

117TH CONGRESS
1ST SESSION

H. R. 3684

AN ACT

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Investing in a New
3 Vision for the Environment and Surface Transportation
4 in America Act” or the “INVEST in America Act”.

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- Sec. 13304. Needs assessment for nationwide rural and urban low-income community water assistance program.
- Sec. 13305. Natural hazard education and response grant program.

TITLE IV—OTHER MATTERS

- Sec. 13401. Small urban and rural water system consolidation report.
- Sec. 13402. Study on contamination of Coldwater Creek, Missouri.
- Sec. 13403. Report on affordability, discrimination and civil rights violations, and data collection.
- Sec. 13404. Water infrastructure and workforce investment.
- Sec. 13405. Identification of high-risk locations.

DIVISION J—OUTDOOR RECREATION LEGACY PARTNERSHIP PROGRAM

- Sec. 14101. Outdoors for all.

DIVISION K—WILDLIFE CORRIDORS CONSERVATION ACT OF 2021

- Sec. 15001. Short title; table of contents.
- Sec. 15002. Definitions.

TITLE I—NATIONAL WILDLIFE CORRIDOR SYSTEM ON FEDERAL LAND AND WATER

- Sec. 15101. National wildlife corridors.
- Sec. 15102. Administrative designation of national wildlife corridors.
- Sec. 15103. Management of national wildlife corridors.

TITLE II—WILDLIFE CORRIDORS CONSERVATION

- Sec. 15201. Collaboration and coordination.
- Sec. 15202. Effect.
- Sec. 15203. Tribal wildlife corridors.
- Sec. 15204. Protection of indian tribes.
- Sec. 15205. Wildlife movements grant program.
- Sec. 15206. National coordination committee.
- Sec. 15207. Regional wildlife movement councils.
- Sec. 15208. National wildlife corridors database.

TITLE III—FUNDING

- Sec. 15301. Authorization of appropriations.

DIVISION L—COMMUNITY RESILIENCE AND RESTORATION FUND

- Sec. 16101. Definitions.
- Sec. 16102. Establishment of Fund.
- Sec. 16103. Management of the Fund.
- Sec. 16104. Competitive grants.
- Sec. 16105. Use of Amounts in the Fund.
- Sec. 16106. Reports.
- Sec. 16107. Authorization of Appropriations.

DIVISION M—CLEAN ENERGY AND SUSTAINABILITY
ACCELERATOR

- Sec. 17101. Clean Energy and Sustainability Accelerator.

DIVISION N—DOMESTIC MARITIME WORKFORCE TRAINING

- Sec. 18101. Centers of excellence for domestic maritime workforce training and education.

DIVISION O—EFFICIENT AND EFFECTIVE NEPA
IMPLEMENTATION

- Sec. 19101. Efficient and effective NEPA implementation.

DIVISION P—ELECTRIC VEHICLES

TITLE I—ZERO EMISSIONS VEHICLE INFRASTRUCTURE
BUILDOUT

Subtitle A—Electric Vehicle Infrastructure

- Sec. 20101. Definitions.
- Sec. 20102. Electric vehicle supply equipment rebate program.
- Sec. 20103. Model building code for electric vehicle supply equipment.
- Sec. 20104. Electric vehicle supply equipment coordination.
- Sec. 20105. State consideration of electric vehicle charging.
- Sec. 20106. State energy plans.
- Sec. 20107. Transportation electrification.
- Sec. 20108. Federal fleets.

Subtitle B—Electric Vehicles for Underserved Communities

- Sec. 20111. Expanding access to electric vehicles in underserved and disadvantaged communities.
- Sec. 20112. Electric vehicle charging equity program.
- Sec. 20113. Ensuring program benefits for underserved and disadvantaged communities.
- Sec. 20114. Definitions.

TITLE II—PROMOTING DOMESTIC ADVANCED VEHICLE
MANUFACTURING

- Sec. 20201. Domestic Manufacturing Conversion Grant Program.

1 SEC. 3. REFERENCES.

2 Except as expressly provided otherwise, any reference
3 to “this Act” contained in any division of this Act shall

1 be treated as referring only to the provisions of that divi-
2 sion.

3 **DIVISION A—FEDERAL SURFACE**
4 **TRANSPORTATION PRO-**
5 **GRAMS FOR FISCAL YEAR**
6 **2022**

7 **SEC. 101. DEFINITIONS.**

8 In this division, the following definitions apply:

9 (1) **HIGHWAY ACCOUNT.**—The term “Highway
10 Account” means the portion of the Highway Trust
11 Fund that is not the Mass Transit Account.

12 (2) **MASS TRANSIT ACCOUNT.**—The term “Mass
13 Transit Account” means the portion of the Highway
14 Trust Fund established under section 9503(e)(1) of
15 the Internal Revenue Code of 1986.

16 (3) **MEMBER DESIGNATED PROJECT.**—The
17 term “member designated project” means a project
18 listed in the table in section 107.

19 (4) **MEMBER DESIGNATED PROJECT FUNDS.**—
20 The term “member designated project funds” means
21 funds reserved under subsections (d)(1)(B)(i),
22 (f)(1)(A), and (g)(1)(A) to carry out member des-
23 ignated projects listed in the table in section 107(c).

24 (5) **SECRETARY.**—The term “Secretary” means
25 the Secretary of Transportation.

1 (6) STATE.—The term “State” means the 50
2 States and the District of Columbia.

3 (7) TERRITORY.—The term “territory” means
4 any of the following territories of the United States:

5 (A) American Samoa.

6 (B) The Commonwealth of the Northern
7 Mariana Islands.

8 (C) Guam.

9 (D) The United States Virgin Islands.

10 **SEC. 102. EXTENSION OF FEDERAL SURFACE TRANSPOR-**
11 **TATION PROGRAMS.**

12 (a) EXTENSION OF FEDERAL SURFACE TRANSPOR-
13 TATION PROGRAMS.—

14 (1) IN GENERAL.—Unless otherwise provided in
15 this division, the requirements, authorities, condi-
16 tions, eligibilities, limitations, and other provisions
17 authorized under the covered laws, which would oth-
18 erwise expire on or cease to apply after September
19 30, 2021, are incorporated by reference and shall
20 continue in effect through September 30, 2022.

21 (2) AUTHORIZATION OF APPROPRIATIONS.—

22 (A) HIGHWAY TRUST FUND.—

23 (i) HIGHWAY ACCOUNT.—

24 (I) IN GENERAL.—Except as pro-
25 vided in subclause (II), there is au-

1 thorized to be appropriated from the
2 Highway Account for fiscal year 2022,
3 for each program under the covered
4 laws with respect to which amounts
5 are authorized to be appropriated
6 from such account for fiscal year
7 2021, an amount equal to the amount
8 authorized for appropriation with re-
9 spect to the program from such ac-
10 count for fiscal year 2021.

