasing versus buying rolling stock;

''(iii) a comparison of the expected short-term and long-term maintenance costs of leasing versus buying rolling stock; and

''(iv) a projected budget showing the changes in overall operating and capital expenses due to the capital lease that the grantee entered into under the program.

''(4) INCENTIVE PROGRAM FOR CAPITAL LEASING OF CERTAIN ZERO EMISSION VEHICLE COMPONENTS.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'removable power source'—

''(I) means a power source that is separately installed in, and removable from, a zero emission vehicle; and

''(II) may include a battery, a fuel cell, an ultra-capacitor, or other advanced power source used in a zero emission vehicle; and

''(ii) the term 'zero emission vehicle' has the meaning given the term in section 5339(c).

''(B) LEASED POWER SOURCES.—Notwithstanding any other provision of law, for purposes of this subsection, the cost of a removable power source that is necessary for the operation of a zero emission vehicle shall not be treated as part of the cost of the vehicle if the removable power source is acquired using a capital lease.

''(C) ELIGIBLE CAPITAL LEASE.—A grantee may acquire a removable power source by itself through a capital lease.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5315 the following:

''5316. Innovative procurement.''.

(2) CONFORMING AMENDMENT.—Section 5325(e)(2) of title 49, United States Code, is amended by inserting after ''this subsection'' the following: '', section 5316,''.

**SEC. 21012. HUMAN RESOURCES AND TRAINING.**

Section 5322 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), in the paragraph heading, by striking ''PROGRAM ESTABLISHED'' and inserting ''IN GENERAL'';

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

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

''(2) PROGRAMS.—A program eligible for assistance under subsection (a) shall—

''(A) provide skills training, on-the-job training, and work-based learning;

''(B) offer career pathways that support the movement from initial or short-term employment opportunities to sustainable careers;

''(C) address current or projected workforce shortages;

''(D) replicate successful workforce development models; or

''(E) respond to such other workforce needs as the Secretary determines appropriate.'';

(D) in paragraph (3), as so redesignated—

(i) in subparagraph (G), by striking ''and'' at the end;

(ii) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(I) give priority to minorities, women, individuals with disabilities, veterans, low-income populations, and other underserved populations.''; and

(E) by adding at the end the following:

''(4) COORDINATION.—A recipient of assistance under this subsection shall—

''(A) identify the workforce needs and commensurate training needs at the local level in coordination with entities such as local employers, local public transportation operators, labor union organizations, workforce development boards, State workforce agencies, State apprenticeship agencies (where applicable), university transportation centers, community colleges, and community-based organizations representing minorities, women, disabled individuals, veterans, and low-income populations; and

''(B) to the extent practicable, conduct local training programs in coordination with existing local training programs supported by the Secretary, the Department of Labor (including registered apprenticeship programs), and the Department of Education.

''(5) PROGRAM OUTCOMES.—A recipient of assistance under this subsection shall demonstrate outcomes for any program that includes skills training, on-the-job training, and work-based learning, including—

''(A) the impact on reducing public transportation workforce shortages in the area served;

''(B) the diversity of training participants;

''(C) the number of participants obtaining certifications or credentials required for specific types of employment;

''(D) employment outcomes, including job placement, job retention, and wages, using performance metrics established in consultation with the Secretary and the Secretary of Labor and consistent with metrics used by programs under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.); and

''(E) to the extent practical, evidence that the program did not preclude workers who are participating in skills training, on-the-job training, and work-based learning from being referred to, or hired on, projects funded under this chapter without regard to the length of time of their participation in the program.''; and

(2) in subsection (d), by striking paragraph (4) and inserting the following:

''(4) USE FOR TECHNICAL ASSISTANCE.—The Secretary may use not more than 1 percent of the amounts made available to carry out this section to provide technical assistance for activities and programs developed, conducted, and overseen under this subsection.

''(5) AVAILABILITY OF AMOUNTS.—

''(A) IN GENERAL.—Not more than 0.5 percent of the amounts made available to a recipient under sections 5307, 5337, and 5339 is available for expenditure by the recipient, with the approval of the Secretary, to pay not more than 80 percent of the cost of eligible activities under this subsection.

''(B) EXISTING PROGRAMS.—A recipient may use amounts made available under paragraph (A) to carry out existing local education and training programs for public transportation employees supported by the Secretary, the Department of Labor, or the Department of Education.''.

**SEC. 21013. GENERAL PROVISIONS.**

Section 5323 of title 49, United States Code, is amended—

(1) in subsection (j)—

(A) in paragraph (2), by striking subparagraph (C) and inserting the following:

''(C) when procuring rolling stock (including train control, communication, and traction power equipment, and rolling stock prototypes) under this chapter—

''(i) the cost of components and subcomponents produced in the United States—

''(I) for fiscal years 2016 and 2017, is more than 60 percent of the cost of all components of the rolling stock;

''(II) for fiscal years 2018 and 2019, is more than 65 percent of the cost of all components of the rolling stock; and

''(III) for fiscal year 2020 and each fiscal year thereafter, is more than 70 percent of the cost of all components of the rolling stock; and

''(ii) final assembly of the rolling stock has occurred in the United States; or'';

(B) by resdesignating paragraphs (5) through (9) as paragraphs (7) through (11), respectively;

(C) by inserting after paragraph (4) the following:

''(5) ROLLING STOCK FRAMES OR CAR SHELLS.—In carrying out paragraph (2)(C) in the case of a rolling stock procurement receiving assistance under this chapter in which the average cost of a rolling stock vehicle in the procurement is more than $300,000, if rolling stock frames or car shells are not produced in the United States, the Secretary shall include in the calculation of the domestic content of the rolling stock the cost of steel or iron used in the rolling stock frames or car shells if—

''(A) all manufacturing processes for the steel or iron occur in the United States; and

''(B) the amount of steel or iron used in the rolling stock frames or car shells is significant.

''(6) CERTIFICATION OF DOMESTIC SUPPLY AND DISCLOSURE.—

''(A) CERTIFICATION OF DOMESTIC SUPPLY.—If the Secretary denies an application for a waiver under paragraph (2), the Secretary shall provide to the applicant a written certification that—

''(i) the steel, iron, or manufactured goods, as applicable, (referred to in this subparagraph as the 'item') is produced in the United States in a sufficient and reasonably available amount;

''(ii) the item produced in the United States is of a satisfactory quality; and

''(iii) includes a list of known manufacturers in the United States from which the item can be obtained.

''(B) DISCLOSURE.—The Secretary shall disclose the waiver denial and the written certification to the public in an easily identifiable location on the website of the Department of Transportation.'';

(D) in paragraph (8), as so redesignated, by striking ''Federal Public Transportation Act of 2012'' and inserting ''Federal Public Transportation Act of 2015''; and

(E) by inserting after paragraph (11), as so redesignated, the following:

''(12) PRODUCTION IN UNITED STATES.—For purposes of this subsection, steel and iron may be considered produced in the United States if all the manufacturing processes, except metallurgical processes involving refinement of steel additives, took place in the United States.

''(13) DEFINITION OF SMALL PURCHASE.—For purposes of determining whether a purchase qualifies for a general public interest waiver under paragraph (2)(A) of this subsection, including under any regulation promulgated under that paragraph, the term 'small purchase' means a purchase of not more than $150,000.'';

(2) in subsection (q)(1), by striking the second sentence; and

(3) by adding at the end the following:

''(s) VALUE CAPTURE REVENUE ELIGIBLE FOR LOCAL SHARE.—Notwithstanding any other provision of law, a recipient of assistance under this chapter may use the revenue generated from value capture financing mechanisms as local matching funds for capital projects and operating costs eligible under this chapter.

''(t) VALUE ENGINEERING.—Nothing in this chapter shall be construed to authorize the Secretary to mandate the use of value engineering in projects funded under this chapter.''.

**SEC. 21014. PROJECT MANAGEMENT OVERSIGHT.**

Section 5327 of title 49, United States Code, is amended—

(1) in subsection (c), by striking ''section 5338(i)'' and inserting ''section 5338(h)''; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''section 5338(i)'' and inserting ''section 5338(h)''; and

(ii) by striking ''and'' at the end; and

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

''(2) a requirement that oversight—

''(A) begin during the project development phase of a project, unless the Secretary finds it more appropriate to begin the oversight during another phase of the project, to maximize the transportation benefits and cost savings associated with project management oversight; and

''(B) be limited to quarterly reviews of compliance by the recipient with the project management plan approved under subsection (b) unless the Secretary finds that the recipient requires more frequent oversight because the recipient has, for 2 consecutive quarterly reviews, failed to meet the requirements of such plan and the project is at risk of going over budget or becoming behind schedule; and

''(3) a process for recipients that the Secretary has found require more frequent oversight to return to quarterly reviews for purposes of paragraph (2)(B).''.

**SEC. 21015. PUBLIC TRANSPORTATION SAFETY PROGRAM.**

(a) IN GENERAL.—Section 5329 of title 49, United States Code, is amended—

(1) in subsection (b)(2)—

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

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

''(D) minimum safety standards to ensure the safe operation of public transportation systems that—

''(i) are not related to performance standards for public transportation vehicles developed under subparagraph (C); and

''(ii) to the extent practicable, take into consideration—

''(I) relevant recommendations of the National Transportation Safety Board;

''(II) best practices standards developed by the public transportation industry;

''(III) any minimum safety standards or performance criteria being implemented across the public transportation industry; and

''(IV) any additional information that the Secretary determines necessary and appropriate; and'';

(2) in subsection (f)(2), by inserting after ''public transportation system of a recipient'' the following: ''or the public transportation industry generally''; and

(3) in subsection (g)(1), in the matter preceding subparagraph (A), by striking ''an eligible State, as defined in subsection (e),'' and inserting ''a recipient''.

(b) REVIEW OF PUBLIC TRANSPORTATION SAFETY STANDARDS.—

(1) REVIEW REQUIRED.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall commence a review of the safety standards and protocols used in rail fixed guideway public transportation systems in the United States that examines the efficacy of existing standards and protocols.

(B) CONTENTS OF REVIEW.—In conducting the review under this paragraph, the Secretary shall review—

(i) minimum safety performance standards developed by the public transportation industry;

(ii) safety performance standards, practices, or protocols in use by rail fixed guideway public transportation systems, including—

(I) written emergency plans and procedures for passenger evacuations;

(II) training programs to ensure public transportation personnel compliance and readiness in emergency situations;

(III) coordination plans with local emergency responders having jurisdiction over a rail fixed guideway public transportation system, including—

(aa) emergency preparedness training, drills, and familiarization programs for those first responders; and

(bb) the scheduling of regular field exercises to ensure appropriate response and effective radio and public safety communications;

(IV) maintenance, testing, and inspection programs to ensure the proper functioning of—

(aa) tunnel, station, and vehicle ventilation systems;

(bb) signal and train control systems, track, mechanical systems, and other infrastructure; and

(cc) other systems as necessary;

(V) certification requirements for train and bus operators and control center employees;

(VI) consensus-based standards, practices, or protocols available to the public transportation industry; and

(VII) any other standards, practices, or protocols the Secretary determines appropriate; and

(iii) vehicle safety standards, practices, or protocols in use by public transportation systems, concerning—

(I) bus design and the workstation of bus operators, as it relates to—

(aa) the reduction of blindspots that contribute to accidents involving pedestrians; and

(bb) protecting bus operators from the risk of assault; and

(II) scheduling fixed route bus service with adequate time and access for operators to use restroom facilities.

(2) EVALUATION.—After conducting the review under paragraph (1), the Secretary shall, in consultation with representatives of the public transportation industry, evaluate the need to establish Federal minimum public transportation safety standards, including—

(A) standards governing worker safety;

(B) standards for the operation of signals, track, on-track equipment, mechanical systems, and control systems; and

(C) any other areas the Secretary, in consultation with the public transportation industry, determines require further evaluation.

(3) REPORT.—Upon completing the review and evaluation required under paragraphs (1) and (2), respectively, and not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the of House of Representatives a report that includes—

(A) findings based on the review conducted under paragraph (1);

(B) the outcome of the evaluation conducted under paragraph (2);

(C) a comprehensive set of recommendations to improve the safety of the public transportation industry, including recommendations for legislative changes where applicable; and

(D) actions that the Secretary will take to address the recommendations provided under subparagraph (C), including, if necessary, the establishment of Federal minimum public transportation safety standards.

**SEC. 21016. STATE OF GOOD REPAIR GRANTS.**

Section 5337 of title 49, United States Code, is amended—

(1) in subsection (c)—

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

''(1) IN GENERAL.—Of the amount authorized or made available for a fiscal year under section 5338(a)(2)(L)—

''(A) $100,000,000 shall be made available in accordance with this subsection; and

''(B) 97.15 percent of the remainder shall be apportioned to recipients in accordance with this subsection.''; and

(B) in paragraph (2)(B), by inserting ''the provisions of'' before ''section 5336(b)(1)'';

(2) in subsection (d)—

(A) in paragraph (2), by striking ''section 5338(a)(2)(I), 2.85 percent'' and inserting ''section 5338(a)(2)(L), the remainder after the application of subsection (c)(1)''; and

(B) by adding at the end the following:

''(5) USE OF FUNDS.—Amounts apportioned under this subsection may be used for any project that is an eligible project under subsection (b)(1).''; and

(3) by adding at the end the following:

''(e) GOVERNMENT SHARE OF COSTS.—

''(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be for 80 percent of the net project cost of the project. The recipient may provide additional local matching amounts.

''(2) REMAINING COSTS.—The remainder of the net project costs shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.''.

**SEC. 21017. AUTHORIZATIONS.**

Section 5338 of title 49, United States Code, as amended by division G, is amended to read as follows:

**''§ 5338. Authorizations**

''(a) GRANTS.—

''(1) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5322(b), 5322(d), 5335, 5337, 5339, and 5340, section 20005(b) of the Federal Public Transportation Act of 2012, and section 21007(b) of the Federal Public Transportation Act of 2015—

''(A) $9,184,747,400 for fiscal year 2016;

''(B) $9,380,039,349 for fiscal year 2017;

''(C) $9,685,745,744 for fiscal year 2018;

''(D) $10,101,051,238 for fiscal year 2019;

''(E) $10,351,763,806 for fiscal year 2020; and

''(F) $10,609,442,553 for fiscal year 2021.

''(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

''(A) $132,020,000 for fiscal year 2016, $134,934,342 for fiscal year 2017, $138,004,098 for fiscal year 2018, $141,328,616 for fiscal year 2019, $144,893,631 for fiscal year 2020, and $148,557,701 for fiscal year 2021 shall be available to carry out section 5305;

''(B) $10,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 20005(b) of the Federal Public Transportation Act of 2012;

''(C) $4,538,905,700 for fiscal year 2016, $4,639,102,043 for fiscal year 2017, $4,794,641,615 for fiscal year 2018, $4,975,879,158 for fiscal year 2019, $5,101,395,710 for fiscal year 2020, and $5,230,399,804 for fiscal year 2021 shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307;

''(D) $263,466,000 for fiscal year 2016, $269,282,012 for fiscal year 2017, $275,408,178 for fiscal year 2018, $288,264,292 for fiscal year 2019, $295,535,759 for fiscal year 2020, and $303,009,267 for fiscal year 2021 shall be available to provide financial assistance for services for the enhanced mobility of seniors and individuals with disabilities under section 5310;

''(E) $2,000,000 for each of fiscal years 2016 through 2021 shall be available for the pilot program for innovative coordinated access and mobility under section 21007(b) of the Federal Public Transportation Act of 2015;

''(F) $619,956,000 for fiscal year 2016, $633,641,529 for fiscal year 2017, $648,056,873 for fiscal year 2018, $678,308,311 for fiscal year 2019, $695,418,638 for fiscal year 2020, and $713,004,385 for fiscal year 2021 shall be available to provide financial assistance for rural areas under section 5311, of which not less than—

''(i) $35,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5311(c)(1); and

''(ii) $20,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5311(c)(2);

''(G) $30,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5312, of which—

''(i) $5,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5312(e); and

''(ii) $5,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5312(h);

''(H) $4,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5314;

''(I) $3,000,000 for each of fiscal years 2016 through 2021 shall be available for bus testing under section 5318;

''(J) $5,000,000 for each of fiscal years 2016 through 2021 shall be available for the national transit institute under section 5322(d);

''(K) $4,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5335;

''(L) $2,428,342,500 for fiscal year 2016, $2,479,740,661 for fiscal year 2017, $2,533,879,761 for fiscal year 2018, $2,592,511,924 for fiscal year 2019, $2,655,385,537 for fiscal year 2020, and $2,720,006,127 for fiscal year 2021 shall be available to carry out section 5337;

''(M) $430,794,600 for fiscal year 2016, $440,304,391 for fiscal year 2017, $495,321,316 for fiscal year 2018, $585,851,498 for fiscal year 2019, $605,422,352 for fiscal year 2020, and $625,536,993 for fiscal year 2021 shall be available for the bus and bus facilities program under section 5339(a);

''(N) $180,000,000 for each of fiscal years 2016 and 2017, $185,000,000 for fiscal year 2018, and $190,000,000 for each of fiscal years 2019 through 2021 shall be available for bus and bus facilities competitive grants under section 5339(b) and no or low emission grants under section 5339(c), of which $55,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5339(c);

''(O) $533,262,600 for fiscal year 2016, $545,034,372 for fiscal year 2017, $557,433,904 for fiscal year 2018, $586,907,438 for fiscal year 2019, $601,712,178 for fiscal year 2020, and $616,928,276 for fiscal year 2021 shall be allocated in accordance with section 5340 to provide financial assistance for urbanized areas under section 5307 and rural areas under section 5311; and

''(P) $4,000,000 for each of fiscal years 2019 through 2021 shall be available to carry out section 5322(b).

''(b) RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROGRAM.—There are authorized to be appropriated to carry out section 5312, other than subsections (e) and (h) of that section, $20,000,000 for each of fiscal years 2016 through 2021.

''(c) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—There are authorized to be appropriated to carry out section 5314, $7,000,000 for each of fiscal years 2016 through 2021.

''(d) HUMAN RESOURCES AND TRAINING.—There are authorized to be appropriated to carry out subsections (a), (b), (c), and (e) of section 5322, $5,000,000 for each of fiscal years 2016 through 2021.

''(e) EMERGENCY RELIEF PROGRAM.—There are authorized to be appropriated such sums as are necessary to carry out section 5324.

''(f) CAPITAL INVESTMENT GRANTS.—There are authorized to be appropriated to carry out section 5309 of this title and section 21006(b) of the Federal Public Transportation Act of 2015, $2,301,785,760 for fiscal year 2016, $2,352,597,681 for fiscal year 2017, $2,406,119,278 for fiscal year 2018, $2,464,082,691 for fiscal year 2019, $2,526,239,177 for fiscal year 2020, and $2,590,122,713 for fiscal year 2021, of which $276,214,291 for fiscal year 2016, $282,311,722 for fiscal year 2017, $288,734,313 for fiscal year 2018, $295,689,923 for fiscal year 2019, $303,148,701 for fiscal year 2020, and $310,814,726 for fiscal year 2021 shall be available to carry out section 21006(b) of the Federal Public Transportation Act of 2015.

''(g) ADMINISTRATION.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out section 5334, $115,016,543 for fiscal year 2016, $117,555,533 for fiscal year 2017, $120,229,921 for fiscal year 2018, $123,126,260 for fiscal year 2019, $126,232,120 for fiscal year 2020, and $129,424,278 for fiscal year 2021.

''(2) SECTION 5329.—Of the amounts authorized to be appropriated under paragraph (1), not less than $8,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5329.

''(3) SECTION 5326.—Of the amounts made available under paragraph (2), not less than $2,000,000 for each of fiscal years 2016 through 2021 shall be available to carry out section 5326.

''(h) OVERSIGHT.—

''(1) IN GENERAL.—Of the amounts made available to carry out this chapter for a fiscal year, the Secretary may use not more than the following amounts for the activities described in paragraph (2):

''(A) 0.5 percent of amounts made available to carry out section 5305.

''(B) 0.75 percent of amounts made available to carry out section 5307.

''(C) 1 percent of amounts made available to carry out section 5309.

''(D) 1 percent of amounts made available to carry out section 601 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110-432; 126 Stat. 4968).

''(E) 0.5 percent of amounts made available to carry out section 5310.

''(F) 0.5 percent of amounts made available to carry out section 5311.

''(G) 1 percent of amounts made available to carry out section 5337, of which not less than 0.25 percent shall be available to carry out section 5329.

''(H) 0.75 percent of amounts made available to carry out section 5339.

''(2) ACTIVITIES.—The activities described in this paragraph are as follows:

''(A) Activities to oversee the construction of a major capital project.

''(B) Activities to review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under this chapter.

''(C) Activities to provide technical assistance generally, and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

''(3) GOVERNMENT SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection.

''(4) AVAILABILITY OF CERTAIN FUNDS.—Funds made available under paragraph (1)(C) shall be made available to the Secretary before allocating the funds appropriated to carry out any project under a full funding grant agreement.

''(i) GRANTS AS CONTRACTUAL OBLIGATIONS.—

''(1) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant or contract that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

''(2) GRANTS FINANCED FROM GENERAL FUND.—A grant or contract that is approved by the Secretary and financed with amounts appropriated in advance from the General Fund of the Treasury pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project only to the extent that amounts are appropriated for such purpose by an Act of Congress.

''(j) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under this section shall remain available until expended.''.

**SEC. 21018. GRANTS FOR BUS AND BUS FACILITIES.**

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, as amended by division G, is amended by striking section 5339 and inserting the following:

**''§ 5339. Grants for bus and bus facilities**

''(a) FORMULA GRANTS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'low or no emission vehicle' has the meaning given that term in subsection (c)(1);

''(B) the term 'State' means a State of the United States; and

''(C) the term 'territory' means the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands.

''(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to assist eligible recipients described in paragraph (4)(A) in financing capital projects—

''(A) to replace, rehabilitate, and purchase buses and related equipment, including technological changes or innovations to modify low or no emissions vehicles or facilities; and

''(B) to construct bus-related facilities.

''(3) GRANT REQUIREMENTS.—The requirements of—

''(A) section 5307 shall apply to recipients of grants made in urbanized areas under this subsection; and

''(B) section 5311 shall apply to recipients of grants made in rural areas under this subsection.

''(4) ELIGIBLE RECIPIENTS AND SUBRECIPIENTS.—

''(A) RECIPIENTS.—Eligible recipients under this subsection are—

''(i) designated recipients that allocate funds to fixed route bus operators; or

''(ii) State or local governmental entities that operate fixed route bus service.

''(B) SUBRECIPIENTS.—A recipient that receives a grant under this subsection may allocate amounts of the grant to subrecipients that are public agencies or private nonprofit organizations engaged in public transportation.

''(5) DISTRIBUTION OF GRANT FUNDS.—Funds allocated under section 5338(a)(2)(M) shall be distributed as follows:

''(A) NATIONAL DISTRIBUTION.—$103,000,000 for each of fiscal years 2016 through 2021

shall be allocated to all States and territories, with each State receiving $2,000,000 for each such fiscal year and each territory receiving $500,000 for each such fiscal year.

''(B) DISTRIBUTION USING POPULATION AND SERVICE FACTORS.—The remainder of the funds not otherwise distributed under subparagraph (A) shall be allocated pursuant to the formula set forth in section 5336 other than subsection (b).

''(6) TRANSFERS OF APPORTIONMENTS.—

''(A) TRANSFER FLEXIBILITY FOR NATIONAL DISTRIBUTION FUNDS.—The Governor of a State may transfer any part of the State's apportionment under paragraph (5)(A) to supplement amounts apportioned to the State under section 5311(c) of this title or amounts apportioned to urbanized areas under subsections (a) and (c) of section 5336 of this title.

''(B) TRANSFER FLEXIBILITY FOR POPULATION AND SERVICE FACTORS FUNDS.—The Governor of a State may expend in an urbanized area with a population of less than 200,000 any amounts apportioned under paragraph (5)(B) that are not allocated to designated recipients in urbanized areas with a population of 200,000 or more.

''(7) GOVERNMENT SHARE OF COSTS.—

''(A) CAPITAL PROJECTS.—A grant for a capital project under this subsection shall be for 80 percent of the net capital costs of the project. A recipient of a grant under this subsection may provide additional local matching amounts.

''(B) REMAINING COSTS.—The remainder of the net project cost shall be provided—

''(i) in cash from non-Government sources other than revenues from providing public transportation services;

''(ii) from revenues derived from the sale of advertising and concessions;

''(iii) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital;

''(iv) from amounts received under a service agreement with a State or local social service agency or private social service organization; or

''(v) from revenues generated from value capture financing mechanisms.

''(8) PERIOD OF AVAILABILITY TO RECIPIENTS.—Amounts made available under this subsection may be obligated by a recipient for 3 fiscal years after the fiscal year in which the amount is apportioned. Not later than 30 days after the end of the 3-fiscal-year period described in the preceding sentence, any amount that is not obligated on the last day of that period shall be added to the amount that may be apportioned under this subsection in the next fiscal year.

''(b) BUS AND BUS FACILITIES COMPETITIVE GRANTS.—

''(1) IN GENERAL.—The Secretary may make grants under this subsection to designated recipients to assist in the financing of bus and bus facilities capital projects, including—

''(A) replacing, rehabilitating, purchasing, or leasing buses or related equipment; and

''(B) rehabilitating, purchasing, constructing, or leasing bus-related facilities.

''(2) GRANT CONSIDERATIONS.—In making grants under this subsection, the Secretary shall consider the age and condition of buses, bus fleets, related equipment, and bus-related facilities.

''(3) STATEWIDE APPLICATIONS.—A State may submit a statewide application on behalf of a public agency or private nonprofit organization engaged in public transportation in rural areas or other areas for which the State allocates funds. The submission of a statewide application shall not preclude the submission and consideration of any application under this subsection from other eligible recipients in an urbanized area in a State.

''(4) REQUIREMENTS FOR THE SECRETARY.—The Secretary shall—

''(A) disclose all metrics and evaluation procedures to be used in considering grant applications under this subsection upon issuance of the notice of funding availability in the Federal Register; and

''(B) publish a summary of final scores for selected projects, metrics, and other evaluations used in awarding grants under this subsection in the Federal Register.

''(5) RURAL PROJECTS.—Not less 10 percent of the amounts made available under this subsection in a fiscal year shall be distributed to projects in rural areas.

''(6) GRANT REQUIREMENTS.—

''(A) IN GENERAL.—A grant under this subsection shall be subject to the requirements of—

''(i) section 5307 for recipients of grants made in urbanized areas; and

''(ii) section 5311 for recipients of grants made in rural areas.

''(B) GOVERNMENT SHARE OF COSTS.—The Government share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

''(7) AVAILABILITY OF FUNDS.—Any amounts made available to carry out this subsection—

''(A) shall remain available for 2 fiscal years after the fiscal year for which the amount is made available; and

''(B) that remain unobligated at the end of the period described in subparagraph (A) shall be added to the amount made available to an eligible project in the following fiscal year.

''(8) LIMITATION.—Of the amounts made available under this subsection, not more than 15 percent may be awarded to a single grantee.

''(c) LOW OR NO EMISSION GRANTS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'direct carbon emissions' means the quantity of direct greenhouse gas emissions from a vehicle, as determined by the Administrator of the Environmental Protection Agency;

''(B) the term 'eligible project' means a project or program of projects in an eligible area for—

''(i) acquiring low or no emission vehicles;

''(ii) leasing low or no emission vehicles;

''(iii) acquiring low or no emission vehicles with a leased power source;

''(iv) constructing facilities and related equipment for low or no emission vehicles;

''(v) leasing facilities and related equipment for low or no emission vehicles;

''(vi) constructing new public transportation facilities to accommodate low or no emission vehicles; or

''(vii) rehabilitating or improving existing public transportation facilities to accommodate low or no emission vehicles;

''(C) the term 'leased power source' means a removable power source, as defined in paragraph (4)(A) of section 5316(c), that is made available through a capital lease under that section;

''(D) the term 'low or no emission bus' means a bus that is a low or no emission vehicle;

''(E) the term 'low or no emission vehicle' means—

''(i) a passenger vehicle used to provide public transportation that the Secretary determines sufficiently reduces energy consumption or harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle; or

''(ii) a zero emission vehicle used to provide public transportation;

''(F) the term 'recipient' means a designated recipient, a local governmental authority, or a State that receives a grant under this subsection for an eligible project; and

''(G) the term 'zero emission vehicle' means a low or no emission vehicle that produces no carbon or particulate matter.

''(2) GENERAL AUTHORITY.—The Secretary may make grants to recipients to finance eligible projects under this subsection.

''(3) GRANT REQUIREMENTS.—

''(A) IN GENERAL.—A grant under this subsection shall be subject to the requirements of section 5307.

''(B) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—Section 5323(i) applies to eligible projects carried out under this subsection, unless the recipient requests a lower grant percentage.

''(C) COMBINATION OF FUNDING SOURCES.—

''(i) COMBINATION PERMITTED.—An eligible project carried out under this subsection may receive funding under section 5307 or any other provision of law.

''(ii) GOVERNMENT SHARE.—Nothing in this subparagraph shall be construed to alter the Government share required under paragraph (7), section 5307, or any other provision of law.

''(4) COMPETITIVE PROCESS.—The Secretary shall—

''(A) not later than 30 days after the date on which amounts are made available for obligation under this subsection for a full fiscal year, solicit grant applications for eligible projects on a competitive basis; and

''(B) award a grant under this subsection based on the solicitation under subparagraph (A) not later than the earlier of—

''(i) 75 days after the date on which the solicitation expires; or

''(ii) the end of the fiscal year in which the Secretary solicited the grant applications.

''(5) CONSIDERATION.—In awarding grants under this subsection, the Secretary shall only consider eligible projects relating to the acquisition or leasing of low or no emission buses that—

''(A) make greater reductions in energy consumption and harmful emissions, including direct carbon emissions, than comparable standard buses or other low or no emission buses; and

''(B) are part of a long-term integrated fleet management plan for the recipient.

''(6) AVAILABILITY OF FUNDS.—Any amounts made available to carry out this subsection—

''(A) shall remain available to an eligible project for 2 fiscal years after the fiscal year for which the amount is made available; and

''(B) that remain unobligated at the end of the period described in subparagraph (A) shall be added to the amount made available to an eligible project in the following fiscal year.

''(7) GOVERNMENT SHARE OF COSTS.—

''(A) IN GENERAL.—The Federal share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

''(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of an eligible project carried out under this subsection may be derived from in-kind contributions.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 53 of title 49, United States Code, is amended by striking the item relating to section 5339 and inserting the following:

''5339. Grants for bus and bus facilities.''.

**SEC. 21019. SALARY OF FEDERAL TRANSIT ADMINISTRATOR.**

(a) IN GENERAL.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Federal Transit Administrator.''.

(b) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by striking ''Federal Transit Administrator.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the

first day of the first pay period beginning on or after the first day of the first fiscal year beginning after the date of enactment of this Act.

**SEC. 21020. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) CHAPTER 53 OF TITLE 49, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended—

(A) by striking section 5319;

(B) in section 5325—

(i) in subsection (e)(2), by striking ''at least two''; and

(ii) in subsection (h), by striking ''Federal Public Transportation Act of 2012'' and inserting ''Federal Public Transportation Act of 2015'';

(C) in section 5336—

(i) in subsection (a), by striking ''subsection (h)(4)'' and inserting ''subsection (h)(5)''; and

(ii) in subsection (h), as amended by division G—

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

''(1) $30,000,000 for each fiscal year shall be set aside to carry out section 5307(h);''; and

(II) in paragraph (3), by striking ''1.5 percent'' and inserting ''2 percent''; and

(D) in section 5340(b), by striking ''section 5338(b)(2)(M)'' and inserting ''section 5338(a)(2)(O)''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 49, United States Code, is amended by striking the item relating to section 5319 and inserting the following:

''[5319. Repealed.]''.

(b) CHAPTER 105 OF TITLE 49, UNITED STATES CODE.—Section 10501(c) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(i), by striking ''section 5302(a)'' and inserting ''section 5302''; and

(B) in subparagraph (B)—

(i) by striking ''mass transportation'' and inserting ''public transportation''; and

(ii) by striking ''section 5302(a)'' and inserting ''section 5302''; and

(2) in paragraph (2)(A), by striking ''mass transportation'' and inserting ''public transportation''.

## DIVISION C—COMPREHENSIVE TRANSPORTATION AND CONSUMER PROTECTION ACT OF 2015

**SEC. 31001. SHORT TITLE.**

This division may be cited as the ''Comprehensive Transportation and Consumer Protection Act of 2015.''

**SEC. 31002. REFERENCES TO TITLE 49, UNITED STATES CODE.**

Except as otherwise expressly provided, wherever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

**SEC. 31003. EFFECTIVE DATE.**

Subtitle A of title XXXII, sections 33103, 34101(g), 34105, 34106, 34107, 34133, 34141, 34202, 34203, 34204, 34205, 34206, 34207, 34208, 34211, 34212, 34213, 34214, 34215, subtitles C and D of title XXXIV, and title XXXV take effect on the date of enactment of this Act.

## TITLE XXXI—OFFICE OF THE SECRETARY

### Subtitle A—Accelerating Project Delivery

**SEC. 31101. DELEGATION OF AUTHORITY.**

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

**''§ 116. Administrations; acting officers**

''No person designated to serve as the acting head of an administration in the department of transportation under section 3345 of title 5 may continue to perform the functions and duties of the office if the time limitations in section 3346 of that title would prevent the person from continuing to serve in a formal acting capacity.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 1 is amended by inserting after the item relating to section 115 the following:

''116. Administrations; acting officers.''.

(c) APPLICATION.—The amendment under subsection (a) shall apply to any applicable office with a position designated for a Senate confirmed official.

**SEC. 31102. INFRASTRUCTURE PERMITTING IMPROVEMENT CENTER.**

(a) IN GENERAL.—Subchapter I of chapter 3, as amended by sections 31104 and 31106 of this Act, is further amended by adding after section 311 the following:

**''§ 312. Interagency Infrastructure Permitting Improvement Center**

''(a) IN GENERAL.—There is established in the Office of the Secretary an Interagency Infrastructure Permitting Improvement Center (referred to in this section as the 'Center').

''(b) ROLES AND RESPONSIBILITIES.—

''(1) GOVERNANCE.—The Center shall report to the chair of the Steering Committee described in paragraph (2) to ensure that the perspectives of all member agencies are represented.

''(2) INFRASTRUCTURE PERMITTING STEERING COMMITTEE.—An Infrastructure Permitting Steering Committee (referred to in this section as the 'Steering Committee') is established to oversee the work of the Center. The Steering Committee shall be chaired by the Federal Chief Performance Officer in consultation with the Chair of the Council on Environmental Quality and shall be comprised of Deputy-level representatives from the following departments and agencies:

''(A) The Department of Defense.

''(B) The Department of the Interior.

''(C) The Department of Agriculture.

''(D) The Department of Commerce.

''(E) The Department of Transportation.

''(F) The Department of Energy.

''(G) The Department of Homeland Security.

''(H) The Environmental Protection Agency.

''(I) The Advisory Council on Historic Preservation.

''(J) The Department of the Army.

''(K) The Department of Housing and Urban Development.

''(L) Other agencies the Chair of the Steering Committee invites to participate.

''(3) ACTIVITIES.—The Center shall support the Chair of the Steering Committee and undertake the following:

''(A) Coordinate and support implementation of priority reform actions for Federal agency permitting and reviews for areas as defined and identified by the Steering Committee.

''(B) Support modernization efforts at Federal agencies and interagency pilots for innovative approaches to the permitting and review of infrastructure projects.

''(C) Provide technical assistance and training to field and headquarters staff of Federal agencies on policy changes, innovative approaches to project delivery, and other topics as appropriate.

''(D) Identify, develop, and track metrics for timeliness of permit reviews, permit decisions, and project outcomes.

''(E) Administer and expand the use of online transparency tools providing for—

''(i) tracking and reporting of metrics;

''(ii) development and posting of schedules for permit reviews and permit decisions; and

''(iii) sharing of best practices related to efficient project permitting and reviews.

''(F) Provide reporting to the President on progress toward achieving greater efficiency in permitting decisions and review of infrastructure projects and progress toward achieving better outcomes for communities and the environment.

''(G) Meet not less frequently than annually with groups or individuals representing State, Tribal, and local governments that are engaged in the infrastructure permitting process.

''(4) INFRASTRUCTURE SECTORS COVERED.—The Center shall support process improvements in the permitting and review of infrastructure projects in the following sectors:

''(A) Surface transportation.

''(B) Aviation.

''(C) Ports and waterways.

''(D) Water resource projects.

''(E) Renewable energy generation.

''(F) Electricity transmission.

''(G) Broadband.

''(H) Pipelines.

''(I) Other sectors, as determined by the Steering Committee.

''(c) PERFORMANCE MEASURES.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Secretary, in coordination with the heads of other Federal agencies on the Steering Committee with responsibility for the review and approval of infrastructure projects sectors described in subsection (b)(4), shall evaluate and report on—

''(A) the progress made toward aligning Federal reviews of such projects and the improvement of project delivery associated with those projects; and

''(B) the effectiveness of the Center in achieving reduction of permitting time and project delivery time.

''(2) PERFORMANCE TARGETS.—Not later than 180 days after the date on which the Secretary of Transportation establishes performance measures in accordance with paragraph (1), the Secretary shall establish performance targets relating to each of the measures and standards described in subparagraphs (A) and (B) of paragraph (1).

''(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015 and biennially thereafter, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

''(A) the results of the evaluation conducted under paragraph (1); and

''(B) the progress towards achieving the targets established under paragraph (2).

''(4) INSPECTOR GENERAL REPORT.—Not later than 3 years after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Inspector General of the Department of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

''(A) the results of the evaluation conducted under paragraph (1); and

''(B) the progress towards achieving the targets established under paragraph (2).''.

(b) CONFORMING AMENDMENT.—The table of contents of chapter 3, as amended by sections 31104 and 31106 of this Act, is further amended by inserting after the item relating to section 311 the following:

''312. Interagency Infrastructure Permitting Improvement Center.''.

**SEC. 31103. ACCELERATED DECISION-MAKING IN ENVIRONMENTAL REVIEWS.**

(a) IN GENERAL.—Subchapter I of chapter 3 is amended by inserting after section 304 the following:

**"§ 304a. Accelerated decision-making in environmental reviews**

''(a) IN GENERAL.—In preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the Department of Transportation, when acting as lead agency, modifies the statement in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant additional Departmental response, the Department may write on errata sheets attached to the statement instead of rewriting the draft statement, subject to the condition that the errata sheets—

''(1) cite the sources, authorities, or reasons that support the position of the Department; and

''(2) if appropriate, indicate the circumstances that would trigger Departmental reappraisal or further response.

''(b) INCORPORATION.—To the maximum extent practicable, the Department shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, unless—

''(1) the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or

''(2) there are significant new circumstances or information relevant to environmental concerns and that bear on the proposed action or the impacts of the proposed action.''.

(b) CONFORMING AMENDMENT.—The table of contents of chapter 3 is amended by inserting after the item relating to section 304 the following:

''304a. Accelerated decision-making in environmental reviews.''.

**SEC. 31104. ENVIRONMENTAL REVIEW ALIGNMENT AND REFORM.**

(a) IN GENERAL.—Subchapter I of chapter 3 is amended by inserting after section 309 the following:

**"§ 310. Aligning Federal environmental reviews**

''(a) COORDINATED AND CONCURRENT ENVIRONMENTAL REVIEWS.—Not later than 1 year after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Department of Transportation, in coordination with the Steering Committee described in section 312 of this title, shall develop a coordinated and concurrent environmental review and permitting process for transportation projects when initiating an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (referred to in this section as 'NEPA'). The coordinated and concurrent environmental review and permitting process shall—

''(1) ensure that the Department of Transportation and Federal agencies of jurisdiction possess sufficient information early in the review process to determine a statement of a transportation project's purpose and need and range of alternatives for analysis that the lead agency and agencies of jurisdiction will rely upon for concurrent environmental reviews and permitting decisions required for the proposed project;

''(2) achieve early concurrence or issue resolution during the NEPA scoping process on the Department of Transportation's statement of a project's purpose and need and during development of the environmental impact statement on the range of alternatives for analysis that the lead agency and agencies of jurisdiction will rely upon for concurrent environmental reviews and permitting decisions required for the proposed project absent circumstances that require reconsideration in order to meet an agency of jurisdiction's legal obligations; and

''(3) achieve concurrence or issue resolution in an expedited manner if circumstances arise that require a reconsideration of the purpose and need or range of alternatives considered during any Federal agency's environmental or permitting review in order to meet an agency of jurisdiction's legal obligations.

''(b) ENVIRONMENTAL CHECKLIST.—The Secretary of Transportation and Federal agencies of jurisdiction likely to have substantive review or approval responsibilities on transportation projects, not later than 90 days after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, shall jointly develop a checklist to help project sponsors identify potential natural, cultural, and historic resources in the area of a proposed project. The purpose of the checklist is—

''(1) to identify agencies of jurisdiction and cooperating agencies,

''(2) to develop the information needed for the purpose and need and alternatives for analysis; and

''(3) to improve interagency collaboration to help expedite the permitting process for the lead agency and Federal agencies of jurisdiction.

''(c) INTERAGENCY COLLABORATION.—Consistent with Federal environmental statutes and the priority reform actions for Federal agency permitting and reviews defined and identified by the Steering Committee established under section 312, the Secretary shall facilitate annual interagency collaboration sessions at the appropriate jurisdictional level to coordinate business plans and facilitate coordination of workload planning and workforce management. This engagement shall ensure agency staff is fully engaged and utilizing the flexibility of existing regulations, policies, and guidance and identifying additional actions to facilitate high quality, efficient, and targeted environmental reviews and permitting decisions. The sessions and the interagency collaborations they generate shall focus on how to work with State and local transportation entities to improve project planning, siting, and application quality and how to consult and coordinate with relevant stakeholders and Federal, tribal, State, and local representatives early in permitting processes.

''(d) PERFORMANCE MEASUREMENT.—Not later than 1 year after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Secretary of Transportation, in coordination with the Steering Committee established under section 312 of this title, shall establish a program to measure and report on progress towards aligning Federal reviews as outlined in this section.''.

(b) CONFORMING AMENDMENT.—The table of contents of subchapter I of chapter 3 is amended by inserting after the item relating to section 309 the following:

''310. Aligning Federal environmental reviews.''.

**SEC. 31105. MULTIMODAL CATEGORICAL EXCLUSIONS.**

Section 304 is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''operating authority'' and inserting ''operating administration or secretarial office'';

(ii) by inserting ''has expertise but'' before ''is not the lead''; and

(iii) by inserting ''proposed multimodal'' before ''project'';

(B) by amending paragraph (2) to read as follows:

''(2) LEAD AUTHORITY.—The term 'lead authority' means a Department of Transportation operating administration or secretarial office that has the lead responsibility for a proposed multimodal project.''; and

(C) in paragraph (3), by striking ''has the meaning given the term in section 139(a) of title 23'' and inserting ''means an action by the Department of Transportation that involves expertise of 1 or more Department of Transportation operating administrations or secretarial offices'';

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

(3) in subsection (c)—

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

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

(ii) by striking ''other components of the'' and inserting ''a proposed multimodal'';

(B) by amending paragraphs (1) and (2) to read as follows:

''(1) the lead authority makes a preliminary determination on the applicability of a categorical exclusion to a proposed multimodal project and notifies the cooperating authority of its intent to apply the cooperating authority categorical exclusion;

''(2) the cooperating authority does not object to the lead authority's preliminary determination of its applicability;'';

(C) in paragraph (3)—

(i) by inserting ''the lead authority determines that'' before ''the component of''; and

(ii) by inserting ''proposed multimodal'' before ''project to be covered''; and

(D) by amending paragraph (4) to read as follows:

''(4) the lead authority, with the concurrence of the cooperating authority—

''(A) follows implementing regulations or procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(B) determines that the proposed multimodal project does not individually or cumulatively have a significant impact on the environment; and

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

(4) by amending subsection (d) to read as follows:

''(d) COOPERATING AUTHORITY EXPERTISE.—A cooperating authority shall provide expertise to the lead authority on aspects of the multimodal project in which the cooperating authority has expertise.''.

**SEC. 31106. IMPROVING TRANSPARENCY IN ENVIRONMENTAL REVIEWS.**

(a) IN GENERAL.—Subchapter I of chapter 3, as amended by section 31104 of this Act, is further amended by inserting after section 310 the following:

**"§ 311. Improving transparency in environmental reviews**

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Secretary of Transportation shall establish an online platform and, in coordination with Federal agencies described in subsection (b), issue reporting standards to make publicly available

the status and progress with respect to compliance with applicable requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal approval required under applicable laws for projects and activities requiring an environmental assessment or an environmental impact statement.

''(b) FEDERAL AGENCY PARTICIPATION.—A Federal agency of jurisdiction over an approval required for a project under applicable laws shall provide information regarding the status and progress of the approval to the online platform, consistent with the standards established under subsection (a).

''(c) ASSIGNMENT OF RESPONSIBILITIES.—An entity with assigned authority for responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), under section 326 or section 327 of title 23 shall be responsible for supplying project development and compliance status for all applicable projects.''.

(b) CONFORMING AMENDMENT.—The table of contents of subchapter I of chapter 3, as amended by section 31104 of this Act, is further amended by inserting after the item relating to section 310, the following:

''311. Improving transparency in environmental reviews.''.

**SEC. 31107. LOCAL TRANSPORTATION INFRASTRUCTURE PROGRAM.**

Section 610 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

''(A) 10 percent of the funds apportioned to the State for each of fiscal years 2016 through 2021 under each of sections 104(b)(1), 104(b)(2), and 144; and'';

(B) in paragraph (2), by striking ''2005 through 2009'' and inserting ''2016 through 2021'';

(C) in paragraph (3), by striking ''2005 through 2009'' and inserting ''2016 through 2021''; and

(D) in paragraph (5), by striking ''section 133(d)(3)'' and inserting ''section 133(d)(4)''; and

(2) in subsection (k), by striking ''2005 through 2009'' and inserting ''2016 through 2021''.

**SEC. 31108. AUTHORIZATION OF GRANTS FOR POSITIVE TRAIN CONTROL.**

(a) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out this section $199,000,000 for fiscal year 2016 to assist in financing the installation of positive train control systems.

(b) PROGRAMS.—The amounts made available under subsection (a) of this section may be used to assist in financing the installation of positive train control systems through—

(1) grants made under the rail safety technology grants program under section 20158 of title 49, United States Code;

(2) grants made under the consolidated rail infrastructure and safety improvements program under section 24408 of title 49, United States Code; and

(3) funding the cost, including the subsidy cost or cost of credit risk premiums, of direct loans and loan guarantees under sections 502 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.).

(c) ELIGIBLE RECIPIENTS.—The amounts made available under subsection (a) of this section may be used only to assist a recipient of funds under chapter 53 of title 49, United States Code, through the programs described in subsection (b).

(d) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1 percent from the amounts made available under subsection (a) of this section for the costs of project management oversight of grants authorized under that subsection.

(e) SAVINGS CLAUSE.—Nothing in this section may be construed as authorizing the amounts appropriated under subsection (a) to be used for any purpose other than financing the installation of positive train control systems.

(f) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant, contract, direct loan, or loan guarantee that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund under this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

(g) AVAILABILITY OF AMOUNTS.—Notwithstanding subsection (h), amounts made available under this section shall remain available until expended.

(h) SUNSET.—The Secretary of Transportation shall provide the grants, direct loans, and loan guarantees under subsection (b) by September 30, 2017.

**Subtitle B—Research**

**SEC. 31201. FINDINGS.**

Congress makes the followings findings:

(1) Federal transportation research planning and coordination—

(A) should occur within the Office of the Secretary; and

(B) should be, to the extent practicable, multi-modal and not occur solely within the subagencies of the Department of Transportation.

(2) Managing a multi-modal research portfolio within the Office of the Secretary will—

(A) help identify opportunities where research could be applied across modes; and

(B) prevent duplication of efforts and waste of limited Federal resources.

(3) An ombudsman for research at the Department of Transportation will—

(A) give stakeholders a formal opportunity to address concerns;

(B) ensure unbiased research; and

(C) improve the overall research products of the Department.

(4) Increasing transparency of transportation research efforts will—

(A) build stakeholder confidence in the final product; and

(B) lead to the improved implementation of research findings.

**SEC. 31202. MODAL RESEARCH PLANS.**

(a) IN GENERAL.—Not later than June 15 of the year preceding the research fiscal year, the head of each modal administration and joint program office of the Department of Transportation shall submit a comprehensive annual modal research plan to the Assistant Secretary for Research and Technology of the Department of Transportation (referred to in this subtitle as the ''Assistant Secretary'').

(b) REVIEW.—

(1) IN GENERAL.—Not later than October 1 of each year, the Assistant Secretary, for each plan submitted pursuant to subsection (a), shall—

(A) review the scope of the research; and

(B)(i) approve the plan; or

(ii) request that the plan be revised.

(2) PUBLICATIONS.—Not later than January 30 of each year, the Secretary shall publish each plan that has been approved under paragraph (1)(B)(i) on a public website.

(3) REJECTION OF DUPLICATIVE RESEARCH EFFORTS.—The Assistant Secretary may not approve any plan submitted by the head of a modal administration or joint program office pursuant to subsection (a) if such plan duplicates the research efforts of any other modal administration.

(c) FUNDING LIMITATIONS.—No funds may be expended by the Department of Transportation on research that has not previously been approved as part of a modal research plan approved by the Assistant Secretary unless—

(1) such research is required by an Act of Congress;

(2) such research was part of a contract that was funded before the date of enactment of this Act; or

(3) the Secretary of Transportation certifies to Congress that such research is necessary before the approval of a modal research plan.

(d) DUPLICATIVE RESEARCH.—

(1) IN GENERAL.—Except as provided in paragraph (2), no funds may be expended by the Department of Transportation on research projects that the Secretary identifies as duplicative under subsection (b)(3).

(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

(A) updates to previously commissioned research;

(B) research commissioned to carry out an Act of Congress; or

(C) research commissioned before the date of enactment of this Act.

(e) CERTIFICATION.—

(1) IN GENERAL.—The Secretary shall annually certify to Congress that—

(A) each modal research plan has been reviewed; and

(B) there is no duplication of study for research directed, commissioned, or conducted by the Department of Transportation.

(2) CORRECTIVE ACTION PLAN.—If the Secretary, after submitting a certification under paragraph (1), identifies duplication of research within the Department of Transportation, the Secretary shall—

(A) notify Congress of the duplicative research; and

(B) submit a corrective action plan to Congress that will eliminate such duplicative research.

**SEC. 31203. CONSOLIDATED RESEARCH PROSPECTUS AND STRATEGIC PLAN.**

(a) PROSPECTUS.—

(1) IN GENERAL.—The Secretary shall annually publish, on a public website, a comprehensive prospectus on all research projects conducted by the Department of Transportation, including, to the extent practicable, research funded through University Transportation Centers.

(2) CONTENTS.—The prospectus published under paragraph (1) shall—

(A) include the consolidated modal research plans approved under section 1302;

(B) describe the research objectives, progress, and allocated funds for each research project;

(C) identify research projects with multimodal applications;

(D) specify how relevant modal administrations have assisted, will contribute to, or plan to use the findings from the research projects identified under paragraph (1);

(E) identify areas in which multiple modal administrations are conducting research projects on similar subjects or subjects which have bearing on multiple modes;

(F) describe the interagency and cross modal communication and coordination that has occurred to prevent duplication of research efforts within the Department of Transportation;

(G) indicate how research is being disseminated to improve the efficiency and safety of transportation systems;

(H) describe how agencies developed their research plans; and

(I) describe the opportunities for public and stakeholder input.

(b) FUNDING REPORT.—In conjunction with each of the President's annual budget requests under section 1105 of title 31, United

States Code, the Secretary shall submit a report to appropriate committees of Congress that describes—

(1) the amount spent in the last completed fiscal year on transportation research and development; and

(2) the amount proposed in the current budget for transportation research and development.

(c) PERFORMANCE PLANS AND REPORTS.—In the plans and reports submitted under sections 1115 and 1116 of title 31, United States Code, the Secretary shall include—

(1) a summary of the Federal transportation research and development activities for the previous fiscal year in each topic area;

(2) the amount spent in each topic area;

(3) a description of the extent to which the research and development is meeting the expectations set forth in subsection (d)(3)(A); and

(4) any amendments to the strategic plan developed under subsection (d).

(d) TRANSPORTATION RESEARCH AND DEVELOPMENT STRATEGIC PLAN.—

(1) IN GENERAL.—The Secretary shall develop a 5-year transportation research and development strategic plan to guide future Federal transportation research and development activities.

(2) CONSISTENCY.—The strategic plan developed under paragraph (1) shall be consistent with—

(A) section 306 of title 5, United States Code;

(B) sections 1115 and 1116 of title 31, United States Code; and

(C) any other research and development plan within the Department of Transportation.

(3) CONTENTS.—The strategic plan developed under paragraph (1) shall—

(A) describe the primary purposes of the transportation research and development program, which shall include—

(i) promoting safety;

(ii) reducing congestion;

(iii) improving mobility;

(iv) preserving the existing transportation system;

(v) improving the durability and extending the life of transportation infrastructure; and

(vi) improving goods movement;

(B) for each of the purposes referred to in subparagraph (A), list the primary research and development topics that the Department of Transportation intends to pursue to accomplish that purpose, which may include—

(i) fundamental research in the physical and natural sciences;

(ii) applied research;

(iii) technology research; and

(iv) social science research intended for each topic; and

(C) for each research and development topic—

(i) identify the anticipated annual funding levels for the period covered by the strategic plan; and

(ii) include any additional information the Department of Transportation expects to discover at the end of the period covered by the strategic plan as a result of the research and development in that topic area.

(4) CONSIDERATIONS.—The Secretary shall ensure that the strategic plan developed under this section—

(A) reflects input from a wide range of stakeholders;

(B) includes and integrates the research and development programs of all the Department of Transportation's modal administrations, including aviation, transit, rail, and maritime; and

(C) takes into account how research and development by other Federal, State, private sector, and nonprofit institutions—

(i) contributes to the achievement of the purposes identified under paragraph (3)(A); and

(ii) avoids unnecessary duplication of such efforts.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER 5 OF TITLE 23.—Chapter 5 of title 23, United States Code, is amended—

(A) by striking section 508;

(B) in the table of contents, by striking the item relating to section 508;

(C) in section 502—

(i) in subsection (a)(9), by striking ''transportation research and technology development strategic plan developed under section 508'' and inserting ''transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015''; and

(ii) in subsection (b)(4), by striking ''transportation research and development strategic plan of the Secretary developed under section 508'' and inserting ''transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015''; and

(D) in section 512(b), by striking ''as part of the transportation research and development strategic plan developed under section 508''.

(2) INTELLIGENT TRANSPORTATION SYSTEMS.—Section 5205 of the Intelligent Transportation Systems Act of 1998 (23 U.S.C. 502 note) is amended—

(A) in subsection (b), by striking ''as part of the Surface Transportation Research and Development Strategic Plan developed under section 508 of title 23, United States Code'' and inserting ''as part of the transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015''; and

(B) in subsection (e)(2)(A), by striking ''or the Surface Transportation Research and Development Strategic Plan developed under section 508 of title 23, United States Code'' and inserting ''or the transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015''.

(3) INTELLIGENT TRANSPORTATION SYSTEM RESEARCH.—Subtitle C of title V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 512 note) is amended—

(A) in section 5305(h)(3)(A), by striking ''the strategic plan under section 508 of title 23, United States Code'' and inserting ''the 5-year transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015''; and

(B) in section 5307(c)(2)(A), by striking ''or the surface transportation research and development strategic plan developed under section 508 of title 23, United States Code'' and inserting ''or the 5-year transportation research and development strategic plan under section 31203 of the Comprehensive Transportation and Consumer Protection Act of 2015''.

**SEC. 31204. RESEARCH OMBUDSMAN.**

(a) IN GENERAL.—Subtitle III is amended by inserting after chapter 63 the following:

**''CHAPTER 65—RESEARCH OMBUDSMAN**

''Sec.

''6501. Research ombudsman.

**''§ 6501. Research ombudsman**

''(a) ESTABLISHMENT.—The Assistant Secretary for Research and Technology shall appoint a career Federal employee to serve as Research Ombudsman. This appointment shall not diminish the authority of peer review of research.

''(b) QUALIFICATIONS.—The Research Ombudsman appointed under subsection (a), to the extent practicable—

''(1) shall have a background in academic research and a strong understanding of sound study design;

''(2) shall develop a working knowledge of the stakeholder communities and research needs of the transportation field; and

''(3) shall not have served as a political appointee of the Department.

''(c) RESPONSIBILITIES.—

''(1) ADDRESSING COMPLAINTS AND QUESTIONS.—The Research Ombudsman shall—

''(A) receive complaints and questions about—

''(i) significant alleged omissions, improprieties, and systemic problems; and

''(ii) excessive delays of, or within, a specific research project; and

''(B) evaluate and address the complaints and questions described in subparagraph (A).

''(2) PETITIONS.—

''(A) REVIEW.—The Research Ombudsman shall review petitions relating to—

''(i) conflicts of interest;

''(ii) the study design and methodology;

''(iii) assumptions and potential bias;

''(iv) the length of the study; and

''(v) the composition of any data sampled.

''(B) RESPONSE TO PETITIONS.—The Research Ombudsman shall—

''(i) respond to relevant petitions within a reasonable period;

''(ii) identify deficiencies in the petition's study design; and

''(iii) propose a remedy for such deficiencies to the administrator of the modal administration responsible for completing the research project.

''(C) RESPONSE TO PROPOSED REMEDY.—The administrator of the modal administration charged with completing the research project shall respond to the proposed research remedy.

''(3) REQUIRED REVIEWS.—The Research Ombudsman shall evaluate the study plan for all statutorily required studies and reports before the commencement of such studies to ensure that the research plan has an appropriate sample size and composition to address the stated purpose of the study.

''(d) REPORTS.—

''(1) IN GENERAL.—Upon the completion of each review under subsection (c), the Research Ombudsman shall—

''(A) submit a report containing the results of such review to—

''(i) the Secretary;

''(ii) the head of the relevant modal administration; and

''(iii) the study or research leader; and

''(B) publish such results on a public website, with the modal administration response required under subsection (c)(2)(C).

''(2) INDEPENDENCE.—Each report required under this section shall be provided directly to the individuals described in paragraph (1) without any comment or amendment from the Secretary, the Deputy Secretary of Transportation, the head of any modal administration of the Department, or any other officer or employee of the Department or the Office of Management and Budget.

''(e) REPORT TO INSPECTOR GENERAL.—The Research Ombudsman shall submit any evidence of misfeasance, malfeasance, waste, fraud, or abuse uncovered during a review under this section to the Inspector General for further review.

''(f) REMOVAL.—The Research Ombudsman shall be subject to adverse employment action for misconduct or good cause in accordance with the procedures and grounds set forth in chapter 75 of title 5.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for subtitle III

is amended by inserting after the item relating to chapter 63 the following:

''65. Research ombudsman ..... 6501''.

**SEC. 31205. SMART CITIES TRANSPORTATION PLANNING STUDY.**

(a) IN GENERAL.—The Secretary shall conduct a study of digital technologies and information technologies, including shared mobility, data, transportation network companies, and on-demand transportation services—

(1) to understand the degree to which cities are adopting these technologies;

(2) to assess future planning, infrastructure and investment needs; and

(3) to provide best practices to plan for smart cities in which information and technology are used—

(A) to improve city operations;

(B) to grow the local economy;

(C) to improve response in times of emergencies and natural disasters; and

(D) to improve the lives of city residents.

(b) COMPONENTS.—The study conducted under subsection (a) shall—

(1) identify broad issues that influence the ability of the United States to plan for and invest in smart cities, including barriers to collaboration and access to scientific information; and

(2) review how the expanded use of digital technologies, mobile devices, and information may—

(A) enhance the efficiency and effectiveness of existing transportation networks;

(B) optimize demand management services;

(C) impact low-income and other disadvantaged communities;

(D) assess opportunities to share, collect, and use data;

(E) change current planning and investment strategies; and

(F) provide opportunities for enhanced coordination and planning.

(c) REPORTING.—Not later than 18 months after the date of enactment of this Act, the Secretary shall publish the report containing the results of the study required under subsection (a) to a public website.

**SEC. 31206. BUREAU OF TRANSPORTATION STATISTICS INDEPENDENCE.**

Section 6302 is amended by adding at the end the following:

''(d) INDEPENDENCE OF BUREAU.—

''(1) IN GENERAL.—The Director shall not be required—

''(A) to obtain the approval of any other officer or employee of the Department with respect to the collection or analysis of any information; or

''(B) prior to publication, to obtain the approval of any other officer or employee of the United States Government with respect to the substance of any statistical technical reports or press releases lawfully prepared by the Director.

''(2) BUDGET AUTHORITY.—The Director shall have a significant role in the disposition and allocation of the Bureau's authorized budget, including—

''(A) all hiring, grants, cooperative agreements, and contracts awarded by the Bureau to carry out this section; and

''(B) the disposition and allocation of amounts paid to the Bureau for cost-reimbursable projects.

''(3) EXCEPTIONS.—The Secretary shall direct external support functions, such as the coordination of activities involving multiple modal administrations.

''(4) INFORMATION TECHNOLOGY.—The Department Chief Information Officer shall consult with the Director to ensure decisions related to information technology guarantee the protection of the confidentiality of information provided solely for statistical purposes, in accordance with the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note).''.

**SEC. 31207. CONFORMING AMENDMENTS.**

(a) TITLE 49 AMENDMENTS.—

(1) ASSISTANT SECRETARIES; GENERAL COUNSEL.—Section 102(e) is amended—

(A) in paragraph (1), by striking ''5'' and inserting ''6''; and

(B) in paragraph (1)(A), by inserting ''an Assistant Secretary for Research and Technology,'' before ''and an Assistant Secretary''.

(2) OFFICE OF THE ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY OF THE DEPARTMENT OF TRANSPORTATION.—Section 112 is repealed.

(3) TABLE OF CONTENTS.—The table of contents of chapter 1 is amended by striking the item relating to section 112.

(4) RESEARCH CONTRACTS.—Section 330 is amended—

(A) in the section heading, by striking ''**contracts**'' and inserting ''**activities**'';

(B) in subsection (a), by inserting ''IN GENERAL.—'' before ''The Secretary'';

(C) in subsection (b), by inserting ''RESPONSIBILITIES.—'' before ''In carrying out'';

(D) in subsection (c), by inserting ''PUBLICATIONS.—'' before ''The Secretary''; and

(E) by adding at the end the following:

''(d) DUTIES.—The Secretary shall provide for the following:

''(1) Coordination, facilitation, and review of the Department's research and development programs and activities.

''(2) Advancement, and research and development, of innovative technologies, including intelligent transportation systems.

''(3) Comprehensive transportation statistics research, analysis, and reporting.

''(4) Education and training in transportation and transportation-related fields.

''(5) Activities of the Volpe National Transportation Systems Center.

''(e) ADDITIONAL AUTHORITIES.—The Secretary may—

''(1) enter into grants and cooperative agreements with Federal agencies, State and local government agencies, other public entities, private organizations, and other persons—

''(A) to conduct research into transportation service and infrastructure assurance; and

''(B) to carry out other research activities of the Department;

''(2) carry out, on a cost-shared basis, collaborative research and development to encourage innovative solutions to multimodal transportation problems and stimulate the deployment of new technology with—

''(A) non-Federal entities, including State and local governments, foreign governments, institutions of higher education, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State;

''(B) Federal laboratories; and

''(C) other Federal agencies; and

''(3) directly initiate contracts, grants, cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)), and other agreements to fund, and accept funds from, the Transportation Research Board of the National Research Council of the National Academy of Sciences, State departments of transportation, cities, counties, institutions of higher education, associations, and the agents of those entities to carry out joint transportation research and technology efforts.

''(f) FEDERAL SHARE.—

''(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of an activity carried out under subsection (e)(3) shall not exceed 50 percent.

''(2) EXCEPTION.—If the Secretary determines that the activity is of substantial public interest or benefit, the Secretary may approve a greater Federal share.

''(3) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, facility, and hardware development costs, shall be credited toward the non-Federal share of the cost of an activity described in paragraph (1).

''(g) PROGRAM EVALUATION AND OVERSIGHT.—For fiscal years 2016 through 2021, the Secretary is authorized to expend not more than 1 and a half percent of the amounts authorized to be appropriated for necessary expenses for administration and operations of the Office of the Assistant Secretary for Research and Technology for the coordination, evaluation, and oversight of the programs administered under this section.

''(h) USE OF TECHNOLOGY.—The research, development, or use of a technology under a contract, grant, cooperative research and development agreement, or other agreement entered into under this section, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

''(i) WAIVER OF ADVERTISING REQUIREMENTS.—Section 6101 of title 41 shall not apply to a contract, grant, or other agreement entered into under this section.''.

(5) TABLE OF CONTENTS.—The item relating to section 330 in the table of contents of chapter 3 is amended by striking ''Contracts'' and inserting ''Activities''.

(6) BUREAU OF TRANSPORTATION STATISTICS.—Section 6302(a) is amended to read as follows:

''(a) IN GENERAL.—There shall be within the Department the Bureau of Transportation Statistics.''.

(b) TITLE 5 AMENDMENTS.—

(1) POSITIONS AT LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking ''Under Secretary of Transportation for Security.''.

(2) POSITIONS AT LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking ''Administrator, Research and Innovative Technology Administration.''.

(3) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking ''(4)'' in the undesignated item relating to Assistant Secretaries of Transportation and inserting ''(5)''.

(4) POSITIONS AT LEVEL V.—Section 5316 is amended by striking ''Associate Deputy Secretary, Department of Transportation.''.

**SEC. 31208. REPEAL OF OBSOLETE OFFICE.**

(a) IN GENERAL.—Section 5503 is repealed.

(b) TABLE OF CONTENTS.—The table of contents of chapter 55 is amended by striking the item relating to section 5503.

**Subtitle C—Port Performance Act**

**SEC. 31301. SHORT TITLE.**

This subtitle may be cited as the ''Port Performance Act''.

**SEC. 31302. FINDINGS.**

Congress finds the following:

(1) America's ports play a critical role in the Nation's transportation supply chain network.

(2) Reliable and efficient movement of goods through the Nation's ports ensures that American goods are available to customers throughout the world.

(3) Breakdowns in the transportation supply chain network, particularly at the Nation's ports, can result in tremendous economic losses for agriculture, businesses, and retailers that rely on timely shipments.

(4) A clear understanding of terminal and port productivity and throughput should help—

(A) to identify freight bottlenecks;

(B) to indicate performance and trends over time; and

(C) to inform investment decisions.

**SEC. 31303. PORT PERFORMANCE FREIGHT STATISTICS PROGRAM.**

(a) IN GENERAL.—Chapter 63 is amended by adding at the end the following:

**"§ 6314. Port performance freight statistics program**

''(a) IN GENERAL.—The Director shall establish, on behalf of the Secretary, a port performance statistics program to provide nationally consistent measures of performance of, at a minimum—

''(1) the Nation's top 25 ports by tonnage;

''(2) the Nation's top 25 ports by 20-foot equivalent unit; and

''(3) the Nation's top 25 ports by dry bulk.

''(b) ANNUAL REPORTS.—

''(1) PORT CAPACITY AND THROUGHPUT.—Not later than January 15 of each year, the Director shall submit an annual report to Congress that includes statistics on capacity and throughput at the ports described in subsection (a).

''(2) PORT PERFORMANCE MEASURES.—The Director shall collect monthly port performance measures for each of the United States ports referred to in subsection (a) that receives Federal assistance or is subject to Federal regulation to submit an annual report to the Bureau of Transportation Statistics that includes monthly statistics on capacity and throughput as applicable to the specific configuration of the port.

''(A) MONTHLY MEASURES.—The Director shall collect monthly measures, including—

''(i) the average number of lifts per hour of containers by crane;

''(ii) the average vessel turn time by vessel type;

''(iii) the average cargo or container dwell time;

''(iv) the average truck time at ports;

''(v) the average rail time at ports; and

''(vi) any additional metrics, as determined by the Director after receiving recommendations from the working group established under subsection (c).

''(B) MODIFICATIONS.—The Director may consider a modification to a metric under subparagraph (A) if the modification meets the intent of the section.

''(c) RECOMMENDATIONS.—

''(1) IN GENERAL.—The Director shall obtain recommendations for—

''(A) specifications and data measurements for the port performance measures listed in subsection (b)(2);

''(B) additionally needed data elements for measuring port performance; and

''(C) a process for the Department of Transportation to collect timely and consistent data, including identifying safeguards to protect proprietary information described in subsection (b)(2).

''(2) WORKING GROUP.—Not later than 60 days after the date of the enactment of the Port Performance Act, the Director shall commission a working group composed of—

''(A) operating administrations of the Department of Transportation;

''(B) the Coast Guard;

''(C) the Federal Maritime Commission;

''(D) U.S. Customs and Border Protection;

''(E) the Marine Transportation System National Advisory Council;

''(F) the Army Corps of Engineers;

''(G) the Saint Lawrence Seaway Development Corporation;

''(H) the Advisory Committee on Supply Chain Competitiveness;

''(I) 1 representative from the rail industry;

''(J) 1 representative from the trucking industry;

''(K) 1 representative from the maritime shipping industry;

''(L) 1 representative from a labor organization for each industry described in subparagraphs (I) through (K);

''(M) 1 representative from a port authority;

''(N) 1 representative from a terminal operator;

''(O) representatives of the National Freight Advisory Committee of the Department; and

''(P) representatives of the Transportation Research Board of the National Academies.

''(3) RECOMMENDATIONS.—Not later than 1 year after the date of the enactment of the Port Performance Act, the working group commissioned under this subsection shall submit its recommendations to the Director.

''(d) ACCESS TO DATA.—The Director shall ensure that the statistics compiled under this section are readily accessible to the public, consistent with applicable security constraints and confidentiality interests.''.

(b) PROHIBITION ON CERTAIN DISCLOSURES.—Section 6307(b)(1) is amended by inserting ''or section 6314(b)'' after ''section 6302(b)(3)(B)'' each place it appears.

(c) COPIES OF REPORTS.—Section 6307(b)(2)(A) is amended by inserting ''or section 6314(b)'' after ''section 6302(b)(3)(B)''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for chapter 63 is amended by adding at the end the following:

''6314. Port performance freight statistics program.''.

## TITLE XXXII—COMMERCIAL MOTOR VEHICLE AND DRIVER PROGRAMS

### Subtitle A—Compliance, Safety, and Accountability Reform

**SEC. 32001. CORRELATION STUDY.**

(a) IN GENERAL.—The Administrator of the Federal Motor Carrier Safety Administration (referred to in this subtitle as the ''Administrator'') shall commission the National Research Council of the National Academies to conduct a study of—

(1) the Safety Measurement System (referred to in this subtitle as ''SMS''); and

(2) the Compliance, Safety, Accountability program (referred to in this subtitle as the ''CSA program'').

(b) SCOPE OF STUDY.—In carrying out the study commissioned pursuant to subsection (a), the National Research Council—

(1) shall analyze—

(A) the accuracy with which the Behavior Analysis and Safety Improvement Categories (referred to in this subtitle as ''BASIC'') safety measures used by SMS—

(i) identify high risk drivers and carriers; and

(ii) predict or be correlated with future crash risk, crash severity, or other safety indicators for individual drivers, motor carriers, and the highest risk carriers;

(B) the methodology used to calculate BASIC percentiles and identify carriers for enforcement, including the weights assigned to particular violations, and the tie between crash risk and specific regulatory violations, in order to accurately identify and predict future crash risk for motor carriers;

(C) the relative value of inspection information and roadside enforcement data;

(D) any data collection gaps or data sufficiency problems that may exist and the impact of those data gaps and insufficiencies on the efficacy of the CSA program; and

(E) the accuracy of data processing; and

(2) should consider—

(A) whether the current SMS provides comparable precision and confidence for SMS alerts and percentiles for the relative crash risk of individual large and small motor carriers;

(B) whether alternative systems would identify high risk carriers or identify high risk drivers and motor carriers more accurately; and

(C) the recommendations and findings of the Comptroller General of the United States and the Inspector General, and independent review team reports issued before the date of the enactment of this Act.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit a report containing the results of the completed study to—

(1) the Committee on Commerce, Science, and Transportation of the Senate;

(2) the Committee on Transportation and Infrastructure of the House of Representatives;

(3) the Inspector General of the Department of Transportation; and

(4) the Comptroller General of the United States.

(d) CORRECTIVE ACTION PLAN.—

(1) IN GENERAL.—Not later than 120 days after the Administrator submits a report under subsection (c) that identifies a deficiency or opportunity for improvement in the CSA program or in any element of SMS, the Administrator shall submit a corrective action plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

(A) responds to the concerns highlighted by the report;

(B) identifies how the Federal Motor Carrier Safety Administration will address such concerns; and

(C) provides an estimate of the cost, including changes in staffing, enforcement, and data collection necessary to implement the recommendations.

(2) PROGRAM REFORMS.—The corrective action plan submitted under paragraph (1) shall include an implementation plan that—

(A) includes benchmarks;

(B) includes programmatic reforms, revisions to regulations, or proposals for legislation; and

(C) shall be considered in any rulemaking by the Department of Transportation that relates to the CSA program, including the SMS data sets or analysis.

(e) INSPECTOR GENERAL REVIEW.—Not later than 120 days after the Administrator issues a corrective action plan under subsection (d), the Inspector General of the Department of Transportation shall—

(1) review the extent to which such plan implements—

(A) recommendations contained in the report submitted under subsection (c); and

(B) recommendations issued by the Comptroller General or the Inspector General before the date of enactment of this Act; and

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the responsiveness of the corrective action plan to the recommendations described in paragraph (1).

(f) FISCAL LIMITATION.—The Administrator shall carry out the study required under this section using amounts appropriated to the Federal Motor Carrier Safety Administration and available for obligation and expenditure as of the date of the enactment of this Act.

**SEC. 32002. SAFETY IMPROVEMENT METRICS.**

(a) IN GENERAL.—The Administrator shall incorporate a methodology into the CSA program or establish a third-party process to allow recognition, including credit, improved score, or by establishing a safety BASIC in

SMS for safety technology, tools, programs, and systems approved by the Administrator through the qualification process developed under subsection (b) that exceed regulatory requirements or are used to enhance safety performance, including—

(1) the installation of qualifying advanced safety equipment, such as—

(A) collision mitigation systems;

(B) lane departure warnings;

(C) speed limiters;

(D) electronic logging devices;

(E) electronic stability control;

(F) critical event recorders; and

(G) strengthening rear guards and sideguards for underride protection;

(2) the use of enhanced driver fitness measures that exceed current regulatory requirements, such as—

(A) additional new driver training;

(B) enhanced and ongoing driver training; and

(C) remedial driver training to address specific deficiencies as identified in roadside inspection or enforcement reports;

(3) the adoption of qualifying administrative fleet safety management tools technologies, driver performance and behavior management technologies, and programs; and

(4) technologies and measures identified through the process described in subsection (c).

(b) QUALIFICATION.—The Administrator, through a notice and comment process, shall develop technical or other performance standards for technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems used by motor carriers that will qualify for credit under this section.

(c) ADDITIONAL REQUIREMENTS.—In modifying the CSA program under subsection (a), the Administrator, through notice and comment, shall develop a process for identifying and reviewing other technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems used by motor carriers to improve safety performance that—

(1) provides for a petition for reviewing technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems;

(2) seeks input and participation from industry stakeholders, including drivers, technology manufacturers, vehicle manufacturers, motor carriers, enforcement communities, and safety advocates, and the Motor Carrier Safety Advisory Committee; and

(3) includes technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems with a date certain for future statutory or regulatory implementation.

(d) SAFETY IMPROVEMENT METRICS USE AND VERIFICATION.—The Administrator, through notice and comment process, shall develop a process for—

(1) providing recognition or credit within a motor carrier's SMS score for the installation and use of measures in paragraphs (1) through (4) of subsection (a);

(2) ensuring that the safety improvement metrics developed under this section are presented with other SMS data;

(3) verifying the installation or use of such technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems;

(4) modifying or removing recognition or credit upon verification of noncompliance with this section;

(5) ensuring that the credits or recognition referred to in paragraph (1) reflect the safety improvement anticipated as a result of the installation or use of the specific technology, advanced safety equipment, enhanced driver fitness measure, tool, program, or system;

(6) verifying the deployment and use of qualifying equipment or management systems by a motor carrier through a certification from the vehicle manufacturer, the system or service provider, the insurance carrier, or through documents submitted by the motor carrier to the Department of Transportation;

(7) annually reviewing the list of qualifying safety technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems; and

(8) removing systems mandated by law or regulation, or if such systems demonstrate a lack of efficacy, from the list of qualifying technologies, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems eligible for credit under the CSA program.

(e) DISSEMINATION OF INFORMATION.—The Administrator shall maintain a public website that contains information regarding—

(1) the technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems eligible for credit and improved scores;

(2) any petitions for study of the technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems; and

(3) statistics and information relating to the use of such technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems.

(f) PUBLIC REPORT.—Not later than 1 year after the establishment of the Safety Improvement Metrics System (referred to in this section as ''SIMS'') under this section, and annually thereafter, the Administrator shall publish, on a public website, a report that identifies—

(1) the types of technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems that are eligible for credit;

(2) the number of instances in which each technology, advanced safety equipment, enhanced driver fitness measure, tool, program, or system is used;

(3) the number of motor carriers, and a description of the carrier's fleet size, that received recognition or credit under the modified CSA program; and

(4) the pre- and post-adoption safety performance of the motor carriers described in paragraph (3).

(g) IMPLEMENTATION AND OVERSIGHT RESPONSIBILITY.—The Administrator shall ensure that the activities described in subsections (a) through (f) of this section are not required under section 31102 of title 49, United States Code, as amended by this Act.

(h) EVALUATION.—

(1) IN GENERAL.—Not later than 2 years after the implementation of SIMS under this section, the Administrator shall conduct an evaluation of the effectiveness of SIMS by reviewing the impacts of SIMS on—

(A) law enforcement, commercial drivers and motor carriers, and motor carrier safety; and

(B) safety and adoption of new technologies.

(2) REPORT.—Not later than 30 months after the implementation of the program, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(A) the results of the evaluation conducted under paragraph (1); and

(B) the actions the Federal Motor Carrier Safety Administration plans to take to modify the demonstration program based on such results.

(i) USE OF ESTIMATES OF SAFETY EFFECTS.—In conducting regulatory impact analyses for rulemakings relating to the technology, advanced safety equipment, enhanced driver fitness measures, tools, programs, or systems selected for credit under the CSA program, the Administrator, to the extent practicable, shall use the data gathered under this section and appropriate statistical methodology, including sufficient sample sizes, composition, and appropriate comparison groups, including representative motor carriers of all sizes, to estimate the effects on safety performance and reduction in the number and severity of accidents with qualifying technology, advanced safety equipment, tools, programs, and systems.

(j) SAVINGS PROVISION.—Nothing in this section may be construed to provide the Administrator with additional authority to change the requirements for the operation of a commercial motor vehicle.

**SEC. 32003. DATA CERTIFICATION.**

(a) LIMITATION.—Beginning not later than 1 day after the date of enactment of this Act, none of the analysis of violation information, enforcement prioritization, not-at-fault crashes, alerts, or the relative percentile for each Behavioral Analysis and Safety Improvement Category developed through the CSA program may be made available to the general public, but violation and inspection information submitted by the States may be presented, until the Inspector General of the Department of Transportation certifies that—

(1) any deficiencies identified in the correlation study required under section 32001 have been addressed;

(2) the corrective action plan has been implemented and the concerns raised by the correlation study under section 32001 have been addressed;

(3) the Administrator has fully implemented or satisfactorily addressed the issues raised in the February 2014 GAO report entitled ''Modifying the Compliance, Safety, Accountability Program Would Improve the Ability to Identify High Risk Carriers'' (GAO–14–114), which called into question the accuracy and completeness of safety performance calculations;

(4) the study required under section 32001 has been published on a public website; and

(5) the CSA program has been modified in accordance with section 32002.

(b) LIMITATION ON USE OF CSA ANALYSIS.—The enforcement prioritization, alerts, or the relative percentile for each Behavioral Analysis and Safety Improvement Category developed through the CSA program within the SMS system may not be used for safety fitness determinations until the requirements under subsection (a) have been satisfied.

(c) CONTINUED PUBLIC AVAILABILITY OF DATA.—Inspection and violation information submitted to the Federal Motor Carrier Safety Administration by commercial motor vehicle inspectors and qualified law enforcement officials shall remain available for public viewing.

(d) EXCEPTIONS.—

(1) IN GENERAL.—Notwithstanding the limitations set forth in subsections (a) and (b)—

(A) the Federal Motor Carrier Safety Administration and State and local commercial motor vehicle enforcement agencies may only use the information referred to in subsection (a) for purposes of investigation and enforcement prioritization;

(B) motor carriers and commercial motor vehicle drivers may access information referred to in subsection (a) that relates directly to the motor carrier or driver, respectively; and

(C) the data analysis of motorcoach operators may be provided online, with a notation indicating that the ratings or alerts listed are not intended to imply any Federal safety rating of the carrier.

(2) NOTATION.—The notation described under paragraph (1)(C) shall include: ''Readers should not draw conclusions about a carrier's overall safety condition simply based on the data displayed in this system. Unless a motor carrier has received an UNSATISFACTORY safety rating under part 385 of title 49, Code of Federal Regulations, or has otherwise been ordered to discontinue operations by the Federal Motor Carrier Safety Administration, it is authorized to operate on the Nation's roadways.''.

(3) LIMITATION.—Nothing in subparagraphs (A) and (B) of paragraph (1) may be construed to restrict the official use by State enforcement agencies of the data collected by State enforcement personnel.

(e) CERTIFICATION.—The certification process described in subsection (a) shall occur concurrently with the implementation of SIMS under section 32002.

(f) COMPLETION.—The Secretary shall modify the CSA program in accordance with section 32002 not later than 1 year after the date of completion of the report described in section 32001(c).

**SEC. 32004. DATA IMPROVEMENT.**

(a) FUNCTIONAL SPECIFICATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop functional specifications to ensure the consistent and accurate input of data into systems and databases relating to the CSA program.

(b) FUNCTIONALITY.—The specifications developed pursuant to subsection (a)—

(1) shall provide for the hardcoding and smart logic functionality for roadside inspection data collection systems and databases; and

(2) shall be made available to public and private sector developers.

(c) EFFECTIVE DATA MANAGEMENT.—The Administrator shall ensure that internal systems and databases accept and effectively manage data using uniform standards.

(d) CONSULTATION WITH THE STATES.—Before implementing the functional specifications described in subsection (a) or the standards described in subsection (c), the Administrator shall seek input from the State agencies responsible for enforcing section 31102 of title 49, United States Code.

**SEC. 32005. ACCIDENT REPORT INFORMATION.**

(a) REVIEW.—The Administrator shall initiate a demonstration program that allows motor carriers and drivers to request a review of crashes, and the removal of crash data for use in the Federal Motor Carrier Safety Administration's safety measurement system of crashes, and removal from any weighting, or carrier safety analysis, if the commercial motor vehicle was operated legally and another motorist in connection with the crash is found—

(1) to have been driving under the influence;

(2) to have been driving the wrong direction on a roadway;

(3) to have struck the commercial motor vehicle in the rear;

(4) to have struck the commercial motor vehicle which was legally stopped;

(5) by the investigating officer or agency to have been responsible for the crash; or

(6) to have committed other violations determined by the Administrator.

(b) DOCUMENTS.—As part of a request for review under subsection (a), the motor carrier or driver shall submit a copy of available police reports, crash investigations, judicial actions, insurance claim information, and any related court actions submitted by each party involved in the accident.

(c) SOLICITATION OF OTHER INFORMATION.—Following a notice and comment period, the Administrator may solicit other types of information to be collected under subsection (b) to facilitate appropriate reviews under this section.

(d) EVALUATION.—The Federal Motor Carrier Safety Administration shall review the information submitted under subsections (b) and (c).

(e) RESULTS.—Subject to subsection (h)(2), the results of the review under subsection (a)—

(1) shall be used to recalculate the motor carrier's crash BASIC percentile;

(2) if the carrier is determined not to be responsible for the crash incident, such information, shall be reflected on the website of the Federal Motor Carrier Safety Administration; and

(3) shall not be admitted as evidence or otherwise used in a civil action.

(f) FEE SYSTEM.—

(1) ESTABLISHMENT.—The Administrator may establish a fee system, in accordance with section 9701 of title 31, United States Code, in which a motor carrier is charged a fee for each review of a crash requested by such motor carrier under this section.

(2) DISPOSITION OF FEES.—Fees collected under this section—

(A) may be credited to the Department of Transportation appropriations account for purpose of carrying out this section; and

(B) shall be used to fully fund the operation of the review program authorized under this section.

(g) REVIEW AND REPORT.—Not earlier than 2 years after the establishment of the demonstration program under this section, the Administrator shall—

(1) conduct a review of the internal crash review program to determine if other crash types should be included; and

(2) submit a report to Congress that describes—

(A) the number of crashes reviewed;

(B) the number of crashes for which the commercial motor vehicle operator was determined not to be at fault; and

(C) relevant information relating to the program, including the cost to operate the program and the fee structure established.

(h) IMPLEMENTATION AND OVERSIGHT RESPONSIBILITY.—

(1) IN GENERAL.—The Administrator shall ensure that the activities described in subsections (a) through (d) of this section are not required under section 31102 of title 49, United States Code, as amended by this Act.

(2) REVIEWS INVOLVING FATALITIES.—If a review under subsection (a) involves a fatality, the Inspector General of the Department of Transportation shall audit and certify the review prior to making any changes under subsection (e).