11 (II) ADMINISTRATIVE EX-
12 PENSES.—Notwithstanding any other
13 provision of this division, there is au-
14 thorized to be appropriated from the
15 Highway Account for fiscal year
16 2022—

17 (aa) \$516,000,000 for ad-
18 ministrative expenses of the Fed-
19 eral Highway Administration, as
20 described in section 104(a) of
21 title 23, United States Code; and

22 (bb) \$30,086,000 for grant
23 administrative expenses of the
24 National Highway Traffic Safety
25 Administration, as described in

1 section 4001(a)(6) of the FAST
2 Act (Public Law 114–94).

3 (ii) MASS TRANSIT ACCOUNT.—

4 (I) IN GENERAL.—There is au-
5 thORIZED to be appropriated from the
6 Mass Transit Account for fiscal year
7 2022, for each program under the
8 covered laws with respect to which
9 amounts are authorized to be appro-
10 priated from such account for fiscal
11 year 2021, an amount equal to the
12 amount authorized for appropriation
13 with respect to the program from such
14 account for fiscal year 2021.

15 (II) CONDITION FOR APPORTION-
16 MENT.—No funds authorized in this
17 division or any other Act may be used
18 to adjust Mass Transit Account ap-
19 portionments or withhold funds from
20 Mass Transit Account apportionments
21 pursuant to section 9503(e)(4) of the
22 Internal Revenue Code of 1986 in fis-
23 cal year 2022.

24 (B) GENERAL FUND.—

1 (i) IN GENERAL.—Except as provided
2 in clauses (ii) and (iii), there is authorized
3 to be appropriated for fiscal year 2022, for
4 each program under covered laws with re-
5 spect to which amounts are authorized to
6 be appropriated for fiscal year 2021 from
7 an account other than the Highway Ac-
8 count or the Mass Transit Account, an
9 amount not less than the amount author-
10 ized for appropriation with respect to the
11 program under the covered laws for fiscal
12 year 2021.

13 (ii) ADMINISTRATIVE EXPENSES.—
14 Notwithstanding any other provision of
15 this division, there is authorized to be ap-
16 propriated from the general fund of the
17 Treasury for fiscal year 2022
18 \$131,500,000 for necessary administrative
19 expenses of the Federal Transit Adminis-
20 tration.

21 (iii) CAPITAL INVESTMENT GRANTS.—
22 Notwithstanding any other provision of
23 this division, there is authorized to be ap-
24 propriated from the general fund of the
25 Treasury for fiscal year 2022

1 \$3,250,000,000 to carry out section 5309
2 of title 49, United States Code.

3 (3) USE OF FUNDS.—Except as otherwise pro-
4 vided in this division, amounts authorized to be ap-
5 propriated for fiscal year 2022 with respect to a pro-
6 gram under paragraph (2) shall be distributed, ad-
7 ministered, limited, and made available for obliga-
8 tion in the same manner as amounts authorized to
9 be appropriated with respect to the program for fis-
10 cal year 2021 under the covered laws.

11 (4) OBLIGATION LIMITATION.—

12 (A) IN GENERAL.—Except as provided in
13 subparagraph (B), a program for which
14 amounts are authorized to be appropriated
15 under paragraph (2)(A) shall be subject to a
16 limitation on obligations for fiscal year 2022 in
17 the same amount and in the same manner as
18 the limitation applicable with respect to the
19 program for fiscal year 2021 under the title I
20 of the Transportation, Housing and Urban De-
21 velopment, and Related Agencies Appropria-
22 tions Act, 2021 (Public Law 116–260).

23 (B) FEDERAL-AID HIGHWAY AND HIGHWAY
24 SAFETY CONSTRUCTION PROGRAMS.—

1 (i) IN GENERAL.—Notwithstanding
2 any other provision of this section, section
3 1102 of the FAST Act (Public Law 114–
4 94), section 1101 of title I of division B of
5 the Continuing Appropriations Act, 2021
6 and Other Extensions Act (Public Law
7 116–159), or title I of the Transportation,
8 Housing and Urban Development, and Re-
9 lated Agencies Appropriations Act, 2021
10 (Public Law 116–260), for fiscal year
11 2022, the obligations for Federal-aid high-
12 way and highway safety construction pro-
13 grams shall not exceed \$46,400,294,311.

14 (ii) LIMITATION ON FEDERAL HIGH-
15 WAY ADMINISTRATION ADMINISTRATIVE
16 EXPENSES.—Notwithstanding any other
17 provision of this section, of the amount de-
18 scribed in clause (i), for fiscal year 2022
19 an amount not to exceed \$492,000,000 to-
20 gether with advances and reimbursements
21 received by the Federal Highway Adminis-
22 tration, shall be obligated for necessary ex-
23 penses for administration and operation of
24 the Federal Highway Administration or
25 transferred to the Appalachian Regional

1 Commission for administrative activities
2 associated with the Appalachian Develop-
3 ment Highway System.

4 (b) **NATIONALLY SIGNIFICANT FREIGHT AND HIGH-**
5 **WAY PROJECTS.**—Section 117(d)(2)(A) of title 23, United
6 States Code, is amended in the matter preceding clause
7 (i)—

8 (1) by striking “\$600,000,000” and inserting
9 “\$700,000,000”; and

10 (2) by striking “2021” and inserting “2022”.

11 (c) **DISADVANTAGED BUSINESS ENTERPRISES.**—Sec-
12 tion 1101(b) of the FAST Act (Public Law 114–94) (ex-
13 cept for the requirements related to gross receipts under
14 paragraph (2)(A)(ii) of such section) shall apply to
15 amounts made available under sections 102, 103, 104 of
16 this division.

17 (d) **DEFINITIONS.**—In this section, the term “covered
18 laws” means the following:

19 (1) Section 1101 of title I of division B of the
20 Continuing Appropriations Act, 2021 and Other Ex-
21 tensions Act (Public Law 116–159).

22 (2) Titles I, III, IV, V, and VI of division A of
23 the FAST Act (Public Law 114–94).

1 (3) Division A, division B, subtitle A of title I
2 and title II of division C, and division E of MAP-
3 21 (Public Law 112–141).

4 (4) Titles I, II, and III of the SAFETEA–LU
5 Technical Corrections Act of 2008 (Public Law 110–
6 244).