**SEC. 32006. POST-ACCIDENT REPORT REVIEW.**

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall convene a working group—

(1) to review the data elements of post-accident reports, for tow-away accidents involving commercial motor vehicles, that are reported to the Federal Government; and

(2) to report to the Secretary its findings and any recommendations, including best practices for State post-accident reports to achieve the data elements described in subsection (c).

(b) COMPOSITION.—Not less than 51 percent of the working group should be composed of individuals representing the States or State law enforcement officials. The remaining members of the working group shall represent industry, labor, safety advocates, and other interested parties.

(c) CONSIDERATIONS.—The working group shall consider requiring additional data elements, including—

(1) the primary cause of the accident, if the primary cause can be determined;

(2) the physical characteristics of the commercial motor vehicle and any other vehicle involved in the accident, including—

(A) the vehicle configuration;

(B) the gross vehicle weight if the weight can be readily determined;

(C) the number of axles; and

(D) the distance between axles, if the distance can be readily determined; and

(3) any data elements that could contribute to the appropriate consideration of requests under section 32005.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) review the findings of the working group;

(2) identify the best practices for State post-accident reports that are reported to the Federal Government, including identifying the data elements that should be collected following a tow-away commercial motor vehicle accident; and

(3) recommend to the States the adoption of new data elements to be collected following reportable commercial motor vehicle accidents.

**SEC. 32007. RECOGNIZING EXCELLENCE IN SAFETY.**

(a) IN GENERAL.—The Administrator shall establish a program to publicly recognize motor carriers and drivers whose safety records and programs exceed compliance with the Federal Motor Carrier Safety Administration's safety regulations and demonstrate clear and outstanding safety practices.

(b) RESTRICTION.—The program established under subsection (a) may not be deemed to be an endorsement of, or a preference for, motor carriers or drivers recognized under the program.

**SEC. 32008. HIGH RISK CARRIER REVIEWS.**

(a) IN GENERAL.—After the completion of the certification under section 32003 of this Act, and the establishment of the Safety Fitness Determination program, the Secretary shall ensure that a review is completed on each motor carrier that demonstrates through performance data that it poses the highest safety risk. At a minimum, a review shall be conducted whenever a motor carrier is among the highest risk carriers for 4 consecutive months.

(b) REPORT.—Not later than 180 days after the completion of the certification under section 32003 of this Act and the establishment of the Safety Fitness Determination program, the Secretary shall post on a public website a report on the actions the Secretary has taken to comply with this section, including the number of high risk carriers identified and the high risk carriers reviewed.

(c) CONFORMING AMENDMENT.—Section 4138 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (49 U.S.C. 31144 note) is repealed.

**Subtitle B—Transparency and Accountability**

**SEC. 32201. PETITIONS FOR REGULATORY RELIEF.**

(a) APPLICATIONS FOR REGULATORY RELIEF.—Notwithstanding subpart C of part 381 of title 49, Code of Federal Regulations, the Secretary shall allow an applicant representing a class or group of motor carriers to apply for a specific exemption from any provision of the regulations under part 395 of title 49, Code of Federal Regulations, for commercial motor vehicle drivers.

(b) REVIEW PROCESS.—

(1) IN GENERAL.—The Secretary shall establish the procedures for the application for

and the review of an exemption under subsection (a).

(2) PUBLICATION.—Not later than 30 days after the date of receipt of an application for an exemption, the Secretary shall publish the application in the Federal Register and provide the public with an opportunity to comment.

(3) PUBLIC COMMENT.—

(A) IN GENERAL.—Each application shall be available for public comment for a 30-day period, but the Secretary may extend the opportunity for public comment for up to 60 days if it is a significant or complex request.

(B) REVIEW.—Beginning on the date that the public comment period under subparagraph (A) ends, the Secretary shall have 60 days to review all of the comments received.

(4) DETERMINATION.—At the end of the 60-day period under paragraph (3)(B), the Secretary shall publish a determination in the Federal Register, including—

(A) the reason for granting or denying the application; and

(B) if the application is granted—

(i) the specific class of persons eligible for the exemption;

(ii) each provision of the regulations to which the exemption applies; and

(iii) any conditions or limitations applied to the exemption.

(5) CONSIDERATIONS.—In making a determination whether to grant or deny an application for an exemption, the Secretary shall consider the safety impacts of the request and may provide appropriate conditions or limitations on the use of the exemption.

(c) OPPORTUNITY FOR RESUBMISSION.—If an application is denied and the applicant can reasonably address the reason for the denial, the Secretary may allow the applicant to resubmit the application.

(d) PERIOD OF APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and subsection (f), each exemption granted under this section shall be valid for a period of 5 years unless the Secretary identifies a compelling reason for a shorter exemption period.

(2) RENEWAL.—At the end of the 5-year period under paragraph (1)—

(A) the Secretary, at the Secretary's discretion, may renew the exemption for an additional 5-year period; or

(B) an applicant may apply under subsection (a) for a permanent exemption from each applicable provision of the regulations.

(e) LIMITATION.—No exemption under this section may be granted to or used by any motor carrier that has an unsatisfactory or conditional safety fitness determination.

(f) PERMANENT EXEMPTIONS.—

(1) IN GENERAL.—The Secretary shall make permanent the following limited exceptions:

(A) Department of Defense Military Surface Deployment and Distribution Command transport of weapons, munitions, and sensitive classified cargo as published in the Federal Register Volume 80 on April 16, 2015 (80 Fed. Reg. 20556).

(B) Department of Energy transport of security-sensitive radioactive materials as published in the Federal Register Volume 80 on June 22, 2015 (80 Fed. Reg. 35703).

(C) Motor carriers that transport hazardous materials shipments requiring security plans under regulations of the Pipeline and Hazardous Materials Safety Administration as published in the Federal Register Volume 80 on May 1, 2015 (80 Fed. Reg. 25004).

(D) Perishable construction products as published in the Federal Register Volume 80 on April 2, 2015 (80 Fed. Reg. 17819).

(E) Passenger vehicle record of duty status change as published in the Federal Register Volume 80 on June 4, 2015 (80 Fed. Reg. 31961).

(F) Transport of commercial bee hives as published in the Federal Register Volume 80 on June 19, 2018. (80 Fed. Reg. 35425).

(G) Specialized carriers and drivers responsible for transporting loads requiring special permits as published in the Federal Register Volume 80 on June 18, 2015 (80 Fed. Reg. 34957).

(H) Safe transport of livestock as published in the Federal Register Volume 80 on June 12, 2015 (80 Fed. Reg. 33584).

(2) ADDITIONAL EXEMPTIONS.—The Secretary may make any temporary exemption from any provision of the regulations under part 395 of title 49, Code of Federal Regulations, for commercial motor vehicle drivers that is in effect on the date of enactment of this Act permanent if the Secretary determines that the permanent exemption will not degrade safety. The Secretary shall provide public notice and comment on a list of the additional temporary exemptions to be made permanent under this paragraph.

(3) REVOCATION OF EXEMPTIONS.—The Secretary may revoke an exemption issued under this section if the Secretary can demonstrate that the exemption has had a negative impact on safety.

**SEC. 32202. INSPECTOR STANDARDS.**

Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Motor Carrier Safety Administration shall revise the regulations under part 385 of title 49, Code of Federal Regulations, as necessary, to incorporate by reference the certification standards for roadside inspectors issued by the Commercial Vehicle Safety Alliance.

**SEC. 32203. TECHNOLOGY IMPROVEMENTS.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Government Accountability Office shall conduct a comprehensive analysis on the Federal Motor Carrier Safety Administration's information technology and data collection and management systems.

(b) REQUIREMENTS.—The study conducted under subsection (a) shall—

(1) evaluate the efficacy of the existing information technology, data collection, processing systems, and data management systems and programs, including their interaction with each other and their efficacy in meeting user needs;

(2) identify any redundancies among the systems and programs described in paragraph (1);

(3) explore the feasibility of consolidating data collection and processing systems;

(4) evaluate the ability of the systems and programs described in paragraph (1) to meet the needs of—

(A) the Federal Motor Carrier Safety Administration, at both the headquarters and State level;

(B) the State agencies that implement the Motor Carrier Safety Assistance Program under section 31102 of title 49, United States Code; and

(C) other users;

(5) evaluate the adaptability of the systems and programs described in paragraph (1), in order to make necessary future changes to ensure user needs are met in an easier, timely, and more cost efficient manner;

(6) investigate and make recommendations regarding—

(A) deficiencies in existing data sets impacting program effectiveness; and

(B) methods to improve any and all user interfaces; and

(7) evaluate the appropriate role the Federal Motor Carrier Safety Administration should take with respect to software and information systems design, development, and maintenance for the purpose of improving the efficacy of the systems and programs described in paragraph (1).

**Subtitle C—Trucking Rules Updated by Comprehensive and Key Safety Reform**

**SEC. 32301. UPDATE ON STATUTORY REQUIREMENTS.**

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until a final rule has been issued for each of the requirements described under paragraphs (1) through (5), the Administrator of the Federal Motor Carrier Safety Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of a final rule for—

(1) the minimum entry-level training requirements for an individual operating a commercial motor vehicle under section 31305(c) of title 49, United States Code;

(2) motor carrier safety fitness determinations;

(3) visibility of agricultural equipment under section 31601 of division C of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30111 note);

(4) regulations to require commercial motor vehicles in interstate commerce and operated by a driver subject to the hours of service and record of duty status requirements under part 395 of title 49, Code of Federal Regulations, be equipped with an electronic control module capable of limiting the maximum speed of the vehicle; and

(5) any outstanding commercial motor vehicle safety regulation required by law and incomplete for more than 2 years.

(b) CONTENTS.—Each report under subsection (a) shall include a description of the work plan, an updated rulemaking timeline, current staff allocations, any resource constraints, and any other details associated with the development of the rulemaking.

**SEC. 32302. STATUTORY RULEMAKING.**

The Administrator of the Federal Motor Carrier Safety Administration shall prioritize the use of Federal Motor Carrier Safety Administration resources for the completion of each outstanding statutory requirement for a rulemaking before beginning any new rulemaking unless the Secretary certifies to Congress that there is a significant need to move forward with a new rulemaking.

**SEC. 32303. GUIDANCE REFORM.**

(a) GUIDANCE.—

(1) POINT OF CONTACT.—Each guidance document, other than a regulatory action, issued by the Federal Motor Carrier Safety Administration shall have a date of publication or a date of revision, as applicable, and the name and contact information of a point of contact at the Federal Motor Carrier Safety Administration who can respond to questions regarding the general applicability of the guidance.

(2) PUBLIC ACCESSIBILITY.—

(A) IN GENERAL.—Each guidance document and interpretation issued by the Federal Motor Carrier Safety Administration shall be published on the Department of Transportation's public website on the date of issuance.

(B) REDACTION.—The Administrator of the Federal Motor Carrier Safety Administration may redact from a guidance document or interpretation under subparagraph (A) any information that would reveal investigative techniques that would compromise Federal Motor Carrier Safety Administration enforcement efforts.

(3) RULEMAKING.—Not later than 5 years after the date that a guidance document is published under paragraph (2) or during the comprehensive review under subsection (c),

whichever is earlier, the Secretary, in consultation with the Administrator, shall revise the applicable regulations to incorporate the guidance document to the extent practicable.

(4) REISSUANCE.—If a guidance document is not incorporated into the applicable regulations under paragraph (3), the Secretary shall—

(A) reissue an updated guidance document; and

(B) review and reissue an updated guidance document every 5 years during the comprehensive review process under subsection (c) until the date that the guidance document is removed or incorporated into the applicable regulations under paragraph (3) of this subsection.

(b) UPDATE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall review regulations, guidance, and enforcement policies published on the Department of Transportation's public website to ensure the regulations, guidance, and enforcement policies are current, readily accessible to the public, and meet the standards under subsection (c)(1).

(c) REVIEW.—

(1) IN GENERAL.—Subject to paragraph (2), not less than once every 5 years, the Administrator of the Federal Motor Carrier Safety Administration shall conduct a comprehensive review of its guidance and enforcement policies to determine whether—

(A) the guidance and enforcement policies are consistent and clear;

(B) the guidance is uniformly and consistently enforceable; and

(C) the guidance is still necessary.

(2) NOTICE AND COMMENT.—Prior to beginning the review, the Administrator shall publish in the Federal Register a notice and request for comment soliciting input from stakeholders on which regulations should be updated or eliminated.

(3) PRIORITIZATION OF OUTSTANDING PETITIONS.—As part of the review under paragraph (1), the Administrator shall prioritize consideration of each outstanding petition (as defined in section 32304(b) of this Act) submitted by a stakeholder for rulemaking.

(4) REPORT.—

(A) IN GENERAL.—Not later than 60 days after the date that a review under paragraph (1) is complete, the Administrator shall publish on the Department of Transportation's public website a report detailing the review and a full inventory of guidance and enforcement policies.

(B) INCLUSIONS.—The report under subparagraph (A) of this paragraph shall include a summary of the response of the Federal Motor Carrier Safety Administration to each comment received under paragraph (2) indicating each request the Federal Motor Carrier Safety Administration is granting.

**SEC. 32304. PETITIONS.**

(a) IN GENERAL.—The Administrator of the Federal Motor Carrier Safety Administration shall—

(1) publish on the Department of Transportation's public website all petitions for regulatory action submitted;

(2) prioritize stakeholder petitions based on the likelihood of providing safety improvements;

(3) formally respond to each petition by indicating whether the Administrator will accept, deny, or further review, the petition not later than 180 days after the date the petition is published under paragraph (1);

(4) prioritize resulting actions consistent with an action's potential to reduce crashes, improve enforcement, and reduce unnecessary burdens; and

(5) not later than 60 days after the date of receipt, publish, and update as necessary, on the Department of Transportation's public website an inventory of the petitions described in paragraph (1), including any applicable disposition information for that petition.

(b) DEFINITION OF PETITION.—In this section, the term ''petition'' means a request for new regulations, regulatory interpretations or clarifications, or retrospective review of regulations to eliminate or modify obsolete, ineffective, or overly-burdensome rules.

**SEC. 32305. REGULATORY REFORM.**

(a) REGULATORY IMPACT ANALYSIS.—

(1) IN GENERAL.—Within each regulatory impact analysis of a proposed or final rule issued by the Federal Motor Carrier Safety Administration, the Secretary shall whenever practicable—

(A) consider effects of the proposed or final rule on a carrier with differing characteristics; and

(B) formulate estimates and findings on the best available science.

(2) SCOPE.—To the extent feasible and appropriate, and consistent with law, the analysis described in paragraph (1) shall—

(A) use data generated from a representative sample of commercial vehicle operators, motor carriers, or both, that will be covered under the proposed or final rule; and

(B) consider effects on commercial truck and bus carriers of various sizes and types.

(b) PUBLIC PARTICIPATION.—

(1) IN GENERAL.—Before promulgating a proposed rule under part B of subtitle VI of title 49, United States Code, if the proposed rule is likely to lead to the promulgation of a major rule the Secretary shall—

(A) issue an advance notice of proposed rulemaking; or

(B) determine to proceed with a negotiated rulemaking.

(2) REQUIREMENTS.—Each advance notice of proposed rulemaking issued under paragraph (1) shall—

(A) identify the compelling public concern for a potential regulatory action, such as failures of private markets to protect or improve the safety of the public, the environment, or the well-being of the American people;

(B) identify and request public comment on the best available science or technical information on the need for regulatory action and on the potential regulatory alternatives;

(C) request public comment on the benefits and costs of potential regulatory alternatives reasonably likely to be included or analyzed as part of the notice of proposed rulemaking; and

(D) request public comment on the available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior.

(3) WAIVER.—This subsection shall not apply when the Secretary, for good cause, finds (and incorporates the finding and a brief statement of reasons for such finding in the proposed or final rule) an advance notice of proposed rulemaking impracticable, unnecessary, or contrary to the public interest.

(c) SAVINGS CLAUSE.—Nothing in this section may be construed to limit the contents of any Advance Notice of Proposed Rulemaking.

## Subtitle D—State Authorities

**SEC. 32401. EMERGENCY ROUTE WORKING GROUP.**

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a working group to determine best practices for expeditious State approval of special permits for vehicles involved in emergency response and recovery.

(2) MEMBERS.—The working group shall include representatives from—

(A) State highway transportation departments or agencies;

(B) relevant modal agencies within the Department of Transportation;

(C) emergency response or recovery experts;

(D) relevant safety groups; and

(E) persons affected by special permit restrictions during emergency response and recovery efforts.

(b) CONSIDERATIONS.—In determining best practices under subsection (a), the working group shall consider whether—

(1) hurdles currently exist that prevent the expeditious State approval for special permits for vehicles involved in emergency response and recovery;

(2) it is possible to pre-identify and establish emergency routes between States through which infrastructure repair materials could be delivered following a natural disaster or an emergency;

(3) a State could pre-designate an emergency route identified under paragraph (1) as a certified emergency route if a motor vehicle that exceeds the otherwise applicable Federal and State truck length or width limits may safely operate along such route during period of emergency recovery; and

(4) an online map could be created to identify each pre-designated emergency route under paragraph (2), including information on specific limitations, obligations, and notification requirements along that route.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the working group shall submit to the Secretary a report of its findings under this section and any recommendations for the implementation of the best practices for expeditious State approval of special permits for vehicles involved in emergency recovery. Upon receipt, the Secretary shall publish the report on a public website.

(d) FEDERAL ADVISORY COMMITTEE ACT EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this section.

**SEC. 32402. ADDITIONAL STATE AUTHORITY.**

Notwithstanding any other provision of law, not later than 180 days after the date of enactment of this Act, any State impacted by section 4006 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2148) shall be provided the option to update the routes listed in the final list as long as the update shifts routes to divided highways or does not increase centerline miles by more than 5 percent and the change is expected to increase safety performance.

**SEC. 32403. COMMERCIAL DRIVER ACCESS.**

(a) INTERSTATE COMPACT PILOT PROGRAM.—

(1) IN GENERAL.—The Administrator of the Federal Motor Carrier Safety Administration may establish a 6-year pilot program to study the feasibility, benefits, and safety impacts of allowing a licensed driver between the ages of 18 and 21 to operate a commercial motor vehicle in interstate commerce.

(2) INTERSTATE COMPACTS.—The Secretary shall allow States, including the District of Columbia, to enter into an interstate compact with contiguous States to allow a licensed driver between the ages of 18 and 21 to operate a motor vehicle across the applicable State lines. The Secretary shall approve as many as 3 interstate compacts, with no more than 4 States per compact participating in each interstate compact.

(3) MUTUAL RECOGNITION OF LICENSES.—A valid intrastate commercial driver's licenses issued by a State participating in an interstate compact under paragraph (2) shall be

recognized as valid not more than 100 air miles from the border of the driver's State of licensure in each State that is participating in that interstate compact.

(4) STANDARDS.—In developing an interstate compact under this subsection, participating States shall provide for minimum licensure standards acceptable for interstate travel under this section, which may include, for a licensed driver between the ages of 18 and 21 participating in the pilot program—

(A) age restrictions;

(B) distance from origin (measured in air miles);

(C) reporting requirements; or

(D) additional hours of service restrictions.

(5) LIMITATIONS.—An interstate compact under paragraph (2) may not permit special configuration or hazardous cargo operations to be transported by a licensed driver under the age of 21.

(6) ADDITIONAL REQUIREMENTS.—The Secretary may—

(A) prescribe such additional requirements, including training, for a licensed driver between the ages of 18 and 21 participating in the pilot program as the Secretary considers necessary; and

(B) provide risk mitigation restrictions and limitations.

(b) APPROVAL.—An interstate compact under subsection (a)(2) may not go into effect until it has been approved by the governor of each State (or the Mayor of the District of Columbia, if applicable) that is a party to the interstate compact, after consultation with the Secretary of Transportation and the Administrator of the Federal Motor Carrier Safety Administration.

(c) DATA COLLECTION.—The Secretary shall collect and analyze data relating to accidents (as defined in section 390.5 of title 49, Code of Federal Regulations) in which a driver under the age of 21 participating in the pilot program is involved.

(d) REPORT.—Beginning 3 years after the date the first compact is established and approved, the Secretary shall submit to Congress a report containing the data collection and findings of the pilot program, a determination of whether a licensed driver between the ages of 18 and 21 can operate a commercial motor vehicle in interstate commerce with an equivalent level of safety, and the reasons for that determination. The Secretary may extend the air mileage requirements under subsection (a)(3) to expand operation areas and gather additional data for analysis.

(e) TERMINATION.—The Secretary may terminate the pilot program if the data collected under subsection (c) indicates that drivers under the age of 21 do not operate in interstate commerce with an equivalent level of safety of those drivers age 21 and over.

## Subtitle E—Motor Carrier Safety Grant Consolidation

**SEC. 32501. DEFINITIONS.**

(a) IN GENERAL.—Section 31101 is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

''(4) 'Secretary' means the Secretary of Transportation.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 31101, as amended by subsection (a), is amended—

(1) in paragraph (1)(B), by inserting a comma after ''passengers''; and

(2) in paragraph (1)(C), by striking ''of Transportation''.

**SEC. 32502. GRANTS TO STATES.**

(a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31102 is amended to read as follows:

**''§ 31102. Motor Carrier Safety Assistance Program**

''(a) IN GENERAL.—The Secretary shall administer a motor carrier safety assistance program funded under section 31104.

''(b) GOAL.—The goal of the program is to ensure that the Secretary, States, local governments, other political jurisdictions, federally-recognized Indian tribes, and other persons work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient surface transportation system—

''(1) by making targeted investments to promote safe commercial motor vehicle transportation, including the transportation of passengers and hazardous materials;

''(2) by investing in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes and fatalities resulting from such crashes;

''(3) by adopting and enforcing effective motor carrier, commercial motor vehicle, and driver safety regulations and practices consistent with Federal requirements; and

''(4) by assessing and improving statewide performance by setting program goals and meeting performance standards, measures, and benchmarks.

''(c) STATE PLANS.—

''(1) IN GENERAL.—The Secretary shall prescribe procedures for a State to submit a multiple-year plan, and annual updates thereto, under which the State agrees to assume responsibility for improving motor carrier safety, adopting and enforcing compatible regulations, standards, and orders of the Federal Government on commercial motor vehicle safety and hazardous materials transportation safety.

''(2) CONTENTS.—The Secretary shall approve a plan if the Secretary determines that the plan is adequate to comply with the requirements of this section, and the plan—

''(A) implements performance-based activities, including deployment and maintenance of technology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs;

''(B) designates a lead State commercial motor vehicle safety agency responsible for administering the plan throughout the State;

''(C) contains satisfactory assurances that the lead State commercial motor vehicle safety agency has or will have the legal authority, resources, and qualified personnel necessary to enforce the regulations, standards, and orders;

''(D) contains satisfactory assurances that the State will devote adequate resources to the administration of the plan and enforcement of the regulations, standards, and orders;

''(E) provides a right of entry and inspection to carry out the plan;

''(F) provides that all reports required under this section be available to the Secretary on request;

''(G) provides that the lead State commercial motor vehicle safety agency will adopt the reporting requirements and use the forms for recordkeeping, inspections, and investigations that the Secretary prescribes;

''(H) requires all registrants of commercial motor vehicles to demonstrate knowledge of applicable safety regulations, standards, and orders of the Federal Government and the State;

''(I) provides that the State will grant maximum reciprocity for inspections conducted under the North American Inspection Standards through the use of a nationally-accepted system that allows ready identification of previously inspected commercial motor vehicles;

''(J) ensures that activities described in subsection (h), if financed through grants to the State made under this section, will not diminish the effectiveness of the development and implementation of the programs to improve motor carrier, commercial motor vehicle, and driver safety as described in subsection (b);

''(K) ensures that the lead State commercial motor vehicle safety agency will coordinate the plan, data collection, and information systems with the State highway safety improvement program required under section 148(c) of title 23;

''(L) ensures participation in appropriate Federal Motor Carrier Safety Administration information technology and data systems and other information systems by all appropriate jurisdictions receiving Motor Carrier Safety Assistance Program funding;

''(M) ensures that information is exchanged among the States in a timely manner;

''(N) provides satisfactory assurances that the State will undertake efforts that will emphasize and improve enforcement of State and local traffic safety laws and regulations related to commercial motor vehicle safety;

''(O) provides satisfactory assurances in the plan that the State will address national priorities and performance goals, including—

''(i) activities aimed at removing impaired commercial motor vehicle drivers from the highways of the United States through adequate enforcement of regulations on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment;

''(ii) activities aimed at providing an appropriate level of training to State motor carrier safety assistance program officers and employees on recognizing drivers impaired by alcohol or controlled substances; and

''(iii) when conducted with an appropriate commercial motor vehicle inspection, criminal interdiction activities, and appropriate strategies for carrying out those interdiction activities, including interdiction activities that affect the transportation of controlled substances (as defined under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) and listed in part 1308 of title 21, Code of Federal Regulations, as updated and republished from time to time) by any occupant of a commercial motor vehicle;

''(P) provides that the State has established and dedicated sufficient resources to a program to ensure that—

''(i) the State collects and reports to the Secretary accurate, complete, and timely motor carrier safety data; and

''(ii) the State participates in a national motor carrier safety data correction system prescribed by the Secretary;

''(Q) ensures that the State will cooperate in the enforcement of financial responsibility requirements under sections 13906, 31138, and 31139 of this title, and regulations issued under these sections;

''(R) ensures consistent, effective, and reasonable sanctions;

''(S) ensures that roadside inspections will be conducted at locations that are adequate to protect the safety of drivers and enforcement personnel;

''(T) provides that the State will include in the training manuals for the licensing examination to drive both noncommercial motor vehicles and commercial motor vehicles information on best practices for driving safely in the vicinity of noncommercial and commercial motor vehicles;

''(U) provides that the State will enforce the registration requirements of sections 13902 and 31134 of this title by prohibiting the

operation of any vehicle discovered to be operated by a motor carrier without a registration issued under those sections or to be operated beyond the scope of the motor carrier's registration;

''(V) provides that the State will conduct comprehensive and highly visible traffic enforcement and commercial motor vehicle safety inspection programs in high-risk locations and corridors;

''(W) except in the case of an imminent hazard or obvious safety hazard, ensures that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a station, terminal, border crossing, maintenance facility, destination, or other location where adequate food, shelter, and sanitation facilities are available for passengers, and reasonable accommodations are available for passengers with disabilities;

''(X) ensures that the State will transmit to its roadside inspectors the notice of each Federal exemption granted under section 31315(b) of this title and sections 390.23 and 390.25 of title 49 of the Code of Federal Regulations and provided to the State by the Secretary, including the name of the person granted the exemption and any terms and conditions that apply to the exemption;

''(Y) except as provided in subsection (d), provides that the State—

''(i) will conduct safety audits of interstate and, at the State's discretion, intrastate new entrant motor carriers under section 31144(g) of this title; and

''(ii) if the State authorizes a third party to conduct safety audits under section 31144(g) on its behalf, the State verifies the quality of the work conducted and remains solely responsible for the management and oversight of the activities;

''(Z) provides that the State agrees to fully participate in the performance and registration information system management under section 31106(b) not later than October 1, 2020, by complying with the conditions for participation under paragraph (3) of that section;

''(AA) provides that a State that shares a land border with another country—

''(i) will conduct a border commercial motor vehicle safety program focusing on international commerce that includes enforcement and related projects; or

''(ii) will forfeit all funds calculated by the Secretary based on border-related activities if the State declines to conduct the program described in clause (i) in its plan; and

''(BB) provides that a State that meets the other requirements of this section and agrees to comply with the requirements established in subsection (l)(3) may fund operation and maintenance costs associated with innovative technology deployment under subsection (l)(3) with Motor Carrier Safety Assistance Program funds authorized under section 31104(a)(1).

''(3) PUBLICATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall publish each approved State multiple-year plan, and each annual update thereto, on the Department of Transportation's public website not later than 30 days after the date the Secretary approves the plan or update.

''(B) LIMITATION.—Before posting an approved State multiple-year plan or annual update under subparagraph (A), the Secretary shall redact any information identified by the State that, if disclosed—

''(i) would reasonably be expected to interfere with enforcement proceedings; or

''(ii) would reveal enforcement techniques or procedures that would reasonably be expected to risk circumvention of the law.

''(d) EXCLUSION OF U.S. TERRITORIES.—The requirement that a State conduct safety audits of new entrant motor carriers under subsection (c)(2)(Y) does not apply to a territory of the United States unless required by the Secretary.

''(e) INTRASTATE COMPATIBILITY.—The Secretary shall prescribe regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws, including regulations, with Federal motor carrier safety regulations to be enforced under subsections (b) and (c). To the extent practicable, the guidelines and standards shall allow for maximum flexibility while ensuring a degree of uniformity that will not diminish motor vehicle safety.

''(f) MAINTENANCE OF EFFORT.—

''(1) BASELINE.—Except as provided under paragraphs (2) and (3) and in accordance with section 32508 of the Comprehensive Transportation and Consumer Protection Act of 2015, a State plan under subsection (c) shall provide that the total expenditure of amounts of the lead State commercial motor vehicle safety agency responsible for administering the plan will be maintained at a level each fiscal year at least equal to—

''(A) the average level of that expenditure for fiscal years 2004 and 2005; or

''(B) the level of that expenditure for the year in which the Secretary implements a new allocation formula under section 32508 of the Comprehensive Transportation and Consumer Protection Act of 2015.

''(2) ADJUSTED BASELINE AFTER FISCAL YEAR 2017.—At the request of a State, the Secretary may evaluate additional documentation related to the maintenance of effort and may make reasonable adjustments to the maintenance of effort baseline after the year in which the Secretary implements a new allocation formula under section 32508 of the Comprehensive Transportation and Consumer Protection Act of 2015, and this adjusted baseline will replace the maintenance of effort requirement under paragraph (1).

''(3) WAIVERS.—At the request of a State, the Secretary may waive or modify the requirements of this subsection for 1 fiscal year if the Secretary determines that a waiver or modification is reasonable, based on circumstances described by the State, to ensure the continuation of commercial motor vehicle enforcement activities in the State.

''(4) LEVEL OF STATE EXPENDITURES.—In estimating the average level of State expenditure under paragraph (1), the Secretary—

''(A) may allow the State to exclude State expenditures for Federally-sponsored demonstration and pilot programs and strike forces;

''(B) may allow the State to exclude expenditures for activities related to border enforcement and new entrant safety audits; and

''(C) shall require the State to exclude State matching amounts used to receive Federal financing under section 31104.

''(g) USE OF UNIFIED CARRIER REGISTRATION FEES AGREEMENT.—Amounts generated under section 14504a of this title and received by a State and used for motor carrier safety purposes may be included as part of the State's match required under section 31104 of this title or maintenance of effort required by subsection (f) of this section.

''(h) USE OF GRANTS TO ENFORCE OTHER LAWS.—When approved in the States' plan under subsection (c), a State may use Motor Carrier Safety Assistance Program funds received under this section—

''(1) if the activities are carried out in conjunction with an appropriate inspection of a commercial motor vehicle to enforce Federal or State commercial motor vehicle safety regulations, for—

''(A) enforcement of commercial motor vehicle size and weight limitations at locations, excluding fixed weight facilities, such as near steep grades or mountainous terrains, where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States; and

''(B) detection of and enforcement actions taken as a result of criminal activity, including the trafficking of human beings, in a commercial motor vehicle or by any occupant, including the operator, of the commercial motor vehicle;

''(2) for documented enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles, including documented enforcement of such laws and regulations relating to noncommercial motor vehicles when necessary to promote the safe operation of commercial motor vehicles, if—

''(A) the number of motor carrier safety activities, including roadside safety inspections, conducted in the State is maintained at a level at least equal to the average level of such activities conducted in the State in fiscal years 2004 and 2005; and

''(B) the State does not use more than 10 percent of the basic amount the State receives under a grant awarded under section 31104(a)(1) for enforcement activities relating to noncommercial motor vehicles necessary to promote the safe operation of commercial motor vehicles unless the Secretary determines that a higher percentage will result in significant increases in commercial motor vehicle safety; and

''(3) for the enforcement of household goods regulations on intrastate and interstate carriers if the State has adopted laws or regulations compatible with the Federal household goods regulations.

''(i) EVALUATION OF PLANS AND AWARD OF GRANTS.—

''(1) AWARDS.—The Secretary shall establish criteria for the application, evaluation, and approval of State plans under this section. Subject to subsection (j), the Secretary may allocate the amounts made available under section 31104(a)(1) among the States.

''(2) OPPORTUNITY TO CURE.—If the Secretary disapproves a plan under this section, the Secretary shall give the State a written explanation of the reasons for disapproval and allow the State to modify and resubmit the plan for approval.

''(j) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—The Secretary, by regulation, shall prescribe allocation criteria for funds made available under section 31104(a)(1).

''(2) ANNUAL ALLOCATIONS.—On October 1 of each fiscal year, or as soon as practicable thereafter, and after making a deduction under section 31104(c), the Secretary shall allocate amounts made available in section 31104(a)(1) to carry out this section for the fiscal year among the States with plans approved under this section in accordance with the criteria under paragraph (1).

''(3) ELECTIVE ADJUSTMENTS.—Subject to the availability of funding and notwithstanding fluctuations in the data elements used by the Secretary to calculate the annual allocation amounts, after the creation of a new allocation formula under section 32508 of the Comprehensive Transportation and Consumer Protection Act of 2015 the Secretary may not make elective adjustments to the allocation formula that decrease a State's Federal funding levels by more than 3 percent in a fiscal year. The 3 percent limit shall not apply to the withholding provisions of subsection (k).

''(k) PLAN MONITORING.—

''(1) IN GENERAL.—On the basis of reports submitted by the lead State agency responsible for administering an approved State plan and an investigation by the Secretary,

the Secretary shall periodically evaluate State implementation of and compliance with the State plan.

''(2) WITHHOLDING OF FUNDS.—

''(A) DISAPPROVAL.—If, after notice and an opportunity to be heard, the Secretary finds that the State plan previously approved is not being followed or has become inadequate to ensure enforcement of the regulations, standards, or orders, or the State is otherwise not in compliance with the requirements of this section, the Secretary may withdraw approval of the plan and notify the State. The plan is no longer in effect once the State receives notice, and the Secretary shall withhold all funding under this section.

''(B) NONCOMPLIANCE WITHHOLDING.—In lieu of withdrawing approval of the plan, the Secretary may, after providing notice and an opportunity to be heard, withhold funding from the State to which the State would otherwise be entitled under this section for the period of the State's noncompliance. In exercising this option, the Secretary may withhold—

''(i) up to 5 percent of funds during the fiscal year that the Secretary notifies the State of its noncompliance;

''(ii) up to 10 percent of funds for the first full fiscal year of noncompliance;

''(iii) up to 25 percent of funds for the second full fiscal year of noncompliance; and

''(iv) not more than 50 percent of funds for the third and any subsequent full fiscal year of noncompliance.

''(3) JUDICIAL REVIEW.—A State adversely affected by a determination under paragraph (2) may seek judicial review under chapter 7 of title 5. Notwithstanding the disapproval of a State plan under paragraph (2)(A) or the withholding under paragraph (2)(B), the State may retain jurisdiction in an administrative or a judicial proceeding that commenced before the notice of disapproval or withholding if the issues involved are not related directly to the reasons for the disapproval or withholding.

''(l) HIGH PRIORITY FINANCIAL ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—The Secretary shall administer a high priority financial assistance program funded under section 31104 for the purposes described in paragraphs (2) and (3).

''(2) ACTIVITIES RELATED TO MOTOR CARRIER SAFETY.—The purpose of this paragraph is to make discretionary grants to and cooperative agreements with States, local governments, federally-recognized Indian tribes, other political jurisdictions as necessary, and any person to carry out high priority activities and projects that augment motor carrier safety activities and projects planned in accordance with subsections (b) and (c), including activities and projects that—

''(A) increase public awareness and education on commercial motor vehicle safety;

''(B) target unsafe driving of commercial motor vehicles and non-commercial motor vehicles in areas identified as high risk crash corridors;

''(C) support the enforcement of State household goods regulations on intrastate and interstate carriers if the State has adopted laws or regulations compatible with the Federal household good laws;

''(D) improve the safe and secure movement of hazardous materials;

''(E) improve safe transportation of goods and persons in foreign commerce;

''(F) demonstrate new technologies to improve commercial motor vehicle safety;

''(G) support participation in performance and registration information systems management under section 31106(b)—

''(i) for entities not responsible for submitting the plan under subsection (c); or

''(ii) for entities responsible for submitting the plan under subsection (c)—

''(I) before October 1, 2020, to achieve compliance with the requirements of participation; and

''(II) beginning on October 1, 2020, or once compliance is achieved, whichever is sooner, for special initiatives or projects that exceed routine operations required for participation;

''(H) conduct safety data improvement projects—

''(i) that complete or exceed the requirements under subsection (c)(2)(P) for entities not responsible for submitting the plan under subsection (c); or

''(ii) that exceed the requirements under subsection (c)(2)(P) for entities responsible for submitting the plan under subsection (c); and

''(I) otherwise improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations.

''(3) INNOVATIVE TECHNOLOGY DEPLOYMENT GRANT PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish an innovative technology deployment grant program to make discretionary grants funded under section 31104(a)(2) to eligible States for the innovative technology deployment of commercial motor vehicle information systems and networks.

''(B) PURPOSES.—The purposes of the program shall be—

''(i) to advance the technological capability and promote the deployment of intelligent transportation system applications for commercial motor vehicle operations, including commercial motor vehicle, commercial driver, and carrier-specific information systems and networks; and

''(ii) to support and maintain commercial motor vehicle information systems and networks—

''(I) to link Federal motor carrier safety information systems with State commercial motor vehicle systems;

''(II) to improve the safety and productivity of commercial motor vehicles and drivers; and

''(III) to reduce costs associated with commercial motor vehicle operations and Federal and State commercial vehicle regulatory requirements.

''(C) ELIGIBILITY.—To be eligible for a grant under this paragraph, a State shall—

''(i) have a commercial motor vehicle information systems and networks program plan approved by the Secretary that describes the various systems and networks at the State level that need to be refined, revised, upgraded, or built to accomplish deployment of commercial motor vehicle information systems and networks capabilities;

''(ii) certify to the Secretary that its commercial motor vehicle information systems and networks deployment activities, including hardware procurement, software and system development, and infrastructure modifications—

''(I) are consistent with the national intelligent transportation systems and commercial motor vehicle information systems and networks architectures and available standards; and

''(II) promote interoperability and efficiency to the extent practicable; and

''(iii) agree to execute interoperability tests developed by the Federal Motor Carrier Safety Administration to verify that its systems conform with the national intelligent transportation systems architecture, applicable standards, and protocols for commercial motor vehicle information systems and networks.

''(D) USE OF FUNDS.—Grant funds may be used—

''(i) for deployment activities and activities to develop new and innovative advanced technology solutions that support commercial motor vehicle information systems and networks;

''(ii) for planning activities, including the development or updating of program or top level design plans in order to become eligible or maintain eligibility under subparagraph (C); and

''(iii) for the operation and maintenance costs associated with innovative technology.

''(E) SECRETARY AUTHORIZATION.—The Secretary is authorized to award a State funding for the operation, and maintenance costs associated with innovative technology deployment with funds made available under both sections 31104(a)(1) and 31104(a)(2) of this title.''.

(b) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.—Section 31103 is amended to read as follows:

**''§ 31103. Commercial Motor Vehicle Operators Grant Program**

''(a) IN GENERAL.—The Secretary shall administer a commercial motor vehicle operators grant program funded under section 31104.

''(b) PURPOSE.—The purpose of the grant program is to train individuals in the safe operation of commercial motor vehicles (as defined in section 31301).''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 31104 is amended to read as follows:

**''§ 31104. Authorization of appropriations**

''(a) FINANCIAL ASSISTANCE PROGRAMS.—The following sums are authorized to be appropriated from the Highway Trust Fund for the following Federal Motor Carrier Safety Administration Financial Assistance Programs:

''(1) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Subject to paragraph (2) of this subsection and subsection (c) of this section, to carry out section 31102—

''(A) $295,636,000 for fiscal year 2017;

''(B) $301,845,000 for fiscal year 2018;

''(C) $308,183,000 for fiscal year 2019;

''(D) $314,655,000 for fiscal year 2020; and

''(E) $321,263,000 for fiscal year 2021.

''(2) HIGH PRIORITY ACTIVITIES FINANCIAL ASSISTANCE PROGRAM.—Subject to subsection (c), to make grants and cooperative agreements under section 31102(l) of this title, the Secretary may set aside from amounts made available under paragraph (1) of this subsection up to—

''(A) $42,323,000 for fiscal year 2017;

''(B) $43,212,000 for fiscal year 2018;

''(C) $44,119,000 for fiscal year 2019;

''(D) $45,046,000 for fiscal year 2020; and

''(E) $45,992,000 for fiscal year 2021.

''(3) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.—To carry out section 31103—

''(A) $1,000,000 for fiscal year 2017;

''(B) $1,000,000 for fiscal year 2018;

''(C) $1,000,000 for fiscal year 2019;

''(D) $1,000,000 for fiscal year 2020; and

''(E) $1,000,000 for fiscal year 2021.

''(4) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION FINANCIAL ASSISTANCE PROGRAM.—Subject to subsection (c), to carry out section 31313—

''(A) $31,273,000 for fiscal year 2017;

''(B) $31,930,000 for fiscal year 2018;

''(C) $32,600,000 for fiscal year 2019;

''(D) $33,285,000 for fiscal year 2020; and

''(E) $33,984,000 for fiscal year 2021.

''(b) REIMBURSEMENT AND PAYMENT TO RECIPIENTS FOR GOVERNMENT SHARE OF COSTS.—

''(1) IN GENERAL.—Amounts made available under subsection (a) shall be used to reimburse financial assistance recipients proportionally for the Federal Government's share of the costs incurred.

''(2) REIMBURSEMENT AMOUNTS.—The Secretary shall reimburse a recipient, in accordance with a financial assistance agreement made under section 31102, 31103, or 31313, an

amount that is at least 85 percent of the costs incurred by the recipient in a fiscal year in developing and implementing programs under these sections. The Secretary shall pay the recipient an amount not more than the Federal Government share of the total costs approved by the Federal Government in the financial assistance agreement. The Secretary shall include a recipient's in-kind contributions in determining the reimbursement.

''(3) VOUCHERS.—Each recipient shall submit vouchers at least quarterly for costs the recipient incurs in developing and implementing programs under section 31102, 31103, or 31313.

''(c) DEDUCTIONS FOR PARTNER TRAINING AND PROGRAM SUPPORT.—On October 1 of each fiscal year, or as soon after that date as practicable, the Secretary may deduct from amounts made available under paragraphs (1), (2), and (4) of subsection (a) for that fiscal year not more than 1.50 percent of those amounts for partner training and program support in that fiscal year. The Secretary shall use at least 75 percent of those deducted amounts to train non-Federal Government employees and to develop related training materials in carrying out these programs.

''(d) GRANTS AND COOPERATIVE AGREEMENTS AS CONTRACTUAL OBLIGATIONS.—The approval of a financial assistance agreement by the Secretary under section 31102, 31103, or 31313 is a contractual obligation of the Federal Government for payment of the Federal Government's share of costs in carrying out the provisions of the grant or cooperative agreement.

''(e) ELIGIBLE ACTIVITIES.—The Secretary shall establish criteria for eligible activities to be funded with financial assistance agreements under this section and publish those criteria in a notice of funding availability before the financial assistance program application period.

''(f) PERIOD OF AVAILABILITY OF FINANCIAL ASSISTANCE AGREEMENT FUNDS FOR RECIPIENT EXPENDITURES.—

''(1) IN GENERAL.—The period of availability for a recipient to expend a grant or cooperative agreement authorized under subsection (a) is as follows:

''(A) For grants made for carrying out section 31102, other than section 31102(l), for the fiscal year in which it is obligated and for the next fiscal year.

''(B) For grants or cooperative agreements made for carrying out section 31102(l)(2), for the fiscal year in which it is obligated and for the next 2 fiscal years.

''(C) For grants made for carrying out section 31102(l)(3), for the fiscal year in which it is obligated and for the next 4 fiscal years.

''(D) For grants made for carrying out section 31103, for the fiscal year in which it is obligated and for the next fiscal year.

''(E) For grants or cooperative agreements made for carrying out 31313, for the fiscal year in which it is obligated and for the next 4 fiscal years.

''(2) REOBLIGATION.—Amounts not expended by a recipient during the period of availability shall be released back to the Secretary for reobligation for any purpose under sections 31102, 31103, 31104, and 31313 in accordance with subsection (i) of this section.

''(g) CONTRACT AUTHORITY; INITIAL DATE OF AVAILABILITY.—Amounts authorized from the Highway Trust Fund by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

''(h) AVAILABILITY OF FUNDING.—Amounts made available under this section shall remain available until expended.

''(i) TRANSFER OF OBLIGATION AUTHORITY.—

''(1) IN GENERAL.—Of the contract authority authorized for motor carrier safety grants, the Secretary shall have authority to transfer available unobligated contract authority and associated liquidating cash within or between Federal financial assistance programs authorized under this section and make new Federal financial assistance awards under this section.

''(2) COST ESTIMATES.—Of the funds transferred, the contract authority and associated liquidating cash or obligations and expenditures stemming from Federal financial assistance awards made with this contract authority shall not be scored as new obligations by the Office of Management and Budget or by the Secretary.

''(3) NO LIMITATION ON TOTAL OF OBLIGATIONS.—Notwithstanding any other provision of law, no limitation on the total of obligations for Federal financial assistance programs carried out by the Federal Motor Carrier Safety Administration under this section shall apply to unobligated funds transferred under this subsection.''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SAFETY FITNESS OF OWNERS AND OPERATOR; SAFETY REVIEWS OF NEW OPERATORS.—Section 31144(g) is amended by striking paragraph (5).

(2) INFORMATION SYSTEMS; PERFORMANCE AND REGISTRATION INFORMATION PROGRAM.—Section 31106(b) is amended by striking paragraph (4).

(3) BORDER ENFORCEMENT GRANTS.—Section 31107 is repealed.

(4) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT.—Section 31109 is repealed.

(5) TABLE OF CONTENTS.—The table of contents of chapter 311 is amended—

(A) by striking the items relating to 31107 and 31109; and

(B) by striking the items relating to sections 31102, 31103, and 31104 and inserting the following:

''31102. Motor Carrier Safety Assistance Program.

''31103. Commercial Motor Vehicle Operators Grant Program.

''31104. Authorization of appropriations.''.

(6) GRANTS FOR COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION.—Section 31313(a), as amended by section 32506 of this Act, is further amended by striking ''The Secretary of Transportation shall administer a financial assistance program for commercial driver's license program implementation for the purposes described in paragraphs (1) and (2)'' and inserting ''The Secretary of Transportation shall administer a financial assistance program for commercial driver's license program implementation funded under section 31104 of this title for the purposes described in paragraphs (1) and (2)''.

(7) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—Section 4126 of SAFETEA-LU (49 U.S.C. 31106 note) is repealed.

(8) SAFETY DATA IMPROVEMENT PROGRAM.—Section 4128 of SAFETEA-LU (49 U.S.C. 31100 note) is repealed.

(9) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134 of SAFETEA-LU (49 U.S.C. 31301 note) is repealed.

(10) WINTER HOME HEATING OIL DELIVERY STATE FLEXIBILITY PROGRAM.—Section 346 of National Highway System Designation Act of 1995 (49 U.S.C. 31166 note) is repealed.

(11) MAINTENANCE OF EFFORT AS CONDITION ON GRANTS TO STATES.—Section 103(c) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31102 note) is repealed.

(12) STATE COMPLIANCE WITH CDL REQUIREMENTS.—Section 103(e) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31102 note) is repealed.

(13) BORDER STAFFING STANDARDS.—Section 218(d) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31133 note) is amended—

(A) in paragraph (1), by striking ''under section 31104(f)(2)(B) of title 49, United States Code'' and inserting ''section 31104(a)(1) of title 49, United States Code''; and

(B) by striking paragraph (3).

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2016.

(f) TRANSITION.—Notwithstanding the amendments made by this section, the Secretary shall carry out sections 31102, 31103, 31104 of title 49, United States Code, and any sections repealed under subsection (d) of this section, as necessary, as those sections were in effect on the day before October 1, 2016, with respect to applications for grants, cooperative agreements, or contracts under those sections submitted before October 1, 2016.

**SEC. 32503. NEW ENTRANT SAFETY REVIEW PROGRAM STUDY.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Office of Inspector General of the Department of Transportation shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure in the House of Representatives on its assessment of the new operator safety review program, required under section 31144(g) of title 49, United States Code, including the program's effectiveness in reducing commercial motor vehicles involved in crashes, fatalities, and injuries, and in improving commercial motor vehicle safety.

(b) REPORT.—Not later than 90 days after completion of the report under subsection (a), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure in the House of Representatives a report on the actions the Secretary will take to address any recommendations included in the study under subsection (a).

(c) PAPERWORK REDUCTION ACT OF 1995; EXCEPTION.—The study and the Office of the Inspector General assessment shall not be subject to section 3506 or section 3507 of title 44, United States Code.

**SEC. 32504. PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT.**

Section 31106(b) is amended in the heading by striking ''PROGRAM'' and inserting ''SYSTEMS MANAGEMENT''.

**SEC. 32505. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—Subchapter I of chapter 311 is amended by adding at the end the following:

**''§ 31110. Authorization of appropriations**

''(a) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

''(1) $264,439,000 for fiscal year 2016;

''(2) $269,992,000 for fiscal year 2017;

''(3) $275,662,000 for fiscal year 2018;

''(4) $281,451,000 for fiscal year 2019;

''(5) $287,361,000 for fiscal year 2020; and

''(6) $293,396,000 for fiscal year 2021.

''(b) USE OF FUNDS.—The funds authorized by this section shall be used—

''(1) for personnel costs;

''(2) for administrative infrastructure;

''(3) for rent;

''(4) for information technology;

''(5) for programs for research and technology, information management, regulatory development, the administration of the performance and registration information systems management;

''(6) for programs for outreach and education under subsection (d);

''(7) to fund the motor carrier safety facility working capital fund established under subsection (c);

''(8) for other operating expenses;

''(9) to conduct safety reviews of new operators; and

''(10) for such other expenses as may from time to time become necessary to implement statutory mandates of the Federal Motor Carrier Safety Administration not funded from other sources.

''(c) MOTOR CARRIER SAFETY FACILITY WORKING CAPITAL FUND.—

''(1) IN GENERAL.—The Secretary may establish a motor carrier safety facility working capital fund.

''(2) PURPOSE.—Amounts in the fund shall be available for modernization, construction, leases, and expenses related to vacating, occupying, maintaining, and expanding motor carrier safety facilities, and associated activities.

''(3) AVAILABILITY.—Amounts in the fund shall be available without regard to fiscal year limitation.

''(4) FUNDING.—Amounts may be appropriated to the fund from the amounts made available in subsection (a).

''(5) FUND TRANSFERS.—The Secretary may transfer funds to the working capital fund from the amounts made available in subsection (a) or from other funds as identified by the Secretary.

''(d) OUTREACH AND EDUCATION PROGRAM.—

''(1) IN GENERAL.—The Secretary may conduct, through any combination of grants, contracts, cooperative agreements, or other activities, an internal and external outreach and education program to be administered by the Administrator of the Federal Motor Carrier Safety Administration.

''(2) FEDERAL SHARE.—The Federal share of an outreach and education program for which a grant, contract, or cooperative agreement is made under this subsection may be up to 100 percent of the cost of the grant, contract, or cooperative agreement.

''(3) FUNDING.—From amounts made available in subsection (a), the Secretary shall make available such sums as are necessary to carry out this subsection each fiscal year.

''(e) CONTRACT AUTHORITY; INITIAL DATE OF AVAILABILITY.—Amounts authorized from the Highway Trust Fund by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

''(f) FUNDING AVAILABILITY.—Amounts made available under this section shall remain available until expended.

''(g) CONTRACTUAL OBLIGATION.—The approval of funds by the Secretary under this section is a contractual obligation of the Federal Government for payment of the Federal Government's share of costs.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ADMINISTRATIVE EXPENSES; AUTHORIZATION OF APPROPRIATIONS.—Section 31104 is amended—

(A) by striking subsection (i); and

(B) by redesignating subsections (j) and (k) and subsections (i) and (j), respectively.

(2) USE OF AMOUNTS MADE AVAILABLE UNDER SUBSECTION (I).—Section 4116(d) of SAFETEA-LU (49 U.S.C. 31104 note) is amended by striking ''section 31104(i)'' and inserting ''section 31110''.

(3) INTERNAL COOPERATION.—Section 31161 is amended by striking ''31104(i)'' and inserting ''31110''.

(4) SAFETEA-LU; OUTREACH AND EDUCATION.—Section 4127 of SAFETEA-LU (119 Stat. 1741; Public Law 109–59) is repealed.

(5) TABLE OF CONTENTS.—The table of contents of subchapter I of chapter 311 is amended by adding at the end the following:

''31110. Authorization of appropriations.''.

**SEC. 32506. COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION.**

(a) IN GENERAL.—Section 31313 is amended to read as follows:

**''§ 31313. Commercial driver's license program implementation financial assistance program**

''(a) IN GENERAL.—The Secretary of Transportation shall administer a financial assistance program for commercial driver's license program implementation for the purposes described in paragraphs (1) and (2).

''(1) STATE COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION GRANTS.—The Secretary of Transportation may make a grant to a State agency in a fiscal year—

''(A) to comply with the requirements of section 31311;

''(B) in the case of a State that is making a good faith effort toward substantial compliance with the requirements of section 31311, to improve its implementation of its commercial driver's license program, including expenses—

''(i) for computer hardware and software;

''(ii) for publications, testing, personnel, training, and quality control;

''(iii) for commercial driver's license program coordinators; and

''(iv) to implement or maintain a system to notify an employer of an operator of a commercial motor vehicle of the suspension or revocation of the operator's commercial driver's license consistent with the standards developed under section 32303(b) of the Commercial Motor Vehicle Safety Enhancement Act of 2012 (49 U.S.C. 31304 note).

''(2) PRIORITY ACTIVITIES.—The Secretary may make a grant or cooperative agreement in a fiscal year to a State agency, local government, or any person for research, development or testing, demonstration projects, public education, or other special activities and projects relating to commercial driver's licensing and motor vehicle safety that—

''(A) benefit all jurisdictions of the United States;

''(B) address national safety concerns and circumstances;

''(C) address emerging issues relating to commercial driver's license improvements;

''(D) support innovative ideas and solutions to commercial driver's license program issues; or

''(E) address other commercial driver's license issues, as determined by the Secretary.

''(b) PROHIBITIONS.—A recipient may not use financial assistance funds awarded under this section to rent, lease, or buy land or buildings.

''(c) REPORT.—The Secretary shall issue an annual report on the activities carried out under this section.

''(d) APPORTIONMENT.—All amounts made available to carry out this section for a fiscal year shall be apportioned to a State or recipient described in subsection (a)(2) according to criteria prescribed by the Secretary.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents of chapter 313 is amended by striking the item relating to section 31313 and inserting the following:

''31313. Commercial driver's license program implementation financial assistance program.''.

**SEC. 32507. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY PROGRAMS FOR FISCAL YEAR 2016.**

(a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM GRANT EXTENSION.—Section 31104(a) is amended—

(1) in the matter preceding paragraph (1), by inserting ''and, for fiscal year 2016, sections 31102, 31107, and 31109 of this title and section 4128 of SAFETEA-LU (49 U.S.C. 31100 note)'' after ''31102'';

(2) in paragraph (9), by striking ''and'' at the end; and

(3) by striking paragraph (10) and inserting the following:

''(10) $218,000,000 for fiscal year 2015; and

''(11) '$259,000,000 for fiscal year 2016.''.

(b) EXTENSION OF GRANT PROGRAMS.—Section 4101(c) SAFETEA-LU (119 Stat. 1715; Public Law 109–59), is amended to read as follows:

''(c) GRANT PROGRAMS FUNDING.—There are authorized to be appropriated from the Highway Trust Fund the following sums for the following Federal Motor Carrier Safety Administration programs:

''(1) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENT GRANTS.—For carrying out the commercial driver's license program improvement grants program under section 31313 of title 49, United States Code, $30,000,000 for fiscal year 2016.

''(2) BORDER ENFORCEMENT GRANTS.—From amounts made available under section 31104(a) of title 49, United States Code, for border enforcement grants under section 31107 of that title, $32,000,000 for fiscal year 2016.

''(3) PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT GRANT PROGRAMS.—From amounts made available under section 31104(a) of title 49, United States Code, for the performance and registration information systems management grant program under section 31109 of that title, $5,000,000 for fiscal year 2016.

''(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—For carrying out the commercial vehicle information systems and networks deployment program under section 4126 of this Act (the innovative technology deployment program), $25,000,000, for fiscal year 2016.

''(5) SAFETY DATA IMPROVEMENT GRANTS.—From amounts made available under section 31104(a) of title 49, United States Code, for safety data improvement grants under section 4128 of this Act, $3,000,000 for fiscal year 2016.''.

(c) HIGH-PRIORITY ACTIVITIES.—Section 31104(j)(2), as redesignated by section 32505 of this Act is amended by striking ''2015'' and inserting ''2016''.

(d) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) is amended to read as follows:

''(B) SET ASIDE.—The Secretary shall set aside from amounts made available by section 31104(a) up to $32,000,000 for fiscal year 2016 for audits of new entrant motor carriers conducted under this paragraph.''.

(e) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA-LU (49 U.S.C. 31301 note) is amended to read as follows:

''(c) FUNDING.—From amounts made available under section 31110 of title 49, United States Code, the Secretary shall make available, $1,000,000 for fiscal year 2016 to carry out the commercial motor vehicle operators grant program.''.

(f) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—

(1) IN GENERAL.—Section 4126 of SAFETEA-LU (49 U.S.C. 31106 note; 119 Stat. 1738; Public Law 109–59) is amended—

(A) in subsection (c)—

(i) in paragraph (2), by adding at the end the following: ''Funds deobligated by the

Secretary from previous year grants shall not be counted towards the $2,500,000 maximum aggregate amount for core deployment.''; and

(ii) in paragraph (3), by adding at the end the following: ''Funds may also be used for planning activities, including the development or updating of program or top level design plans.''; and

(B) in subsection (d)(4), by adding at the end the following: ''Funds may also be used for planning activities, including the development or updating of program or top level design plans.''.

(2) INNOVATIVE TECHNOLOGY DEPLOYMENT PROGRAM.—For fiscal year 2016, the commercial vehicle information systems and networks deployment program under section 4126 of SAFETEA-LU (119 Stat. 1738; Public Law 109—59) may also be referred to as the innovative technology deployment program.

**SEC. 32508. MOTOR CARRIER SAFETY ASSISTANCE PROGRAM ALLOCATION.**

(a) WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a motor carrier safety assistance program formula working group (referred to in this section as the ''working group''.

(2) MEMBERSHIP.—

(A) IN GENERAL.—Subject to subparagraph (B), the working group shall consist of representatives of the following:

(i) The Federal Motor Carrier Safety Administration.

(ii) The lead State commercial motor vehicle safety agencies responsible for administering the plan required by section 31102 of title 49, United States Code.

(iii) An organization representing State agencies responsible for enforcing a program for inspection of commercial motor vehicles.

(iv) Such other persons as the Secretary considers necessary.

(B) COMPOSITION.—Representatives of State commercial motor vehicle safety agencies shall comprise at least 51 percent of the membership.

(3) NEW ALLOCATION FORMULA.—The working group shall analyze requirements and factors for a new motor carrier safety assistance program allocation formula.

(4) RECOMMENDATION.—Not later than 1 year after the date the working group is established under paragraph (1), the working group shall make a recommendation to the Secretary regarding a new Motor Carrier Safety Assistance Program allocation formula.

(5) FACA EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this subsection.

(6) PUBLICATION.—The Administrator of the Federal Motor Carrier Safety Administration shall publish on a public website summaries of its meetings, and the final recommendation provided to the Secretary.

(b) NOTICE OF PROPOSED RULEMAKING.—After receiving the recommendation under subsection (a)(4), the Secretary shall publish in the Federal Register a notice seeking public comment on a new allocation formula for the motor carrier safety assistance program under section 31102 of title 49, United States Code.

(c) BASIS FOR FORMULA.—The Secretary shall ensure that the new allocation formula is based on factors that reflect, at a minimum—

(1) the relative needs of the States to comply with section 31102 of title 49, United States Code;

(2) the relative administrative capacities of and challenges faced by States in complying with section 31102 of title 49, United States Code;

(3) the average of each State's new entrant motor carrier inventory for the 3-year period prior to the date of enactment of this Act;

(4) the number of international border inspection facilities and border crossings by commercial vehicles in each State; and

(5) any other factors the Secretary considers appropriate.

(d) FUNDING AMOUNTS PRIOR TO DEVELOPMENT OF A NEW ALLOCATION FORMULA.—

(1) INTERIM FORMULA.—Prior to the development of the new allocation formula, the Secretary may calculate the interim funding amounts for the motor carrier safety assistance program in fiscal year 2017 (and later fiscal years, as necessary) under section 31104(a)(1) of title 49, United States Code, as amended by section 32502 of this Act, by the following methodology:

(A) The Secretary shall calculate the funding amount using the allocation formula the Secretary used to award motor carrier safety assistance program funding in fiscal year 2016 under section 2507 of this Act.

(B) The Secretary shall average the funding awarded or other equitable amounts to a State in fiscal years 2013, 2014, and 2015 for border enforcement grants awarded under section 32603(c) of MAP-21 (126 Stat. 807; Public Law 112—141) and new entrant audit grants awarded under that section, or other equitable amounts.

(C) The Secretary shall add the amounts calculated in subparagraphs (A) and (B).

(2) ADJUSTMENTS.—Subject to the availability of funding and notwithstanding fluctuations in the data elements used by the Secretary, the initial amounts resulting from the calculation described in paragraph (1) shall be adjusted to ensure that, for each State, the amount shall not be less than 97 percent of the average amount of funding received or other equitable amounts in fiscal years 2013, 2014, and 2015 for—

(A) motor carrier safety assistance program funds awarded under section 32603(a) of MAP-21 (126 Stat. 807; Public Law 112–141);

(B) border enforcement grants awarded under section 32603(a) of MAP-21 (126 Stat. 807; Public Law 112–141); and

(C) new entrant audit grants awarded under section 32603(a) of MAP-21 (126 Stat. 807; Public Law 112–141).

(3) IMMEDIATE RELIEF.—In developing the new allocation formula, the Secretary shall provide immediate relief for at least 3 fiscal years to all States currently subject to the withholding provisions of Motor Carrier Safety Assistance Program funds for matters of noncompliance.

(4) FUTURE WITHHOLDINGS.—Beginning on the date that the new allocation formula is implemented, the Secretary shall impose all future withholdings in accordance with section 31102(k) of title 49, United States Code, as amended by section 32502 of this Act.

(e) TERMINATION OF EFFECTIVENESS.—This section expires upon the implementation of a new Motor Carrier Safety Assistance Program Allocation Formula.

**SEC. 32509. MAINTENANCE OF EFFORT CALCULATION.**

(a) BEFORE NEW ALLOCATION FORMULA.—

(1) FISCAL YEAR 2017.—If a new allocation formula has not been established for fiscal year 2017, then, for fiscal year 2017, the Secretary of Transportation shall calculate the maintenance of effort required under section 31102(f) of title 49, United States Code, as amended by section 32502 of this Act, by averaging the expenditures for fiscal years 2004 and 2005 required by section 32601(a)(5) of MAP-21 (Public Law 112—141), as that section was in effect on the day before the date of enactment of this Act.

(2) SUBSEQUENT FISCAL YEARS.—The Secretary may use the methodology for calculating the maintenance of effort for fiscal year 2017 and each fiscal year thereafter if a new allocation formula has not been established.

(b) BEGINNING WITH NEW ALLOCATION FORMATION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3)(B), beginning on the date that a new allocation formula is established under section 2508, upon the request of a State, the Secretary may modify the baseline maintenance of effort required by section 31102(e) of title 49, United States Code, as amended by section 32502 of this Act, for the purpose of establishing a new baseline maintenance of effort if the Secretary determines that a waiver or modification—

(A) is equitable due to reasonable circumstances;

(B) will ensure the continuation of commercial motor vehicle enforcement activities in the State; and

(C) is necessary to ensure that the total amount of State maintenance of effort and matching expenditures required under sections 31102 and 31104 of title 49, United States Code, as amended by section 32502 of this Act, does not exceed a sum greater than the average of the total amount of State maintenance of effort and matching expenditures for the 3 fiscal years prior to the date of enactment of this Act.

(2) ADJUSTMENT METHODOLOGY.—If requested by a State, the Secretary may modify the maintenance of effort baseline according to the following methodology:

(A) The Secretary shall establish the maintenance of effort using the average of fiscal years 2004 and 2005, as required by section 32601(a)(5) of MAP-21 (Public Law 112—141).

(B) The Secretary shall calculate the average required match by a lead State commercial motor vehicle safety agency for fiscal years 2013, 2014, and 2015 for motor carrier safety assistance grants established at 20 percent by section 31103 of title 49, United States Code, as that section was in effect on the day before the date of enactment of this Act.

(C) The Secretary shall calculate the estimated match required under section 31104(b) of title 49, United States Code, as amended by section 32502 of this Act.

(D) The Secretary will subtract the amount in subparagraph (B) from the amount in subparagraph (C) and—

(i) if the number is greater than 0, then the Secretary shall subtract the number from the amount in subparagraph (A); or

(ii) if the number is not greater than 0, then the Secretary shall calculate the maintenance of effort using the methodology in subparagraph (A).

(3) MAINTENANCE OF EFFORT AMOUNT.—

(A) IN GENERAL.—The Secretary shall use the amount calculated in paragraph (2) as the baseline maintenance of effort required in section 31102(f) of title 49, United States Code, as amended by section 32502 of this Act.

(B) DEADLINE.—If a State does not request a waiver or modification under this subsection before September 30 during the first fiscal year that the Secretary implements the new allocation formula under section 32508, the Secretary shall calculate the maintenance of effort using the methodology in paragraph (2)(A) of this subsection.

(4) MAINTENANCE OF EFFORT DESCRIBED.—The maintenance of effort calculated under this section is the amount required under section 31102(f) of title 49, United States Code, as amended by section 32502 of this Act.

(c) TERMINATION OF EFFECTIVENESS.—The authority under this section terminates effective on the date that the new maintenance of effort is calculated based on the

new allocation formula implemented under section 32508.

**Subtitle F—Miscellaneous Provisions**

**SEC. 32601. WINDSHIELD TECHNOLOGY.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall revise the regulations in section 393.60(e) of title 49, Code of Federal Regulations (relating to the prohibition on obstructions to the driver's field of view) to exempt from that section the voluntary mounting on a windshield of vehicle safety technology likely to achieve a level of safety that is equivalent to or greater than the level of safety that would be achieved absent the exemption.

(b) DEFINITION OF VEHICLE SAFETY TECHNOLOGY.—In this section, ''vehicle safety technology'' includes fleet-related incident management system, performance or behavior management system, speed management system, lane departure warning system, forward collision warning or mitigation system, active cruise control system, and any other technology that the Secretary considers applicable.

(c) RULE OF CONSTRUCTION.—For purposes of this section, any windshield mounted technology with a short term exemption under part 381 of title 49, Code of Federal Regulations, on the day before the date of enactment of this Act, shall be considered likely to achieve a level of safety that is equivalent to or greater than the level of safety that would be achieved absent an exemption under subsection (a).

**SEC. 32602. ELECTRONIC LOGGING DEVICES REQUIREMENTS.**

Section 31137(b) is amended—

(1) in paragraph (1)(C), by striking ''apply to'' and inserting ''except as provided in paragraph (3), apply to''; and

(2) by adding at the end the following:

''(3) EXCEPTION.—A motor carrier, when transporting a motor home or recreation vehicle trailer within the definition of 'driveaway-towaway operation' (as defined in section 390.5 of title 49, Code of Federal Regulations) may comply with the hours of service requirements by requiring each driver to use—

''(A) a paper record of duty status form; or

''(B) an electronic logging device.''.

**SEC. 32603. LAPSE OF REQUIRED FINANCIAL SECURITY; SUSPENSION OF REGISTRATION.**

Section 13906(e) is amended by inserting ''or suspend'' after ''revoke''.

**SEC. 32604. ACCESS TO NATIONAL DRIVER REGISTER.**

Section 30305(b) is amended by adding at the end the following:

''(13) The Administrator of the Federal Motor Carrier Safety Administration may request the chief driver licensing official of a State to provide information under subsection (a) of this section about an individual in connection with a safety investigation under the Administrator's jurisdiction.''.

**SEC. 32605. STUDY ON COMMERCIAL MOTOR VEHICLE DRIVER COMMUTING.**

(a) EFFECTS OF COMMUTING.—The Administrator of the Federal Motor Carrier Safety Administration shall conduct a study of the effects of motor carrier operator commutes exceeding 150 minutes commuting time on safety and commercial motor vehicle driver fatigue.

(b) STUDY.—In conducting the study, the Administrator shall consider—

(1) the prevalence of driver commuting in the commercial motor vehicle industry, including the number and percentage of drivers who commute;

(2) the distances traveled, time zones crossed, time spent commuting, and methods of transportation used;

(3) research on the impact of excessive commuting on safety and commercial motor vehicle driver fatigue;

(4) the commuting practices of commercial motor vehicle drivers and policies of motor carriers;

(5) the Federal Motor Carrier Safety Administration regulations, policies, and guidance regarding driver commuting; and

(6) any other matters the Administrator considers appropriate.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the findings under the study and any recommendations for legislative action concerning driver commuting.

**SEC. 32606. HOUSEHOLD GOODS CONSUMER PROTECTION WORKING GROUP.**

(a) WORKING GROUP.—The Secretary shall establish a working group for the purpose of developing recommendations on how to best convey to inexperienced consumers the information such consumers need to know with respect to the Federal laws concerning the interstate transportation of household goods by motor carrier.

(b) MEMBERSHIP.—The Secretary shall ensure that the working group is comprised of individuals with expertise in consumer affairs, educators with expertise in how people learn most effectively, and representatives of the household goods moving industry.

(c) RECOMMENDATIONS.—

(1) CONTENTS.—The recommendations developed by the working group shall include, at a minimum, recommendations on—

(A) condensing publication ESA 03005 of the Federal Motor Carrier Safety Administration into a format that is more easily used by consumers;

(B) using state-of-the-art education techniques and technologies, including optimizing the use of the Internet as an educational tool; and

(C) reducing and simplifying the paperwork required of motor carriers and shippers in interstate transportation.

(2) DEADLINE.—Not later than one year after the date of enactment of this Act, the working group shall make the recommendations described in paragraph (1) which the Secretary shall publish on a public website.

(d) REPORT.—Not later than 1 year after the date on which the working group makes its recommendations, the Secretary shall issue a report to Congress on the implementation of such recommendations.

(e) FEDERAL ADVISORY COMMITTEE ACT EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this section.

(f) TERMINATION.—The working group shall terminate 2 years after the date of enactment of this Act.

**SEC. 32607. INTERSTATE VAN OPERATIONS.**

Section 4136 of SAFETEA-LU (Public Law 109–59; 119 Stat. 1745; 49 U.S.C. 3116 note) is amended by inserting ''with the exception of commuter vanpool operations, which shall remain exempt'' before the period at the end.

**SEC. 32608. REPORT ON DESIGN AND IMPLEMENTATION OF WIRELESS ROADSIDE INSPECTION SYSTEMS.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report regarding the design, development, testing, and implementation of wireless roadside inspection systems.

(b) ELEMENTS.—The report required under subsection (a) shall include a determination as to whether wireless roadside inspection systems—

(1) conflict with existing non-Federal electronic screening systems, or create capabilities already available;

(2) require additional statutory authority to incorporate generated inspection data into the safety measurement system or the safety fitness determinations program; and

(3) provide appropriate restrictions to specifically address privacy concerns of affected motor carriers and operators.

**SEC. 32609. MOTORCOACH HOURS OF SERVICE STUDY.**

(a) REQUIREMENT BEFORE IMPLEMENTING NEW RULES.—

(1) IN GENERAL.—The Secretary may not amend, adjust, or revise the driver hours of service regulations for motor carriers of passengers, by rulemaking or any other means, until the Secretary conducts a formal study that properly accounts for operational differences and variances in crash data for drivers in intercity motorcoach service and interstate property carrier operations and between segments of the intercity motorcoach industry.

(2) CONTENTS.—The study required under paragraph (1) shall include—

(A) the impact of the current hours of service regulations for motor carriers of passengers on fostering safe operation of intercity motorcoaches;

(B) the separation of the failures of the current passenger carrier hours-of-service regulations and the lack of enforcement of the current regulations by Federal and State agencies;

(C) the correlation of noncompliance with current passenger carrier hours of service rule to passenger carrier accidents using data from 2000 through 2013; and

(D) how passenger carrier crashes could have been mitigated by any changes to passenger carrier hours of service rules.

(b) EMERGENCY REGULATIONS.—Nothing in this section may be construed to affect the Secretary's existing authority to provide relief from the hours of service regulations in the event of an emergency under section 390.232 of title 49, Code of Federal Regulations.

**SEC. 32610. GAO REVIEW OF SCHOOL BUS SAFETY.**

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a review of the following:

(1) Existing Federal and State rules and guidance, as of the date of the review, concerning school bus transportation of elementary school and secondary school students engaging in home-to-school transport or other transport determined by the Comptroller General to be a routine part of kindergarten through grade 12 education, including regulations and guidance regarding driver training programs, capacity requirements, programs for special needs students, inspection standards, vehicle age requirements, best practices, and public access to inspection results and crash records.

(2) Any correlation between public or private school bus fleet operators whose vehicles are involved in an accident as defined by section 390.5 of title 49, Code of Federal Regulations, and each of the following:

(A) A failure by those same operators of State or local safety inspections.

(B) The average age or odometer readings of the school buses in the fleets of such operators.

(C) Violations of Federal laws administered by the Department of Transportation, or of State law equivalents of such laws.

(D) Violations of State or local law relating to illegal passing of a school bus.

(3) A regulatory framework comparison of public and private school bus operations.

(4) Expert recommendations on best practices for safe and reliable school bus transportation, including driver training programs, inspection standards, school bus age and odometer reading maximums for retirement, the percentage of buses in a local bus fleet needed as spare buses, and capacity levels per school bus for different age groups.

**SEC. 32611. USE OF HAIR TESTING FOR PREEMPLOYMENT AND RANDOM CONTROLLED SUBSTANCES TESTS.**

(a) SHORT TITLE.—This section may be cited as the ''Drug Free Commercial Driver Act of 2015''.

(b) AUTHORIZATION OF HAIR TESTING AS AN ACCEPTABLE PROCEDURE FOR PREEMPLOYMENT AND RANDOM CONTROLLED SUBSTANCE TESTS.—Section 31306 is amended—

(1) in subsection (b)(1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) in subparagraph (A), by striking ''The regulations shall permit such motor carriers to conduct preemployment testing of such employees for the use of alcohol.'' and inserting the following:

''(B) The regulations prescribed under subparagraph (A) shall permit motor carriers—

''(i) to conduct preemployment testing of commercial motor vehicle operators for the use of alcohol; and

''(ii) to use hair testing as an acceptable alternative to urinalysis—

''(I) in conducting preemployment screening for the use of a controlled substance; and

''(II) in conducting random screening for the use of a controlled substance by individuals who were subject to preemployment screening.''; and

(2) in subsection (c)(2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by inserting ''and'' after the semicolon; and

(C) by adding at the end the following:

''(D) laboratory protocols and cut-off levels for hair testing to detect the use of a controlled substance;''.

(c) EXEMPTION FROM MANDATORY URINALYSIS.—

(1) IN GENERAL.—Any motor carrier that demonstrates, to the satisfaction of the Administrator of the Federal Motor Carrier Safety Administration, in consultation with the Department of Health and Human Services, that it can carry out an applicable hair testing program, consistent with generally accepted industry standards, to detect the use of a controlled substance by commercial motor vehicle operators, may apply to the Administrator for an exemption from the mandatory urinalysis testing requirements set forth in subpart C of part 382 of title 49, Code of Federal Regulations until a final rule is issued implementing the amendments made by subsection (b).

(2) EVALUATION OF APPLICATIONS.—

(A) IN GENERAL.—In evaluating applications for an exemption under paragraph (1), the Administrator, in consultation with the Department of Health and Human Services, shall determine if the applicant's testing program employs procedures and protections similar to fleets that have carried out hair testing programs for at least 1 year.

(B) REQUIREMENTS.—A testing program may not receive an exemption under paragraph (1) unless the applicable testing laboratories—

(i) have obtained laboratory accreditation specific to hair testing from an accrediting body, compliant with international or other Federal standards, as appropriate, such as the College of American Pathologists; and

(ii) utilize hair testing assays that have been cleared by the Food and Drug Administration under section 510(k) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 360(k)).

(3) DEADLINE FOR DECISIONS.—Not later than 90 days after receiving an application from a motor carrier under this subsection, the Administrator, in consultation with the Secretary of Health and Human Services, shall determine whether the motor carrier is exempt from the testing requirements described in paragraph (1).

(4) REPORTING REQUIREMENT.—Any motor carrier that is granted an exemption under paragraph (1) shall submit records to the national clearinghouse established under section 31306a of title 49, United States Code, relating to all positive test results and test refusals from the hair testing program described in that paragraph.

(d) GUIDELINES FOR HAIR TESTING.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue scientific and technical guidelines for hair testing as a method of detecting the use of a controlled substance for purposes of section 31306 of title 49, United States Code, as amended by subsection (b). When issuing the scientific and technical guidelines, the Secretary of Health and Human Services may consider differentiating between exposure to, and usage of, various controlled substances.

(e) ANNUAL REPORT TO CONGRESS.—The Secretary shall submit an annual report to Congress that—

(1) summarizes the results of preemployment and random drug testing using both hair testing and urinalysis;

(2) evaluates the efficacy of each method; and

(3) determines which method provides the most accurate means of detecting the use of controlled substances over time.

## TITLE XXXIII—HAZARDOUS MATERIALS

**SEC. 33101. ENDORSEMENTS.**

(a) EXCLUSIONS.—Section 5117(d)(1) is amended—

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

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

(3) by adding at the end the following:

''(D) a service vehicle (as defined in section 33101 of the Comprehensive Transportation and Consumer Protection Act of 2015) carrying diesel fuel in quantities of 3,785 liters (1,000 gallons) or less that is—

''(i) driven by a class A commercial driver's license holder who is a custom harvester, an agricultural retailer, an agricultural business employee, an agricultural cooperative employee, or an agricultural producer; and

''(ii) clearly marked with a placard reading 'Diesel Fuel'.''.

(b) HAZARDOUS MATERIALS ENDORSEMENT EXEMPTION.—The Secretary shall exempt all class A commercial driver's license holders who are custom harvesters, agricultural retailers, agricultural business employees, agricultural cooperative employees, or agricultural producers from the requirement to obtain a hazardous materials endorsement under part 383 of title 49, Code of Federal Regulations, while operating a service vehicle carrying diesel fuel in quantities of 3,785 liters (1,000 gallons) or less if the tank containing such fuel is clearly marked with a placard reading ''Diesel Fuel''.

(c) DEFINITION OF SERVICE VEHICLE.—In this section, the term ''service vehicle'' means a vehicle carrying diesel fuel that will be deductible as a profit-seeking activity—

(1) under section 162 of the Internal Revenue Code of 1986 as a business expense; or

(2) under section 212 of the Internal Revenue Code of 1986 as a production of income expense.

**SEC. 33102. ENHANCED REPORTING.**

Section 5121(h) is amended by striking ''transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate'' and inserting ''post on the Department of Transportation public website''.

**SEC. 33103. HAZARDOUS MATERIAL INFORMATION.**

(a) DERAILMENT DATA.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall revise the form for reporting a rail equipment accident or incident under section 225.21 of title 49, Code of Federal Regulations (Form FRA F 6180.54, Rail Equipment Accident/Incident Report), including to its instructions, to require additional data concerning rail cars carrying crude oil or ethanol that are involved in a reportable rail equipment accident or incident under part 225 of that title.

(2) CONTENTS.—The data under subsection (a) shall include—

(A) the number of rail cars carrying crude oil or ethanol;

(B) the number of rail cars carrying crude oil or ethanol damaged or derailed; and

(C) the number of rail cars releasing crude oil or ethanol.

(3) DIFFERENTIATION.—The data described in paragraph (2) shall be reported separately for crude oil and for ethanol.

(b) DATABASE CONNECTIVITY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall implement information management practices to ensure that the Pipeline and Hazardous Materials Safety Administration Hazardous Materials Incident Reports Database (referred to in this section as ''Incident Reports Database'') and the Federal Railroad Administration Railroad Safety Information System contain accurate and consistent data on a reportable rail equipment accident or incident under part 225 of title 49, Code of Federal Regulations, involving the release of hazardous materials.

(2) IDENTIFIERS.—The Secretary shall ensure that the Incident Reports Database uses a searchable Federal Railroad Administration report number, or other applicable unique identifier that is linked to the Federal Railroad Safety Information System, for each reportable rail equipment accident or incident under part 225 of title 49, Code of Federal Regulations, involving the release of hazardous materials.

(c) EVALUATION.—

(1) IN GENERAL.—The Department of Transportation Inspector General shall—

(A) evaluate the accuracy of information in the Incident Reports Database, including determining whether any inaccuracies exist in—

(i) the type of hazardous materials released;

(ii) the quantity of hazardous materials released;

(iii) the location of hazardous materials released;

(iv) the damages or effects of hazardous materials released; and

(v) any other data contained in the database; and

(B) considering the requirements in subsection (b), evaluate the consistency and accuracy of data involving accidents or incidents reportable to both the Pipeline and Hazardous Materials Safety Administration and the Federal Railroad Administration, including whether the Incident Reports Database uses a searchable identifier described in subsection (b)(2).

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Department of Transportation Inspector General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report of the findings under subparagraphs (A) and (B) of paragraph (1) and recommendations for resolving any inconsistencies or inaccuracies.

(d) SAVINGS CLAUSE.—Nothing in this section may be construed to prohibit the Secretary from requiring other commodity-specific information for any reportable rail equipment accident or incident under part 225 of title 49, Code of Federal Regulations.

**SEC. 33104. NATIONAL EMERGENCY AND DISASTER RESPONSE.**

(a) PURPOSE.—Section 5101 is amended by inserting and ''and to facilitate the safe movement of hazardous materials during national emergencies'' after ''commerce''.

(b) GENERAL REGULATORY AUTHORITY.—Section 5103 is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) FEDERALLY DECLARED DISASTER AND EMERGENCY AREAS.—The Secretary, in consultation with the Secretary of Homeland Security, may prescribe standards to facilitate the safe movement of hazardous materials into, from, and within a federally declared disaster area or a national emergency area.''.

**SEC. 33105. AUTHORIZATION OF APPROPRIATIONS.**

Section 5128 is amended to read as follows:

**''§ 5128. Authorization of appropriations**

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119)—

''(1) $43,660,000 for fiscal year 2016;

''(2) $44,577,000 for fiscal year 2017;

''(3) $45,513,000 for fiscal year 2018;

''(4) $46,469,000 for fiscal year 2019;

''(5) $47,445,000 for fiscal year 2020; and

''(6) $48,441,000 for fiscal year 2021.

''(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend, during each of fiscal years 2016 through 2021—

''(1) $188,000 to carry out section 5115;

''(2) $21,800,000 to carry out subsections (a) and (b) of section 5116, of which not less than $13,650,000 shall be available to carry out section 5116(b);

''(3) $150,000 to carry out section 5116(f);

''(4) $625,000 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); and

''(5) $1,000,000 to carry out section 5116(j).

''(c) HAZARDOUS MATERIALS TRAINING GRANTS.—From the Hazardous Materials Emergency Preparedness Fund established pursuant to section 5116(i), the Secretary may expend $4,000,000 for each of the fiscal years 2016 through 2021 to carry out section 5107(e).

''(d) CREDITS TO APPROPRIATIONS.—

''(1) EXPENSES.—In addition to amounts otherwise made available to carry out this chapter, the Secretary may credit amounts received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, authority, or entity.

''(2) AVAILABILITY OF AMOUNTS.—Amounts made available under this section shall remain available until expended.''.

**TITLE XXXIV—HIGHWAY AND MOTOR VEHICLE SAFETY**

**Subtitle A—Highway Traffic Safety**

**PART I—HIGHWAY SAFETY**

**SEC. 34101. AUTHORIZATION OF APPROPRIATIONS.**

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

(1) HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code—

(A) $243,526,500 for fiscal year 2016;

(B) $252,267,972 for fiscal year 2017;

(C) $261,229,288 for fiscal year 2018;

(D) $270,415,429 for fiscal year 2019;

(E) $279,831,482 for fiscal year 2020; and

(F) $289,482,646 for fiscal year 2021.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of title 23, United States Code—

(A) $137,835,000 for fiscal year 2016;

(B) $140,729,535 for fiscal year 2017;

(C) $143,684,855 for fiscal year 2018;

(D) $146,702,237 for fiscal year 2019;

(E) $149,782,984 for fiscal year 2020; and

(F) $152,928,427 for fiscal year 2021.

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—For carrying out section 405 of title 23, United States Code—

(A) $274,720,000 for fiscal year 2016;

(B) $277,467,200 for fiscal year 2017;

(C) $280,241,872 for fiscal year 2018;

(D) $283,044,291 for fiscal year 2019;

(E) $285,874,734 for fiscal year 2020; and

(F) $288,733,481 for fiscal year 2021.

(4) NATIONAL DRIVER REGISTER.—For the National Highway Traffic Safety Administration to carry out chapter 303 of title 49, United States Code—

(A) $5,105,000 for fiscal year 2016;

(B) $5,212,205 for fiscal year 2017;

(C) $5,321,661 for fiscal year 2018;

(D) $5,433,416 for fiscal year 2019;

(E) $5,547,518 for fiscal year 2020; and

(F) $5,664,016 for fiscal year 2021.

(5) HIGH VISIBILITY ENFORCEMENT PROGRAM.—For carrying out section 2009 of SAFETEA–LU (23 U.S.C. 402 note)—

(A) $29,290,000 for fiscal year 2016;

(B) $29,582,900 for fiscal year 2017;

(C) $29,878,729 for fiscal year 2018;

(D) $30,177,516 for fiscal year 2019;

(E) $30,479,291 for fiscal year 2020; and

(F) $30,784,084 for fiscal year 2021.

(6) ADMINISTRATIVE EXPENSES.—For administrative and related operating expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code, and this subtitle—

(A) $25,755,000 for fiscal year 2016;

(B) $26,012,550 for fiscal year 2017;

(C) $26,272,676 for fiscal year 2018;

(D) $26,535,402 for fiscal year 2019;

(E) $26,800,756 for fiscal year 2020; and

(F) $27,068,764 for fiscal year 2021.

(b) PROHIBITION ON OTHER USES.—Except as otherwise provided in chapter 4 of title 23, United States Code, in this subtitle, and in the amendments made by this subtitle, the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a program under such chapter—

(1) shall only be used to carry out such program; and

(2) may not be used by States or local governments for construction purposes.

(c) APPLICABILITY OF TITLE 23.—Except as otherwise provided in chapter 4 of title 23, United States Code, and in this subtitle, amounts made available under subsection (a) for fiscal years 2016 through 2021 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(d) REGULATORY AUTHORITY.—Grants awarded under this subtitle shall be in accordance with regulations issued by the Secretary.

(e) STATE MATCHING REQUIREMENTS.—If a grant awarded under this subtitle requires a State to share in the cost, the aggregate of all expenditures for highway safety activities made during any fiscal year by the State and its political subdivisions (exclusive of Federal funds) for carrying out the grant (other than planning and administration) shall be available for the purpose of crediting the State during such fiscal year for the non-Federal share of the cost of any project under this subtitle (other than planning or administration) without regard to whether such expenditures were actually made in connection with such project.

(f) GRANT APPLICATION AND DEADLINE.—To receive a grant under this subtitle, a State shall submit an application, and the Secretary shall establish a single deadline for such applications to enable the award of grants early in the next fiscal year.

(g) TRANSFERS.—Section 405(a)(1)(G) of title 23, United States Code, is amended to read as follows:

''(G) TRANSFERS.—Notwithstanding subparagraphs (A) through (F), the Secretary shall reallocate, before the last day of any fiscal year, any amounts remaining available of the amounts allocated to carry out any of the activities described in subsections (b) through (g) to increase the amount made available to carry out section 402, in order to ensure, to the maximum extent possible, that all such amounts are obligated during such fiscal year.''.

**SEC. 34102. HIGHWAY SAFETY PROGRAMS.**

(a) RESTRICTION.—Section 402(g) of title 23, United States Code, is amended to read as follows:

''(g) RESTRICTION.—Nothing in this section may be construed to authorize the appropriation or expenditure of funds for highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines).''.

(b) USE OF FUNDS.—

(1) HIGHWAY SAFETY PROGRAMS.—Section 402(c)(2) of title 23, United States Code, is amended by inserting ''A State may provide the funds apportioned under this section to a political subdivision of a State, including Indian tribal governments.'' after ''neighboring States.''.

(2) NATIONAL PRIORITY SAFETY PROGRAMS.—Section 405(a)(1) is amended by adding at the end the following:

''(I) POLITICAL SUBDIVISIONS.—A State may provide the funds awarded under this section to a political subdivision of a State, including Indian tribal governments.''.

(c) TRACKING PROCESS.—Section 412 of title 23, United States Code, is amended by adding at the end the following:

''(f) TRACKING PROCESS.—The Secretary shall develop a process to identify and mitigate possible systemic issues across States and regional offices by reviewing oversight findings and recommended actions identified in triennial State management reviews.''.

(d) HIGHWAY SAFETY PLANS.—Section 402(k)(5)(A) of title 23, United States Code, is amended by striking ''60'' and inserting ''45''.

(e) MAINTENANCE OF EFFORT.—Section 405(a)(1)(H) of title 23, United States Code, is amended to read as follows:

''(H) MAINTENANCE OF EFFORT CERTIFICATION.—As part of the grant application required in section 402(k)(3)(F), a State receiving a grant in any fiscal year under subsection (b), subsection (c), or subsection (d) of this section shall provide certification that the lead State agency responsible for programs described in any of those sections is maintaining aggregate expenditures at or above the average level of such expenditures

in the 2 fiscal years prior to the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015.''.

**SEC. 34103. GRANTS FOR ALCOHOL-IGNITION INTERLOCK LAWS AND 24–7 SOBRIETY PROGRAMS.**

Section 405(d) of title 23, United States Code, is amended—

(1) in paragraph (6)—

(A) by amending the heading to read as follows: ''ADDITIONAL GRANTS.—'';

(B) in subparagraph (A), by amending the heading to read as follows: ''GRANTS TO STATES WITH ALCOHOL-IGNITION INTERLOCK LAWS.—'';

(C) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(D) by inserting after subparagraph (A), the following:

''(B) GRANTS TO STATES WITH 24–7 SOBRIETY PROGRAMS.—The Secretary shall make a separate grant under this subsection to each State that—

''(i) adopts and is enforcing a law that requires all individuals convicted of driving under the influence of alcohol or of driving while intoxicated to receive a restriction on driving privileges; and

''(ii) provides a 24–7 sobriety program.'';

(E) in subparagraph (C), as redesignated, by inserting ''and subparagraph (B)'' after ''subparagraph (A)'';

(F) in subparagraph (D), as redesignated, by inserting ''and subparagraph (B)'' after ''subparagraph (A)'';

(G) by amending subparagraph (E), as redesignated, to read as follows:

''(E) FUNDING.—

''(i) FUNDING FOR GRANTS TO STATES WITH ALCOHOL-IGNITION INTERLOCK LAWS.—Not more than 12 percent of the amounts made available to carry out this subsection in a fiscal year shall be made available by the Secretary for making grants under subparagraph (A).

''(ii) FUNDING FOR GRANTS TO STATES WITH 24–7 SOBRIETY PROGRAMS.—Not more than 3 percent of the amounts made available to carry out this subsection in a fiscal year shall be made available by the Secretary for making grants under subparagraph (B).''; and

(H) by adding at the end the following:

''(F) EXCEPTIONS.—A State alcohol-ignition interlock law under subparagraph (A) may include exceptions for the following circumstances:

''(i) The individual is required to operate an employer's motor vehicle in the course and scope of employment and the business entity that owns the vehicle is not owned or controlled by the individual.

''(ii) The individual is certified by a medical doctor as being unable to provide a deep lung breath sample for analysis by an ignition interlock device.''; and

(2) in paragraph (7)(A)—

(A) in the matter preceding clause (i)—

(i) by striking ''or a State agency'' and inserting ''or an agency with jurisdiction''; and

(ii) by inserting ''bond,'' before ''sentence'';

(B) in clause (i), by striking ''who plead guilty or'' and inserting ''who was arrested, plead guilty, or''; and

(C) in clause (ii), by inserting ''at a testing location'' after ''per day''.

**SEC. 34104. REPEAT OFFENDER CRITERIA.**

Section 164(a) of title 23, United States Code, is amended—

(1) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(2) by inserting before paragraph (2), as redesignated, the following:

''(1) 24–7 SOBRIETY PROGRAM.—The term '24–7 sobriety program' has the meaning given the term in section 405(d)(7)(A).'';

(3) in paragraph (5), as redesignated—

(A) in the matter preceding subparagraph (A), by inserting ''or combination of laws or programs'' after ''State law''; and

(B) by amending subparagraph (A) to read as follows:

''(A) receive, for a period of not less than 1 year—

''(i) a suspension of all driving privileges;

''(ii) a restriction on driving privileges that limits the individual to operating only motor vehicles with an ignition interlock device installed, unless a special exception applies;

''(iii) a restriction on driving privileges that limits the individual to operating motor vehicles only if participating in, and complying with, a 24-7 sobriety program; or

''(iv) any combination of clauses (i) through (iii);'';

(C) by striking subparagraph (B);

(D) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(E) in subparagraph (C), as redesignated—

(i) in clause (i)—

(I) in subclause (I), by striking ''; or'' and inserting a semicolon;

(II) in subclause (II), by striking ''; and''; and inserting ''; or''; and

(III) by adding at the end the following:

''(III) the State certifies that the general practice is that such an individual will be incarcerated; and''; and

(ii) in clause (ii)—

(I) in subclause (I), by striking ''; or'' and inserting a semicolon;

(II) in subclause (II), by striking ''; and''; and inserting ''; or''; and

(III) by adding at the end the following:

''(III) the State certifies that the general practice is that such an individual will receive approximately 10 days of incarceration.''; and

(4) by adding at the end—

''(6) SPECIAL EXCEPTION.—The term 'special exception' means an exception under a State alcohol-ignition interlock law for the following circumstances:

''(A) The individual is required to operate an employer's motor vehicle in the course and scope of employment and the business entity that owns the vehicle is not owned or controlled by the individual.

''(B) The individual is certified by a medical doctor as being unable to provide a deep lung breath sample for analysis by an ignition interlock device.''.

**SEC. 34105. STUDY ON THE NATIONAL ROADSIDE SURVEY OF ALCOHOL AND DRUG USE BY DRIVERS.**

Not later than 180 days after the date that the Comptroller General reviews and reports on the overall value of the National Roadside Survey to researchers and other public safety stakeholders, the differences between a National Roadside Survey site and typical law enforcement checkpoints, and the effectiveness of the National Roadside Survey methodology at protecting the privacy of the driving public, as requested by the Committee on Appropriations of the Senate on June 5, 2014 (Senate Report 113–182), the Secretary shall report to Congress on the National Highway Traffic Safety Administration's progress toward reviewing that report and implementing any recommendations made in that report.

**SEC. 34106. INCREASING PUBLIC AWARENESS OF THE DANGERS OF DRUG-IMPAIRED DRIVING.**

(a) ADDITIONAL ACTIONS.—The Administrator of the National Highway Traffic Safety Administration, in consultation with the White House Office of National Drug Control Policy, the Secretary of Health and Human Services, State highway safety offices, and other interested parties, as determined by the Administrator, shall identify and carry out additional actions that should be undertaken by the Administration to assist States in their efforts to increase public awareness of the dangers of drug-impaired driving, including the dangers of driving while under the influence of heroin or prescription opioids.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the additional actions undertaken by the Administration pursuant to subsection (a).

**SEC. 34107. IMPROVEMENT OF DATA COLLECTION ON CHILD OCCUPANTS IN VEHICLE CRASHES.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall revise the crash investigation data collection system of the National Highway Traffic Safety Administration to include the collection of the following data in connection with vehicle crashes whenever a child restraint system was in use in a vehicle involved in a crash:

(1) The type or types of child restraint systems in use during the crash in any vehicle involved in the crash, including whether a five-point harness or belt-positioning booster.

(2) If a five-point harness child restraint system was in use during the crash, whether the child restraint system was forward-facing or rear-facing in the vehicle concerned.

(b) CONSULTATION.—In implementing subsection (a), the Secretary shall work with law enforcement officials, safety advocates, the medical community, and research organizations to improve the recordation of data described in subsection (a) in police and other applicable incident reports.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on child occupant crash data collection in the crash investigation data collection system of the National Highway Traffic Safety Administration pursuant to the revision required by subsection (a).

## PART II—STOP MOTORCYCLE CHECKPOINT FUNDING ACT

**SEC. 34121. SHORT TITLE.**

This part may be cited as the ''Stop Motorcycle Checkpoint Funding Act''.

**SEC. 34122. GRANT RESTRICTION.**

Notwithstanding section 153 of title 23, United States Code, the Secretary may not provide a grant or any funds to a State, county, town, township, Indian tribe, municipality, or other local government that may be used for any program—

(1) to check helmet usage; or

(2) to create checkpoints that specifically target motorcycle operators or motorcycle passengers.

## PART III—IMPROVING DRIVER SAFETY ACT OF 2015

**SEC. 34131. SHORT TITLE.**

This part may be cited as the ''Improving Driver Safety Act of 2015''.

**SEC. 34132. DISTRACTED DRIVING INCENTIVE GRANTS.**

Section 405(e) of title 23, United States Code, is amended—

(1) in paragraph (1), by inserting ''includes distracted driving issues as part of the

State's driver's license examination and'' after ''any State that'';

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by amending subparagraph (C) to read as follows:

''(C) establishes a minimum fine for a violation of the statute; and''; and

(C) by adding at the end the following:

''(D) does not provide for an exception that specifically allows a driver to use a personal wireless communications device for texting while stopped in traffic.'';

(3) in paragraph (3)—

(A) by amending subparagraph (A) to read as follows:

''(A) prohibits the use of a personal wireless communications device while driving for drivers—

''(i) younger than 18 years of age; or

''(ii) in the learner's permit and intermediate license stages;''; and

(B) by striking subparagraphs (C) and (D) and inserting the following:

''(C) establishes a minimum fine for a violation of the statute; and

''(D) does not provide for an exception that specifically allows a driver to text through a personal wireless communications device while stopped in traffic.''; and

(4) in paragraph (4)—

(A) in subparagraph (B)(ii), by striking ''and'' at the end;

(B) in subparagraph (C)—

(i) by striking ''section 31152'' and inserting ''section 31136''; and

(ii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) any additional exceptions determined by the Secretary through the rulemaking process.'';

(5) by amending paragraph (6) to read as follows:

''(6) ADDITIONAL DISTRACTED DRIVING GRANTS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), the Secretary shall use up to 50 percent of the amounts available for grants under this subsection to award grants to any State that—

''(i) in fiscal year 2017—

''(I) certifies that it has enacted a basic text messaging statute that—

''(aa) is applicable to drivers of all ages; and

''(bb) makes violation of the basic text messaging statute a primary offense or secondary enforcement action as allowed by State statute; and

''(II) is otherwise ineligible for a grant under this subsection; and

''(ii) in fiscal year 2018—

''(I) meets the requirements under clause (i);

''(II) imposes fines for violations; and

''(III) has a statute that prohibits drivers who are younger than 18 years of age from using a personal wireless communications device while driving.

''(B) USE OF GRANT FUNDS.—

''(i) IN GENERAL.—Notwithstanding paragraph (5) and subject to clauses (ii) and (iii) of this subparagraph, amounts received by a State under subparagraph (A) may be used for activities related to the enforcement of distracted driving laws, including for public information and awareness purposes.

''(ii) FISCAL YEAR 2017.—In fiscal year 2017, up to 15 percent of the amounts received by a State under subparagraph (A) may be used for any eligible project or activity under section 402.

''(iii) FISCAL YEAR 2018.—In fiscal year 2018, up to 25 percent of the amounts received by a State under subparagraph (A) may be used for any eligible project or activity under section 402.''; and

(6) in paragraph (9)(A)(i), by striking '', including operation while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise''.

**SEC. 34133. BARRIERS TO DATA COLLECTION REPORT.**

Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives that—

(1) identifies any legal and technical barriers to capturing adequate data on the prevalence of the use of wireless communications devices while driving; and

(2) provides recommendations on how to address such barriers.

**SEC. 34134. MINIMUM REQUIREMENTS FOR STATE GRADUATED DRIVER LICENSING INCENTIVE GRANT PROGRAM.**

Section 405(g)(2) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking ''21'' and inserting ''18''; and

(2) by amending subparagraph (B) to read as follows:

''(B) LICENSING PROCESS.—A State is in compliance with the 2-stage licensing process described in this subparagraph if the State's driver's license laws include—

''(i) a learner's permit stage that—

''(I) is at least 6 months in duration;

''(II) contains a prohibition on the driver using a personal wireless communications device (as defined in subsection (e)) while driving except under an exception permitted under paragraph (4) of that subsection, and makes a violation of the prohibition a primary offense;

''(III) requires applicants to successfully pass a vision and knowledge assessment prior to receiving a learner's permit;

''(IV) requires that the driver be accompanied and supervised at all times while the driver is operating a motor vehicle by a licensed driver who is at least 21 years of age or is a State-certified driving instructor;

''(V) has a requirement that the driver—

''(aa) complete a State-certified driver education or training course; or

''(bb) obtain at least 50 hours of behind-the-wheel training, with at least 10 hours at night, with a licensed driver;

''(VI) remains in effect until the driver—

''(aa) reaches 16 years of age and enters the intermediate stage; or

''(bb) reaches 18 years of age;

''(ii) an intermediate stage that—

''(I) commences immediately after the expiration of the learner's permit stage and successful completion of a driving skills assessment;

''(II) is at least 6 months in duration;

''(III) prohibits the driver from using a personal wireless communications device (as defined in subsection (e)) while driving except under an exception permitted under paragraph (4) of that subsection, and makes a violation of the prohibition a primary offense;

''(IV) for the first 6 month of the intermediate stage, restricts driving at night between the hours of 10:00 p.m. and 5:00 a.m. when not supervised by a licensed driver 21 years of age or older, excluding transportation to work, school, religious activities, or emergencies;

''(V) prohibits the driver from operating a motor vehicle with more than 1 nonfamilial passenger younger than 21 years of age unless a licensed driver who is at least 21 years of age is in the motor vehicle; and

''(VI) remains in effect until the driver reaches 17 years of age; and

''(iii) a learner's permit and intermediate stage that require, in addition to any other penalties imposed by State law, the granting of an unrestricted driver's license be automatically delayed for any individual who, during the learner's permit or intermediate stage, is convicted of a driving-related offense during the first 6 months, including—

''(I) driving while intoxicated;

''(II) misrepresentation of the individual's age;

''(III) reckless driving;

''(IV) driving without wearing a seat belt;

''(V) speeding; or

''(VI) any other driving-related offense, as determined by the Secretary.''.

## PART IV—TECHNICAL AND CONFORMING AMENDMENTS

**SEC. 34141. TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE AND HIGHWAY SAFETY IMPROVEMENT ACT OF 2012.**

(a) HIGHWAY SAFETY PROGRAMS.—Section 402 of title 23, United States Code is amended—

(1) in subsection (b)(1)(C), by striking ''except as provided in paragraph (3),'';

(2) in subsection (b)(1)(E)—

(A) by striking ''in which a State'' and inserting ''for which a State''; and

(B) by striking ''subsection (f)'' and inserting ''subsection (k)''; and

(3) in subsection (k)(4), by striking ''paragraph (2)(A)'' and inserting ''paragraph (3)(A)''.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 403(e) of title 23, United States Code is amended by inserting ''of title 49'' after ''chapter 301''.

(c) NATIONAL PRIORITY SAFETY PROGRAMS.—Section 405 of title 23, United States Code is amended—

(1) in subsection (d)(5), by striking ''section 402(c)'' and inserting ''section 402''; and

(2) in subsection (f)(4)(A)(iv), by striking ''developed under subsection (g)''.

### Subtitle B—Vehicle Safety

**SEC. 34201. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—Subject to subsection (b), there is authorized to be appropriated to the Secretary to carry out chapter 301 of title 49, and part C of subtitle VI of title 49, United States Code, amounts as follows:

(1) $132,730,000 for fiscal year 2016.

(2) $135,517,330 for fiscal year 2017.

(3) $138,363,194 for fiscal year 2018.

(4) $141,268,821 for fiscal year 2019.

(5) $144,235,466 for fiscal year 2020.

(6) $147,264,411 for fiscal year 2021.

(b) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS IF A CERTIFICATION IS MADE.—

(1) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a) to carry out chapter 301 of title 49, and part C of subtitle VI of title 49, United States Code, if the certification described in paragraph (2) is made during a fiscal year there is authorized to be appropriated to the Secretary for that purpose for that fiscal year and subsequent fiscal years an additional amount as follows:

(A) $46,270,000 for fiscal year 2016.

(B) $51,537,670 for fiscal year 2017.

(C) $57,296,336 for fiscal year 2018.

(D) $62,999,728 for fiscal year 2019.

(E) $69,837,974 for fiscal year 2020.

(F) $76,656,407 for fiscal year 2021.

(2) CERTIFICATION DESCRIBED.—The certification described in this paragraph is a certification made by the Secretary and submitted to Congress that the National Highway Traffic Safety Administration has implemented all of the recommendations in the

Office of Inspector General Audit Report issued June 18, 2015 (ST-2015-063). As part of the certification, the Secretary shall review the actions the National Highway Traffic Safety Administration has taken to implement the recommendations and issue a report to Congress detailing how the recommendations were implemented. The Secretary shall not delegate or assign the responsibility under this paragraph.

**SEC. 34202. INSPECTOR GENERAL RECOMMENDATIONS.**

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and periodically thereafter until the completion date, the Department of Transportation Inspector General shall report to the appropriate committees of Congress on whether and what progress has been made to implement the recommendations in the Office of Inspector General Audit Report issued June 18, 2015 (ST-2015-063).

(b) IMPLEMENTATION PROGRESS.—The Administrator of the National Highway Traffic Safety Administration shall—

(1) not later than 90 days after the date of enactment of this Act, and periodically thereafter until the completion date, provide a briefing to the appropriate committees of Congress on the actions the Administrator has taken to implement the recommendations in the audit report described in subsection (a), including a plan for implementing any remaining recommendations; and

(2) not later than 1 year after the date of enactment of this Act, issue a final report to the appropriate committees of Congress on the implementation of all of the recommendations in the audit report described in subsection (a).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(2) COMPLETION DATE.—The term ''completion date'' means the date that the National Highway Traffic Safety Administration has implemented all of the recommendations in the Office of Inspector General Audit Report issued June 18, 2015 (ST-2015-063).

**SEC. 34203. IMPROVEMENTS IN AVAILABILITY OF RECALL INFORMATION.**

(a) VEHICLE RECALL INFORMATION.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement current information technology, web design trends, and best practices that will help ensure that motor vehicle safety recall information available to the public on the Federal website is readily accessible and easy to use, including—

(1) by improving the organization, availability, readability, and functionality of the website;

(2) by accommodating high-traffic volume; and

(3) by establishing best practices for scheduling routine website maintenance.

(b) GOVERNMENT ACCOUNTABILITY OFFICE PUBLIC AWARENESS REPORT.—

(1) IN GENERAL.—The Comptroller General shall study the current use by consumers, dealers, and manufacturers of the safety recall information made available to the public, including the usability and content of the Federal and manufacturers' websites and the National Highway Traffic Safety Administration's efforts to publicize and educate consumers about safety recall information.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall issue a report with the findings of the study under paragraph (1), including recommending any actions the Secretary can take to improve public awareness and use of the websites for safety recall information.

(c) PROMOTION OF PUBLIC AWARENESS.—Section 31301(c) of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30166 note) is amended to read as follows:

''(c) PROMOTION OF PUBLIC AWARENESS.—The Secretary shall improve public awareness of safety recall information made publicly available by periodically updating the method of conveying that information to consumers, dealers, and manufacturers, such as through public service announcements.''.

(d) CONSUMER GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall make available to the public on the Internet detailed guidance for consumers submitting safety complaints, including—

(1) a detailed explanation of what information a consumer should include in a complaint; and

(2) a detailed explanation of the possible actions the National Highway Traffic Safety Administration can take to address a complaint and respond to the consumer, including information on—

(A) the consumer records, such as photographs and police reports, that could assist with an investigation; and

(B) the length of time a consumer should retain the records described in subparagraph (A).

(e) VIN SEARCH.—

(1) IN GENERAL.—The Secretary, in coordination with industry, including manufacturers and dealers, shall study—

(A) the feasibility of searching multiple vehicle identification numbers at a time to retrieve motor vehicle safety recall information; and

(B) the feasibility of making the search mechanism described under subparagraph (A) publicly available.

(2) CONSIDERATIONS.—In conducting the study under paragraph (1), the Secretary shall consider the potential costs, and potential risks to privacy and security in implementing such a search mechanism.

**SEC. 34204. RECALL PROCESS.**

(a) NOTIFICATION IMPROVEMENT.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary shall prescribe a final rule revising the regulations under section 577.7 of title 49, Code of Federal Regulations, to include notification by electronic means in addition to notification by first class mail.

(2) DEFINITION OF ELECTRONIC MEANS.—In this subsection, the term ''electronic means'' includes electronic mail and may include such other means of electronic notification, such as social media or targeted online campaigns, as determined by the Secretary.

(b) NOTIFICATION BY MANUFACTURER.—Section 30118(c) is amended by inserting ''or electronic mail'' after ''certified mail''.

(c) RECALL COMPLETION RATES REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter for 4 years, the Secretary shall—

(A) conduct an analysis of vehicle safety recall completion rates to assess potential actions by the National Highway Traffic Safety Administration to improve vehicle safety recall completion rates; and

(B) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of the analysis.

(2) CONTENTS.—Each report shall include—

(A) the annual recall completion rate by manufacturer, model year, component (such as brakes, fuel systems, and air bags), and vehicle type (passenger car, sport utility vehicle, passenger van, and pick-up truck) for each of the 5 years before the year the report is submitted;

(B) the methods by which the Secretary has conducted analyses of these recall completion rates to determine trends and identify risk factors associated with lower recall rates; and

(C) the actions the Secretary has planned to improve recall completion rates based on the results of this data analysis.

(d) INSPECTOR GENERAL AUDIT OF VEHICLE RECALLS.—

(1) IN GENERAL.—The Department of Transportation Inspector General shall conduct an audit of the National Highway Traffic Safety Administration's management of vehicle safety recalls.

(2) CONTENTS.—The audit shall include a determination of whether the National Highway Traffic Safety Administration—

(A) appropriately monitors recalls to ensure the appropriateness of scope and adequacy of recall completion rates and remedies;

(B) ensures manufacturers provide safe remedies, at no cost to consumers;

(C) is capable of coordinating recall remedies and processes; and

(D) can improve its policy on consumer notice to combat effects of recall fatigue.

**SEC. 34205. PILOT GRANT PROGRAM FOR STATE NOTIFICATION TO CONSUMERS OF MOTOR VEHICLE RECALL STATUS.**

(a) IN GENERAL.—Not later than October 1, 2016, the Secretary shall implement a 2-year pilot program to evaluate the feasibility and effectiveness of a State process for informing consumers of open motor vehicle recalls at the time of motor vehicle registration in the State.

(b) GRANTS.—To carry out this program, the Secretary may make a grant to each eligible State, but not more than 6 eligible States in total, that agrees to comply with the requirements under subsection (c). Funds made available to a State under this section shall be used by the State for the pilot program described in subsection (a).

(c) ELIGIBILITY.—To be eligible for a grant, a State shall—

(1) submit an application in such form and manner as the Secretary prescribes;

(2) agree to notify, at the time of registration, each owner or lessee of a motor vehicle presented for registration in the State of any open recall on that vehicle;

(3) provide the open motor vehicle recall information at no cost to each owner or lessee of a motor vehicle presented for registration in the State; and

(4) provide such other information as the Secretary may require.

(d) AWARDS.—In selecting an applicant for an award under this section, the Secretary shall consider the State's methodology for determining open recalls on a motor vehicle, for informing consumers of the open recalls, and for determining performance.

(e) PERFORMANCE PERIOD.—Each grant awarded under this section shall require a 2-year performance period.

(f) REPORT.—Not later than 90 days after the completion of the performance period under subsection (e), a grantee shall provide to the Secretary a report of performance containing such information as the Secretary considers necessary to evaluate the extent to which open recalls have been remedied.

(g) EVALUATION.—Not later than 180 days after the completion of the pilot program, the Secretary shall evaluate the extent to which open recalls identified have been remedied.

(h) DEFINITIONS.—In this section:

(1) CONSUMER.—The term ''consumer'' includes owner and lessee.

(2) MOTOR VEHICLE.—The term ''motor vehicle'' has the meaning given the term under section 30102(a) of title 49, United States Code.

(3) OPEN RECALL.—The term ''open recall'' means a recall for which a notification by a manufacturer has been provided under section 30119 of title 49, United States Code, and that has not been remedied under section 30120 of that title.

(4) REGISTRATION.—The term ''registration'' means the process for registering motor vehicles in the State.

(5) STATE.—The term ''State'' has the meaning given the term under section 101(a) of title 23, United States Code.

**SEC. 34206. RECALL OBLIGATIONS UNDER BANKRUPTCY.**

Section 30120A is amended by striking ''chapter 11 of title 11,'' and inserting ''chapter 7 or chapter 11 of title 11''.

**SEC. 34207. DEALER REQUIREMENT TO CHECK FOR OPEN RECALL.**

Section 30120(f) is amended—

(1) by inserting ''(1) IN GENERAL.—'' before ''A manufacturer'' and indenting appropriately;

(2) in paragraph (1), as redesignated, by striking the period at the end and inserting the following: ''if—

''(A) at the time of providing service for each of the manufacturer's motor vehicles it services, the dealer notifies the owner or the individual requesting the service of any open recall; and

''(B) the notification requirement under subparagraph (A) is specified in a franchise, operating, or other agreement between the dealer and the manufacturer.''; and

(3) by adding at the end the following:

''(2) DEFINITION OF OPEN RECALL.—In this subsection, the term 'open recall' means a recall for which a notification by a manufacturer has been provided under section 30119 and that has not been remedied under this section.''.

**SEC. 34208. EXTENSION OF TIME PERIOD FOR REMEDY OF TIRE DEFECTS.**

Section 30120(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking ''60 days'' and inserting ''180 days''; and

(2) in paragraph (2), by striking ''60-day'' each place it appears and inserting ''180-day''.

**SEC. 34209. RENTAL CAR SAFETY.**

(a) SHORT TITLE.—This section may be cited as the ''Raechel and Jacqueline Houck Safe Rental Car Act of 2015''.

(b) DEFINITIONS.—Section 30102(a) is amended—

(1) by redesignating paragraphs (10) and (11) as paragraphs (12) and (13), respectively;

(2) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively;

(3) by inserting before paragraph (2), as redesignated, the following:

''(1) 'covered rental vehicle' means a motor vehicle that—

''(A) has a gross vehicle weight rating of 10,000 pounds or less;

''(B) is rented without a driver for an initial term of less than 4 months; and

''(C) is part of a motor vehicle fleet of 5 or more motor vehicles that are used for rental purposes by a rental company.''; and

(4) by inserting after paragraph (10), as redesignated, the following:

''(11) 'rental company' means a person who—

''(A) is engaged in the business of renting covered rental vehicles; and

''(B) uses for rental purposes a motor vehicle fleet of 5 or more covered rental vehicles.''.

(c) REMEDIES FOR DEFECTS AND NONCOMPLIANCE.—Section 30120(i) is amended—

(1) in the subsection heading, by adding '', OR RENTAL'' at the end;

(2) in paragraph (1)—

(A) by striking ''(1) If notification'' and inserting the following:

''(1) IN GENERAL.—If notification'';

(B) by indenting subparagraphs (A) and (B) four ems from the left margin;

(C) by inserting ''or the manufacturer has provided to a rental company notification about a covered rental vehicle in the company's possession at the time of notification'' after ''time of notification'';

(D) by striking ''the dealer may sell or lease,'' and inserting ''the dealer or rental company may sell, lease, or rent''; and

(E) in subparagraph (A), by striking ''sale or lease'' and inserting ''sale, lease, or rental agreement'';

(3) by amending paragraph (2) to read as follows:

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a dealer or rental company from offering the vehicle or equipment for sale, lease, or rent.''; and

(4) by adding at the end the following:

''(3) SPECIFIC RULES FOR RENTAL COMPANIES.—

''(A) IN GENERAL.—Except as otherwise provided under this paragraph, a rental company shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (1) as soon as practicable, but not later than 24 hours after the earliest receipt of the notice to owner under subsection (b) or (c) of section 30118 (including the vehicle identification number for the covered vehicle) by the rental company, whether by electronic means or first class mail.

''(B) SPECIAL RULE FOR LARGE VEHICLE FLEETS.—Notwithstanding subparagraph (A), if a rental company receives a notice to owner covering more than 5,000 motor vehicles in its fleet, the rental company shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (1) as soon as practicable, but not later than 48 hours after the earliest receipt of the notice to owner under subsection (b) or (c) of section 30118 (including the vehicle identification number for the covered vehicle) by the rental company, whether by electronic means or first class mail.

''(C) SPECIAL RULE FOR WHEN REMEDIES NOT IMMEDIATELY AVAILABLE.—If a notification required under subsection (b) or (c) of section 30118 indicates that the remedy for the defect or noncompliance is not immediately available and specifies actions to temporarily alter the vehicle that eliminate the safety risk posed by the defect or noncompliance, the rental company, after causing the specified actions to be performed, may rent (but may not sell or lease) the motor vehicle. Once the remedy for the rental vehicle becomes available to the rental company, the rental company may not rent the vehicle until the vehicle has been remedied, as provided in subsection (a).

''(D) INAPPLICABILITY TO JUNK AUTOMOBILES.—Notwithstanding paragraph (1), this subsection does not prohibit a rental company from selling a covered rental vehicle if such vehicle—

''(i) meets the definition of a junk automobile under section 201 of the Anti-Car Theft Act of 1992 (49 U.S.C. 30501);

''(ii) is retitled as a junk automobile pursuant to applicable State law; and

''(iii) is reported to the National Motor Vehicle Information System, if required under section 204 of such Act (49 U.S.C. 30504).''.

(d) MAKING SAFETY DEVICES AND ELEMENTS INOPERATIVE.—Section 30122(b) is amended by inserting ''rental company,'' after ''dealer,'' each place such term appears.

(e) INSPECTIONS, INVESTIGATIONS, AND RECORDS.—Section 30166 is amended—

(1) in subsection (c)(2), by striking ''or dealer'' each place such term appears and inserting ''dealer, or rental company'';

(2) in subsection (e), by striking ''or dealer'' each place such term appears and inserting ''dealer, or rental company''; and

(3) in subsection (f), by striking ''or to owners'' and inserting '', rental companies, or other owners''.

(f) RESEARCH AUTHORITY.—The Secretary of Transportation may conduct a study of—

(1) the effectiveness of the amendments made by this section; and

(2) other activities of rental companies (as defined in section 30102(a)(11) of title 49, United States Code) related to their use and disposition of motor vehicles that are the subject of a notification required under section 30118 of title 49, United States Code.

(g) STUDY.—

(1) ADDITIONAL REQUIREMENT.—Section 32206(b)(2) of the Moving Ahead for Progress in the 21st Century Act (Public Law 112–141; 126 Stat. 785) is amended—

(A) in subparagraph (E), by striking ''and'' at the end;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

''(F) evaluate the completion of safety recall remedies on rental trucks; and''.

(2) REPORT.—Section 32206(c) of such Act is amended—

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

(B) by striking ''REPORT.—Not later'' and inserting the following:

''(c) REPORTS.—

''(1) INITIAL REPORT.—Not later'';

(C) in paragraph (1), by striking ''subsection (b)'' and inserting ''subparagraphs (A) through (E) and (G) of subsection (b)(2)''; and

(D) by adding at the end the following:

''(2) SAFETY RECALL REMEDY REPORT.—Not later than 1 year after the date of the enactment of the 'Raechel and Jacqueline Houck Safe Rental Car Act of 2015', the Secretary shall submit a report to the congressional committees set forth in paragraph (1) that contains—

''(A) the findings of the study conducted pursuant to subsection (b)(2)(F); and

''(B) any recommendations for legislation that the Secretary determines to be appropriate.''.

(h) PUBLIC COMMENTS.—The Secretary shall solicit comments regarding the implementation of this section from members of the public, including rental companies, consumer organizations, automobile manufacturers, and automobile dealers.

(i) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section—

(1) may be construed to create or increase any liability, including for loss of use, for a manufacturer as a result of having manufactured or imported a motor vehicle subject to a notification of defect or noncompliance under subsection (b) or (c) of section 30118 of title 49, United States Code; or

(2) shall supersede or otherwise affect the contractual obligations, if any, between such a manufacturer and a rental company (as defined in section 30102(a) of title 49, United States Code).

(j) RULEMAKING.—The Secretary may promulgate rules, as appropriate, to implement this section and the amendments made by this section.

(k) EFFECTIVE DATE.—The amendments made by this section shall take effect on the

date that is 180 days after the date of enactment of this Act.

**SEC. 34210. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS OF MOTOR VEHICLE SAFETY.**

(a) INCREASE IN CIVIL PENALTIES.—Section 30165(a) is amended—

(1) in paragraph (1)—

(A) by striking ''$5,000'' and inserting ''$21,000''; and

(B) by striking ''$35,000,000'' and inserting ''$105,000,000''; and

(2) in paragraph (3)—

(A) by striking ''$5,000'' and inserting ''$21,000''; and

(B) by striking ''$35,000,000'' and inserting ''$105,000,000''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) of this section take effect on the date that the Secretary certifies to Congress that the National Highway Traffic Safety Administration has issued the final rule required by section 31203(b) of the Moving Ahead for Progress In the 21st Century Act (Public Law 112-141; 126 Stat. 758; 49 U.S.C. 30165 note).

(c) PUBLICATION OF EFFECTIVE DATE.—The Secretary shall publish notice of the effective date under subsection (b) of this section in the Federal Register.

**SEC. 34211. ELECTRONIC ODOMETER DISCLOSURES.**

Section 32705(g) is amended—

(1) by inserting ''(1)'' before ''Not later than'' and indenting appropriately; and

(2) by adding at the end the following:

''(2) Notwithstanding paragraph (1) and subject to paragraph (3), a State, without approval from the Secretary under subsection (d), may allow for written disclosures or notices and related matters to be provided electronically if—

''(A) in compliance with—

''(i) the requirements of subchapter 1 of chapter 96 of title 15; or

''(ii) the requirements of a State law under section 7002(a) of title 15; and

''(B) the disclosures or notices otherwise meet the requirements under this section, including appropriate authentication and security measures.

''(3) Paragraph (2) ceases to be effective on the date the regulations under paragraph (1) become effective.''.

**SEC. 34212. CORPORATE RESPONSIBILITY FOR NHTSA REPORTS.**

Section 30166(o) is amended—

(1) in paragraph (1), by striking ''may'' and inserting ''shall''; and

(2) by adding at the end the following:

''(3) DEADLINE.—Not later than 1 year after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Secretary shall issue a final rule under paragraph (1).''.

**SEC. 34213. DIRECT VEHICLE NOTIFICATION OF RECALLS.**

(a) RECALL NOTIFICATION REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a report on the feasibility of a technical system that would operate in each new motor vehicle to indicate when the vehicle is subject to an open recall.

(b) DEFINITION OF OPEN RECALL.—In this section the term ''open recall'' means a recall for which a notification by a manufacturer has been provided under section 30119 of title 49, United States Code, and that has not been remedied under section 30120 of that title.

**SEC. 34214. UNATTENDED CHILDREN WARNING.**

Section 31504(a) of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30111 note) is amended by striking ''may'' and inserting ''shall''.

**SEC. 34215. TIRE PRESSURE MONITORING SYSTEM.**

(a) PROPOSED RULE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish a proposed rule that updates the standards pertaining to tire pressure monitoring systems to ensure that a tire pressure monitoring system that is installed in a new motor vehicle after the effective date of the revised standards cannot, to a level other than a safe pressure level, be—

(1) overridden;

(2) reset; or

(3) recalibrated.

(b) SAFE PRESSURE LEVEL.—For the purposes of subsection (a), the term ''safe pressure level'' shall mean a pressure level consistent with the TPMS detection requirements contained in S4.2(a) of section 571.138 of title 49, Code of Federal Regulations, or any corresponding similar regulation or ruling.

(c) FINAL RULE.—Not later than 2 years after the date of enactment of this Act, after providing the public with sufficient opportunity for notice and comment on the proposed rule published under subsection (a), the Secretary shall issue a final rule on the subject described in subsection (a).

## Subtitle C—Research and Development and Vehicle Electronics

**SEC. 34301. REPORT ON OPERATIONS OF THE COUNCIL FOR VEHICLE ELECTRONICS, VEHICLE SOFTWARE, AND EMERGING TECHNOLOGIES.**

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report regarding the operations of the Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies established under section 31401 of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 105 note). The report shall include information about the accomplishments of the Council, the role of the Council in integrating and aggregating electronic and emerging technologies expertise across the National Highway Traffic Safety Administration, the role of the Council in coordinating with other Federal agencies, and the priorities of the Council over the next 5 years.

**SEC. 34302. COOPERATION WITH FOREIGN GOVERNMENTS.**

(a) TITLE 49 AMENDMENT.—Section 30182(b) is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (5) the following:

''(6) in coordination with Department of State, enter into cooperative agreements and collaborative research and development agreements with foreign governments.''.

(b) TITLE 23 AMENDMENT.—Section 403 of title 23, United States Code, is amended—

(1) in subsection (b)(2)(C), by inserting ''foreign government (in coordination with the Department of State)'' after ''institution,''; and

(2) in subsection (c)(1)(A), by inserting ''foreign governments,'' after ''local governments,''.

(c) AUDIT.—The Department of Transportation Inspector General shall conduct an audit of the Secretary of Transportation's management and oversight of cooperative agreements and collaborative research and development agreements, including any cooperative agreements between the Secretary of Transportation and foreign governments under section 30182(b)(6) of title 49, United States Code, and subsections (b)(2)(C) and (c)(1)(A) of title 23, United States Code.

## Subtitle D—Miscellaneous Provisions

## PART I—DRIVER PRIVACY ACT OF 2015

**SEC. 34401. SHORT TITLE.**

This part may be cited as the ''Driver Privacy Act of 2015''.

**SEC. 34402. LIMITATIONS ON DATA RETRIEVAL FROM VEHICLE EVENT DATA RECORDERS.**

(a) OWNERSHIP OF DATA.—Any data retained by an event data recorder (as defined in section 563.5 of title 49, Code of Federal Regulations), regardless of when the motor vehicle in which it is installed was manufactured, is the property of the owner, or, in the case of a leased vehicle, the lessee of the motor vehicle in which the event data recorder is installed.

(b) PRIVACY.—Data recorded or transmitted by an event data recorder described in subsection (a) may not be accessed by a person other than an owner or a lessee of the motor vehicle in which the event data recorder is installed unless—

(1) a court or other judicial or administrative authority having jurisdiction—

(A) authorizes the retrieval of the data; and

(B) to the extent that there is retrieved data, the data is subject to the standards for admission into evidence required by that court or other administrative authority;

(2) an owner or a lessee of the motor vehicle provides written, electronic, or recorded audio consent to the retrieval of the data for any purpose, including the purpose of diagnosing, servicing, or repairing the motor vehicle, or by agreeing to a subscription that describes how data will be retrieved and used;

(3) the data is retrieved pursuant to an investigation or inspection authorized under section 1131(a) or 30166 of title 49, United States Code, and the personally identifiable information of an owner or a lessee of the vehicle and the vehicle identification number is not disclosed in connection with the retrieved data, except that the vehicle identification number may be disclosed to the certifying manufacturer;

(4) the data is retrieved for the purpose of determining the need for, or facilitating, emergency medical response in response to a motor vehicle crash; or

(5) the data is retrieved for traffic safety research, and the personally identifiable information of an owner or a lessee of the vehicle and the vehicle identification number is not disclosed in connection with the retrieved data.

**SEC. 34403. VEHICLE EVENT DATA RECORDER STUDY.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall submit to Congress a report that contains the results of a study conducted by the Administrator to determine the amount of time event data recorders installed in passenger motor vehicles should capture and record for retrieval vehicle-related data in conjunction with an event in order to provide sufficient information to investigate the cause of motor vehicle crashes.

(b) RULEMAKING.—Not later than 2 years after submitting the report required under subsection (a), the Administrator of the National Highway Traffic Safety Administration shall promulgate regulations to establish the appropriate period during which event data recorders installed in passenger motor vehicles may capture and record for retrieval vehicle-related data to the time necessary to provide accident investigators

with vehicle-related information pertinent to crashes involving such motor vehicles.

## PART II—SAFETY THROUGH INFORMED CONSUMERS ACT OF 2015

**SEC. 34421. SHORT TITLE.**

This part may be cited as the ''Safety Through Informed Consumers Act of 2015''.

**SEC. 34422. PASSENGER MOTOR VEHICLE INFORMATION.**

Section 32302 is amended by inserting after subsection (b) the following:

''(c) CRASH AVOIDANCE.—Not later than 1 year after the date of enactment of the Safety Through Informed Consumers Act of 2015, the Secretary shall promulgate a rule to ensure that crash avoidance information is indicated next to crashworthiness information on stickers placed on motor vehicles by their manufacturers.''.

## PART III—TIRE EFFICIENCY, SAFETY, AND REGISTRATION ACT OF 2015

**SEC. 34431. SHORT TITLE.**

This part may be cited as the ''Tire Efficiency, Safety, and Registration Act of 2015'' or the ''TESR Act''.

**SEC. 34432. TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.**

Section 32304A is amended—

(1) in the section heading, by inserting ''**AND STANDARDS**'' after ''**CONSUMER TIRE INFORMATION**'';

(2) in subsection (a)—

(A) in the heading, by striking ''RULEMAKING'' and inserting ''CONSUMER TIRE INFORMATION''; and

(B) in paragraph (1), by inserting ''(referred to in this section as the 'Secretary')'' after ''Secretary of Transportation'';

(3) by redesignating subsections (b) through (e) as subsections (e) though (h), respectively; and

(4) by inserting after subsection (a) the following:

''(b) PROMULGATION OF REGULATIONS FOR TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.—

''(1) IN GENERAL.—The Secretary, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall promulgate regulations for tire fuel efficiency minimum performance standards for—

''(A) passenger car tires with a maximum speed capability equal to or less than 149 miles per hour or 240 kilometers per hour; and

''(B) passenger car tires with a maximum speed capability greater than 149 miles per hour or 240 kilometers per hour.

''(2) TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.—

''(A) STANDARD BASIS AND TEST PROCEDURES.—The minimum performance standards promulgated under paragraph (1) shall be expressed in terms of the rolling resistance coefficient measured using the test procedure specified in section 575.106 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

''(B) NO DISPARATE EFFECT ON HIGH PERFORMANCE TIRES.—The Secretary shall ensure that the minimum performance standards promulgated under paragraph (1) will not have a disproportionate effect on passenger car high performance tires with a maximum speed capability greater than 149 miles per hour or 240 kilometers per hour.

''(C) APPLICABILITY.—

''(i) IN GENERAL.—This subsection applies to new pneumatic tires for use on passenger cars.

''(ii) EXCEPTIONS.—This subsection does not apply to light truck tires, deep tread tires, winter-type snow tires, space-saver or temporary use spare tires, or tires with nominal rim diameters of 12 inches or less.

''(c) PROMULGATION OF REGULATIONS FOR TIRE WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

''(1) IN GENERAL.—The Secretary shall promulgate regulations for tire wet traction minimum performance standards to ensure that passenger tire wet traction capability is not reduced to achieve improved tire fuel efficiency.

''(2) TIRE WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

''(A) BASIS OF STANDARD.—The minimum performance standards promulgated under paragraph (1) shall be expressed in terms of peak coefficient of friction.

''(B) TEST PROCEDURES.—Any test procedure promulgated under this subsection shall be consistent with any test procedure promulgated under subsection (a).

''(C) BENCHMARKING.—The Secretary shall conduct testing to benchmark the wet traction performance of tire models available for sale in the United States as of the date of enactment of this Act to ensure that the minimum performance standards promulgated under paragraph (1) are tailored to—

''(i) tires sold in the United States; and

''(ii) the needs of consumers in the United States.

''(D) APPLICABILITY.—

''(i) IN GENERAL.—This subsection applies to new pneumatic tires for use on passenger cars.

''(ii) EXCEPTIONS.—This subsection does not apply to light truck tires, deep tread tires, winter-type snow tires, space-saver or temporary use spare tires, or tires with nominal rim diameters of 12 inches or less.

''(d) COORDINATION AMONG REGULATIONS.—

''(1) COMPATIBILITY.—The Secretary shall ensure that the test procedures and requirements promulgated under subsections (a), (b), and (c) are compatible and consistent.

''(2) COMBINED EFFECT OF RULES.—The Secretary shall evaluate the regulations promulgated under subsections (b) and (c) to ensure that compliance with the minimum performance standards promulgated under subsection (b) will not diminish wet traction performance of affected tires.

''(3) RULEMAKING DEADLINES.—The Secretary shall promulgate —

''(A) the regulations under subsections (b) and (c) not later than 24 months after the date of enactment of this Act; and

''(B) the regulations under subsection (c) not later than the date of promulgation of the regulations under subsection (b).''.

**SEC. 34433. TIRE REGISTRATION BY INDEPENDENT SELLERS.**

Section 30117(b) is amended by striking paragraph (3) and inserting the following:

''(3) RULEMAKING.—

''(A) IN GENERAL.—The Secretary shall initiate a rulemaking to require a distributor or dealer of tires that is not owned or controlled by a manufacturer of tires to maintain records of—

''(i) the name and address of tire purchasers and lessors and information identifying the tire that was purchased or leased; and

''(ii) any additional records the Secretary considers appropriate.

''(B) ELECTRONIC TRANSMISSION.—The rulemaking carried out under subparagraph (A) shall require a distributor or dealer of tires that is not owned or controlled by a manufacturer of tires to electronically transmit the records described in clauses (i) and (ii) of subparagraph (A) to the manufacturer of the tires or the designee of the manufacturer by secure means at no cost to tire purchasers or lessors.

''(C) SATISFACTION OF REQUIREMENTS.—A regulation promulgated under subparagraph (A) may be considered to satisfy the requirements of paragraph (2)(B).''.

**SEC. 34434. TIRE RECALL DATABASE.**

(a) IN GENERAL.—The Secretary shall establish a publicly available and searchable electronic database of tire recall information that is reported to the Administrator of the National Highway Traffic Safety Administration.

(b) TIRE IDENTIFICATION NUMBER.—The database established under subsection (a) shall be searchable by Tire Identification Number (TIN) and any other criteria that assists consumers in determining whether a tire is subject to a recall.

## TITLE XXXV—RAILROAD REFORM, ENHANCEMENT, AND EFFICIENCY

**SEC. 35001. SHORT TITLE.**

This title may be cited as the ''Railroad Reform, Enhancement, and Efficiency Act''.

**SEC. 35002. PASSENGER TRANSPORTATION; DEFINITIONS.**

Section 24102 is amended—

(1) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), respectively;

(2) by inserting after paragraph (4), the following:

''(5) 'long-distance route' means a route described in paragraph (6)(C).'';

(3) by amending paragraph (6)(A), as redesignated, to read as follows:

''(A) the Northeast Corridor main line between Boston, Massachusetts and the Virginia Avenue interlocking in the District of Columbia, and the facilities and services used to operate and maintain that line;'';

(4) in paragraph (7), as redesignated, by striking the period at the end and inserting '', except that the term 'Northeast Corridor' for the purposes of chapter 243 means the main line between Boston, Massachusetts and the Virginia Avenue interlocking in the District of Columbia, and the facilities and services used to operate and maintain that line.''; and

(5) by adding at the end the following:

''(11) 'state-of-good-repair' means a condition in which physical assets, both individually and as a system, are—

''(A) performing at a level at least equal to that called for in their as-built or as-modified design specification during any period when the life cycle cost of maintaining the assets is lower than the cost of replacing them; and

''(B) sustained through regular maintenance and replacement programs.

''(12) 'State-supported route' means a route described in paragraph (6)(B) or paragraph (6)(D), or in section 24702(a).''.

### Subtitle A—Authorization of Appropriations

**SEC. 35101. AUTHORIZATION OF GRANTS TO AMTRAK.**

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary for the use of Amtrak for deposit into the accounts established under section 24319(a) of title 49, United States Code, the following amounts:

(1) For fiscal year 2016, $1,450,000,000.

(2) For fiscal year 2017, $1,550,000,000.

(3) For fiscal year 2018, $1,700,000,000.

(4) For fiscal year 2019, $1,900,000,000.

(b) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to one half of 1 percent of the amount appropriated under subsection (a) for the costs of management oversight of Amtrak.

(c) COMPETITION.—In administering grants to Amtrak under section 24318 of title 49, United States Code, the Secretary may withhold, from amounts that would otherwise be made available to Amtrak, such sums as are necessary from the amount appropriated under subsection (a) of this section to cover the operating subsidy described in section 24711(b)(1)(E)(ii) of title 49, United States Code.

(d) STATE-SUPPORTED ROUTE COMMITTEE.—The Secretary may withhold up to $2,000,000 from the amount appropriated in each fiscal year under subsection (a) of this section for the use of the State-Supported Route Committee established under section 24712 of title 49, United States Code.

(e) NORTHEAST CORRIDOR COMMISSION.—The Secretary may withhold up to $5,000,000 from the amount appropriated in each fiscal year under subsection (a) of this section for the use of the Northeast Corridor Commission established under section 24905 of title 49, United States Code.

**SEC. 35102. NATIONAL INFRASTRUCTURE AND SAFETY INVESTMENTS.**

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary for grants under chapter 244 of title 49, United States Code, the following amounts:

(1) For fiscal year 2016, $350,000,000.

(2) For fiscal year 2017, $430,000,000.

(3) For fiscal year 2018, $600,000,000.

(4) For fiscal year 2019, $900,000,000.

(b) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1 percent from the amount appropriated under subsection (a) of this section for the costs of project management oversight of grants carried out under chapter 244 of title 49, United States Code.

**SEC. 35103. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL TRANSPORTATION SAFETY BOARD RAIL INVESTIGATIONS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, there are authorized to be appropriated to the National Transportation Safety Board to carry out railroad accident investigations under section 1131(a)(1)(C) of title 49, United States Code, the following amounts:

(1) For fiscal year 2016, $6,300,000.

(2) For fiscal year 2017, $6,400,000.

(3) For fiscal year 2018, $6,500,000.

(4) For fiscal year 2019, $6,600,000.

(b) INVESTIGATION PERSONNEL.—Amounts appropriated under subsection (a) of this section shall be available to the National Transportation Safety Board for personnel, in regional offices and in Washington, DC, whose duties involve railroad accident investigations.

**SEC. 35104. AUTHORIZATION OF APPROPRIATIONS FOR AMTRAK OFFICE OF INSPECTOR GENERAL.**

There are authorized to be appropriated to the Office of Inspector General of Amtrak the following amounts:

(1) For fiscal year 2016, $20,000,000.

(2) For fiscal year 2017, $20,500,000.

(3) For fiscal year 2018, $21,000,000.

(4) For fiscal year 2019, $21,500,000.

**SEC. 35105. NATIONAL COOPERATIVE RAIL RESEARCH PROGRAM.**

(a) IN GENERAL.—Section 24910 is amended—

(1) in subsection (b)—

(A) in paragraph (12), by striking ''and'';

(B) in paragraph (13), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(14) to improve the overall safety of intercity passenger and freight rail operations.''; and

(2) by amending subsection (e) to read as follows:

''(e) ALLOCATION.—At least $5,000,000 of the amounts appropriated to the Secretary for a fiscal year to carry out railroad research and development programs shall be available to carry out this section.''.

**Subtitle B—Amtrak Reform**

**SEC. 35201. AMTRAK GRANT PROCESS.**

(a) REQUIREMENTS AND PROCEDURES.—Chapter 243 is amended by adding at the end the following:

**''§ 24317. Costs and revenues**

''(a) ALLOCATION.—Not later than 180 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, Amtrak shall establish and maintain internal controls to ensure Amtrak's costs, revenues, and other compensation are appropriately and proportionally allocated to its Northeast Corridor train services or infrastructure, its State-supported routes, its long-distance routes, and its other national network activities.

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of Amtrak to enter into an agreement with 1 or more States to allocate operating and capital costs under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

**''§ 24318. Grant process**

''(a) PROCEDURES FOR GRANT REQUESTS.—Not later than 90 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary of Transportation shall establish and transmit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives substantive and procedural requirements, including schedules, for grant requests under this section.

''(b) GRANT REQUESTS.—Amtrak shall transmit grant requests for Federal funds appropriated to the Secretary of Transportation for the use of Amtrak to—

''(1) the Secretary; and

''(2) the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on the Budget of the Senate and the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives.

''(c) CONTENTS.—A grant request under subsection (b) shall—

''(1) describe projected operating and capital costs for the upcoming fiscal year for Northeast Corridor train services and infrastructure, Amtrak's State-supported routes, and Amtrak's long-distance routes, and Amtrak's other national network activities, as applicable, in comparison to prior fiscal year actual financial performance;

''(2) describe the capital projects to be funded, with cost estimates and an estimated timetable for completion of the projects covered by the request;

''(3) assess Amtrak's financial condition;

''(4) be displayed on Amtrak's Web site within a reasonable timeframe following its transmission under subsection (b); and

''(5) describe how the funding requested in a grant will be allocated to the accounts established under section 24319(a), considering the projected operating losses or capital costs for services and activities associated with such accounts over the time period intended to be covered by the grants.

''(d) REVIEW AND APPROVAL.—

''(1) THIRTY-DAY APPROVAL PROCESS.—

''(A) IN GENERAL.—Not later than 30 days after the date that Amtrak submits a grant request under this section, the Secretary of Transportation shall complete a review of the request and provide notice to Amtrak that—

''(i) the request is approved; or

''(ii) the request is disapproved, including the reason for the disapproval and an explanation of any incomplete or deficient items.

''(B) GRANT AGREEMENT.—If a grant request is approved, the Secretary shall enter into a grant agreement with Amtrak that allocates the grant funding to 1 of the 4 accounts established under section 24319(a).

''(2) FIFTEEN-DAY MODIFICATION PERIOD.—Not later than 15 days after the date of the notice under paragraph (1)(A)(ii), Amtrak shall submit a modified request for the Secretary's review.

''(3) MODIFIED REQUESTS.—Not later than 15 days after the date that Amtrak submits a modified request under paragraph (2), the Secretary shall either approve the modified request, or, if the Secretary finds that the request is still incomplete or deficient, the Secretary shall identify in writing to the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on the Budget of the Senate and the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

''(e) PAYMENTS TO AMTRAK.—

''(1) IN GENERAL.—A grant agreement entered into under subsection (d) shall specify the operations, services, and other activities to be funded by the grant. The grant agreement shall include provisions, consistent with the requirements of this chapter, to measure Amtrak's performance and ensure accountability in delivering the operations, services, or activities to be funded by the grant.

''(2) SCHEDULE.—Except as provided in paragraph (3), in each fiscal year for which amounts are appropriated to the Secretary for the use of Amtrak, and for which the Secretary and Amtrak have entered into a grant agreement under subsection (d), the Secretary shall disburse grant funds to Amtrak on the following schedule:

''(A) 50 percent on October 1.

''(B) 25 percent on January 1.

''(C) 25 percent on April 1.

''(3) EXCEPTIONS.—The Secretary may make a payment to Amtrak of appropriated funds—

''(A) more frequently than the schedule under paragraph (2) if Amtrak, for good cause, requests more frequent payment before the end of a payment period; or

''(B) with a different frequency or in different percentage allocations in the event of a continuing resolution or in the absence of an appropriations Act for the duration of a fiscal year.

''(f) AVAILABILITY OF AMOUNTS AND EARLY APPROPRIATIONS.—Amounts appropriated to the Secretary for the use of Amtrak shall remain available until expended. Amounts for capital acquisitions and improvements may be appropriated for a fiscal year before the fiscal year in which the amounts will be obligated.

''(g) LIMITATIONS ON USE.—Amounts appropriated to the Secretary for the use of Amtrak may not be used to cross-subsidize operating losses or capital costs of commuter rail passenger or freight rail transportation.

**''§ 24319. Accounts**

''(a) ESTABLISHMENT OF ACCOUNTS.—Beginning not later than October 1, 2016, Amtrak, in consultation with the Secretary of Transportation, shall define and establish—

''(1) a Northeast Corridor investment account, including subaccounts for Amtrak train services and infrastructure;

''(2) a State-supported account;

''(3) a long-distance account; and

''(4) an other national network activities account.

''(b) NORTHEAST CORRIDOR INVESTMENT ACCOUNT.—

''(1) DEPOSITS.—Amtrak shall deposit in the Northeast Corridor investment account established under subsection (a)(1)—

''(A) a portion of the grant funds appropriated under the authorization in section

35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak, as specified in a grant agreement entered into under section 24318;

''(B) any compensation received from commuter rail passenger transportation providers for such providers' share of capital costs on the Northeast Corridor provided to Amtrak under section 24905(c);

''(C) any operating surplus of the Northeast Corridor train services or infrastructure, as allocated under section 24317; and

''(D) any other net revenue received in association with the Northeast Corridor, including freight access fees, electric propulsion, and commercial development.

''(2) USE OF NORTHEAST CORRIDOR INVESTMENT ACCOUNT.—Except as provided in subsection (f), amounts deposited in the Northeast Corridor investment account shall be made available for the use of Amtrak for its share of—

''(A) capital projects described in section 24904(a)(2)(E)(i), and developed under the planning process established under that section, to bring Northeast Corridor infrastructure to a state-of-good-repair;

''(B) capital projects described in clauses (ii) and (iv) of section 24904(a)(2)(E) that are developed under the planning process established under that section intended to increase corridor capacity, improve service reliability, and reduce travel time on the Northeast Corridor;

''(C) capital projects to improve safety and security;

''(D) capital projects to improve customer service and amenities;

''(E) acquiring, rehabilitating, manufacturing, remanufacturing, overhauling, or improving equipment and associated facilities used for intercity rail passenger transportation by Northeast Corridor train services;

''(F) retirement of principal and payment of interest on loans for capital projects described in this paragraph or for capital leases for equipment and related to the Northeast Corridor;

''(G) participation in public-private partnerships, joint ventures, and other mechanisms or arrangements that result in the completion of capital projects described in this paragraph; and

''(H) indirect, common, corporate, or other costs directly incurred by or allocated to the Northeast Corridor.

''(c) STATE-SUPPORTED ACCOUNT.—

''(1) DEPOSITS.—Amtrak shall deposit in the State-supported account established under subsection (a)(2)—

''(A) a portion of the grant funds appropriated under the authorization in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak, as specified in a grant agreement entered into under section 24318;

''(B) any compensation received from States provided to Amtrak under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (42 U.S.C. 24101 note); and

''(C) any operating surplus from its State-supported routes, as allocated under section 24317.

''(2) USE OF STATE-SUPPORTED ACCOUNT.—Except as provided in subsection (f), amounts deposited in the State-supported account shall be made available for the use of Amtrak for capital expenses and operating costs, including indirect, common, corporate, or other costs directly incurred by or allocated to State-supported routes, of its State-supported routes and retirement of principal and payment of interest on loans or capital leases attributable to its State-supported routes.

''(d) LONG-DISTANCE ACCOUNT.—

''(1) DEPOSITS.—Amtrak shall deposit in the long-distance account established under subsection (a)(3)—

''(A) a portion of the grant funds appropriated under the authorization in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak, as specified in a grant agreement entered into under section 24318;

''(B) any compensation received from States provided to Amtrak for costs associated with its long-distance routes; and

''(C) any operating surplus from its long-distance routes, as allocated under section 24317.

''(2) USE OF LONG-DISTANCE ACCOUNT.—Except as provided in subsection (f), amounts deposited in the long-distance account shall be made available for the use of Amtrak for capital expenses and operating costs, including indirect, common, corporate, or other costs directly incurred by or allocated to long-distance routes, of its long-distance routes and retirement of principal and payment of interest on loans or capital leases attributable to the long-distance routes.

''(e) OTHER NATIONAL NETWORK ACTIVITIES ACCOUNT.—

''(1) DEPOSITS.—Amtrak shall deposit in the other national network activities account established under subsection (a)(4)—

''(A) a portion of the grant funds appropriated under the authorization in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak, as specified in a grant agreement entered into under section 24318;

''(B) any compensation received from States provided to Amtrak for costs associated with its other national network activities; and

''(C) any operating surplus from its other national network activities.

''(2) USE OF OTHER NATIONAL NETWORK ACTIVITIES ACCOUNT.—Except as provided in subsection (f), amounts deposited into the other national network activities account shall be made available for the use of Amtrak for capital and operating costs not allocated to the Northeast Corridor investment account, State-supported account, or long-distance account, and retirement of principal and payment of interest on loans or capital leases attributable to other national network activities.

''(f) TRANSFER AUTHORITY.—

''(1) AUTHORITY.—Amtrak may transfer any funds appropriated under the authorization in section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent Act appropriating funds for the use of Amtrak for deposit into the accounts described in that section, or any surplus generated by operations, between the Northeast Corridor, State-supported, long-distance, and other national network activities accounts—

''(A) upon the expiration of 10 days after the date that Amtrak notifies the Amtrak Board of Directors, including the Secretary, of the planned transfer; and

''(B) with the approval of the Secretary.

''(2) REPORT.—Not later than 5 days after the date that Amtrak notifies the Amtrak Board of Directors of a planned transfer under paragraph (1), Amtrak shall transmit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that includes—

''(A) the amount of the transfer; and

''(B) a detailed explanation of the reason for the transfer, including—

''(i) the effects on Amtrak services funded by the account from which the transfer is drawn, in comparison to a scenario in which no transfer was made; and

''(ii) the effects on Amtrak services funded by the account receiving the transfer, in comparison to a scenario in which no transfer was made.

''(3) NOTIFICATIONS.—

''(A) STATE-SUPPORTED ACCOUNT.—Not later than 5 days after the date that Amtrak notifies the Amtrak Board of Directors of a planned transfer under paragraph (1) of funds to or from the State-supported account, Amtrak shall transmit to each State that sponsors a State-supported route a letter that includes the information described under subparagraphs (A) and (B) of paragraph (2).

''(B) NORTHEAST CORRIDOR ACCOUNT.—Not later than 5 days after the date that Amtrak notifies the Amtrak Board of Directors of a planned transfer under paragraph (1) of funds to or from the Northeast Corridor account, Amtrak shall transmit to the Northeast Corridor Commission a letter that includes the information described under subparagraphs (A) and (B) of paragraph (2).

''(g) ENFORCEMENT.—The Secretary shall enforce the provisions of each grant agreement under section 24318(d), including any deposit into an account under this section.

''(h) LETTERS OF INTENT.—

''(1) REQUIREMENT.—The Secretary may issue a letter of intent to Amtrak announcing an intention to obligate, for a major capital project described in clauses (ii) and (iv) of section 24904(a)(2)(E), an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

''(2) NOTICE TO CONGRESS.—At least 30 days before issuing a letter under paragraph (1), the Secretary shall notify in writing the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives of the proposed letter. The Secretary shall include with the notice a copy of the proposed letter, the criteria used for selecting the project for a grant award, and a description of how the project meets the criteria under this section.

''(3) CONTINGENT NATURE OF OBLIGATION OR COMMITMENT.—An obligation or administrative commitment may be made only when amounts are appropriated. The letter of intent shall state that the contingent commitment is not an obligation of the Federal Government, and is subject to the availability of appropriations under Federal law and to Federal laws in force or enacted after the date of the contingent commitment.''.

(b) CONFORMING AMENDMENTS.—The table of contents for chapter 243 is amended by adding at the end the following:

''24317. Costs and revenues.
''24318. Grant process.
''24319. Accounts.''.

(c) REPEALS.—

(1) ESTABLISHMENT OF GRANT PROCESS.—Section 206 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) and the item relating to that section in the table of contents of that Act are repealed.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 24104 and the item relating to that section in the table of contents of chapter 241 are repealed.

**SEC. 35202. 5-YEAR BUSINESS LINE AND ASSETS PLANS.**

(a) AMTRAK 5-YEAR BUSINESS LINE AND ASSET PLANS.—Chapter 243, as amended by section 35201 of this Act, is further amended by inserting after section 24319 the following:

**"§ 24320. Amtrak 5-year business line and asset plans**

''(a) IN GENERAL.—

''(1) FINAL PLANS.—Not later than February 15 of each year, Amtrak shall submit to Congress and the Secretary final 5-year business line plans and 5-year asset plans prepared in accordance with this section. These final plans shall form the basis for Amtrak's general and legislative annual report to the President and Congress required by section 24315(b).

''(2) FISCAL CONSTRAINT.—Each plan prepared under this section shall be based on funding levels authorized or otherwise available to Amtrak in a fiscal year. In the absence of an authorization or appropriation of funds for a fiscal year, the plans shall be based on the amount of funding available in the previous fiscal year, plus inflation. Amtrak may include an appendix to the asset plan required in subsection (c) that describes any capital funding requirements in excess of amounts authorized or otherwise available to Amtrak in a fiscal year for capital investment.

''(b) AMTRAK 5-YEAR BUSINESS LINE PLANS.—

''(1) AMTRAK BUSINESS LINES.—Amtrak shall prepare a 5-year business line plan for each of the following business lines and services:

''(A) Northeast Corridor train services.

''(B) State-supported routes operated by Amtrak.

''(C) Long-distance routes operated by Amtrak.

''(D) Ancillary services operated by Amtrak, including commuter operations and other revenue generating activities as determined by the Secretary in consultation with Amtrak.

''(2) CONTENTS OF 5-YEAR BUSINESS LINE PLANS.—The 5-year business line plan for each business line shall include, at a minimum—

''(A) a statement of Amtrak's vision, goals, and service plan for the business line, coordinated with any entities that are contributing capital or operating funding to support passenger rail services within those business lines, and aligned with Amtrak's Strategic Plan and 5-year asset plans under subsection (c);

''(B) all projected revenues and expenditures for the business line, including identification of revenues and expenditures incurred by—

''(i) passenger operations;

''(ii) non-passenger operations that are directly related to the business line; and

''(iii) governmental funding sources, including revenues and other funding received from States;

''(C) projected ridership levels for all passenger operations;

''(D) estimates of long-term and short-term debt and associated principal and interest payments (both current and forecasts);

''(E) annual profit and loss statements and forecasts and balance sheets;

''(F) annual cash flow forecasts;

''(G) a statement describing the methodologies and significant assumptions underlying estimates and forecasts;

''(H) specific performance measures that demonstrate year over year changes in the results of Amtrak's operations;

''(I) financial performance for each route within each business line, including descriptions of the cash operating loss or contribution and labor productivity for each route;

''(J) specific costs and savings estimates resulting from reform initiatives;

''(K) prior fiscal year and projected equipment reliability statistics; and

''(L) an identification and explanation of any major adjustments made from previously-approved plans.

''(3) 5-YEAR BUSINESS LINE PLANS PROCESS.—In meeting the requirements of this section, Amtrak shall—

''(A) coordinate the development of the business line plans with the Secretary;

''(B) for the Northeast Corridor business line plan, coordinate with the Northeast Corridor Commission and transmit to the Commission the final plan under subsection (a)(1), and consult with other entities, as appropriate;

''(C) for the State-supported route business line plan, coordinate with the State-Supported Route Committee established under section 24712;

''(D) for the long-distance route business line plan, coordinate with any States or Interstate Compacts that provide funding for such routes, as appropriate;

''(E) ensure that Amtrak's annual budget request to Congress is consistent with the information in the 5-year business line plans; and

''(F) identify the appropriate Amtrak officials that are responsible for each business line.

''(4) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements under this subsection, Amtrak shall use the categories specified in the financial accounting and reporting system developed under section 203 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) when preparing its 5-year business line plans.

''(c) AMTRAK 5-YEAR ASSET PLANS.—

''(1) ASSET CATEGORIES.—Amtrak shall prepare a 5-year asset plan for each of the following asset categories:

''(A) Infrastructure, including all Amtrak-controlled Northeast Corridor assets and other Amtrak-owned infrastructure, and the associated facilities that support the operation, maintenance, and improvement of those assets.

''(B) Passenger rail equipment, including all Amtrak-controlled rolling stock, locomotives, and mechanical shop facilities that are used to overhaul equipment.

''(C) Stations, including all Amtrak-controlled passenger rail stations and elements of other stations for which Amtrak has legal responsibility or intends to make capital investments.

''(D) National assets, including national reservations, security, training and training centers, and other assets associated with Amtrak's national passenger rail transportation system.

''(2) CONTENTS OF 5-YEAR ASSET PLANS.—Each asset plan shall include, at a minimum—

''(A) a summary of Amtrak's 5-year strategic plan for each asset category, including goals, objectives, any relevant performance metrics, and statutory or regulatory actions affecting the assets;

''(B) an inventory of existing Amtrak capital assets, to the extent practicable, including information regarding shared use or ownership, if applicable;

''(C) a prioritized list of proposed capital investments that—

''(i) categorizes each capital project as being primarily associated with—

''(I) normalized capital replacement;

''(II) backlog capital replacement;

''(III) improvements to support service enhancements or growth;

''(IV) strategic initiatives that will improve overall operational performance, lower costs, or otherwise improve Amtrak's corporate efficiency; or

''(V) statutory, regulatory, or other legal mandates;

''(ii) identifies each project or program that is associated with more than 1 category described in clause (i); and

''(iii) describes the anticipated business outcome of each project or program identified under this subparagraph, including an assessment of—

''(I) the potential effect on passenger operations, safety, reliability, and resilience;

''(II) the potential effect on Amtrak's ability to meet regulatory requirements if the project or program is not funded; and

''(III) the benefits and costs; and

''(D) annual profit and loss statements and forecasts and balance sheets for each asset category.

''(3) 5-YEAR ASSET PLAN PROCESS.—In meeting the requirements of this subsection, Amtrak shall—

''(A) coordinate with each business line described in subsection (b)(1) in the preparation of each 5-year asset plan and ensure integration of each 5-year asset plan with the 5-year business line plans;

''(B) as applicable, coordinate with the Northeast Corridor Commission, the State-Supported Route Committee, and owners of assets affected by 5-year asset plans; and

''(C) identify the appropriate Amtrak officials that are responsible for each asset category.

''(4) EVALUATION OF NATIONAL ASSETS COSTS.—The Secretary shall—

''(A) evaluate the costs and scope of all national assets; and

''(B) determine the activities and costs that are—

''(i) required in order to ensure the efficient operations of a national passenger rail system;

''(ii) appropriate for allocation to 1 of the other Amtrak business lines; and

''(iii) extraneous to providing an efficient national passenger rail system or are too costly relative to the benefits or performance outcomes they provide.

''(5) DEFINITION OF NATIONAL ASSETS.—In this section, the term 'national assets' means the Nation's core rail assets shared among Amtrak services, including national reservations, security, training and training centers, and other assets associated with Amtrak's national passenger rail transportation system.

''(6) RESTRUCTURING OF NATIONAL ASSETS.—Not later than 1 year after the date of completion of the evaluation under paragraph (4), the Administrator of the Federal Railroad Administration, in consultation with the Amtrak Board of Directors, the governors of each relevant State, and the Mayor of the District of Columbia, or their designees, shall restructure or reallocate, or both, the national assets costs in accordance with the determination under that section, including making appropriate updates to Amtrak's cost accounting methodology and system.''.

(b) EFFECTIVE DATE.—The requirements for Amtrak to submit final 5-year business line plans and 5-year asset plans under section 24320 of title 49, United States Code, shall take effect 1 year after the date of enactment of this Act.

(c) CONFORMING AMENDMENTS.—The table of contents for chapter 243, as amended by section 35201 of this Act, is further amended by adding at the end the following:

''24320. Amtrak 5-year business line and asset plans.''.

(d) REPEAL OF 5-YEAR FINANCIAL PLAN.—Section 204 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note), and the item relating to that section in the table of contents of that Act, are repealed.

(e) IDENTIFICATION OF DUPLICATIVE REPORTING REQUIREMENTS.—Not later than 1 year

after the date of enactment of this Act, the Secretary shall—

(1) review existing Amtrak reporting requirements and identify where the existing requirements are duplicative with the business line and capital plans required by section 24320 of title 49, United States Code;

(2) if the duplicative reporting requirements are administrative, the Secretary shall eliminate the duplicative requirements; and

(3) submit to Congress a report with any recommendations for repealing any other duplicative Amtrak reporting requirements.

**SEC. 35203. STATE-SUPPORTED ROUTE COMMITTEE.**

(a) AMENDMENT.—Chapter 247 is amended by adding at the end the following:

**"§ 24712. State-supported routes operated by Amtrak**

''(a) STATE-SUPPORTED ROUTE COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary of Transportation shall establish the State-Supported Route Committee (referred to in this section as the 'Committee') to promote mutual cooperation and planning pertaining to the rail operations of Amtrak and related activities of trains operated by Amtrak on State-supported routes and to further implement section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall consist of—

''(i) members representing Amtrak;

''(ii) members representing the Department of Transportation, including the Federal Railroad Administration; and

''(iii) members representing States.

''(B) NON-VOTING MEMBERS.—The Committee may invite and accept other non-voting members to participate in Committee activities, as appropriate.

''(3) DECISIONMAKING.—The Committee shall establish a bloc voting system under which, at a minimum—

''(A) there are 3 separate voting blocs to represent the Committee's voting members, including—

''(i) 1 voting bloc to represent the members described in paragraph (2)(A)(i);

''(ii) 1 voting bloc to represent the members described in paragraph (2)(A)(ii); and

''(iii) 1 voting bloc to represent the members described in paragraph (2)(A)(iii);

''(B) each voting bloc has 1 vote;

''(C) the vote of the voting bloc representing the members described in paragraph (2)(A)(iii) requires the support of at least two-thirds of that voting bloc's members; and

''(D) the Committee makes decisions by unanimous consent of the 3 voting blocs.

''(4) MEETINGS; RULES AND PROCEDURES.—The Committee shall convene a meeting and shall define and implement the rules and procedures governing the Committee's proceedings not later than 180 days after the date of establishment of the Committee by the Secretary. The rules and procedures shall—

''(A) incorporate and further describe the decisionmaking procedures to be used in accordance with paragraph (3); and

''(B) be adopted in accordance with such decisionmaking procedures.

''(5) COMMITTEE DECISIONS.—Decisions made by the Committee in accordance with the Committee's rules and procedures, once established, are binding on all Committee members.

''(6) COST ALLOCATION METHODOLOGY.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Committee may amend the cost allocation methodology required and previously approved under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

''(B) PROCEDURES FOR CHANGING METHODOLOGY.—The rules and procedures implemented under paragraph (4) shall include procedures for changing the cost allocation methodology.

''(C) REQUIREMENTS.—The cost allocation methodology shall—

''(i) ensure equal treatment in the provision of like services of all States and groups of States; and

''(ii) allocate to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

''(b) INVOICES AND REPORTS.—Not later than February 15, 2016, and monthly thereafter, Amtrak shall provide to each State that sponsors a State-supported route a monthly invoice of the cost of operating such route, including fixed costs and third-party costs. The Committee shall determine the frequency and contents of the financial and performance reports that Amtrak shall provide to the States, as well as the planning and demand reports that the States shall provide to Amtrak.

''(c) DISPUTE RESOLUTION.—

''(1) REQUEST FOR DISPUTE RESOLUTION.—If a dispute arises with respect to the rules and procedures implemented under subsection (a)(4), an invoice or a report provided under subsection (b), implementation or compliance with the cost allocation methodology developed under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) or amended under subsection (a)(6) of this section, either Amtrak or the State may request that the Surface Transportation Board conduct dispute resolution under this subsection.

''(2) PROCEDURES.—The Surface Transportation Board shall establish procedures for resolution of disputes brought before it under this subsection, which may include provision of professional mediation services.

''(3) BINDING EFFECT.—A decision of the Surface Transportation Board under this subsection shall be binding on the parties to the dispute.

''(4) OBLIGATION.—Nothing in this subsection shall affect the obligation of a State to pay an amount not in dispute.

''(d) ASSISTANCE.—

''(1) IN GENERAL.—The Secretary may provide assistance to the parties in the course of negotiations for a contract for operation of a State-supported route.

''(2) FINANCIAL ASSISTANCE.—From among available funds, the Secretary shall—

''(A) provide financial assistance to Amtrak or 1 or more States to perform requested independent technical analysis of issues before the Committee; and

''(B) reimburse Members for travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5.

''(e) PERFORMANCE METRICS.—In negotiating a contract for operation of a State-supported route, Amtrak and the State or States that sponsor the route shall consider including provisions that provide penalties and incentives for performance.

''(f) STATEMENT OF GOALS AND OBJECTIVES.—

''(1) IN GENERAL.—The Committee shall develop a statement of goals, objectives, and associated recommendations concerning the future of State-supported routes operated by Amtrak. The statement shall identify the roles and responsibilities of Committee members and any other relevant entities, such as host railroads, in meeting the identified goals and objectives, or carrying out the recommendations. The Committee may consult with such relevant entities, as the Committee considers appropriate, when developing the statement.

''(2) TRANSMISSION OF STATEMENT OF GOALS AND OBJECTIVES.—Not later than 2 years after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act the Committee shall transmit the statement developed under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(g) RULE OF CONSTRUCTION.—The decisions of the Committee—

''(1) shall pertain to the rail operations of Amtrak and related activities of trains operated by Amtrak on State-sponsored routes; and

''(2) shall not pertain to the rail operations or related activities of services operated by other rail passenger carriers on State-supported routes.

''(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

''(i) DEFINITION OF STATE.—In this section, the term 'State' means any of the 50 States, the District of Columbia, or a public entity that sponsor the operation of trains by Amtrak on a State-supported route.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents for chapter 247 is amended by adding at the end the following:

''24712. State-supported routes operated by Amtrak.''.

**SEC. 35204. ROUTE AND SERVICE PLANNING DECISIONS.**

Section 208 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended to read as follows:

**"SEC. 208. METHODOLOGIES FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.**

''(a) METHODOLOGY DEVELOPMENT.—Not later than 180 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, as a condition of receiving a grant under section 101 of that Act, Amtrak shall obtain the services of an independent entity to develop and recommend objective methodologies for Amtrak to use in determining what intercity rail passenger transportation routes and services it should provide, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes.

''(b) CONSIDERATIONS.—Amtrak shall require the independent entity, in developing the methodologies described in subsection (a), to consider—

''(1) the current and expected performance and service quality of intercity rail passenger transportation operations, including cost recovery, on-time performance, ridership, on-board services, stations, facilities, equipment, and other services;

''(2) the connectivity of a route with other routes;

''(3) the transportation needs of communities and populations that are not well served by intercity rail passenger transportation service or by other forms of intercity transportation;

''(4) the methodologies of Amtrak and major intercity rail passenger transportation service providers in other countries for determining intercity passenger rail routes and services;

''(5) the financial and operational effects on the overall network, including the effects on indirect costs;

''(6) the views of States and the recommendations described in State rail plans, rail carriers that own infrastructure over which Amtrak operates, Interstate Compacts established by Congress and States, Amtrak employee representatives, stakeholder organizations, and other interested parties; and

''(7) the funding levels that will be available under authorization levels that have been enacted into law.

''(c) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives recommendations developed by the independent entity under subsection (a).

''(d) CONSIDERATION OF RECOMMENDATIONS.—Not later than 90 days after the date the recommendations are transmitted under subsection (c), Amtrak shall consider the adoption of each recommendation and transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report explaining the reasons for adopting or not adopting each recommendation.''.

**SEC. 35205. COMPETITION.**

(a) ALTERNATE PASSENGER RAIL SERVICE PILOT PROGRAM.—Section 24711 is amended to read as follows:

**''§ 24711. Alternate passenger rail service pilot program**

''(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary of Transportation shall promulgate a rule to implement a pilot program for competitive selection of rail carriers for long-distance routes (as defined in section 24102).

''(b) PILOT PROGRAM REQUIREMENTS.—

''(1) IN GENERAL.—The pilot program shall—

''(A) allow a party described in paragraph (2) to petition the Secretary to provide intercity rail passenger transportation over a long-distance route in lieu of Amtrak for an operations period of 4 years from the date of commencement of service by the winning bidder and, at the option of the Secretary, consistent with the rule promulgated under subsection (a), allow the contract to be renewed for an additional operations period of 4 years, but not to exceed a total of 3 operations periods;

''(B) require the Secretary to—

''(i) notify the petitioner and Amtrak of receipt of the petition under subparagraph (A) and to publish in the Federal Register a notice of receipt not later than 30 days after the date of receipt; and

''(ii) establish a deadline, of not more than 120 days after the notice of receipt is published in the Federal Register under clause (i), by which both the petitioner and Amtrak, if Amtrak chooses to do so, would be required to submit a complete bid to provide intercity rail passenger transportation over the applicable route;

''(C) require that each bid—

''(i) describe the capital needs, financial projections, and operational plans, including staffing plans, for the service, and such other factors as the Secretary considers appropriate; and

''(ii) be made available by the winning bidder to the public after the bid award;

''(D) for a route that receives funding from a State or States, require that for each bid received from a party described in paragraph (2), other than a State, the Secretary have the concurrence of the State or States that provide funding for that route;

''(E) for a winning bidder that is not or does not include Amtrak, require the Secretary to execute a contract not later than 270 days after the deadline established under subparagraph (B)(ii) and award to the winning bidder—

''(i) subject to paragraphs (3) and (4), the right and obligation to provide intercity rail passenger transportation over that route subject to such performance standards as the Secretary may require; and

''(ii) an operating subsidy, as determined by the Secretary, for—

''(I) the first year at a level that does not exceed 90 percent of the level in effect for that specific route during the fiscal year preceding the fiscal year in which the petition was received, adjusted for inflation; and

''(II) any subsequent years at the level calculated under subclause (I), adjusted for inflation; and

''(F) for a winning bidder that is or includes Amtrak, award to that bidder an operating subsidy, as determined by the Secretary, over the applicable route that will not change during the fiscal year in which the bid was submitted solely as a result of the winning bid.

''(2) ELIGIBLE PETITIONERS.—The following parties are eligible to submit petitions under paragraph (1):

''(A) A rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route.

''(B) A rail passenger carrier with a written agreement with the rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route and that host or would host the intercity rail passenger transportation.