7 (5) Titles I, II, III, IV, V, and VI of
8 SAFETEA–LU (Public Law 109–59).

9 (6) Titles I, II, III, IV, and V of the Transpor-
10 tation Equity Act for the 21st Century (Public Law
11 105–178).

12 (7) Titles II, III, and IV of the National High-
13 way System Designation Act of 1995 (Public Law
14 104–59).

15 (8) Title I, part A of title II, title III, title IV,
16 title V, and title VI of the Intermodal Surface
17 Transportation Efficiency Act of 1991 (Public Law
18 102–240).

19 (9) Title 23, United States Code.

20 (10) Sections 116, 117, 330, and 5505 and
21 chapters 53, 139, 303, 311, 313, 701, and 702 of
22 title 49, United States Code.

1 **SEC. 103. ADDITIONAL AMOUNTS FOR THE FEDERAL-AID**
2 **HIGHWAY PROGRAM AND MEMBER DES-**
3 **IGNATED PROJECTS.**

4 (a) **AUTHORIZATION OF APPROPRIATIONS.—**

5 (1) **IN GENERAL.—**In addition to amounts au-
6 thORIZED under section 102, there is authorized to be
7 appropriated from the Highway Account for fiscal
8 year 2022, for activities under this section,
9 \$14,742,808,640.

10 (2) **CONTRACT AUTHORITY.—**Amounts author-
11 ized to be appropriated under paragraph (1) shall be
12 available for obligation as if apportioned under chap-
13 ter 1 of title 23, United States Code.

14 (b) **OBLIGATION AUTHORITY.—**

15 (1) **IN GENERAL.—**

16 (A) **AMOUNT.—**Notwithstanding any other
17 provision of law, for fiscal year 2022, obliga-
18 tions for activities authorized under subsection
19 (a) shall not exceed \$14,742,808,640.

20 (B) **PERIOD OF AVAILABILITY.—**

21 (i) **IN GENERAL.—**Except as provided
22 in clause (ii), obligation authority made
23 available under this paragraph shall—

24 (I) remain available until Sep-
25 tember 30, 2025; and

1 (II) be in addition to the amount
2 of any limitation imposed on obliga-
3 tions for Federal-aid highway and
4 highway safety construction programs
5 for fiscal year 2022 under section 102
6 or future fiscal years under any other
7 provision of law.

8 (ii) EXCEPTION.—Except as provided
9 in subsection (i)(2)(E), obligation author-
10 ity associated with a member designated
11 project shall remain available until ex-
12 pended.

13 (2) DISTRIBUTION OF OBLIGATION AUTHOR-
14 ITY.—

15 (A) IN GENERAL.—Of the obligation au-
16 thority provided under paragraph (1), the Sec-
17 retary shall make available to States, Tribes,
18 Puerto Rico, the territories, and Federal land
19 management agencies, during the period of fis-
20 cal year 2022, amounts of obligation authority
21 equal to the amounts described in paragraphs
22 (1) through (5) of subsection (c), respectively.

23 (B) FURTHER DISTRIBUTION.—Each
24 State, each Tribe, Puerto Rico, each territory,
25 and each Federal land management agency re-

1 ceiving funds under paragraphs (1) through (5)
2 of subsection (c), respectively, shall receive an
3 amount of obligation authority equal to the
4 funds received under any of such paragraphs.

5 (c) DISTRIBUTION OF FUNDS.—Amounts authorized
6 to be appropriated for fiscal year 2022 under subsection
7 (a) shall be distributed as follows:

8 (1) \$14,343,545,973 to the States.

9 (2) \$167,481,814 to Tribes.

10 (3) \$52,400,251 to Puerto Rico.

11 (4) \$55,012,918 to the territories.

12 (5) \$124,367,684 to Federal land management
13 agencies.

14 (d) SUPPLEMENTAL STATE FUNDS.—

15 (1) DISTRIBUTION.—

16 (A) AMONG STATES.—Amounts distributed
17 to States under subsection (c)(1) shall be dis-
18 tributed among the States in the same ratio as
19 total State apportionments under section
20 104(c)(1) of title 23, United States Code, in fis-
21 cal year 2022.

22 (B) WITHIN A STATE.—Of the amount dis-
23 tributed to a State under subparagraph (A)—

24 (i) the amount specified in section
25 107 for each member designated project in

1 the State shall be reserved to carry out
2 such project; and

3 (ii) any remaining amount shall be
4 available to the State under paragraph (2).

5 (2) TREATMENT.—Funds made available under
6 paragraph (1)(B)(ii) shall be—

7 (A) available for activities eligible under
8 section 133(b) of title 23, United States Code,
9 subject to subsection (c) of such section; and

10 (B) administered as if apportioned under
11 chapter 1 of title 23, United States Code.

12 (e) TRIBAL FUNDS.—Amounts distributed to Tribes
13 under subsection (c)(2) shall be—

14 (1) available for activities eligible under the
15 tribal transportation program under section 202 of
16 title 23, United States Code; and

17 (2) administered as if allocated under section
18 202 of title 23, United States Code, except that the
19 set-aside described in subparagraph (C) of section
20 202(b)(3) of such title and subsections (a)(6), (c),
21 (d), and (e) of section 202 of such title shall not
22 apply to such funds.

23 (f) PUERTO RICO FUNDS.—

24 (1) DISTRIBUTION.—Of the amount distributed
25 to Puerto Rico under subsection (e)(3)—

1 (A) the amount specified in section 107 for
2 each member designated project in Puerto Rico
3 shall be reserved to carry out such project; and

4 (B) any remaining amount shall be avail-
5 able to Puerto Rico under paragraph (2).

6 (2) TREATMENT.—Funds made available under
7 paragraph (1)(B) shall be—

8 (A) administered as if allocated under sec-
9 tion 165(b) of title 23, United States Code;

10 (B) available for activities described under
11 paragraph (2)(C)(iii) of such section; and

12 (C) not subsection to subparagraph (A) or
13 (B) of paragraph (2) of such section.

14 (g) TERRITORIAL FUNDS.—

15 (1) DISTRIBUTION.—Of the amount distributed
16 to a territory under subsection (c)(4)—

17 (A) the amount specified in section 107 for
18 each member designated project in the territory
19 shall be reserved to carry out such project;

20 (B) of amounts remaining after the dis-
21 tribution under subparagraph (A), not more
22 than \$1,392,918 shall be made available to
23 American Samoa; and

1 (C) any remaining amount shall be avail-
2 able to the territories as described under para-
3 graph (2).