''(C) A State, group of States, or State-supported joint powers authority or other sub-State governance entity responsible for provision of intercity rail passenger transportation with a written agreement with the rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route and that host or would host the intercity rail passenger transportation.

''(D) A State, group of States, or State-supported joint powers authority or other sub-State governance entity responsible for provision of intercity rail passenger transportation and a rail passenger carrier with a written agreement with the rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route and that host or would host the intercity rail passenger transportation.

''(3) PERFORMANCE STANDARDS.—If the winning bidder under paragraph (1)(E)(i) is not or does not include Amtrak, the performance standards shall be consistent with the performance required of or achieved by Amtrak on the applicable route during the last fiscal year.

''(4) AGREEMENT GOVERNING ACCESS ISSUES.—Unless the winning bidder already has applicable access agreements in place or includes a rail carrier that owns the infrastructure used in the operation of the route, the winning bidder under paragraph (1)(E)(i) shall enter into a written agreement governing access issues between the winning bidder and the rail carrier or rail carriers that own the infrastructure over which the winning bidder would operate and that host or would host the intercity rail passenger transportation.

''(c) ACCESS TO FACILITIES; EMPLOYEES.—If the Secretary awards the right and obligation to provide rail passenger transportation over a route under this section to an entity in lieu of Amtrak—

''(1) the Secretary shall require Amtrak to provide access to the Amtrak-owned reservation system, stations, and facilities directly related to operations of the awarded routes to the rail passenger carrier awarded a contract under this section, in accordance with subsection (g), as necessary to carry out the purposes of this section;

''(2) an employee of any person, except for a freight railroad or a person employed or contracted by a freight railroad, used by such rail passenger carrier in the operation of a route under this section shall be considered an employee of that rail passenger carrier and subject to the applicable Federal laws and regulations governing similar crafts or classes of employees of Amtrak; and

''(3) the winning bidder shall provide hiring preference to qualified Amtrak employees displaced by the award of the bid, consistent with the staffing plan submitted by the bidder, and shall be subject to the grant conditions under section 24405.

''(d) CESSATION OF SERVICE.—If a rail passenger carrier awarded a route under this section ceases to operate the service or fails to fulfill an obligation under the contract required under subsection (b)(1)(E), the Secretary shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including—

''(1) the installment of an interim rail passenger carrier;

''(2) providing to the interim rail passenger carrier under paragraph (1) an operating subsidy necessary to provide service; and

''(3) rebidding the contract to operate the rail passenger transportation.

''(e) BUDGET AUTHORITY.—

''(1) IN GENERAL.—The Secretary shall provide to a winning bidder that is not or does not include Amtrak and that is selected under this section any appropriations withheld under section 35101(c) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent appropriation for the same purpose, necessary to cover the operating subsidy described in subsection (b)(1)(E)(ii).

''(2) AMTRAK.—If the Secretary selects a winning bidder that is not or does not include Amtrak, the Secretary may provide to Amtrak an appropriate portion of the appropriations under section 35101(a) of the Railroad Reform, Enhancement, and Efficiency Act, or any subsequent appropriation for the same purpose, to cover any cost directly attributable to the termination of Amtrak service on the route and any indirect costs to Amtrak imposed on other Amtrak routes as a result of losing service on the route operated by the winning bidder. Any amount provided by the Secretary to Amtrak under this paragraph shall not be deducted from or have any effect on the operating subsidy described in subsection (b)(1)(E)(ii).

''(f) DEADLINE.—If the Secretary does not promulgate the final rule and implement the program before the deadline under subsection (a), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a letter, signed by the Secretary and Administrator of the Federal Railroad Administration, each month until the rule is complete, including—

''(1) the reasons why the rule has not been issued;

''(2) an updated staffing plan for completing the rule as soon as feasible;

''(3) the contact information of the official that will be overseeing the execution of the staffing plan; and

''(4) the estimated date of completion of the rule.

''(g) DISPUTES.—If Amtrak and the rail passenger carrier awarded a route under this section cannot agree upon terms to carry out subsection (c)(1), and the Surface Transportation Board finds that access to Amtrak's facilities or equipment, or the provision of services by Amtrak, is necessary under subsection (c)(1) and that the operation of Amtrak's other services will not be impaired thereby, the Surface Transportation Board shall issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability, and other terms for use of the facilities and equipment and provision of the services.

''(h) LIMITATION.—Not more than 3 long-distance routes may be selected under this section for operation by a winning bidder that is not or does not include Amtrak.

''(i) PRESERVATION OF RIGHT TO COMPETITION ON STATE-SUPPORTED ROUTES.—Nothing in this section shall be construed as prohibiting a State from introducing competition for intercity rail passenger transportation or services on its State-supported route or routes.''.

(b) REPORT.—Not later than 4 years after the date of implementation of the pilot program under section 24711 of title 49, United States Code, and quadrennially thereafter until the pilot program is discontinued, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results on the pilot program to date and any recommendations for further action.

**SEC. 35206. ROLLING STOCK PURCHASES.**

(a) IN GENERAL.—Prior to entering into any contract in excess of $100,000,000 for rolling stock and locomotive procurements Amtrak shall submit a business case analysis to the Secretary, the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, on the utility of such procurements.

(b) CONTENTS.—The business case analysis shall—

(1) include a cost and benefit comparison that describes the total lifecycle costs and the anticipated benefits related to revenue, operational efficiency, reliability, and other factors;

(2) set forth the total payments by fiscal year;

(3) identify the specific source and amounts of funding for each payment, including Federal funds, State funds, Amtrak profits, Federal, State, or private loans or loan guarantees, and other funding;

(4) include an explanation of whether any payment under the contract will increase Amtrak's grant request, as required under section 24318 of title 49, United States Code, in that particular fiscal year; and

(5) describe how Amtrak will adjust the procurement if future funding is not available.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring Amtrak to disclose confidential information regarding a potential vendor's proposed pricing or other sensitive business information prior to contract execution.

**SEC. 35207. FOOD AND BEVERAGE POLICY.**

(a) IN GENERAL.—Chapter 243, as amended in section 35202 of this Act, is further amended by adding after section 24320 the following:

**''§ 24321. Food and beverage reform**

''(a) PLAN.—Not later than 90 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, Amtrak shall develop and begin implementing a plan to eliminate, not later than 4 years after the date of enactment of that Act, the operating loss associated with providing food and beverage service on board Amtrak trains.

''(b) CONSIDERATIONS.—In developing and implementing the plan under subsection (a), Amtrak shall consider a combination of cost management and revenue generation initiatives, including—

''(1) scheduling optimization;

''(2) onboard logistics;

''(3) product development and supply chain efficiency;

''(4) training, awards, and accountability;

''(5) technology enhancements and process improvements; and

''(6) ticket revenue allocation.

''(c) SAVINGS CLAUSE.—Amtrak shall ensure that no Amtrak employee holding a position as of the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act is involuntarily separated because of—

''(1) the development and implementation of the plan required under subsection (a); or

''(2) any other action taken by Amtrak to implement this section.

''(d) NO FEDERAL FUNDING FOR OPERATING LOSSES.—Beginning on the date that is 4 years after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, no Federal funds may be used to cover any operating loss associated with providing food and beverage service on a route operated by Amtrak or an alternative passenger rail service provider that operates a route in lieu of Amtrak under section 24711.

''(e) REPORT.—Not later than 120 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, and annually thereafter for a period of 4 years, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the plan developed under subsection (a) and a description of progress in the implementation of the plan.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 243, as amended in section 35202 of this Act, is amended by adding at the end the following:

''24321. Food and beverage reform.''.

**SEC. 35208. LOCAL PRODUCTS AND PROMOTIONAL EVENTS.**

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, Amtrak shall establish a pilot program for a State or States that sponsor a State-supported route operated by Amtrak to facilitate—

(1) onboard purchase and sale of local food and beverage products; and

(2) partnerships with local entities to hold promotional events on trains or in stations.

(b) PROGRAM DESIGN.—The pilot program under paragraph (1) shall allow a State or States—

(1) to nominate and select a local food and beverage products supplier or suppliers or local promotional event partner;

(2) to charge a reasonable price or fee for local food and beverage products or promotional events and related activities to help defray the costs of program administration and State-supported routes; and

(3) a mechanism to ensure that State products can effectively be handled and integrated into existing food and beverage services, including compliance with all applicable regulations and standards governing such services.

(c) PROGRAM ADMINISTRATION.—The pilot program shall—

(1) for local food and beverage products, ensure the products are integrated into existing food and beverage services, including compliance with all applicable regulations and standards;

(2) for promotional events, ensure the events are held in compliance with all applicable regulations and standards, including terms to address insurance requirements; and

(3) require an annual report that documents revenues and costs and indicates whether the products or events resulted in a reduction in the financial contribution of a State or States to the applicable State-supported route.

(d) REPORT.—Not later than 4 years after the date of establishment of the pilot programs under this section, Amtrak shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on which States have participated in the pilot programs under this section. The report shall summarize the financial and operational outcomes of the pilot programs.

(e) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as limiting Amtrak's ability to operate special trains in accordance with section 216 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24308 note).

**SEC. 35209. RIGHT-OF-WAY LEVERAGING.**

(a) REQUEST FOR PROPOSALS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, Amtrak shall issue a Request for Proposals seeking qualified persons or entities to utilize right-of-way and real estate owned, controlled, or managed by Amtrak for telecommunications systems, energy distribution systems, and other activities considered appropriate by Amtrak.

(2) CONTENTS.—The Request for Proposals shall provide sufficient information on the right-of-way and real estate assets to enable respondents to propose an arrangement that will monetize or generate additional revenue from such assets through revenue sharing or leasing agreements with Amtrak, to the extent possible.

(b) CONSIDERATION OF PROPOSALS.—Not later than 180 days following the deadline for the receipt of proposals under subsection (a), Amtrak shall review and consider each qualified proposal. Amtrak may enter into such agreements as are necessary to implement any qualified proposal.

(c) REPORT.—Not later than 270 days following the deadline for the receipt of proposals under subsection (a), Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Request for Proposals required by this section, including summary information of any proposals submitted to Amtrak and any proposals accepted by Amtrak.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit Amtrak's ability to utilize right-of-way or real estate assets that it currently owns, controls, or manages or constrain Amtrak's ability to enter into agreements with other parties to utilize such assets.

**SEC. 35210. STATION DEVELOPMENT.**

(a) REPORT ON DEVELOPMENT OPTIONS.—Not later than 1 year after the date of the enactment of this Act, Amtrak shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(1) options to enhance economic development and accessibility of and around Amtrak stations and terminals, for the purposes of—

(A) improving station condition, functionality, capacity, and customer amenities;

(B) generating additional investment capital and development-related revenue streams;

(C) increasing ridership and revenue;

(D) complying with the applicable sections of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.); and

(E) strengthening multimodal connections, including transit, intercity buses, roll-on and roll-off bicycles, and airports, as appropriate; and

(2) options for additional Amtrak stops that would have a positive incremental financial impact to Amtrak, based on Amtrak feasibility studies that demonstrate a financial benefit to Amtrak by generating additional revenue that exceeds any incremental costs.

(b) REQUEST FOR INFORMATION.—Not later than 90 days after the date the report is transmitted under subsection (a), Amtrak shall issue a Request of Information for 1 or more owners of stations served by Amtrak to formally express an interest in completing the requirements of this section.

(c) PROPOSALS.—

(1) REQUEST FOR PROPOSALS.—Not later than 180 days after the date the Request for Information is issued under subsection (a), Amtrak shall issue a Request for Proposals from qualified persons, including small business concerns owned and controlled by socially and economically disadvantaged individuals and veteran-owned small businesses, to lead, participate, or partner with Amtrak, a station owner that responded under subsection (b), and other entities in enhancing development in and around such stations and terminals using applicable options identified under subsection (a) at facilities selected by Amtrak.

(2) CONSIDERATION OF PROPOSALS.—Not later than 1 year after the date the Request for Proposals are issued under paragraph (1), Amtrak shall review and consider qualified proposals submitted under paragraph (1). Amtrak or a station owner that responded under subsection (b) may enter into such agreements as are necessary to implement any qualified proposal.

(d) REPORT.—Not later than 3 years after the date of enactment of this Act, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Request for Proposals process required under this section, including summary information of any qualified proposals submitted to Amtrak and any proposals acted upon by Amtrak or a station owner that responded under subsection (b).

(e) DEFINITIONS.—In this section, the terms ''small business concern'', ''socially and economically disadvantaged individual'', and ''veteran-owned small business'' have the meanings given the terms in section 304(c) of this Act.

(f) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit Amtrak's ability to develop its stations, terminals, or other assets, to constrain Amtrak's ability to enter into and carry out agreements with other parties to enhance development at or around Amtrak stations or terminals, or to affect any station development initiatives ongoing as of the date of enactment of this Act.

**SEC. 35211. AMTRAK DEBT.**

Section 205 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended—

(1) by striking ''as of the date of enactment of this Act'' each place it appears;

(2) in subsection (a)—

(A) by inserting '', to the extent provided in advance in appropriations Acts'' after ''Amtrak's indebtedness''; and

(B) by striking the second sentence;

(3) in subsection (b), by striking ''The Secretary of the Treasury, in consultation'' and inserting ''To the extent amounts are provided in advance in appropriations Acts, the Secretary of the Treasury, in consultation'';

(4) in subsection (d), by inserting '', to the extent provided in advance in appropriations Acts'' after ''as appropriate'';

(5) in subsection (e)—

(A) in paragraph (1), by striking ''by section 102 of this division''; and

(B) in paragraph (2), by striking ''by section 102'' and inserting ''for Amtrak'';

(6) in subsection (g), by inserting '', unless that debt receives credit assistance, including direct loans and loan guarantees, under chapter 6 of title 23, United States Code or title V of the Railroad Revitalization and Regulatory Act of 1976 (45 U.S.C. 821 et seq.)'' after ''Secretary''; and

(7) by striking subsection (h).

**SEC. 35212. AMTRAK PILOT PROGRAM FOR PASSENGERS TRANSPORTING DOMESTICATED CATS AND DOGS.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, Amtrak shall develop a pilot program that allows passengers to transport domesticated cats or dogs on certain trains operated by Amtrak.

(b) PET POLICY.—In developing the pilot program required under subsection (a), Amtrak shall—

(1) in the case of a passenger train that is comprised of more than 1 car, designate, where feasible, at least 1 car in which a ticketed passenger may transport a domesticated cat or dog in the same manner as carry-on baggage if—

(A) the cat or dog is contained in a pet kennel;

(B) the pet kennel complies with Amtrak size requirements for carriage of carry-on baggage;

(C) the passenger is traveling on a train operating on a route described in subparagraph (A), (B), or (D) of section 24102(6) of title 49, United States Code; and

(D) the passenger pays a fee described in paragraph (3);

(2) allow a ticketed passenger to transport a domesticated cat or dog on a train in the same manner as cargo if—

(A) the cat or dog is contained in a pet kennel;

(B) the pet kennel is stowed in accordance with Amtrak requirements for cargo stowage;

(C) the passenger is traveling on a train operating on a route described in subparagraph (A), (B), or (D) of section 24102(6) of title 49, United States Code;

(D) the cargo area is temperature controlled in a manner protective of cat and dog safety and health; and

(E) the passenger pays a fee described in paragraph (3); and

(3) collect fees for each cat or dog transported by a ticketed passenger in an amount that, in the aggregate and at a minimum, covers the full costs of the pilot program.

(c) REPORT.—Not later than 1 year after the pilot program required under subsection (a) is first implemented, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing an evaluation of the pilot program.

(d) LIMITATION ON STATUTORY CONSTRUCTION.—

(1) SERVICE ANIMALS.—The pilot program under subsection (a) shall be separate from and in addition to the policy governing Amtrak passengers traveling with service animals. Nothing in this section may be interpreted to limit or waive the rights of passengers to transport service animals.

(2) ADDITIONAL TRAIN CARS.—Nothing in this section may be interpreted to require Amtrak to add additional train cars or modify existing train cars.

(3) FEDERAL FUNDS.—No Federal funds may be used to implement the pilot program required under this section.

**SEC. 35213. AMTRAK BOARD OF DIRECTORS.**

(a) IN GENERAL.—Section 24302(a) is amended to read as follows:

''(a) COMPOSITION AND TERMS.—

''(1) IN GENERAL.—The Amtrak Board of Directors (referred to in this section as the 'Board') is composed of the following 9 directors, each of whom must be a citizen of the United States:

''(A) The Secretary of Transportation.

''(B) The President of Amtrak.

''(C) 7 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, or passenger air transportation businesses, or representatives of employees or users of passenger rail transportation or a State government.

''(2) SELECTION.—In selecting individuals described in paragraph (1)(C) for nominations for appointments to the Board, the President shall consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate. The individuals appointed to the Board under paragraph (1)(C) shall be composed of the following;

''(A) 2 individuals from the Northeast Corridor.

''(B) 4 individuals from regions of the country outside of the Northeast Corridor and geographically distributed with—

''(i) 2 individuals from States with long-distance routes operated by Amtrak; and

''(ii) 2 individuals from States with State-supported routes operated by Amtrak.

''(C) 1 individual from the Northeast Corridor or a State with long-distance or State-supported routes.

''(3) TERM.—An individual appointed under paragraph (1)(C) shall be appointed for a term of 5 years. The term may be extended until the individual's successor is appointed and qualified. Not more than 4 individuals appointed under paragraph (1)(C) may be members of the same political party.

''(4) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall elect a chairperson and vice chairperson, other than the President of Amtrak, from among its membership. The vice chairperson shall serve as chairperson in the absence of the chairperson.

''(5) SECRETARY'S DESIGNEE.—The Secretary may be represented at Board meetings by the Secretary's designee.''.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting the term of any director serving on the Amtrak Board of Directors under section 24302(a)(1)(C) of title 49, United States Code, on the day preceding the date of enactment of this Act.

**SEC. 35214. AMTRAK BOARDING PROCEDURES.**

(a) REPORT.—Not later than 6 months after the date of enactment of this Act, the Amtrak Office of Inspector General shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

(1) evaluates Amtrak's boarding procedures for passengers, including passengers using or transporting nonmotorized transportation, such as wheelchairs and bicycles, at its 15 stations through which the most people pass;

(2) compares Amtrak's boarding procedures to—

(A) commuter railroad boarding procedures at stations shared with Amtrak;

(B) international intercity passenger rail boarding procedures; and

(C) fixed guideway transit boarding procedures; and

(3) makes recommendations, as appropriate, in consultation with the Transportation Security Administration, to improve Amtrak's boarding procedures, including recommendations regarding the queuing of passengers and free-flow of all station users and facility improvements needed to achieve the recommendations.

(b) CONSIDERATION OF RECOMMENDATIONS.—Not later than 6 months after the report is submitted under subsection (a), Amtrak shall consider each recommendation provided under subsection (a)(3) for implementation at appropriate locations across the Amtrak system.

**Subtitle C—Intercity Passenger Rail Policy**

**SEC. 35301. COMPETITIVE OPERATING GRANTS.**

(a) IN GENERAL.—Chapter 244 is amended—

(1) by striking section 24406; and

(2) by inserting after section 24405 the following:

**"§ 24406. Competitive operating grants**

''(a) APPLICANT DEFINED.—In this section, the term 'applicant' means—

''(1) a State;

''(2) a group of States;

''(3) an Interstate Compact;

''(4) a public agency or publicly chartered authority established by 1 or more States and having responsibility for providing intercity rail passenger transportation or commuter rail passenger transportation;

''(5) a political subdivision of a State;

''(6) Amtrak or another rail passenger carrier that provides intercity rail passenger transportation;

''(7) Any rail carrier in partnership with at least 1 of the entities described in paragraphs (1) through (5); and

''(8) any combination of the entities described in paragraphs (1) through (7).

''(b) GRANTS AUTHORIZED.—The Secretary of Transportation shall develop and implement a program for issuing 3-year operating assistance grants to applicants, on a competitive basis, for the purpose of initiating, restoring, or enhancing intercity rail passenger service.

''(c) APPLICATION.—An applicant for a grant under this section shall submit to the Secretary—

''(1) a capital and mobilization plan that—

''(A) describes any capital investments, service planning actions (such as environmental reviews), and mobilization actions (such as qualification of train crews) required for initiation of service; and

''(B) includes the timeline for undertaking and completing each of the investments and actions referred to in subparagraph (A);

''(2) an operating plan that describes the planned operation of the service, including—

''(A) the identity and qualifications of the train operator;

''(B) the identity and qualifications of any other service providers;

''(C) service frequency;

''(D) the planned routes and schedules;

''(E) the station facilities that will be utilized;

''(F) projected ridership, revenues, and costs;

''(G) descriptions of how the projections under subparagraph (F) were developed;

''(H) the equipment that will be utilized, how such equipment will be acquired or refurbished, and where such equipment will be maintained; and

''(I) a plan for ensuring safe operations and compliance with applicable safety regulations;

''(3) a funding plan that—

''(A) describes the funding of initial capital costs and operating costs for the first 3 years of operation;

''(B) includes a commitment by the applicant to provide the funds described in subparagraph (A) to the extent not covered by Federal grants and revenues; and

''(C) describes the funding of operating costs and capital costs, to the extent necessary, after the first 3 years of operation; and

''(4) a description of the status of negotiations and agreements with—

''(A) each of the railroads or regional transportation authorities whose tracks or facilities would be utilized by the service;

''(B) the anticipated rail passenger carrier, if such entity is not part of the applicant group; and

''(C) any other service providers or entities expected to provide services or facilities that will be used by the service, including any required access to Amtrak systems, stations, and facilities if Amtrak is not part of the applicant group.

''(d) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to applications—

''(1) for which planning, design, any environmental reviews, negotiation of agreements, acquisition of equipment, construction, and other actions necessary for initiation of service have been completed or nearly completed;

''(2) that would restore service over routes formerly operated by Amtrak, including routes with international connections;

''(3) that would provide daily or daytime service over routes where such service did not previously exist;

''(4) that include private funding (including funding from railroads), and funding or other significant participation by State, local, and regional governmental and private entities;

''(5) that include a funding plan that demonstrates the intercity rail passenger service will be financially sustainable beyond the 3-year grant period;

''(6) that would provide service to regions and communities that are underserved or not served by other intercity public transportation;

''(7) that would foster economic development, particularly in rural communities and for disadvantaged populations;

''(8) that would provide other non-transportation benefits; and

''(9) that would enhance connectivity and geographic coverage of the existing national network of intercity passenger rail service.

''(e) LIMITATIONS.—

''(1) DURATION.—Federal operating assistance grants authorized under this section for any individual intercity rail passenger transportation route may not provide funding for more than 3 years and may not be renewed.

''(2) LIMITATION.—Not more than 6 of the operating assistance grants awarded pursuant to subsection (b) may be simultaneously active.

''(3) MAXIMUM FUNDING.—Grants described in paragraph (1) may not exceed—

''(A) 80 percent of the projected net operating costs for the first year of service;

''(B) 60 percent of the projected net operating costs for the second year of service; and

''(C) 40 percent of the projected net operating costs for the third year of service.

''(f) USE WITH CAPITAL GRANTS AND OTHER FEDERAL FUNDING.—A recipient of an operating assistance grant under subsection (b) may use that grant in combination with other grants awarded under this chapter or any other Federal funding that would benefit the applicable service.

''(g) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.

''(h) COORDINATION WITH AMTRAK.—If the Secretary awards a grant under this section to a rail passenger carrier other than Amtrak, Amtrak may be required under section 24711(c)(1) of this title to provide access to its reservation system, stations, and facilities that are directly related to operations to such carrier, to the extent necessary to carry out the purposes of this section. The Secretary may award an appropriate portion of the grant to Amtrak as compensation for this access.

''(i) CONDITIONS.—

''(1) GRANT AGREEMENT.—The Secretary shall require grant recipients under this section to enter into a grant agreement that requires them to provide similar information regarding the route performance, financial, and ridership projections, and capital and business plans that Amtrak is required to provide, and such other data and information as the Secretary deems necessary.

''(2) INSTALLMENTS; TERMINATION.—The Secretary may—

''(A) award grants under this section in installments, as the Secretary considers appropriate; and

''(B) terminate any grant agreement upon—

''(i) the cessation of service; or

''(ii) the violation of any other term of the grant agreement.

''(3) GRANT CONDITIONS.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the requirements under this chapter.

''(j) REPORT.—Not later than 4 years after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary, after consultation with grant recipients under this section, shall submit a report to Congress that describes—

''(1) the implementation of this section;

''(2) the status of the investments and operations funded by such grants;

''(3) the performance of the routes funded by such grants;

''(4) the plans of grant recipients for continued operation and funding of such routes; and

''(5) any legislative recommendations.''.

(b) CONFORMING AMENDMENTS.—Chapter 244 is amended—

(1) in the table of contents, by inserting after the item relating to section 24405 the following:

''24406. Competitive operating grants.'';

(2) in the chapter title, by striking ''**INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL**'' and inserting ''**RAIL CAPITAL AND OPERATING**'';

(3) in section 24401, by striking paragraph (1);

(4) in section 24402, by striking subsection (j) and inserting the following:

''(j) APPLICANT DEFINED.—In this section, the term 'applicant' means a State (including the District of Columbia), a group of States, an Interstate Compact, a public

agency or publicly chartered authority established by 1 or more States and having responsibility for providing intercity rail passenger transportation, or a political subdivision of a State.''; and

(5) in section 24405—

(A) in subsection (b)—

(i) by inserting '', or for which an operating grant is issued under section 24406,'' after ''chapter''; and

(ii) in paragraph (2), by striking ''(43'' and inserting ''(45'';

(B) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting ''or unless Amtrak ceased providing intercity passenger railroad transportation over the affected route more than 3 years before the commencement of new service'' after ''unless such service was provided solely by Amtrak to another entity'';

(C) in subsection (f), by striking ''under this chapter for commuter rail passenger transportation, as defined in section 24012(4) of this title.'' and inserting ''under this chapter for commuter rail passenger transportation (as defined in section 24102(3)).''; and

(D) by adding at the end the following:

''(g) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In carrying out this chapter, the Secretary shall allocate an appropriate portion of the amounts available under this chapter to provide grants to States—

''(1) in which there is no intercity passenger rail service, for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 227 that provide public benefits (as defined in chapter 227), as determined by the Secretary; or

''(2) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.''.

**SEC. 35302. FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD REPAIR.**

(a) AMENDMENT.—Chapter 244 is amended by inserting after section 24406, as added by section 5301 of this Act, the following:

**''§ 24407. Federal-State partnership for state of good repair**

''(a) DEFINITIONS.—In this section:

''(1) APPLICANT.—The term 'applicant' means—

''(A) a State (including the District of Columbia);

''(B) a group of States;

''(C) an Interstate Compact;

''(D) a public agency or publicly chartered authority established by 1 or more States that has responsibility for providing intercity rail passenger transportation or commuter rail passenger transportation;

''(E) a political subdivision of a State;

''(F) Amtrak, acting on its own behalf or under a cooperative agreement with 1 or more States; or

''(G) any combination of the entities described in subparagraphs (A) through (F).

''(2) CAPITAL PROJECT.—The term 'capital project' means—

''(A) a project primarily intended to replace, rehabilitate, or repair major infrastructure assets utilized for providing intercity passenger rail service, including tunnels, bridges, stations, and other assets, as determined by the Secretary; or

''(B) a project primarily intended to improve intercity passenger rail performance, including reduced trip times, increased train frequencies, higher operating speeds, and other improvements, as determined by the Secretary.

''(3) NORTHEAST CORRIDOR.—The term 'Northeast Corridor' means—

''(A) the main rail line between Boston, Massachusetts and the Virginia Avenue interlocking in the District of Columbia; and

''(B) the branch rail lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York.

''(4) QUALIFIED RAILROAD ASSET.—The term 'qualified railroad asset' means infrastructure, equipment, or a facility that—

''(A) is owned or controlled by an eligible applicant; and

''(B) was not in a state of good repair on the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act.

''(b) GRANT PROGRAM AUTHORIZED.—The Secretary of Transportation shall develop and implement a program for issuing grants to applicants, on a competitive basis, to fund capital projects that reduce the state of good repair backlog on qualified railroad assets.

''(c) ELIGIBLE PROJECTS.—Projects eligible for grants under this section include capital projects to replace or rehabilitate qualified railroad assets, including—

''(1) capital projects to replace existing assets in-kind;

''(2) capital projects to replace existing assets with assets that increase capacity or provide a higher level of service; and

''(3) capital projects to ensure that service can be maintained while existing assets are brought to a state of good repair.

''(d) PROJECT SELECTION CRITERIA.—In selecting an applicant for a grant under this section, the Secretary shall—

''(1) give preference to eligible projects—

''(A) that are consistent with the goals, objectives, and policies defined in any regional rail planning document that is applicable to a project proposal; and

''(B) for which the proposed Federal share of total project costs does not exceed 50 percent; and

''(2) take into account—

''(A) the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project, including—

''(i) effects on system and service performance;

''(ii) effects on safety, competitiveness, reliability, trip or transit time, and resilience;

''(iii) efficiencies from improved integration with other modes; and

''(iv) ability to meet existing or anticipated demand;

''(B) the degree to which the proposed project's business plan considers potential private sector participation in the financing, construction, or operation of the proposed project;

''(C) the applicant's past performance in developing and delivering similar projects, and previous financial contributions;

''(D) whether the applicant has, or will have—

''(i) the legal, financial, and technical capacity to carry out the project;

''(ii) satisfactory continuing control over the use of the equipment or facilities; and

''(iii) the capability and willingness to maintain the equipment or facilities;

''(E) if applicable, the consistency of the project with planning guidance and documents set forth by the Secretary or required by law; and

''(F) any other relevant factors, as determined by the Secretary.

''(e) PLANNING REQUIREMENTS.—A project is not eligible for a grant under this section unless the project is specifically identified—

''(1) on a State rail plan prepared in accordance with chapter 227; or

''(2) if the project is located on the Northeast Corridor, on the Northeast Corridor Capital Investment Plan developed pursuant to section 24904(a).

''(f) NORTHEAST CORRIDOR PROJECTS.—

''(1) COMPLIANCE WITH USAGE AGREEMENTS.—Grant funds may not be provided under this section to an eligible recipient for an eligible project located on the Northeast Corridor unless Amtrak and the public authorities providing commuter rail passenger transportation on the Northeast Corridor are in compliance with section 24905(c)(2).

''(2) CAPITAL INVESTMENT PLAN.—When selecting projects located on the Northeast Corridor, the Secretary shall consider the appropriate sequence and phasing of projects as contained in the Northeast Corridor Capital Investment Plan developed pursuant to section 24904(a).

''(g) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

''(1) TOTAL PROJECT COST.—The Secretary shall estimate the total cost of a project under this section based on the best available information, including engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

''(2) FEDERAL SHARE.—The Federal share of total costs for a project under this subsection shall not exceed 80 percent.

''(3) TREATMENT OF AMTRAK REVENUE.—If Amtrak or another rail passenger carrier is an applicant under this section, Amtrak or the other rail passenger carrier, as applicable, may use ticket and other revenues generated from its operations and other sources to satisfy the non-Federal share requirements.

''(h) LETTERS OF INTENT.—

''(1) IN GENERAL.—The Secretary may issue a letter of intent to a grantee under this section that—

''(A) announces an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project; and

''(B) states that the contingent commitment—

''(i) is not an obligation of the Federal Government; and

''(ii) is subject to the availability of appropriations under Federal law and to Federal laws in force or enacted after the date of the contingent commitment.

''(2) CONGRESSIONAL NOTIFICATION.—

''(A) IN GENERAL.—Not later than 30 days before issuing a letter under paragraph (1), the Secretary shall submit written notification to—

''(i) the Committee on Commerce, Science, and Transportation of the Senate;

''(ii) the Committee on Appropriations of the Senate;

''(iii) the Committee on Transportation and Infrastructure of the House of Representatives; and

''(iv) the Committee on Appropriations of the House of Representatives.

''(B) CONTENTS.—The notification submitted pursuant to subparagraph (A) shall include—

''(i) a copy of the proposed letter or agreement;

''(ii) the criteria used under subsection (d) for selecting the project for a grant award; and

''(iii) a description of how the project meets such criteria.

''(3) APPROPRIATIONS REQUIRED.—An obligation or administrative commitment may be made under this section only when amounts are appropriated for such purpose.

''(i) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.

''(j) GRANT CONDITIONS.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the requirements under this chapter.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 244 is amended by inserting after the item relating to section 24406 the following:

''24407. Federal-State partnership for state of good repair.''.

**SEC. 35303. LARGE CAPITAL PROJECT REQUIREMENTS.**

Section 24402 is amended by adding at the end the following:

''(m) LARGE CAPITAL PROJECT REQUIREMENTS.—

''(1) IN GENERAL.—For a grant awarded under this chapter for an amount in excess of $1,000,000,000, the following conditions shall apply:

''(A) The Secretary of Transportation may not obligate any funding unless the applicant demonstrates, to the satisfaction of the Secretary, that the applicant has committed, and will be able to fulfill, the non-Federal share required for the grant within the applicant's proposed project completion timetable.

''(B) The Secretary may not obligate any funding for work activities that occur after the completion of final design unless—

''(i) the applicant submits a financial plan to the Secretary that generally identifies the sources of the non-Federal funding required for any subsequent segments or phases of the corridor service development program covering the project for which the grant is awarded;

''(ii) the grant will result in a useable segment, a transportation facility, or equipment, that has operational independence or is financially sustainable; and

''(iii) the intercity passenger rail benefits anticipated to result from the grant, such as increased speed, improved on-time performance, reduced trip time, increased frequencies, new service, safety improvements, improved accessibility, or other significant enhancements, are detailed by the grantee and approved by the Secretary.

''(C)(i) The Secretary shall ensure that the project is maintained to the level of utility that is necessary to support the benefits approved under subparagraph (B)(iii) for a period of 20 years from the date on which the useable segment, transportation facility, or equipment described in subparagraph (B)(ii) is placed in service.

''(ii) If the project property is not maintained as required under clause (i) for a 12-month period, the grant recipient shall refund a pro-rata share of the Federal contribution, based upon the percentage remaining of the 20-year period that commenced when the project property was placed in service.

''(2) EARLY WORK.—The Secretary may allow a grantee subject to this subsection to engage in at-risk work activities subsequent to the conclusion of final design if the Secretary determines that such work activities are reasonable and necessary.''.

**SEC. 35304. SMALL BUSINESS PARTICIPATION STUDY.**

(a) STUDY.—The Secretary shall conduct a nationwide disparity and availability study on the availability and use of small business concerns owned and controlled by socially and economically disadvantaged individuals and veteran-owned small businesses in publicly funded intercity passenger rail service projects.

(b) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit a report containing the results of the study conducted under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(c) DEFINITIONS.—In this section:

(1) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632), except that the term does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals that have average annual gross receipts during the preceding 3 fiscal years in excess of $22,410,000, as adjusted annually by the Secretary for inflation.

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUAL.—The term ''socially and economically disadvantaged individual'' has the meaning given such term in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to such Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(3) VETERAN-OWNED SMALL BUSINESS.—The term ''veteran-owned small business'' has the meaning given the term ''small business concern owned and controlled by veterans'' in section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3)), except that the term does not include any concern or group of concerns controlled by the same veterans that have average annual gross receipts during the preceding 3 fiscal years in excess of $22,410,000, as adjusted annually by the Secretary for inflation.

**SEC. 35305. GULF COAST RAIL SERVICE WORKING GROUP.**

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall convene a working group to evaluate the restoration of intercity rail passenger service in the Gulf Coast region between New Orleans, Louisiana, and Orlando, Florida.

(b) MEMBERSHIP.—The working group convened pursuant to subsection (a) shall consist of representatives of—

(1) the Federal Railroad Administration, which shall serve as chair of the working group;

(2) Amtrak;

(3) the States along the proposed route or routes;

(4) regional transportation planning organizations and metropolitan planning organizations, municipalities, and communities along the proposed route or routes, which shall be selected by the Administrator;

(5) the Southern Rail Commission;

(6) freight railroad carriers whose tracks may be used for such service; and

(7) other entities determined appropriate by the Secretary, which may include independent passenger rail operators that express an interest in Gulf Coast service.

(c) RESPONSIBILITIES.—The working group shall—

(1) evaluate all options for restoring intercity rail passenger service in the Gulf Coast region, including options outlined in the report transmitted to Congress pursuant to section 226 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432);

(2) select a preferred option for restoring such service;

(3) develop a prioritized inventory of capital projects and other actions required to restore such service and cost estimates for such projects or actions; and

(4) identify Federal and non-Federal funding sources required to restore such service, including options for entering into public-private partnerships to restore such service.

(d) REPORT.—Not later than 9 months after the date of enactment of this Act, the working group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(1) the preferred option selected under subsection (c)(2) and the reasons for selecting such option;

(2) the information described in subsection (c)(3);

(3) the funding sources identified under subsection (c)(4);

(4) the costs and benefits of restoring intercity rail passenger transportation in the region; and

(5) any other information the working group determines appropriate.

**SEC. 35306. INTEGRATED PASSENGER RAIL WORKING GROUP.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall convene a working group to review issues relating to—

(1) the potential operation of State-supported routes by rail passenger carriers other than Amtrak; and

(2) their role in establishing an integrated intercity passenger rail network in the United States.

(b) MEMBERSHIP.—The working group shall consist of a balanced representation of—

(1) the Federal Railroad Administration, who shall chair the Working Group;

(2) States that fund State-sponsored routes;

(3) independent passenger rail operators, including those that carry at least 5,000,000 passengers annually in United States or international rail service;

(4) Amtrak;

(5) railroads that host intercity State-supported routes;

(6) employee representatives from railroad unions and building trade unions with substantial engagement in railroad rights of way construction and maintenance; and

(7) other entities determined appropriate by the Secretary.

(c) RESPONSIBILITIES.—The working group shall evaluate options for improving State-supported routes and may make recommendations, as appropriate, regarding—

(1) best practices for State or State authority governance of State-supported routes;

(2) future sources of Federal and non-Federal funding sources for State-supported routes;

(3) best practices in obtaining passenger rail operations and services on a competitive basis with the objective of creating the highest quality service at the lowest cost to the taxpayer;

(4) ensuring potential interoperability of State-supported routes as a part of a national network with multiple providers providing integrated services including ticketing, scheduling, and route planning; and

(5) the interface between State-supported routes and connecting commuter rail operations, including maximized intra-modal and intermodal connections and common sources of funding for capital projects.

(d) MEETINGS.—Not later than 60 days after the establishment of the working group by the Secretary under subsection (a), the working group shall convene an organizational meeting outside of the District of Columbia and shall define the rules and procedures governing the proceedings of the working group. The working group shall hold at least 3 meetings per year in States that fund State-supported routes.

(e) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 1 year after the date the working group is established, the working group shall submit a

preliminary report to the Secretary, the Governors of States funding State-supported routes, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(A) administrative recommendations that can be implemented by a State and State authority or by the Secretary; and

(B) preliminary legislative recommendations.

(2) FINAL LEGISLATIVE RECOMMENDATIONS.—Not later than 2 years after the date the working group is established, the working group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes final legislative recommendations.

**SEC. 35307. SHARED-USE STUDY.**

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with Amtrak, commuter rail authorities, and other passenger rail operators, railroad carriers that own rail infrastructure over which both passenger and freight trains operate, States, the Surface Transportation Board, the Northeast Corridor Commission established under section 24905, the State-Supported Route Committee established under section 24712, and groups representing rail passengers and customers, as appropriate, shall complete a study that evaluates—

(1) the shared use of right-of-way by passenger and freight rail systems; and

(2) the operational, institutional, and legal structures that would best support improvements to the systems referred to in paragraph (1).

(b) AREAS OF STUDY.—In conducting the study under subsection (a), the Secretary shall evaluate—

(1) the access and use of railroad right-of-way by a rail carrier that does not own the right-of-way, such as passenger rail services that operate over privately-owned right-of-way, including an analysis of—

(A) access agreements;

(B) costs of access; and

(C) the resolution of disputes relating to such access or costs;

(2) the effectiveness of existing contractual, statutory, and regulatory mechanisms for establishing, measuring, and enforcing train performance standards, including—

(A) the manner in which passenger train delays are recorded;

(B) the assignment of responsibility for such delays; and

(C) the use of incentives and penalties for performance;

(3) strengths and weaknesses in the existing mechanisms described in paragraph (2) and possible approaches to address the weaknesses;

(4) mechanisms for measuring and maintaining public benefits resulting from publicly funded freight or passenger rail improvements, including improvements directed towards shared-use right-of-way by passenger and freight rail;

(5) approaches to operations, capacity, and cost estimation modeling that—

(A) allows for transparent decisionmaking; and

(B) protects the proprietary interests of all parties;

(6) liability requirements and arrangements, including—

(A) whether to expand statutory liability limits to additional parties;

(B) whether to revise the current statutory liability limits;

(C) whether current insurance levels of passenger rail operators are adequate and whether to establish minimum insurance requirements for such passenger rail operators; and

(D) whether to establish a liability regime modeled after section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210);

(7) the effect on rail passenger services, operations, liability limits and insurance levels of the assertion of sovereign immunity by a State; and

(8) other issues identified by the Secretary.

(c) REPORT.—Not later than 60 days after the study under subsection (a) is complete, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) the results of the study; and

(2) any recommendations for further action, including any legislative proposals consistent with such recommendations.

(d) IMPLEMENTATION.—The Secretary shall integrate the recommendations submitted under subsection (c) into its financial assistance programs under subtitle V of title 49, United States Code, and section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822), as appropriate.

**SEC. 35308. NORTHEAST CORRIDOR COMMISSION.**

(a) COMPOSITION.—Section 24905(a) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting '', infrastructure investments,'' after ''rail operations'';

(B) by amending subparagraph (B) to read as follows:

''(B) members representing the Department of Transportation, including the Office of the Secretary, the Federal Railroad Administration, and the Federal Transit Administration;''; and

(C) in subparagraph (D) by inserting ''and commuter'' after ''freight''; and

(2) by amending paragraph (6) to read as follows:

''(6) The members of the Commission shall elect co-chairs consisting of 1 member described in paragraph (1)(B) and 1 member described in paragraph (1)(C).''.

(b) STATEMENT OF GOALS AND RECOMMENDATIONS.—Section 24905(b) is amended—

(1) in paragraph (1), by inserting ''and periodically update'' after ''develop'';

(2) in paragraph (2)(A), by striking ''beyond those specified in the state of good repair plan under section 211 of the Passenger Rail Investment and Improvement Act of 2008'';

and

(3) by adding at the end the following:

''(3) SUBMISSION OF STATEMENT OF GOALS, RECOMMENDATIONS, AND PERFORMANCE REPORTS.—The Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

''(A) any updates made to the statement of goals developed under paragraph (1) not later than 60 days after such updates are made; and

''(B) annual performance reports and recommendations for improvements, as appropriate, issued not later than March 31 of each year, for the prior fiscal year, which summarize—

''(i) the operations and performance of commuter, intercity, and freight rail transportation along the Northeast Corridor; and

''(ii) the delivery of the capital plan described in section 24904.''.

(c) COST ALLOCATION POLICY.—Section 24905(c) is amended—

(1) in the subsection heading, by striking ''ACCESS COSTS'' and inserting ''ALLOCATION OF COSTS'';

(2) in paragraph (1)—

(A) in the paragraph heading, by striking ''FORMULA'' and inserting ''POLICY'';

(B) in the matter preceding subparagraph (A), by striking ''Within 2 years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, the Commission'' and inserting ''The Commission'';

(C) in subparagraph (A), by striking ''formula'' and inserting ''policy''; and

(D) by striking subparagraph (B) through (D) and inserting the following:

''(B) develop a proposed timetable for implementing the policy;

''(C) submit the policy and timetable developed under subparagraph (B) to the Surface Transportation Board, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives;

''(D) not later than October 1, 2015, adopt and implement the policy in accordance with the timetable; and

''(E) with the consent of a majority of its members, the Commission may petition the Surface Transportation Board to appoint a mediator to assist the Commission members through nonbinding mediation to reach an agreement under this section.'';

(3) in paragraph (2)—

(A) by striking ''formula proposed in'' and inserting ''policy developed under''; and

(B) in the second sentence—

(i) by striking ''the timetable, the Commission shall petition the Surface Transportation Board to'' and inserting ''paragraph (1)(D) or fail to comply with the policy thereafter, the Surface Transportation Board shall''; and

(ii) by striking ''amounts for such services in accordance with section 24904(c) of this title'' and inserting ''for such usage in accordance with the procedures and procedural schedule applicable to a proceeding under section 24903(c), after taking into consideration the policy developed under paragraph (1)(A), as applicable'';

(4) in paragraph (3), by striking ''formula'' and inserting ''policy''; and

(5) by adding at the end the following:

''(4) REQUEST FOR DISPUTE RESOLUTION.—If a dispute arises with the implementation of, or compliance with, the policy developed under paragraph (1), the Commission, Amtrak, or public authorities providing commuter rail passenger transportation on the Northeast Corridor may request that the Surface Transportation Board conduct dispute resolution. The Surface Transportation Board shall establish procedures for resolution of disputes brought before it under this paragraph, which may include the provision of professional mediation services.''.

(d) CONFORMING AMENDMENTS.—Section 24905 is amended—

(1) by striking subsection (d);

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively;

(3) in subsection (d), as redesignated, by striking ''to the Commission such sums as may be necessary for the period encompassing fiscal years 2009 through 2013 to carry out this section'' and inserting ''to the Secretary for the use of the Commission and the Northeast Corridor Safety Committee such sums as may be necessary to carry out this section during fiscal year 2016 through 2019, in addition to amounts withheld under section 35101(e) of the Railroad Reform, Enhancement, and Efficiency Act''; and

(4) in subsection (e)(2), as redesignated, by striking ''on the main line.'' and inserting ''on the main line and meet annually with the Commission on the topic of Northeast Corridor safety and security.''.

(e) NORTHEAST CORRIDOR PLANNING.—

(1) AMENDMENT.—Chapter 249 is amended—

(A) by redesignating section 24904 as section 24903; and

(B) by inserting after section 24903, as redesignated, the following:

**"§ 24904. Northeast Corridor planning**

''(a) NORTHEAST CORRIDOR CAPITAL INVESTMENT PLAN.—

''(1) REQUIREMENT.—Not later than May 1 of each year, the Northeast Corridor Commission established under section 24905 (referred to in this section as the 'Commission') shall—

''(A) develop a capital investment plan for the Northeast Corridor main line between Boston, Massachusetts, and the Virginia Avenue interlocking in the District of Columbia, and the Northeast Corridor branch lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York, including the facilities and services used to operate and maintain those lines; and

''(B) submit the capital investment plan to the Secretary of Transportation and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(2) CONTENTS.—The capital investment plan shall—

''(A) reflect coordination and network optimization across the entire Northeast Corridor;

''(B) integrate the individual capital and service plans developed by each operator using the methods described in the cost allocation policy developed under section 24905(c);

''(C) cover a period of 5 fiscal years, beginning with the first fiscal year after the date on which the plan is completed;

''(D) notwithstanding section 24902(b), identify, prioritize, and phase the implementation of projects and programs to achieve the service outcomes identified in the Northeast Corridor service development plan and the asset condition needs identified in the Northeast Corridor asset management plans, once available, and consider—

''(i) the benefits and costs of capital investments in the plan;

''(ii) project and program readiness;

''(iii) the operational impacts; and

''(iv) funding availability;

''(E) categorize capital projects and programs as primarily associated with;

''(i) normalized capital replacement and basic infrastructure renewals;

''(ii) replacement or rehabilitation of major Northeast Corridor infrastructure assets, including tunnels, bridges, stations, and other assets;

''(iii) statutory, regulatory, or other legal mandates;

''(iv) improvements to support service enhancements or growth; or

''(v) strategic initiatives that will improve overall operational performance or lower costs;

''(F) identify capital projects and programs that are associated with more than 1 category described in subparagraph (E);

''(G) describe the anticipated outcomes of each project or program, including an assessment of—

''(i) the potential effect on passenger accessibility, operations, safety, reliability, and resiliency;

''(ii) the ability of infrastructure owners and operators to meet regulatory requirements if the project or program is not funded; and

''(iii) the benefits and costs; and

''(H) include a financial plan.

''(3) FINANCIAL PLAN.—The financial plan under paragraph (2)(H) shall—

''(A) identify funding sources and financing methods;

''(B) identify the expected allocated shares of costs pursuant to the cost allocation policy developed under section 24905(c);

''(C) identify the projects and programs that the Commission expects will receive Federal financial assistance; and

''(D) identify the eligible entity or entities that the Commission expects will receive the Federal financial assistance described under subparagraph (C).

''(b) FAILURE TO DEVELOP A CAPITAL INVESTMENT PLAN.—If a capital investment plan has not been developed by the Commission for a given fiscal year, then the funds assigned to the account established under section 24319(b) for that fiscal year may be spent only on—

''(1) capital projects described in clause (i) or (iii) of subsection (a)(2)(E) of this section; or

''(2) capital projects described in subsection (a)(2)(E)(iv) of this section that are for the sole benefit of Amtrak.

''(c) NORTHEAST CORRIDOR ASSET MANAGEMENT.—

''(1) CONTENTS.—With regard to its infrastructure, Amtrak and each State and public transportation entity that owns infrastructure that supports or provides for intercity rail passenger transportation on the Northeast Corridor shall develop an asset management system and develop and update, as necessary, a Northeast Corridor asset management plan for each service territory described in subsection (a) that—

''(A) are consistent with the Federal Transit Administration process, as authorized under section 5326, when implemented; and

''(B) include, at a minimum—

''(i) an inventory of all capital assets owned by the developer of the asset management plan;

''(ii) an assessment of asset condition;

''(iii) a description of the resources and processes necessary to bring or maintain those assets in a state of good repair, including decision-support tools and investment prioritization methods; and

''(iv) a description of changes in asset condition since the previous version of the plan.

''(2) TRANSMITTAL.—Each entity described in paragraph (1) shall transmit to the Commission—

''(A) not later than 2 years after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, its Northeast Corridor asset management plan developed under paragraph (1); and

''(B) at least biennial thereafter, an update to its Northeast Corridor asset management plan.

''(d) NORTHEAST CORRIDOR SERVICE DEVELOPMENT PLAN UPDATES.—Not less frequently than once every 10 years, the Commission shall update the Northeast Corridor service development plan.''.

(2) CONFORMING AMENDMENTS.—

(A) NOTE AND MORTGAGE.—Section 24907(a) is amended by striking ''section 24904 of this title'' and inserting ''section 24903''.

(B) TABLE OF CONTENTS AMENDMENT.—The table of contents for chapter 249 is amended—

(i) by redesignating the item relating to section 24904 as relating to section 24903; and

(ii) by inserting after the item relating to section 24903, as redesignated, the following: ''24904. Northeast Corridor planning.''.

(3) REPEAL.—Section 211 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432; 49 U.S.C. 24902 note) is repealed.

**SEC. 35309. NORTHEAST CORRIDOR THROUGH-TICKETING AND PROCUREMENT EFFICIENCIES.**

(a) THROUGH-TICKETING STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Northeast Corridor Commission established under section 24905(a) of title 49, United States Code (referred to in this section as the ''Commission''), in consultation with Amtrak and the commuter rail passenger transportation providers along the Northeast Corridor shall complete a study on the feasibility of and options for permitting through-ticketing between Amtrak service and commuter rail services on the Northeast Corridor.

(2) CONTENTS.—In completing the study under paragraph (1), the Northeast Corridor Commission shall—

(A) examine the current state of intercity and commuter rail ticketing technologies, policies, and other relevant aspects on the Northeast Corridor;

(B) consider and recommend technology, process, policy, or other options that would permit through-ticketing to allow intercity and commuter rail passengers to purchase, in a single transaction, travel that utilizes Amtrak and connecting commuter rail services;

(C) consider options to expand through-ticketing to include local transit services;

(D) summarize costs, benefits, opportunities, and impediments to developing such through-ticketing options; and

(E) develop a proposed methodology, including cost and schedule estimates, for carrying out a pilot program on through-ticketing on the Northeast Corridor.

(3) REPORT.—Not later than 60 days after the date the study under paragraph (1) is complete, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(A) the results of the study; and

(B) any recommendations for further action.

(b) JOINT PROCUREMENT STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in cooperation with the Commission, Amtrak, and commuter rail transportation authorities on the Northeast Corridor shall complete a study of the potential benefits resulting from Amtrak and such authorities undertaking select joint procurements for common materials, assets, and equipment when expending Federal funds for such purchases.

(2) CONTENTS.—In completing the study under paragraph (1), the Secretary shall consider—

(A) the types of materials, assets, and equipment that are regularly purchased by Amtrak and such authorities that are similar and could be jointly procured;

(B) the potential benefits of such joint procurements, including lower procurement costs, better pricing, greater market relevancy, and other efficiencies;

(C) the potential costs of such joint procurements;

(D) any significant impediments to undertaking joint procurements, including any necessary harmonization and reconciliation of Federal and State procurement or safety regulations or standards and other requirements; and

(E) whether to create Federal incentives or requirements relating to considering or carrying out joint procurements when expending Federal funds.

(3) TRANSMISSION.—Not later than 60 days after completing the study required under this subsection, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the

Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(A) the results of the study; and

(B) any recommendations for further action.

(c) NORTHEAST CORRIDOR.—In this section, the term ''Northeast Corridor'' means the Northeast Corridor main line between Boston, Massachusetts, and the Virginia Avenue interlocking in the District of Columbia, and the Northeast Corridor branch lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York, including the facilities and services used to operate and maintain those lines.

**SEC. 35310. DATA AND ANALYSIS.**

(a) DATA.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Surface Transportation Board, Amtrak, freight railroads, State and local governments, and regional business, tourism and economic development agencies shall conduct a data needs assessment—

(1) to support the development of an efficient and effective intercity passenger rail network;

(2) to identify the data needed to conduct cost-effective modeling and analysis for intercity passenger rail development programs;

(3) to determine limitations to the data used for inputs;

(4) to develop a strategy to address such limitations;

(5) to identify barriers to accessing existing data;

(6) to develop recommendations regarding whether the authorization of additional data collection for intercity passenger rail travel is warranted; and

(7) to determine which entities will be responsible for generating or collecting needed data.

(b) BENEFIT-COST ANALYSIS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enhance the usefulness of assessments of benefits and costs, for intercity passenger rail and freight rail projects—

(1) by providing ongoing guidance and training on developing benefit and cost information for rail projects;

(2) by providing more direct and consistent requirements for assessing benefits and costs across transportation funding programs, including the appropriate use of discount rates;

(3) by requiring applicants to clearly communicate the methodology used to calculate the project benefits and costs, including 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 values to apply for key assumptions used to estimate potential project benefits and costs.

(c) CONFIDENTIAL DATA.—The Secretary shall protect sensitive or confidential to the greatest extent permitted by law. Nothing in this section shall require any entity to provide information to the Secretary in the absence of a voluntary agreement.

**SEC. 35311. PERFORMANCE-BASED PROPOSALS.**

(a) SOLICITATION OF PROPOSALS.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue a request for proposals for projects for the financing, design, construction, operation, and maintenance of an intercity passenger rail system, including—

(A) the Northeast Corridor;

(B) the California Corridor;

(C) the Empire Corridor;

(D) the Pacific Northwest Corridor;

(E) the South Central Corridor;

(F) the Gulf Coast Corridor;

(G) the Chicago Hub Network;

(H) the Florida Corridor;

(I) the Keystone Corridor;

(J) the Northern New England Corridor; and

(K) the Southeast Corridor.

(2) SUBMISSION.—Proposals shall be submitted to the Secretary not later than 180 days after the publication of such request for proposals under paragraph (1).

(3) PERFORMANCE STANDARD.—Proposals submitted under paragraph (2) shall meet any standards established by the Secretary. For corridors with existing intercity passenger rail service, proposals shall also be designed to achieve a reduction of existing minimum intercity rail service trip times between the main corridor city pairs by a minimum of 25 percent. In the case of a proposal submitted with respect to paragraph (1)(A), the proposal shall be designed to achieve a 2-hour or less express service between Washington, District of Columbia, and New York City, New York.

(4) CONTENTS.—A proposal submitted under this subsection shall include—

(A) the names and qualifications of the persons submitting the proposal and the entities proposed to finance, design, construct, operate, and maintain the railroad, railroad equipment, and related facilities, stations, and infrastructure;

(B) a detailed description of the proposed rail service, including possible routes, required infrastructure investments and improvements, equipment needs and type, train frequencies, peak and average operating speeds, and trip times;

(C) a description of how the project would comply with all applicable Federal rail safety and security laws, orders, and regulations;

(D) the locations of proposed stations, which maximize the usage of existing infrastructure to the extent possible, and the populations such stations are intended to serve;

(E) the type of equipment to be used, including any technologies, to achieve trip time goals;

(F) a description of any proposed legislation needed to facilitate all aspects of the project;

(G) a financing plan identifying—

(i) projected revenue, and sources thereof;

(ii) the amount of any requested public contribution toward the project, and proposed sources;

(iii) projected annual ridership projections for the first 10 years of operations;

(iv) annual operations and capital costs;

(v) the projected levels of capital investments required both initially and in subsequent years to maintain a state-of-good-repair necessary to provide the initially proposed level of service or higher levels of service;

(vi) projected levels of private investment and sources thereof, including the identity of any person or entity that has made or is expected to make a commitment to provide or secure funding and the amount of such commitment; and

(vii) projected funding for the full fair market compensation for any asset, property right or interest, or service acquired from, owned, or held by a private person or Federal entity that would be acquired, impaired, or diminished in value as a result of a project, except as otherwise agreed to by the private person or entity;

(H) a description of how the project would contribute to the development of the intercity passenger rail system and an intermodal plan describing how the system will facilitate convenient travel connections with other transportation services;

(I) a description of how the project will ensure compliance with Federal laws governing the rights and status of employees associated with the route and service, including those specified in section 24405 of title 49, United States Code;

(J) a description of how the design, construction, implementation, and operation of the project will accommodate and allow for future growth of existing and projected intercity, commuter, and freight rail service;

(K) a description of how the project would comply with Federal and State environmental laws and regulations, of what environmental impacts would result from the project, and of how any adverse impacts would be mitigated; and

(L) a description of the project's impacts on highway and aviation congestion, energy consumption, land use, and economic development in the service area.

(b) DETERMINATION AND ESTABLISHMENT OF COMMISSIONS.—Not later than 90 days after receipt of the proposals under subsection (a), the Secretary shall—

(1) make a determination as to whether any such proposals—

(A) contain the information required under paragraphs (3) and (4) of subsection (a);

(B) are sufficiently credible to warrant further consideration;

(C) are likely to result in a positive impact on the Nation's transportation system; and

(D) are cost-effective and in the public interest;

(2) establish a commission under subsection (c) for each corridor with 1 or more proposals that the Secretary determines satisfy the requirements of paragraph (1); and

(3) forward to each commission established under paragraph (2) the applicable proposals for review and consideration.

(c) COMMISSIONS.—

(1) MEMBERS.—Each commission established under subsection (b)(2) shall include—

(A) the governors of the affected States, or their respective designees;

(B) mayors of appropriate municipalities with stops along the proposed corridor, or their respective designees;

(C) a representative from each freight railroad carrier using the relevant corridor, if applicable;

(D) a representative from each transit authority using the relevant corridor, if applicable;

(E) representatives of nonprofit employee labor organizations representing affected railroad employees; and

(F) the President of Amtrak or his or her designee.

(2) APPOINTMENT AND SELECTION.—The Secretary shall appoint the members under paragraph (1). In selecting each commission's members to fulfill the requirements under subparagraphs (B) and (E) of paragraph (1), the Secretary shall consult with the Chairperson and Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate and of the Committee on Transportation and Infrastructure of the House of Representatives.

(3) CHAIRPERSON AND VICE-CHAIRPERSON SELECTION.—The Chairperson and Vice-Chairperson shall be elected from among members of each commission.

(4) QUORUM AND VACANCY.—

(A) QUORUM.—A majority of the members of each commission shall constitute a quorum.

(B) VACANCY.—Any vacancy in each commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(5) APPLICATION OF LAW.—Except where otherwise provided by this section, the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to each commission created under this section.

(d) COMMISSION CONSIDERATION.—

(1) IN GENERAL.—Each commission established under subsection (b)(2) shall be responsible for reviewing the proposal or proposals forwarded to it under that subsection and not later than 90 days after the establishment of the commission, shall transmit to the Secretary a report, including—

(A) a summary of each proposal received;

(B) services to be provided under each proposal, including projected ridership, revenues, and costs;

(C) proposed public and private contributions for each proposal;

(D) the advantages offered by the proposal over existing intercity passenger rail services;

(E) public operating subsidies or assets needed for the proposed project;

(F) possible risks to the public associated with the proposal, including risks associated with project financing, implementation, completion, safety, and security;

(G) a ranked list of the proposals recommended for further consideration under subsection (e) in accordance with each proposal's projected positive impact on the Nation's transportation system;

(H) an identification of any proposed Federal legislation that would facilitate implementation of the projects and Federal legislation that would be required to implement the projects; and

(I) any other recommendations by the commission concerning the proposed projects.

(2) VERBAL PRESENTATION.—Proposers shall be given an opportunity to make a verbal presentation to the commission to explain their proposals.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the use of each commission established under subsection (b)(2) such sums as are necessary to carry out this section.

(e) SELECTION BY SECRETARY.—

(1) IN GENERAL.—Not later than 60 days after receiving the recommended proposals of the commissions established under subsection (b)(2), the Secretary shall—

(A) review such proposals and select any proposal that provides substantial benefits to the public and the national transportation system, is cost-effective, offers significant advantages over existing services, and meets other relevant factors determined appropriate by the Secretary; and

(B) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing any proposal with respect to subsection (a)(1)(A) that is selected by the Secretary under subparagraph (A) of this paragraph, all the information regarding the proposal provided to the Secretary under subsection (d), and any other information the Secretary considers relevant.

(2) SUBSEQUENT REPORT.—Following the submission of the report under paragraph (1)(B), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing any proposal with respect to subparagraphs (B) through (K) of subsection (a)(1) that are selected by the Secretary under paragraph (1) of this subsection, all the information regarding the proposal provided to the Secretary under subsection (d), and any other information the Secretary considers relevant.

(3) LIMITATION ON REPORT SUBMISSION.—The report required under paragraph (2) shall not be submitted by the Secretary until the report submitted under paragraph (1)(B) has been considered through a hearing by the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the report submitted under paragraph (1)(B).

(f) NO ACTIONS WITHOUT ADDITIONAL AUTHORITY.—No Federal agency may take any action to implement, establish, facilitate, or otherwise act upon any proposal submitted under this section, other than those actions specifically authorized by this section, without explicit statutory authority enacted after the date of enactment of this Act.

(g) DEFINITIONS.—In this section:

(1) INTERCITY PASSENGER RAIL.—The term ''intercity passenger rail'' means intercity rail passenger transportation as defined in section 24102 of title 49, United States Code.

(2) STATE.—The term ''State'' means any of the 50 States or the District of Columbia.

**SEC. 35312. AMTRAK INSPECTOR GENERAL.**

(a) AUTHORITY.—

(1) IN GENERAL.—The Inspector General of Amtrak shall have the authority available to other Inspectors General, as necessary in carrying out the duties specified in the Inspector General Act of 1978 (5 U.S.C. App.), to investigate any alleged violation of sections 286, 287, 371, 641, 1001, 1002 and 1516 of title 18, United States Code.

(2) AGENCY.—For purposes of sections 286, 287, 371, 641, 1001, 1002, and 1516 of title 18, United States Code, Amtrak and the Amtrak Office of Inspector General, shall be considered a corporation in which the United States has a proprietary interest as set forth in section 6 of that title.

(b) ASSESSMENT.—The Inspector General of Amtrak shall—

(1) not later than 60 days after the date of enactment of this Act, initiate an assessment to determine whether current expenditures or procurements involving Amtrak's fulfillment of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) utilize competitive, market-driven provisions that are applicable throughout the entire term of such related expenditures or procurements; and

(2) not later than 6 months after the date of enactment of this Act, transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the assessment under paragraph (1).

(c) LIMITATION.—The authority provided by subsections (a) and (b) shall be effective only with respect to a fiscal year for which Amtrak receives a Federal subsidy.

**SEC. 35313. MISCELLANEOUS PROVISIONS.**

(a) TITLE 49 AMENDMENTS.—

(1) CONTINGENT INTEREST RECOVERIES.—Section 22106(b) is amended by striking ''interest thereof'' and inserting ''interest thereon''.

(2) AUTHORITY.—Section 22702(b)(4) is amended by striking ''5 years for reapproval by the Secretary'' and inserting ''4 years for acceptance by the Secretary''.

(3) CONTENTS OF STATE RAIL PLANS.—Section 22705(a) is amended by striking paragraph (12).

(4) MISSION.—Section 24101(b) is amended by striking ''of subsection (d)'' and inserting ''set forth in subsection (c)''.

(5) TABLE OF CONTENTS AMENDMENT.—The table of contents for chapter 243 is amended by striking the item relating to section 24316 and inserting the following:

''24316. Plans to address the needs of families of passengers involved in rail passenger accidents.''.

(6) UPDATE.—Section 24305(f)(3) is amended by striking ''$1,000,000'' and inserting ''$5,000,000''.

(7) AMTRAK.—Chapter 247 is amended—

(A) in section 24702(a), by striking ''not included in the national rail passenger transportation system'';

(B) in section 24706—

(i) in subsection (a)—

(I) in paragraph (1), by striking ''a discontinuance under section 24704 or or''; and

(II) in paragraph (2), by striking ''section 24704 or''; and

(ii) in subsection (b), by striking ''section 24704 or''; and

(C) in section 24709, by striking ''The Secretary of the Treasury and the Attorney General,'' and inserting ''The Secretary of Homeland Security,''.

(b) PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT AMENDMENTS.—Section 305(a) of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended by inserting ''nonprofit organizations representing employees who perform overhaul and maintenance of passenger railroad equipment,'' after ''equipment manufacturers,''.

## Subtitle D—Rail Safety

## PART I—SAFETY IMPROVEMENT

**SEC. 35401. HIGHWAY-RAIL GRADE CROSSING SAFETY.**

(a) MODEL STATE HIGHWAY-RAIL GRADE CROSSING ACTION PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a model of a State-specific highway-rail grade crossing action plan and distribute the model plan to each State.

(2) CONTENTS.—The plan developed under paragraph (1) shall include—

(A) methodologies, tools, and data sources for identifying and evaluating highway-rail grade crossing safety risks, including the public safety risks posed by blocked highway-rail grade crossings due to idling trains;

(B) best practices to reduce the risk of highway-rail grade crossing accidents or incidents and to alleviate the blockage of highway-rail grade crossings due to idling trains, including strategies for—

(i) education, including model stakeholder engagement plans or tools;

(ii) engineering, including the benefits and costs of different designs and technologies used to mitigate highway-rail grade crossing safety risks; and

(iii) enforcement, including the strengths and weaknesses associated with different enforcement methods;

(C) for each State, a customized list and data set of the highway-rail grade crossing accidents or incidents in that State over the past 3 years, including the location, number of deaths, and number of injuries for each accident or incident; and

(D) contact information of a Department of Transportation safety official available to assist the State in adapting the model plan to satisfy the requirements under subsection (b).

(b) STATE HIGHWAY-RAIL GRADE CROSSING ACTION PLANS.—

(1) REQUIREMENTS.—Not later than 18 months after the Secretary develops and distributes the model plan under subsection (a), the Secretary shall promulgate a rule that requires—

(A) each State, except the 10 States identified under section 202 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note), to develop and implement a State highway-rail grade crossing action plan; and

(B) each State that was identified under section 202 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note), to update its State action plan under that section and

submit to the Secretary the updated State action plan and a report describing what the State did to implement its previous State action plan under that section and how it will continue to reduce highway-rail grade crossing safety risks.

(2) CONTENTS.—Each State plan required under this subsection shall—

(A) identify highway-rail grade crossings that have experienced recent highway-rail grade crossing accidents or incidents, or are at high-risk for accidents or incidents;

(B) identify specific strategies for improving safety at highway-rail grade crossings, including highway-rail grade crossing closures or grade separations; and

(C) designate a State official responsible for managing implementation of the State plan under subparagraph (A) or (B) of paragraph (1), as applicable.

(3) ASSISTANCE.—The Secretary shall provide assistance to each State in developing and carrying out, as appropriate, the State plan under this subsection.

(4) PUBLIC AVAILABILITY.—Each State shall submit its final State plan under this subsection to the Secretary for publication. The Secretary shall make each approved State plan publicly available on an official Internet Web site.

(5) CONDITIONS.—The Secretary may condition the awarding of a grant to a State under chapter 244 of title 49, United States Code, on that State submitting an acceptable State plan under this subsection.

(6) REVIEW OF ACTION PLANS.—Not later than 60 days after the date of receipt of a State plan under this subsection, the Secretary shall—

(A) if the State plan is approved, notify the State and publish the State plan under paragraph (4); and

(B) if the State plan is incomplete or deficient, notify the State of the specific areas in which the plan is deficient and allow the State to complete the plan or correct the deficiencies and resubmit the plan under paragraph (1).

(7) DEADLINE.—Not later than 60 days after the date of a notice under paragraph (6)(B), a State shall complete the plan or correct the deficiencies and resubmit the plan.

(8) FAILURE TO COMPLETE OR CORRECT PLAN.—If a State fails to meet the deadline under paragraph (7), the Secretary shall post on the Web site under paragraph (4) a notice that the State has an incomplete or deficient highway-rail grade crossing action plan.

(c) RAILWAY-HIGHWAY CROSSINGS FUNDS.—The Secretary may use funds made available to carry out section 130 of title 23, United States Code, to provide States with funds to develop a State highway-rail grade crossing action plan under subsection (b)(1)(A) of this section or to update a State action plan under subsection (b)(1)(B) of this section.

(d) DEFINITIONS.—In this section:

(1) HIGHWAY-RAIL GRADE CROSSING.—The term ''highway-rail grade crossing'' means a location within a State, other than a location where 1 or more railroad tracks cross 1 or more railroad tracks at grade, where—

(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses 1 or more railroad tracks either at grade or grade-separated; or

(B) a pathway explicitly authorized by a public authority or a railroad carrier that is dedicated for the use of non-vehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private roadway, crosses 1 or more railroad tracks either at grade or grade-separated.

(2) STATE.—The term ''State'' means a State of the United States or the District of Columbia.

**SEC. 35402. SPEED LIMIT ACTION PLANS.**

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, each railroad carrier providing intercity rail passenger transportation or commuter rail passenger transportation, in consultation with any applicable host railroad carrier, shall survey its entire system and identify each main track location where there is a reduction of more than 20 miles per hour from the approach speed to a curve or bridge and the maximum authorized operating speed for passenger trains at that curve or bridge.

(b) ACTION PLANS.—Not later than 120 days after the date that the survey under subsection (a) is complete, a rail passenger carrier shall submit to the Secretary an action plan that—

(1) identifies each main track location where there is a reduction of more than 20 miles per hour from the approach speed to a curve or bridge and the maximum authorized operating speed for passenger trains at that curve or bridge;

(2) describes appropriate actions, including modification to automatic train control systems, if applicable, other signal systems, increased crew size, improved signage, or other practices, including increased crew communication, to enable warning and enforcement of the maximum authorized speed for passenger trains at each location identified under paragraph (1);

(3) contains milestones and target dates for implementing each appropriate action described under paragraph (2); and

(4) ensures compliance with the maximum authorized speed at each location identified under paragraph (1).

(c) APPROVAL.—Not later than 90 days after the date an action plan is submitted under subsection (a), the Secretary shall approve, approve with conditions, or disapprove the action plan.

(d) ALTERNATIVE SAFETY MEASURES.—The Secretary may exempt from the requirements of this section each segment of track for which operations are governed by a positive train control system certified under section 20157 of title 49, United States Code, or any other safety technology or practice that would achieve an equivalent or greater level of safety in reducing derailment risk.

(e) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(1) the actions the railroad carriers have taken in response to Safety Advisory 2013–08, entitled ''Operational Tests and Inspections for Compliance With Maximum Authorized Train Speeds and Other Speed Restrictions'';

(2) the actions the railroad carriers have taken in response to Safety Advisory 2015–03, entitled ''Operational and Signal Modifications for Compliance with Maximum Authorized Passenger Train Speeds and Other Speed Restrictions''; and

(3) the actions the Federal Railroad Administration has taken to evaluate or incorporate the information and findings arising from the safety advisories referred to in paragraphs (1) and (2) into the development of regulatory action and oversight activities.

(f) SAVINGS CLAUSE.—Nothing in this section shall prohibit the Secretary from applying the requirements of this section to other segments of track at high risk of overspeed derailment.

**SEC. 35403. SIGNAGE.**

(a) IN GENERAL.—The Secretary shall promulgate such regulations as the Secretary considers necessary to require each railroad carrier providing intercity rail passenger transportation or commuter rail passenger transportation, in consultation with any applicable host railroad carrier, to install signs to warn train crews before the train approaches a location that the Secretary identifies as having high risk of overspeed derailment.

(b) ALTERNATIVE SAFETY MEASURES.—The Secretary may exempt from the requirements of this section each segment of track for which operations are governed by a positive train control system certified under section 20157 of title 49, United States Code, or any other safety technology or practice that would achieve an equivalent or greater level of safety in reducing derailment risk.

**SEC. 35404. ALERTERS.**

(a) IN GENERAL.—The Secretary shall promulgate a rule to require a working alerter in the controlling locomotive of each passenger train in intercity rail passenger transportation (as defined in section 24102 of title 49, United States Code) or commuter rail passenger transportation (as defined in section 24102 of title 49, United States Code).

(b) RULEMAKING.—

(1) IN GENERAL.—The Secretary may promulgate a rule to specify the essential functionalities of a working alerter, including the manner in which the alerter can be reset.

(2) ALTERNATE PRACTICE OR TECHNOLOGY.—The Secretary may require or allow a technology or practice in lieu of a working alerter if the Secretary determines that the technology or practice would achieve an equivalent or greater level of safety in enhancing or ensuring appropriate locomotive control.

**SEC. 35405. SIGNAL PROTECTION.**

(a) IN GENERAL.—The Secretary shall promulgate regulations to require, not later than 18 months after the date of the enactment of this Act, that on-track safety regulations, whenever practicable and consistent with other safety requirements and operational considerations, include requiring implementation of redundant signal protection, such as shunting or other practices and technologies that achieve an equivalent or greater level of safety, for maintenance-of-way work crews who depend on a train dispatcher to provide signal protection.

(b) ALTERNATIVE SAFETY MEASURES.—The Secretary may exempt from the requirements of this section each segment of track for which operations are governed by a positive train control system certified under section 20157 of title 49, United States Code, or any other safety technology or practice that would achieve an equivalent or greater level of safety in providing additional signal protection.

**SEC. 35406. TECHNOLOGY IMPLEMENTATION PLANS.**

Section 20156(e) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A), by striking ''and'' at the end; and

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(2) by adding at the end the following:

''(C) each railroad carrier required to submit such a plan, until the implementation of a positive train control system by the railroad carrier, shall analyze and, as appropriate, prioritize technologies and practices to mitigate the risk of overspeed derailments.''.

**SEC. 35407. COMMUTER RAIL TRACK INSPECTIONS.**

(a) IN GENERAL.—The Secretary shall evaluate track inspection regulations to determine if a railroad carrier providing commuter rail passenger transportation on high density commuter railroad lines should be required to inspect the lines in the same

manner as currently required for other commuter railroad lines.

(b) RULEMAKING.—Considering safety, including railroad carrier employee and contractor safety, and system capacity, the Secretary may promulgate a rule for high density commuter railroad lines. If, after the evaluation under subsection (a), the Secretary determines that it is necessary to promulgate a rule, the Secretary shall specifically consider the following regulatory requirements for high density commuter railroad lines:

(1) At least once every 2 weeks—

(A) traverse each main line by vehicle; or

(B) inspect each main line on foot.

(2) At least once each month, traverse and inspect each siding by vehicle or by foot.

(c) REPORT.—If, after the evaluation under subsection (a), the Secretary determines it is not necessary to revise the regulations under this section, the Secretary, not later than 18 months after the date of enactment of this Act, shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives explaining the reasons for not revising the regulations.

(d) CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the Secretary to promulgate regulations or issue orders under any other law.

**SEC. 35408. EMERGENCY RESPONSE.**

(a) IN GENERAL.—The Secretary, in consultation with railroad carriers, shall conduct a study to determine whether limitations or weaknesses exist in the emergency response information carried by train crews transporting hazardous materials.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall evaluate the differences between the emergency response information carried by train crews transporting hazardous materials and the emergency response guidance provided in the Emergency Response Guidebook issued by the Department of Transportation.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report of the findings of the study under subsection (a) and any recommendations for legislative action.

**SEC. 35409. PRIVATE HIGHWAY-RAIL GRADE CROSSINGS.**

(a) IN GENERAL.—The Secretary, in consultation with railroad carriers, shall conduct a study—

(1) to determine whether limitations or weaknesses exist regarding the availability and usefulness for safety purposes of data on private highway-rail grade crossings; and

(2) to evaluate existing engineering practices on private highway-rail grade crossings.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall make recommendations as necessary to improve—

(1) the utility of the data on private highway-rail grade crossings; and

(2) the implementation of private highway-rail crossing safety measures, including signage and warning systems.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report of the findings of the study and any recommendations for further action.

**SEC. 35410. REPAIR AND REPLACEMENT OF DAMAGED TRACK INSPECTION EQUIPMENT.**

(a) IN GENERAL.—Subchapter I of chapter 201 is amended by inserting after section 20120 the following:

**"§ 20121. Repair and replacement of damaged track inspection equipment**

''The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third-party liability for such damages, and any amounts collected under this section shall be credited directly to the Railroad Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation, and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.''.

(b) CONFORMING AMENDMENT.—The table of contents for subchapter I of chapter 201 is amended by adding after section 21020 the following:

''20121. Repair and replacement of damaged track inspection equipment.''.

**SEC. 35411. RAIL POLICE OFFICERS.**

(a) IN GENERAL.—Section 28101 is amended—

(1) by striking ''employed by'' each place it appears and inserting ''directly employed by or contracted by'';

(2) in subsection (b), by inserting ''or agent, as applicable,'' after ''an employee''; and

(3) by adding at the end the following:

''(c) TRANSFERS.—

''(1) IN GENERAL.—If a railroad police officer directly employed by or contracted by a rail carrier and certified or commissioned as a police officer under the laws of a State transfers primary employment or residence from the certifying or commissioning State to another State or jurisdiction, the railroad police officer, not later than 1 year after the date of transfer, shall apply to be certified or commissioned as a police office under the laws of the State of new primary employment or residence.

''(2) INTERIM PERIOD.—During the period beginning on the date of transfer and ending 1 year after the date of transfer, a railroad police officer directly employed by or contracted by a rail carrier and certified or commissioned as a police officer under the laws of a State may enforce the laws of the new jurisdiction in which the railroad police officer resides, to the same extent as provided in subsection (a).

''(d) TRAINING.—

''(1) IN GENERAL.—A State shall recognize as meeting that State's basic police officer certification or commissioning requirements for qualification as a rail police officer under this section any individual who successfully completes a program at a State-recognized police training academy in another State or at a Federal law enforcement training center and who is certified or commissioned as a police officer by that other State.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as superseding or affecting any unique State training requirements related to criminal law, criminal procedure, motor vehicle code, or State-mandated comparative or annual in-service training academy or Federal law enforcement training center.''.

(b) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall revise the regulations in part 207 of title 49, Code of Federal Regulations (relating to railroad police officers), to permit a railroad to designate an individual, who is commissioned in the individual's State of legal residence or State of primary employment and directly employed by or contracted by a railroad to enforce State laws for the protection of railroad property, personnel, passengers, and cargo, to serve in the States in which the railroad owns property.

(c) CONFORMING AMENDMENTS.—

(1) AMTRAK RAIL POLICE.—Section 24305(e) is amended—

(A) by striking ''may employ'' and inserting ''may directly employ or contract with'';

(B) by striking ''employed by'' and inserting ''directly employed by or contracted by''; and

(C) by striking ''employed without'' and inserting ''directly employed or contracted without''.

(2) SECURE GUN STORAGE OR SAFETY DEVICE; EXCEPTIONS.—Section 922(z)(2)(B) of title 18 is amended by striking ''employed by'' and inserting ''directly employed by or contracted by''.

**SEC. 35412. OPERATION DEEP DIVE; REPORT.**

(a) PROGRESS REPORTS.—Not later than 60 days after the date of the enactment of this Act, and quarterly thereafter until the completion date, the Administrator of the Federal Railroad Administration shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the progress of Metro-North Commuter Railroad in implementing the directives and recommendations issued by the Federal Railroad Administration in its March 2014 report to Congress titled ''Operation Deep Dive Metro-North Commuter Railroad Safety Assessment''.

(b) FINAL REPORT.—Not later than 30 days after the completion date, the Administrator of the Federal Railroad Administration shall submit a final report on the directives and recommendations to Congress.

(c) DEFINED TERM.—In this section, the term ''completion date'' means the date on which Metro-North Commuter Railroad has completed all of the directives and recommendations referred to in subsection (a).

**SEC. 35413. POST-ACCIDENT ASSESSMENT.**

(a) IN GENERAL.—The Secretary of Transportation, in cooperation with the National Transportation Safety Board and the National Railroad Passenger Corporation (referred to in this section as ''Amtrak''), shall conduct a post-accident assessment of the Amtrak Northeast Regional Train #188 crash on May 12, 2015.

(b) ELEMENTS.—The assessment conducted pursuant to subsection (a) shall include—

(1) a review of Amtrak's compliance with the plan for addressing the needs of the families of passengers involved in any rail passenger accident, which was submitted pursuant to section 24316 of title 49, United States Code;

(2) a review of Amtrak's compliance with the emergency preparedness plan required under section 239.101(a) of title 49, Code of Federal Regulations;

(3) a determination of any additional action items that should be included in the plans referred to in paragraphs (1) and (2) to meet the needs of the passengers involved in the crash and their families, including—

(A) notification of emergency contacts;

(B) dedicated and trained staff to manage family assistance;

(C) the establishment of a family assistance center at the accident locale or other appropriate location;

(D) a system for identifying and recovering items belonging to passengers that were lost in the crash; and

(E) the establishment of a single customer service entity within Amtrak to coordinate the response to the needs of the passengers involved in the crash and their families;

(4) recommendations for any additional training needed by Amtrak staff to better implement the plans referred to in paragraphs (1) and (2), including the establishment of a regular schedule for training drills and exercises.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, Amtrak shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(1) its plan to achieve the recommendations referred to in subsection (b)(4); and

(2) steps that have been taken to address any deficiencies identified through the assessment.

**SEC. 35414. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) ASSISTANCE TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.—Section 1139 is amended—

(1) in subsection (a)(1), by striking ''phone number'' and inserting ''telephone number'';

(2) in subsection (a)(2), by striking ''post trauma communication with families'' and inserting ''post-trauma communication with families''; and

(3) in subsection (j), by striking ''railroad passenger accident'' each place it appears and inserting ''rail passenger accident''.

(b) SOLID WASTE RAIL TRANSFER FACILITY LAND-USE EXEMPTION.—Section 10909 is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking ''Clean Railroad Act of 2008'' and inserting ''Clean Railroads Act of 2008''; and

(2) in subsection (e), by striking ''Upon the granting of petition from the State'' and inserting ''Upon the granting of a petition from the State''.

(c) RULEMAKING PROCESS.—Section 20116 is amended—

(1) by inserting ''(2)'' before ''the code, rule, standard, requirement, or practice has been subject to notice and comment under a rule or order issued under this part.'' and indenting accordingly;

(2) by inserting ''(1)'' before ''unless'' and indenting accordingly;

(3) in paragraph (1), as redesignated, by striking ''order, or'' and inserting ''order; or''; and

(4) in the matter preceding paragraph (1), as redesignated, by striking ''unless'' and inserting ''unless—''.

(d) ENFORCEMENT REPORT.—Section 20120(a) is amended—

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

(2) in paragraph (1), by striking ''accident and incidence reporting'' and inserting ''accident and incident reporting'';

(3) in paragraph (2)(G), by inserting ''and'' at the end; and

(4) in paragraph (5)(B), by striking ''Administrative Hearing Officer or Administrative Law Judge'' and inserting ''administrative hearing officer or administrative law judge''.

(e) RAILROAD SAFETY RISK REDUCTION PROGRAM.—Section 20156 is amended—

(1) in subsection (c), by inserting a comma after ''In developing its railroad safety risk reduction program''; and

(2) in subsection (g)(1)—

(A) by inserting a comma after ''good faith''; and

(B) by striking ''non-profit'' and inserting ''nonprofit''.

(f) ROADWAY USER SIGHT DISTANCE AT HIGHWAY-RAIL GRADE CROSSINGS.—Section 20159 is amended by striking ''the Secretary'' and inserting ''the Secretary of Transportation''.

(g) NATIONAL CROSSING INVENTORY.—Section 20160 is amended—

(1) in subsection (a)(1), by striking ''concerning each previously unreported crossing through which it operates or with respect to the trackage over which it operates'' and inserting ''concerning each previously unreported crossing through which it operates with respect to the trackage over which it operates''; and

(2) in subsection (b)(1)(A), by striking ''concerning each crossing through which it operates or with respect to the trackage over which it operates'' and inserting ''concerning each crossing through which it operates with respect to the trackage over which it operates''.

(h) MINIMUM TRAINING STANDARDS AND PLANS.—Section 20162(a)(3) is amended by striking ''railroad compliance with Federal standards'' and inserting ''railroad carrier compliance with Federal standards''.

(i) DEVELOPMENT AND USE OF RAIL SAFETY TECHNOLOGY.—Section 20164(a) is amended by striking ''after enactment of the Railroad Safety Enhancement Act of 2008'' and inserting ''after the date of enactment of the Rail Safety Improvement Act of 2008''.