4 (2) TREATMENT.—Funds made available under
5 subparagraphs (B) and (C) of paragraph (1) shall
6 be administered as if allocated under, and available
7 for activities described under, section 165(c) of title
8 23, United States Code.

9 (h) FEDERAL LAND MANAGEMENT AGENCY
10 FUNDS.—

11 (1) DISTRIBUTION.—Amounts distributed
12 under subsection (c)(5) shall be distributed among
13 the Federal land management agencies as follows:

14 (A) \$99,494,147 for the National Park
15 Service.

16 (B) \$9,949,415 for the United States Fish
17 and Wildlife Service.

18 (C) \$6,301,296 for the United States For-
19 est Service.

20 (D) \$8,622,826 to be allocated to the re-
21 maining Federal land management agencies de-
22 scribed in section 203(b) of title 23, United
23 States Code.

24 (2) TREATMENT.—Funds made available under
25 paragraph (1) shall be—

1 (A) available for activities eligible under
2 the Federal lands transportation program under
3 section 203 of title 23, United States Code; and

4 (B) administered as if allocated under sec-
5 tion 203 of title 23, United States Code.

6 (i) MEMBER DESIGNATED PROJECTS.—

7 (1) TREATMENT.—

8 (A) IN GENERAL.—Member designated
9 project funds shall be available until expended,
10 except as specified in paragraph (2)(C)(iv).

11 (B) REQUIREMENTS.—

12 (i) IN GENERAL.—Except as specified
13 in paragraph (2)(C)(iv) or clauses (ii) or
14 (iii), member designated project funds
15 shall be administered as if apportioned—

16 (I) for a project eligible under
17 chapter 1 of title 23, United States
18 Code, under such chapter;

19 (II) for a project eligible under
20 chapter 2 of title 23, United States
21 Code, under such chapter; or

22 (III) for a project eligible under
23 chapter 53 of title 49, United States
24 Code, under such chapter.

1 (ii) FEDERAL SHARE.—Notwith-
2 standing any other provision of law, the
3 Federal share of the cost of a project as-
4 sisted with member designated project
5 funds shall be determined in accordance
6 with section 120 of title 23, United States
7 Code, or, in the case of a transit capital
8 project, may be determined in accordance
9 with section 5323(i)(1) of title 49, United
10 States Code, if applicable.

11 (iii) TRANSIT PROJECTS.—

12 (I) TRANSFERS.—Member des-
13 igned project funds made available
14 for transit capital and planning
15 projects may be transferred to, and
16 administered by, the Secretary in ac-
17 cordance with section 104(f) of title
18 23, United States Code.

19 (II) DESIGNATED RECIPIENTS.—
20 Member designated project authoriza-
21 tions specified in section 107 distrib-
22 uted to a State for transit capital and
23 planning projects shall be made avail-
24 able for obligation to a designated or
25 direct recipient or subrecipient under

1 chapter 53 of title 49, United States
2 Code, as specified in section 107 or, if
3 no such eligible recipient is identified,
4 to the designated recipient in the loca-
5 tion specified in such section.

6 (2) REPURPOSING OF FUNDS.—

7 (A) IN GENERAL.—

8 (i) REQUEST.—Beginning on October
9 1, 2025, except as described in clause (ii),
10 if less than 10 percent of the amount re-
11 served for a member designated project for
12 a State, Puerto Rico, or territory has been
13 obligated, the State, Puerto Rico, or a ter-
14 ritory, respectively, may submit to the Sec-
15 retary, a request to use, under subpara-
16 graph (B)—

17 (I) the unobligated amount re-
18 served for the member designated
19 project; and

20 (II) the obligation authority that
21 is associated with such amount.

22 (ii) COMPLETED PROJECTS.—If the
23 project has been completed and an unobli-
24 gated amount remains reserved for a mem-
25 ber designated project, a State, Puerto

1 Rico, or territory may submit to the Sec-
2 retary certification that such project has
3 been completed (and the Secretary shall
4 verify such completion). Upon verification,
5 the State, Puerto Rico, or territory, respec-
6 tively, may use, under subparagraph (B)—

7 (I) the unobligated amount re-
8 served for the member designated
9 project; and

10 (II) the obligation authority that
11 is associated with such amount.

12 (B) CONSIDERATIONS.—In making the de-
13 termination under subparagraph (A)(i), the
14 Secretary shall—

15 (i) consider whether the member des-
16 igned project can be completed with the
17 amount reserved for the member des-
18 igned project and other committed funds;

19 (ii) determine whether the public enti-
20 ty serving as the project sponsor listed in
21 the Committee Report, or any subsequent
22 report superceding such Committee Re-
23 port, accompanying this Act supports the
24 proposed repurposing; and

1 (iii) ensure that the proposed
2 repurposing would be used for a project
3 with the same eligible project type.

4 (C) TREATMENT.—Funds for which the
5 Secretary approves a request or verifies a com-
6 pleted project under subparagraph (A)—

7 (i) may be used and shall be treated—

8 (I) for a request by a State, as if
9 such amount was made available
10 under subsection (d)(1)(B)(ii);

11 (II) for a request by Puerto Rico,
12 as if such amount was made available
13 under subsection (f)(1)(B); and

14 (III) for a request by a territory,
15 as if such amount was made available
16 under subsection (g)(1)(C);

17 (ii) shall be used within the location
18 described in subparagraph (D)(ii);

19 (iii) shall be subject to the Federal
20 share specified in section 120 of title 23,
21 United States Code, or, in the case of a
22 transit capital project, may be determined
23 in accordance with section 5323(i)(1) of
24 title 49, United States Code, as applicable;
25 and

1 (iv) notwithstanding paragraph
2 (1)(A)(ii), shall remain available for obliga-
3 tion for a period of 3 fiscal years after the
4 last day of the fiscal year in which the Sec-
5 retary approves the request.

6 (D) LOCATION OF PROJECTS.—Funds for
7 which the Secretary approves a request under
8 subparagraph (A) shall—

9 (i) for funds specified in section 107
10 to be used within a metropolitan planning
11 area (as such term is defined in section
12 134(b) of title 23, United States Code),
13 applied to an activity within or predomi-
14 nantly serving such metropolitan area;

15 (ii) for funds specified in section 107
16 to be used within a political subdivision of
17 a State, applied to an activity within or
18 predominantly serving such political sub-
19 division;

20 (iii) for funds specified in section 107
21 to be used within Puerto Rico, applied to
22 an activity within Puerto Rico; and

23 (iv) for funds specified in section 107
24 to be used within a territory, applied to an
25 activity within such territory.