(j) RAIL SAFETY IMPROVEMENT ACT OF 2008.—

(1) TABLE OF CONTENTS.—Section 1(b) of division A of the Rail Safety Improvement Act of 2008 (Public Law 110–432; 122 Stat. 4848) is amended—

(A) in the item relating to section 307, by striking ''website'' and inserting ''Web site'';

(B) in the item relating to title VI, by striking ''solid waste facilities'' and inserting ''solid waste rail transfer facilities''; and

(C) in the item relating to section 602, by striking ''solid waste transfer facilities'' and inserting ''solid waste rail transfer facilities''.

(2) DEFINITIONS.—Section 2(a)(1) of division A of the Rail Safety Improvement Act of 2008 (Public Law 110–432; 122 Stat. 4849) is amended in the matter preceding subparagraph (A), by inserting a comma after ''at grade''.

(3) RAILROAD SAFETY STRATEGY.—Section 102(a)(6) of title I of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20101 note) is amended by striking ''Improving the safety of railroad bridges, tunnels, and related infrastructure to prevent accidents, incidents, injuries, and fatalities caused by catastrophic failures and other bridge and tunnel failures.'' and inserting ''Improving the safety of railroad bridges, tunnels, and related infrastructure to prevent accidents, incidents, injuries, and fatalities caused by catastrophic and other failures of such infrastructure.''.

(4) OPERATION LIFESAVER.—Section 206(a) of title II of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note) is amended by striking ''Public Service Announcements'' and inserting ''public service announcements''.

(5) UPDATE OF FEDERAL RAILROAD ADMINISTRATION'S WEB SITE.—Section 307 of title III of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 103 note) is amended—

(A) in the heading by striking ''**FEDERAL RAILROAD ADMINISTRATION'S WEBSITE**'' and inserting ''Federal Railroad Administration Web site'';

(B) by striking ''website'' each place it appears and inserting ''Web site''; and

(C) by striking ''website's'' and inserting ''Web site's''.

(6) ALCOHOL AND CONTROLLED SUBSTANCE TESTING FOR MAINTENANCE-OF-WAY EMPLOYEES.—Section 412 of title IV of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20140 note) is amended by striking ''Secretary of Transportation'' and inserting ''Secretary''.

(7) TUNNEL INFORMATION.—Section 414 of title IV of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20103 note) is amended—

(A) by striking ''parts 171.8, 173.115'' and inserting ''sections 171.8, 173.115''; and

(B) by striking ''part 1520.5'' and inserting ''section 1520.5''.

(8) SAFETY INSPECTIONS IN MEXICO.—Section 416 of title IV of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20107 note) is amended—

(A) in the matter preceding paragraph (1), by striking ''Secretary of Transportation'' and inserting ''Secretary''; and

(B) in paragraph (4), by striking ''subsection'' and inserting ''section''.

(9) HEADING OF TITLE VI.—The heading of title VI of division A of the Rail Safety Improvement Act of 2008 (122 Stat. 4900) is amended by striking ''**SOLID WASTE FACILITIES**'' and inserting ''**SOLID WASTE RAIL TRANSFER FACILITIES**''.

(10) HEADING OF SECTION 602.—Section 602 of title VI of division A of the Rail Safety Improvement Act of 2008 (122 Stat. 4900) is amended by striking ''**SOLID WASTE TRANSFER FACILITIES**'' and inserting ''**SOLID WASTE RAIL TRANSFER FACILITIES**''.

**SEC. 35415. GAO STUDY ON USE OF LOCOMOTIVE HORNS AT HIGHWAY-RAIL GRADE CROSSINGS.**

The Comptroller General of the United States shall submit a report to Congress containing the results of a study evaluating the effectiveness of the Federal Railroad Administration's final rule on the use of locomotive horns at highway-rail grade crossings, which was published in the Federal Register on August 17, 2006 (71 Fed. Reg. 47614).

**SEC. 35416. BRIDGE INSPECTION REPORTS.**

Section 417(d) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20103 note) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(2) AVAILABILITY OF BRIDGE INSPECTION REPORTS.—The Administrator of the Federal Railroad Administration shall—

''(A) maintain a copy of the most recent bridge inspection reports prepared in accordance with section (b)(5); and

''(B) provide copies of the reports described in subparagraph (A) to appropriate State and local government transportation officials, upon request.''.

## PART II—CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS

**SEC. 35421. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS.**

(a) IN GENERAL.—Chapter 244, as amended by section 35302 of this Act, is further amended by adding at the end the following:

**''§ 24408. Consolidated rail infrastructure and safety improvements**

''(a) GENERAL AUTHORITY.—The Secretary may make grants under this section to an eligible recipient to assist in financing the cost of improving passenger and freight rail transportation systems in terms of safety, efficiency, or reliability.

''(b) ELIGIBLE RECIPIENTS.—The following entities are eligible to receive a grant under this section:

''(1) A State.

''(2) A group of States.

''(3) An Interstate Compact.

''(4) A public agency or publicly chartered authority established by 1 or more States

and having responsibility for providing intercity rail passenger, commuter rail passenger, or freight rail transportation service.

''(5) A political subdivision of a State.

''(6) Amtrak or another rail passenger carrier that provides intercity rail passenger transportation (as defined in section 24102) or commuter rail passenger transportation (as defined in section 24102).

''(7) A Class II railroad or Class III railroad (as those terms are defined in section 20102).

''(8) Any rail carrier or rail equipment manufacturer in partnership with at least 1 of the entities described in paragraphs (1) through (5).

''(9) Any entity established to procure, manage, or maintain passenger rail equipment under section 305 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

''(10) An organization that is actively involved in the development of operational and safety-related standards for rail equipment and operations or the implementation of safety-related programs.

''(11) The Transportation Research Board and any entity with which it contracts in the development of rail-related research, including cooperative research programs.

''(12) A University transportation center actively engaged in rail-related research.

''(13) A non-profit labor organization representing a class or craft of employees of railroad carriers or railroad carrier contractors.

''(c) ELIGIBLE PROJECTS.—The following projects are eligible to receive grants under this section:

''(1) Deployment of railroad safety technology, including positive train control and rail integrity inspection systems.

''(2) A capital project as defined in section 24401, except that a project shall not be required to be in a State rail plan developed under chapter 227.

''(3) A capital project identified by the Secretary as being necessary to address congestion challenges affecting rail service.

''(4) A highway-rail grade crossing improvement, including grade separations, private highway-rail grade crossing improvements, and safety engineering improvements to reduce risk in quiet zones or potential quiet zones.

''(5) A rail line relocation project.

''(6) A capital project to improve short-line or regional railroad infrastructure.

''(7) Development of public education, awareness, and targeted law enforcement activities to reduce violations of traffic laws at highway-rail grade crossings and to help prevent and reduce injuries and fatalities along railroad rights-of-way.

''(8) The preparation of regional rail and corridor service development plans and corresponding environmental analyses.

''(9) Any project that the Secretary considers necessary to enhance multimodal connections or facilitate service integration between rail service and other modes, including between intercity rail passenger transportation and intercity bus service.

''(10) The development of rail-related capital, operations, and safety standards.

''(11) The implementation and operation of a safety program or institute designed to improve rail safety culture and rail safety performance.

''(12) Any research that the Secretary considers necessary to advance any particular aspect of rail-related capital, operations, or safety improvements.

''(13) Workforce development activities, coordinated to the extent practicable with the existing local training programs supported by the Department of Transportation, Department of Labor, and Department of Education.

''(d) APPLICATION PROCESS.—The Secretary shall prescribe the form and manner of filing an application under this section.

''(e) PROJECT SELECTION CRITERIA.—

''(1) IN GENERAL.—In selecting a recipient of a grant for an eligible project, the Secretary shall—

''(A) give preference to a proposed project for which the proposed Federal share of total project costs does not exceed 50 percent; and

''(B) after factoring in preference to projects under subparagraph (A), select projects that will maximize the net benefits of the funds appropriated for use under this section, considering the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project and factoring in the other considerations described in paragraph (2).

''(2) OTHER CONSIDERATIONS.—The Secretary shall also consider the following:

''(A) The degree to which the proposed project's business plan considers potential private sector participation in the financing, construction, or operation of the project;

''(B) The recipient's past performance in developing and delivering similar projects, and previous financial contributions;

''(C) Whether the recipient has or will have the legal, financial, and technical capacity to carry out the proposed project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities;

''(D) If applicable, the consistency of the proposed project with planning guidance and documents set forth by the Secretary or required by law or State rail plans developed under chapter 227;

''(E) If applicable, any technical evaluation ratings that proposed project received under previous competitive grant programs administered by the Secretary; and

''(F) Such other factors as the Secretary considers relevant to the successful delivery of the project.

''(3) BENEFITS.—The benefits described in paragraph (1)(B) may include the effects on system and service performance, including measures such as improved safety, competitiveness, reliability, trip or transit time, resilience, efficiencies from improved integration with other modes, and ability to meet existing or anticipated demand.

''(f) PERFORMANCE MEASURES.—The Secretary shall establish performance measures for each grant recipient to assess progress in achieving strategic goals and objectives. The Secretary may require a grant recipient to periodically report information related to such performance measures.

''(g) RURAL AREAS.—

''(1) IN GENERAL.—Of the amounts appropriated under this section, at least 25 percent shall be available for projects in rural areas. The Secretary shall consider a project to be in a rural area if all or the majority of the project (determined by the geographic location or locations where the majority of the project funds will be spent) is located in a rural area.

''(2) DEFINITION OF RURAL AREA.—In this subsection, the term 'rural area' means any area not in an urbanized area, as defined by the Census Bureau.

''(h) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

''(1) TOTAL PROJECT COSTS.—The Secretary shall estimate the total costs of a project under this subsection based on the best available information, including engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

''(2) FEDERAL SHARE.—The Federal share of total project costs under this subsection shall not exceed 80 percent.

''(3) TREATMENT OF PASSENGER RAIL REVENUE.—If Amtrak or another rail passenger carrier is an applicant under this section, Amtrak or the other rail passenger carrier, as applicable, may use ticket and other revenues generated from its operations and other sources to satisfy the non-Federal share requirements.

''(i) APPLICABILITY.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the requirements of this chapter.

''(j) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The table of contents of chapter 244, as amended by section 35302 of this Act, is amended by adding after the item relating to section 24407 the following:

''24408. Consolidated rail infrastructure and safety improvements.''.

## PART III—HAZARDOUS MATERIALS BY RAIL SAFETY AND OTHER SAFETY ENHANCEMENTS

### SEC. 35431. REAL-TIME EMERGENCY RESPONSE INFORMATION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, shall promulgate regulations—

(1) to require a Class I railroad transporting hazardous materials—

(A) to generate accurate, real-time, and electronic train consist information, including—

(i) the identity, quantity, and location of hazardous materials on a train;

(ii) the point of origin and destination of the train;

(iii) any emergency response information or resources required by the Secretary; and

(iv) an emergency response point of contact designated by the Class I railroad; and

(B) to enter into a memorandum of understanding with each applicable fusion center to provide that fusion center with secure and confidential access to the electronic train consist information described in subparagraph (A) for each train transporting hazardous materials in that fusion center's jurisdiction;

(2) to require each applicable fusion center to provide the electronic train consist information described in paragraph (1)(A) to first responders, emergency response officials, and law enforcement personnel that are involved in the response to or investigation of an incident, accident, or public health or safety emergency involving the rail transportation of hazardous materials and that request such electronic train consist information;

(3) upon the request of each State, political subdivision of a State, or public agency responsible for emergency response or law enforcement, to require each applicable fusion center to provide advance notice for each high-hazard flammable train traveling through the jurisdiction of each State, political subdivision of a State, or public agency, which notice shall include the electronic train consist information described in paragraph (1)(A) for the high-hazard flammable train, and to the extent practicable, for requesting States, political subdivisions, or public agencies, to ensure that the fusion center shall provide at least 12 hours of advance notice for a high-hazard flammable train that will be traveling through the jurisdiction of the State, political subdivision of a State, or public agency, and include

within the notice its best estimate of the time the train will enter the jurisdiction;

(4) to prohibit any railroad, employee, or agent from withholding, or causing to be withheld the train consist information from first responders, emergency response officials, and law enforcement personnel described in paragraph (2) in the event of an incident, accident, or public health or safety emergency involving the rail transportation of hazardous materials;

(5) to establish security and confidentiality protections to prevent the release of the electronic train consist information to unauthorized persons; and

(6) to allow each Class I railroad to enter into a memorandum of understanding with any Class II or Class III railroad that operates trains over the Class I railroad's line to incorporate the Class II or Class III railroad's train consist information within the existing framework described in paragraph (1).

(b) DEFINITIONS.—In this section:

(1) APPLICABLE FUSION CENTER.—The term ''applicable fusion center'' means a fusion center with responsibility for a geographic area in which a Class I railroad operates.

(2) CLASS I RAILROAD.—The term ''Class I railroad'' has the meaning given the term in section 20102 of title 49, United States Code.

(3) FUSION CENTER.—The term ''fusion center'' has the meaning given the term in section 124h(j) of title 6, United States Code.

(4) HAZARDOUS MATERIALS.—The term ''hazardous materials'' means material designated as hazardous by the Secretary of Transportation under chapter 51 of the United States Code.

(5) HIGH-HAZARD FLAMMABLE TRAIN.—The term ''high-hazard flammable train'' means a single train transporting 20 or more tank cars loaded with a Class 3 flammable liquid in a continuous block or a single train transporting 35 or more tank cars loaded with a Class 3 flammable liquid throughout the train consist.

(6) TRAIN CONSIST.—The term ''train consist'' includes, with regard to a specific train, the number of rail cars and the commodity transported by each rail car.

(c) SAVINGS CLAUSE.—

(1) Nothing in this section may be construed to prohibit a Class I railroad from voluntarily entering into a memorandum of understanding, as described in subsection (a)(1)(B), with a State emergency response commission or an entity representing or including first responders, emergency response officials, and law enforcement personnel.

(2) Nothing in this section may be construed to amend any requirement for a railroad to provide a State Emergency Response Commission, for each State in which it operates trains transporting 1,000,000 gallons or more of Bakken crude oil, notification regarding the expected movement of such trains through the counties in the State.

**SEC. 35432. THERMAL BLANKETS.**

(a) REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to require each tank car built to meet the DOT-117 specification and each non-jacketed tank car modified to meet the DOT-117R specification—

(1) to be equipped with a thermal blanket; or

(2) to have sufficient thermal resistance so that there will be no release of any lading within the tank car, except release through the pressure relief device, when subjected to a pool fire for 200 minutes and a torch fire for 30 minutes.

(b) DEFINITION OF THERMAL BLANKET.—In this section, the term ''thermal blanket'' means an insulating blanket that is applied between the outer surface of a tank car tank and the inner surface of a tank car jacket and that has thermal conductivity no greater than 2.65 Btu per inch, per hour, per square foot, and per degree Fahrenheit at a temperature of 2000 degrees Fahrenheit, plus or minus 100 degrees Fahrenheit.

(c) SAVINGS CLAUSE.—

(1) PRESSURE RELIEF DEVICES.—Nothing in this section may be construed to affect or prohibit any requirement to equip with appropriately sized pressure relief devices a tank car built to meet the DOT-117 specification or a non-jacketed tank car modified to meet the DOT-117R specification.

(2) HARMONIZATION.—Nothing in this section may be construed to require or allow the Secretary to prescribe an implementation deadline or authorization end date for the requirement under subsection (a) that is earlier than the applicable implementation deadline or authorization end date for other tank car modifications necessary to meet the DOT-117R specification.

**SEC. 35433. COMPREHENSIVE OIL SPILL RESPONSE PLANS.**

(a) REQUIREMENTS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue a notice of proposed rulemaking to require each railroad carrier transporting a Class 3 flammable liquid to maintain a comprehensive oil spill response plan.

(b) CONTENTS.—The regulations under subsection (a) shall require each rail carrier described in that subsection—

(1) to include in the comprehensive oil spill response plan procedures and resources for responding, to the maximum extent practicable, to a worst-case discharge;

(2) to ensure the comprehensive oil spill response plan is consistent with the National Contingency Plan and each applicable Area Contingency Plan;

(3) to include in the comprehensive oil spill response plan appropriate notification and training procedures;

(4) to review and update its comprehensive oil spill response plan as appropriate; and

(5) to provide the comprehensive oil spill response plan for acceptance by the Secretary.

(c) SAVINGS CLAUSE.—Nothing in the section may be construed as prohibiting the Secretary from promulgating different comprehensive oil response plan standards for Class I, Class II, and Class III railroads.

(d) DEFINITIONS.—In this section:

(1) AREA CONTINGENCY PLAN.—The term ''Area Contingency Plan'' has the meaning given the term in section 311(a) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)).

(2) CLASS 3 FLAMMABLE LIQUID.—The term ''Class 3 flammable liquid'' has the meaning given the term in section 173.120(a) of title 49, Code of Federal Regulations.

(3) CLASS I RAILROAD, CLASS II RAILROAD, AND CLASS III RAILROAD.—The terms ''Class I railroad'', ''Class II railroad'' and ''Class III railroad'' have the meanings given the terms in section 20102 of title 49, United States Code.

(4) NATIONAL CONTINGENCY PLAN.—The term ''National Contingency Plan'' has the meaning given the term in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701).

(5) RAILROAD CARRIER.—The term ''railroad carrier'' has the meaning given the term in section 20102 of title 49, United States Code.

(6) WORST-CASE DISCHARGE.—The term ''worst-case discharge'' means a railroad carrier's calculation of its largest foreseeable discharge in the event of an accident or incident.

**SEC. 35434. HAZARDOUS MATERIALS BY RAIL LIABILITY STUDY.**

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall initiate a study on the levels and structure of insurance for a railroad carrier transporting hazardous materials.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall evaluate—

(1) the level and structure of insurance, including self-insurance, available in the private market against the full liability potential for damages arising from an accident or incident involving a train transporting hazardous materials;

(2) the level and structure of insurance that would be necessary and appropriate—

(A) to efficiently allocate risk and financial responsibility for claims; and

(B) to ensure that a railroad carrier transporting hazardous materials can continue to operate despite the risk of an accident or incident;

(3) the potential applicability to trains transporting hazardous materials of—

(A) a liability regime modeled after section 170 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2210); and

(B) a liability regime modeled after subtitle 2 of title XXI of the Public Health Service Act (42 U.S.C. 300aa–10 et seq.).

(c) REPORT.—Not later than 1 year after the date the study under subsection (a) is initiated, the Secretary shall submit a report containing the results of the study and recommendations for addressing liability issues with rail transportation of hazardous materials to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

(d) DEFINITIONS.—In this section:

(1) HAZARDOUS MATERIAL.—The term ''hazardous material'' means a substance or material the Secretary designates under section 5103(a) of title 49, United States Code.

(2) RAILROAD CARRIER.—The term ''railroad carrier'' has the meaning given the term in section 20102 of title 49, United States Code.

**SEC. 35435. STUDY AND TESTING OF ELECTRONICALLY-CONTROLLED PNEUMATIC BRAKES.**

(a) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—

(1) IN GENERAL.—The Government Accountability Office shall complete an independent evaluation of ECP brake systems pilot program data and the Department of Transportation's research and analysis on the effects of ECP brake systems.

(2) STUDY ELEMENTS.—In completing the independent evaluation under paragraph (1), the Government Accountability Office shall examine the following issues related to ECP brake systems:

(A) Data and modeling results on safety benefits relative to conventional brakes and to other braking technologies or systems, such as distributed power and 2-way end-of-train devices.

(B) Data and modeling results on business benefits, including the effects of dynamic braking.

(C) Data on costs, including up-front capital costs and on-going maintenance costs.

(D) Analysis of potential operational challenges, including the effects of potential locomotive and car segregation, technical reliability issues, and network disruptions.

(E) Analysis of potential implementation challenges, including installation time, positive train control integration complexities, component availability issues, and tank car shop capabilities.

(F) Analysis of international experiences with the use of advanced braking technologies.

(3) DEADLINE.—Not later than 18 months after the date of enactment of this Act, the

Government Accountability Office shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the independent evaluation under paragraph (1).

(b) EMERGENCY BRAKING APPLICATION TESTING.—

(1) IN GENERAL.—The Secretary of Transportation shall enter into an agreement with the NCRRP Board—

(A) to complete testing of ECP brake systems during emergency braking application, including more than 1 scenario involving the uncoupling of a train with 70 or more DOT 117-specification or DOT 117R-specification tank cars; and

(B) to transmit, not later than 18 months after the date of enactment of this Act, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the testing.

(2) INDEPENDENT EXPERTS.—In completing the testing under paragraph (1), the NCRRP Board may contract with 1 or more engineering or rail experts, as appropriate, with relevant experience in conducting railroad safety technology tests or similar crash tests.

(3) TESTING FRAMEWORK.—In completing the testing under paragraph (1), the NCRRP Board and each contractor described in paragraph (2) shall ensure that the testing objectively, accurately, and reliably measures the performance of ECP brake systems relative to other braking technologies or systems, such as distributed power and 2-way end-of-train devices, including differences in—

(A) the number of cars derailed;

(B) the number of cars punctured;

(C) the measures of in-train forces; and

(D) the stopping distance.

(4) FUNDING.—The Secretary shall require, as part of the agreement under paragraph (1), that the NCRRP Board fund the testing required under this section—

(A) using such sums made available under section 24910 of title 49, United States Code; and

(B) to the extent funding under subparagraph (A) is insufficient or unavailable to fund the testing required under this section, using such sums as are necessary from the amounts appropriated to the Office of the Secretary.

(5) EQUIPMENT.—The NCRRP Board and each contractor described in paragraph (2) may receive or use rolling stock, track, and other equipment or infrastructure from a private entity for the purposes of conducting the testing required under this section.

(c) EVIDENCE-BASED APPROACH.—

(1) ANALYSIS.—The Secretary shall—

(A) not later than 90 days after the report date, fully incorporate and reflect the findings from both reports into a draft updated regulatory impact analysis of the effects of the applicable ECP brake system requirements;

(B) as soon as practicable after completion of the draft updated analysis under subparagraph (A), solicit public comment on the analysis for a period of not more than 30 days; and

(C) not later than 60 days after the end of the public comment period, post the final updated regulatory impact analysis on the Department of Transportation Web site.

(2) DETERMINATION.—Not later than 180 days after the report date, the Secretary shall—

(A) determine, based on whether the final regulatory impact analysis described in paragraph (1)(C) demonstrates that the benefits, including safety benefits, of the applicable ECP brake system requirements exceed their costs, whether the applicable ECP brake system requirements are justified; and

(B)(i) if the applicable ECP brake system requirements are justified, publish in the Federal Register the determination with the reasons for it; or

(ii) if the Secretary does not publish the determination under clause (i), repeal the applicable ECP brake system requirements.

(d) DEFINITIONS.—In this section:

(1) APPLICABLE ECP BRAKE SYSTEM REQUIREMENTS.—The term ''applicable brake system requirements'' means sections 174.310(a)(3)(ii), 174.310(a)(3)(iii), 174.310(a)(5)(v), 179.102-10, 179.202-12(g), and 179.202-13(i) of title 49, Code of Federal Regulations, and any other regulation in effect on the date of enactment of this Act requiring the installation of ECP brakes or operation in ECP brake mode.

(2) CLASS 3 FLAMMABLE LIQUID.—The term ''Class 3 flammable liquid'' has the meaning given the term in section 173.120(a) of title 49, Code of Federal Regulations.

(3) ECP.—The term ''ECP'' means electronically-controlled pneumatic when applied to a brake or brakes.

(4) ECP BRAKE MODE.—The term ''ECP brake mode'' includes any operation of a rail car or an entire train using an ECP brake system.

(5) ECP BRAKE SYSTEM.—

(A) IN GENERAL.—The term ''ECP brake system'' means a train power braking system actuated by compressed air and controlled by electronic signals from the locomotive or an ECP-EOT to the cars in the consist for service and emergency applications in which the brake pipe is used to provide a constant supply of compressed air to the reservoirs on each car but does not convey braking signals to the car.

(B) INCLUSIONS.—The term ''ECP brake system'' includes dual mode and stand-alone ECP brake systems.

(6) HIGH-HAZARD FLAMMABLE UNIT TRAIN.—The term ''high-hazard flammable unit train'' means a single train transporting 70 or more loaded tank cars containing Class 3 flammable liquid.

(7) NCRRP BOARD.—The term ''NCRRP Board'' means the independent governing board of the National Cooperative Rail Research Program.

(8) RAILROAD CARRIER.—The term ''railroad carrier'' has the meaning given the term in section 20102 of title 49, United States Code.

(9) REPORT DATE.—The term ''report date'' means the date that both the report under subsection (a)(3) and the report under subsection (b)(1)(B) have been transmitted under those subsections.

**SEC. 35436. RECORDING DEVICES.**

(a) IN GENERAL.—Subchapter II of chapter 201 is amended by adding after section 20167 the following:

**''§ 20168. Installation of audio and image recording devices**

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary of Transportation shall promulgate regulations to require each rail carrier that provides regularly scheduled intercity rail passenger or commuter rail passenger transportation to the public to install inward- and outward-facing image recording devices in all controlling locomotive cabs and cab car operating compartments in such passenger trains.

''(b) DEVICE STANDARDS.—Each inward- and outward-facing image recording device shall—

''(1) have a minimum 12-hour continuous recording capability;

''(2) have crash and fire protections for any in-cab image recordings that are stored only within a controlling locomotive cab or cab car operating compartment; and

''(3) have recordings accessible for review during an accident investigation.

''(c) REVIEW.—The Secretary shall establish a process to review and approve or disapprove an inward- or outward-facing recording device for compliance with the standards described in subsection (b).

''(d) USES.—A rail carrier that has installed an inward- or outward-facing image recording device approved under subsection (c) may use recordings from that inward- or outward-facing image recording device for the following purposes:

''(1) Verifying that train crew actions are in accordance with applicable safety laws and the rail carrier's operating rules and procedures.

''(2) Assisting in an investigation into the causation of a reportable accident or incident.

''(3) Carrying out efficiency testing and system-wide performance monitoring programs.

''(4) Documenting a criminal act or monitoring unauthorized occupancy of the controlling locomotive cab or car operating compartment.

''(5) Other purposes that the Secretary considers appropriate.

''(e) VOLUNTARY IMPLEMENTATION.—

''(1) IN GENERAL.—Each rail carrier operating freight rail service may implement any inward- or outward-facing image recording devices approved under subsection (c).

''(2) AUTHORIZED USES.—Notwithstanding any other provision of law, each rail carrier may use recordings from an inward- or outward-facing image recording device approved under subsection (c) for any of the purposes described in subsection (d).

''(f) DISCRETION.—

''(1) IN GENERAL.—The Secretary may—

''(A) require in-cab audio recording devices for the purposes described in subsection (d); and

''(B) define in appropriate technical detail the essential features of the devices required under subparagraph (A).

''(2) EXEMPTIONS.—The Secretary may exempt any rail passenger carrier or any part of a rail passenger carrier's operations from the requirements under subsection (a) if the Secretary determines that the rail passenger carrier has implemented an alternative technology or practice that provides an equivalent or greater safety benefit or is better suited to the risks of the operation.

''(g) TAMPERING.—A rail carrier may take appropriate enforcement or administrative action against any employee that tampers with or disables an audio or inward- or outward-facing image recording device installed by the rail carrier.

''(h) PRESERVATION OF DATA.—Each rail passenger carrier subject to the requirements of subsection (a) shall preserve recording device data for 1 year after the date of a reportable accident or incident.

''(i) INFORMATION PROTECTIONS.—The Secretary may not disclose publicly any part of an in-cab audio or image recording or transcript of oral communications by or among train employees or other operating employees responsible for the movement and direction of the train, or between such operating employees and company communication centers, related to an accident investigated by the Secretary. However, the Secretary shall make public any part of a transcript or any written depiction of visual information that the Secretary decides is relevant to the accident at the time a majority of the other factual reports on the accident are released to the public.

''(j) PROHIBITED USE.—An in-cab audio or image recording obtained by a rail carrier

under this section may not be used to retaliate against an employee.

''(k) SAVINGS CLAUSE.—Nothing in this section may be construed as requiring a rail carrier to cease or restrict operations upon a technical failure of an inward- or outward-facing image recording device. Such rail carrier shall repair or replace the failed inward- or outward-facing image recording device as soon as practicable.''.

(b) CONFORMING AMENDMENT.—The table of contents for subchapter II of chapter 201 is amended by adding at the end the following:

''20168. Installation of audio and image recording devices.''.

**SEC. 35437. RAIL PASSENGER TRANSPORTATION LIABILITY.**

(a) LIMITATIONS.—Section 28103(a) is amended—

(1) in paragraph (2), by striking ''$200,000,000'' and inserting ''$295,000,000, except as provided in paragraph (3).''; and

(2) by adding at the end the following:

''(3) The liability cap under paragraph (2) shall be adjusted every 5 years by the Secretary of Transportation to reflect changes in the Consumer Price Index-All Urban Consumers.

''(4) The Federal Government shall have no financial responsibility for any claims described in paragraph (2).''.

(b) DEFINITION OF RAIL PASSENGER TRANSPORTATION.—Section 28103(e) is amended—

(1) in the heading, by striking ''DEFINITION.—'' and inserting ''DEFINITIONS.—'';

(2) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(3) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(4) the term 'rail passenger transportation' includes commuter rail passenger transportation (as defined in section 24102).''.

(c) PROHIBITION.—No Federal funds may be appropriated for the purpose of paying for the portion of an insurance premium attributable to the increase in allowable awards under the amendments made by subsection (a).

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective for any passenger rail accident or incident occurring on or after May 12, 2015.

**SEC. 35438. MODIFICATION REPORTING.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement a reporting requirement to monitor industry-wide progress toward modifying tank cars used in high-hazard flammable train service by the applicable deadlines or authorization end dates set in regulation.

(b) TANK CAR DATA.—The Secretary shall collect data from shippers and tank car owners on—

(1) the total number of tank cars modified to meet the DOT-117R specification, or equivalent, specifying—

(A) the type or specification of each tank car before it was modified, including non-jacketed DOT-111, jacketed DOT-111, non-jacketed DOT-111 meeting the CPC-1232 standard, or jacketed DOT-111 meeting the CPC-1232 standard; and

(B) the identification number of each Class 3 flammable liquid carried by each tank car in the past year;

(2) the total number of tank cars built to meet the DOT-117 specification, or equivalent; and

(3) the total number of tank cars used or likely to be used in high-hazard flammable train service that have not been modified, specifying—

(A) the type or specification of each tank car not modified, including the non-jacketed DOT-111, jacketed DOT-111, non-jacketed DOT-111 meeting the CPC-1232 standard, or jacketed DOT-111 meeting the CPC-1232 standard; and

(B) the identification number of each Class 3 flammable liquid carried by each tank car in the past year.

(c) TANK CAR SHOP DATA.—The Secretary shall conduct a survey of tank car facilities modifying tank cars to the DOT-117R specification, or equivalent, or building new tank cars to the DOT-117 specification, or equivalent, to generate statistically-valid estimates of the expected number of tank cars those facilities expect to modify to DOT-117R specification, or equivalent, or build to the DOT-117 specification, or equivalent.

(d) FREQUENCY.—The Secretary shall collect the data under subsection (b) and conduct the survey under subsection (c) annually until May 1, 2025.

(e) INFORMATION PROTECTIONS.—

(1) IN GENERAL.—The Secretary shall only report data in industry-wide totals and shall treat company-specific information as confidential business information.

(2) LEVEL OF CONFIDENTIALITY.—The Secretary shall ensure the data collected under subsection (b) and the survey data under subsection (c) have the same level of confidentiality as contained in the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), as administered by the Bureau of Transportation Statistics.

(3) DESIGNEE.—The Secretary may designate the Director of the Bureau of Transportation Statistics to collect data under subsection (b) and the survey data under subsection (c) and direct the Director to ensure the confidentially of company-specific information to the maximum extent permitted by law.

(f) REPORT.—Each year, not later than 60 days after the date that both the collection of the data under subsection (b) and the survey under subsection (c) are complete, the Secretary shall report on the aggregate results, without company-specific information, to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

(g) DEFINITIONS.—In this section:

(1) CLASS 3 FLAMMABLE LIQUID.—The term ''Class 3 flammable liquid'' has the meaning given the term in section 173.120(a) of title 49, Code of Federal Regulations.

(2) HIGH-HAZARD FLAMMABLE TRAIN.—The term ''high-hazard flammable train'' means a single train transporting 20 or more tank cars loaded with a Class 3 flammable liquid in a continuous block or a single train transporting 35 or more tank cars loaded with a Class 3 flammable liquid throughout the train consist.

**SEC. 35439. REPORT ON CRUDE OIL CHARACTERISTICS RESEARCH STUDY.**

Not later than 180 days after the research completion of the comprehensive Crude Oil Characteristics Research Sampling, Analysis, and Experiment (SAE) Plan study at Sandia National Laboratories, the Secretary of Energy, in cooperation with the Secretary of Transportation, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives that contains—

(1) the results of the comprehensive Crude Oil Characteristics Research Sampling, Analysis, and Experiment (SAE) Plan study; and

(2) recommendations, based on the findings of the study, for—

(A) regulations that should be prescribed by the Secretary of Transportation or the Secretary of Energy to improve the safe transport of crude oil; and

(B) statutes that should be enacted by Congress to improve the safe transport of crude oil.

**PART IV—POSITIVE TRAIN CONTROL**

**SEC. 35441. COORDINATION OF SPECTRUM.**

(a) ASSESSMENT.—The Secretary, in coordination with the Chairman of the Federal Communications Commission, shall assess spectrum needs and availability for implementing positive train control systems (as defined in section 20157(i)(3) of title 49, United States Code). The Secretary and the Chairman may consult with external stakeholders in carrying out this section.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains the results of the assessment conducted under subsection (a).

**SEC. 35442. UPDATED PLANS.**

(a) IMPLEMENTATION.—Section 20157(a) is amended to read as follows:

''(a) IMPLEMENTATION.—

''(1) PLAN REQUIRED.—Each Class I railroad carrier and each entity providing regularly scheduled intercity or commuter rail passenger transportation shall develop and submit to the Secretary of Transportation a plan for implementing a positive train control system by December 31, 2015, governing operations on—

''(A) its main line over which intercity rail passenger transportation or commuter rail passenger transportation (as defined in section 24102) is regularly provided;

''(B) its main line over which poison- or toxic-by-inhalation hazardous materials (as defined in sections 171.8, 173.115, and 173.132 of title 49, Code of Federal Regulations) are transported; and

''(C) such other tracks as the Secretary may prescribe by regulation or order.

''(2) INTEROPERABILITY AND PRIORITIZATION.—The plan shall describe how the railroad carrier or other entity subject to paragraph (1) will provide for interoperability of the positive train control systems with movements of trains of other railroad carriers over its lines and shall, to the extent practical, implement the positive train control systems in a manner that addresses areas of greater risk before areas of lesser risk.

''(3) SECRETARIAL REVIEW OF UPDATED PLANS.—

''(A) SUBMISSION OF UPDATED PLANS.—Notwithstanding the deadline set forth in paragraph (1), not later than 90 days after the date of enactment of the Railroad Reform, Enhancement, and Efficiency Act, each Class I railroad carrier or other entity subject to paragraph (1) may submit to the Secretary an updated plan that amends the plan submitted under paragraph (1) with an updated implementation schedule (as described in paragraph (4)(B)) and milestones or metrics (as described in paragraph (4)(A)) that demonstrate that the railroad carrier or other entity will implement a positive train control system as soon as practicable, if implementing in accordance with the updated plan will not introduce operational challenges or risks to full, successful, and safe implementation.

''(B) REVIEW OF UPDATED PLANS.—Not later than 150 days after receiving an updated plan under subparagraph (A), the Secretary shall

review the updated plan and approve or disapprove it. In determining whether to approve or disapprove the updated plan, the Secretary shall consider whether the railroad carrier or other entity submitting the plan—

''(i)(I) has encountered technical or programmatic challenges identified by the Secretary in the 2012 report transmitted to Congress pursuant to subsection (d); and

''(II) the challenges referred to in subclause (I) have negatively affected the successful implementation of positive train control systems;

''(ii) has demonstrated due diligence in its effort to implement a positive train control system;

''(iii) has included in its plan milestones or metrics that demonstrate the railroad carrier or other entity will implement a positive train control system as soon as practicable, if implementing in accordance with the milestones or metrics will not introduce operational challenges or risks to full, successful, and safe implementation; and

''(iv) has set an implementation schedule in its plan that shows the railroad will comply with paragraph (7), if implementing in accordance with the implementation schedule will not introduce operational challenges or risks to full, successful, and safe implementation.

''(C) MODIFICATION OF UPDATED PLANS.—(i) If the Secretary has not approved an updated plan under subparagraph (B) within 60 days of receiving the updated plan under subparagraph (A), the Secretary shall immediately—

''(I) provide a written response to the railroad carrier or other entity that identifies the reason for not approving the updated plan and explains any incomplete or deficient items;

''(II) allow the railroad carrier or other entity to submit, within 30 days of receiving the written response under subclause (I), a modified version of the updated plan for the Secretary's review; and

''(III) approve or issue final disapproval for a modified version of the updated plan submitted under subclause (II) not later than 60 days after receipt.

''(ii) During the 60-day period described in clause (i)(III), the railroad or other entity that has submitted a modified version of the updated plan under clause (i)(II) may make additional modifications, if requested by the Secretary, for the purposes of correcting incomplete or deficient items to receive approval.

''(D) PUBLIC AVAILABILITY.—Not later than 30 days after approving an updated plan under this paragraph, the Secretary shall make the updated plan available on the website of the Federal Railroad Administration.

''(E) PENDING REVIEWS.—For an applicant that submits an updated plan under subparagraph (A), the Secretary shall extend the deadline for implementing a positive train control system at least until the date the Secretary approves or issues final disapproval for the updated plan with an updated implementation schedule (as described in paragraph (4)(B)).

''(F) DISAPPROVAL.—A railroad carrier or other entity that has its modified version of its updated plan disapproved by the Secretary under subparagraph (C)(i)(III), and that has not implemented a positive train control system by the deadline in subsection (a)(1), is subject to enforcement action authorized under subsection (e).

''(4) CONTENTS OF UPDATED PLAN.—

''(A) MILESTONES OR METRICS.—Each updated plan submitted under paragraph (3) shall describe the following milestones or metrics:

''(i) The total number of components that will be installed with positive train control by the end of each calendar year until positive train control is fully implemented, with totals separated by each component category.

''(ii) The number of employees that will receive the training, as required under the applicable positive train control system regulations, by the end of each calendar year until positive train control is fully implemented.

''(iii) The calendar year or years in which spectrum will be acquired and will be available for use in all areas that it is needed for positive train control implementation, if such spectrum is not already acquired and ready for use.

''(B) IMPLEMENTATION SCHEDULE.—Each updated plan submitted under paragraph (3) shall include an implementation schedule that identifies the dates by which the railroad carrier or other entity will—

''(i) fully implement a positive train control system;

''(ii) complete all component installation, consistent with the milestones or metrics described in subparagraph (A)(i);

''(iii) complete all employee training required under the applicable positive train control system regulations, consistent with the milestones or metrics described in subparagraph (A)(ii);

''(iv) acquire all necessary spectrum, consistent with the milestones or metrics in subparagraph (A)(iii); and

''(v) activate its positive train control system.

''(C) ADDITIONAL INFORMATION.—Each updated plan submitted under paragraph (3) shall include—

''(i) the total number of positive train control components required for implementation, with totals separated by each major component category;

''(ii) the total number of employees requiring training under the applicable positive train control system regulations;

''(iii) a summary of the remaining challenges to positive train control system implementation, including—

''(I) testing issues;

''(II) interoperability challenges;

''(III) permitting issues; and

''(IV) certification challenges.

''(D) DEFINED TERM.—In this paragraph, the term 'component' means a locomotive apparatus, a wayside interface unit (including any associated legacy signal system replacements), back office system hardware, a base station radio, a wayside radio, or a locomotive radio.

''(5) PLAN IMPLEMENTATION.—The Class I railroad carrier or other entity subject to paragraph (1) shall implement a positive train control system in accordance with its plan, including any amendments made to the plan by its updated plan approved by the Secretary under paragraph (3), and subject to section 35443 of the Railroad Reform, Enhancement, and Efficiency Act.

''(6) PROGRESS REPORT.—Each Class I railroad carrier or other entity with an approved updated plan shall submit an annual report to the Secretary that describes the progress made on positive train control implementation, including—

''(A) the extent to which the railroad carrier or other entity met or exceeded the metrics or milestones described in paragraph (4)(A);

''(B) the extent to which the railroad carrier or other entity complied with its implementation schedule under paragraph (4)(B); and

''(C) any update to the information provided under paragraph (4)(C).

''(7) CONSTRAINT.—Each updated plan shall reflect that the railroad carrier or other entity subject to paragraph (1) will, not later than December 31, 2018—

''(A) complete component installation and spectrum acquisition; and

''(B) activate its positive train control system without undue delay.''.

(b) ENFORCEMENT.—Section 20157(e) is amended to read as follows:

''(e) ENFORCEMENT.—The Secretary is authorized to assess civil penalties pursuant to chapter 213 for the failure to submit or comply with a plan for implementing positive train control under subsection (a), including any amendments to the plan made by an updated plan (including milestones or metrics and an updated implementation schedule) approved by the Secretary under paragraph (3) of such subsection, subject to section 35443 of the Railroad Reform, Enhancement, and Efficiency Act.''.

(c) DEFINITIONS.—Section 20157(i) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2), as redesignated, the following:

''(1) ACTIVATE.—The term 'activate' means to initiate the use of a positive train control system in every subdivision or district where the railroad carrier or other entity is prepared to do so safely, reliably, and successfully, and proceed with revenue service demonstration as necessary for system testing and certification, prior to full implementation.''.

(d) CONFORMING AMENDMENT.—Section 20157(g) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(2) CONFORMING REGULATORY AMENDMENTS.—Immediately after the date of the enactment of the Railroad Reform, Enhancement, and Efficiency Act, the Secretary—

''(A) shall remove or revise any references to specified dates in the regulations or orders implementing this section to the extent necessary to conform with the amendments made by such Act; and

''(B) may not enforce any such date-specific deadlines or requirements that are inconsistent with the amendments made by such Act.''.

(e) SAVINGS PROVISIONS.—

(1) RESUBMISSION OF INFORMATION.—Nothing in the amendments made by this section may be construed to require a Class I railroad carrier or other entity subject to section 20157(a) of title 49, United States Code, to resubmit in its updated plan information from its initial implementation plan that is not changed or affected by the updated plan. The Secretary shall consider an updated plan submitted pursuant to paragraph (3) of that section to be an addendum that makes amendments to the initial implementation plan.

(2) SUBMISSION OF NEW PLAN.—Nothing in the amendments made by this section may be construed to require a Class I railroad carrier or other entity subject to section 20157(a) of title 49, United States Code, to submit a new implementation plan pursuant to the deadline set forth in that section.

(3) APPROVAL.—A railroad carrier or other entity subject to section 20157(a) of title 49, United States Code, that has its updated plan, including a modified version of the updated plan, approved by the Secretary under subparagraph (B) or subparagraph (C) of paragraph (3) of that section shall not be required to implement a positive train control system by the deadline under paragraph (1) of that section.

**SEC. 35443. EARLY ADOPTION AND INTEROPERABILITY.**

(a) EARLY ADOPTION.—During the 1-year period beginning on the date on which the last railroad carrier's or other entity's positive train control system, subject to section 20157(a) of title 49, United States Code, is certified by the Secretary under subsection (h) of such section and implemented on all of that railroad carrier's or other entity's lines required to have operations governed by a positive train control system, any railroad carrier or other entity shall not be subject to the operational restrictions set forth in subpart I of part 236 of title 49, Code of Federal Regulations, that would otherwise apply in the event of a positive train control system component failure.

(b) INTEROPERABILITY PROCEDURE.—If multiple railroad carriers operate on a single railroad line through a trackage or haulage agreement, each railroad carrier operating on the railroad line shall not be subject to the operating restrictions set forth in subpart I of part 236 of title 49, Code of Federal Regulations, with respect to the railroad line, until the Secretary certifies that—

(1) each Class I railroad carrier and each entity providing regularly scheduled intercity or commuter rail passenger transportation that operates on the railroad line is in compliance with its positive train control requirements under section 20157(a) of title 49, United States Code;

(2) each Class II or Class III railroad that operates on the railroad line is in compliance with the applicable regulatory requirements to equip locomotives operating in positive train control territory; and

(3) the implementation of any and all positive train control systems are interoperable and operational on the railroad line in conformance with each approved implementation plan so that each freight and passenger railroad can operate on the line with that freight or passenger railroad's positive train control equipment.

(c) SMALL RAILROADS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall amend section 236.1006(b)(4)(iii)(B) of title 49, Code of Federal Regulations (relating to equipping locomotives for applicable Class II and Class III railroads operating in positive train control territory) to extend each deadline by 3 years.

(d) ENFORCEMENT.—

(1) IN GENERAL.—Subject to paragraph (2), nothing in subsection (a) may be construed to prohibit the Secretary from enforcing the metrics and milestones under section 20157(a)(4)(A) of title 49, United States Code, as amended by section 35442 of this Act.

(2) ACTIVATION.—Beginning on the date in which a railroad carrier or other entity subject to section 20157(a) of title 49, United States Code, as amended by section 35442 of this Act, has activated its positive train control system, the railroad carrier or other entity shall not be in violation of its plan, including its updated plan, approved under this Act if implementing such plan introduces operational challenges or risks to full, successful, and safe implementation.

**SEC. 35444. POSITIVE TRAIN CONTROL AT GRADE CROSSINGS EFFECTIVENESS STUDY.**

(a) STUDY.—After the Secretary certifies that each Class I railroad carrier and each entity providing regularly scheduled intercity or commuter rail passenger transportation is in compliance with the positive train control requirements under section 20157(a) of title 49, United States Code, the Secretary shall enter into an agreement with the National Cooperative Rail Research Program Board—

(1) to conduct a study of the possible effectiveness of positive train control and related technologies on reducing collisions at highway-rail grade crossings; and

(2) to submit a report containing the results of the study conducted under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) FUNDING.—The Secretary may require, as part of the agreement under subsection (a), that the National Cooperative Rail Research Program Board fund the study required under this section using such sums as may be necessary out of the amounts made available under section 24910 of title 49, United States Code.

**Subtitle E—Project Delivery**

**SEC. 35501. SHORT TITLE.**

This subtitle may be cited as the ''Track, Railroad, and Infrastructure Network Act''.

**SEC. 35502. PRESERVATION OF PUBLIC LANDS.**

(a) HIGHWAYS.—Section 138 of title 23, United States Code, is amended—

(1) in subsection (b)(2)(A)(i), by inserting '', taking into consideration any avoidance, minimization, and mitigation or enhancement measures incorporated into the program or project'' after ''historic site''; and

(2) by adding at the end the following:

''(c) RAIL AND TRANSIT.—Improvements to, or the maintenance, rehabilitation, or operation of, railroad or rail transit lines or elements of such lines, with the exception of stations, that are in use or were historically used for the transportation of goods or passengers, shall not be considered a use of an historic site under subsection (a), regardless of whether the railroad or rail transit line or element of such line is listed on, or eligible for listing on, the National Register of Historic Places.''.

(b) TRANSPORTATION PROJECTS.—Section 303 is amended—

(1) in subsection (c), by striking ''subsection (d)'' and inserting ''subsections (d) and (e)'';

(2) in subsection (d)(2)(A)(i), by inserting '', taking into consideration any avoidance, minimization, and mitigation or enhancement measures incorporated into the program or project'' after ''historic site''; and

(3) by adding at the end the following:

''(e) RAIL AND TRANSIT.—Improvements to, or the maintenance, rehabilitation, or operation of, railroad or rail transit lines or elements of such lines, with the exception of stations, that are in use or were historically used for the transportation of goods or passengers, shall not be considered a use of an historic site under subsection (c), regardless of whether the railroad or rail transit line or element of such line is listed on, or eligible for listing on, the National Register of Historic Places.''.

**SEC. 35503. EFFICIENT ENVIRONMENTAL REVIEWS.**

(a) IN GENERAL.—Section 304 is amended—

(1) in the heading, by striking ''**for multimodal projects**'' and inserting ''**and increasing the efficiency of environmental reviews**''; and

(2) by adding at the end the following:

''(e) EFFICIENT ENVIRONMENTAL REVIEWS.—

''(1) IN GENERAL.—The Secretary of Transportation shall apply the project development procedures, to the greatest extent feasible, described in section 139 of title 23, United States Code, to any rail project that requires the approval of the Secretary of Transportation under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) REGULATIONS AND PROCEDURES.—The Secretary of Transportation shall incorporate such project development procedures into the agency regulations and procedures pertaining to rail projects.

''(f) APPLICABILITY OF NEPA DECISIONS.—

''(1) IN GENERAL.—A Department of Transportation operating administration may apply a categorical exclusion designated by another Department of Transportation operating administration under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) FINDINGS.—A Department of Transportation operating administration may adopt, in whole or in part, another Department of Transportation operating administration's Record of Decision, Finding of No Significant Impact, and any associated evaluations, determinations, or findings demonstrating compliance with any law related to environmental review or historic preservation.''.

**SEC. 35504. ADVANCE ACQUISITION.**

(a) IN GENERAL.—Chapter 241 is amended by inserting after section 24105 the following—

**''§ 24106. Advance acquisition**

''(a) RAIL CORRIDOR PRESERVATION.—The Secretary may assist a recipient of funding in acquiring right-of-way and adjacent real property interests before or during the completion of the environmental reviews for any project receiving funding under subtitle V of title 49, United States Code, that may use such property interests if the acquisition is otherwise permitted under Federal law, and the recipient requesting Federal funding for the acquisition certifies, with the concurrence of the Secretary, that—

''(1) the recipient has authority to acquire the right-of-way or adjacent real property interest; and

''(2) the acquisition of the right-of-way or adjacent real property interest—

''(A) is for a transportation or transportation-related purpose;

''(B) will not cause significant adverse environmental impact;

''(C) will not limit the choice of reasonable alternatives for the proposed project or otherwise influence the decision of the Secretary on any approval required for the proposed project;

''(D) does not prevent the lead agency for the review process from making an impartial decision as to whether to accept an alternative that is being considered;

''(E) complies with other applicable Federal law, including regulations;

''(F) will be acquired through negotiation and without the threat of condemnation; and

''(G) will not result in the elimination or reduction of benefits or assistance to a displaced person under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

''(b) ENVIRONMENTAL REVIEWS.—

''(1) COMPLETION OF NEPA REVIEW.—Before authorizing any Federal funding for the acquisition of a real property interest that is the subject of a grant or other funding under this subtitle, the Secretary shall complete, if required, the review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the acquisition.

''(2) COMPLETION OF SECTION 106.—An acquisition of a real property interest involving an historic site shall not occur unless the section 106 process, if required, under the National Historic Preservation Act (54 U.S.C. 306108) is complete.

''(3) TIMING OF ACQUISITIONS.—A real property interest acquired under subsection (a) may not be developed in anticipation of the proposed project until all required environmental reviews for the project have been completed.''.

(b) CONFORMING AMENDMENT.—The table of contents of chapter 241 is amended by inserting after the item relating to section 24105 the following:

''24106. Advance acquisition.''.

**SEC. 35505. RAILROAD RIGHTS-OF-WAY.**

Section 306108 of title 54, United States Code, is amended—

(1) by inserting ''(b) OPPORTUNITY TO COMMENT.—'' before ''The head of the Federal agency shall afford'' and indenting accordingly;

(2) in the matter before subsection (b), by inserting ''(a) IN GENERAL.—'' before ''The head of any Federal agency having direct'' and indenting accordingly; and

(3) by adding at the end the following:

''(c) EXEMPTION FOR RAILROAD RIGHTS-OF-WAY.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Track, Railroad, and Infrastructure Network Act, the Secretary of Transportation shall submit a proposed exemption of railroad rights-of-way from the review under this chapter to the Council for its consideration, consistent with the exemption for interstate highways approved on March 10, 2005 (70 Fed. Reg. 11,928).

''(2) FINAL EXEMPTION.—Not later than 180 days after the date that the Secretary submits the proposed exemption under paragraph (1) to the Council, the Council shall issue a final exemption of railroad rights-of-way from review under this chapter, consistent with the exemption for interstate highways approved on March 10, 2005 (70 Fed. Reg. 11,928).''.

**SEC. 35506. SAVINGS CLAUSE.**

Nothing in this title, or any amendment made by this title, shall be construed as superceding, amending, or modifying the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or affect the responsibility of any Federal officer to comply with or enforce any such statute.

**SEC. 35507. TRANSITION.**

Nothing in this title, or any amendment made by this title, shall affect any existing environmental review process, program, agreement, or funding arrangement approved by the Secretary under title 49, United States Code, as that title was in effect on the day preceding the date of enactment of this subtitle.

**Subtitle F—Financing**

**SEC. 35601. SHORT TITLE; REFERENCES.**

(a) SHORT TITLE.—This subtitle may be cited as the ''Railroad Infrastructure Financing Improvement Act''.

(b) REFERENCES TO THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976.—Except as otherwise expressly provided, wherever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 801 et seq.).

**SEC. 35602. DEFINITIONS.**

Section 501 (45 U.S.C. 821) is amended—

(1) by redesignating paragraph (8) as paragraph (10);

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(3) by inserting after paragraph (5) the following:

''(6) The term 'investment-grade rating' means a rating of BBB minus, Baa 3, bbb minus, BBB(low), or higher assigned by a rating agency.'';

(4) by inserting after paragraph (8), as redesignated, the following:

''(9) The term 'master credit agreement' means an agreement to make 1 or more direct loans or loan guarantees at future dates for a program of related projects on terms acceptable to the Secretary.''; and

(5) by adding at the end the following:

''(11) The term 'project obligation' means a note, bond, debenture, or other debt obligation issued by a borrower in connection with the financing of a project, other than a direct loan or loan guarantee under this title.

''(12) The term 'railroad' has the meaning given the term 'railroad carrier' in section 20102 of title 49, United States Code.

''(13) The term 'rating agency' means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).

''(14) The term 'substantial completion' means—

''(A) the opening of a project to passenger or freight traffic; or

''(B) a comparable event, as determined by the Secretary and specified in the direct loan.''.

**SEC. 35603. ELIGIBLE APPLICANTS.**

Section 502(a) (45 U.S.C. 822(a)) is amended—

(1) in paragraph (5), by striking ''one railroad; and'' and inserting ''1 of the entities described in paragraph (1), (2), (3), (4), or (6);''; and

(2) by amending paragraph (6) to read as follows:

''(6) solely for the purpose of constructing a rail connection between a plant or facility and a rail carrier, limited option freight shippers that own or operate a plant or other facility; and''.

**SEC. 35604. ELIGIBLE PURPOSES.**

Section 502(b)(1) (45 U.S.C. 822(b)(1)) is amended—

(1) in subparagraph (A), by inserting '', and costs related to these activities, including pre-construction costs'' after ''shops'';

(2) in subparagraph (B), by striking ''subparagraph (A); or'' and inserting ''subparagraph (A) or (C);'';

(3) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(D) reimburse planning and design expenses relating to projects described in subparagraph (A) or (C).''.

**SEC. 35605. PROGRAM ADMINISTRATION.**

(a) APPLICATION PROCESSING PROCEDURES.—Section 502(i) (45 U.S.C. 822(i)) is amended to read as follows:

''(i) APPLICATION PROCESSING PROCEDURES.—

''(1) APPLICATION STATUS NOTICES.—Not later than 30 days after the date that the Secretary receives an application under this section, the Secretary shall provide the applicant written notice as to whether the application is complete or incomplete.

''(2) INCOMPLETE APPLICATIONS.—If the Secretary determines that an application is incomplete, the Secretary shall—

''(A) provide the applicant with a description of all of the specific information or material that is needed to complete the application; and

''(B) allow the applicant to resubmit the information and material described under subparagraph (A) to complete the application.

''(3) APPLICATION APPROVALS AND DISAPPROVALS.—

''(A) IN GENERAL.—Not later than 60 days after the date the Secretary notifies an applicant that an application is complete under paragraph (1), the Secretary shall provide the applicant written notice as to whether the Secretary has approved or disapproved the application.

''(B) ACTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—In order to enable compliance with the time limit under subparagraph (A), the Office of Management and Budget shall take any action required with respect to the application within that 60-day period.

''(4) EXPEDITED PROCESSING.—The Secretary shall implement procedures and measures to economize the time and cost involved in obtaining an approval or a disapproval of credit assistance under this title.

''(5) DASHBOARD.—The Secretary shall post on the Department of Transportation's public Web site a monthly report that includes for each application—

''(A) the name of the applicant or applicants;

''(B) the location of the project;

''(C) a brief description of the project, including its purpose;

''(D) the requested direct loan or loan guarantee amount;

''(E) the date on which the Secretary provided application status notice under paragraph (1); and

''(F) the date that the Secretary provided notice of approval or disapproval under paragraph (3).''.

(b) ADMINISTRATION OF DIRECT LOANS AND LOAN GUARANTEES.—Section 503 (45 U.S.C. 823) is amended—

(1) in subsection (a), by striking the period at the end and inserting '', including a program guide and standard term sheet and specific timetables.'';

(2) by redesignating subsections (c) through (l) as subsections (d) through (m), respectively;

(3) by striking ''(b) ASSIGNMENT OF LOAN GUARANTEES.—'' and inserting ''(c) ASSIGNMENT OF LOAN GUARANTEES.—'';

(4) in subsection (d), as redesignated—

(A) in paragraph (1), by striking ''; and'' and inserting a semicolon;

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

(C) by adding at the end the following:

''(3) the modification cost has been covered under section 502(f).''; and

(5) by amending subsection (l), as redesignated, to read as follows:

''(l) CHARGES AND LOAN SERVICING.—

''(1) PURPOSES.—The Secretary may collect and spend from each applicant, obligor, or loan party a reasonable charge for—

''(A) the cost of evaluating the application, amendments, modifications, and waivers, including for evaluating project viability, applicant creditworthiness, and the appraisal of the value of the equipment or facilities for which the direct loan or loan guarantee is sought, and for making necessary determinations and findings;

''(B) the cost of award management and project management oversight;

''(C) the cost of services from expert firms, including counsel, and independent financial advisors to assist in the underwriting, auditing, servicing, and exercise of rights with respect to direct loans and loan guarantees; and

''(D) the cost of all other expenses incurred as a result of a breach of any term or condition or any event of default on a direct loan or loan guarantee.

''(2) STANDARDS.—The Secretary may charge different amounts under this subsection based on the different costs incurred under paragraph (1).

''(3) SERVICER.—

''(A) IN GENERAL.—The Secretary may appoint a financial entity to assist the Secretary in servicing a direct loan or loan guarantee under this section.

''(B) DUTIES.—A servicer appointed under subparagraph (A) shall act as the agent of the Secretary in serving a direct loan or loan guarantee under this section.

''(C) FEES.—A servicer appointed under subparagraph (A) shall receive a servicing

fee from the obligor or other loan party, subject to approval by the Secretary.

''(4) SAFETY AND OPERATIONS ACCOUNT.—Amounts collected under this subsection shall—

''(A) be credited directly to the Safety and Operations account of the Federal Railroad Administration; and

''(B) remain available until expended to pay for the costs described in this subsection.''.

**SEC. 35606. LOAN TERMS AND REPAYMENT.**

(a) PREREQUISITES FOR ASSISTANCE.—Section 502(g)(1) (45 U.S.C. 822(g)(1)) is amended by striking ''35 years from the date of its execution'' and inserting ''the lesser of 35 years after the date of substantial completion of the project or the estimated useful life of the rail equipment or facilities to be acquired, rehabilitated, improved, developed, or established''.

(b) REPAYMENT SCHEDULES.—Section 502(j) (45 U.S.C. 822(j)) is amended—

(1) in paragraph (1), by striking ''the sixth anniversary date of the original loan disbursement'' and inserting ''5 years after the date of substantial completion''; and

(2) by adding at the end the following:

''(3) DEFERRED PAYMENTS.—

''(A) IN GENERAL.—If at any time after the date of substantial completion the project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the direct loan, the Secretary, subject to subparagraph (B), may allow, for a maximum aggregate time of 1 year over the duration of the direct loan, the obligor to add unpaid principal and interest to the outstanding balance of the direct loan.

''(B) INTEREST.—A payment deferred under subparagraph (A) shall—

''(i) continue to accrue interest under paragraph (2) until the loan is fully repaid; and

''(ii) be scheduled to be amortized over the remaining term of the loan.

''(4) PREPAYMENTS.—

''(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and direct loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the direct loan without penalty.

''(B) USE OF PROCEEDS OF REFINANCING.—The direct loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.''.

(c) SALE OF DIRECT LOANS.—Section 502 (45 U.S.C. 822) is amended by adding at the end the following:

''(k) SALE OF DIRECT LOANS.—

''(1) IN GENERAL.—Subject to paragraph (2) and as soon as practicable after substantial completion of a project, the Secretary, after notifying the obligor, may sell to another entity or reoffer into the capital markets a direct loan for the project if the Secretary determines that the sale or reoffering has a high probability of being made on favorable terms.

''(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the prior written consent of the obligor''.

(d) NONSUBORDINATION.—Section 502 (45 U.S.C. 822), as amended in subsection (c), is further amended by adding at the end the following:

''(1) NONSUBORDINATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2)(B), a direct loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

''(2) PREEXISTING INDENTURES.—

''(A) IN GENERAL.—The Secretary may waive the requirement under paragraph (1) for a public agency borrower that is financing ongoing capital programs and has outstanding senior bonds under a preexisting indenture if—

''(i) the direct loan is rated in the A category or higher;

''(ii) the direct loan is secured and payable from pledged revenues not affected by project performance, such as a tax-based revenue pledge or a system-backed pledge of project revenues; and

''(iii) the program share, under this title, of eligible project costs is 50 percent or less.

''(B) LIMITATION.—The Secretary may impose limitations for the waiver of the nonsubordination requirement under this paragraph if the Secretary determines that such limitations would be in the financial interest of the Federal Government.''.

**SEC. 35607. CREDIT RISK PREMIUMS.**

Section 502(f) (45 U.S.C. 822(f)) is amended—

(1) in paragraph (1), by amending the first sentence to read as follows: ''In lieu of or in combination with appropriations of budget authority to cover the costs of direct loans and loan guarantees as required under section 504(b)(1) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)(1)), including the cost of a modification thereof, the Secretary may accept on behalf of an applicant for assistance under this section a commitment from a non-Federal source, including a State or local government or agency or public benefit corporation or public authority thereof, to fund in whole or in part credit risk premiums and modification costs with respect to the loan that is the subject of the application or modification.'';

(2) in paragraph (2)—

(A) in subparagraph (D), by adding ''and'' after the semicolon;

(B) by striking subparagraph (E); and

(C) by redesignating subparagraph (F) as subparagraph (E);

(3) by striking paragraph (4);

(4) by redesignating paragraph (3) as paragraph (4);

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

''(3) CREDITWORTHINESS.—An applicant may propose and the Secretary may accept as a basis for determining the amount of the credit risk premium under paragraph (2) any of the following in addition to the value of any tangible asset:

''(A) The net present value of a future stream of State or local subsidy income or other dedicated revenues to secure the direct loan or loan guarantee.

''(B) Adequate coverage requirements to ensure repayment, on a non-recourse basis, from cash flows generated by the project or any other dedicated revenue source, including—

''(i) tolls;

''(ii) user fees; or

''(iii) payments owing to the obligor under a public-private partnership.

''(C) An investment-grade rating on the direct loan or loan guarantee, as applicable, except that if the total amount of the direct loan or loan guarantee is greater than $75,000,000, the applicant shall have an investment-grade rating from at least 2 rating agencies on the direct loan or loan guarantee.''; and

(6) in paragraph (4), as redesignated, by striking ''amounts'' and inserting ''amounts (and in the case of a modification, before the modification is executed), to the extent appropriations are not available to the Secretary to meet the costs of direct loans and loan guarantees, including costs of modifications thereof''.

**SEC. 35608. MASTER CREDIT AGREEMENTS.**

Section 502 (45 U.S.C. 822), as amended by subsections (c) and (d) of section 35606 of this Act, is further amended by adding at the end the following:

''(m) MASTER CREDIT AGREEMENTS.—

''(1) IN GENERAL.—Subject to section 502(d) and paragraph (2) of this subsection, the Secretary may enter into a master credit agreement that is contingent on all of the conditions for the provision of a direct loan or loan guarantee, as applicable, under this title and other applicable requirements being satisfied prior to the issuance of the direct loan or loan guarantee.

''(2) CONDITIONS.—Each master credit agreement shall—

''(A) establish the maximum amount and general terms and conditions of each applicable direct loan or loan guarantee;

''(B) identify 1 or more dedicated non-Federal revenue sources that will secure the repayment of each applicable direct loan or loan guarantee;

''(C) provide for the obligation of funds for the direct loans or loan guarantees contingent on and after all requirements have been met for the projects subject to the master credit agreement; and

''(D) provide 1 or more dates, as determined by the Secretary, before which the master credit agreement results in each of the direct loans or loan guarantees or in the release of the master credit agreement.''.

**SEC. 35609. PRIORITIES AND CONDITIONS.**

(a) PRIORITY PROJECTS.—Section 502(c) (45 U.S.C. 822(c)) is amended—

(1) in paragraph (1), by inserting '', including projects for the installation of a positive train control system (as defined in section 20157(i) of title 49, United States Code)'' after ''public safety'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (2), respectively;

(3) in paragraph (5), by inserting ''or chapter 227 of title 49'' after ''section 135 of title 23'';

(4) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and

(5) by inserting after paragraph (5) the following:

''(6) improve railroad stations and passenger facilities and increase transit-oriented development;''.

(b) CONDITIONS OF ASSISTANCE.—Section 502(h) (45 U.S.C. 822(h)) is amended in paragraph (2), by inserting '', if applicable'' after ''project''.

**SEC. 35610. SAVINGS PROVISION.**

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle, and the amendments made by this subtitle, shall not affect any direct loan (or direct loan obligation) or an outstanding loan guarantee (or loan guarantee commitment) that was in effect prior to the date of enactment of this Act. Any such transaction entered into before the date of enactment of this Act shall be administered until completion under its terms as if this Act were not enacted.

(b) MODIFICATION COSTS.—At the discretion of the Secretary, the authority to accept modification costs on behalf of an applicant under section 502(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)), as amended by section 35607 of this Act, may apply with respect to any direct loan (or direct loan obligation) or an outstanding loan guarantee (or loan guarantee commitment) that was in effect prior to the date of enactment of this Act.

## DIVISION D—FREIGHT AND MAJOR PROJECTS

## TITLE XLI—FREIGHT POLICY

### SEC. 41001. ESTABLISHMENT OF FREIGHT CHAPTER.

(a) FREIGHT.—Subtitle III of title 49, United States Code, is amended by inserting after chapter 53 the following:

**"CHAPTER 54—FREIGHT**

''5401. Definitions.
''5402. National multimodal freight policy.
''5403. National multimodal freight network.
''5404. National freight strategic plan.
''5405. State freight advisory committees.
''5406. State freight plans.
''5407. Transportation investment planning and data tools.
''5408. Savings provision.
''5409. Assistance for freight projects.

**"§ 5401. Definitions**

''In this chapter:

''(1) ECONOMIC COMPETITIVENESS.—The term 'economic competitiveness' means the ability of the economy to efficiently move freight and people, produce goods, and deliver services, including—

''(A) reductions in the travel time of freight;

''(B) reductions in the congestion caused by the movement of freight;

''(C) improvements to freight travel time reliability; and

''(D) reductions in freight transportation costs due to congestion and insufficient infrastructure.

''(2) FREIGHT.—The term 'freight' means the commercial transportation of cargo, including agricultural, manufactured, retail, or other goods by vessel, vehicle, pipeline, or rail.

''(3) FREIGHT TRANSPORTATION MODES.—The term 'freight transportation modes' means—

''(A) the infrastructure supporting any mode of transportation that moves freight, including highways, ports, waterways, rail facilities, and pipelines; and

''(B) any vehicles or equipment transporting goods on such infrastructure.

''(4) NATIONAL HIGHWAY FREIGHT NETWORK.—The term 'national highway freight network' means the network established under section 167 of title 23.

''(5) NATIONAL MULTIMODAL FREIGHT NETWORK.—The term 'national multimodal freight network' means the network established under section 5403.

''(6) NATIONAL MULTIMODAL FREIGHT STRATEGIC PLAN.—The term 'national multimodal freight strategic plan' means the strategic plan developed under section 5404.

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

''(8) STATE.—The term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for subtitle III of title 49, United States Code, is amended by inserting after the item relating to chapter 53 the following:

''54. Freight ..... 5401''.

### SEC. 41002. NATIONAL MULTIMODAL FREIGHT POLICY.

Chapter 54 of subtitle III of title 49, United States Code, as added by section 41001, is amended by adding after section 5401 the following:

**"§ 5402. National multimodal freight policy**

''(a) POLICY.—It is the policy of the United States—

''(1) to support investment to maintain and improve the condition and performance of the national multimodal freight network;

''(2) to ensure that the United States maximizes its competitiveness in the global economy by increasing the overall productivity and connectivity of the national freight system; and

''(3) to pursue the goals described in subsection (b).

''(b) GOALS.—The national multimodal freight policy has the following goals:

''(1) To enhance the economic competitiveness of the United States by investing in infrastructure improvements and implementing operational improvements on the freight network of the United States that achieve 1 or more of the following:

''(A) Strengthen the contribution of the national freight network to the economic competitiveness of the United States.

''(B) Reduce congestion and relieve bottlenecks in the freight transportation system.

''(C) Reduce the cost of freight transportation.

''(D) Improve the reliability of freight transportation.

''(E) Increase productivity, particularly for domestic industries and businesses that create jobs.

''(2) To improve the safety, security, efficiency, and resiliency of freight transportation in rural and urban areas.

''(3) To improve the condition of the national freight network.

''(4) To use advanced technology to improve the safety and efficiency of the national freight network.

''(5) To incorporate concepts of performance, innovation, competition, and accountability into the operation and maintenance of the national freight network.

''(6) To improve the efficiency and productivity of the national freight network.

''(7) To pursue these goals in a manner that is not burdensome to State and local governments.

''(c) STRATEGIES.—The United States may achieve the goals described in subsection (b) by—

''(1) providing funding to maintain and improve freight infrastructure facilities;

''(2) implementing appropriate safety, environmental, energy and other transportation policies;

''(3) utilizing advanced technology and innovation;

''(4) promoting workforce development; and

''(5) using performance management activities.

''(d) IMPLEMENTATION.—The Under Secretary for Policy, who shall be responsible for the oversight and implementation of the national multimodal freight policy, shall—

''(1) assist with the coordination of modal freight planning;

''(2) ensure consistent, expedited review of multimodal freight projects;

''(3) review the project planning and approval processes at each modal administration to identify modeling and metric inconsistencies, approvals, and terminology differences that could hamper multimodal project approval;

''(4) identify interagency data sharing opportunities to promote freight planning and coordination;

''(5) identify multimodal efforts and connections;

''(6) designate the lead agency for multimodal freight projects;

''(7) develop recommendations for State incentives for multimodal planning efforts, which may include—

''(A) reducing the State cost share; or

''(B) expediting the review of agreements for multimodal or freight specific projects;

''(8) explore opportunities within existing legal authorities to reduce project delays by issuing categorical exclusions or allowing self-certifications of right-of-way acquisitions for freight projects; and

''(9) submit a report to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that identifies required reports, statutory requirements, and other limitations on efficient freight project delivery that could be streamlined or consolidated.''.

### SEC. 41003. NATIONAL MULTIMODAL FREIGHT NETWORK.

Chapter 54 of subtitle III of title 49, United States Code, as amended by section 41002, is amended by adding after section 5402 the following:

**"§ 5403. National multimodal freight network**

''(a) IN GENERAL.—The Secretary shall establish a national freight network, in accordance with this section—

''(1) to assist States in strategically directing resources toward improved system performance for the efficient movement of freight on transportation networks;

''(2) to inform freight transportation planning;

''(3) to assist in the prioritization of Federal investment; and

''(4) to assess and support Federal investments to achieve the national multimodal freight policy goals described in section 5402(b) of this title and in section 150(b) of title 23.

''(b) NETWORK COMPONENTS.—The national multimodal freight network established under this section shall consist of all connectors, corridors, and facilities in all freight transportation modes that are the most critical to the current and future movement of freight, including the national highway freight network, to achieve the national multimodal freight policy goals described in section 5402(b) of this title and in section 150(b) of title 23.

''(c) INITIAL DESIGNATION OF PRIMARY FREIGHT SYSTEM.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the DRIVE Act, the Secretary, after soliciting input from stakeholders, including multimodal freight system users, transport providers, metropolitan planning organizations, local governments, ports, airports, railroads, and States, through a public process to identify critical freight facilities and corridors that are vital to achieve the national multimodal freight policy goals described in section 5402(b) of this title and in section 150(b) of title 23, and after providing notice and opportunity for comment on a draft system, shall designate a primary freight system with the goal of—

''(A) improving network and intermodal connectivity; and

''(B) using measurable data as part of the assessment of the significance of freight movement, including the consideration of points of origin, destination, and linking components of domestic and international supply chains.

''(2) FACTORS.—In designating or redesignating a primary freight system, the Secretary shall consider—

''(A) origins and destinations of freight movement within, to, and from the United States;

''(B) volume, value, tonnage, and the strategic importance of freight;

''(C) access to border crossings, airports, seaports, and pipelines;

''(D) economic factors, including balance of trade;

''(E) access to major areas for manufacturing, agriculture, or natural resources;

''(F) access to energy exploration, development, installation, and production areas;

''(G) intermodal links and intersections that promote connectivity;

''(H) freight choke points and other impediments contributing to significant measurable congestion, delay in freight movement, or inefficient modal connections;

''(I) impacts on all freight transportation modes and modes that share significant freight infrastructure;

''(J) elements and transportation corridors identified by a multi-State coalition, a State, a State advisory committee, or a metropolitan planning organization, using national or local data, as having critical freight importance to the region;

''(K) intermodal connectors, major distribution centers, inland intermodal facilities, and first- and last-mile facilities;

''(L) the annual average daily truck traffic on principal arterials; and

''(M) the significance of goods movement, including consideration of global and domestic supply chains.

''(3) REQUIREMENTS FOR DESIGNATION.—A designation may be made under this subsection if the freight transportation facility or infrastructure being considered—

''(A) is in an urbanized area, regardless of population;

''(B) has been designated under subsection (d) as a critical rural freight corridor;

''(C) connects an intermodal facility to—

''(i) the primary freight network; or

''(ii) an intermodal freight facility;

''(D)(i) is located within a corridor of a route on the primary freight network; and

''(ii) provides an alternative option important to goods movement;

''(E) serves a major freight generator, logistic center, agricultural region, or manufacturing, warehouse, or industrial land; or

''(F) is important to the movement of freight within a State or metropolitan region, as determined by the State or the metropolitan planning organization.

''(4) CONSIDERATIONS.—In designating or redesignating the primary freight system under subsection (e), the Secretary shall—

''(A) use, to the extent practicable, measurable data to assess the significance of goods movement, including the consideration of points of origin, destination, and linking components of the United States global and domestic supply chains;

''(B) consider—

''(i) the factors described in subsection (c)(2); and

''(ii) any changes in the economy or freight transportation network demand; and

''(C) provide the States with an opportunity to submit proposed designations in accordance with paragraph (5).

''(5) STATE INPUT.—

''(A) IN GENERAL.—Each State that proposes increased designations on the primary freight system shall—

''(i) consider nominations for additional designations from metropolitan planning organizations and State freight advisory committees within the State;

''(ii) consider nominations for the additional designations from owners and operators of port, rail, pipeline, and airport facilities; and

''(iii) ensure that additional designations are consistent with the State Transportation Improvement Program or freight plan.

''(B) REVISIONS.—States may revise routes certified under section 4006 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2148) to conform with the designated freight system under this section.

''(C) SUBMISSION AND CERTIFICATION.—Each State shall submit to the Secretary—

''(i) a list of the additional designations added under this subsection; and

''(ii) certification that—

''(I) the State has satisfied the requirements under subparagraph (A); and

''(II) the designations referred to in clause (i) address the factors for redesignation described in subsection (c)(3).

''(d) CRITICAL RURAL FREIGHT CORRIDORS.—A State may designate freight transportation infrastructure or facilities within the borders of the State as a critical rural freight corridor if the public road or facility—

''(1) is a rural principal arterial roadway or facility;

''(2) provides access or service to energy exploration, development, installation, or production areas;

''(3) provides access or service to—

''(A) a grain elevator;

''(B) an agricultural facility;

''(C) a mining facility;

''(D) a forestry facility; or

''(E) an intermodal facility;

''(4) connects to an international port of entry;

''(5) provides access to significant air, rail, water, or other freight facilities in the State; or

''(6) has been determined by the State to be vital to improving the efficient movement of freight of importance to the economy of the State.

''(e) REDESIGNATION OF PRIMARY FREIGHT SYSTEM.—Beginning on the date that is 5 years after the initial designation under subsection (c), and every 5 years thereafter, the Secretary, using the designation factors described in subsection (c)(3), shall redesignate the primary freight system.''.

## TITLE XLII—PLANNING

### SEC. 42001. NATIONAL FREIGHT STRATEGIC PLAN.

Chapter 54 of subtitle III of title 49, United States Code (as amended by title XLI), is amended by adding at the end the following:

**''§ 5404. National freight strategic plan**

''(a) INITIAL DEVELOPMENT OF NATIONAL FREIGHT STRATEGIC PLAN.—Not later than 3 years after the date of enactment of the DRIVE Act, the Secretary, in consultation with State departments of transportation, metropolitan planning organizations, and other appropriate public and private transportation stakeholders, shall develop, after providing opportunity for notice and comment on a draft national freight strategic plan, and post on the public website of the Department of Transportation a national freight strategic plan that includes—

''(1) an assessment of the condition and performance of the national multimodal freight network;

''(2) an identification of bottlenecks on the national multimodal freight network that create significant freight congestion based on a quantitative methodology developed by the Secretary, which shall, at a minimum, include—

''(A) information from the Freight Analysis Framework of the Federal Highway Administration; and

''(B) to the maximum extent practicable, an estimate of the cost of addressing each bottleneck and any operational improvements that could be implemented;

''(3) a forecast of freight volumes, based on the most recent data available, for—

''(A) the 5-year period beginning in the year during which the plan is issued; and

''(B) if practicable, for the 10- and 20-year period beginning in the year during which the plan is issued;

''(4) an identification of major trade gateways and national freight corridors that connect major economic corridors, population centers, trade gateways, and other major freight generators for current and forecasted traffic and freight volumes, the identification of which shall be revised, as appropriate, in subsequent plans;

''(5) an assessment of statutory, regulatory, technological, institutional, financial, and other barriers to improved freight transportation performance (including opportunities for overcoming the barriers);

''(6) an identification of routes providing access to energy exploration, development, installation, or production areas;

''(7) routes for providing access to major areas for manufacturing, agriculture, or natural resources;

''(8) best practices for improving the performance of the national freight network;

''(9) best practices to mitigate the impacts of freight movement on communities;

''(10) a process for addressing multistate projects and encouraging jurisdictions to collaborate on multistate projects;

''(11) identification of locations or areas with congestion involving freight traffic, and strategies to address those issues;

''(12) strategies to improve freight intermodal connectivity; and

''(13) best practices for improving the performance of the national multimodal freight network and rural and urban access to critical freight corridors.

''(b) UPDATES TO NATIONAL FREIGHT STRATEGIC PLAN.—Not later than 5 years after the date of completion of the first national multimodal freight strategic plan under subsection (a) and every 5 years thereafter, the Secretary shall update and repost on the public website of the Department of Transportation a revised national freight strategic plan.''.

### SEC. 42002. STATE FREIGHT ADVISORY COMMITTEES.

Chapter 54 of subtitle III of title 49, United States Code (as amended by section 42001), is amended by adding at the end the following:

**''§ 5405. State freight advisory committees**

''(a) IN GENERAL.—Each State shall establish a freight advisory committee consisting of a representative cross-section of public and private sector freight stakeholders, including representatives of ports, third party logistics providers, shippers, carriers, freight-related associations, the freight industry workforce, the transportation department of the State, and local governments.

''(b) ROLE OF COMMITTEE.—A freight advisory committee of a State described in subsection (a) shall—

''(1) advise the State on freight-related priorities, issues, projects, and funding needs;

''(2) serve as a forum for discussion for State transportation decisions affecting freight mobility;

''(3) communicate and coordinate regional priorities with other organizations;

''(4) promote the sharing of information between the private and public sectors on freight issues; and

''(5) participate in the development of the freight plan of the State described in section 5406.''.

### SEC. 42003. STATE FREIGHT PLANS.

Chapter 54 of subtitle III of title 49, United States Code (as amended by section 42002), is amended by adding at the end the following:

**''§ 5406. State freight plans**

''(a) IN GENERAL.—Each State shall develop a freight plan that provides a comprehensive plan for the immediate and long-range planning activities and investments of the State with respect to freight.

''(b) PLAN CONTENTS.—A freight plan described in subsection (a) shall include, at a minimum—

''(1) an identification of significant freight system trends, needs, and issues with respect to the State;

''(2) a description of the freight policies, strategies, and performance measures that

will guide the freight-related transportation investment decisions of the State;

''(3) when applicable, a listing of critical rural and urban freight corridors designated within the State under section 5403 of this title or section 167 of title 23;

''(4) a description of how the plan will improve the ability of the State to meet the national freight goals established under section 5402(b) of this title and section 150(b) of title 23;

''(5) a description of how innovative technologies and operational strategies, including freight intelligent transportation systems, that improve the safety and efficiency of freight movement, were considered;

''(6) in the case of roadways on which travel by heavy vehicles (including mining, agricultural, energy cargo or equipment, and timber vehicles) is projected to substantially deteriorate the condition of roadways, a description of improvements that may be required to reduce or impede the deterioration;

''(7) an inventory of facilities with freight mobility issues, such as bottlenecks, within the State, and where the facilities are State owned or operated, a description of the strategies the State is employing to address those freight mobility issues;

''(8) consideration of any significant congestion or delay caused by freight movements and any strategies to mitigate that congestion or delay; and

''(9) a freight investment plan that, subject to subsection (c)(2), includes a list of priority projects and describes how funds made available to carry out section 167 of title 23 would be invested and matched.

''(c) RELATIONSHIP TO LONG-RANGE PLAN.—

''(1) INCORPORATION.—A State freight plan described in subsection (a) may be developed separately from or incorporated into the statewide strategic long-range transportation plan required by section 135 of title 23.

''(2) FISCAL CONSTRAINT.—The freight investment plan component of a freight plan shall include a project, or an identified phase of a project, only if funding for completion of the project can reasonably be anticipated to be available for the project within the time period identified in the freight investment plan.

''(d) PLANNING PERIOD.—The freight plan shall address a 5-year forecast period.

''(e) UPDATES.—

''(1) IN GENERAL.—A State shall update the freight plan not less frequently than once every 5 years.

''(2) FREIGHT INVESTMENT PLAN.—A State may update the freight investment plan more frequently than is required under paragraph (1).''.

**SEC. 42004. FREIGHT DATA AND TOOLS.**

Chapter 54 of subtitle III of title 49, United States Code (as amended by section 42003), is amended by adding at the end the following:

**''§ 5407. Transportation investment data and planning tools**

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the DRIVE Act, the Secretary shall—

''(1) begin development of new tools and improvement of existing tools to support an outcome-oriented, performance-based approach to evaluate proposed freight-related and other transportation projects, including—

''(A) methodologies for systematic analysis of benefits and costs on a national or regional basis;

''(B) tools for ensuring that the evaluation of freight-related and other transportation projects could consider safety, economic competitiveness, urban and rural access, environmental sustainability, and system condition in the project selection process;

''(C) improved methods for data collection and trend analysis;

''(D) encouragement of public-private partnerships to carry out data sharing activities while maintaining the confidentiality of all proprietary data; and

''(E) other tools to assist in effective transportation planning;

''(2) identify transportation-related model data elements to support a broad range of evaluation methods and techniques to assist in making transportation investment decisions; and

''(3) at a minimum, in consultation with other relevant Federal agencies, consider any improvements to existing freight flow data collection efforts that could reduce identified freight data gaps and deficiencies and help improve forecasts of freight transportation demand.

''(b) CONSULTATION.—The Secretary shall consult with Federal, State, and other stakeholders to develop, improve, and implement the tools and collect the data described in subsection (a).''.

**SEC. 42005. SAVINGS PROVISION.**

Chapter 54 of subtitle III of title 49, United States Code (as amended by section 42004), is amended by adding at the end the following:

**''§ 5408. Savings provision**

''Nothing in this chapter provides additional authority to regulate or direct private activity on freight networks designated by this chapter.''.

## TITLE XLIII—FORMULA FREIGHT PROGRAM

**SEC. 43001. NATIONAL HIGHWAY FREIGHT PROGRAM.**

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

**''§ 167. National highway freight program**

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—It is the policy of the United States to improve the condition and performance of the national highway freight network to ensure that the national freight network provides the foundation for the United States to compete in the global economy and achieve each goal described in subsection (b).

''(2) ESTABLISHMENT.—In support of the goals described in subsection (b), the Federal Highway Administrator (referred to in this section as the 'Administrator') shall establish a national highway freight program in accordance with this section to improve the efficient movement of freight on the national highway freight network.

''(b) GOALS.—The goals of the national highway freight program are—

''(1) to invest in infrastructure improvements and to implement operational improvements on the highways of the United States that—

''(A) strengthen the contribution of the national highway freight network to the economic competitiveness of the United States;

''(B) reduce congestion and relieve bottlenecks in the freight transportation system;

''(C) reduce the cost of freight transportation;

''(D) improve the reliability of freight transportation; and

''(E) increase productivity, particularly for domestic industries and businesses that create high-value jobs;

''(2) to improve the safety, security, efficiency, and resiliency of freight transportation in rural and urban areas;

''(3) to improve the state of good repair of the national highway freight network;

''(4) to use advanced technology to improve the safety and efficiency of the national highway freight network;

''(5) to incorporate concepts of performance, innovation, competition, and accountability into the operation and maintenance of the national highway freight network;

''(6) to improve the efficiency and productivity of the national highway freight network; and

''(7) to reduce the environmental impacts of freight movement.

''(c) ESTABLISHMENT OF A NATIONAL HIGHWAY FREIGHT NETWORK.—

''(1) IN GENERAL.—The Administrator shall establish a national highway freight network in accordance with this section to assist States in strategically directing resources toward improved system performance for efficient movement of freight on highways.

''(2) NETWORK COMPONENTS.—The national highway freight network shall consist of—

''(A) the primary highway freight system, as designated under subsection (d);

''(B) critical rural freight corridors established under subsection (e);

''(C) critical urban freight corridors established under subsection (f); and

''(D) the portions of the Interstate System not designated as part of the primary highway freight system, including designated future Interstate System routes as of the date of enactment of the DRIVE Act.

''(d) DESIGNATION AND REDESIGNATION OF THE PRIMARY HIGHWAY FREIGHT SYSTEM.—

''(1) INITIAL DESIGNATION OF PRIMARY HIGHWAY FREIGHT SYSTEM.—The initial designation of the primary highway freight system shall be—

''(A) the network designated by the Secretary under section 167(d) of title 23, United States Code, as in effect on the day before the date of enactment of the DRIVE Act; and

''(B) all National Highway System freight intermodal connectors.

''(2) REDESIGNATION OF PRIMARY HIGHWAY FREIGHT SYSTEM.—

''(A) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of the DRIVE Act and every 5 years thereafter, using the designation factors described in subparagraph (E), the Administrator shall redesignate the primary highway freight system (including any additional mileage added to the primary highway freight system under this paragraph as of the date on which the redesignation process is effective).

''(B) MILEAGE.—

''(i) FIRST REDESIGNATION.—In redesignating the primary highway freight system on the date that is 1 year after the date of enactment of the DRIVE Act, the Administrator shall limit the system to 30,000 centerline miles, without regard to the connectivity of the primary highway freight system.

''(ii) SUBSEQUENT REDESIGNATIONS.—Each redesignation after the redesignation described in clause (i), the Administrator may increase the primary highway freight system by up to 5 percent of the total mileage of the system, without regard to the connectivity of the primary highway freight system.

''(C) CONSIDERATIONS.—

''(i) IN GENERAL.—In redesignating the primary highway freight system, to the maximum extent practicable, the Administrator shall use measurable data to assess the significance of goods movement, including consideration of points of origin, destination, and linking components of the United States global and domestic supply chains.

''(ii) INTERMODAL CONNECTORS.—In redesignating the primary highway freight system, the Administrator shall include all National Highway System freight intermodal connectors.

''(D) INPUT.—In addition to the process provided to State freight advisory committees under paragraph (3), in redesignating the primary highway freight system, the Administrator shall provide an opportunity for State freight advisory committees to submit additional miles for consideration.

''(E) FACTORS FOR REDESIGNATION.—In redesignating the primary highway freight system, the Administrator shall consider—

''(i) the origins and destinations of freight movement in, to, and from the United States;

''(ii) land and water ports of entry;

''(iii) access to energy exploration, development, installation, or production areas;

''(iv) proximity of access to other freight intermodal facilities, including rail, air, water, and pipelines;

''(v) the total freight tonnage and value moved via highways;

''(vi) significant freight bottlenecks, as identified by the Administrator;

''(vii) the annual average daily truck traffic on principal arterials; and

''(viii) the significance of goods movement on principal arterials, including consideration of global and domestic supply chains.

''(3) STATE FLEXIBILITY FOR ADDITIONAL MILES ON PRIMARY HIGHWAY FREIGHT SYSTEM.—

''(A) IN GENERAL.—Not later than 1 year after each redesignation conducted by the Administrator under paragraph (2), each State, under the advisement of the State freight advisory committee, as developed and carried out in accordance with subsection (l), may increase the number of miles designated as part of the primary highway freight system in that State by not more than 10 percent of the miles designated in that State under this subsection if the additional miles—

''(i) close gaps between primary highway freight system segments;

''(ii) establish connections of the primary highway freight system critical to the efficient movement of goods, including ports, international border crossings, airports, intermodal facilities, logistics centers, warehouses, and agricultural facilities; or

''(iii) designate critical emerging freight routes.

''(B) CONSIDERATIONS.—Each State, under the advisement of the State freight advisory committee that increases the number of miles on the primary highway freight system under subparagraph (A) shall—

''(i) consider nominations for the additional miles from metropolitan planning organizations within the State;

''(ii) ensure that the additional miles are consistent with the freight plan of the State; and

''(iii) review the primary highway freight system of the State designated under paragraph (1) and redesignate miles in a manner that is consistent with paragraph (2).

''(C) SUBMISSION.—Each State, under the advisement of the State freight advisory committee shall—

''(i) submit to the Administrator a list of the additional miles added under this subsection; and

''(ii) certify that—

''(I) the additional miles meet the requirements of subparagraph (A); and

''(II) the State, under the advisement of the State freight advisory committee, has satisfied the requirements of subparagraph (B).

''(e) CRITICAL RURAL FREIGHT CORRIDORS.—A State may designate a public road within the borders of the State as a critical rural freight corridor if the public road—

''(1) is a rural principal arterial roadway and has a minimum of 25 percent of the annual average daily traffic of the road measured in passenger vehicle equivalent units from trucks (Federal Highway Administration vehicle class 8 to 13);

''(2) provides access to energy exploration, development, installation, or production areas;

''(3) connects the primary highway freight system, a roadway described in paragraph (1) or (2), or the Interstate System to facilities that handle more than—

''(A) 50,000 20-foot equivalent units per year; or

''(B) 500,000 tons per year of bulk commodities;

''(4) provides access to—

''(A) a grain elevator;

''(B) an agricultural facility;

''(C) a mining facility;

''(D) a forestry facility; or

''(E) an intermodal facility;

''(5) connects to an international port of entry;

''(6) provides access to significant air, rail, water, or other freight facilities in the State; or

''(7) is, in the determination of the State, vital to improving the efficient movement of freight of importance to the economy of the State.

''(f) CRITICAL URBAN FREIGHT CORRIDORS.—

''(1) URBANIZED AREA WITH POPULATION OF 500,000 OR MORE.—In an urbanized area with a population of 500,000 or more individuals, the representative metropolitan planning organization, in consultation with the State, may designate a public road within the borders of that area of the State as a critical urban freight corridor.

''(2) URBANIZED AREA WITH A POPULATION LESS THAN 500,000.—In an urbanized area with a population of less than 500,000 individuals, the State, in consultation with the representative metropolitan planning organization, may designate a public road within the borders of that area of the State as a critical urban freight corridor.

''(3) REQUIREMENTS FOR DESIGNATION.—A designation may be made under paragraphs (1) or (2) if the public road—

''(A) is in an urbanized area, regardless of population; and

''(B)(i) connects an intermodal facility to—

''(I) the primary highway freight network;

''(II) the Interstate System; or

''(III) an intermodal freight facility;

''(ii) is located within a corridor of a route on the primary highway freight network and provides an alternative highway option important to goods movement;

''(iii) serves a major freight generator, logistic center, or manufacturing and warehouse industrial land; or

''(iv) is important to the movement of freight within the region, as determined by the metropolitan planning organization or the State.

''(g) DESIGNATION AND CERTIFICATION.—

''(1) DESIGNATION.—States and metropolitan planning organizations may designate corridors under subsections (e) and (f) and submit the designated corridors to the Administrator on a rolling basis.

''(2) CERTIFICATION.—Each State or metropolitan planning organization that designates a corridor under subsection (e) or (f) shall certify to the Administrator that the designated corridor meets the requirements of the applicable subsection.

''(h) HIGHWAY FREIGHT TRANSPORTATION CONDITIONS AND PERFORMANCE REPORTS.—Not later than 2 years after the date of enactment of the DRIVE Act and biennially thereafter, the Administrator shall prepare and submit to Congress a report that describes the conditions and performance of the national highway freight network in the United States.

''(i) USE OF APPORTIONED FUNDS.—

''(1) IN GENERAL.—A State shall obligate funds apportioned to the State under section 104(b)(5) to improve the movement of freight on the national highway freight network.

''(2) FORMULA.—The Administrator shall calculate for each State the proportion that—

''(A) the total mileage in the State designated as part of the primary highway freight system; bears to

''(B) the total mileage of the primary highway freight system in all States.

''(3) USE OF FUNDS.—

''(A) STATES WITH HIGH PRIMARY HIGHWAY FREIGHT SYSTEM MILEAGE.—If the proportion of a State under paragraph (2) is greater than or equal to 3 percent, the State may obligate funds apportioned to the State under section 104(b)(5) for projects on—

''(i) the primary highway freight system;

''(ii) critical rural freight corridors; and

''(iii) critical urban freight corridors.

''(B) STATES WITH LOW PRIMARY HIGHWAY FREIGHT SYSTEM MILEAGE.—If the proportion of a State under paragraph (2) is less than 3 percent, the State may obligate funds apportioned to the State under section 104(b)(5) for projects on any component of the national highway freight network.

''(4) FREIGHT PLANNING.—Notwithstanding any other provision of law, effective beginning 2 years after the date of enactment of the DRIVE Act, a State may not obligate funds apportioned to the State under section 104(b)(5) unless the State has—

''(A) established a freight advisory committee in accordance with section 5405 of title 49; and

''(B) developed a freight plan in accordance with section 5406 of title 49, except that the multimodal component of the plan may be incomplete before an obligation may be made under this section.

''(5) ELIGIBILITY.—

''(A) IN GENERAL.—Except as provided in this subsection, for a project to be eligible for funding under this section the project shall—

''(i) contribute to the efficient movement of freight on the national highway freight network; and

''(ii) be consistent with a freight investment plan included in a freight plan of the State that is in effect.

''(B) OTHER PROJECTS.—A State may obligate not more than 10 percent of the total apportionment of the State under section 104(b)(5) for projects—

''(i) within the boundaries of public and private freight rail, water facilities (including ports), and intermodal facilities; and

''(ii) that provide surface transportation infrastructure necessary to facilitate direct intermodal interchange, transfer, and access into and out of the facility.

''(C) ELIGIBLE PROJECTS.—Funds apportioned to the State under section 104(b)(5) for the national highway freight program may be obligated to carry out 1 or more of the following:

''(i) Development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities.

''(ii) Construction, reconstruction, rehabilitation, acquisition of real property (including land relating to the project and improvements to land), construction contingencies, acquisition of equipment, and operational improvements directly relating to improving system performance.

''(iii) Intelligent transportation systems and other technology to improve the flow of freight, including intelligent freight transportation systems.

''(iv) Efforts to reduce the environmental impacts of freight movement.

''(v) Environmental and community mitigation of freight movement.

''(vi) Railway-highway grade separation.

''(vii) Geometric improvements to interchanges and ramps.

''(viii) Truck-only lanes.

''(ix) Climbing and runaway truck lanes.

''(x) Adding or widening of shoulders.

''(xi) Truck parking facilities eligible for funding under section 1401 of MAP–21 (23 U.S.C. 137 note; Public Law 112–141).

''(xii) Real-time traffic, truck parking, roadway condition, and multimodal transportation information systems.

''(xiii) Electronic screening and credentialing systems for vehicles, including weigh-in-motion truck inspection technologies.

''(xiv) Traffic signal optimization, including synchronized and adaptive signals.

''(xv) Work zone management and information systems.

''(xvi) Highway ramp metering.

''(xvii) Electronic cargo and border security technologies that improve truck freight movement.

''(xviii) Intelligent transportation systems that would increase truck freight efficiencies inside the boundaries of intermodal facilities.

''(xix) Additional road capacity to address highway freight bottlenecks.

''(xx) A highway project, other than a project described in clauses (i) through (xix), to improve the flow of freight on the national highway freight network.

''(xxi) Any other surface transportation project to improve the flow of freight into and out of a facility described in subparagraph (B).

''(6) OTHER ELIGIBLE COSTS.—In addition to the eligible projects identified in paragraph (5), a State may use funds apportioned under section 104(b)(5) for—

''(A) carrying out diesel retrofit or alternative fuel projects under section 149 for class 8 vehicles; and

''(B) the necessary costs of—

''(i) conducting analyses and data collection related to the national highway freight program;

''(ii) developing and updating performance targets to carry out this section; and

''(iii) reporting to the Administrator to comply with section 150.

''(7) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

''(j) STATE PERFORMANCE TARGETS.—If the Administrator determines that a State has not met or made significant progress toward meeting the performance targets related to freight movement of the State established under section 150(d) by the date that is 2 years after the date of the establishment of the performance targets, until the date on which the Administrator determines that the State has met or has made significant progress towards meeting the performance targets, the State shall submit to the Administrator, on a biennial basis, a freight performance improvement plan that includes—

''(1) an identification of significant freight system trends, needs, and issues within the State;

''(2) a description of the freight policies and strategies that will guide the freight-related transportation investments of the State;

''(3) an inventory of freight bottlenecks within the State and a description of the ways in which the State is allocating the national highway freight program funds to improve those bottlenecks; and

''(4) a description of the actions the State will undertake to meet the performance targets of the State.

''(k) STUDY OF MULTIMODAL PROJECTS.—Not later than 2 years after the date of enactment of the DRIVE Act, the Administrator shall submit to Congress a report that contains—

''(1) a study of freight projects identified in State freight plans under section 5406 of title 49; and

''(2) an evaluation of multimodal freight projects included in the State freight plans, or otherwise identified by States, that are subject to the limitation of funding for such projects under this section.

''(l) STATE FREIGHT ADVISORY COMMITTEES.—A State freight advisory committee shall be carried out as described in section 5405 of title 49.

''(m) STATE FREIGHT PLANS.—A State freight plan shall be carried out as described in section 5406 of title 49.

''(n) INTELLIGENT FREIGHT TRANSPORTATION SYSTEM.—

''(1) DEFINITION OF INTELLIGENT FREIGHT TRANSPORTATION SYSTEM.—In this section, the term 'intelligent freight transportation system' means—

''(A) an innovative or intelligent technological transportation system, infrastructure, or facilities, including electronic roads, driverless trucks, elevated freight transportation facilities, and other intelligent freight transportation systems; and

''(B) a communications or information processing system used singly or in combination for dedicated intelligent freight lanes and conveyances that improve the efficiency, security, or safety of freight on the Federal-aid highway system or that operate to convey freight or improve existing freight movements.

''(2) LOCATION.—An intelligent freight transportation system shall be located—

''(A)(i) along existing Federal-aid highways; or

''(ii) in a manner that connects ports-of-entry to existing Federal-aid highways; and

''(B) in proximity to, or within, an existing right-of-way on a Federal-aid highway.

''(3) OPERATING STANDARDS.—The Administrator of the Federal Highway Administration shall determine the need for establishing operating standards for intelligent freight transportation systems.

''(o) TREATMENT OF FREIGHT PROJECTS.—Notwithstanding any other provision of law, a freight project carried out under this section shall be treated as if the project were on a Federal-aid highway.''.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''167. National highway freight program.''

(2) Sections 1116, 1117, and 1118 of MAP–21 (23 U.S.C. 167 note; Public Law 112–141) are repealed.

## TITLE XLIV—GRANTS

### SEC. 44001. PURPOSE; DEFINITIONS; ADMINISTRATION.

(a) IN GENERAL.—The purpose of the grants described in the amendments made by section 44002 is to assist in funding critical high-cost transportation infrastructure projects that—

(1) are difficult to complete with existing Federal, State, local, and private funds; and

(2) will achieve 1 or more of—

(A) generation of national or regional economic benefits and an increase in the global economic competitiveness of the United States;

(B) reduction of congestion and the impacts of congestion;

(C) improvement of facilities vital to agriculture, manufacturing, or national energy security;

(D) improvement of the efficiency, reliability, and affordability of the movement of freight;

(E) improvement of transportation safety;

(F) improvement of existing and designated future Interstate System routes; or

(G) improvement of the movement of people through improving rural connectivity and metropolitan accessibility.

(b) DEFINITIONS.—In this section and for purposes of the grant programs established under the amendments made by section 44002:

(1) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means—

(A) a State (or a group of States);

(B) a local government (or a group of local governments);

(C) a tribal government (or a consortium of tribal governments);

(D) a transit agency (or a group of transit agencies);

(E) a special purpose district or a public authority with a transportation function;

(F) a port authority (or a group of port authorities);

(G) a political subdivision of a State or local government;

(H) a Federal land management agency, jointly with the applicable State; or

(I) a multistate or multijurisdictional group of entities described in subparagraphs (A) through (H).

(2) RURAL AREA.—The term ''rural area'' means an area that is outside of an urbanized area with a population greater than 150,000 individuals, as determined by the Bureau of the Census.

(3) RURAL STATE.—The term ''rural State'' means a State that has a population density of 80 or fewer persons per square mile, based on the most recent decennial census.

(c) APPLICATIONS.—

(1) IN GENERAL.—An eligible applicant shall submit to the Secretary or the Federal Highway Administrator (referred to in this section as the ''Administrator''), as appropriate, an application in such form and containing such information as the Secretary or Administrator, as appropriate, determines necessary, including the total amount of the grant requested.

(2) CONTENTS.—Each application submitted under this paragraph shall include data on the most recent system performance, to the extent practicable, and estimated system improvements that will result from completion of the eligible project, including projections for improvements 5 and 10 years after completion of the project.

(3) RESUBMISSION OF APPLICATIONS.—An eligible applicant whose project is not selected may resubmit an application in a subsequent solicitation with an addendum indicating changes to the project application.

(d) ACCOUNTABILITY MEASURES.—The Secretary and the Administrator shall establish accountability measures for the management of the grants described in this section—

(1) to establish clear procedures for addressing late-arriving applications;

(2) to publicly communicate decisions to accept or reject applications; and

(3) to document major decisions in the application evaluation and project selection process through a decision memorandum or similar mechanism that provides a clear rationale for decisions.

(e) GEOGRAPHIC DISTRIBUTION.—In awarding grants, the Secretary or Administrator, as appropriate, shall take measures to ensure, to the maximum extent practicable—

(1) an equitable geographic distribution of amounts; and

(2) an appropriate balance in addressing the needs of rural and urban communities.

(f) REPORTS.—

(1) IN GENERAL.—The Secretary or the Administrator, as appropriate, shall make available on the website of the Department at the end of each fiscal year an annual report that lists each project for which a grant has been provided under this section during that fiscal year.

(2) COMPTROLLER GENERAL.—

(A) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the administrative establishment, solicitation, selection, and justification process with respect to the funding of grants described in this title.

(B) REPORT.—Not later than 1 year after the initial awarding of grants described in this section, the Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(i) the adequacy and fairness of the process by which each project was selected, if applicable;

(ii) the justification and criteria used for the selection of each project, if applicable.

**SEC. 44002. GRANTS.**

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

**"§ 171. Assistance for major projects program**

''(a) PURPOSE OF PROGRAM.—The purpose of the assistance for major projects program shall be the purpose described in section 44001 of the DRIVE Act.

''(b) DEFINITIONS.—In this section—

''(1) the terms defined in section 44001 of the DRIVE Act shall apply; and

''(2) the following definitions shall apply:

''(A) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

''(B) ELIGIBLE PROJECT.—

''(i) IN GENERAL.—The term 'eligible project' means a surface transportation project, or a program of integrated surface transportation projects closely related in the function the projects perform, that—

''(I) is a capital project that is eligible for Federal financial assistance under—

''(aa) this title; or

''(bb) chapter 53 of title 49; and

''(II) except as provided in clause (ii), has eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

''(aa) $350,000,000; and

''(bb)(AA) for a project located in a single State, 25 percent of the amount of Federal-aid highway funds apportioned to the State for the most recently completed fiscal year;

''(BB) for a project located in a single rural State with a population density of 80 or fewer persons per square mile based on the most recent decennial census, 10 percent of the amount of Federal-aid highway funds apportioned to the State for the most recently completed fiscal year; or

''(CC) for a project located in more than 1 State, 75 percent of the amount of Federal-aid highway funds apportioned to the participating State that has the largest apportionment for the most recently completed fiscal year.

''(ii) FEDERAL LAND TRANSPORTATION FACILITY.—In the case of a Federal land transportation facility, the term 'eligible project' means a Federal land transportation facility that has eligible project costs that are reasonably anticipated to equal or exceed $150,000,000.

''(C) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs' means the costs of—

''(i) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

''(ii) construction, reconstruction, rehabilitation, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, acquisition of equipment directly related to improving system performance, and operational improvements.

''(c) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program in accordance with this section to provide grants for projects that will have a significant impact on a region or the Nation.

''(d) SOLICITATIONS AND APPLICATIONS.—

''(1) GRANT SOLICITATIONS.—The Administrator shall conduct a transparent and competitive national solicitation process to review eligible projects for funding under this section.

''(2) APPLICATIONS.—An eligible applicant shall submit an application to the Administrator in such form as described in and in accordance with section 44001 of the DRIVE Act.

''(e) CRITERIA FOR PROJECT EVALUATION AND SELECTION.—

''(1) IN GENERAL.—The Administrator may select a project for funding under this section only if the Administrator determines that the project—

''(A) is consistent with the national goals described in section 150(b);

''(B) will significantly improve the performance of the national surface transportation network, nationally or regionally;

''(C) is based on the results of preliminary engineering;

''(D) is consistent with the long-range statewide transportation plan;

''(E) cannot be readily and efficiently completed without Federal financial assistance;

''(F) is justified based on the ability of the project to achieve 1 or more of—

''(i) generation of national economic benefits that reasonably exceed the costs of the project;

''(ii) reduction of long-term congestion, including impacts on a national, regional, and statewide basis;

''(iii) an increase in the speed, reliability, and accessibility of the movement of people or freight; or

''(iv) improvement of transportation safety, including reducing transportation accident and serious injuries and fatalities; and

''(G) is supported by a sufficient amount of non-Federal funding, including evidence of stable and dependable financing to construct, maintain, and operate the infrastructure facility.

''(2) ADDITIONAL CONSIDERATIONS.—In evaluating a project under this section, in addition to the criteria described in paragraph (1), the Administrator shall consider the extent to which the project—

''(A) leverages Federal investment by encouraging non-Federal contributions to the project, including contributions from public-private partnerships;

''(B) is able to begin construction by the date that is not later than 18 months after the date on which the project is selected;

''(C) incorporates innovative project delivery and financing to the maximum extent practicable;

''(D) helps maintain or protect the environment;

''(E) improves roadways vital to national energy security;

''(F) improves or upgrades designated future Interstate System routes;

''(G) uses innovative technologies, including intelligent transportation systems, that enhance the efficiency of the project;

''(H) helps to improve mobility and accessibility; and

''(I) address the impact of population growth on the movement of people and freight.

''(f) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Administrator shall take measures as described in section 44001 of the DRIVE Act.

''(g) FUNDING REQUIREMENTS.—

''(1) IN GENERAL.—Except in the case of projects described in paragraph (2), the amount of a grant under this section shall be at least $50,000,000.

''(2) RURAL PROJECTS.—The amounts made available for a fiscal year under this section for eligible projects located in rural areas or in rural States shall not be—

''(A) less than 20 percent of the amount made available for the fiscal year under this section; and

''(B) subject to paragraph (1).

''(3) LIMITATION OF FUNDS.—Not more than 20 percent of the funds made available for a fiscal year to carry out this section shall be allocated for projects eligible under section 167(i)(5)(B) or chapter 53 of title 49.

''(4) STATE CAP.—

''(A) IN GENERAL.—Not more than 20 percent of the funds made available for a fiscal year to carry out this section may be awarded to projects in a single State.

''(B) EXCEPTION FOR MULTISTATE PROJECTS.—For purposes of the limitation described in subparagraph (A), funds awarded for a multistate project shall be considered to be distributed evenly to each State.

''(5) TIFIA PROGRAM.—On the request of an eligible applicant under this section, the Administrator may use amounts awarded to the entity to pay subsidy and administrative costs necessary to provide the entity Federal credit assistance under chapter 6 with respect to the project for which the grant was awarded.

''(h) GRANT REQUIREMENTS.—

''(1) APPLICABILITY OF PLANNING REQUIREMENTS.—The programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

''(2) DETERMINATION OF APPLICABLE MODAL REQUIREMENTS.—If an eligible project that receives a grant under this section has a crossmodal component, the Administrator—

''(A) shall determine the predominant modal component of the project; and

''(B) may apply the applicable requirements of that predominant modal component to the project.

''(i) REPORT TO THE ADMINISTRATOR.—For each project funded under this section, the project sponsor shall evaluate system performance and submit to the Administrator a report not later than 5, 10, and 20 years after completion of the project to assess whether the project outcomes have met preconstruction projections.

''(j) ADMINISTRATIVE SELECTION.—The Administrator shall award grants to eligible projects in a fiscal year based on the criteria described in subsection (e).

''(k) REPORTS.—

''(1) IN GENERAL.—The Administrator shall provide an annual report as described in section 44001 of the DRIVE Act.

''(2) COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct an assessment as described in section 44001 of the DRIVE Act.''.

(b) ASSISTANCE FOR FREIGHT PROJECTS.—Chapter 54 of subtitle III of title 49, United States Code, as amended by section 42005, is amended by adding after section 5408 the following:

**"§ 5409. Assistance for freight projects**

''(a) ESTABLISHMENT.—The Secretary shall establish and implement an assistance for

freight projects grant program for capital investments in major freight transportation infrastructure projects to improve the movement of goods through the transportation network of the United States.

''(b) CRITERIA FOR PROJECT EVALUATION AND SELECTION.—

''(1) IN GENERAL.—The Secretary may select a project for funding under this section only if the Secretary determines that the project—

''(A) is consistent with the goals described in section 5402(b);

''(B) will significantly improve the national or regional performance of the freight transportation network;

''(C) is based on the results of preliminary engineering;

''(D) is consistent with the long-range statewide transportation plan;

''(E) cannot be readily and efficiently completed without Federal financial assistance;

''(F) is justified based on the ability of the project—

''(i) to generate national economic benefits that reasonably exceed the costs of the project;

''(ii) to reduce long-term congestion, including impacts on a regional and statewide basis; or

''(iii) to increase the speed, reliability, and accessibility of the movement of freight; and

''(G) is supported by a sufficient amount of non-Federal funding, including evidence of stable and dependable financing to construct, maintain, and operate the infrastructure facility.

''(2) ADDITIONAL CONSIDERATIONS.—In evaluating a project under this section, in addition to the criteria described in paragraph (1), the Secretary shall consider the extent to which the project—

''(A) leverages Federal investment by encouraging non-Federal contributions to the project, including contributions from public-private partnerships;

''(B) is able to begin construction by the date that is not later than 1 year after the date on which the project is selected;

''(C) incorporates innovative project delivery and financing to the maximum extent practicable;

''(D) improves freight facilities vital to agricultural or national energy security;

''(E) improves or upgrades current or designated future Interstate System routes;

''(F) uses innovative technologies, including intelligent transportation systems, that enhance the efficiency of the project;

''(G) helps to improve mobility and accessibility; and

''(H) improves transportation safety, including reducing transportation accident and serious injuries and fatalities.

''(c) ELIGIBLE PROJECTS.—

''(1) IN GENERAL.—A project is eligible for a grant under this section if the project—

''(A) is difficult to complete with existing Federal, State, local, and private funds;

''(B)(i) enhances the economic competitiveness of the United States; or

''(ii) improves the flow of freight or reduces bottlenecks in the freight infrastructure of the United States; and

''(C) will advance 1 or more of the following objectives:

''(i) Generate regional or national economic benefits and an increase in the global economic competitiveness of the United States.

''(ii) Improve transportation resources vital to agriculture or national energy security.

''(iii) Improve the efficiency, reliability, and affordability of the movement of freight.

''(iv) Improve existing freight infrastructure projects.

''(v) Improve the movement of people by improving rural and metropolitan freight routes.

''(2) EXAMPLES.—Eligible projects for grant funding under this section shall include—

''(A) a freight intermodal facility, including—

''(i) an intermodal facility serving a seaport;

''(ii) an intermodal or cargo access facility serving an airport;

''(iii) an intermodal facility serving a port on the inland waterways;

''(iv) a bulk intermodal/transload facility; or

''(v) a highway/rail intermodal facility;

''(B) a highway or bridge project eligible under title 23;

''(C) a public transportation project that reduces congestion on freight corridors and is eligible under chapter 53;

''(D) a freight rail transportation project (including rail-grade separations); and

''(E) a port infrastructure investment (including inland port infrastructure).

''(d) REQUIREMENTS.—

''(1) CONSIDERATIONS.—In selecting projects to receive grant funding under this section, the Secretary shall—

''(A) consider—

''(i) projected freight volumes; and

''(ii) how projects will enhance economic efficiency, productivity, and competitiveness;

''(iii) population growth and the impact on freight demand; and

''(B) give priority to projects dedicated to—

''(i) improving freight infrastructure facilities;

''(ii) reducing travel time for freight projects;

''(iii) reducing freight transportation costs; and

''(iv) reducing congestion caused by rapid population growth on freight corridors.

''(2) MULTIMODAL DISTRIBUTION OF FUNDS.—In distributing funding for grants under this section, the Secretary shall take such measures as the Secretary determines necessary to ensure the investment in a variety of transportation modes.

''(3) AMOUNT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B)(i), a grant under this section shall be in an amount that is not less than $10,000,000 and not greater than $100,000,000.

''(B) PROJECTS IN RURAL AREAS.—If a grant awarded under this section is for a project located in a rural area—

''(i) the amount of the grant shall be at least $1,000,000; and

''(ii) the Secretary may increase the Federal share of costs to greater than 80 percent.

''(4) FEDERAL SHARE.—Except as provided under paragraph (3)(B)(ii), the Federal share of the costs for a project receiving a grant under this section shall be up to 80 percent.

''(5) PRIORITY.—The Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package.

''(6) RURAL AREAS.—Not less than 25 percent of the funding provided under this section shall be used to make grants for projects located in rural areas.

''(7) NEW COMPETITION.—The Secretary shall conduct a new competition each fiscal year to select the grants and credit assistance awarded under this section.

''(e) CONSULTATION.—The Secretary shall consult with the Secretary of Energy when considering projects that facilitate the movement of energy resources.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated from the general fund of the Treasury, $200,000,000 for each of fiscal years 2016 through 2021 to carry out this section.

''(2) ADMINISTRATIVE AND OVERSIGHT COSTS.—The Secretary may retain up to 0.5 percent of the amounts appropriated pursuant to paragraph (1)—

''(A) to administer the assistance for freight projects grant program; and

''(B) to oversee eligible projects funded under this section.

''(3) ADMINISTRATION OF FUNDS.—Amounts appropriated pursuant to this subsection shall be available for obligation until expended.

''(g) CONGRESSIONAL NOTIFICATION.—Not later than 72 hours before public notification of a grant awarded under this section, the Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Environment and Public Works of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Appropriations of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Appropriations of the House of Representatives of such award.

''(h) ACCOUNTABILITY MEASURES.—The Secretary shall provide to Congress documentation of major decisions in the application evaluation and project selection process, which shall include a clear rationale for decisions—

''(1) to advance for senior review applications other than those rated as highly recommended;

''(2) to not advance applications rated as highly recommended; and

''(3) to change the technical evaluation rating of an application.''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''171. Assistance for major projects program.''.

## DIVISION E—FINANCE

**SEC. 50001. SHORT TITLE.**

This division may be cited as the ''Transportation Funding Act of 2015''.

## TITLE LI—HIGHWAY TRUST FUND AND RELATED TAXES

### Subtitle A—Extension of Trust Fund Expenditure Authority and Related Taxes

**SEC. 51101. EXTENSION OF TRUST FUND EXPENDITURE AUTHORITY.**

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986, as amended by division G, is amended—

(1) by striking ''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 ''Surface Transportation Extension Act of 2015'' each place it appears in subsection (b)(2) and inserting ''DRIVE Act'', and

(2) by striking ''October 1, 2015'' in subsection (d)(2) and inserting ''October 1, 2021''.

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Paragraph (2) of section 9508(e) of the Internal Revenue Code of 1986, as amended by division G, is amended by striking ''October 1, 2015'' and inserting ''October 1, 2021''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2015.

**SEC. 51102. EXTENSION OF HIGHWAY-RELATED TAXES.**

(a) IN GENERAL.—

(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2016'' and inserting ''September 30, 2023'':

(A) Section 4041(a)(1)(C)(iii)(I).

(B) Section 4041(m)(1)(B).

(C) Section 4081(d)(1).

(2) Each of the following provisions of such Code is amended by striking ''October 1, 2016'' and inserting ''October 1, 2023'':

(A) Section 4041(m)(1)(A).

(B) Section 4051(c).

(C) Section 4071(d).

(D) Section 4081(d)(3).

(b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.—Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''2017'' each place it appears and inserting ''2024'':

(1) Section 4481(f).

(2) Subsections (c)(4) and (d) of section 4482.

(c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''October 1, 2016'' each place it appears and inserting ''October 1, 2023'',

(2) by striking ''March 31, 2017'' each place it appears and inserting ''March 31, 2024'', and

(3) by striking ''January 1, 2017'' and inserting ''January 1, 2024''.

(d) EXTENSION OF CERTAIN EXEMPTIONS.—

(1) Section 4221(a) of the Internal Revenue Code of 1986 is amended by striking ''October 1, 2016'' and inserting ''October 1, 2023''.

(2) Section 4483(i) of such Code is amended by striking ''October 1, 2017'' and inserting ''October 1, 2024''.

(e) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—

(1) IN GENERAL.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (b)—

(i) by striking ''October 1, 2016'' each place it appears in paragraphs (1) and (2) and inserting ''October 1, 2023'',

(ii) by striking ''OCTOBER 1, 2016'' in the heading of paragraph (2) and inserting ''OCTOBER 1, 2023'',

(iii) by striking ''September 30, 2016'' in paragraph (2) and inserting ''September 30, 2023'', and

(iv) by striking ''July 1, 2017'' in paragraph (2) and inserting ''July 1, 2024'', and

(B) in subsection (c)(2), by striking ''July 1, 2017'' and inserting ''July 1, 2024''.

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (3)(A)(i) and (4)(A) of section 9503(c) of such Code are each amended by striking ''October 1, 2016'' and inserting ''October 1, 2023''.

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 200310 of title 54, United States Code, is amended—

(i) by striking ''October 1, 2017'' each place it appears and inserting ''October 1, 2024'', and

(ii) by striking ''October 1, 2016'' and inserting ''October 1, 2023''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2016.

## Subtitle B—Additional Transfers to Highway Trust Fund

### SEC. 51201. FURTHER ADDITIONAL TRANSFERS TO TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (7) as paragraph (9) and by inserting after paragraph (6) the following new paragraphs:

''(7) FURTHER TRANSFERS TO TRUST FUND.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

''(A) $34,401,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund; and

''(B) $11,214,000,000 to the Mass Transit Account in the Highway Trust Fund.

''(8) ADDITIONAL INCREASE IN FUND BALANCE.—There is hereby transferred to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund amounts appropriated from the Leaking Underground Storage Tank Trust Fund under section 9508(c)(4).''.

### SEC. 51202. TRANSFER TO HIGHWAY TRUST FUND OF CERTAIN MOTOR VEHICLE SAFETY PENALTIES.

(a) IN GENERAL.—Paragraph (5) of section 9503(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''There are hereby'' and inserting the following:

''(A) IN GENERAL.—There are hereby'', and

(2) by adding at the end the following new paragraph:

''(B) PENALTIES RELATED TO MOTOR VEHICLE SAFETY.—

''(i) IN GENERAL.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to covered motor vehicle safety penalty collections.

''(ii) COVERED MOTOR VEHICLE SAFETY PENALTY COLLECTIONS.—For purposes of this subparagraph, the term 'covered motor vehicle safety penalty collections' means any amount collected in connection with a civil penalty under section 30165 of title 49, United States Code, reduced by any award authorized by the Secretary of Transportation to be paid to any person in connection with information provided by such person related to a violation of chapter 301 of such title which is a predicate to such civil penalty.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts collected after the date of the enactment of this Act.

### SEC. 51203. APPROPRIATION FROM LEAKING UNDERGROUND STORAGE TANK TRUST FUND.

(a) IN GENERAL.—Subsection (c) of section 9508 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) ADDITIONAL TRANSFER TO HIGHWAY TRUST FUND.—Out of amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated—

''(A) on the date of the enactment of the DRIVE Act, $100,000,000,

''(B) on October 1, 2016, $100,000,000, and

''(C) on October 1, 2017, $100,000,000,

to be transferred under section 9503(f)(8) to the Highway Account (as defined in section 9503(e)(5)(B)) in the Highway Trust Fund.''.

(b) CONFORMING AMENDMENT.—Section 9508(c)(1) of the Internal Revenue Code of 1986 is amended by striking ''paragraphs (2) and (3)'' and inserting ''paragraphs (2), (3), and (4)''.

# TITLE LII—OFFSETS

## Subtitle A—Tax Provisions

### SEC. 52101. CONSISTENT BASIS REPORTING BETWEEN ESTATE AND PERSON ACQUIRING PROPERTY FROM DECEDENT.

(a) PROPERTY ACQUIRED FROM A DECEDENT.—

(1) IN GENERAL.—Section 1014 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 VALUE.—

''(1) IN GENERAL.—The basis under subsection (a) of any property shall not exceed—

''(A) in the case of property the value of which has been finally determined for purposes of the tax imposed by chapter 11 on the estate of such decedent, such value, and

''(B) in the case of property not described in subparagraph (A) and with respect to which a statement has been furnished under section 6035(a) identifying the value of such property, such value.

''(2) DETERMINATION.—For purposes of paragraph (1), the value of property has been finally determined for purposes of the tax imposed by chapter 11 if—

''(A) the value of such property is shown on a return under section 6018 and such value is not contested by the Secretary before the expiration of the time for assessing a tax under chapter 11,

''(B) in a case not described in subparagraph (A), the value is specified by the Secretary and such value is not timely contested by the executor of the estate, or

''(C) the value is determined by a court or pursuant to a settlement agreement with the Secretary.

''(3) REGULATIONS.—The Secretary may by regulations provide exceptions to the application of this subsection.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property with respect to which an estate tax return is filed after the date of the enactment of this Act.

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after section 6034A the following new section:

### ''SEC. 6035. BASIS INFORMATION TO PERSONS ACQUIRING PROPERTY FROM DECEDENT.

''(a) INFORMATION WITH RESPECT TO PROPERTY ACQUIRED FROM DECEDENTS.—

''(1) IN GENERAL.—The executor of any estate required to file a return under section 6018(a) shall furnish to the Secretary and to each person acquiring any interest in property included in the decedent's gross estate for Federal estate tax purposes a statement identifying the value of each interest in such property as reported on such return and such other information with respect to such interest as the Secretary may prescribe.

''(2) STATEMENTS BY BENEFICIARIES.—Each person required to file a return under section 6018(b) shall furnish to the Secretary and to each other person who holds a legal or beneficial interest in the property to which such return relates a statement identifying the information described in paragraph (1).

''(3) TIME FOR FURNISHING STATEMENT.—

''(A) IN GENERAL.—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) after such statement has been filed, a supplemental statement under such paragraph shall be filed not later than the date which is 30 days after such adjustment is made.

''(b) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out this section, including regulations relating to—

''(1) the extension of this section to property of estates not required to file an estate tax return, and

''(2) situations in which the surviving joint tenant or other recipient may have better information than the executor regarding the basis or fair market value of the property.''.

(2) PENALTY FOR FAILURE TO FILE.—

(A) RETURN.—Section 6724(d)(1) of such Code is amended by striking ''and'' at the

end of subparagraph (B), by striking the 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.''.

(B) STATEMENT.—Section 6724(d)(2) of such Code is amended by striking ''or'' at the end of subparagraph (GG), by striking the period at the end of subparagraph (HH) and inserting ''; or'', and by adding at the end the following new subparagraph:

''(II) section 6035 (other than a statement described in paragraph (1)(D)).''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6034A the following new item:

**''SEC. 6035. BASIS INFORMATION TO PERSONS ACQUIRING PROPERTY FROM DECEDENT.''.**

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(c) PENALTY FOR INCONSISTENT 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 BASIS REPORTING.—Section 6662 of such Code is amended by adding at the end the following new subsection:

''(k) INCONSISTENT ESTATE BASIS REPORTING.—For purposes of this section, there is an 'inconsistent estate basis' if the basis of property (determined without regard to adjustments to basis during the period the property was held by the taxpayer) claimed on a return exceeds the basis as determined under section 1014(f).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to returns filed after the date of the enactment of this Act.

**SEC. 52102. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN UNPAID TAXES.**

(a) IN GENERAL.—Subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**''SEC. 7345. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN TAX DELINQUENCIES.**

''(a) IN GENERAL.—If the Secretary receives certification by the Commissioner of Internal Revenue that any individual has a seriously delinquent tax debt in an amount in excess of $50,000, the Secretary shall transmit such certification to the Secretary of State for action with respect to denial, revocation, or limitation of a passport pursuant to section 52102(d) of the Transportation Funding Act of 2015.

''(b) SERIOUSLY DELINQUENT TAX DEBT.—For purposes of this section, the term 'seriously delinquent tax debt' means an outstanding debt under this title for which a notice of lien has been filed in public records pursuant to section 6323 or a notice of levy has been filed pursuant to section 6331, except that such term does not include—

''(1) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122, and

''(2) a debt with respect to which collection is suspended because a collection due process hearing under section 6330, or relief under subsection (b), (c), or (f) of section 6015, is requested or pending.

''(c) ADJUSTMENT FOR INFLATION.—In the case of a calendar year beginning after 2016, the dollar amount in subsection (a) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2015' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the next highest multiple of $1,000.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 7345. Revocation or denial of passport in case of certain tax delinquencies.''.

(c) AUTHORITY FOR INFORMATION SHARING.—

(1) IN GENERAL.—Subsection (l) of section 6103 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(23) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF STATE FOR PURPOSES OF PASSPORT REVOCATION UNDER SECTION 7345.—

''(A) IN GENERAL.—The Secretary shall, upon receiving a certification described in section 7345, disclose to the Secretary of State return information with respect to a taxpayer who has a seriously delinquent tax debt described in such section. Such return information shall be limited to—

''(i) the taxpayer identity information with respect to such taxpayer, and

''(ii) the amount of such seriously delinquent tax debt.

''(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of State for the purposes of, and to the extent necessary in, carrying out the requirements of section 52102(d) of the Transportation Funding Act of 2015.''.

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 6103(p) of such Code is amended by striking ''or (22)'' each place it appears in subparagraph (F)(ii) and in the matter preceding subparagraph (A) and inserting ''(22), or (23)''.

(d) AUTHORITY TO DENY OR REVOKE PASSPORT.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving a certification described in section 7345 of the Internal Revenue Code of 1986 from the Secretary of the Treasury, the Secretary of State shall not issue a passport to any individual who has a seriously delinquent tax debt described in such section.

(B) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual described in such subparagraph.

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES.—If the Secretary of State decides to revoke a passport under subparagraph (A), the Secretary of State, before revocation, may—

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(3) HOLD HARMLESS.—The Secretary of the Treasury and the Secretary of State shall not be liable to an individual for any action with respect to a certification by the Commissioner of Internal Revenue under section 7345 of the Internal Revenue Code of 1986.

(e) REVOCATION OR DENIAL OF PASSPORT IN CASE OF INDIVIDUAL WITHOUT SOCIAL SECURITY ACCOUNT NUMBER.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving an application for a passport from an individual that either—

(i) does not include the social security account number issued to that individual, or

(ii) includes an incorrect or invalid social security number willfully, intentionally, negligently, or recklessly provided by such individual,

the Secretary of State is authorized to deny such application and is authorized to not issue a passport to the individual.

(B) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual described in subparagraph (A).

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES.—If the Secretary of State decides to revoke a passport under subparagraph (A), the Secretary of State, before revocation, may—

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(f) EFFECTIVE DATE.—The provisions of, and amendments made by, this section shall take effect on January 1, 2016.

**SEC. 52103. CLARIFICATION OF 6-YEAR STATUTE OF LIMITATIONS IN CASE OF OVERSTATEMENT OF BASIS.**

(a) IN GENERAL.—Subparagraph (B) of section 6501(e)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of clause (i), by redesignating clause (ii) as clause (iii), and by inserting after clause (i) the following new clause:

''(ii) An understatement of gross income by reason of an overstatement of unrecovered cost or other basis is an omission from gross income; and'',

(2) by inserting ''(other than in the case of an overstatement of unrecovered cost or other basis)'' in clause (iii) (as so redesignated) after ''In determining the amount omitted from gross income'', and

(3) by inserting ''AMOUNT OMITTED FROM'' after ''DETERMINATION OF'' in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) returns filed after the date of the enactment of this Act, and

(2) returns filed on or before such date if the period specified in section 6501 of the Internal Revenue Code of 1986 (determined without regard to such amendments) for assessment of the taxes with respect to which such return relates has not expired as of such date.

**SEC. 52104. ADDITIONAL INFORMATION ON RETURNS RELATING TO MORTGAGE INTEREST.**

(a) IN GENERAL.—Paragraph (2) of section 6050H(b) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of subparagraph (C), by redesignating subparagraph (D) as subparagraph (G), and by inserting after subparagraph (C) the following new subparagraphs:

''(D) the amount of outstanding principal on the mortgage as of the beginning of such calendar year,

''(E) the address of the property securing such mortgage,

''(F) the date of the origination of such mortgage, and''.

(b) PAYEE STATEMENTS.—Subsection (d) of section 6050H 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 section shall apply to returns and statements the due date for which (determined without regard to extensions) is after December 31, 2016.

**SEC. 52105. RETURN DUE DATE MODIFICATIONS.**

(a) NEW DUE DATE FOR PARTNERSHIP FORM 1065, S CORPORATION FORM 1120S, AND C CORPORATION FORM 1120.—

(1) PARTNERSHIPS.—

(A) IN GENERAL.—Section 6072 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) RETURNS OF PARTNERSHIPS.—Returns of partnerships under section 6031 made on the basis of the calendar year shall be filed on or before the 15th day of March following the close of the calendar year, and such returns made on the basis of a fiscal year shall be filed on or before the 15th day of the third month following the close of the fiscal year.''.

(B) CONFORMING AMENDMENT.—Section 6072(a) of such Code is amended by striking ''6017, or 6031'' and inserting ''or 6017''.

(2) S CORPORATIONS.—

(A) IN GENERAL.—So much of subsection (b) of section 6072 of the Internal Revenue Code of 1986 as precedes the second sentence thereof is amended to read as follows:

''(b) RETURNS OF CERTAIN CORPORATIONS.—Returns of S corporations under sections 6012 and 6037 made on the basis of the calendar year shall be filed on or before the 31st day of March following the close of the calendar year, and such returns made on the basis of a fiscal year shall be filed on or before the last day of the third month following the close of the fiscal year.''.

(B) CONFORMING AMENDMENTS.—

(i) Section 1362(b) of such Code is amended—

(I) by striking ''15th'' each place it appears and inserting ''last'',

(II) by striking ''2½'' each place it appears in the headings and the text and inserting ''3'', and

(III) by striking ''2 months and 15 days'' in paragraph (4) and inserting ''3 months''.

(ii) Section 1362(d)(1)(C)(i) of such Code is amended by striking ''15th'' and inserting ''last''.

(iii) Section 1362(d)(1)(C)(ii) of such Code is amended by striking ''such 15th day'' and inserting ''the last day of the 3d month thereof''.

(3) CONFORMING AMENDMENTS RELATING TO C CORPORATIONS.—

(A) Section 170(a)(2)(B) of such Code is amended by striking ''third month'' and inserting ''4th month''.

(B) Section 563 of such Code is amended by striking ''third month'' each place it appears and inserting ''4th month''.

(C) Section 1354(d)(1)(B)(i) of such Code is amended by striking ''3d month'' and inserting ''4th month''.

(D) Subsection (a) and (c) of section 6167 of such Code are each amended by striking ''third month'' and inserting ''4th month''.

(E) Section 6425(a)(1) of such Code is amended by striking ''third month'' and inserting ''4th month''.

(F) Section 6655 of such Code is amended—

(i) by striking ''3rd month'' each place it appears in subsections (b)(2)(A), (g)(3), and (h)(1) and inserting ''4th month'', and

(ii) in subsection (g)(4), by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following new subparagraph:

''(E) Subsection (b)(2)(A) shall be applied by substituting 'the last day of the 3rd month' for 'the 15th day of the 4th month'.''.

(4) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by this subsection shall apply to returns for taxable years beginning after December 31, 2015.

(B) CONFORMING AMENDMENTS RELATING TO S CORPORATIONS.—The amendments made by paragraph (2)(B) shall apply with respect to elections for taxable years beginning after December 31, 2015.

(C) CONFORMING AMENDMENTS RELATING TO C CORPORATIONS.—The amendments made by paragraph (3) shall apply to taxable years beginning after December 31, 2015.

(5) SPECIAL RULE FOR CERTAIN C CORPORATION IN 2025.—In the case of a taxable year of a C Corporation ending on June 30, 2025, section 6072(a) of the Internal Revenue Code of 1986 shall be applied by substituting ''third month'' for ''fourth month''.

(b) MODIFICATION OF DUE DATES BY REGULATION.—In the case of returns for any taxable period beginning after December 31, 2015, the Secretary of the Treasury or the Secretary's delegate shall modify appropriate regulations to provide as follows:

(1) The maximum extension for the returns of partnerships filing Form 1065 shall be a 6-month period beginning on the due date for filing the return (without regard to any extensions).

(2) The maximum extension for the returns of trusts and estates filing Form 1041 shall be a 5½-month period beginning on the due date for filing the return (without regard to any extensions).

(3) The maximum extension for the returns of employee benefit plans filing Form 5500 shall be an automatic 3½-month period beginning on the due date for filing the return (without regard to any extensions).

(4) The maximum extension for the Forms 990 (series) returns of organizations exempt from income tax shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(5) The maximum extension for the returns of organizations exempt from income tax that are required to file Form 4720 returns of excise taxes shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(6) The maximum extension for the returns of trusts required to file Form 5227 shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(7) The maximum extension for filing Form 6069, Return of Excise Tax on Excess Contributions to Black Lung Benefit Trust Under Section 4953 and Computation of Section 192 Deduction, shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(8) The maximum extension for a taxpayer required to file Form 8870 shall be an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(9) The due date of Form 3520–A, Annual Information Return of a Foreign Trust with a United States Owner, shall be the 15th day of the 3rd month after the close of the trust's taxable year, and the maximum extension shall be a 6-month period beginning on such day.

(10) The due date of FinCEN Form 114 (relating to Report of Foreign Bank and Financial Accounts) shall be April 15 with a maximum extension for a 6-month period ending on October 15, and with provision for an extension under rules similar to the rules of 26 C.F.R. 1.6081–5. For any taxpayer required to file such form for the first time, the Secretary of the Treasury may waive any penalty for failure to timely request or file an extension.

(11) Taxpayers filing Form 3520, Annual Return to Report Transactions with Foreign Trusts and Receipt of Certain Foreign Gifts, shall be allowed to extend the time for filing such form separately from the income tax return of the taxpayer, for an automatic 6-month period beginning on the due date for filing the return (without regard to any extensions).

(c) CORPORATIONS PERMITTED STATUTORY AUTOMATIC 6-MONTH EXTENSION OF INCOME TAX RETURNS.—

(1) IN GENERAL.—Section 6081(b) of the Internal Revenue Code of 1986 is amended by striking ''3 months'' and inserting ''6 months''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to returns for taxable years beginning after December 31, 2015.

(3) SPECIAL RULE FOR CERTAIN C CORPORATIONS IN 2024.—In the case of any taxable year of a C corporation ending on December 31, 2024, subsections (a) and (b) of section 6081 of the Internal Revenue Code of 1986 shall each be applied to returns of income taxes under subtitle A by substituting ''5 months'' for ''6 months''.

**SEC. 52106. REFORM OF RULES RELATING TO QUALIFIED TAX COLLECTION CONTRACTS.**

(a) REQUIREMENT TO COLLECT CERTAIN INACTIVE TAX RECEIVABLES UNDER QUALIFIED TAX COLLECTION CONTRACTS.—Section 6306 of the Internal Revenue Code of 1986 is amended by redesignating subsections (c) through (f) as subsections (d) through (g), respectively, and by inserting after subsection (b) the following new subsection:

''(c) COLLECTION OF INACTIVE TAX RECEIVABLES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall enter into one or more qualified tax collection contracts for the collection of all outstanding inactive tax receivables.

''(2) INACTIVE TAX RECEIVABLES.—For purposes of this section—

''(A) IN GENERAL.—The term 'inactive tax receivable' means any tax receivable if—

''(i) at any time after assessment, the Internal Revenue Service removes such receivable from the active inventory for lack of resources or inability to locate the taxpayer,

''(ii) more than ⅓ of the period of the applicable statute of limitation has lapsed and such receivable has not been assigned for collection to any employee of the Internal Revenue Service, or

''(iii) in the case of a receivable which has been assigned for collection, more than 365 days have passed without interaction with the taxpayer or a third party for purposes of furthering the collection of such receivable.

''(B) TAX RECEIVABLE.—The term 'tax receivable' means any outstanding assessment which the Internal Revenue Service includes in potentially collectible inventory.''.

(b) CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR COLLECTION UNDER QUALIFIED TAX COLLECTION CONTRACTS.—Section 6306 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by redesignating subsections (d) through (g) as subsections (e) through (h), respectively, and by inserting after subsection (c) the following new subsection:

''(d) CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR COLLECTION UNDER QUALIFIED TAX COLLECTIONS CONTRACTS.—A tax receivable

shall not be eligible for collection pursuant to a qualified tax collection contract if such receivable—

''(1) is subject to a pending or active offer-in-compromise or installment agreement,

''(2) is classified as an innocent spouse case,

''(3) involves a taxpayer identified by the Secretary as being—

''(A) deceased,

''(B) under the age of 18,

''(C) in a designated combat zone, or

''(D) a victim of tax-related identity theft,

''(4) is currently under examination, litigation, criminal investigation, or levy, or

''(5) is currently subject to a proper exercise of a right of appeal under this title.''.

(c) CONTRACTING PRIORITY.—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) CONTRACTING PRIORITY.—In contracting for the services of any person under this section, the Secretary shall utilize private collection contractors and debt collection centers on the schedule required under section 3711(g) of title 31, United States Code, including the technology and communications infrastructure established therein, to the extent such private collection contractors and debt collection centers are appropriate to carry out the purposes of this section.''.

(d) DISCLOSURE OF RETURN INFORMATION.—Section 6103(k) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(11) QUALIFIED TAX COLLECTION CONTRACTORS.—Persons providing services pursuant to a qualified tax collection contract under section 6306 may, if speaking to a person who has identified himself or herself as having the name of the taxpayer to which a tax receivable (within the meaning of such section) relates, identify themselves as contractors of the Internal Revenue Service and disclose the business name of the contractor, and the nature, subject, and reason for the contact. Disclosures under this paragraph shall be made only in such situations and under such conditions as have been approved by the Secretary.''.

(e) TAXPAYERS AFFECTED BY FEDERALLY DECLARED DISASTERS.—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) TAXPAYERS IN PRESIDENTIALLY DECLARED DISASTER AREAS.—The Secretary may prescribe procedures under which a taxpayer determined to be affected by a Federally declared disaster (as defined by section 165(i)(5)) may request—

''(1) relief from immediate collection measures by contractors under this section, and

''(2) a return of the inactive tax receivable to the inventory of the Internal Revenue Service to be collected by an employee thereof.''.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

''(j) REPORT TO CONGRESS.—Not later than 90 days after the last day of each fiscal year (beginning with the first such fiscal year ending after the date of the enactment of this subsection), the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report with respect to qualified tax collection contracts under this section which shall include—

''(1) annually, with respect to such fiscal year—

''(A) the total number and amount of tax receivables provided to each contractor for collection under this section,

''(B) the total amounts collected (and amounts of installment agreements entered into under subsection (b)(1)(B)) with respect to each contractor and the collection costs incurred (directly and indirectly) by the Internal Revenue Service with respect to such amounts,

''(C) the impact of such contracts on the total number and amount of unpaid assessments, and on the number and amount of assessments collected by Internal Revenue Service personnel after initial contact by a contractor,

''(D) the amount of fees retained by the Secretary under subsection (e) and a description of the use of such funds, and

''(E) a disclosure safeguard report in a form similar to that required under section 6103(p)(5), and

''(2) biannually (beginning with the second report submitted under this subsection)—

''(A) an independent evaluation of contractor performance, and

''(B) a measurement plan that includes a comparison of the best practices used by the private collectors to the collection techniques used by the Internal Revenue Service and mechanisms to identify and capture information on successful collection techniques used by the contractors that could be adopted by the Internal Revenue Service.''.

(2) REPEAL OF EXISTING REPORTING REQUIREMENTS WITH RESPECT TO QUALIFIED TAX COLLECTION CONTRACTS.—Section 881 of the American Jobs Creation Act of 2004 is amended by striking subsection (e).

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall apply to tax receivables identified by the Secretary after the date of the enactment of this Act.

(2) CONTRACTING PRIORITY.—The Secretary shall begin entering into contracts and agreements as described in the amendment made by subsection (c) within 3 months after the date of the enactment of this Act.

(3) DISCLOSURES.—The amendment made by subsection (d) shall apply to disclosures made after the date of the enactment of this Act.

(4) PROCEDURES; REPORT TO CONGRESS.—The amendments made by subsections (e) and (f) shall take effect on the date of the enactment of this Act.

**SEC. 52107. SPECIAL COMPLIANCE PERSONNEL PROGRAM.**

(a) IN GENERAL.—Subsection (e) of section 6306 of the Internal Revenue Code of 1986, as redesignated by section 52106, is amended by striking ''for collection enforcement activities of the Internal Revenue Service'' in paragraph (2) and inserting ''to fund the special compliance personnel program account under section 6307''.

(b) SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.—Subchapter A of chapter 64 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**''SEC. 6307. SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.**

''(a) ESTABLISHMENT OF A SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.—The Secretary shall establish an account within the Department for carrying out a program consisting of the hiring, training, and employment of special compliance personnel, and shall transfer to such account from time to time amounts retained by the Secretary under section 6306(e)(2).

''(b) RESTRICTIONS.—The program described in subsection (a) shall be subject to the following restrictions:

''(1) No funds shall be transferred to such account except as described in subsection (a).

''(2) No other funds from any other source shall be expended for special compliance personnel employed under such program, and no funds from such account shall be expended for the hiring of any personnel other than special compliance personnel.

''(3) Notwithstanding any other authority, the Secretary is prohibited from spending funds out of such account for any purpose other than for costs under such program associated with the employment of special compliance personnel and the retraining and reassignment of current noncollections personnel as special compliance personnel, and to reimburse the Internal Revenue Service or other government agencies for the cost of administering qualified tax collection contracts under section 6306.

''(c) REPORTING.—Not later than March of each year, the Commissioner of Internal Revenue shall submit a report to the Committees on Finance and Appropriations of the Senate and the Committees on Ways and Means and Appropriations of the House of Representatives consisting of the following:

''(1) For the preceding fiscal year, all funds received in the account established under subsection (a), administrative and program costs for the program described in such subsection, the number of special compliance personnel hired and employed under the program, and the amount of revenue actually collected by such personnel.

''(2) For the current fiscal year, all actual and estimated funds received or to be received in the account, all actual and estimated administrative and program costs, the number of all actual and estimated special compliance personnel hired and employed under the program, and the actual and estimated revenue actually collected or to be collected by such personnel.

''(3) For the following fiscal year, an estimate of all funds to be received in the account, all estimated administrative and program costs, the estimated number of special compliance personnel hired and employed under the program, and the estimated revenue to be collected by such personnel.

''(d) DEFINITIONS.—For purposes of this section—

''(1) SPECIAL COMPLIANCE PERSONNEL.—The term 'special compliance personnel' means individuals employed by the Internal Revenue Service as field function collection officers or in a similar position, or employed to collect taxes using the automated collection system or an equivalent replacement system.

''(2) PROGRAM COSTS.—The term 'program costs' means—

''(A) total salaries (including locality pay and bonuses), benefits, and employment taxes for special compliance personnel employed or trained under the program described in subsection (a), and

''(B) direct overhead costs, salaries, benefits, and employment taxes relating to support staff, rental payments, office equipment and furniture, travel, data processing services, vehicle costs, utilities, telecommunications, postage, printing and reproduction, supplies and materials, lands and structures, insurance claims, and indemnities for special compliance personnel hired and employed under this section.

For purposes of subparagraph (B), the cost of management and supervision of special compliance personnel shall be taken into account as direct overhead costs to the extent such costs, when included in total program costs under this paragraph, do not represent more than 10 percent of such total costs.''.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 64 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6306 the following new item:

''Sec. 6307. Special compliance personnel program account.''.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts collected and retained by the Secretary after the date of the enactment of this Act.

**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) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3), 1103(c)(1), 1108(b)(13)) are each amended by striking ''MAP-21'' and inserting ''DRIVE 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 2024 and 2025.''.

**SEC. 52202. ADJUSTMENT FOR INFLATION OF FEES FOR CERTAIN CUSTOMS SERVICES.**

(a) IN GENERAL.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended by adding at the end the following:

''(l) ADJUSTMENT OF FEES FOR INFLATION.—

''(1) IN GENERAL.—The Secretary of the Treasury shall adjust the fees established under subsection (a), and the limitations on such fees under paragraphs (2), (3), (5), (6), (8), and (9) of subsection (b), on October 1, 2015, and annually thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2014.

''(2) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.—In adjusting under paragraph (1) the amount of the fees established under subsection (a), and the limitations on such fees under paragraphs (2), (3), (5), (6), (8), and (9) of subsection (b), the Secretary—

''(A) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and

''(B) may ignore any such increase of less than 1 percent.

''(3) CONSUMER PRICE INDEX DEFINED.—For purposes of this subsection, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''.

(b) DEPOSITS INTO CUSTOMS USER FEE ACCOUNT.—Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''all fees collected under subsection (a)'' and inserting ''the amount of fees collected under subsection (a) (determined without regard to any adjustment made under subsection (l))''; and

(2) in paragraph (3)(A), in the matter preceding clause (i)—

(A) by striking ''fees collected'' and inserting ''amount of fees collected''; and

(B) by striking ''), each appropriation'' and inserting '', and determined without regard to any adjustment made under subsection (l)), each appropriation''.

(c) CONFORMING AMENDMENTS.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c), as amended by subsections (a) and (b), is further amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting ''(subject to adjustment under subsection (l))'' after ''following fees''; and

(2) in subsection (b)—

(A) in paragraph (2), by inserting ''(subject to adjustment under subsection (l))'' after ''in fees'';

(B) in paragraph (3), by inserting ''(subject to adjustment under subsection (l))'' after ''in fees'';

(C) in paragraph (5)(A), by inserting ''(subject to adjustment under subsection (l))'' after ''in fees'';

(D) in paragraph (6), by inserting ''(subject to adjustment under subsection (l))'' after ''in fees'';

(E) in paragraph (8)(A)—

(i) in clause (i), by inserting ''or (l)'' after ''subsection (a)(9)(B)''; and

(ii) in clause (ii), by inserting ''(subject to adjustment under subsection (l))'' after ''$3''; and

(F) in paragraph (9)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting ''and subject to adjustment under subsection (l)'' after ''Tariff Act of 1930''; and

(II) in clause (ii)(I), by inserting ''(subject to adjustment under subsection (l))'' after ''bill of lading''; and

(ii) in subparagraph (B)(i), by inserting ''(subject to adjustment under subsection (l))'' after ''bill of lading''.

**SEC. 52203. DIVIDENDS AND SURPLUS FUNDS OF RESERVE BANKS.**

Section 7(a)(1)(A) of the Federal Reserve Act (12 U.S.C. 289(a)(1)(A)) is amended by striking ''6 percent'' and inserting ''6 percent (1.5 percent in the case of a stockholder having total consolidated assets of more than $1,000,000,000 (determined as of September 30 of the preceding fiscal year))''.

**SEC. 52204. STRATEGIC PETROLEUM RESERVE DRAWDOWN AND SALE.**

(a) DRAWDOWN AND SALE.—

(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsections (b) and (c), the Secretary of Energy shall drawdown and sell from the Strategic Petroleum Reserve—

(A) the quantity of barrels of crude oil that the Secretary of Energy determines to be appropriate to maximize the financial return to United States taxpayers for each of fiscal years 2016 and 2017;

(B) 4,000,000 barrels of crude oil during fiscal year 2018;

(C) 5,000,000 barrels of crude oil during fiscal year 2019;

(D) 8,000,000 barrels of crude oil during fiscal year 2020;

(E) 8,000,000 barrels of crude oil during fiscal year 2021;

(F) 10,000,000 barrels of crude oil during fiscal year 2022;

(G) 16,000,000 barrels of crude oil during fiscal year 2023;

(H) 25,000,000 barrels of crude oil during fiscal year 2024; and

(I) 25,000,000 barrels of crude oil during fiscal year 2025.

(2) DEPOSIT OF AMOUNTS RECEIVED FROM SALE.—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

(b) EMERGENCY PROTECTION.—In any 1 fiscal year described in subsection (a)(1), the Secretary of Energy shall not drawdown and sell crude oil under this section in quantities that would result in a Strategic Petroleum Reserve that contains an inventory of petroleum products representing fewer than 90 days of emergency reserves, based on the average daily level of net imports of crude oil and petroleum products in the calendar year preceding that fiscal year.

(c) INCREASE; LIMITATION.—

(1) INCREASE.—The Secretary of Energy may increase the drawdown and sales under subparagraphs (A) through (I) of subsection (a)(1) as the Secretary of Energy determines to be appropriate to maximize the financial return to United States taxpayers.

(2) LIMITATION.—The Secretary of Energy shall not drawdown or conduct sales of crude oil under this section after the date on which a total of $9,050,000,000 has been deposited in the general fund of the Treasury from sales authorized under this section.

**SEC. 52205. EXTENSION OF ENTERPRISE GUARANTEE FEE.**

Section 1327(f) of the Housing and Community Development Act of 1992 (12 U.S.C. 4547(f)) is amended by striking ''October 1, 2021'' and inserting ''October 1, 2025''.

**Subtitle C—Outlays**

**SEC. 52301. INTEREST ON OVERPAYMENT.**

Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721) is amended—

(1) by striking subsections (h) and (i);

(2) by redesignating subsections (j) through (l) as subsections (h) through (j), respectively; and

(3) in subsection (h) (as so redesignated), by striking the fourth sentence.

**DIVISION F—MISCELLANEOUS**

**TITLE LXI—FEDERAL PERMITTING IMPROVEMENT**

**SEC. 61001. DEFINITIONS.**

In this title:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(2) AGENCY CERPO.—The term ''agency CERPO'' means the chief environmental review and permitting officer of an agency, as designated by the head of the agency under section 61002(b)(2)(A)(iii)(I).

(3) AUTHORIZATION.—The term ''authorization'' means any license, permit, approval, finding, determination, or other administrative decision issued by an agency that is required or authorized under Federal law in order to site, construct, reconstruct, or commence operations of a covered project, whether administered by a Federal or State agency.

(4) COOPERATING AGENCY.—The term ''cooperating agency'' means any agency with—

(A) jurisdiction under Federal law; or

(B) special expertise as described in section 1501.6 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) COUNCIL.—The term ''Council'' means the Federal Infrastructure Permitting Improvement Steering Council established under section 61002(a).

(6) COVERED PROJECT.—

(A) IN GENERAL.—The term ''covered project'' means any activity in the United States that requires authorization or environmental review by a Federal agency involving construction of infrastructure for renewable or conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, manufacturing, or any other sector as determined by a majority vote of the Council that—

(i)(I) is subject to NEPA;

(II) is likely to require a total investment of more than $200,000,000; and

(III) does not qualify for abbreviated authorization or environmental review processes under any applicable law; or

(ii) is subject to NEPA and the size and complexity of which, in the opinion of the Council, make the project likely to benefit from enhanced oversight and coordination, including a project likely to require—

(I) authorization from or environmental review involving more than 2 Federal agencies; or

(II) the preparation of an environmental impact statement under NEPA.

(B) EXCLUSION.—The term ''covered project'' does not include—

(i) any project subject to section 139 of title 23, United States Code; or

(ii) any project subject to section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348).

(7) DASHBOARD.—The term ''Dashboard'' means the Permitting Dashboard required under section 61003(b).

(8) ENVIRONMENTAL ASSESSMENT.—The term ''environmental assessment'' means a concise public document for which a Federal agency is responsible under section 1508.9 of title 40, Code of Federal Regulations (or successor regulations).

(9) ENVIRONMENTAL DOCUMENT.—

(A) IN GENERAL.—The term ''environmental document'' means an environmental assessment, finding of no significant impact, notice of intent, environmental impact statement, or record of decision.

(B) INCLUSIONS.—The term ''environmental document'' includes—

(i) any document that is a supplement to a document described in subparagraph (A); and

(ii) a document prepared pursuant to a court order.

(10) ENVIRONMENTAL IMPACT STATEMENT.—The term ''environmental impact statement'' means the detailed written statement required under section 102(2)(C) of NEPA.

(11) ENVIRONMENTAL REVIEW.—The term ''environmental review'' means the agency procedures and processes for applying a categorical exclusion or for preparing an environmental assessment, an environmental impact statement, or other document required under NEPA.

(12) EXECUTIVE DIRECTOR.—The term ''Executive Director'' means the Executive Director appointed by the President under section 61002(b)(1)(A).

(13) FACILITATING AGENCY.—The term ''facilitating agency'' means the agency that receives the initial notification from the project sponsor required under section 61003(a).

(14) INVENTORY.—The term ''inventory'' means the inventory of covered projects established by the Executive Director under section 61002(c)(1)(A).

(15) LEAD AGENCY.—The term ''lead agency'' means the agency with principal responsibility for an environmental review of a covered project under NEPA and parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

(16) NEPA.—The term ''NEPA'' means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(17) PARTICIPATING AGENCY.—The term ''participating agency'' means an agency participating in an environmental review or authorization for a covered project in accordance with section 61003.

(18) PROJECT SPONSOR.—The term ''project sponsor'' means an entity, including any private, public, or public-private entity, seeking an authorization for a covered project.

**SEC. 61002. FEDERAL PERMITTING IMPROVEMENT COUNCIL.**

(a) ESTABLISHMENT.—There is established the Federal Permitting Improvement Steering Council.

(b) COMPOSITION.—

(1) CHAIR.—The Executive Director shall—

(A) be appointed by the President; and

(B) serve as Chair of the Council.

(2) COUNCIL MEMBERS.—

(A) IN GENERAL.—

(i) DESIGNATION BY HEAD OF AGENCY.—Each individual listed in subparagraph (B) shall designate a member of the agency in which the individual serves to serve on the Council.

(ii) QUALIFICATIONS.—A councilmember described in clause (i) shall hold a position in the agency of deputy secretary (or the equivalent) or higher.

(iii) SUPPORT.—

(I) IN GENERAL.—Consistent with guidance provided by the Director of the Office of Management and Budget, each individual listed in subparagraph (B) shall designate 1 or more appropriate members of the agency in which the individual serves to serve as an agency CERPO.

(II) REPORTING.—In carrying out the duties of the agency CERPO under this title, an agency CERPO shall report directly to a deputy secretary (or the equivalent) or higher.

(B) HEADS OF AGENCIES.—The individuals that shall each designate a councilmember under this subparagraph are as follows:

(i) The Secretary of Agriculture.

(ii) The Secretary of the Army.

(iii) The Secretary of Commerce.

(iv) The Secretary of the Interior.

(v) The Secretary of Energy.

(vi) The Secretary of Transportation.

(vii) The Secretary of Defense.

(viii) The Administrator of the Environmental Protection Agency.

(ix) The Chairman of the Federal Energy Regulatory Commission.

(x) The Chairman of the Nuclear Regulatory Commission.

(xi) The Secretary of Homeland Security.

(xii) The Secretary of Housing and Urban Development.

(xiii) The Chairman of the Advisory Council on Historic Preservation.

(xiv) Any other head of a Federal agency that the Executive Director may invite to participate as a member of the Council.

(3) ADDITIONAL MEMBERS.—In addition to the members listed in paragraphs (1) and (2), the Chairman of the Council on Environmental Quality and the Director of the Office of Management and Budget shall also be members of the Council.

(c) DUTIES.—

(1) EXECUTIVE DIRECTOR.—

(A) INVENTORY DEVELOPMENT.—The Executive Director, in consultation with the Council, shall—

(i) not later than 180 days after the date of enactment of this Act, establish an inventory of covered projects that are pending the environmental review or authorization of the head of any Federal agency;

(ii)(I) categorize the projects in the inventory as appropriate, based on sector and project type; and

(II) for each category, identify the types of environmental reviews and authorizations most commonly involved; and

(iii) add a covered project to the inventory after receiving a notice described in section 61003(a)(1).

(B) FACILITATING AGENCY DESIGNATION.—The Executive Director, in consultation with the Council, shall—

(i) designate a facilitating agency for each category of covered projects described in subparagraph (A)(ii); and

(ii) publish the list of designated facilitating agencies for each category of projects in the inventory on the Dashboard in an easily accessible format.

(C) PERFORMANCE SCHEDULES.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Executive Director, in consultation with the Council, shall develop recommended performance schedules, including intermediate and final completion dates, for environmental reviews and authorizations most commonly required for each category of covered projects described in subparagraph (A)(ii).

(ii) REQUIREMENTS.—

(I) IN GENERAL.—The performance schedules shall reflect employment of the use of the most efficient applicable processes.

(II) LIMIT.—

(aa) IN GENERAL.—The final completion dates in any performance schedule for the completion of an environmental review or authorization under clause (i) shall not exceed the average time to complete an environmental review or authorization for a project within that category.

(bb) CALCULATION OF AVERAGE TIME.—The average time referred to in item (aa) shall be calculated on the basis of data from the preceding 2 calendar years and shall run from the period beginning on the date on which the Executive Director must make a specific entry for the project on the Dashboard under section 61003(b)(2) (except that, for projects initiated before that duty takes effect, the period beginning on the date of filing of a completed application), and ending on the date of the issuance of a record of decision or other final agency action on the review or authorization.

(cc) COMPLETION DATE.—Each performance schedule shall specify that any decision by an agency on an environmental review or authorization must be issued not later than 180 days after the date on which all information needed to complete the review or authorization (including any hearing that an agency holds on the matter) is in the possession of the agency.

(iii) REVIEW AND REVISION.—Not later than 2 years after the date on which the performance schedules are established under this subparagraph, and not less frequently than once every 2 years thereafter, the Executive Director, in consultation with the Council, shall review and revise the performance schedules.

(D) GUIDANCE.—The Executive Director, in consultation with the Council, may recommend to the Director of the Office of Management and Budget or to the Council on Environmental Quality, as appropriate, that guidance be issued as necessary for agencies—

(i) to carry out responsibilities under this title; and

(ii) to effectuate the adoption by agencies of the best practices and recommendations of the Council described in paragraph (2).

(2) COUNCIL.—

(A) RECOMMENDATIONS.—

(i) IN GENERAL.—The Council shall make recommendations to the Executive Director with respect to the designations under paragraph (1)(B) and the performance schedules under paragraph (1)(C).

(ii) UPDATE.—The Council may update the recommendations described in clause (i).

(B) BEST PRACTICES.—Not later than 1 year after the date of enactment of this Act, and not less frequently than annually thereafter, the Council shall issue recommendations on the best practices for—

(i) enhancing early stakeholder engagement, including fully considering and, as appropriate, incorporating recommendations provided in public comments on any proposed covered project;

(ii) ensuring timely decisions regarding environmental reviews and authorizations, including through the development of performance metrics;

(iii) improving coordination between Federal and non-Federal governmental entities, including through the development of common data standards and terminology across agencies;

(iv) increasing transparency;

(v) reducing information collection requirements and other administrative burdens on agencies, project sponsors, and other interested parties;

(vi) developing and making available to applicants appropriate geographic information systems and other tools;

(vii) creating and distributing training materials useful to Federal, State, tribal, and local permitting officials; and

(viii) addressing other aspects of infrastructure permitting, as determined by the Council.

(3) AGENCY CERPOS.—An agency CERPO shall—

(A) advise the respective agency councilmember on matters related to environmental reviews and authorizations;

(B) provide technical support, when requested to facilitate efficient and timely processes for environmental reviews and authorizations for covered projects under the jurisdictional responsibility of the agency, including supporting timely identification and resolution of potential disputes within the agency or between the agency and other Federal agencies;

(C) analyze agency environmental review and authorization processes, policies, and authorities and make recommendations to the respective agency councilmember for ways to standardize, simplify, and improve the efficiency of the processes, policies, and authorities, including by implementing guidance issued under paragraph (1)(D) and other best practices, including the use of information technology and geographic information system tools within the agency and across agencies, to the extent consistent with existing law; and

(D) review and develop training programs for agency staff that support and conduct environmental reviews or authorizations.

(d) ADMINISTRATIVE SUPPORT.—The Director of the Office of Management and Budget shall designate a Federal agency, other than an agency that carries out or provides support for projects that are not covered projects, to provide administrative support for the Executive Director, and the designated agency shall, as reasonably necessary, provide support and staff to enable the Executive Director to fulfill the duties of the Executive Director under this title.

**SEC. 61003. PERMITTING PROCESS IMPROVEMENT.**

(a) PROJECT INITIATION AND DESIGNATION OF PARTICIPATING AGENCIES.—

(1) NOTICE.—

(A) IN GENERAL.—A project sponsor of a covered project shall submit to the Executive Director and the facilitating agency notice of the initiation of a proposed covered project.

(B) DEFAULT DESIGNATION.—If, at the time of submission of the notice under subparagraph (A), the Executive Director has not designated a facilitating agency under section 61002(c)(1)(B) for the categories of projects noticed, the agency that receives the notice under subparagraph (A) shall be designated as the facilitating agency.

(C) CONTENTS.—Each notice described in subparagraph (A) shall include—

(i) a statement of the purposes and objectives of the proposed project;

(ii) a concise description, including the general location of the proposed project and a summary of geospatial information, if available, illustrating the project area and the locations, if any, of environmental, cultural, and historic resources;

(iii) a statement regarding the technical and financial ability of the project sponsor to construct the proposed project;

(iv) a statement of any Federal financing, environmental reviews, and authorizations anticipated to be required to complete the proposed project; and

(v) an assessment that the proposed project meets the definition of a covered project under section 61001 and a statement of reasons supporting the assessment.

(2) INVITATION.—

(A) IN GENERAL.—Not later than 45 days after the date on which the Executive Director must make a specific entry for the project on the Dashboard under subsection (b)(2)(A), the facilitating agency or lead agency, as applicable, shall—

(i) identify all Federal and non-Federal agencies and governmental entities likely to have financing, environmental review, authorization, or other responsibilities with respect to the proposed project; and

(ii) invite all Federal agencies identified under clause (i) to become a participating agency or a cooperating agency, as appropriate, in the environmental review and authorization management process described in section 61005.

(B) DEADLINES.—Each invitation made under subparagraph (A) shall include a deadline for a response to be submitted to the facilitating or lead agency, as applicable.

(3) PARTICIPATING AND COOPERATING AGENCIES.—

(A) IN GENERAL.—An agency invited under paragraph (2) shall be designated as a participating or cooperating agency for a covered project, unless the agency informs the facilitating or lead agency, as applicable, in writing before the deadline under paragraph (2)(B) that the agency—

(i) has no jurisdiction or authority with respect to the proposed project; or

(ii) does not intend to exercise authority related to, or submit comments on, the proposed project.

(B) CHANGED CIRCUMSTANCES.—On request and a showing of changed circumstances, the Executive Director may designate an agency that has opted out under subparagraph (A)(ii) to be a participating or cooperating agency, as appropriate.

(4) EFFECT OF DESIGNATION.—The designation described in paragraph (3) shall not—

(A) give the participating agency authority or jurisdiction over the covered project; or

(B) expand any jurisdiction or authority a cooperating agency may have over the proposed project.

(5) LEAD AGENCY DESIGNATION.—

(A) IN GENERAL.—On establishment of the lead agency, the lead agency shall assume the responsibilities of the facilitating agency under this title.

(B) REDESIGNATION OF FACILITATING AGENCY.—If the lead agency assumes the responsibilities of the facilitating agency under subparagraph (A), the facilitating agency may be designated as a cooperative or participating agency.

(6) CHANGE OF FACILITATING OR LEAD AGENCY.—

(A) IN GENERAL.—On the request of a participating agency or project sponsor, the Executive Director may designate a different agency as the facilitating or lead agency, as applicable, for a covered project, if the facilitating or lead agency or the Executive Director receives new information regarding the scope or nature of a covered project that indicates that the project should be placed in a different category under section 61002(c)(1)(B).

(B) RESOLUTION OF DISPUTE.—The Executive Director shall resolve any dispute over designation of a facilitating or lead agency for a particular covered project.

(b) PERMITTING DASHBOARD.—

(1) REQUIREMENT TO MAINTAIN.—

(A) IN GENERAL.—The Executive Director, in coordination with the Administrator of General Services, shall maintain an online database to be known as the ''Permitting Dashboard'' to track the status of Federal environmental reviews and authorizations for any covered project in the inventory described in section 61002(c)(1)(A).

(B) SPECIFIC AND SEARCHABLE ENTRY.—The Dashboard shall include a specific and searchable entry for each covered project.

(2) ADDITIONS.—

(A) IN GENERAL.—

(i) EXISTING PROJECTS.—Not later than 14 days after the date on which the Executive Director adds a project to the inventory under section 61002(c)(1)(A), the Executive Director shall create a specific entry on the Dashboard for the covered project.

(ii) NEW PROJECTS.—Not later than 14 days after the date on which the Executive Director receives a notice under subsection (a)(1), the Executive Director shall create a specific entry on the Dashboard for the covered project, unless the Executive Director, facilitating agency, or lead agency, as applicable, determines that the project is not a covered project.

(B) EXPLANATION.—If the facilitating agency or lead agency, as applicable, determines that the project is not a covered project, the project sponsor may submit a further explanation as to why the project is a covered project not later than 14 days after the date of the determination under subparagraph (A).

(C) FINAL DETERMINATION.—Not later than 14 days after receiving an explanation described in subparagraph (B), the Executive Director shall—

(i) make a final and conclusive determination as to whether the project is a covered project; and

(ii) if the Executive Director determines that the project is a covered project, create a specific entry on the Dashboard for the covered project.

(3) POSTINGS BY AGENCIES.—

(A) IN GENERAL.—For each covered project added to the Dashboard under paragraph (2), the facilitating or lead agency, as applicable, and each cooperating and participating agency shall post to the Dashboard—

(i) a hyperlink that directs to a website that contains, to the extent consistent with applicable law—

(I) the notification submitted under subsection (a)(1);

(II)(aa) where practicable, the application and supporting documents, if applicable, that have been submitted by a project sponsor for any required environmental review or authorization; or

(bb) a notice explaining how the public may obtain access to such documents;

(III) a description of any Federal agency action taken or decision made that materially affects the status of a covered project;

(IV) any significant document that supports the action or decision described in subclause (III); and

(V) a description of the status of any litigation to which the agency is a party that is directly related to the project, including, if practicable, any judicial document made available on an electronic docket maintained by a Federal, State, or local court; and

(ii) any document described in clause (i) that is not available by hyperlink on another website.

(B) DEADLINE.—The information described in subparagraph (A) shall be posted to the

website made available by hyperlink on the Dashboard not later than 5 business days after the date on which the Federal agency receives the information.

(4) POSTINGS BY THE EXECUTIVE DIRECTOR.—The Executive Director shall publish to the Dashboard—

(A) the permitting timetable established under subparagraph (A) or (C) of subsection (c)(2);

(B) the status of the compliance of each agency with the permitting timetable;

(C) any modifications of the permitting timetable;

(D) an explanation of each modification described in subparagraph (C); and

(E) any memorandum of understanding established under subsection (c)(3)(B).

(c) COORDINATION AND TIMETABLES.—

(1) COORDINATED PROJECT PLAN.—

(A) IN GENERAL.—Not later than 60 days after the date on which the Executive Director must make a specific entry for the project on the Dashboard under subsection (b)(2)(A), the facilitating or lead agency, as applicable, in consultation with each coordinating and participating agency, shall establish a concise plan for coordinating public and agency participation in, and completion of, any required Federal environmental review and authorization for the project.

(B) REQUIRED INFORMATION.—The Coordinated Project Plan shall include the following information and be updated by the facilitating or lead agency, as applicable, at least once per quarter:

(i) A list of, and roles and responsibilities for, all entities with environmental review or authorization responsibility for the project.

(ii) A permitting timetable, as described in paragraph (2), setting forth a comprehensive schedule of dates by which all environmental reviews and authorizations, and to the maximum extent practicable, State permits, reviews and approvals must be made.

(iii) A discussion of potential avoidance, minimization, and mitigation strategies, if required by applicable law and known.

(iv) Plans and a schedule for public and tribal outreach and coordination, to the extent required by applicable law.

(C) MEMORANDUM OF UNDERSTANDING.—The coordinated project plan described in subparagraph (A) may be incorporated into a memorandum of understanding.