1 (E) OBLIGATION AUTHORITY.—Notwith-
2 standing subsection (b)(1)(B)(ii), obligation au-
3 thority that is repurposed under this paragraph
4 shall remain available for obligation for a period
5 of 3 fiscal years after the last day of the fiscal
6 year in which the Secretary approves the re-
7 quest or verifies the completed project under
8 subparagraph (A).

9 **SEC. 104. FEDERAL TRANSIT ADMINISTRATION.**

10 (a) ALL STATIONS ACCESSIBILITY PROGRAM.—

11 (1) IN GENERAL.—The Secretary may make
12 grants under this subsection to assist eligible entities
13 in financing capital projects to upgrade accessibility
14 for persons with disabilities by increasing the num-
15 ber of covered stations that meet (including exceed-
16 ing) the new construction standards of title II of the
17 Americans with Disabilities Act of 1990 (42 U.S.C.
18 12131 et seq.).

19 (2) ELIGIBLE COSTS.—A grant awarded under
20 this section shall be used on a covered system for
21 the purpose described in paragraph (1) only—

22 (A) for a project to repair, improve, or re-
23 locate station infrastructure at a covered sta-
24 tion;

1 (B) to develop or modify a plan for pur-
2 suing public transportation accessibility
3 projects; or

4 (C) to carry out other projects at covered
5 stations that meet (including exceeding) the
6 new construction standards of title II of the
7 Americans with Disabilities Act of 1990 (42
8 U.S.C. 12131 et seq.).

9 (3) ELIGIBLE FACILITIES.—The Secretary—

10 (A) may not provide a grant awarded
11 under this subsection to upgrade a station that
12 is accessible to and usable by individuals with
13 disabilities, including individuals who use wheel-
14 chairs, consistent with current new construction
15 standards under title II the Americans with
16 Disabilities Act of 1990 (42 U.S.C. 1231 et
17 seq.); and

18 (B) may provide a grant to upgrade a sta-
19 tion that is not accessible and usable as de-
20 scribed in paragraph (1), even if related serv-
21 ices, programs, or activities, when viewed in en-
22 tirety, are readily accessible and usable as so
23 described.

24 (4) APPLICATION.—To apply for a grant under
25 this subsection, an applicant shall provide to the

1 Secretary such information as the Secretary may re-
2 quire, including, at a minimum, information on—

3 (A) the extent to which the proposed
4 project will increase the accessibility of a cov-
5 ered system;

6 (B) projected improvements in access to
7 jobs, community activities, and essential des-
8 tinations provided by such project;

9 (C) the applicant's plans to—

10 (i) enhance the customer experience
11 and maximize accessibility of rolling stock
12 and stations for individuals with disabil-
13 ities;

14 (ii) improve the operations of, provide
15 efficiencies of service to, and enhance the
16 public transportation system for individ-
17 uals with disabilities; and

18 (iii) address equity of service to all
19 riders regardless of ability, including for
20 riders of differing abilities that are low-in-
21 come, seniors, or riders from communities
22 of color; and

23 (D) coordination between the applicant
24 and disability advocacy entities.

1 (5) FEDERAL SHARE.—The Federal share of
2 the net project cost of a grant provided under this
3 subsection shall be 90 percent. The recipient may
4 provide additional local matching amounts.

5 (6) GRANT REQUIREMENTS.—Except as other-
6 wise provided under this subsection, a grant pro-
7 vided under this subsection shall be subject to the
8 requirements of section 5307 of title 49, United
9 States Code.

10 (7) GRANT SOLICITATION.—The Secretary may
11 provide funds authorized under this subsection
12 through 1 or more notices of funding opportunity.

13 (8) AUTHORIZATION OF APPROPRIATIONS.—
14 There is authorized to be appropriated from the
15 Mass Transit Account \$1,000,000,000 for fiscal
16 year 2022 to provide grants under this subsection.

17 (9) AVAILABILITY OF AMOUNTS.—Amounts
18 made available under this subsection—

19 (A) shall remain available for 4 fiscal years
20 after the fiscal year for which the amount is
21 made available; and

22 (B) that remain unobligated at the end of
23 the period described in subparagraph (A) shall
24 be made available to other eligible projects.

25 (10) DEFINITIONS.—In this section:

1 (A) COVERED STATION.—The term “cov-
2 ered station” means a rail fixed guideway pub-
3 lic transportation station for passenger use con-
4 structed prior to the date of enactment of this
5 Act.

6 (B) COVERED SYSTEM.—The term “cov-
7 ered system” means a rail fixed guideway pub-
8 lic transportation system that was in operation
9 before July 26, 1990.

10 (C) DISABILITY.—The term “disability”
11 has the meaning given such term in section 3
12 of the Americans with Disabilities Act of 1990
13 (42 U.S.C. 12102).

14 (D) ELIGIBLE ENTITY.—The term “eligi-
15 ble entity” means a State or local governmental
16 authority that operates a rail fixed guideway
17 public transportation system that was in oper-
18 ation before July 26, 1990.

19 (b) REDUCING TRANSIT DESERTS.—

20 (1) IN GENERAL.—The Secretary may make
21 grants under this subsection to eligible recipients for
22 eligible projects to establish new bus service or in-
23 crease the frequency of bus service.

24 (2) ELIGIBLE PROJECTS.—Eligible projects
25 under this subsection are projects in eligible areas—

1 (A) to establish or enhance bus service
2 with headways equal to or shorter than 20 min-
3 utes for at least 18 hours per day in neighbor-
4 hoods lacking such service;

5 (B) to establish or increase express lane
6 transit service that connects communities to
7 jobs and essential destinations, as long as such
8 service will improve mobility or expand afford-
9 able transportation options in underserved com-
10 munities; or

11 (C) to establish or enhance high-quality
12 bus service to community colleges and Minority
13 Serving Institutions, including Historically
14 Black Colleges and Universities.

15 (3) ELIGIBLE COSTS.—Eligible costs under this
16 section include—

17 (A) acquisition of vehicles;

18 (B) acquisition, installation, and construc-
19 tion of bus stops, stations, and related infra-
20 structure;

21 (C) maintenance activities to support the
22 expanded service;

23 (D) adding service hours or days to exist-
24 ing transit service; and

1 (E) operating expenses for up to 2 years
2 beginning on the first day of revenue service.

3 (4) APPLICATION.—To apply for a grant under
4 this subsection, an applicant shall provide to the
5 Secretary such information as the Secretary may re-
6 quire, including information on the extent to which
7 the project will—

8 (A) provide reliable and frequent connec-
9 tions to jobs, education and workforce training,
10 and essential destinations;

11 (B) reduce air pollution and greenhouse
12 gas emissions; and

13 (C) support unserved and underserved pop-
14 ulations and communities.

15 (5) FEDERAL SHARE.—

16 (A) IN GENERAL.—The Federal share of
17 the net project cost of a capital project carried
18 out using a grant under this subsection shall be
19 80 percent. The recipient may provide addi-
20 tional local matching amounts.

21 (B) OPERATING COSTS.—The Federal
22 share of net operating costs for a project car-
23 ried out using a grant under this subsection
24 shall be not more than 50 percent.

25 (6) GRANT REQUIREMENTS.—

1 (A) IN GENERAL.—A grant under this sub-
2 section shall be subject to the requirements of
3 section 5307 of title 49, United States Code,
4 for eligible recipients, except operating expenses
5 shall be eligible for funding under this sub-
6 section for 2 years beginning on the first day
7 of revenue service in urbanized areas with popu-
8 lations greater than 200,000.

9 (B) NEW OR ENHANCED SERVICE.—The
10 new or enhanced service funded under this sub-
11 section shall be operated for a period of at least
12 5 years.

13 (7) GRANT SOLICITATION.—The Secretary may
14 provide funds authorized under this subsection
15 through 1 or more notices of funding opportunity.

16 (8) JUSTICE40 INITIATIVE.—In making com-
17 petitive grants under this subsection, the Secretary
18 shall, to the extent practicable, have a goal that 40
19 percent of the overall benefits of the Federal invest-
20 ment flow to disadvantaged communities, consistent
21 with sections 219 and 223 of Executive Order 14008
22 and related regulations, Executive Orders, and ad-
23 ministrative guidance.

24 (9) AVAILABILITY OF AMOUNTS.—Any amounts
25 made available under this subsection—

1 (A) shall remain available for 2 fiscal years
2 after the fiscal year for which the amount is
3 made available; and

4 (B) that remain unobligated at the end of
5 the period described in subparagraph (A) shall
6 be made available to other eligible projects.

7 (10) AUTHORIZATION OF APPROPRIATIONS.—
8 There is authorized to be appropriated out of the
9 Mass Transit Account \$1,000,000,000 for fiscal
10 year 2022 to provide grants under this subsection.

11 (11) DEFINITIONS.—In this subsection:

12 (A) ELIGIBLE AREA.—The term “eligible
13 area” means a neighborhood or service area, as
14 defined by the Secretary, within an urbanized
15 area that has a population of more than
16 100,000 where fewer than 45,000 annual fixed
17 route bus vehicle revenue miles per square mile
18 are operated.

19 (B) ELIGIBLE RECIPIENT.—The term “eli-
20 gible recipient” means—

21 (i) designated recipients that allocate
22 funds to fixed route bus operators or ex-
23 press lane transit operators; or

24 (ii) State or local governmental enti-
25 ties that operate or propose to operate

1 fixed route bus service or express lane
2 transit.

3 (C) EXPRESS LANE TRANSIT.—The term
4 “express lane transit” means an integrated
5 combination of bus rapid transit and tolled
6 managed lanes that allows for limited access
7 entry of toll paying vehicles to restricted lanes,
8 while prioritizing transit’s need and use of
9 available capacity in order to improve transit
10 performance.

11 (c) FEDERAL SHARE ADJUSTMENTS.—

12 (1) IN GENERAL.—In addition to amounts
13 made available under section 5338(b) of title 49,
14 United States Code, and section 102(a)(2)(B)(iii) of
15 this division, there are authorized to be appropriated
16 for fiscal year 2022 such sums as may be necessary
17 to increase the Federal share, at the request of the
18 project sponsor, of a new fixed guideway, a core ca-
19 pacity improvement, or a small starts project that is
20 not open to revenue service and that has received an
21 allocation of funding in fiscal years 2019, 2020, or
22 2021.

23 (2) CRITERIA.—In making allocations under
24 subparagraph (1), the Secretary shall take into con-
25 sideration the extent to which the project sponsor

1 demonstrates a need for a higher Federal share, in-
2 cluding the extent to which—

3 (A) a project sponsor made a local finan-
4 cial commitment that exceeded 20 percent of
5 the cost of the project; and

6 (B) a project sponsor has experienced, as
7 a result of the coronavirus public health emer-
8 gency.

9 (3) **ADJUSTMENT.**—Notwithstanding any other
10 provision of law, if a project meets 1 or both of the
11 criteria in paragraph (2), the Secretary shall in-
12 crease the Federal share of a project under this sec-
13 tion by up to 30 percent, up to a maximum of an
14 80 percent Federal share.

15 (4) **AMOUNT.**—Amounts distributed under this
16 subsection shall be provided notwithstanding the lim-
17 itation of any calculation of the maximum amount of
18 Federal financial assistance for the project for a new
19 fixed guideway, a core capacity improvement, or a
20 small start project.

21 **SEC. 105. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINIS-**
22 **TRATION.**

23 (a) **SPECIAL FUNDING FOR FISCAL YEAR 2022.**—

24 (1) **IN GENERAL.**—

1 (A) AUTHORIZATION OF APPROPRIA-
2 TIONS.—In addition to amounts authorized
3 under section 102, there is authorized to be ap-
4 propriated from the Highway Account for fiscal
5 year 2022, for activities under this subsection,
6 \$244,514,000.

7 (B) CONTRACT AUTHORITY.—Amounts au-
8 thorized under subparagraph (A) shall be avail-
9 able for obligation in the same manner as if
10 such funds were apportioned under chapter 1 of
11 title 23, United States Code.

12 (C) OBLIGATION LIMITATION.—Notwith-
13 standing any other provision of law, for fiscal
14 year 2022, obligations for activities authorized
15 under this paragraph and obligations for activi-
16 ties authorized under section
17 102(a)(2)(A)(i)(II)(bb) that exceed amounts au-
18 thorized under section 4001(a)(6) of the FAST
19 Act (Public Law 114–94) shall not exceed
20 \$247,783,000.

21 (2) DISTRIBUTION OF FUNDS.—Amounts au-
22 thorized to be appropriated for fiscal year 2022
23 under paragraph (1) shall be distributed as follows:

24 (A) \$105,000,000 for carrying out section
25 402 of title 23, United States Code.

1 (B) \$15,312,000 for carrying out section
2 403 of title 23, United States Code.

3 (C) \$19,202,000 for carrying out section
4 404 of title 23, United States Code.

5 (D) \$105,000,000 for carrying out section
6 405 of title 23, United States Code.