(2) PERMITTING TIMETABLE.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—As part of the coordination project plan under paragraph (1), the facilitating or lead agency, as applicable, in consultation with each cooperating and participating agency, the project sponsor, and any State in which the project is located, shall establish a permitting timetable that includes intermediate and final completion dates for action by each participating agency on any Federal environmental review or authorization required for the project.

(ii) CONSENSUS.—In establishing a permitting timetable under clause (i), each agency shall, to the maximum extent practicable, make efforts to reach a consensus.

(B) FACTORS FOR CONSIDERATION.—In establishing the permitting timetable under subparagraph (A), the facilitating or lead agency shall follow the performance schedules established under section 61002(c)(1)(C), but may vary the timetable based on relevant factors, including—

(i) the size and complexity of the covered project;

(ii) the resources available to each participating agency;

(iii) the regional or national economic significance of the project;

(iv) the sensitivity of the natural or historic resources that may be affected by the project;

(v) the financing plan for the project; and

(vi) the extent to which similar projects in geographic proximity to the project were recently subject to environmental review or similar procedures under State law.

(C) DISPUTE RESOLUTION.—

(i) IN GENERAL.—The Executive Director, in consultation with appropriate agency CERPOs and the project sponsor, shall, as necessary, mediate any disputes regarding the permitting timetable established under subparagraph (A).

(ii) DISPUTES.—If a dispute remains unresolved 30 days after the date on which the dispute was submitted to the Executive Director, the Director of the Office of Management and Budget, in consultation with the Chairman of the Council on Environmental Quality, shall facilitate a resolution of the dispute and direct the agencies party to the dispute to resolve the dispute by the end of the 60-day period beginning on the date of submission of the dispute to the Executive Director.

(iii) FINAL RESOLUTION.—Any action taken by the Director of the Office of Management and Budget in the resolution of a dispute under clause (ii) shall—

(I) be final and conclusive; and

(II) not be subject to judicial review.

(D) MODIFICATION AFTER APPROVAL.—

(i) IN GENERAL.—The facilitating or lead agency, as applicable, may modify a permitting timetable established under subparagraph (A) only if—

(I) the facilitating or lead agency, as applicable, and the affected cooperating agencies, after consultation with the participating agencies, agree to a different completion date; and

(II) the facilitating agency or lead agency, as applicable, or the affected cooperating agency provides a written justification for the modification.

(ii) COMPLETION DATE.—A completion date in the permitting timetable may not be modified within 30 days of the completion date.

(E) CONSISTENCY WITH OTHER TIME PERIODS.—A permitting timetable established under subparagraph (A) shall be consistent with any other relevant time periods established under Federal law and shall not prevent any cooperating or participating agency from discharging any obligation under Federal law in connection with the project.

(F) CONFORMING TO PERMITTING TIMETABLES.—

(i) IN GENERAL.—Each Federal agency shall conform to the completion dates set forth in the permitting timetable established under subparagraph (A), or with any completion date modified under subparagraph (D).

(ii) FAILURE TO CONFORM.—If a Federal agency fails to conform with a completion date for agency action on a covered project or is at significant risk of failing to conform with such a completion date, the agency shall—

(I) promptly submit to the Executive Director for publication on the Dashboard an explanation of the specific reasons for failing or significantly risking failing to conform to the completion date and a proposal for an alternative completion date;

(II) in consultation with the facilitating or lead agency, as applicable, establish an alternative completion date; and

(III) each month thereafter until the agency has taken final action on the delayed authorization or review, submit to the Executive Director for posting on the Dashboard a status report describing any agency activity related to the project.

(G) ABANDONMENT OF COVERED PROJECT.—

(i) IN GENERAL.—If the facilitating or lead agency, as applicable, has a reasonable basis to doubt the continuing technical or financial ability of the project sponsor to construct the covered project, the facilitating or lead agency may request the project sponsor provide an updated statement regarding the ability of the project sponsor to complete the project.

(ii) FAILURE TO RESPOND.—If the project sponsor fails to respond to a request described in clause (i) by the date that is 30 days after receiving the request, the lead or facilitating agency, as applicable, shall notify the Executive Director, who shall publish an appropriate notice on the Dashboard.

(iii) PUBLICATION TO DASHBOARD.—On publication of a notice under clause (ii), the completion dates in the permitting timetable shall be tolled and agencies shall be relieved of the obligation to comply with subparagraph (F) until such time as the project sponsor submits to the facilitating or lead agency, as applicable, an updated statement regarding the technical and financial ability of the project sponsor to construct the project.

(3) COOPERATING STATE, LOCAL, OR TRIBAL GOVERNMENTS.—

(A) STATE AUTHORITY.—If the Federal environmental review is being implemented within the boundaries of a State, the State, consistent with State law, may choose to participate in the environmental review and authorization process under this subsection and to make subject to the process all State agencies that—

(i) have jurisdiction over the covered project;

(ii) are required to conduct or issue a review, analysis, opinion, or statement for the covered project; or

(iii) are required to make a determination on issuing a permit, license, or other approval or decision for the covered project.

(B) COORDINATION.—To the maximum extent practicable under applicable law, the facilitating or lead agency, as applicable, shall coordinate the Federal environmental review and authorization processes under this subsection with any State, local, or tribal agency responsible for conducting any separate review or authorization of the covered project to ensure timely and efficient completion of environmental reviews and authorizations.

(C) MEMORANDUM OF UNDERSTANDING.—

(i) IN GENERAL.—Any coordination plan between the facilitating or lead agency, as applicable, and any State, local, or tribal agency shall, to the maximum extent practicable, be included in a memorandum of understanding.

(ii) SUBMISSION TO EXECUTIVE DIRECTOR.—The facilitating or lead agency, as applicable, shall submit to the Executive Director each memorandum of understanding described in clause (i).

(d) EARLY CONSULTATION.—The facilitating or lead agency, as applicable, shall provide an expeditious process for project sponsors to confer with each cooperating and participating agency involved and, not later than 60 days after the date on which the project sponsor submits a request under this subsection, to have each such agency provide to the project sponsor information concerning—

(1) the availability of information and tools, including pre-application toolkits, to facilitate early planning efforts;

(2) key issues of concern to each agency and to the public; and

(3) issues that must be addressed before an environmental review or authorization can be completed.

(e) COOPERATING AGENCY.—

(1) IN GENERAL.—A lead agency may designate a participating agency as a cooperating agency in accordance with part 1501 of title 40, Code of Federal Regulations (or successor regulations).

(2) EFFECT ON OTHER DESIGNATION.—The designation described in paragraph (1) shall not affect any designation under subsection (a)(3).

(3) LIMITATION ON DESIGNATION.—Any agency not designated as a participating agency under subsection (a)(3) shall not be designated as a cooperating agency under paragraph (1).

(f) REPORTING STATUS OF OTHER PROJECTS ON DASHBOARD.—

(1) IN GENERAL.—On request of the Executive Director, the Secretary and the Secretary of the Army shall use best efforts to provide information for inclusion on the Dashboard on projects subject to section 139 of title 23, United States Code, and section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) likely to require—

(A) a total investment of more than $200,000,000; and

(B) an environmental impact statement under NEPA.

(2) EFFECT OF INCLUSION ON DASHBOARD.—Inclusion on the Dashboard of information regarding projects subject to section 139 of title 23, United States Code, or section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) shall not subject those projects to any requirements of this title.

**SEC. 61004. INTERSTATE COMPACTS.**

(a) IN GENERAL.—The consent of Congress is given for 3 or more contiguous States to enter into an interstate compact establishing regional infrastructure development agencies to facilitate authorization and review of covered projects, under State law or in the exercise of delegated permitting authority described under section 61006, that will advance infrastructure development, production, and generation within the States that are parties to the compact.

(b) REGIONAL INFRASTRUCTURE.—For the purpose of this title, a regional infrastructure development agency referred to in subsection (a) shall have the same authorities and responsibilities of a State agency.

**SEC. 61005. COORDINATION OF REQUIRED REVIEWS.**

(a) CONCURRENT REVIEWS.—To integrate environmental reviews and authorizations, each agency shall, to the maximum extent practicable—

(1) carry out the obligations of the agency with respect to a covered project under any other applicable law concurrently, and in conjunction with, other environmental reviews and authorizations being conducted by other cooperating or participating agencies, including environmental reviews and authorizations required under NEPA, unless the agency determines that doing so would impair the ability of the agency to carry out the statutory obligations of the agency; and

(2) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

(b) ADOPTION, INCORPORATION BY REFERENCE, AND USE OF DOCUMENTS.—

(1) STATE ENVIRONMENTAL DOCUMENTS; SUPPLEMENTAL DOCUMENTS.—

(A) USE OF EXISTING DOCUMENTS.—

(i) IN GENERAL.—On the request of a project sponsor, a lead agency shall consider and, as appropriate, adopt or incorporate by reference, the analysis and documentation that has been prepared for a covered project under State laws and procedures as the documentation, or part of the documentation, required to complete an environmental review for the covered project, if the analysis and documentation were, as determined by the lead agency in consultation with the Council on Environmental Quality, prepared under circumstances that allowed for opportunities for public participation and consideration of alternatives and environmental consequences that are substantially equivalent to what would have been available had the documents and analysis been prepared by a Federal agency pursuant to NEPA.

(ii) GUIDANCE BY CEQ.—The Council on Environmental Quality may issue guidance to carry out this subsection.

(B) NEPA OBLIGATIONS.—An environmental document adopted under subparagraph (A) or a document that includes documentation incorporated under subparagraph (A) may serve as the documentation required for an environmental review or a supplemental environmental review required to be prepared by a lead agency under NEPA.

(C) SUPPLEMENTATION OF STATE DOCUMENTS.—If the lead agency adopts or incorporates analysis and documentation described in subparagraph (A), the lead agency shall prepare and publish a supplemental document if the lead agency determines that during the period after preparation of the analysis and documentation and before the adoption or incorporation—

(i) a significant change has been made to the covered project that is relevant for purposes of environmental review of the project; or

(ii) there has been a significant circumstance or new information has emerged that is relevant to the environmental review for the covered project.

(D) COMMENTS.—If a lead agency prepares and publishes a supplemental document under subparagraph (C), the lead agency shall solicit comments from other agencies and the public on the supplemental document for a period of not more than 45 days, beginning on the date on which the supplemental document is published, unless—

(i) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(ii) the lead agency extends the deadline for good cause.

(E) NOTICE OF OUTCOME OF ENVIRONMENTAL REVIEW.—A lead agency shall issue a record of decision or finding of no significant impact, as appropriate, based on the document adopted under subparagraph (A) and any supplemental document prepared under subparagraph (C).

(c) ALTERNATIVES ANALYSIS.—

(1) PARTICIPATION.—As early as practicable during the environmental review, but not later than the commencement of scoping for a project requiring the preparation of an environmental impact statement, the lead agency, in consultation with each cooperating agency, shall determine the range of reasonable alternatives to be considered for a covered project.

(2) RANGE OF ALTERNATIVES.—

(A) IN GENERAL.—Following participation under paragraph (1) and subject to subparagraph (B), the lead agency shall determine the range of reasonable alternatives for consideration in any document that the lead agency is responsible for preparing for the covered project.

(B) ALTERNATIVES REQUIRED BY LAW.—In determining the range of alternatives under subparagraph (A), the lead agency shall include all alternatives required to be considered by law.

(3) METHODOLOGIES.—

(A) IN GENERAL.—The lead agency shall determine, in collaboration with each cooperating agency at appropriate times during the environmental review, the methodologies to be used and the level of detail required in the analysis of each alternative for a covered project.

(B) ENVIRONMENTAL REVIEW.—A cooperating agency shall use the methodologies referred to in subparagraph (A) when conducting any required environmental review, to the extent consistent with existing law.

(4) PREFERRED ALTERNATIVE.—With the concurrence of the cooperating agencies with jurisdiction under Federal law and at the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of the higher level of detail will not prevent—

(A) the lead agency from making an impartial decision as to whether to accept another alternative that is being considered in the environmental review; and

(B) the public from commenting on the preferred and other alternatives.

(d) ENVIRONMENTAL REVIEW COMMENTS.—

(1) COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT.—For comments by an agency or the public on a draft environmental impact statement, the lead agency shall establish a comment period of not less than 45 days and not more than 60 days after the date on which a notice announcing availability of the environmental impact statement is published in the Federal Register, unless—

(A) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(B) the lead agency, in consultation with each cooperating agency, extends the deadline for good cause.

(2) OTHER REVIEW AND COMMENT PERIODS.—For all other review or comment periods in the environmental review process described in parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations), the lead agency shall establish a comment period of not more than 45 days after the date on which the materials on which comment is requested are made available, unless—

(A) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(B) the lead agency extends the deadline for good cause.

(e) ISSUE IDENTIFICATION AND RESOLUTION.—

(1) COOPERATION.—The lead agency and each cooperating and participating agency shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of an environmental review or an authorization required for the project under applicable law or result in the denial of any approval under applicable law.

(2) LEAD AGENCY RESPONSIBILITIES.—

(A) IN GENERAL.—The lead agency shall make information available to each cooperating and participating agency and project sponsor as early as practicable in the environmental review regarding the environmental, historic, and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.

(B) SOURCES OF INFORMATION.—The information described in subparagraph (A) may be based on existing data sources, including geographic information systems mapping.

(3) COOPERATING AND PARTICIPATING AGENCY RESPONSIBILITIES.—Each cooperating and participating agency shall—

(A) identify, as early as practicable, any issues of concern regarding any potential environmental impacts of the covered project, including any issues that could substantially delay or prevent an agency from completing any environmental review or authorization required for the project; and

(B) communicate any issues described in subparagraph (A) to the project sponsor.

(f) CATEGORIES OF PROJECTS.—The authorities granted under this section may be exercised for an individual covered project or a category of covered projects.

**SEC. 61006. DELEGATED STATE PERMITTING PROGRAMS.**

(a) IN GENERAL.—If a Federal statute permits a Federal agency to delegate to or otherwise authorize a State to issue or otherwise administer a permit program in lieu of the Federal agency, the Federal agency with authority to carry out the statute shall—

(1) on publication by the Council of best practices under section 61002(c)(2)(B), initiate a national process, with public participation, to determine whether and the extent to which any of the best practices are generally applicable on a delegation- or authorization-wide basis to permitting under the statute; and

(2) not later than 2 years after the date of enactment of this Act, make model recommendations for State modifications of the applicable permit program to reflect the best practices described in section 61002(c)(2)(B), as appropriate.

(b) BEST PRACTICES.—Lead and cooperating agencies may share with State, tribal, and local authorities best practices involved in review of covered projects and invite input from State, tribal, and local authorities regarding best practices.

**SEC. 61007. LITIGATION, JUDICIAL REVIEW, AND SAVINGS PROVISION.**

(a) LIMITATIONS ON CLAIMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of any authorization issued by a Federal agency for a covered project shall be barred unless—

(A) the action is filed not later than 2 years after the date of publication in the Federal Register of the final record of decision or approval or denial of a permit, unless a shorter time is specified in the Federal law under which judicial review is allowed; and

(B) in the case of an action pertaining to an environmental review conducted under NEPA—

(i) the action is filed by a party that submitted a comment during the environmental review or a party that lacked a reasonable opportunity to submit a comment; and

(ii) a party filed a sufficiently detailed comment so as to put the lead agency on notice of the issue on which the party seeks judicial review.

(2) NEW INFORMATION.—

(A) IN GENERAL.—The head of a lead agency or participating agency shall consider new information received after the close of a comment period if the information satisfies the requirements under regulations implementing NEPA.

(B) SEPARATE ACTION.—If Federal law requires the preparation of a supplemental environmental impact statement or other supplemental environmental document, the preparation of such document shall be considered a separate final agency action and the deadline for filing a claim for judicial review of the agency action shall be 2 years after the date on which a notice announcing the final agency action is published in the Federal Register, unless a shorter time is specified in the Federal law under which judicial review is allowed.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection creates a right to judicial review or places any limit on filing a claim that a person has violated the terms of an authorization.

(b) PRELIMINARY INJUNCTIVE RELIEF.—In addition to considering any other applicable equitable factors, in any action seeking a temporary restraining order or preliminary injunction against an agency or a project sponsor in connection with review or authorization of a covered project, the court shall—

(1) consider the effects on public health, safety, and the environment, the potential for significant job losses, and other economic harm resulting from an order or injunction; and

(2) not presume that the harms described in paragraph (1) are reparable.

(c) JUDICIAL REVIEW.—Except as provided in subsection (a), nothing in this title affects the reviewability of any final Federal agency action in a court of competent jurisdiction.

(d) SAVINGS CLAUSE.—Nothing in this title—

(1) supersedes, amends, or modifies any Federal statute or affects the responsibility of any Federal officer to comply with or enforce any statute; or

(2) creates a presumption that a covered project will be approved or favorably reviewed by any agency.

(e) LIMITATIONS.—Nothing in this section preempts, limits, or interferes with—

(1) any practice of seeking, considering, or responding to public comment; or

(2) any power, jurisdiction, responsibility, or authority that a Federal, State, or local governmental agency, metropolitan planning organization, Indian tribe, or project sponsor has with respect to carrying out a project or any other provisions of law applicable to any project, plan, or program.

**SEC. 61008. REPORT TO CONGRESS.**

(a) IN GENERAL.—Not later than April 15 of each year for 10 years beginning on the date of enactment of this Act, the Executive Director shall submit to Congress a report detailing the progress accomplished under this title during the previous fiscal year.

(b) CONTENTS.—The report described in subsection (a) shall assess the performance of each participating agency and lead agency based on the best practices described in section 61002(c)(2)(B).

(c) OPPORTUNITY TO INCLUDE COMMENTS.—Each councilmember, with input from the respective agency CERPO, shall have the opportunity to include comments concerning the performance of the agency in the report described in subsection (a).

**SEC. 61009. FUNDING FOR GOVERNANCE, OVERSIGHT, AND PROCESSING OF ENVIRONMENTAL REVIEWS AND PERMITS.**

(a) IN GENERAL.—The heads of agencies listed in section 61002(b)(2)(B), with the guidance of the Director of the Office of Management and Budget and in consultation with the Executive Director, may, after public notice and opportunity for comment, issue regulations establishing a fee structure for project proponents to reimburse the United States for reasonable costs incurred in conducting environmental reviews and authorizations for covered projects.

(b) REASONABLE COSTS.—As used in this section, the term ''reasonable costs'' shall include costs to implement the requirements and authorities required under sections 61002 and 61003, including the costs to agencies and the costs of operating the Council.

(c) FEE STRUCTURE.—The fee structure established under subsection (a) shall—

(1) be developed in consultation with affected project proponents, industries, and other stakeholders;

(2) exclude parties for which the fee would impose an undue financial burden or is otherwise determined to be inappropriate; and

(3) be established in a manner that ensures that the aggregate amount of fees collected for a fiscal year is estimated not to exceed 20 percent of the total estimated costs for the fiscal year for the resources allocated for the conduct of the environmental reviews and authorizations covered by this title, as determined by the Director of the Office of Management and Budget.

(d) ENVIRONMENTAL REVIEW AND PERMITTING IMPROVEMENT FUND.—

(1) IN GENERAL.—All amounts collected pursuant to this section shall be deposited into a separate fund in the Treasury of the United States to be known as the ''Environmental Review Improvement Fund'' (referred to in this section as the ''Fund'').

(2) AVAILABILITY.—Amounts in the Fund shall be available to the Executive Director, without appropriation or fiscal year limitation, solely for the purposes of administering, implementing, and enforcing this title, including the expenses of the Council.

(3) TRANSFER.—The Executive Director, with the approval of the Director of the Office of Management and Budget, may transfer amounts in the Fund to other agencies to facilitate timely and efficient environmental reviews and authorizations for proposed covered projects.

(e) EFFECT ON PERMITTING.—The regulations adopted pursuant to subsection (a) shall ensure that the use of funds accepted under subsection (d) will not impact impartial decision-making with respect to environmental reviews or authorizations, either substantively or procedurally.

(f) TRANSFER OF APPROPRIATED FUNDS.—

(1) IN GENERAL.—The heads of agencies listed in section 61002(b)(2)(B) shall have the authority to transfer, in accordance with section 1535 of title 31, United States Code, funds appropriated to those agencies and not otherwise obligated to other affected Federal agencies for the purpose of implementing the provisions of this title.

(2) LIMITATION.—Appropriations under title 23, United States Code and appropriations for the civil works program of the Army Corps of Engineers shall not be available for transfer under paragraph (1).

**SEC. 61010. APPLICATION.**

This title applies to any covered project for which—

(1) a notice is filed under section 61003(a)(1); or

(2) an application or other request for a Federal authorization is pending before a Federal agency 90 days after the date of enactment of this Act.

**SEC. 61011. GAO REPORT.**

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that includes an analysis of whether the provisions of this title could be adapted to streamline the Federal permitting process for smaller projects that are not covered projects.

## TITLE LXII—ADDITIONAL PROVISIONS

**SEC. 62001. HIRE MORE HEROES.**

(a) SHORT TITLE.—This section may be cited as the ''Hire More Heroes Act of 2015''.

(b) EMPLOYEES WITH HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION NOT TAKEN INTO ACCOUNT IN DETERMINING EMPLOYERS TO WHICH THE EMPLOYER MANDATE APPLIES UNDER PATIENT PROTECTION AND AFFORDABLE CARE ACT.—Section 4980H(c)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(F) EXEMPTION FOR HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION.—Solely for purposes of determining whether an employer is an applicable large employer under this paragraph for any

month, an individual shall not be taken into account as an employee for such month if such individual has medical coverage for such month under—

''(i) chapter 55 of title 10, United States Code, including coverage under the TRICARE program, or

''(ii) under a health care program under chapter 17 or 18 of title 38, United States Code, as determined by the Secretary of Veterans Affairs, in coordination with the Secretary of Health and Human Services and the Secretary.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall apply to months beginning after December 31, 2013.

## DIVISION G—SURFACE TRANSPORTATION EXTENSION

### SEC. 70001. SHORT TITLE.

This division may cited as the ''Surface Transportation Extension Act of 2015''.

## TITLE LXXI—EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS

### SEC. 71001. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) IN GENERAL.—Section 1001 of the Highway and Transportation Funding Act of 2014 (Public Law 113–159; 128 Stat. 1840; 129 Stat. 219) is amended—

(1) in subsection (a), by striking ''July 31, 2015'' and inserting ''September 30, 2015'';

(2) in subsection (b)(1)—

(A) by striking ''July 31, 2015'' and inserting ''September 30, 2015''; and

(B) by striking ''304/365'' and inserting ''365/365''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''July 31, 2015'' and inserting ''September 30, 2015''; and

(ii) by striking ''304/365'' and inserting ''365/365''; and

(B) in paragraph (2)(B), by striking ''by this subsection''.

(b) OBLIGATION CEILING.—Section 1102 of MAP–21 (23 U.S.C. 104 note; Public Law 112–141) is amended—

(1) in subsection (a)(3)—

(A) by striking ''$33,528,284,932'' and inserting ''$40,256,000,000''; and

(B) by striking ''July 31, 2015'' and inserting ''September 30, 2015'';

(2) in subsection (b)(12)—

(A) by striking ''July 31, 2015'' and inserting ''September 30, 2015''; and

(B) by striking ''304/365'' and inserting ''365/365'';

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''July 31, 2015'' and inserting ''September 30, 2015''; and

(B) in paragraph (2)—

(i) by striking ''July 31, 2015'' and inserting ''September 30, 2015''; and

(ii) by striking ''304/365'' and inserting ''365/365''; and

(4) in subsection (f)(1), in the matter preceding subparagraph (A), by striking ''July 31, 2015'' and inserting ''September 30, 2015''.

(c) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—Section 1123(h)(1) of MAP-21 (23 U.S.C. 202 note; Public Law 112–141) is amended—

(1) by striking ''$24,986,301'' and inserting ''$30,000,000''; and

(2) by striking ''July 31, 2015'' and inserting ''September 30, 2015''.

### SEC. 71002. ADMINISTRATIVE EXPENSES.

(a) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1002(a) of the Highway and Transportation Funding Act of 2014 (Public Law 113–159; 128 Stat. 1842; 129 Stat. 220) is amended—

(1) by striking ''$366,465,753'' and inserting ''$440,000,000''; and

(2) by striking ''July 31, 2015'' and inserting ''September 30, 2015''.

(b) CONTRACT AUTHORITY.—Section 1002(b)(2) of the Highway and Transportation Funding Act of 2014 (Public Law 113–159; 128 Stat. 1842; 129 Stat. 220) is amended by striking ''July 31, 2015'' and inserting ''September 30, 2015''.

## TITLE LXXII—TEMPORARY EXTENSION OF PUBLIC TRANSPORTATION PROGRAMS

### SEC. 72001. FORMULA GRANTS FOR RURAL AREAS.

Section 5311(c)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A), by striking ''ending before'' and all that follows through ''July 31, 2015,''; and

(2) in subparagraph (B), by striking ''ending before'' and all that follows through ''July 31, 2015,''.

### SEC. 72002. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.

Section 5336(h)(1) of title 49, United States Code, is amended by striking ''before October 1, 2014'' and all that follows through ''July 31, 2015,'' and inserting ''before October 1, 2015''.

### SEC. 72003. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) FORMULA GRANTS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking ''for fiscal year 2014'' and all that follows and inserting ''for fiscal year 2014, and $8,595,000,000 for fiscal year 2015.'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''$107,274,521 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$128,800,000 for fiscal year 2015'';

(B) in subparagraph (B), by striking ''2013 and 2014 and $8,328,767 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''2013, 2014, and 2015'';

(C) in subparagraph (C), by striking ''$3,713,505,753 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$4,458,650,000 for fiscal year 2015'';

(D) in subparagraph (D), by striking ''$215,132,055 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$258,300,000 for fiscal year 2015'';

(E) in subparagraph (E)—

(i) by striking ''$506,222,466 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$607,800,000 for fiscal year 2015'';

(ii) by striking ''$24,986,301 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$30,000,000 for fiscal year 2015''; and

(iii) by striking ''$16,657,534 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$20,000,000 for fiscal year 2015'';

(F) in subparagraph (F), by striking ''2013 and 2014 and $2,498,630 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''2013, 2014, and 2015'';

(G) in subparagraph (G), by striking ''2013 and 2014 and $4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''2013, 2014, and 2015'';

(H) in subparagraph (H), by striking ''2013 and 2014 and $3,206,575 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''2013, 2014, and 2015'';

(I) in subparagraph (I), by striking ''$1,803,927,671 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$2,165,900,000 for fiscal year 2015'';

(J) in subparagraph (J), by striking ''$356,304,658 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$427,800,000 for fiscal year 2015''; and

(K) in subparagraph (K), by striking ''$438,009,863 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''$525,900,000 for fiscal year 2015''.

(b) RESEARCH, DEVELOPMENT DEMONSTRATION AND DEPLOYMENT PROJECTS.—Section 5338(b) of title 49, United States Code, is amended by striking ''$58,301,370 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''$70,000,000 for fiscal year 2015''.

(c) TRANSIT COOPERATIVE RESEARCH PROGRAM.—Section 5338(c) of title 49, United States Code, is amended by striking ''$5,830,137 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''$7,000,000 for fiscal year 2015''.

(d) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—Section 5338(d) of title 49, United States Code, is amended by striking ''$5,830,137 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''$7,000,000 for fiscal year 2015''.

(e) HUMAN RESOURCES AND TRAINING.—Section 5338(e) of title 49, United States Code, is amended by striking ''$4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''$5,000,000 for fiscal year 2015''.

(f) CAPITAL INVESTMENT GRANTS.—Section 5338(g) of title 49, United States Code, is amended by striking ''$1,558,295,890 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''$1,907,000,000 for fiscal year 2015''.

(g) ADMINISTRATION.—Section 5338(h) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking ''$86,619,178 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''$104,000,000 for fiscal year 2015'';

(2) in paragraph (2), by striking ''2013 and 2014 and not less than $4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''2013, 2014, and 2015''; and

(3) in paragraph (3), by striking ''2013 and 2014 and not less than $832,877 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''2013, 2014, and 2015''.

### SEC. 72004. BUS AND BUS FACILITIES FORMULA GRANTS.

Section 5339(d)(1) of title 49, United States Code, is amended—

(1) by striking ''2013 and 2014 and $54,553,425 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''2013, 2014, and 2015'';

(2) by striking ''and $1,041,096 for such period''; and

(3) by striking ''and $416,438 for such period''.

## TITLE LXXIII—EXTENSION OF HIGHWAY SAFETY PROGRAMS

### Subtitle A—Extension of Highway Safety Programs

### SEC. 73101. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) EXTENSION OF PROGRAMS.—

(1) HIGHWAY SAFETY PROGRAMS.—Section 31101(a)(1)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(C) $235,000,000 for fiscal year 2015.''.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 31101(a)(2)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(C) $113,500,000 for fiscal year 2015.''.

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—Section 31101(a)(3)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(C) $272,000,000 for fiscal year 2015.''.

(4) NATIONAL DRIVER REGISTER.—Section 31101(a)(4)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(C) $5,000,000 for fiscal year 2015.''.

(5) HIGH VISIBILITY ENFORCEMENT PROGRAM.—

(A) AUTHORIZATION OF APPROPRIATIONS.—Section 31101(a)(5)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(C) $29,000,000 for fiscal year 2015.''.

(B) LAW ENFORCEMENT CAMPAIGNS.—Section 2009(a) of SAFETEA–LU (23 U.S.C. 402 note) is amended—

(i) in the first sentence, by striking ''and 2014 and in the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''through 2015''; and

(ii) in the second sentence, by striking ''and 2014 and in the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''through 2015''.

(6) ADMINISTRATIVE EXPENSES.—Section 31101(a)(6)(C) of MAP–21 (126 Stat. 733) is amended to read as follows:

''(C) $25,500,000 for fiscal year 2015.''.

(b) COOPERATIVE RESEARCH AND EVALUATION.—Section 403(f)(1) of title 23, United States Code, is amended by striking ''under subsection 402(c) in each fiscal year ending before October 1, 2014, and $2,082,192 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''under section 402(c) in each fiscal year ending before October 1, 2015,''.

(c) APPLICABILITY OF TITLE 23.—Section 31101(c) of MAP–21 (126 Stat. 733) is amended by striking ''fiscal years 2013 and 2014 and for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''each of fiscal years 2013 through 2015''.

**SEC. 73102. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.**

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a)(10) of title 49, United States Code, is amended to read as follows:

''(10) $218,000,000 for fiscal year 2015.''.

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1)(J) of title 49, United States Code, is amended to read as follows:

''(J) $259,000,000 for fiscal year 2015.''.

(c) GRANT PROGRAMS.—

(1) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENT GRANTS.—Section 4101(c)(1) of SAFETEA–LU (119 Stat. 1715) is amended by striking ''each of fiscal years 2013 and 2014 and $24,986,301 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''each of fiscal years 2013 through 2015''.

(2) BORDER ENFORCEMENT GRANTS.—Section 4101(c)(2) of SAFETEA–LU (119 Stat. 1715) is amended by striking ''each of fiscal years 2013 and 2014 and $26,652,055 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''each of fiscal years 2013 through 2015''.

(3) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT GRANT PROGRAM.—Section 4101(c)(3) of SAFETEA–LU (119 Stat. 1715) is amended by striking ''each of fiscal years 2013 and 2014 and $4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''each of fiscal years 2013 through 2015''.

(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT PROGRAM.—Section 4101(c)(4) of SAFETEA–LU (119 Stat. 1715) is amended by striking ''each of fiscal years 2013 and 2014 and $20,821,918 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''each of fiscal years 2013 through 2015''.

(5) SAFETY DATA IMPROVEMENT GRANTS.—Section 4101(c)(5) of SAFETEA–LU (119 Stat. 1715) is amended by striking ''each of fiscal years 2013 and 2014 and $2,498,630 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''each of fiscal years 2013 through 2015''.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k)(2) of title 49, United States Code, is amended by striking ''each of fiscal years 2006 through 2014 and up to $12,493,151 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''each of fiscal years 2006 through 2015''.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by striking ''per fiscal year and up to $26,652,055 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''per fiscal year''.

(f) OUTREACH AND EDUCATION.—Section 4127(e) of SAFETEA–LU (119 Stat. 1741) is amended by striking ''each of fiscal years 2013 and 2014 and $3,331,507 to the Federal Motor Carrier Safety Administration for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''each of fiscal years 2013 through 2015''.

(g) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU (49 U.S.C. 31301 note) is amended by striking ''each of fiscal years 2005 through 2014 and $832,877 for the period beginning on October 1, 2014, and ending on July 31, 2015'' and inserting ''each of fiscal years 2005 through 2015''.

**SEC. 73103. DINGELL-JOHNSON SPORT FISH RESTORATION ACT.**

Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a), in the matter preceding paragraph (1) by striking ''each fiscal year through 2014 and for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''each fiscal year through 2015''; and

(2) in subsection (b)(1)(A) by striking ''for each fiscal year ending before October 1, 2014, and for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''for each fiscal year ending before October 1, 2015''.

## Subtitle B—Hazardous Materials

**SEC. 73201. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—Section 5128(a)(3) of title 49, United States Code, is amended to read as follows:

''(3) $42,762,000 for fiscal year 2015.''.

(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—Section 5128(b)(2) of title 49, United States Code, is amended to read as follows:

''(2) FISCAL YEAR 2015.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend during fiscal year 2015—

''(A) $188,000 to carry out section 5115;

''(B) $21,800,000 to carry out subsections (a) and (b) of section 5116, of which not less than $13,650,000 shall be available to carry out section 5116(b);

''(C) $150,000 to carry out section 5116(f);

''(D) $625,000 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); and

''(E) $1,000,000 to carry out section 5116(j).''.

(c) HAZARDOUS MATERIALS TRAINING GRANTS.—Section 5128(c) of title 49, United States Code, is amended by striking ''each of fiscal years 2013 and 2014 and $3,331,507 for the period beginning on October 1, 2014, and ending on July 31, 2015,'' and inserting ''each of fiscal years 2013 through 2015''.

## TITLE LXXIV—REVENUE PROVISIONS

**SEC. 74001. EXTENSION OF TRUST FUND EXPENDITURE AUTHORITY.**

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''August 1, 2015'' in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting ''October 1, 2015'', and

(2) by striking ''Highway and Transportation Funding Act of 2015'' in subsections (c)(1) and (e)(3) and inserting ''Surface Transportation Extension Act of 2015''.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''Highway and Transportation Funding Act of 2015'' each place it appears in subsection (b)(2) and inserting ''Surface Transportation Extension Act of 2015'', and

(2) by striking ''August 1, 2015'' in subsection (d)(2) and inserting ''October 1, 2015''.

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Paragraph (2) of section 9508(e) of the Internal Revenue Code of 1986 is amended by striking ''August 1, 2015'' and inserting ''October 1, 2015''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2015.

## DIVISION H—BUDGETARY EFFECTS

**SEC. 80001. BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

**SEC. 80002. MAINTENANCE OF HIGHWAY TRUST FUND CASH BALANCE.**

(a) DEFINITIONS.—In this section:

(1) HIGHWAY ACCOUNT.—The term ''Highway Account'' has the meaning given the term in section 9503(e)(5)(B) of the Internal Revenue Code of 1986.

(2) HIGHWAY TRUST FUND.—The term ''Highway Trust Fund'' means the Highway Trust Fund established by section 9503(a) of the Internal Revenue Code of 1986.

(3) MASS TRANSIT ACCOUNT.—The term ''Mass Transit Account'' means the Mass Transit Account established by section 9503(e)(1) of the Internal Revenue Code of 1986.

(b) RESTRICTION ON OBLIGATIONS.—If the Secretary, in consultation with the Secretary of the Treasury, determines under the test or reevaluation described under subsection (c) or (d) that the projected cash balances of either the Highway Account or the Mass Transit Account of the Highway Trust Fund will fall below the levels described in subparagraph (A) or (B) of subsection (c)(2) at any time during the fiscal year for which that determination applies, the Secretary shall not approve any obligation of funds authorized out of the Highway Account or the Mass Transit Account of the Highway Trust Fund during that fiscal year.

(c) CASH BALANCE TEST.—On July 15 prior to the beginning of each of fiscal years 2019 through 2021, the Secretary, in consultation with the Secretary of the Treasury, shall—

(1) based on data available for the midsession review described under section 1106 of title 31, United States Code, estimate the projected cash balances of the Highway Account and the Mass Transit Account of the Highway Trust Fund for the upcoming fiscal year; and

(2) determine if those cash balances—

(A) are projected to fall below the amount of $4,000,000,000 at any time during that upcoming fiscal year in the Highway Account of the Highway Trust Fund; or

(B) are projected to fall below the amount of $1,000,000,000 at any time during that upcoming fiscal year in the Mass Transit Account of the Highway Trust Fund.

(d) REEVALUATION.—The Secretary shall conduct the test described under subsection (c) again during a respective fiscal year—

(1) if a law is enacted that provides additional revenues, deposits, or transfers to the Highway Trust Fund; or

(2) when the President submits to Congress under section 1105(a) of title 31, United States Code, updated outlay estimates or revenue projections related to the Highway Trust Fund.

(e) NOTIFICATION.—Not later than 15 days after a determination is made under subsection (c) or (d), the Secretary shall provide notification of the determination to—

(1) the Committee on Environment and Public Works of the Senate;

(2) the Committee on Transportation and Infrastructure of the House of Representatives;

(3) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(4) the Committee on Commerce, Science, and Transportation of the Senate; and

(5) State transportation departments and designated recipients.

(f) EXCEPTIONS.—Notwithstanding subsection (b), the Secretary shall approve obligations in every fiscal year for—

(1) administrative expenses of the Federal Highway Administration, including any administrative expenses funded under—

(A) section 104(a) of title 23, United States Code;

(B) the tribal transportation program under section 202(a)(6), of title 23, United States Code;

(C) the Federal lands transportation program under section 203 of title 23, United States Code; and

(D) chapter 6 of title 23, United States Code;

(2) funds for the national highway performance program under section 119 of title 23, United States Code, that are exempt from the limitation on obligations;

(3) the emergency relief program under section 125 of title 23, United States Code;

(4) the administrative expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code;

(5) the highway safety programs under section 402 of title 23, United States Code, and national priority safety programs under section 405 of title 23, United States Code;

(6) the high visibility enforcement program under section 2009 of SAFETEA-LU (23 U.S.C. 402 note; Public Law 109–59);

(7) the highway safety research and development program under section 403 of title 23, United States Code;

(8) the national driver register under chapter 303 of title 49, United States Code;

(9) the motor carrier safety assistance program under section 31102 of title 49, United States Code;

(10) the administrative expenses of the Federal Motor Carrier Safety Administration under section 31110 of title 49, United States Code; and

(11) the administrative expenses of the Federal Transit Administration funded under section 5338(h) of title 49, United States Code, to carry out section 5329 of title 49, United States Code.

**SEC. 80003. PROHIBITION ON RESCISSIONS OF CERTAIN CONTRACT AUTHORITY.**

For purposes of the enforcement of a point of order established under the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), the determination of levels under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) or the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 931 et seq.), and the enforcement of a point of order established under or the determination of levels under a concurrent resolution on the budget, the rescission of contract authority that is provided under this Act or an amendment made by this Act for fiscal year 2019, 2020, or 2021 shall not be counted.

## DIVISION I—EXPORT-IMPORT BANK OF THE UNITED STATES

**SEC. 90001. SHORT TITLE.**

This division may be cited as the ''Export-Import Bank Reform and Reauthorization Act of 2015''.

## TITLE XCI—TAXPAYER PROTECTION PROVISIONS AND INCREASED ACCOUNTABILITY

**SEC. 91001. REDUCTION IN AUTHORIZED AMOUNT OF OUTSTANDING LOANS, GUARANTEES, AND INSURANCE.**

Section 6(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

''(2) APPLICABLE AMOUNT DEFINED.—In this subsection, the term 'applicable amount', for each of fiscal years 2015 through 2019, means $135,000,000,000.

''(3) FREEZING OF LENDING CAP IF DEFAULT RATE IS 2 PERCENT OR MORE.—If the rate calculated under section 8(g)(1) is 2 percent or more for a quarter, the Bank may not exceed the amount of loans, guarantees, and insurance outstanding on the last day of that quarter until the rate calculated under section 8(g)(1) is less than 2 percent.''.

**SEC. 91002. INCREASE IN LOSS RESERVES.**

(a) IN GENERAL.—Section 6 of the Export-Import Bank Act of 1945 (12 U.S.C. 635e) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) RESERVE REQUIREMENT.—The Bank shall build to and hold in reserve, to protect against future losses, an amount that is not less than 5 percent of the aggregate amount of disbursed and outstanding loans, guarantees, and insurance of the Bank.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act.

**SEC. 91003. REVIEW OF FRAUD CONTROLS.**

Section 17(b) of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–6(b)) is amended to read as follows:

''(b) REVIEW OF FRAUD CONTROLS.—Not later than 4 years after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, and every 4 years thereafter, the Comptroller General of the United States shall—

''(1) review the adequacy of the design and effectiveness of the controls used by the Export-Import Bank of the United States to prevent, detect, and investigate fraudulent applications for loans and guarantees and the compliance by the Bank with the controls, including by auditing a sample of Bank transactions; and

''(2) submit a written report regarding the findings of the review and providing such recommendations with respect to the controls described in paragraph (1) as the Comptroller General deems appropriate to—

''(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate; and

''(B) the Committee on Financial Services and the Committee on Appropriations of the House of Representatives.''.

**SEC. 91004. OFFICE OF ETHICS.**

Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a) is amended by adding at the end the following:

''(k) OFFICE OF ETHICS.—

''(1) ESTABLISHMENT.—There is established an Office of Ethics within the Bank, which shall oversee all ethics issues within the Bank.

''(2) HEAD OF OFFICE.—

''(A) IN GENERAL.—The head of the Office of Ethics shall be the Chief Ethics Officer, who shall report to the Board of Directors.

''(B) APPOINTMENT.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the Chief Ethics Officer shall be—

''(i) appointed by the President of the Bank from among persons—

''(I) with a background in law who have experience in the fields of law and ethics; and

''(II) who are not serving in a position requiring appointment by the President of the United States before being appointed to be Chief Ethics Officer; and

''(ii) approved by the Board.

''(C) DESIGNATED AGENCY ETHICS OFFICIAL.—The Chief Ethics Officer shall serve as the designated agency ethics official for the Bank pursuant to the Ethics in Government Act of 1978 (5 U.S.C. App. 101 et seq.).

''(3) DUTIES.—The Office of Ethics has jurisdiction over all employees of, and ethics matters relating to, the Bank. With respect to employees of the Bank, the Office of Ethics shall—

''(A) recommend administrative actions to establish or enforce standards of official conduct;

''(B) refer to the Office of the Inspector General of the Bank alleged violations of—

''(i) the standards of ethical conduct applicable to employees of the Bank under parts 2635 and 6201 of title 5, Code of Federal Regulations;

''(ii) the standards of ethical conduct established by the Chief Ethics Officer; and

''(iii) any other laws, rules, or regulations governing the performance of official duties or the discharge of official responsibilities that are applicable to employees of the Bank;

''(C) report to appropriate Federal or State authorities substantial evidence of a violation of any law applicable to the performance of official duties that may have been disclosed to the Office of Ethics; and

''(D) render advisory opinions regarding the propriety of any current or proposed conduct of an employee or contractor of the Bank, and issue general guidance on such matters as necessary.''.

**SEC. 91005. CHIEF RISK OFFICER.**

Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as amended by section 91004, is further amended by adding at the end the following:

''(l) CHIEF RISK OFFICER.—

''(1) IN GENERAL.—There shall be a Chief Risk Officer of the Bank, who shall—

''(A) oversee all issues relating to risk within the Bank; and

''(B) report to the President of the Bank.

''(2) APPOINTMENT.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the Chief Risk Officer shall be—

''(A) appointed by the President of the Bank from among persons—

''(i) with a demonstrated ability in the general management of, and knowledge of and extensive practical experience in, financial risk evaluation practices in large governmental or business entities; and

''(ii) who are not serving in a position requiring appointment by the President of the United States before being appointed to be Chief Risk Officer; and

''(B) approved by the Board.

''(3) DUTIES.—The duties of the Chief Risk Officer are—

''(A) to be responsible for all matters related to managing and mitigating all risk to which the Bank is exposed, including the programs and operations of the Bank;

''(B) to establish policies and processes for risk oversight, the monitoring of management compliance with risk limits, and the management of risk exposures and risk controls across the Bank;

''(C) to be responsible for the planning and execution of all Bank risk management activities, including policies, reporting, and systems to achieve strategic risk objectives;

''(D) to develop an integrated risk management program that includes identifying, prioritizing, measuring, monitoring, and managing internal control and operating risks and other identified risks;

''(E) to ensure that the process for risk assessment and underwriting for individual transactions considers how each such transaction considers the effect of the transaction on the concentration of exposure in the overall portfolio of the Bank, taking into account fees, collateralization, and historic default rates; and

''(F) to review the adequacy of the use by the Bank of qualitative metrics to assess the risk of default under various scenarios.''.

**SEC. 91006. RISK MANAGEMENT COMMITTEE.**

(a) IN GENERAL.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as amended by sections 91004 and 91005, is further amended by adding at the end the following:

''(m) RISK MANAGEMENT COMMITTEE.—

''(1) ESTABLISHMENT.—There is established a management committee to be known as the 'Risk Management Committee'.

''(2) MEMBERSHIP.—The membership of the Risk Management Committee shall be the members of the Board of Directors, with the President and First Vice President of the Bank serving as ex officio members.

''(3) DUTIES.—The duties of the Risk Management Committee shall be—

''(A) to oversee, in conjunction with the Office of the Chief Financial Officer of the Bank—

''(i) periodic stress testing on the entire Bank portfolio, reflecting different market, industry, and macroeconomic scenarios, and consistent with common practices of commercial and multilateral development banks; and

''(ii) the monitoring of industry, geographic, and obligor exposure levels; and

''(B) to review all required reports on the default rate of the Bank before submission to Congress under section 8(g).''.

(b) TERMINATION OF AUDIT COMMITTEE.—Not later than 180 days after the date of the enactment of this Act, the Board of Directors of the Export-Import Bank of the United States shall revise the bylaws of the Bank to terminate the Audit Committee established by section 7 of the bylaws.

**SEC. 91007. INDEPENDENT AUDIT OF BANK PORTFOLIO.**

(a) AUDIT.—The Inspector General of the Export-Import Bank of the United States shall conduct an audit or evaluation of the portfolio risk management procedures of the Bank, including a review of the implementation by the Bank of the duties assigned to the Chief Risk Officer under section 3(l) of the Export-Import Bank Act of 1945, as amended by section 91005.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, and not less frequently than every 3 years thereafter, the Inspector General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a written report containing all findings and determinations made in carrying out subsection (a).

**SEC. 91008. PILOT PROGRAM FOR REINSURANCE.**

(a) IN GENERAL.—Notwithstanding any provision of the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.), the Export-Import Bank of the United States (in this section referred to as the ''Bank'') may establish a pilot program under which the Bank may enter into contracts and other arrangements to share risks associated with the provision of guarantees, insurance, or credit, or the participation in the extension of credit, by the Bank under that Act.

(b) LIMITATIONS ON AMOUNT OF RISK-SHARING.—

(1) PER CONTRACT OR OTHER ARRANGEMENT.—The aggregate amount of liability the Bank may transfer through risk-sharing pursuant to a contract or other arrangement entered into under subsection (a) may not exceed $1,000,000,000.

(2) PER YEAR.—The aggregate amount of liability the Bank may transfer through risk-sharing during a fiscal year pursuant to contracts or other arrangements entered into under subsection (a) during that fiscal year may not exceed $10,000,000,000.

(c) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act, and annually thereafter through 2019, the Bank shall submit to Congress a written report that contains a detailed analysis of the use of the pilot program carried out under subsection (a) during the year preceding the submission of the report.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect, impede, or revoke any authority of the Bank.

(e) TERMINATION.—The pilot program carried out under subsection (a) shall terminate on September 30, 2019.

## TITLE XCII—PROMOTION OF SMALL BUSINESS EXPORTS

**SEC. 92001. INCREASE IN SMALL BUSINESS LENDING REQUIREMENTS.**

(a) IN GENERAL.—Section 2(b)(1)(E)(v) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(v)) is amended by striking ''20 percent'' and inserting ''25 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2016 and each fiscal year thereafter.

**SEC. 92002. REPORT ON PROGRAMS FOR SMALL AND MEDIUM-SIZED BUSINESSES.**

(a) IN GENERAL.—Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) is amended by adding at the end the following:

''(k) REPORT ON PROGRAMS FOR SMALL AND MEDIUM-SIZED BUSINESSES.—The Bank shall include in its annual report to Congress under subsection (a) a report on the programs of the Bank for United States businesses with less than $250,000,000 in annual sales.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the report of the Export-Import Bank of the United States submitted to Congress under section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) for the first year that begins after the date of the enactment of this Act.

## TITLE XCIII—MODERNIZATION OF OPERATIONS

**SEC. 93001. ELECTRONIC PAYMENTS AND DOCUMENTS.**

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is amended by adding at the end the following:

''(M) Not later than 2 years after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the Bank shall implement policies—

''(i) to accept electronic documents with respect to transactions whenever possible, including copies of bills of lading, certifications, and compliance documents, in such manner so as not to undermine any potential civil or criminal enforcement related to the transactions; and

''(ii) to accept electronic payments in all of its programs.''.

**SEC. 93002. REAUTHORIZATION OF INFORMATION TECHNOLOGY UPDATING.**

Section 3(j) of the Export-Import Act of 1945 (12 U.S.C. 635a(j)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''2012, 2013, and 2014'' and inserting ''2015 through 2019'';

(2) in paragraph (2)(B), by striking ''(I) the funds'' and inserting ''(i) the funds''; and

(3) in paragraph (3), by striking ''2012, 2013, and 2014'' and inserting ''2015 through 2019''.

## TITLE XCIV—GENERAL PROVISIONS

**SEC. 94001. EXTENSION OF AUTHORITY.**

(a) IN GENERAL.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking ''2014'' and inserting ''2019''.

(b) DUAL-USE EXPORTS.—Section 1(c) of Public Law 103–428 (12 U.S.C. 635 note) is amended by striking ''September 30, 2014'' and inserting ''the date on which the authority of the Export-Import Bank of the United States expires under section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f)''.

(c) SUB-SAHARAN AFRICA ADVISORY COMMITTEE.—Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking ''September 30, 2014'' and inserting ''the date on which the authority of the Bank expires under section 7''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of the date of the enactment of this Act or June 30, 2015.

**SEC. 94002. CERTAIN UPDATED LOAN TERMS AND AMOUNTS.**

(a) LOAN TERMS FOR MEDIUM-TERM FINANCING.—Section 2(a)(2)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(a)(2)(A)) is amended—

(1) in clause (i), by striking ''; and'' and inserting a semicolon; and

(2) by adding at the end the following:

''(iii) with principal amounts of not more than $25,000,000; and''.

(b) COMPETITIVE OPPORTUNITIES RELATING TO INSURANCE.—Section 2(d)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(d)(2)) is amended by striking ''$10,000,000'' and inserting ''$25,000,000''.

(c) EXPORT AMOUNTS FOR SMALL BUSINESS LOANS.—Section 3(g)(3) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(g)(3)) is amended by striking ''$10,000,000'' and inserting ''$25,000,000''.

(d) CONSIDERATION OF ENVIRONMENTAL EFFECTS.—Section 11(a)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–5(a)(1)(A)) is amended by striking ''$10,000,000 or more'' and inserting the following: ''$25,000,000 (or, if less than $25,000,000, the threshold established pursuant to international agreements, including the Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence, as adopted by the Organisation for Economic Co-operation and Development Council on June 28, 2012, and the risk-management framework adopted by financial institutions for determining, assessing, and managing environmental and social risk in projects (commonly referred to as the 'Equator Principles')) or more''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2016 and each fiscal year thereafter.

## TITLE XCV—OTHER MATTERS

### SEC. 95001. PROHIBITION ON DISCRIMINATION BASED ON INDUSTRY.

Section 2 of the Export-Import Bank Act of 1945 (6 U.S.C. 635 et seq.) is amended by adding at the end the following:

''(k) PROHIBITION ON DISCRIMINATION BASED ON INDUSTRY.—

''(1) IN GENERAL.—Except as provided in this Act, the Bank may not—

''(A) deny an application for financing based solely on the industry, sector, or business that the application concerns; or

''(B) promulgate or implement policies that discriminate against an application based solely on the industry, sector, or business that the application concerns.

''(2) APPLICABILITY.—The prohibitions under paragraph (1) apply only to applications for financing by the Bank for projects concerning the exploration, development, production, or export of energy sources and the generation or transmission of electrical power, or combined heat and power, regardless of the energy source involved.''.

### SEC. 95002. NEGOTIATIONS TO END EXPORT CREDIT FINANCING.

(a) IN GENERAL.—Section 11 of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–5) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''Secretary of the Treasury (in this section referred to as the 'Secretary')'' and inserting ''President''; and

(B) in paragraph (1)—

(i) by striking ''(OECD)'' and inserting ''(in this section referred to as the 'OECD')''; and

(ii) by striking ''ultimate goal of eliminating'' and inserting ''possible goal of eliminating, before the date that is 10 years after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015,'';

(2) in subsection (b), by striking ''Secretary'' each place it appears and inserting ''President''; and

(3) by adding at the end the following:

''(c) REPORT ON STRATEGY.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the President shall submit to Congress a proposal, and a strategy for achieving the proposal, that the United States Government will pursue with other major exporting countries, including OECD members and non-OECD members, to eliminate over a period of not more than 10 years subsidized export-financing programs, tied aid, export credits, and all other forms of government-supported export subsidies.

''(d) NEGOTIATIONS WITH NON-OECD MEMBERS.—The President shall initiate and pursue negotiations with countries that are not OECD members to bring those countries into a multilateral agreement establishing rules and limitations on officially supported export credits.

''(e) ANNUAL REPORTS ON PROGRESS OF NEGOTIATIONS.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, and annually thereafter through calendar year 2019, the President shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the progress of any negotiations described in subsection (d).''.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) of subsection (a) shall apply with respect to reports required to be submitted under section 11(b) of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–5(b)) after the date of the enactment of this Act.

### SEC. 95003. STUDY OF FINANCING FOR INFORMATION AND COMMUNICATIONS TECHNOLOGY SYSTEMS.

(a) ANALYSIS OF INFORMATION AND COMMUNICATIONS TECHNOLOGY INDUSTRY USE OF BANK PRODUCTS.—The Export-Import Bank of the United States (in this section referred to as the ''Bank'') shall conduct a study of the extent to which the products offered by the Bank are available and used by companies that export information and communications technology services and related goods.

(b) ELEMENTS.—In conducting the study required by subsection (a), the Bank shall examine the following:

(1) The number of jobs in the United States that are supported by the export of information and communications technology services and related goods, and the degree to which access to financing will increase exports of such services and related goods.

(2) The reduction in the financing by the Bank of exports of information and communications technology services from 2003 through 2014.

(3) The activities of foreign export credit agencies to facilitate the export of information and communications technology services and related goods.

(4) Specific proposals for how the Bank could provide additional financing for the exportation of information and communications technology services and related goods through risk-sharing with other export credit agencies and other third parties.

(5) Proposals for new products the Bank could offer to provide financing for exports of information and communications technology services and related goods, including—

(A) the extent to which the Bank is authorized to offer new products;

(B) the extent to which the Bank would need additional authority to offer new products to meet the needs of the information and communications technology industry;

(C) specific proposals for changes in law that would enable the Bank to provide increased financing for exports of information and communications technology services and related goods in compliance with the credit and risk standards of the Bank;

(D) specific proposals that would enable the Bank to provide increased outreach to the information and communications technology industry about the products the Bank offers; and

(E) specific proposals for changes in law that would enable the Bank to provide the financing to build information and communications technology infrastructure, in compliance with the credit and risk standards of the Bank, to allow for market access opportunities for United States information and communications technology companies to provide services on the infrastructure being financed by the Bank.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Bank shall submit to Congress a report that contains the results of the study required by subsection (a).

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**SA 2534.** Mr. KIRK (for himself, Mr. GRAHAM, Mr. BLUNT, Ms. AYOTTE, Ms. HEITKAMP, Mr. MANCHIN, Mr. DONNELLY, Mr. WARNER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2421 proposed by Mr. MCCONNELL to the amendment SA 2266 proposed by Mr. MCCONNELL 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 end, add the following:

## DIVISION I—EXPORT-IMPORT BANK OF THE UNITED STATES

### SEC. 90001. SHORT TITLE.

This division may be cited as the ''Export-Import Bank Reform and Reauthorization Act of 2015''.

## TITLE XCI—TAXPAYER PROTECTION PROVISIONS AND INCREASED ACCOUNTABILITY

### SEC. 91001. REDUCTION IN AUTHORIZED AMOUNT OF OUTSTANDING LOANS, GUARANTEES, AND INSURANCE.

Section 6(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

''(2) APPLICABLE AMOUNT DEFINED.—In this subsection, the term 'applicable amount', for each of fiscal years 2015 through 2019, means $135,000,000,000.

''(3) FREEZING OF LENDING CAP IF DEFAULT RATE IS 2 PERCENT OR MORE.—If the rate calculated under section 8(g)(1) is 2 percent or more for a quarter, the Bank may not exceed the amount of loans, guarantees, and insurance outstanding on the last day of that quarter until the rate calculated under section 8(g)(1) is less than 2 percent.''.

### SEC. 91002. INCREASE IN LOSS RESERVES.

(a) IN GENERAL.—Section 6 of the Export-Import Bank Act of 1945 (12 U.S.C. 635e) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) RESERVE REQUIREMENT.—The Bank shall build to and hold in reserve, to protect against future losses, an amount that is not less than 5 percent of the aggregate amount of disbursed and outstanding loans, guarantees, and insurance of the Bank.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act.

### SEC. 91003. REVIEW OF FRAUD CONTROLS.

Section 17(b) of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–6(b)) is amended to read as follows:

''(b) REVIEW OF FRAUD CONTROLS.—Not later than 4 years after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, and every 4 years thereafter, the Comptroller General of the United States shall—

''(1) review the adequacy of the design and effectiveness of the controls used by the Export-Import Bank of the United States to prevent, detect, and investigate fraudulent applications for loans and guarantees and the compliance by the Bank with the controls, including by auditing a sample of Bank transactions; and

''(2) submit a written report regarding the findings of the review and providing such recommendations with respect to the controls described in paragraph (1) as the Comptroller General deems appropriate to—

''(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate; and

''(B) the Committee on Financial Services and the Committee on Appropriations of the House of Representatives.''.

**SEC. 91004. OFFICE OF ETHICS.**

Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a) is amended by adding at the end the following:

''(k) OFFICE OF ETHICS.—

''(1) ESTABLISHMENT.—There is established an Office of Ethics within the Bank, which shall oversee all ethics issues within the Bank.

''(2) HEAD OF OFFICE.—

''(A) IN GENERAL.—The head of the Office of Ethics shall be the Chief Ethics Officer, who shall report to the Board of Directors.

''(B) APPOINTMENT.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the Chief Ethics Officer shall be—

''(i) appointed by the President of the Bank from among persons—

''(I) with a background in law who have experience in the fields of law and ethics; and

''(II) who are not serving in a position requiring appointment by the President of the United States before being appointed to be Chief Ethics Officer; and

''(ii) approved by the Board.

''(C) DESIGNATED AGENCY ETHICS OFFICIAL.—The Chief Ethics Officer shall serve as the designated agency ethics official for the Bank pursuant to the Ethics in Government Act of 1978 (5 U.S.C. App. 101 et seq.).

''(3) DUTIES.—The Office of Ethics has jurisdiction over all employees of, and ethics matters relating to, the Bank. With respect to employees of the Bank, the Office of Ethics shall—

''(A) recommend administrative actions to establish or enforce standards of official conduct;

''(B) refer to the Office of the Inspector General of the Bank alleged violations of—

''(i) the standards of ethical conduct applicable to employees of the Bank under parts 2635 and 6201 of title 5, Code of Federal Regulations;

''(ii) the standards of ethical conduct established by the Chief Ethics Officer; and

''(iii) any other laws, rules, or regulations governing the performance of official duties or the discharge of official responsibilities that are applicable to employees of the Bank;

''(C) report to appropriate Federal or State authorities substantial evidence of a violation of any law applicable to the performance of official duties that may have been disclosed to the Office of Ethics; and

''(D) render advisory opinions regarding the propriety of any current or proposed conduct of an employee or contractor of the Bank, and issue general guidance on such matters as necessary.''.

**SEC. 91005. CHIEF RISK OFFICER.**

Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as amended by section 91004, is further amended by adding at the end the following:

''(l) CHIEF RISK OFFICER.—

''(1) IN GENERAL.—There shall be a Chief Risk Officer of the Bank, who shall—

''(A) oversee all issues relating to risk within the Bank; and

''(B) report to the President of the Bank.

''(2) APPOINTMENT.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the Chief Risk Officer shall be—

''(A) appointed by the President of the Bank from among persons—

''(i) with a demonstrated ability in the general management of, and knowledge of and extensive practical experience in, financial risk evaluation practices in large governmental or business entities; and

''(ii) who are not serving in a position requiring appointment by the President of the United States before being appointed to be Chief Risk Officer; and

''(B) approved by the Board.

''(3) DUTIES.—The duties of the Chief Risk Officer are—

''(A) to be responsible for all matters related to managing and mitigating all risk to which the Bank is exposed, including the programs and operations of the Bank;

''(B) to establish policies and processes for risk oversight, the monitoring of management compliance with risk limits, and the management of risk exposures and risk controls across the Bank;

''(C) to be responsible for the planning and execution of all Bank risk management activities, including policies, reporting, and systems to achieve strategic risk objectives;

''(D) to develop an integrated risk management program that includes identifying, prioritizing, measuring, monitoring, and managing internal control and operating risks and other identified risks;

''(E) to ensure that the process for risk assessment and underwriting for individual transactions considers how each such transaction considers the effect of the transaction on the concentration of exposure in the overall portfolio of the Bank, taking into account fees, collateralization, and historic default rates; and

''(F) to review the adequacy of the use by the Bank of qualitative metrics to assess the risk of default under various scenarios.''.

**SEC. 91006. RISK MANAGEMENT COMMITTEE.**

(a) IN GENERAL.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as amended by sections 91004 and 91005, is further amended by adding at the end the following:

''(m) RISK MANAGEMENT COMMITTEE.—

''(1) ESTABLISHMENT.—There is established a management committee to be known as the 'Risk Management Committee'.

''(2) MEMBERSHIP.—The membership of the Risk Management Committee shall be the members of the Board of Directors, with the President and First Vice President of the Bank serving as ex officio members.

''(3) DUTIES.—The duties of the Risk Management Committee shall be—

''(A) to oversee, in conjunction with the Office of the Chief Financial Officer of the Bank—

''(i) periodic stress testing on the entire Bank portfolio, reflecting different market, industry, and macroeconomic scenarios, and consistent with common practices of commercial and multilateral development banks; and

''(ii) the monitoring of industry, geographic, and obligor exposure levels; and

''(B) to review all required reports on the default rate of the Bank before submission to Congress under section 8(g).''.

(b) TERMINATION OF AUDIT COMMITTEE.—Not later than 180 days after the date of the enactment of this Act, the Board of Directors of the Export-Import Bank of the United States shall revise the bylaws of the Bank to terminate the Audit Committee established by section 7 of the bylaws.

**SEC. 91007. INDEPENDENT AUDIT OF BANK PORTFOLIO.**

(a) AUDIT.—The Inspector General of the Export-Import Bank of the United States shall conduct an audit or evaluation of the portfolio risk management procedures of the Bank, including a review of the implementation by the Bank of the duties assigned to the Chief Risk Officer under section 3(l) of the Export-Import Bank Act of 1945, as amended by section 91005.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, and not less frequently than every 3 years thereafter, the Inspector General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a written report containing all findings and determinations made in carrying out subsection (a).

**SEC. 91008. PILOT PROGRAM FOR REINSURANCE.**

(a) IN GENERAL.—Notwithstanding any provision of the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.), the Export-Import Bank of the United States (in this section referred to as the ''Bank'') may establish a pilot program under which the Bank may enter into contracts and other arrangements to share risks associated with the provision of guarantees, insurance, or credit, or the participation in the extension of credit, by the Bank under that Act.

(b) LIMITATIONS ON AMOUNT OF RISK-SHARING.—

(1) PER CONTRACT OR OTHER ARRANGEMENT.—The aggregate amount of liability the Bank may transfer through risk-sharing pursuant to a contract or other arrangement entered into under subsection (a) may not exceed $1,000,000,000.

(2) PER YEAR.—The aggregate amount of liability the Bank may transfer through risk-sharing during a fiscal year pursuant to contracts or other arrangements entered into under subsection (a) during that fiscal year may not exceed $10,000,000,000.

(c) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act, and annually thereafter through 2019, the Bank shall submit to Congress a written report that contains a detailed analysis of the use of the pilot program carried out under subsection (a) during the year preceding the submission of the report.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect, impede, or revoke any authority of the Bank.

(e) TERMINATION.—The pilot program carried out under subsection (a) shall terminate on September 30, 2019.

## TITLE XCII—PROMOTION OF SMALL BUSINESS EXPORTS

**SEC. 92001. INCREASE IN SMALL BUSINESS LENDING REQUIREMENTS.**

(a) IN GENERAL.—Section 2(b)(1)(E)(v) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(v)) is amended by striking ''20 percent'' and inserting ''25 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2016 and each fiscal year thereafter.

**SEC. 92002. REPORT ON PROGRAMS FOR SMALL AND MEDIUM-SIZED BUSINESSES.**

(a) IN GENERAL.—Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) is amended by adding at the end the following:

''(k) REPORT ON PROGRAMS FOR SMALL AND MEDIUM-SIZED BUSINESSES.—The Bank shall include in its annual report to Congress under subsection (a) a report on the programs of the Bank for United States businesses with less than $250,000,000 in annual sales.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the report of the Export-Import Bank of the United States submitted to Congress under section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) for the first year that begins after the date of the enactment of this Act.

## TITLE XCIII—MODERNIZATION OF OPERATIONS

**SEC. 93001. ELECTRONIC PAYMENTS AND DOCUMENTS.**

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is amended by adding at the end the following:

''(M) Not later than 2 years after the date of the enactment of the Export-Import Bank

Reform and Reauthorization Act of 2015, the Bank shall implement policies—

''(i) to accept electronic documents with respect to transactions whenever possible, including copies of bills of lading, certifications, and compliance documents, in such manner so as not to undermine any potential civil or criminal enforcement related to the transactions; and

''(ii) to accept electronic payments in all of its programs.''.

**SEC. 93002. REAUTHORIZATION OF INFORMATION TECHNOLOGY UPDATING.**

Section 3(j) of the Export-Import Act of 1945 (12 U.S.C. 635a(j)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''2012, 2013, and 2014'' and inserting ''2015 through 2019'';

(2) in paragraph (2)(B), by striking ''(I) the funds'' and inserting ''(i) the funds''; and

(3) in paragraph (3), by striking ''2012, 2013, and 2014'' and inserting ''2015 through 2019''.

## TITLE XCIV—GENERAL PROVISIONS

**SEC. 94001. EXTENSION OF AUTHORITY.**

(a) IN GENERAL.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking ''2014'' and inserting ''2019''.

(b) DUAL-USE EXPORTS.—Section 1(c) of Public Law 103–428 (12 U.S.C. 635 note) is amended by striking ''September 30, 2014'' and inserting ''the date on which the authority of the Export-Import Bank of the United States expires under section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f)''.

(c) SUB-SAHARAN AFRICA ADVISORY COMMITTEE.—Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking ''September 30, 2014'' and inserting ''the date on which the authority of the Bank expires under section 7''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of the date of the enactment of this Act or June 30, 2015.

**SEC. 94002. CERTAIN UPDATED LOAN TERMS AND AMOUNTS.**

(a) LOAN TERMS FOR MEDIUM-TERM FINANCING.—Section 2(a)(2)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(a)(2)(A)) is amended—

(1) in clause (i), by striking ''; and'' and inserting a semicolon; and

(2) by adding at the end the following:

''(iii) with principal amounts of not more than $25,000,000; and''.

(b) COMPETITIVE OPPORTUNITIES RELATING TO INSURANCE.—Section 2(d)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(d)(2)) is amended by striking ''$10,000,000'' and inserting ''$25,000,000''.

(c) EXPORT AMOUNTS FOR SMALL BUSINESS LOANS.—Section 3(g)(3) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(g)(3)) is amended by striking ''$10,000,000'' and inserting ''$25,000,000''.

(d) CONSIDERATION OF ENVIRONMENTAL EFFECTS.—Section 11(a)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–5(a)(1)(A)) is amended by striking ''$10,000,000 or more'' and inserting the following: ''$25,000,000 (or, if less than $25,000,000, the threshold established pursuant to international agreements, including the Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence, as adopted by the Organisation for Economic Co-operation and Development Council on June 28, 2012, and the risk-management framework adopted by financial institutions for determining, assessing, and managing environmental and social risk in projects (commonly referred to as the 'Equator Principles')) or more''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2016 and each fiscal year thereafter.

## TITLE XCV—OTHER MATTERS

**SEC. 95001. PROHIBITION ON DISCRIMINATION BASED ON INDUSTRY.**

Section 2 of the Export-Import Bank Act of 1945 (6 U.S.C. 635 et seq.) is amended by adding at the end the following:

''(k) PROHIBITION ON DISCRIMINATION BASED ON INDUSTRY.—

''(1) IN GENERAL.—Except as provided in this Act, the Bank may not—

''(A) deny an application for financing based solely on the industry, sector, or business that the application concerns; or

''(B) promulgate or implement policies that discriminate against an application based solely on the industry, sector, or business that the application concerns.

''(2) APPLICABILITY.—The prohibitions under paragraph (1) apply only to applications for financing by the Bank for projects concerning the exploration, development, production, or export of energy sources and the generation or transmission of electrical power, or combined heat and power, regardless of the energy source involved.''.

**SEC. 95002. NEGOTIATIONS TO END EXPORT CREDIT FINANCING.**

(a) IN GENERAL.—Section 11 of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–5) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''Secretary of the Treasury (in this section referred to as the 'Secretary')'' and inserting ''President''; and

(B) in paragraph (1)—

(i) by striking ''(OECD)'' and inserting ''(in this section referred to as the 'OECD')''; and

(ii) by striking ''ultimate goal of eliminating'' and inserting ''possible goal of eliminating, before the date that is 10 years after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015,'';

(2) in subsection (b), by striking ''Secretary'' each place it appears and inserting ''President''; and

(3) by adding at the end the following:

''(c) REPORT ON STRATEGY.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the President shall submit to Congress a proposal, and a strategy for achieving the proposal, that the United States Government will pursue with other major exporting countries, including OECD members and non-OECD members, to eliminate over a period of not more than 10 years subsidized export-financing programs, tied aid, export credits, and all other forms of government-supported export subsidies.

''(d) NEGOTIATIONS WITH NON-OECD MEMBERS.—The President shall initiate and pursue negotiations with countries that are not OECD members to bring those countries into a multilateral agreement establishing rules and limitations on officially supported export credits.

''(e) ANNUAL REPORTS ON PROGRESS OF NEGOTIATIONS.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, and annually thereafter through calendar year 2019, the President shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the progress of any negotiations described in subsection (d).''.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) of subsection (a) shall apply with respect to reports required to be submitted under section 11(b) of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–5(b)) after the date of the enactment of this Act.

**SEC. 95003. STUDY OF FINANCING FOR INFORMATION AND COMMUNICATIONS TECHNOLOGY SYSTEMS.**

(a) ANALYSIS OF INFORMATION AND COMMUNICATIONS TECHNOLOGY INDUSTRY USE OF BANK PRODUCTS.—The Export-Import Bank of the United States (in this section referred to as the ''Bank'') shall conduct a study of the extent to which the products offered by the Bank are available and used by companies that export information and communications technology services and related goods.

(b) ELEMENTS.—In conducting the study required by subsection (a), the Bank shall examine the following:

(1) The number of jobs in the United States that are supported by the export of information and communications technology services and related goods, and the degree to which access to financing will increase exports of such services and related goods.

(2) The reduction in the financing by the Bank of exports of information and communications technology services from 2003 through 2014.

(3) The activities of foreign export credit agencies to facilitate the export of information and communications technology services and related goods.

(4) Specific proposals for how the Bank could provide additional financing for the exportation of information and communications technology services and related goods through risk-sharing with other export credit agencies and other third parties.

(5) Proposals for new products the Bank could offer to provide financing for exports of information and communications technology services and related goods, including—

(A) the extent to which the Bank is authorized to offer new products;

(B) the extent to which the Bank would need additional authority to offer new products to meet the needs of the information and communications technology industry;

(C) specific proposals for changes in law that would enable the Bank to provide increased financing for exports of information and communications technology services and related goods in compliance with the credit and risk standards of the Bank;

(D) specific proposals that would enable the Bank to provide increased outreach to the information and communications technology industry about the products the Bank offers; and

(E) specific proposals for changes in law that would enable the Bank to provide the financing to build information and communications technology infrastructure, in compliance with the credit and risk standards of the Bank, to allow for market access opportunities for United States information and communications technology companies to provide services on the infrastructure being financed by the Bank.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Bank shall submit to Congress a report that contains the results of the study required by subsection (a).

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**SA 2535.** Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 2272 submitted by Mr. TESTER and intended to be proposed 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:

On page 1, line 2, strike ''$10,000,000,000'' and insert ''$20,000,000,000''.

**SA 2536.** 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 mandate applies under the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end add the following:

''This act shall be effective 2 days after enactment.''

**SA 2537.** Mr. MENENDEZ 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:

On page 1004, between lines 7 and 8, insert the following:

**SEC. 62002. EXCLUSION OF ORPHAN DRUG SALES.**

(a) IN GENERAL.—Paragraph (3) of section 9008(e) of the Patient Protection and Affordable Care Act (26 U.S.C. 4001 note prec.; Public Law 111–148) is amended to read as follows:

''(3) EXCLUSION OF ORPHAN DRUG SALES.—The term 'branded prescription drug sales' shall not include sales of any drug or biological product with respect to which a credit was allowable for any taxable year under section 45C of the Internal Revenue Code of 1986, regardless of whether such credit was claimed and received. The preceding sentence shall not apply with respect to any such drug or biological product after the date on which such drug or biological product is approved by the Food and Drug Administration for marketing for any indication other than the treatment of the rare disease or condition with respect to which such credit was allowable.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 9008 of the Patient Protection and Affordable Care Act (26 U.S.C. 4001 note prec.; Public Law 111–148).

## ORDERS FOR TUESDAY, JULY 28, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m., Tuesday, July 28; 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 resume consideration of H.R. 22; and finally, that all time during the adjournment of the Senate count postcloture on the McConnell substitute amendment No. 2266, as modified.

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

## ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MCCONNELL. 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 11:13 p.m., adjourned until Tuesday, July 28, 2015, at 11 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF ENERGY

VICTORIA MARIE BAECHER WASSMER, OF ILLINOIS, TO BE UNDER SECRETARY OF ENERGY, VICE KRISTINA M. JOHNSON, RESIGNED.

TENNESSEE VALLEY AUTHORITY

RICHARD CAPEL HOWORTH, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2020. (REAPPOINTMENT)

DEPARTMENT OF STATE

HARRY K. THOMAS, JR., OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO SERVE AS DIRECTOR OF THE COAST GUARD RESERVE PURSUANT TO TITLE 14, U.S.C., SECTION 53(B) IN THE GRADE INDICATED:

*To be rear admiral*

REAR ADM. KURT B. HINRICHS

## CONFIRMATIONS

Executive nominations confirmed by the Senate July 27, 2015:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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 N. T. SHANAHAN

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. MICHAEL X. GARRETT

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 156:

*To be rear admiral (lower half)*

CAPT. DARSE E. CRANDALL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. JOSEPH E. TOFALO

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 154:

*To be general*

GEN. PAUL J. SELVA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

GEN. DARREN W. MCDEW

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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. DAVID J. BUCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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. TOD D. WOLTERS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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. RUSSELL J. HANDY

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

*To be brigadier general*

COL. FRANK H. STOKES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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. JOHN W. RAYMOND

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be brigadier general*

COL. JAMES E. PORTER, JR.

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE 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. DANIEL R. HOKANSON

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. KEVIN D. SCOTT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. KEVIN M. DONEGAN

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. MICHAEL H. SHIELDS

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be major general*

BRIG. GEN. VICTOR J. BRADEN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. RICHARD P. BRECKENRIDGE

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

*To be brigadier general*

COLONEL DAVID W. ASHLEY
COLONEL JEREMY O. BAENEN
COLONEL STEPHEN F. BAGGERLY
COLONEL SAMUEL W. BLACK
COLONEL CHRISTINE M. BURCKLE
COLONEL DAVID B. BURGY
COLONEL JANUS D. BUTCHER
COLONEL JOHN D. CAINE
COLONEL CRAIG A. CAMPBELL
COLONEL JOSEPH S. CHISOLM
COLONEL FLOYD W. DUNSTAN
COLONEL DOUGLAS A. FARNHAM
COLONEL LAURIE M. FARRIS
COLONEL JERRY L. FENWICK
COLONEL DAWN M. FERRELL
COLONEL DOUGLAS E. FICK
COLONEL ARTHUR J. FLORU
COLONEL DONALD A. FURLAND
COLONEL TIMOTHY H. GAASCH
COLONEL KERRY M. GENTRY
COLONEL JEROME M. GOUHIN
COLONEL RANDY E. GREENWOOD
COLONEL ROBERT J. GREY, JR.
COLONEL EDITH M. GRUNWALD
COLONEL GREGORY M. HENDERSON
COLONEL ELIZABETH A. HILL
COLONEL JOHN S. JOSEPH
COLONEL JILL A. LANNAN
COLONEL JAMES M. LEFAVOR
COLONEL JEFFREY A. LEWIS
COLONEL TIMOTHY T. LUNDERMAN
COLONEL ERIC W. MANN
COLONEL BETTY J. MARSHALL
COLONEL SHERRIE L. MCCANDLESS
COLONEL KEVIN T. MCMANAMAN
COLONEL DAVID J. MEYER
COLONEL STEVEN S. NORDHAUS
COLONEL SCOTT W. NORMANDEAU
COLONEL RICHARD C. OXNER, JR.
COLONEL KIRK S. PIERCE
COLONEL THERESA B. PRINCE
COLONEL DAVID L. ROMUALD
COLONEL EDWARD A. SAULEY III
COLONEL KEITH A. SCHELL
COLONEL BRIAN M. SIMPLER
COLONEL CHARLES G. STEVENSON
COLONEL BRADLEY A. SWANSON
COLONEL DEAN A. TREMPS
COLONEL WILLIAM M. VALENTINE
COLONEL RICHARD W. WEDAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. STEVEN A. SCHAICK

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. JEFFREY A. DOLL

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

LT. GEN. CARLTON D. EVERHART II

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF CHAPLAINS, UNITED STATES AIR FORCE, AND APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8039:

*To be major general*

COL. DONDI E. COSTIN

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. STEPHEN R. LYONS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. JOHN C. AQUILINO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

VICE ADM. ROBERT L. THOMAS, JR.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS 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. LAWRENCE D. NICHOLSON

IN THE AIR FORCE

AIR FORCE NOMINATION OF ROBERT B. A. MACGREGOR, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH JANE E. BOOMER AND ENDING WITH MATTHEW D. VAN DALEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2015.

AIR FORCE NOMINATIONS BEGINNING WITH AFSANA AHMED AND ENDING WITH REGGIE D. YAGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2015.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN C. ROCKWELL AND ENDING WITH STEPHEN J. TORRES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2015.

AIR FORCE NOMINATIONS BEGINNING WITH ANA M. APOLTAN AND ENDING WITH ALDO TTINOCO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2015.

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN H. ADAMS AND ENDING WITH MARY JEAN WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2015.

AIR FORCE NOMINATIONS BEGINNING WITH ALLEN KIPP ALBRIGHT AND ENDING WITH BRADLEY DUNCAN WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 15, 2015.

IN THE ARMY

ARMY NOMINATION OF DAVID G. JONES, TO BE COLONEL.

ARMY NOMINATION OF RAYMOND L. PHUA, TO BE COLONEL.

ARMY NOMINATION OF JOHN M. BRADFORD, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH STEVE J. CHUN AND ENDING WITH BENJAMIN R. SIEBERT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2015.

ARMY NOMINATION OF STEVEN L. ISENHOUR, TO BE COLONEL.

ARMY NOMINATION OF JOSEPH D. GRAMLING, TO BE COLONEL.

ARMY NOMINATION OF MARK S. SNYDER, TO BE COLONEL.

ARMY NOMINATION OF KEITH J. MCVEIGH, TO BE COLONEL.

ARMY NOMINATION OF LISA M. STREMEL, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH MICHAEL N. CLEVELAND AND ENDING WITH MICHAEL W. SUMMERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2015.

ARMY NOMINATIONS BEGINNING WITH MATTHEW H. BROOKS AND ENDING WITH JAY D. HANSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2015.

ARMY NOMINATIONS BEGINNING WITH GIL A. DIAZCRUZ AND ENDING WITH SOLIMAN G. VALDEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2015.

ARMY NOMINATIONS BEGINNING WITH NICHOLAS R. CABANO AND ENDING WITH JAMES W. PRATT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2015.

ARMY NOMINATIONS BEGINNING WITH KIMBERLY D. BRENDA AND ENDING WITH CARRIE A. STORER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2015.

ARMY NOMINATIONS BEGINNING WITH ERIC J. ANSORGE AND ENDING WITH D011713, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2015.

ARMY NOMINATIONS BEGINNING WITH JOHN L. AMENT AND ENDING WITH WENDY G. WOODALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2015.

ARMY NOMINATION OF LAURA M. HUDSON, TO BE MAJOR.

ARMY NOMINATION OF MARK R. READ, TO BE COLONEL.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF JOHN R. BARCLAY, TO BE LIEUTENANT COLONEL.

IN THE NAVY

NAVY NOMINATION OF THOMAS F. MURPHY III, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH ARSLAN S. CHAUDHRY AND ENDING WITH ANDREW D. SILVESTRI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 24, 2015.

NAVY NOMINATION OF BENJAMIN M. BOCHE, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF MICHAEL J. ELLIOTT, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER N. ANDREWS AND ENDING WITH NICHOLAS J. VANDYKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2015.

# EXTENSIONS OF REMARKS

## IN RECOGNITION OF THE 25TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

### HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. KEATING. Mr. Speaker, I rise today in recognition of the 25th anniversary of the Americans with Disabilities Act.

The Americans with Disabilities Act (ADA) was the nation's first comprehensive civil rights law addressing the needs of people with disabilities. The roots of this historic Act date back to the Civil Rights Movement of the 1960s. It began in towns and cities across the United States. It began with parents, families and friends of those living with disabilities challenging the societal barriers that excluded their fellow Americans from fair employment, access to public services and deserved accommodations.

Over the decades, the disability rights movement continued to grow and gain momentum. When ADA was enacted on July 26, 1990, it was regarded as a momentous bill that would break down barriers to education, employment and technology—and it has not disappointed. The Americans with Disabilities Act has markedly increased the quality of life for the over 55 million people living with a disability in the United States today. The ADA is viewed as responsible for a 75% increase in access to public facilities and transportation services for people with disabilities. In fact, over 20 cities across the United States including Boston, Massachusetts now use rail systems that are accessible to people with disabilities.

The ADA has also given greater voice to those faced with mental and physical challenges. This law requires that people with disabilities be given access to a right that every American is constitutionally guaranteed, the right to vote. Between 1996 and 2004, implementation of the ADA increased voter turnout amongst the men and women with disabilities by 10% compared to an overall increase of only 2%.

While a significant disparity in income and poverty rates remains for those living with disabilities, the Americans with Disabilities Act was a historic stepping stone that has decidedly improved the lives of millions.

Mr. Speaker, please join me in commemorating this 25th anniversary of the Americans with Disabilities Act. I ask that my colleagues rise and join me in recognizing the importance of this legislation.

## HONORING THE LIFE AND LEGACY OF NORTHWEST FLORIDA'S BELOVED WILLIAM H. ''COTTON'' BYROM

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. MILLER of Florida. Mr. Speaker, I rise to recognize the life and legacy of Northwest Florida's beloved William H. ''Cotton'' Byrom. Cotton was a friend and a lifelong resident of the Gulf Coast, a successful business owner, and a leader in civil society. All of Northwest Florida mourns his passing.

Born and raised in Milton, Florida, Cotton graduated from Milton High School in the midst of World War II, and, at the age of 17, he answered the call of duty, serving with honor and distinction in the Navy during the war. Following his military service, Cotton attended Florida State University, cementing a passion for FSU football that would continue for the rest of his life. At FSU, Cotton displayed the leadership skills that would come to be a hallmark of his service to Northwest Florida, serving as founding president of Phi Kappa Tau Fraternity.

After receiving his degree in finance, Cotton returned to his beloved Milton, starting the Byrom Insurance/Real Estate Agency, which he led for nearly four decades. Despite the rigors of running a successful small business, Cotton was also dedicated to serving the people of Milton, and this commitment to service saw him elected to various important positions. Among the many offices he held, Cotton served as Mayor of Milton, City Police Director, and City Judge, and he also served a term in the Florida Legislature. Cotton also served in many other capacities, including more than 30 years on the Board of Directors for SunTrust Bank, nearly 20 years as Chairman of the Santa Rosa Beach Administration, and more than a decade as Santa Rosa County Civil Defense Director. In addition, Cotton was a member of the ''Coffee Crew,'' which gathered at 9:00 a.m. each morning in Milton to discuss politics and current affairs. When I attended, I always enjoyed visiting with Cotton and was deeply humbled to receive his counsel and guidance.

Cotton was also a deeply religious man and a longtime member of First United Methodist Church. In fact, as a child, Cotton began saving the money that he earned to help rebuild the church following a fire that destroyed the church in 1932.

To some, Cotton Byrom will be remembered as a dedicated public servant and patriot, who answered the call during one of our Nation's toughest hours and came back home to continue leading and serving the people of Northwest Florida; to others he will be remembered as a successful businessman and civic leader; to his friends and family he will best be remembered as a loving husband, father, grandfather, and great-grandfather.

Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize the life and legacy of William H. ''Cotton'' Byrom. My wife Vicki and I send our deepest prayers and condolences to his wife Geraldine ''Geri'' Byrom; four daughters: Priscilla (Pete) Sanstead, Barbara (Terry) Johnson, Jennifer (Alan) Byrom; Julie (Guy) Byrom; grandchildren: Betsy Cooley, Leslie (Josh) Sparr, Tyler Sparr, Caroline Sanstead, and Gracie Stewart; great-grandchildren: Sarah Cooley, Brooke Baker, William Baker, Ben White and Jayden White; stepchildren, Matt (Tonya) Lawrence and Laura (Shaine) Garrison; stepgrandchildren: Seth Lawrence, Grant Garrison, Colin Garrison and Emma Garrison; nephew, Jack (Betty) Williamson; special relative, Paul (Laurie) Green; and the entire Byrom family.

## TRIBUTE TO BRIAN MORRISON

### HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Brian Morrison of Creston, Iowa for being named the Class 3A Region 2 Coach of the Year by the Iowa Football Coaches Association.

With a record of 10–3 the Panthers finished the season second place in their district, earning their first berth to the class 3A state football playoffs after beating first place Dallas Center-Grimes in the district championship. Coach Morrison displayed a knack for leading these young men and rallying them around a single goal. Although they fell short of the ultimate goal, this team, and their coaching staff, had an excellent season and deserve to be commended.

Mr. Speaker, it is with great respect that I stand here today and recognize Coach Morrison for his accomplishments. It is role models like Brian that help mold our future generations. I know my colleagues in the U.S. House of Representatives join me in congratulating him on this outstanding achievement and wish him nothing but continued success moving forward.

## SPECIAL ORDER ON INTERNATIONAL RELIGIOUS FREEDOM

SPEECH OF

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 23, 2015*

Ms. ESHOO. Mr. Speaker, I'm pleased to join my colleagues, Congressmen VARGAS and COLLINS in this Special Order regarding international religious freedom.

As the daughter of Assyrian and Armenian immigrants who fled the slaughter of Middle East Christians in the early 1900's, the importance of religious freedom is interwoven into the history of my family.

I remember vividly the stories my parents, grandparents, aunts and uncles told me of what they faced; how they fled; about the family members murdered; of Churches being burned; and all because they were Christians. Tragically, we are witnessing history repeating itself today in the Middle East.

Violence and instability has once again placed Christians and other religious minorities in the Middle East in exceptional peril, a population which has already dwindled considerably in Iraq and Syria.

There is a systematic extermination of the world's oldest Christian communities taking place. First it was Al Qaeda when the U.S. invaded Iraq. Today it is the barbarians of ISIS who are responsible for horrific acts, including torture, murder and displacement of thousands, many with whom I share the same ethnic background.

From the founding of our nation, religious freedom has been a pillar of our democracy and it remains a cornerstone of our democracy and a value we espouse to peoples around the world.

The situation for religious minorities in the Middle East remains particularly desperate and many are losing hope. As a maelstrom of violence and religious persecution ravages this part of the world, we can and must lead.

First, there is a desperate need for humanitarian aid for the displaced inside and outside established refugee camps.

Second, the United States should provide adequate safety for the few remaining religious minority communities in Syria and Iraq.

Third, we should ease the bureaucratic burdens which hold up immigration applications for religious minorities who wish to seek refuge in the United States. Today they are made to wait years due to our tedious refugee processing through the State Department and Department of Homeland Security.

Religious leaders across ecumenical lines have come together and firmly stated their support for religious freedom. Pope Francis said in January, ". . . Freedom of religion and freedom of expression are both fundamental human rights."

The United States must step up, lead by example, and make good on our belief that religious freedom is a precious one.

## TRIBUTE TO RALPH LENTS

### HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Ralph Lents of Greenfield, Iowa for being selected as Adair County's 2015 inductee into the Iowa 4–H Hall of Fame.

Ralph's 4–H career started off quickly when he joined the Eureka Eagles showing cattle and hogs and participating in livestock judging. His leadership abilities were evident as he served as club treasurer, vice president, and was elected boys county 4–H president in 1968. He enjoyed attending the Adair-Union 4–H Winter Camp at Madrid, the State 4–H Conservation Camp and the State 4–H Conference. Ralph was a member of one of the top livestock judging teams at the Adair County Fair and later coached a team competing at the American Royal Livestock Show in Kansas City. Ralph received the Danforth leadership award as a senior 4–H'er.

Ralph served three four-year terms on the Adair County Extension Council: four years as chairman, and eight years as treasurer. He served on the Adams County Extension Council for four years, the Iowa Association of County Extension Councils Board of Directors, and represented southwest Iowa on several state Extension Committees. Ralph was club leader of the Way Out Walnuts for eight years, continuing in that role after his daughter, Katie, had graduated. He continues to serve as county fair beef superintendent.

Mr. Speaker, it is with great pride that I stand here today and recognize Ralph for his many years of service and dedication. His efforts embody the Iowa spirit and I am honored to represent him, and Iowans like him, in the United States Congress. I know that all of my colleagues in the United States House of Representatives will join me in congratulating Ralph for his achievements and wish him nothing but continued success.

## TRIBUTE CELEBRATING PIKEVILLE INDEPENDENT'S 100TH ANNIVERSARY

### HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to the Pikeville Independent School District in celebration of 100 years of education and service in the coalfields of Eastern Kentucky.

Pikeville Independent Schools have attained notable achievements across the board, including accreditation from the Southern Association of Colleges and Schools for Pikeville Elementary and High Schools. The educators in this school system go the extra mile to prepare students for the next level, earning an impressive second place ranking in the state for college and career readiness. Currently, at the high school, 45% of junior and seniors are taking one or more dual credit courses through the University of Pikeville and annual National Merit semi-finalists. Juniors at Pikeville High also consistently rank among Kentucky's top ten districts for ACT composite scores. Not only are individual students succeeding, but the entire student body of each class is raising the bar for achievement. Pikeville High and Junior High Schools have earned recognition as schools of distinction, while also ranking among the top ten in the state for KPREP scores as a district. The founders of this private school district clearly laid firm cornerstones that continue to support the success of its students in its centennial year of education.

Today, every Pikeville Panther has access to new, innovative opportunities like state-of-the-art science labs and online courses, as well as basic support like tutoring and full time teachers for humanities in every school. However, educators are often faced with helping students through far more daunting challenges than tests and essays in the classroom. At Pikeville Independent, students are taught the value of respect and growth in every area of student life, from academics to extra-curricular activities, thereby inspiring the development of a well-rounded student with a good moral compass. With an average attendance rate surpassing 95%, parents and students clearly understand the importance of education in the new global economy.

Mr. Speaker, I ask my colleagues to join me in celebrating 100 years of educational achievement in the heart of coal country. When our students succeed, the future of this great Nation gets much brighter. Congratulations to Pikeville Independent Schools. Go Panthers.

## HONORING THE LIFE OF PHILIPP MISSFELDER

### HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. HUDSON. Mr. Speaker, I rise today to honor Philipp Missfelder, a member of the German parliament who passed away unexpectedly on July 13, 2015, after suffering from an apparent pulmonary embolism. We send our prayers and sincerest condolences to his wife, Ann-Christin, and their two daughters.

Born on August 25, 1979, Mr. Missfelder dedicated his life to public service. After receiving a degree in history from the Technical University of Berlin, Mr. Missfelder rooted his commitment to public service in conservative principles. He served as a member of Germany's lower house of parliament, the Bundestag, since 2005 and then became the foreign policy spokesman of Chancellor Angela Merkel's Christian Democrats in 2009.

Mr. Missfelder was a dynamic foreign policy expert and respected leader committed to improving international relations and Germany's transatlantic ties. He garnered a reputation from his colleagues for being a champion of pro-life policy and for his strong support of our common ally, Israel.

When I first met Mr. Missfelder, I was immediately struck by his outgoing and friendly personality, genuine nature, passion for his beliefs, and his desire to serve the citizens of Germany. It was with deep sadness that I learned of his passing.

Mr. Speaker, please join me today in commemorating the life of Philipp Missfelder for his public service to Germany, his commitment to democratic values, and the example he set for other public officials around the world.

## TRIBUTE TO AARON DEMORY

### HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and honor Aaron Demory of North Liberty, Iowa, for receiving the 2015 Youth Human Rights Award for his volunteer work in Guatemala.

Each year the Iowa City Human Rights Commission recognizes youth who demonstrate passion and commitment towards bettering society through their service to others with a Youth Human Rights Award.

Aaron Demory was granted this prestigious award for voluntarily traveling to Guatemala to

build houses over the summer. Aaron's hard work and dedication to assisting others truly embodies our Iowa values.

Mr. Speaker, it is a great honor to represent future leaders like Aaron Demory in the United States Congress and it is with great pride that I applaud his service to others today. I know my colleagues in the House will join me in congratulating him for receiving this award. I wish him and his family all the best moving forward.

## RECOGNIZING THE CNY UNITED POWER SOCCER TEAM

### HON. JOHN KATKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. KATKO. Mr. Speaker, I rise today to recognize the victory of the CNY United Power Soccer team in the latest National Power Soccer Tournament in Tampa, Florida. CNY United defeated the Arizona Sun Devil's Power Soccer Club by a score of 3–2 in the championship game.

The CNY United Power Soccer program was formed in 2005 at Champions for Life in Auburn, New York. In 2007, CNY United became a member of the US Power Soccer Association, an organization of over 60 teams across the country. Since their first tournament in 2007, the CNY United team has practiced and trained vigorously to solidify themselves as a contender at the national level of power soccer. CNY United received the national title during the recent MK Battery 2015 Premiere Cup due to the commitment and hard work of: Drew Cunningham, Tony Reuter, Ryan Charboneau, Peyton Sefick, Pat Coggins, Joel Maldonado, Brad Smith, Scott Laffen, and coach, Jim Sefick.

Power soccer is a rapidly growing adaptive sport specifically designed for people in power wheelchairs. I am proud to recognize these athletes as stewards of this sport, advocates for increased opportunities for individuals with disabilities in Central New York, and nationally titled athletes.

## IN HONOR OF DARRELL BLACKWELDER'S CAREER

### HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. HUDSON. Mr. Speaker, I rise today to honor County Extension Director Darrell Blackwelder for his faithful service to the state of North Carolina.

In 1979, Darrell Blackwelder began his career with the North Carolina Extension Service as an Agricultural Extension Agent in charge of educational programs in Rowan County. In 1989, after a brief stint in the private sector, he returned to the Extension Service in Davie County as an agent in charge of horticulture, pesticide management, and community resource development. He then returned to Rowan County in 1993 as an Agricultural Extension Agent in charge of horticulture, forestry, and community and resource development.

Mr. Blackwelder performed on-going educational programs for commercial vegetable producers, and was in charge of the Extension Master Gardener Volunteer Program. His exemplary work in all of these positions led to his hiring as the Rowan County Extension Director in 2011.

Mr. Blackwelder has received many awards throughout his career including the ''Young Agriculture Agent of the Southwest District'' in 1986, the ''State Winner-Website'' in 2006, and the ''NC Agriculture Agent Distinguished Service Award'' in 2015. Equally as impressive to these accolades was his will to become a better agent. Mr. Blackwelder diligently worked to become a Certified Public Pesticide Operator and a Certified Plant Professional.

He has had the opportunity to travel and consult for producers and agents in tomato production regions of the Middle East and Central Asia. Mr. Blackwelder has also been a valuable member of the community, and has served on the board of directors for the Salisbury Farmers Market, Rowan County Vocational Workshop, and American Cancer Society in Rowan County.

Mr. Speaker, please join me today in thanking Darrell Blackwelder for his esteemed service to our community and congratulating him on his retirement.

## TRIBUTE TO THE CLARINDA REGIONAL HEALTH CENTER RELAY FOR LIFE TEAM

### HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and honor the Clarinda Regional Health Center Relay for Life Team of Clarinda, Iowa, for receiving the 2015 Relay for Life Traveling Trophy.

Each year the Relay for Life Traveling Trophy is awarded to the team donating the most money to Relay for Life in their counties. The Clarinda Regional Health Center Relay for Life Team was given this prestigious award for donating $5,000 to aid cancer research and awareness. Their hard work and dedication to assisting others truly embodies our Iowa values.

Mr. Speaker, it is a great honor to represent the members of the Clarinda Regional Health Center Relay for Life team in the United States Congress, and it is with great pride that I congratulate them today. I know my colleagues in the House will join me in congratulating them for receiving this award and thanking them for their commitment to helping others. I wish the team and employees at Clarinda Regional Health Center all the best moving forward.

## HONORING JIM BARBOUR, NAPA COUNTY AGRICULTURALIST OF THE YEAR

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Jim Barbour, my longtime friend, and the recipient of the Napa County Farm Bureau's 2014 Agriculturalist of the Year Award. Mr. Barbour has been, and continues to be, a tireless advocate and fierce supporter of agriculture in the Napa Valley. It is therefore appropriate that we recognize and thank Mr. Barbour today for his relentless dedication to his craft and effort to promote agriculture in Napa County.

Jim Barbour was born in San Francisco, moved to the Napa Valley as a child and grew up in Rutherford on his family's ranch along Highway 29. His education in agriculture began at an early age; the family grew prunes on their 30-acre property as well as Gamay, Mondeuse and Petit Bouschet wine grapes. He attended UC Davis where he acquired a bachelor's degree in viticulture and embarked on a lifelong career in plant science.

In the span of nearly four decades, Jim Barbour has planted and managed some of the Napa Valley's most highly regarded vineyards, collaborating with its leading winemakers and playing a crucial role in the creation of some of its finest wines. As proprietor of Barbour Vineyards Management and Development he has been able to craft, shape and produce exceptional vintages, as well as his own Barbour Wines.

Mr. Barbour has made a lifelong commitment to his craft as an advocate for responsible and sustainable farming practices. He is a long time donor to Family House of San Francisco, the Make-A-Wish Foundation and the local community schools within Napa Valley. Mr. Barbour was also chairman of Napa Farm Bureau's ''Shaken, not deterred!'' rebuilding campaign after the South Napa Earthquake of August 2014.

Mr. Speaker, Jim Barbour's leadership in the wine industry and viticultural advancement is greatly appreciated by the entire Napa community and we wish him further success in an already distinguished career.

## IN RECOGNITION OF THE 101ST BIRTHDAY OF GERALDINE (JERRY) EMMETT

### HON. KYRSTEN SINEMA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Ms. SINEMA. Mr. Speaker, I rise today to recognize Mrs. Geraldine Emmett, who celebrated her 101st birthday on July 18, 2015. Affectionately known as Jerry by everyone, she is one of Arizona's oldest living Democrats, a beloved educator and the founder of the Democratic Women of Prescott Area (DWPA).

Jerry graduated from Northern Arizona University Teacher's College in 1937 and for 45 years taught in communities throughout Arizona, including the Navajo Reservation, the small town of Seligman along Route 66, Tombstone, Scottsdale and Phoenix, before retiring and moving to Prescott 25 years ago. Then, at the age of 75, Jerry launched the DWPA and helped build it into the dynamic grassroots program that it is today.

Jerry has been a vital asset to every school and community she has touched throughout the years, and I proudly count myself among the many who have been inspired by her tenacity, vision and sincere belief in Arizona's greatness. Members, I ask you to join me in

wishing Jerry Emmett a Happy 101st Birthday and thank her for all that she had done for Arizona and our nation.

## TRIBUTE TO CLINT SPURRIER

### HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Clint Spurrier of Mount Ayr, Iowa for receiving a 2015 Governor's Volunteer Award. Starting in 1983, the Governor's office began awarding state employees who displayed a commitment to volunteerism by helping with various projects or programs within their communities. Since its implementation the award has expanded to any member of the public that displays the necessary attributes for receiving this award.

Clint is a prime example of the dedication and commitment to service that Iowans are known for. He selflessly gives his time to programs like the South Central Iowa Community Foundation, which aims to improve the quality of life all across the south central region of Iowa through the implementation of charitable funds. Each year, they donate more than $1 million to various organizations in the region.

Mr. Speaker, it is with great pride that I stand here today and recognize Clint for his many years of service and dedication to others in his community. His volunteerism embodies the Iowa spirit and I am honored to represent him, and Iowans like him, in the United States Congress. I know that all of my colleagues in the United States House of Representatives will join me in congratulating Clint for his achievements and wish him nothing but continued success.

## IN MEMORY OF THE FALLEN KOREAN WAR SOLDIERS FROM QUEENS

### HON. GRACE MENG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Ms. MENG. Mr. Speaker, I rise with The Honorable JOSEPH CROWLEY, The Honorable STEVE ISRAEL, The Honorable HAKEEM JEFFRIES, The Honorable CAROLYN MALONEY, and The Honorable GREGORY MEEKS, on the 62nd anniversary of the Korean War Armistice, to recognize the brave soldiers from Queens who were killed or missing in action during the Korean War. Many of these valiant soldiers are memorialized on a statue in Kissena Park, in my district.

The Korean War was a grueling conflict that brought the Cold War into Asia. The Korean War lasted three years, and approximately five million soldiers and civilians were killed.

In this tragic three-year period, one hundred and eighty-three soldiers from Queens died to protect our country and the democratic ideals that we hold dear. It is important to honor their memory and ensure their sacrifices are not forgotten. I wish to submit their names for the CONGRESSIONAL RECORD:

Dominick M. Ambrosino, Thomas W. August, Joseph Banks, Gilbert E. Barnard, George Barrell, Reginald J. Batten, Salvatore T. Bellavia, Joseph P. Bertani, Robert S. Bick, Robert H. Black, Edward R. Bosch, Walter J. Bradicich, Harry M. Bringes, Charles J. Brown, Jr., Thomas J. Burke.

Nicola Cafaro, Joseph S. Campo, Joseph J. Carey, Jr., Robert J. Carpenter, Patrick F. Carr, Peter F. Casey, Donald M. Chapple, Leroy R. Coleman, William Collins, Josephs Colonna, Frederick A. Conti, Mario Contiliano, John R. Coogan, Edward T. Cooney, Ernest J. Corin, Anthony E. Costa, Donald J. Cunniffe, Daniel V. Curley, Peter J. Cusumano, Benito Dalleva, Jerome M. Daly, William Davis, John A. De Franchesi, Trinidad De La Fuente, Joseph De Pietro, Richard P. Delligatti, Fiore J. Di Giorgio, Joseph E. Doherty, Mortimer Domroe, Charles A. Dow, Matthew R. Downs, Richard T. Dwyer.

Edward A. Edni, Lewis Fabrizio, James F. Farrell, Dominick J. Fazio, Milton Fedchisin, David E. Feldmeth, Eugene H. Firnges, Thomas F. Fisher, Thomas E. Flanagan, Douglas L. Flannery, James L. Forenza, Niel M. Freeman, Frank T. Frey, Raymond X. Gallagher, Fred J. Giangrasso, John Gieseking, Gilbert G. Goepel, Fred Goldstein, Walter F. Gross, Leon Gurfein.

Robert W. Hamblin, Robert Hanley, Daniel M. Healy, John J. Hegarty III, Adolf F. Heissler, Paul O. Herman, Thomas D. Herr, Thomas Hicks, Edmond Hitziger, Marti F. Hochenberger, Martin J. Hoffman, Edgar G. Holmes, Edward M. Howard, Raymond P. Jenner, Elmer J. Kallmeyer, John J. Kane, Edward Kazmierczak, George C. Klaussner, Kenneth W. Kinsey, Kingdon R. Knapp, Paul J. Kruk.

Salvatore T. La Rocca, Edward F. Lamers, Meredith L. Lehman, Jr., Billy Liolin, Ernest Little, Sr., George J. Mabin, Guy A. Maclaury, Michael F. Maher, Daniel D. Maletta, George H. Mammes, Philip V. Mandra, John S. Maniatty, Anthony Marcatante, Jason Maschist, Marshall McCook, James C. McEvoy, James J. F. McGoey, Hugh P. McKenna, John P. McKenna, John P. McLaughlin, Joseph E. McLaughlin, Robert J. McLoughlin, John P. McQuade, John C. Mendel, Henry Mezzatesta, Jr., Theodore Milczarczyk, Gus E. Miller, Robert F. Miller, John G. Mitchell, Curtis L. Smith, Ralph R. Mitola, William W. Monaghan, Gunther T. Muller.

Adolphus Nava, Charles V. Nejedly, Dennis J. Nyhan, Edward O'Donnell, Vincent W. O'Neill, Michael J. O'Sullivan, Anthony E. Pagano, Raphael J. Paparillo, Jr., Elmiro Patitucci, Jr., Frederick Perrotta, Alfred P. Perry, John Pointeck, Jr., Frank P. Ragone, Benjamin Rand, George H. Redding, Michael D. Restaino, Roy T. Riggs, Thomas M. Robb, Edward J. Rock, Daniel F. Rogers, Louis H. Roman, James J. Rone, Hector P. Rosa, George J. Rothenberger, John J. Ryan.

Bernard J. Sabin, John W. Salerno, Columbus Samuels, Edward F. Santora, Francis Scherman, William D. Scott, Henry Scotti, Frederick M. Scribner, Jr., Warren Sears, Ronald E. Shaddock, John J. Shay, Jr., James R. Silk, George E. Simmons, Nichol L. Siniscalchi, Stephen J. Smallbone, Curtis L. Smith, Dewitt R. Smith, Ernest A. Sobeck, Jr., Ronald C. Sparks, Raymond A. Staats, Anthony G. Steinhauser, Jr., James A. Sullivan, Jr., George F. Troy, Curt W. Ulrich, Leonard J. Vanata, James Void, Richard H. Volz, Robert A. Vradenburgh, Martin J. Wahl, William R. Walsh, Allan J. Waterman, Gerhardt H. Weber, Arthur A. Weigand, Melvin Weiss, Chester W. Wierzbicki, Gerald F. Williams, Richard E. Willoughby, Walter J. Yuszkiewics.

As representatives of Queens, it is our honor to recognize the fallen soldiers who called Queens their home, and gave their lives in service to our country. I would like to thank the National Archives and the NYC Department of Parks and Recreation for providing the names of the deceased.

## TRIBUTE TO PAYTON WEEHLER

### HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Mr. Payton Weehler of Maloy, Iowa, for qualifying for nationals at the Memorial Day State Junior High Rodeo Tournament. Payton is the son of Neil and Jill Weehler.

Payton won the break-away roping competition and received the Rookie of the Year award. His success reflects his hard work and dedication to his craft. He will compete at the National Junior High Rodeo Tournament in Des Moines, Iowa, later in the summer.

Mr. Speaker, it is with great pride that I represent Iowans like Payton in the U.S. House of Representatives. I invite my colleagues to join me in congratulating Payton on a job well done, and wishing him nothing but continued success at the National Junior High Rodeo Tournament and in his future career.

## HONORING BETTY RHODES

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. THOMPSON of California. Mr. Speaker, I rise today to thank Betty Rhodes, who is leaving after 15 years of dedicated service to the Napa County Commission on Aging.

Ms. Betty Rhodes served in several vital capacities on the Napa County Commission on Aging, most important as Chair for two terms beginning in 2001. Throughout the years, she has been a consistent and committed benefactor to the community through her patronage and support of innumerable causes in Napa County. Her commitments include writing the "Senior Corner" in the St. Helena Star, serving on the Board of Directors of Napa, becoming a member of the Senior Advisory Committee for the City of Napa, and becoming co-host of Seniors Rule!, a new local television series. Ms. Rhodes fully embraced her numerous leadership positions and has been an important advocate for the elderly community.

One of her major contributions to the local community is the award winning protective measure known as the Caregiver Permit Ordinance. This measure mandates fingerprinting and criminal background checks for every individual and business providing in-home care for the elderly and disabled in the Napa Valley. Ms. Rhodes was also named "Outstanding Booster of the Year" by the Napa Chamber of Commerce in 2009, signifying the lasting positive impacts that she has had on the community.

Ms. Rhodes' success in working with the elder community stems from her ability to truly understand their needs as well as their value in the community. Through her dedication and determination, she has proven to be an influential leading advocate for older adults.

Mr. Speaker, Ms. Rhodes has a long and distinguished career of service to others, most notably to the senior community in Napa County. It is therefore appropriate that we acknowledge Ms. Rhodes today and wish her well as she departs the Napa County Commission on Aging.

## IN RECOGNITION OF THE 25TH ANNIVERSARY OF THE SIGNING OF THE AMERICANS WITH DISABILITIES ACT

### HON. MATT CARTWRIGHT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. CARTWRIGHT. Mr. Speaker, I rise to celebrate the 25th anniversary of the signing of the Americans with Disabilities Act. On July 26, 1990, President George H.W. Bush signed into law and codified the prohibition of discrimination against people with disabilities in all areas of public life, including jobs, schools, transportation, and public and private places that are open to the general public.

An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. Approximately 112,158 individuals of the population living within the 17th Congressional District have a disability. I am proud to represent them and to speak out today on a law that transformed our country.

As a nation, America took another step on the pathway toward true equality during the late 1980s when the concept of federal legislation with the single, worthy goal of expanding civil rights protections to millions of Americans with disabilities gained bipartisan support.

I applauded those advocates, such as former Senator Tom Harkin of Iowa, who first introduced the legislation on May 8, 1988. Those great people brought to life a vision of inclusion, access, and dignity. It is my hope we can today follow in their likeness and continue to protect the rights of all people.

## TRIBUTE TO HANK BOHLING

### HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Hank Bohling of Greenfield, Iowa, for receiving a state 4–H citizenship project award. Hank is the son of Lynn and Elaine Bohling of Greenfield, Iowa.

A state 4–H project award is the highest achievement one can receive in the 4–H project work category. Project awards are given to youth who demonstrate leadership, communication, and volunteerism in certain project areas. A total of 152 youth from 55 counties competed for these project awards on the state level. Achieving this honor is a true testament to Hank's commitment to serving others, and I commend him for his hard work.

Mr. Speaker, it is a great honor to represent future leaders like Hank Bohling in the United States Congress, and it is with great pride that I applaud his award today. I know that all of my colleagues in the United States House of Representatives will join me in congratulating Hank on his achievement. I wish him and his family nothing but continued success.

## HONORING THE CITI OPEN TENNIS TOURNAMENT AND TENNIS WEEK IN THE DISTRICT OF COLUMBIA

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to honor the Citi Open Tennis Tournament, taking place August 1–9, 2015, in Rock Creek Park, and to recognize these dates as ''Tennis Week'' in the District of Columbia. All are invited to attend the 47th installment of this Washington tennis tradition, a cultural, economic, and community staple in the region.

The Washington tennis tournament, now known as the Citi Open Tennis Tournament, was founded in 1969 by tennis legend and Hall of Famer Donald Dell, along with business partner John Harris, and with the support of Arthur Ashe. Ashe declared he would participate in the inaugural tournament under two conditions: the tournament would take place in a naturally integrated neighborhood, and it would be played on public land where all people could come together, enjoy the sport, and share the experience. Today, the tournament remains in its original location on 16th & Kennedy Streets NW, in Rock Creek Park.

In 1972, Donald Dell gave the tournament charter to the Washington Tennis & Education Foundation (then called the Washington Area Tennis Patrons Foundation), a nonprofit organization supporting local education causes for children.

The Citi Open Tennis Tournament draws the best players in the world, making D.C. a global tennis destination. The tournament is also seen on television in 182 countries. A 2014 economic impact study found that the estimated total gross impact of the Citi Open on the regional economy is more than $26 million. The tournament is the only Association of Tennis Professionals 500 level event in the United States, and it is one of only four professional tennis tournaments combining men's and women's events.

Mr. Speaker, I ask the House of Representatives to join me in recognizing ''Tennis Week in the District of Columbia'' for the Citi Open Tennis Tournament, celebrated August 1–9, as well as the Washington Tennis & Education Foundation for their outstanding efforts to run a world-class sporting event and contributions to D.C. youth.

## IN HONOR OF FELIX PELLETIER

### HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. LANGEVIN. Mr. Speaker, I would like to express my sincere appreciation to Rhode Island resident Felix Pelletier, not only for his courageous service in the Army during World War II, but also his continuous service to the men and women of the armed services long after he honorably completed his tour of duty.

For years now, Mr. Pelletier has dedicated hours each day to making life more comfortable for our service members. Using his trusted Singer sewing machine, he has created neck coolers to help provide relief for the Soldiers, Airmen, Sailors, and Marines from the heat endured while defending our freedom. At age 90, Mr. Pelletier has sewn over 50,000 of these devices and continues to craft them one stitch at a time.

I commend Mr. Pelletier for his devotion to serving our country for over 70 years, from the shores of Normandy to our home state of Rhode Island. We are proud to have him as one of our own, and I thank him for his selfless commitment to helping our service members to this day.

## TRIBUTE TO HOUSTON STEPHENS

### HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Mr. Houston Stephens for qualifying for nationals at the Memorial Day State Junior High Rodeo Tournament. Houston is the son of Jamie and Brad Stephens of Glenwood, Iowa.

Houston received the reserve champion award in the break-away roping competition and placed second in the team roping competition. His success reflects his dedication to the event, as well as his work ethic and competitive spirit. He will compete at the National Junior High Rodeo Tournament in Des Moines, Iowa, later this summer.

Mr. Speaker, it is with great pride that I represent Iowans like Houston in the U.S. House of Representatives. I invite my colleagues to join me in congratulating him on a job well done, and wishing him nothing but the best at the National Junior High Rodeo Tournament and in his future rodeo career.

## OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $18,151,903,780,340.35. We've added $7,525,026,731,427.27 to our debt in 6 years. This is over $7.5 trillion in debt our nation, our economy, and our children could

have avoided with a balanced budget amendment.

## COACH ROBERT HALE

### HON. ROGER WILLIAMS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. WILLIAMS. Mr. Speaker, I rise today to honor Coach Robert Hale, a Texas coaching legend in his own right, for his exemplary achievements and positive impact on his students, players, community and the great state of Texas.

In 1968 Coach Hale began his coaching career at Leonard Middle School in Fort Worth, Texas. He went on to become the head coach at 9 different Texas high schools including; Seymore, Dalhart, Lewisville, Burleson, Everman, Pampa, Weatherford, Azle and Crowley. As a coach, he lead his teams to historic victories, including winning the Class 4A state title at Pampa High School in 1996 and defeating defending state champ Fort Worth Dunbar in 2004. In all, Coach Hale amassed a UIL career record of 753–377 and an overall record of 806–387.

Coach Hale has been influential both on and off the basketball court. He taught his students and players life lessons that they could carry with them into adulthood. He took the time to truly influence those around him, and his admirable service has left a lasting mark on his community. I speak on behalf of his son, Colby, when I say he is looked up to by his family and those closest to him.

Today I am proud to say Coach Hale's work has earned him the well-deserved honor of being inducted into the Texas High School Coaches Association's Hall of Honor.

I couldn't be prouder of Coach Hale, and it is my pleasure to recognize his efforts and achievements before the House of Representatives.

## TRIBUTE TO THE SIDNEY IOWA CHAMPIONSHIP RODEO

### HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate a great Iowa institution, the Sidney Championship Rodeo. On August 8th, the Sidney Rodeo will be inducted into the 2015 Pro Rodeo Hall of Fame. The Sidney Rodeo is among the oldest and most prestigious events in the United States. This year, they are celebrating their 92nd year in operation.

The Sidney Championship Rodeo began in 1923 when Earl and Henry Tackett decided to entertain guests of the Old Soldiers Reunion. Members of the Sidney American Legion Post 128 quickly assumed sponsorship and made it an annual event. After 92 years in operation, the Sidney Rodeo arena is one of the best in the country with loyal visitors who travel from near and far for the event. The City of Sidney has 1,150 residents, but during the Rodeo the population swells to 38,000.

For the past 92 years the Sidney Championship Rodeo has accomplished a great deal and is a true testament of hard work and dedication. I commend the Sidney Championship Rodeo for a job well done. I know that my colleagues in the U.S. House of Representatives join me in honoring the Sidney Rodeo for this great achievement. I wish them nothing but continued success moving forward.

## INTRODUCTION OF THE ''BUSINESS SUPPLY CHAIN TRANSPARENCY ON TRAFFICKING AND SLAVERY ACT OF 2015''

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I am pleased to introduce bipartisan legislation along with my fellow co-chair on the Human Trafficking Caucus, Rep. CHRIS SMITH.

Very few Americans are aware that many of the goods they use everyday are tainted by human trafficking or the worst forms of child labor. According to the U.S. Department of Labor's 2014 List of Goods Produced by Child Labor or Forced Labor, 136 goods from 74 countries were made by forced and child labor. This bill will require businesses to disclose policies and practices they employ to eliminate human trafficking from operations and product development.

The Business Supply Chain Transparency on Trafficking and Slavery Act doesn't tell businesses what to do, but rather informs consumers what they are doing to eliminate human slavery from their supply chains.

This legislation would help inform consumers where and how their goods are made. While there are good actors, there are businesses operating in parts of the world that rely on enslaved humans to produce their products. We believe American consumers have a right to know who these companies are.

This legislation creates a market-based solution rather than relying on prescriptive action by the federal government. Large global companies already reporting to the Securities and Exchange Commission (SEC) simply need to include what they are doing to rid their supply chains of human slavery and post this information on their company websites. Consumers will be empowered to make their purchasing decisions based on the information provided. Very simply, this bill creates an incentive to improve practices to end slavery.

Human trafficking is 21st century slavery. The International Labor Organization estimates that nearly 21 million people are working in some form of forced labor worldwide. We must use every tool available to help these men, women, and children around the world who are enslaved.

## TRIBUTE TO SUE BECK

### HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Sue Beck of Kellerton, Iowa for receiving a 2015 Governor's Volunteer Award. Starting in 1983, the Governor's office began awarding state employees who displayed a commitment to volunteerism by helping with various projects or programs within their communities. Since its implementation the award has expanded to any member of the public that displays the necessary attributes for receiving this award.

Sue is a prime example of the dedication and commitment to service that Iowans are known for. She selflessly gives her time to programs like the South Central Iowa Community Foundation, which aims to improve the quality of life all across the south central region of Iowa through the implementation of charitable funds. Each year, they donate more than $1 million to various organizations in the region.

Mr. Speaker, it is with great pride that I stand here today and recognize Sue for her many years of service and dedication to others in her community. Her volunteerism embodies the Iowa spirit and I am honored to represent her, and Iowans like her, in the United States Congress. I know that all of my colleagues in the United States House of Representatives will join me in congratulating Sue for her achievements and wish her nothing but continued success.

## RECOGNIZING THE SERVICE OF COLONEL D. SCOTT BRENTON

### HON. JOHN KATKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. KATKO. Mr. Speaker, I rise today to honor the career of Colonel D. Scott Brenton. Col. Brenton has 27 years of dedicated service with the United States Air Force and the New York Air National Guard. Col. Brenton has been decorated with numerous medals, awards, and service distinctions. It is my honor to recognize such a distinguished citizen and airman.

Col. Brenton began his military career in the Air Force in 1988 at Columbus Air Force Base, Mississippi and finished his training in 1990 at MacDill Air Force Base in Florida. Following his training, Col. Brenton served for one year as an F–16C Pilot and as an Assistant Weapons Officer in the Republic of South Korea. In 1991, Col. Brenton was deployed to Germany where he served as an F–16C Instructor Pilot and Evaluator Pilot until 1995.

In 1995, Col. Brenton was trained in a USAF Fighter Weapons Instructor Course at Nellis Air Force Base, Nevada. For the next three years Col. Brenton was an F–16CJ Instructor, Evaluator, Weapons Officer, and Flight Commander at Shaw Air Force Base, South Carolina. He then returned to Nellis Air Force Base, working as an F–16CG, CJ, CM instructor, and Flight Commander at the USAF Fighter Weapons School from 1998 to 2000. From 2000 to 2001, Col. Brenton served as the Chief Wing Airspace Range Scheduler within the Department of Energy Liaison of the 57th Wing at Nellis Air Force Base. Col. Brenton then became an Assistant Operations Officer, Evaluator, and Program Manager at the USAF Fighter Weapons School for one year at Nellis Air Force Base.

In 2002, Col. Brenton transitioned to Hancock Field Air National Guard Base in Syracuse, New York, where he has since served.

From 2002–2005, he served as the Chief of Weapons and Tactics for the 138th Fighter Squadron and then served as their Director of Operations until 2008. Col. Brenton then became the 174th Operations Support Flight Commander for three years. Concluding his 27 years of service, from 2011 to present day, Col. Brenton has served as the 174th Operations Group Commander at Hancock Field.

Throughout his military career, Col. Brenton has logged a total of over 4800 flying hours, including over 350 combat missions in various contingencies to include Operations Northern and Southern Watch in Iraq, Operations Deny Flight and Deliberate Force in Bosnia, Operation Noble Eagle, Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan.

During his career, Col. Brenton has displayed honorable character and service to the United States Air Force, the New York Air National Guard, and our country. His military decorations and unit awards include: the Meritorious Service Medal with one device; Air Medal with six devices; Aerial Achievement Medal with five devices; Air Force Commendation Medal; Air Force Achievement Medal; Joint Meritorious Unit Award; Meritorious Unit Award with one device; and the Air Force Outstanding Unit Award with four devices.

Col. Brenton's effective dates of promotion are: Second Lieutenant, October 1987; First Lieutenant, October 1989; Captain, October 1991; Major, August 1998; Lieutenant Colonel, September 2003; Colonel, July 2012.

In his civilian capacity, Col. Brenton graduated from the University of Notre Dame with a Bachelor of Science degree in Mechanical Engineering and was commissioned through the ROTC program in 1987. He then went on to receive a Master of Science degree in Aerospace Science and Aeronautics from Embry-Riddle University. During his service to our nation, Col. Brenton graduated from the NATO Tactical Leadership Programme in Belgium, Squadron Officer School, Air Command and Staff College, Air War College, and the Joint Task Force Commander Training Course within USNORTHCOM at Peterson Air Force Base, Colorado.

Without question Mr. Speaker, Col. Brenton is a very special person. He willingly served his nation, exuding loyalty and pride. For his unrelenting service, Col. Brenton can retire knowing he has earned such a status. I would like to wish him well in his retirement years; Col. Brenton, thank you for all of your years of hard work, dedication, and service to our country.

## IN HONOR OF TIMOTHY ANDREWS ON WINNING THE GOLD MEDAL AT THE 2015 JUNIOR U.S. OPEN INTERNATIONAL JUDO CHAMPIONSHIP IN FORT LAUDERDALE, FLORIDA

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. HASTINGS. Mr. Speaker, I rise today to congratulate Mr. Timothy Andrews for winning the Gold Medal for his weight division at the 2015 Junior U.S. Open International Judo Championship in Fort Lauderdale, Florida. This remarkable young man has risen from an immensely challenging childhood to become an icon for his community and peers. Timothy has been featured in the Westside Gazette and South Florida Sun Sentinel for his athletic wins and inspirational triumphs over adversity. As a mark of good character, he has shown only gratitude and humbleness to those who have helped him in his life.

I would be remiss not to mention the Broward County-based organization Helping Abused, Neglected, Disadvantaged Youth (HANDY, Inc.) for the role that it has played in Timothy's ascent into adolescence and adulthood. HANDY, Inc. has worked with Timothy since the age of 12 to help him prioritize his life and realize his dreams to one day represent the United States in the Olympic Games. Timothy has also shown tremendous appreciation to his Sensei, Mr. Ghalib Carmichael of the Onikusu Judo Club in Fort Lauderdale.

Mr. Speaker, please join me in honoring Mr. Timothy Andrews for all that he has accomplished. His story is one of inspiration and demonstrates that all children have incredible potential to do great things and give back to their communities. I bid him good luck as he trains and remains steadfast in reaching his dreams.

## INTRODUCTION OF THE VETERANS EMERGENCY TREATMENT ACT

### HON. DAN NEWHOUSE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 27, 2015*

Mr. NEWHOUSE. Mr. Speaker, I rise today to introduce my legislation, the Veterans Emergency Treatment Act. This important and necessary legislation would ensure that every enrolled veteran is afforded the highest level of emergency care at every emergency-capable medical facility under the jurisdiction of the Department of Veterans' Affairs (VA). It would accomplish this by applying the statutory requirements of the Emergency Treatment and Labor Act (EMTALA) to emergency care furnished by the VA to enrolled veterans.

EMTALA, designed to prevent hospitals from transferring, or "dumping," uninsured patients at public hospitals requires 1) a hospital to conduct a medical examination to determine if an emergency medical condition exists; 2) if such condition exists, the hospital must either stabilize the patient or comply with the statutory requirements of a proper transfer; and 3) if an emergency medical condition exists and has not been stabilized, the hospital may not transfer the patient unless the patient, after being made aware of the risks, makes a transfer request in writing or a physician certifies that the medical benefits of a transfer outweigh the risks.

EMTALA grants every individual a right to emergency care. While a 2007 Veterans Health Administration (VHA) directive indicates that the VA complies with the intent of the EMTALA requirements, VA hospitals are "non-participating" hospitals and are therefore not obligated to fulfill EMTALA requirements. It is has become abundantly clear that the VA is not fulfilling the EMTALA directive. All too frequently, the policy is to turn down those who try to access an emergency room. It happened to my constituent, 64-year-old Army veteran Donald Siefken, when the Seattle VA refused to assist him from his car into the emergency room. Last year in New Mexico, a veteran died when the VA refused to transport him the 500 yards to the emergency room. This is not a new issue. These incidents have been documented as far back as 2006, yet the VA has yet to change their policy, and Congress must act.

Put simply, my commonsense and straightforward legislation would ensure that every enrolled veteran who arrives at the emergency department of a VA medical facility and indicates an emergency condition exists, is assessed and treated in an effort to prevent further injury or death.

I urge all members to join me in supporting this legislation. This is common sense legislation to ensure our veterans are treated fairly.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 28, 2015 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

JULY 29

9 a.m.

Committee on Health, Education, Labor, and Pensions

To hold hearings to examine reauthorizing the Higher Education Act, focusing on combating campus sexual assault.

SH–216

9:30 a.m.

Committee on Foreign Relations

Business meeting to consider S. 284, to impose sanctions with respect to foreign persons responsible for gross violations of internationally recognized human rights, S. 1632, to require a regional strategy to address the threat posed by Boko Haram, and the nominations of Michele Thoren Bond, to be an Assistant Secretary of State (Consular Affairs), and Sarah Elizabeth Mendelson, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador, and to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, both of the District of Columbia, Sheila Gwaltney, of

California, to be Ambassador to the Kyrgyz Republic, Perry L. Holloway, of South Carolina, to be Ambassador to the Co-operative Republic of Guyana, Laura Farnsworth Dogu, of Texas, to be Ambassador to the Republic of Nicaragua, and Peter F. Mulrean, of Massachusetts, to be Ambassador to the Republic of Haiti, all of the Department of State.

SD–419

Committee on Small Business and Entrepreneurship

Business meeting to consider S. 1400, to amend the Small Business Act to direct the task force of the Office of Veterans Business Development to provide access to and manage the distribution of excess or surplus property to veteran-owned small businesses, S. 1756, to help small businesses take advantage of energy efficiency, S. 1857, to amend the Small Business Act to provide for expanded participation in the microloan program, S. 1866, to establish the veterans' business outreach center program, to improve the programs for veterans of the Small Business Administration, an original bill entitled, ''A Sense of the Committee on the Small Business Tax Compliance Relief Act of 2015'', and an original bill entitled, ''Veterans Entrepreneurial Transition Act of 2015''.

SR–428A

9:45 a.m.

Committee on Armed Services

To hold hearings to examine the impacts of the Joint Comprehensive Plan of Action (JCPOA) on United States interests and the military balance in the Middle East.

SD–G50

10 a.m.

Committee on Banking, Housing, and Urban Affairs

Subcommittee on Financial Institutions and Consumer Protection

To hold hearings to examine the role of bankruptcy reform in addressing too-big-to-fail.

SD–538

Committee on Foreign Relations

To hold hearings to examine the Joint Comprehensive Plan of Action.

SD–419

Committee on Homeland Security and Governmental Affairs

Business meeting to consider an original bill entitled, ''Department of Homeland Security Border Security Metrics Act of 2015'', an original bill entitled, ''Critical Infrastructure Protection Act of 2015'', an original bill entitled, ''EINSTEIN Act of 2015'', S. 1073, to amend the Improper Payments Elimination and Recovery Improvement Act of 2012, including making changes to the Do Not Pay initiative, for improved detection, prevention, and recovery of improper payments to deceased individuals, an original bill entitled, ''Quarterly Financial Reporting Reauthorization Act of 2015'', S. 1607, to affirm the authority of the President to require independent regulatory agencies to comply with regulatory analysis requirements applicable to executive agencies, S. 1526, to amend title 10 and title 41, United States Code, to improve the manner in which Federal contracts for construction and design services are awarded, to prohibit the use of reverse auctions for design and construction services procurements, to amend title 31 and 41, United States Code, to improve the payment protections available to construction contractors, subcontractors, and suppliers for work performed, S. 1820, to require agencies to publish an advance notice of proposed rule making for major rules, S. 1817, to improve the effectiveness of major rules in accomplishing their regulatory objectives by promoting retrospective review, S. 1808, to require the Secretary of Homeland Security to conduct a Northern Border threat analysis, S. 779, to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency, S. Res. 104, to express the sense of the Senate regarding the success of Operation Streamline and the importance of prosecuting first time illegal border crossers, S. 708, to establish an independent advisory committee to review certain regulations, S. 1170, 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, H.R. 1531, to amend title 5, United States Code, to provide a pathway for temporary seasonal employees in Federal land management agencies to compete for vacant permanent positions under internal merit promotion procedures, an original bill to designate the facility of the United States Postal Service located at 99 West 2nd Street in Fond du Lac, Wisconsin, as the ''Lieutenant Colonel James 'Maggie' Megellas Post Office'', S. 1596, to designate the facility of the United States Postal Service located at 2082 Stringtown Road in Grove City, Ohio, as the ''Specialist Joseph W. Riley Post Office Building'', and the nomination of Denise Turner Roth, of North Carolina, to be Administrator of General Services.

SD–342

10:30 a.m.

Committee on Commerce, Science, and Transportation

To hold hearings to examine wireless broadband and the future of spectrum policy.

SR–253

2 p.m.

Committee on Foreign Relations

Subcommittee on Europe and Regional Security Cooperation

To hold hearings to examine the financial crisis in Greece, focusing on implications and lessons learned.

SD–419

Committee on the Judiciary

Subcommittee on Oversight, Agency Action, Federal Rights and Federal Courts

To hold hearings to examine IRS targeting, focusing on progress of agency reforms and congressional options.

SD–106

2:15 p.m.

Committee on Indian Affairs

Business meeting to consider S. 383, to provide for Indian trust asset management reform, and S. 732, to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes, to be immediately followed by an oversight hearing to examine the true costs of alcohol and drug abuse in Native communities.

SD–628

2:30 p.m.

Committee on Armed Services

Subcommittee on Readiness and Management Support

To hold hearings to examine best practices at public and private shipyards.

SR–232A

Committee on Veterans' Affairs

To hold hearings to examine ending veteran homelessness.

SR–418

JULY 30

9:30 a.m.

Committee on Armed Services

To hold hearings to examine the nomination of Admiral John M. Richardson, USN, to be Chief of Naval Operations.

SD–G50

Committee on Homeland Security and Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine the impact of the United States tax code on the market for corporate control and jobs.

SD–342

10 a.m.

Committee on Foreign Relations

To hold hearings to examine sanctions and the Joint Comprehensive Plan of Action.

SD–419

Committee on the Judiciary

Business meeting to consider S. 1814, to withhold certain Federal funding from sanctuary cities, and S. 32, to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity.

SD–226

10:30 a.m.

Committee on Appropriations

Subcommittee on Military Construction and Veterans Affairs, and Related Agencies

To hold hearings to examine whistleblower claims at the Department of Veterans Affairs.

SD–124

2 p.m.

Committee on Foreign Relations

To hold hearings to examine the nominations of Lucy Tamlyn, of New York, to be Ambassador to the Republic of Benin, Jeffrey J. Hawkins, Jr., of California, to be Ambassador to the Central African Republic, David R. Gilmour, of Texas, to be Ambassador to the Togolese Republic, and Daniel H. Rubinstein, of Virginia, to be Ambassador to the Republic of Tunisia, all of the Department of State.

SD–419

2:30 p.m.

Select Committee on Intelligence

To receive a closed briefing on certain intelligence matters.

SH–219

AUGUST 4

10 a.m.

Committee on Energy and Natural Resources

To hold hearings to examine the back-end of the nuclear fuel cycle and related legislation, including S. 854, to establish a new organization to manage nuclear waste, provide a consensual process for siting nuclear waste facilities, ensure adequate funding for managing nuclear waste.

SD–366

3 p.m.
Select Committee on Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

AUGUST 6

2:30 p.m.
Select Committee on Intelligence
To receive a closed briefing on certain intelligence matters.
SH–219

POSTPONEMENTS

JULY 29

10 a.m.
Committee on Foreign Relations
To hold hearings to examine the North Korea threat and United States policy.
SD–419

# *Daily Digest*

# Senate

## *Chamber Action*

***Routine Proceedings, pages S5893–S6043.***

**Measures Introduced:** Ten bills and three resolutions were introduced, as follows: S. 1863–1872, and S. Res. 230–232. **Page S5928**

**Measures Reported:**

S. 310, to prohibit the use of Federal funds for the costs of painting portraits of officers and employees of the Federal Government. (S. Rept. No. 114–93)

S. 1172, to improve the process of presidential transition, with amendments. (S. Rept. No. 114–94)

S. 1576, to amend title 5, United States Code, to prevent fraud by representative payees, with amendments. (S. Rept. No. 114–95) **Page S5928**

**Measures Passed:**

***Condemning the Attack in Lafayette, Louisiana:*** Senate agreed to S. Res. 231, honoring the memory and legacy of the two Louisiana citizens who lost their lives, recognizing the heroism of first responders and those on the scene, and condemning the attack of July 23, 2015, in Lafayette, Louisiana. **Pages S5906–07**

***NOTICE Act:*** Committee on Finance was discharged from further consideration of H.R. 876, to amend title XVIII of the Social Security Act to require hospitals to provide certain notifications to individuals classified by such hospitals under observation status rather than admitted as inpatients of such hospitals, and the bill was then passed. **Pages S5920–21**

**Measures Considered:**

**Hire More Heroes Act—Agreement**: Senate continued consideration of 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, after taking action on the following amendments and motions proposed thereto: **Pages S5893, S5907–19, S5921–22**

Adopted:

By 64 yeas to 29 nays (Vote No. 256), McConnell (for Kirk) Amendment No. 2327 (to Amendment No. 2266), to reauthorize and reform the Export-Import Bank of the United States. **Pages S5921–22**

Rejected:

McConnell Amendment No. 2329 (to the language proposed to be stricken by Amendment No. 2266), of a perfecting nature. (Senate tabled the amendment.) **Page S5921**

Pending:

McConnell Modified Amendment No. 2266, in the nature of a substitute. **Page S5893**

McConnell Amendment No. 2421 (to Amendment No. 2266), of a perfecting nature. **Page S5922**

McConnell (for Inhofe) Amendment No. 2533 (to Amendment No. 2421), relating to Federal-aid highways and highway safety construction programs. **Page S5922**

McConnell Amendment No. 2417 (to the language proposed to be stricken by Amendment No. 2266), to change the enactment date. **Page S5922**

McConnell Amendment No. 2418 (to Amendment No. 2417), of a perfecting nature. **Page S5922**

During consideration of this measure today, Senate also took the following action:

By 79 yeas to 14 nays (Vote No. 255), Senate agreed to the motion to instruct the Sergeant at Arms to request the attendance of absent Senators. **Page S5921**

McConnell Amendment No. 2330 (to Amendment No. 2329), to change the enactment date, fell when McConnell Amendment No. 2329 (to the language proposed to be stricken by Amendment No. 2266) (listed above), was tabled. **Page S5921**

Chair sustained a point of order that McConnell Amendment No. 2328 (to Amendment No. 2327), to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 entirely, was not germane, and the amendment thus fell. **Page S5921**

By 62 yeas to 32 nays (Vote No. 257), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on McConnell Modified Amendment No. 2266 (listed above). **Page S5922**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 11 a.m., on Tuesday, July 28, 2015; that all time during the adjournment of the Senate count post-cloture on McConnell Modified Amendment No. 2266. **Page S6042**

**Nominations Confirmed:** Senate confirmed the following nominations:

61 Air Force nominations in the rank of general.

7 Army nominations in the rank of general.

1 Marine Corps nomination in the rank of general.

7 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, and Navy. **Pages S6042–43**

**Nominations Received:** Senate received the following nominations:

Victoria Marie Baecher Wassmer, of Illinois, to be Under Secretary of Energy.

Richard Capel Howorth, of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2020.

Harry K. Thomas, Jr., of New York, to be Ambassador to the Republic of Zimbabwe.

1 Coast Guard nomination in the rank of admiral. **Page S6042**

**Messages from the House:** **Pages S5927–28**

**Additional Cosponsors:** **Pages S5928–31**

**Statements on Introduced Bills/Resolutions:** **Pages S5931–33**

**Additional Statements:** **Pages S5923–27**

**Amendments Submitted:** **Pages S5933–42**

**Quorum Calls:** One quorum call was taken today. (Total—6) **Page S5921**

**Record Votes:** Three record votes were taken today. (Total—257) **Pages S5921, S5922**

**Adjournment:** Senate convened at 2 p.m. and adjourned at 11:13 p.m., until 11 a.m. on Tuesday, July 28, 2015. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6042.)

## *Committee Meetings*

*(Committees not listed did not meet)*

No committee meetings were held.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 16 public bills, H.R. 3214–3229; 1 private bill, H.R. 3230; and 4 resolutions, H. Res. 381–384, were introduced. **Pages H5522–23**

**Additional Cosponsors:** **Pages H5524–25**

**Reports Filed:** Reports were filed today as follows:

H.R. 1634, to strengthen accountability for deployment of border security technology at the Department of Homeland Security, and for other purposes, with an amendment (H. Rept. 114–226);

H.R. 2750, to reform programs of the Transportation Security Administration, streamline transportation security regulations, and for other purposes, with an amendment (H. Rept. 114–227);

H.R. 348, to provide for improved coordination of agency actions in the preparation and adoption of environmental documents for permitting determinations, and for other purposes (H. Rept. 114–228, Part 1);

Supplemental report on H.R. 1994, to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes (H. Rept. 114–225, Part 2);

H.R. 1138, to establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National Forest System land and Bureau of Land Management land in central Idaho, and for other purposes (H. Rept. 114–229); and

H. Res. 380, providing for consideration of the bill (H.R. 427) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law; providing for proceedings during the period from July 30, 2015, through September 7, 2015, and for other purposes (H. Rept. 114–230). **Page H5522**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Curbelo (FL) to act as Speaker pro tempore for today. **Page H5471**

**Recess:** The House recessed at 12:18 p.m. and reconvened at 2 p.m. **Page H5473**

**Recess:** The House recessed at 2:12 p.m. and reconvened at 3 p.m. **Page H5475**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

***Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act:*** H.R. 1138, to establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National Forest System land and Bureau of Land Management land in central Idaho; **Pages H5475–78**

***Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015:*** H.R. 774, amended, to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, and to amend the Tuna Conventions Act of 1950 to implement the Antigua Convention; **Pages H5478–86**

***Evidence-Based Policymaking Commission Act of 2015:*** H.R. 1831, amended, to establish the Commission on Evidence-Based Policymaking; **Pages H5486–88**

***Hire More Heroes Act of 2015:*** H.J. Res. 61, amending 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; **Pages H5488–90**

***Need-Based Educational Aid Act of 2015:*** S. 1482, to improve and reauthorize provisions relating to the application of the antitrust laws to the award of need-based educational aid, by a ⅔ yea-and-nay vote of 378 yeas with none voting "nay", Roll No. 467; **Pages H5490–91, H5510–11**

***Secret Service Improvements Act of 2015:*** H.R. 1656, amended, to provide for additional resources for the Secret Service, and to improve protections for restricted areas, by a ⅔ yea-and-nay vote of 365 yeas to 16 nays, Roll No. 468; **Pages H5491–94, H5510, H5511–12**

***Border Security Technology Accountability Act of 2015:*** H.R. 1634, amended, to strengthen accountability for deployment of border security technology at the Department of Homeland Security; **Pages H5494–95**

***Preclearance Authorization Act of 2015:*** H.R. 998, amended, to establish the conditions under which the Secretary of Homeland Security may establish preclearance facilities, conduct preclearance operations, and provide customs services outside the United States; **Pages H5495–97**

***Improved Security Vetting for Aviation Workers Act of 2015:*** H.R. 2750, amended, to reform programs of the Transportation Security Administration and streamline transportation security regulations; **Pages H5497–99**

***Keeping our Travelers Safe and Secure Act:*** H.R. 2770, amended, to amend the Homeland Security Act of 2002 to require certain maintenance of security-related technology at airports, by a 2/3 yea-and-nay vote of 380 yeas with none voting "nay", Roll No. 469; **Pages H5499–H5501, H5510, H5512–13**

***Independent Contractor Tax Fairness and Simplification Act of 2015:*** H.R. 2483, amended, to amend the Internal Revenue Code of 1986 to provide standards for determining employment status; **Pages H5501–02**

***Securing Expedited Screening Act:*** H.R. 2127, amended, to direct the Administrator of the Transportation Security Administration to limit access to expedited airport security screening at an airport security checkpoint to participants of the PreCheck program and other known low-risk passengers; **Pages H5502–04**

***State Wide Interoperable Communications Enhancement Act:*** H.R. 2206, amended, to amend the Homeland Security Act of 2002 to require recipients of State Homeland Security Grant Program funding to preserve and strengthen interoperable emergency communications capabilities; **Pages H5506–08**

***Veterans Entrepreneurship Act of 2015:*** Concur in the Senate amendment to H.R. 2499, to amend the Small Business Act to increase access to capital for veteran entrepreneurs and to help create jobs; and **Pages H5508–10**

***Ruth Moore Act of 2015:*** H.R. 1607, amended, to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to military sexual trauma. **Pages H5517–19**

**Recess:** The House recessed at 5:36 p.m. and reconvened at 6:30 p.m. **Page H5510**

**Authorizing the use of Emancipation Hall in the Capitol Visitor Center:** The House agreed to discharge from committee and agree to H. Con. Res. 64, authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to present the Congressional Gold Medal to the Monuments Men. **Page H5513**

**Suspensions—Proceedings Postponed:** The House debated the following measures under suspension of the rules. Further proceedings were postponed.

***First Responder Anthrax Preparedness Act:*** H.R. 1300, amended, to direct the Secretary of Homeland Security to make anthrax vaccines and

antimicrobials available to emergency response providers; and **Pages H5504–06**

***Veterans' Compensation Cost-of-Living Adjustment Act of 2015:*** H.R. 675, amended, to increase, effective as of December 1, 2015, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans. **Pages H5513–17**

**Senate Messages:** Message received from the Senate and message received from the Senate by the Clerk and subsequently presented to the House today appears on pages H5474, H5519.

**Quorum Calls—Votes:** Three yea-and-nay votes developed during the proceedings of today and appear on pages H5510–11, H5511–12, and H5512–13. There were no quorum calls.

**Adjournment:** The House met at 12 noon and adjourned at 8 p.m.

# *Committee Meetings*

## REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2015

*Committee on Rules:* Full Committee held a hearing on H.R. 427, the ''Regulations from the Executive in Need of Scrutiny Act of 2015''. The committee granted, by record vote of 8–3, a structured rule for H.R. 427. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule makes in order as original text for the purpose of amendment the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill modified by the amendment printed in part A of the Rules Committee report, and provides that it shall be considered as read. The rule waives all points of order against that amendment in the nature of a substitute. The rule makes in order only those further amendments printed in part B of the report. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed in part B of the report. The rule provides one motion to recommit with or without instructions. In section 2, the rule provides that on any legislative day during the period from July 30, 2015 through September 7, 2015: the Journal of the proceedings of the previous day shall be considered as approved; and the Chair may at any time declare the House adjourned to meet at a date and time to be announced by the Chair in declaring the adjournment. In section 3, the rule provides that the Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 2. In section 4, the rule provides that each day during the period addressed by section 2 of the resolution shall not constitute a calendar day for purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546). In section 5, the rule provides that each day during the period addressed by section 2 of the resolution shall not constitute a legislative day for purposes of clause 7 of rule XIII (resolutions of inquiry). In section 6, the rule provides that it shall be in order at any time on the legislative day of July 30, 2015, for the Speaker to entertain motions that the House suspend the rules and that the Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this section. In section 7, the rule waives the requirement of clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) with respect to any resolution reported through the legislative day of July 30, 2015. Finally, in section 8, the rule addresses access to the Chamber for the joint meeting to be held on September 24, 2015. Testimony was heard from Representatives Marino, Johnson of Georgia, and Young of Iowa.

# *Joint Meetings*

No joint committee meetings were held.

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## COMMITTEE MEETINGS FOR TUESDAY, JULY 28, 2015

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Banking, Housing, and Urban Affairs:* to hold hearings to examine lifting the crude oil export ban, 9:30 a.m., SD–538.

*Committee on Energy and Natural Resources:* business meeting to consider an original bill to provide for the modernization of the energy policy of the United States, S. 133, to approve and implement the Klamath Basin agreements, to improve natural resource management, support economic development, and sustain agricultural production in the Klamath River Basin in the public interest and the interest of the United States, S. 145, to require the Director of the National Park Service to refund to States all State funds that were used to reopen and temporarily operate a unit of the National Park System during the October 2013 shutdown, S. 146, to authorize

the Secretary of the Interior or the Secretary of Agriculture to enter into agreements with States and political subdivisions of States providing for the continued operation, in whole or in part, of public land, units of the National Park System, units of the National Wildlife Refuge System, and units of the National Forest System in the State during any period in which the Secretary of the Interior or the Secretary of Agriculture is unable to maintain normal level of operations at the units due to a lapse in appropriations, S. 329, to amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System, S. 403, to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota and to extend the trail into Vermont to connect with the Appalachian National Scenic Trail, S. 521, to authorize the Secretary of the Interior to conduct a special resource study of President Station in Baltimore, Maryland, S. 583, to establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National Forest System land and Bureau of Land Management land in central Idaho, S. 593, to require the Secretary of the Interior to submit to Congress a report on the efforts of the Bureau of Reclamation to manage its infrastructure assets, S. 610, to authorize the Secretary of the Interior to conduct a special resource study of P.S. 103 in West Baltimore, Maryland and for other purposes, S. 720, to promote energy savings in residential buildings and industry, S. 873, to designate the wilderness within the Lake Clark National Park and Preserve in the State of Alaska as the Jay S. Hammond Wilderness Area, S. 1103, to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving Clark Canyon Dam, S. 1104, to extend the deadline for commencement of construction of a hydroelectric project involving the Gibson Dam, S. 1240, to designate the Cerro del Yuta and Rio San Antonio Wilderness Areas in the State of New Mexico, S. 1305, to amend the Colorado River Storage Project Act to authorize the use of the active capacity of the Fontenelle Reservoir, S. 1483, to direct the Secretary of the Interior to study the suitability and feasibility of designating the James K. Polk Home in Columbia, Tennessee, as a unit of the National Park System, S. 1694, to amend Public Law 103–434 to authorize Phase III of the Yakima River Basin Water Enhancement Project for the purposes of improving water management in the Yakima River basin, an original bill to provide for reforms of the administration of the Outer Continental Shelf of the United States, and the nomination of Jonathan Elkind, of Maryland, to be an Assistant Secretary of Energy (International Affairs), 10 a.m., SD–366.

*Committee on Homeland Security and Governmental Affairs:* to hold hearings to examine the State Department's proposal to construct a new diplomatic security training facility, 10 a.m., SD–342.

*Select Committee on Intelligence:* to receive a closed briefing on certain intelligence matters, 11:30 a.m., SH–219.

Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

## House

*Committee on the Budget,* Full Committee, hearing entitled "First Principles of Congressional Budgeting", 10 a.m., 210 Cannon.

*Committee on Education and the Workforce,* Full Committee, hearing entitled "Reviewing the Policies and Priorities of the U.S. Department of Health and Human Services", 10 a.m., 2175 Rayburn.

*Committee on Energy and Commerce,* Subcommittee on Oversight and Investigations, hearing entitled "Continuing Concerns with the Federal Select Agent Program: Department of Defense Shipments of Live Anthrax", 10 a.m., 2123 Rayburn.

Subcommittee on Communications and Technology, hearing entitled "Continued Oversight of the Federal Communications Commission", 10:15 a.m., 2322 Rayburn.

Full Committee, markup on H.R. 985, "Concrete Masonry Products Research, Education, and Promotion Act of 2015"; H.R. 3154, "E-Warranty Act of 2015"; H.R. 1344, "Early Hearing Detection and Intervention Act of 2015"; H.R. 1462, "Protecting Our Infants Act of 2015"; H.R. 1725, "National All Schedules Prescription Electronic Reporting Authorization Act of 2015"; and H.R. 2820, "Stem Cell Therapeutic and Research Reauthorization Act of 2015", 5 p.m., 2123 Rayburn.

*Committee on Financial Services,* Full Committee, hearing entitled "The Dodd-Frank Act Five Years Later: Are We More Prosperous?", 10 a.m., 2128 Rayburn.

Full Committee, markup on H.R. 766, the "Financial Institution Customer Protection Act of 2015"; H.R. 1210, the "Portfolio Lending and Mortgage Access Act"; H.R. 1317, to amend the Commodity Exchange Act and the Securities Exchange Act of 1934 to specify how clearing requirements apply to certain affiliate transactions, and for other purposes; H.R. 1553, the "Small Bank Exam Cycle Reform Act of 2015"; H.R. 1737, the "Reforming CFPB Indirect Auto Financing Guidance Act"; H.R. 1839, the "Reforming Access for Investments in Startup Enterprises Act of 2015"; H.R. 1941, the "Financial Institutions Examination Fairness and Reform Act"; H.R. 2091, the "Child Support Assistance Act of 2015"; H.R. 2243, the "Equity in Government Compensation Act of 2015"; H.R. 2643, the "State Licensing Efficiency Act of 2015"; H.R. 2912, the "Centennial Monetary Commission Act of 2015"; H.R. 3032, the "Securities and Exchange Commission Reporting Modernization Act"; H.R. 3189, the "Fed Oversight Reform and Modernization Act of 2015"; and H.R. 3192, the "Homebuyers Assistance Act", 2 p.m., 2128 Rayburn.

*Committee on Foreign Affairs,* Full Committee, hearing entitled "Iran Nuclear Agreement: The Administration's Case", 10 a.m., 2172 Rayburn.

Subcommittee on Terrorism, Nonproliferation, and Trade; Subcommittee on Asia and the Pacific; and Subcommittee on the Middle East and North Africa, joint hearing entitled "The Iran-North Korea Strategic Alliance", 3 p.m., 2172 Rayburn.

*Committee on Homeland Security,* Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, hearing entitled ''Promoting and Incentivizing Cybersecurity Best Practices'', 2 p.m., 311 Cannon.

*Committee on the Judiciary,* Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, hearing entitled ''America's Growing Heroin Epidemic'', 10 a.m., 2141 Rayburn.

*Committee on Natural Resources,* Subcommittee on Oversight and Investigations, hearing entitled ''Accountability, Policies, and Tactics of Law Enforcement within the Department of Interior and Forest Service'', 10:30 a.m., 1324 Longworth.

Subcommittee on Energy and Mineral Resources, hearing entitled ''Federal Implementation of the Coastal Zone Management Act'', 10 a.m., 1334 Longworth.

*Committee on Oversight and Government Reform,* Subcommittee on National Security, hearing entitled ''Impact of the Boycott, Divestment, and Sanctions Movement'', 2 p.m., 2154 Rayburn.

*Committee on Rules,* Full Committee, hearing on H.R. 1994, the ''VA Accountability Act of 2015'', 3 p.m., H–313 Capitol.

*Committee on Science, Space, and Technology,* Full Committee, hearing entitled ''Exploration of the Solar System: From Mercury to Pluto and Beyond'', 10 a.m., 2318 Rayburn.

*Committee on Transportation and Infrastructure,* Subcommittee on Coast Guard and Maritime Transportation, hearing entitled ''A Hearing on the Federal Radionavigation Plan, H.R. 1684, the Foreign Spill Protection Act, and H.R. ____, the National Icebreaker Fund Act of 2015'', 10 a.m., 2253 Rayburn.

*Committee on Ways and Means,* Subcommittee on Health, hearing to discuss rural health care disparities created by Medicare regulations, 10 a.m., 1100 Longworth.

*Permanent Select Committee on Intelligence,* Full Committee, hearing on Iran, 10 a.m., HVC–304. This hearing will be closed.

## Joint Meetings

*Joint Economic Committee:* to hold hearings to examine dynamic scoring, focusing on how it will affect fiscal policymaking, 2 p.m., SH–216.

# CONGRESSIONAL PROGRAM AHEAD

## Week of July 28 through July 31, 2015

## Senate Chamber

On *Tuesday*, at approximately 11 a.m., Senate will continue consideration of H.R. 22, Hire More Heroes Act.

During the balance of the week, Senate may consider any cleared legislative and executive business.

## Senate Committees

*(Committee meetings are open unless otherwise indicated)*

*Committee on Appropriations:* July 30, Subcommittee on Military Construction and Veterans Affairs, and Related Agencies, to hold hearings to examine whistleblower claims at the Department of Veterans Affairs, 10:30 a.m., SD–124.

*Committee on Armed Services:* July 29, to hold hearings to examine the impacts of the Joint Comprehensive Plan of Action (JCPOA) on United States interests and the military balance in the Middle East, 9:45 a.m., SD–G50.

July 29, Subcommittee on Readiness and Management Support, to hold hearings to examine best practices at public and private shipyards, 2:30 p.m., SR–232A.

July 30, Full Committee, to hold hearings to examine the nomination of Admiral John M. Richardson, USN, to be Chief of Naval Operations, 9:30 a.m., SD–G50.

*Committee on Banking, Housing, and Urban Affairs:* July 28, to hold hearings to examine lifting the crude oil export ban, 9:30 a.m., SD–538.

July 29, Subcommittee on Financial Institutions and Consumer Protection, to hold hearings to examine the role of bankruptcy reform in addressing too-big-to-fail, 10 a.m., SD–538.

*Committee on Commerce, Science, and Transportation:* July 29, to hold hearings to examine wireless broadband and the future of spectrum policy, 10:30 a.m., SR–253.

*Committee on Energy and Natural Resources:* July 28, business meeting to consider an original bill to provide for the modernization of the energy policy of the United States, S. 133, to approve and implement the Klamath Basin agreements, to improve natural resource management, support economic development, and sustain agricultural production in the Klamath River Basin in the public interest and the interest of the United States, S. 145, to require the Director of the National Park Service to refund to States all State funds that were used to reopen and temporarily operate a unit of the National Park System during the October 2013 shutdown, S. 146, to authorize the Secretary of the Interior or the Secretary of Agriculture to enter into agreements with States and political subdivisions of States providing for the continued operation, in whole or in part, of public land, units of the National Park System, units of the National Wildlife Refuge System, and units of the National Forest System in the State during any period in which the Secretary of the Interior or the Secretary of Agriculture is unable to maintain normal level of operations at the units due to a lapse in appropriations, S. 329, to amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System, S. 403, to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota and to extend the trail into Vermont to connect with the Appalachian National Scenic Trail, S. 521, to authorize the Secretary of the Interior to conduct a special resource study of President Station in Baltimore, Maryland, S. 583, to establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National Forest System land and Bureau of Land Management land in central Idaho, S. 593, to require the Secretary of the Interior to submit to Congress a report on the efforts of the Bureau of Reclamation to manage its infrastructure assets, S. 610, to authorize the

Secretary of the Interior to conduct a special resource study of P.S. 103 in West Baltimore, Maryland and for other purposes, S. 720, to promote energy savings in residential buildings and industry, S. 873, to designate the wilderness within the Lake Clark National Park and Preserve in the State of Alaska as the Jay S. Hammond Wilderness Area, S. 1103, to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving Clark Canyon Dam, S. 1104, to extend the deadline for commencement of construction of a hydroelectric project involving the Gibson Dam, S. 1240, to designate the Cerro del Yuta and Rio San Antonio Wilderness Areas in the State of New Mexico, S. 1305, to amend the Colorado River Storage Project Act to authorize the use of the active capacity of the Fontenelle Reservoir, S. 1483, to direct the Secretary of the Interior to study the suitability and feasibility of designating the James K. Polk Home in Columbia, Tennessee, as a unit of the National Park System, S. 1694, to amend Public Law 103–434 to authorize Phase III of the Yakima River Basin Water Enhancement Project for the purposes of improving water management in the Yakima River basin, an original bill to provide for reforms of the administration of the Outer Continental Shelf of the United States, and the nomination of Jonathan Elkind, of Maryland, to be an Assistant Secretary of Energy (International Affairs), 10 a.m., SD–366.

*Committee on Foreign Relations:* July 29, business meeting to consider S. 284, to impose sanctions with respect to foreign persons responsible for gross violations of internationally recognized human rights, S. 1632, to require a regional strategy to address the threat posed by Boko Haram, and the nominations of Michele Thoren Bond, to be an Assistant Secretary of State (Consular Affairs), and Sarah Elizabeth Mendelson, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador, and to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, both of the District of Columbia, Sheila Gwaltney, of California, to be Ambassador to the Kyrgyz Republic, Perry L. Holloway, of South Carolina, to be Ambassador to the Co-operative Republic of Guyana, Laura Farnsworth Dogu, of Texas, to be Ambassador to the Republic of Nicaragua, and Peter F. Mulrean, of Massachusetts, to be Ambassador to the Republic of Haiti, all of the Department of State, 9:30 a.m., SD–419.

July 29, Full Committee, to hold hearings to examine the Joint Comprehensive Plan of Action, 10 a.m., SD–419.

July 29, Subcommittee on Europe and Regional Security Cooperation, to hold hearings to examine the financial crisis in Greece, focusing on implications and lessons learned, 2 p.m., SD–419.

July 30, Full Committee, to hold hearings to examine sanctions and the Joint Comprehensive Plan of Action, 10 a.m., SD–419.

July 30, Full Committee, to hold hearings to examine the nominations of Lucy Tamlyn, of New York, to be Ambassador to the Republic of Benin, Jeffrey J. Hawkins, Jr., of California, to be Ambassador to the Central African Republic, David R. Gilmour, of Texas, to be Ambassador to the Togolese Republic, and Daniel H. Rubinstein, of Virginia, to be Ambassador to the Republic of Tunisia, all of the Department of State, 2 p.m., SD–419.

*Committee on Health, Education, Labor, and Pensions:* July 29, to hold hearings to examine reauthorizing the Higher Education Act, focusing on combating campus sexual assault, 9 a.m., SH–216.

*Committee on Homeland Security and Governmental Affairs:* July 28, to hold hearings to examine the State Department's proposal to construct a new diplomatic security training facility, 10 a.m., SD–342.

July 29, Full Committee, business meeting to consider an original bill entitled, ''Department of Homeland Security Border Security Metrics Act of 2015'', an original bill entitled, ''Critical Infrastructure Protection Act of 2015'', an original bill entitled, ''EINSTEIN Act of 2015'', S. 1073, to amend the Improper Payments Elimination and Recovery Improvement Act of 2012, including making changes to the Do Not Pay initiative, for improved detection, prevention, and recovery of improper payments to deceased individuals, an original bill entitled, ''Quarterly Financial Reporting Reauthorization Act of 2015'', S. 1607, to affirm the authority of the President to require independent regulatory agencies to comply with regulatory analysis requirements applicable to executive agencies, S. 1526, to amend title 10 and title 41, United States Code, to improve the manner in which Federal contracts for construction and design services are awarded, to prohibit the use of reverse auctions for design and construction services procurements, to amend title 31 and 41, United States Code, to improve the payment protections available to construction contractors, subcontractors, and suppliers for work performed, S. 1820, to require agencies to publish an advance notice of proposed rule making for major rules, S. 1817, to improve the effectiveness of major rules in accomplishing their regulatory objectives by promoting retrospective review, S. 1808, to require the Secretary of Homeland Security to conduct a Northern Border threat analysis, S. 779, to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency, S. Res. 104, to express the sense of the Senate regarding the success of Operation Streamline and the importance of prosecuting first time illegal border crossers, S. 708, to establish an independent advisory committee to review certain regulations, S. 1170, 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, H.R. 1531, to amend title 5, United States Code, to provide a pathway for temporary seasonal employees in Federal land management agencies to compete for vacant permanent positions under internal merit promotion procedures, an original bill to designate the facility of the United States Postal Service located at 99 West 2nd Street in Fond du Lac, Wisconsin, as the ''Lieutenant Colonel James 'Maggie' Megellas Post Office'', S. 1596, to designate the facility of the United States Postal Service located at 2082 Stringtown Road in

Grove City, Ohio, as the ''Specialist Joseph W. Riley Post Office Building'', and the nomination of Denise Turner Roth, of North Carolina, to be Administrator of General Services, 10 a.m., SD–342.

July 30, Permanent Subcommittee on Investigations, to hold hearings to examine the impact of the United States tax code on the market for corporate control and jobs, 9:30 a.m., SD–342.

*Committee on Indian Affairs:* July 29, business meeting to consider S. 383, to provide for Indian trust asset management reform, and S. 732, to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes, to be immediately followed by an oversight hearing to examine the true costs of alcohol and drug abuse in Native communities, 2:15 p.m., SD–628.

*Committee on Judiciary:* July 29, Subcommittee on Oversight, Agency Action, Federal Rights and Federal Courts, to hold hearings to examine IRS targeting, focusing on progress of agency reforms and congressional options, 2 p.m., SD–106.

July 30, Full Committee, business meeting to consider S. 1814, to withhold certain Federal funding from sanctuary cities, and S. 32, to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity, 10 a.m., SD–226.

*Committee on Small Business and Entrepreneurship:* July 29, business meeting to consider S. 1400, to amend the Small Business Act to direct the task force of the Office of Veterans Business Development to provide access to and manage the distribution of excess or surplus property to veteran-owned small businesses, S. 1756, to help small businesses take advantage of energy efficiency, S. 1857, to amend the Small Business Act to provide for expanded participation in the microloan program, S. 1866, to establish the veterans' business outreach center program, to improve the programs for veterans of the Small Business Administration, an original bill entitled, ''A Sense of the Committee on the Small Business Tax Compliance Relief Act of 2015'', and an original bill entitled, ''Veterans Entrepreneurial Transition Act of 2015'', 9:30 a.m., SR–428A.

*Committee on Veterans' Affairs:* July 29, to hold hearings to examine ending veteran homelessness, 2:30 p.m., SR–418.

*Select Committee on Intelligence:* July 28, to receive a closed briefing on certain intelligence matters, 11:30 a.m., SH–219.

July 28, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

July 30, Full Committee, to receive a closed briefing on certain intelligence matters, 2:30 p.m., SH–219.

## House Committees

*Committee on Agriculture*, July 29, Full Committee, hearing entitled ''Dodd-Frank Turns Five: Assessing the Progress of Global Derivatives Reforms'', 10 a.m., 1300 Longworth.

July 30, Subcommittee on Livestock and Foreign Agriculture, hearing entitled ''Examination of Federal and State Response to Avian Influenza'', 8:30 a.m., 1300 Longworth.

*Committee on Armed Services*, July 29, Full Committee, hearing entitled ''Potential Implications in the Region of the Iran Deal'', 10 a.m., 2118 Rayburn.

*Committee on Energy and Commerce*, July 29, Full Committee, markup on H.R. 985, ''Concrete Masonry Products Research, Education, and Promotion Act of 2015''; H.R. 3154, ''E-Warranty Act of 2015''; H.R. 1344, ''Early Hearing Detection and Intervention Act of 2015''; H.R. 1462, ''Protecting Our Infants Act of 2015''; H.R. 1725, ''National All Schedules Prescription Electronic Reporting Authorization Act of 2015''; and H.R. 2820, ''Stem Cell Therapeutic and Research Reauthorization Act of 2015'' (continued), 10 a.m., 2123 Rayburn.

*Committee on Financial Services*, July 29, Full Committee, markup on H.R. 766, the ''Financial Institution Customer Protection Act of 2015''; H.R. 1210, the ''Portfolio Lending and Mortgage Access Act''; H.R. 1317, to amend the Commodity Exchange Act and the Securities Exchange Act of 1934 to specify how clearing requirements apply to certain affiliate transactions, and for other purposes; H.R. 1553, the ''Small Bank Exam Cycle Reform Act of 2015''; H.R. 1737, the ''Reforming CFPB Indirect Auto Financing Guidance Act''; H.R. 1839, the ''Reforming Access for Investments in Startup Enterprises Act of 2015''; H.R. 1941, the ''Financial Institutions Examination Fairness and Reform Act''; H.R. 2091, the ''Child Support Assistance Act of 2015''; H.R. 2243, the ''Equity in Government Compensation Act of 2015''; H.R. 2643, the ''State Licensing Efficiency Act of 2015''; H.R. 2912, the ''Centennial Monetary Commission Act of 2015''; H.R. 3032, the ''Securities and Exchange Commission Reporting Modernization Act''; H.R. 3189, the ''Fed Oversight Reform and Modernization Act of 2015''; and H.R. 3192, the ''Homebuyers Assistance Act'' (continued), 9 a.m., 2128 Rayburn.

July 30, Full Committee, markup on H.R. 766, the ''Financial Institution Customer Protection Act of 2015''; H.R. 1210, the ''Portfolio Lending and Mortgage Access Act''; H.R. 1317, to amend the Commodity Exchange Act and the Securities Exchange Act of 1934 to specify how clearing requirements apply to certain affiliate transactions, and for other purposes; H.R. 1553, the ''Small Bank Exam Cycle Reform Act of 2015''; H.R. 1737, the ''Reforming CFPB Indirect Auto Financing Guidance Act''; H.R. 1839, the ''Reforming Access for Investments in Startup Enterprises Act of 2015''; H.R. 1941, the ''Financial Institutions Examination Fairness and Reform Act''; H.R. 2091, the ''Child Support Assistance Act of 2015''; H.R. 2243, the ''Equity in Government Compensation Act of 2015''; H.R. 2643, the ''State Licensing Efficiency Act of 2015''; H.R. 2912, the ''Centennial Monetary Commission Act of 2015''; H.R. 3032, the ''Securities and Exchange Commission Reporting Modernization Act''; H.R. 3189, the ''Fed Oversight Reform and Modernization Act of 2015''; and H.R. 3192, the ''Homebuyers Assistance Act'' (continued), 9 a.m., 2128 Rayburn.

*Committee on Foreign Affairs*, July 29, Full Committee, hearing entitled ''Women Under ISIS Rule: From Brutality to Recruitment'', 10 a.m., 2172 Rayburn.

July 29, Subcommittee on the Western Hemisphere, hearing entitled ''Threats to Press Freedom in the Americas'', 3 p.m., 2172 Rayburn.

*Committee on Homeland Security*, July 29, Full Committee, hearing entitled ''Aviation Security Challenges: Is TSA ready for the threats of today?'', 10 a.m., 311 Cannon.

*Committee on the Judiciary*, July 29, Subcommittee on Courts, Intellectual Property, and the Internet, hearing entitled ''Internet of Things'', 10 a.m., 2141 Rayburn.

*Committee on Natural Resources*, July 29, Full Committee, hearing entitled ''Federal Agencies' Selective Enforcement of ESA Consultation'', 10 a.m., 1324 Longworth.

*Committee on Oversight and Government Reform*, July 29, Full Committee, hearing entitled ''EPA Mismanagement, Part II'', 9 a.m., 2154 Rayburn.

July 29, Subcommittee on Information Technology; and Subcommittee on Government Operations, joint hearing entitled ''DATA Act Implementation'', 1 p.m., 2154 Rayburn.

July 30, Full Committee, hearing entitled ''Violence on the Border: Keeping U.S. Personnel Safe'', 9 a.m., 2154 Rayburn.

*Committee on Science, Space, and Technology*, July 29, Subcommittee on Energy, hearing entitled ''A Review of the Nuclear Regulatory Commission's Licensing Process'', 9 a.m., 2318 Rayburn.

July 30, Subcommittee on Oversight; and Subcommittee on Energy, joint hearing entitled ''Examining Vulnerabilities of America's Power Supply'', 9 a.m., 2318 Rayburn.

*Committee on Veterans' Affairs*, July 29, Full Committee, markup on pending legislation, 10:30 a.m., 334 Cannon.

*Permanent Select Committee on Intelligence*, July 30, Full Committee, hearing entitled ''World Wide Cyber Threats'', 9 a.m., HVC–210.

*Select Committee on Benghazi*, July 29, Full Committee, hearing entitled ''Hearing 4'', relating to update on State Department compliance, 10 a.m., HVC–210.

## Joint Meetings

*Joint Economic Committee:* July 28, to hold hearings to examine dynamic scoring, focusing on how it will affect fiscal policymaking, 2 p.m., SH–216.

*Next Meeting of the* SENATE

11 a.m., Tuesday, July 28

Senate Chamber

**Program for Tuesday:** Senate will continue consideration of H.R. 22, Hire More Heroes Act.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Tuesday, July 28

House Chamber

**Program for Tuesday:** Consideration of H.R. 427—Regulations from the Executive in Need of Scrutiny Act of 2015 (Subject to a Rule).

## Extensions of Remarks, as inserted in this issue

HOUSE

Cartwright, Matt, Pa., E1129
Coffman, Mike, Colo., E1129
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