7 (b) COOPERATIVE RESEARCH AND EVALUATION.—
8 Notwithstanding the apportionment formula set forth in
9 section 402(c)(2) of title 23, United States Code, and sec-
10 tion 403(f)(1) of title 23, United States Code, \$2,500,000
11 of the total amount available for apportionment to the
12 States for highway safety programs under section
13 402(c)(2) of title 23, United States Code, fiscal year 2022,
14 shall be available for expenditure by the Secretary, acting
15 through the Administrator of the National Highway Traf-
16 fic Safety Administration, for a cooperative research and
17 evaluation program to research and evaluate priority high-
18 way safety countermeasures.

19 **SEC. 106. FEDERAL MOTOR CARRIER SAFETY ADMINISTRA-**
20 **TION.**

21 (a) SPECIAL FUNDING FOR FISCAL YEAR 2022.—

22 (1) AUTHORIZATION OF APPROPRIATIONS.—

23 (A) IN GENERAL.—In addition to amounts
24 authorized under section 102, there is author-
25 ized to be appropriated from the Highway Ac-

1 count for fiscal year 2022, for activities under
2 this subsection, \$209,900,000.

3 (B) OBLIGATION LIMITATION.—Notwith-
4 standing any other provision of law, for fiscal
5 year 2022, obligations for activities authorized
6 under this paragraph shall not exceed
7 \$209,900,000.

8 (2) DISTRIBUTION OF FUNDS.—Amounts au-
9 thorized to be appropriated for fiscal year 2022
10 under paragraph (1) shall be distributed as follows:

11 (A) Subject to section 31104(c) of title 49,
12 United States Code—

13 (i) \$80,512,000 for carrying out sec-
14 tion 31102 (except subsection (l)) of title
15 49, United States Code);

16 (ii) \$14,208,000 for carrying out sec-
17 tion 31102(l) of title 49, United States
18 Code; and

19 (iii) \$23,680,000 for carrying out sec-
20 tion 31313 of title 49, United States Code.

21 (B) \$91,500,000 for carrying out section
22 31110 of title 49, United States Code.

23 (3) TREATMENT OF FUNDS.—Amounts made
24 available under this section shall be made available

1 for obligation and administered as if made available
2 under chapter 311 of title 49, United States Code.

3 (b) ADMINISTRATIVE EXPENSES.—The Adminis-
4 trator of the Federal Motor Carrier Safety Administration
5 shall ensure that funds made available under subsection
6 (a)(2)(B) are used, to the maximum extent practicable,
7 to support—

8 (1) the acceleration of planned investments to
9 modernize the Administration’s information tech-
10 nology and information management systems;

11 (2) the completion of outstanding statutory
12 mandates required by MAP–21 (112–141) and the
13 FAST Act (114–94); and

14 (3) a Large Truck Crash Causal Factors Study
15 of the Administration.

16 **SEC. 107. MEMBER DESIGNATED PROJECT AUTHORIZA-**
17 **TIONS.**

18 (a) MEMBER DESIGNATED PROJECTS.—The amount
19 listed for each member designated project in the table in
20 subsection (c) shall be available (from amounts made
21 available by paragraphs (1), (3), and (4) of section 103(c))
22 for fiscal year 2022 to carry out each such project.

1 (b) SAVINGS CLAUSE.—

2 (1) ADDITIONAL INFORMATION.—In admin-
3 istering member designated projects, the Secretary
4 shall consider the additional information provided in
5 the Committee Report, or any subsequent report
6 superceding such Committee Report, accompanying
7 this Act.

8 (2) SUBSEQUENT PHASES.—

9 (A) IN GENERAL.—Subject to subpara-
10 graph (B), nothing in the table in subsection
11 (c), or in the Committee Report, or any subse-
12 quent report superceding such Committee Re-
13 port, accompanying this Act, shall prevent the
14 Secretary, at the discretion of the Secretary,
15 from allowing a subsequent phase of a member
16 designated project to be carried out with funds
17 reserved for such project under subsection (c).

18 (B) PROJECT SPONSOR CONCURRENCE.—
19 The Secretary shall only allow under this para-
20 graph a subsequent phase of a member des-
21 ignated project to be carried out with funds re-
22 served for such project under subsection (c)
23 with the concurrence of the project sponsor for
24 such project listed in the Committee Report, or

1 any subsequent report superseding such Com-
 2 mittee Report, accompanying this Act.

3 (3) REPURPOSING.—Nothing in the table in
 4 subsection (c), or the Committee Report, or any sub-
 5 sequent report superceding such Committee Report,
 6 accompanying this Act, shall prevent funds reserved
 7 for a member designated project from being
 8 repurposed as described in section 103(i)(2), pro-
 9 vided that all requirements in such section are satis-
 10 fied.

11 (c) PROJECT DESIGNATIONS.—The table in this sub-
 12 section is as follows:

No.	Project Name	City	State/Ter- ritory	Amount
1	Cowles Street Reconstruc- tion	Fairbanks	AK	7,955,000
2	Replace Bridge 114.3	Anchorage	AK	6,421,200
3	Seldon Road Extension, Phase 2	Wasilla	AK	5,623,800
4	Alabama State Highway 77 Northbound Bridge Re- placement Project	Southside	AL	2,396,200
5	Lighting and Landscaping on I-85 at Exit 57	Auburn	AL	1,840,000
6	Realignment of SR-22 to US-431	Roanoke	AL	8,005,000

No.	Project Name	City	State/Territory	Amount
7	Red Bay Interchange Lighting at SR-24 (Corr V) and SR-19	Red Bay	AL	860,000
8	Widening of Hwy 411	Moody	AL	509,000
9	Bridge Replacement on CR-39	Montgomery	AL	2,339,717
10	Bridge Replacement over Sipsy River	Greene and Pickens Counties	AL	3,296,963
11	Dallas County—Bridge Replacement on SR-14	Dallas County	AL	6,239,939
12	Resurfacing on US-43	Marengo County	AL	1,616,000
13	Resurfacing on US-84	Choctaw County	AL	1,616,000
14	Streetscape—Civil Rights District Freedom Trail	Birmingham	AL	2,000,000
15	Streetscape—Richard Arrington Blvd Safety Improvements	Birmingham	AL	1,969,664
16	Future I-57	Clay County	AR	20,000,000
17	56th Street Roadway Mobility and Safety Improvements	Phoenix	AZ	5,000,000
18	5th/6th Street Complete Streets Project	Tucson	AZ	7,000,000
				<i>3,500,000</i>
				<i>3,500,000</i>
19	77th Street Access Improvements	Scottsdale	AZ	1,102,748
20	Chino Road Extension Phase II	Douglas	AZ	2,910,000
21	Cool Pavement Program	Phoenix	AZ	3,200,000

No.	Project Name	City	State/Territory	Amount
22	Davis Road Mileposts 5 & 13	Tombstone and McNeal	AZ	4,000,000
23	Downtown Electric Vehicle Charging Stations	Phoenix	AZ	2,400,000
24	Drexel Road Extension and Bridge Project	Tucson	AZ	5,000,000
25	Electric Bus Infrastructure	Flagstaff	AZ	1,485,000
26	Flashing Yellow Arrow (FYA) Phase III	Glendale	AZ	800,000
27	Grand Canalscape Improvements Phase IV: 47th Avenue to Interstate 17	Phoenix	AZ	5,000,000
28	Highline Canal Recreational Path Lighting Replacement	Guadalupe	AZ	501,824
29	I-10, Loop 202 to SR 387	Phoenix	AZ	5,000,000
30	Intersection Safety Improvements at Six High-Crash Locations in Phoenix	Phoenix	AZ	5,760,000
31	Kyrene Branch Canal Shared Use Path	Chandler	AZ	1,758,000
32	Lone Tree Corridor	Flagstaff	AZ	8,000,000
33	Pathway Project, Baffert Dr to Nogales High School	Nogales	AZ	1,220,169
34	Peters Road Widening	Casa Grande	AZ	5,000,000

No.	Project Name	City	State/Territory	Amount
35	San Xavier Road Pedestrian Pathway Project	Tucson	AZ	814,000
36	Sonoran Corridor Tier II EIS	Tucson	AZ	5,000,000
37	South Campbell Avenue Complete Streets Project	Tucson	AZ	6,209,831
38	Tempe/Mesa Streetcar Rio Salado East Extension	Tempe and Mesa	AZ	4,000,000
39	Tucson Regional North-South Bus Rapid Transit (BRT) Corridor	Tucson	AZ	6,512,000
				<i>3,256,000</i>
				<i>3,256,000</i>
40	US89/ Lake Powell Blvd Roundabout	Page	AZ	5,000,000
				<i>2,500,000</i>
				<i>2,500,000</i>
41	California State Route 57/60 Confluence Chokepoint Relief Program	Diamond Bar	CA	18,000,000
42	Cohasset Road Widening and Fire Safety Project	Cohasset	CA	900,000
43	Commerce Center Drive Bridge, Los Angeles County	Unincorporated Los Angeles County	CA	3,666,666
44	Creating the Next-Generation Santa Ana Regional Transportation Center	Santa Ana	CA	1,280,000

No.	Project Name	City	State/Territory	Amount
45	First Avenue Bridges Replacement over Mojave River and Overflows	Barstow	CA	7,000,000
46	First Street Pedestrian Improvements	Santa Ana	CA	4,000,000
47	Fix 5 Cascade Gateway	Redding	CA	15,000,000
48	Harbor Boulevard Street Improvements	Garden Grove	CA	6,248,303
49	Intersection Safety Improvements Projects	Anaheim	CA	750,000
50	Interstate 10/Wildwood Canyon Road Interchange Project	Yucaipa	CA	1,000,000
51	Interstate 15 (I-15)/State Route 78 (SR-78) Managed Lanes Project	Escondido	CA	20,000,000
52	Interstate 15 Corridor Operations Project	Corona	CA	3,000,000
53	National Trail Highway Widening	Victorville	CA	5,000,000
54	Plant 42 Access and Safety Enhancements	Palmdale	CA	8,666,666
55	Quick Fix Circulation Improvement Project	Santa Clarita	CA	3,666,666
56	Roe Road Extension Project— Phase 1	Paradise	CA	1,800,000

No.	Project Name	City	State/Territory	Amount
57	Scott Road/ Bundy Canyon Road Widening Project	Menifee	CA	12,000,000
58	Sequoia Avenue Railroad Grade Cross- ing Upgrade	Simi Valley	CA	4,000,000
59	Southgate Interchange (EIR Only)	Chico	CA	1,800,000
60	SR-210 5th Street Inter- change	Highland	CA	3,000,000
61	State Route 41 Excelsior Corridor Project	Fresno County	CA	20,000,000
62	Temeseal Can- yon Road Widening Project (El Cerrito Seg- ment)	Corona	CA	5,000,000
63	The Anaheim Way: Night Owl Transit Service	Anaheim	CA	650,000
64	Transit Secu- rity & Oper- ations Center	Anaheim	CA	5,000,000
65	US395 Olancho- Cartago 4 Lane Project	Olancho, Cartago	CA	2,000,000
66	“P” Street Op- erating Main- tenance Fa- cility Reha- bilitation Project	San Bernardino	CA	2,000,000
67	Street Resur- facing Project	Daly City	CA	1,000,000
68	5 and 134 Freeway Electric Vehi- cle DC Fast Charging Network	Burbank	CA	1,000,000
				500,000

No.	Project Name	City	State/Territory	Amount
				<i>500,000</i>
69	7th Street Bridge	Modesto	CA	6,500,000
70	ADA Curb-Ramp and Sidewalk Improvements	Long Beach	CA	1,450,000
71	Additional Mini Highs at Caltrain Stations	San Francisco, Burlingame, San Mateo, Belmont, Palo Alto, Mountain View, Sunnyvale, San Jose, Morgan Hill, San Martin, and Gilroy	CA	856,000
				<i>306,000</i>
				<i>550,000</i>
72	Agnew Siding Track Infrastructure Project	Santa Clara	CA	6,610,000
73	Alder Avenue Improvements at SR-210	Rialto	CA	2,380,000
74	Altadena Community Safe Routes to School Plan	Altadena	CA	480,000
75	Amar Road Complete Streets from Baldwin Park Boulevard to Unruh Avenue, Unincorporated West Puente Valley, CA	La Puente	CA	2,250,000
76	Anaheim Street Corridor Improvements	Long Beach	CA	12,000,000
77	Antioch Bicycle Garden	Antioch	CA	2,000,000
78	Appian Way Pedestrian Crossing Enhancements	El Sobrante	CA	2,000,000

No.	Project Name	City	State/Territory	Amount
79	Arcade-Cripple Creek Trail (formerly Electric Greenway Trail)	Citrus Heights and Orangevale	CA	1,100,000
80	Arrow Highway Median Island Installation Project from Azusa Avenue to Citrus Avenue	Azusa	CA	3,000,000
81	Arrow Highway Rehabilitation Project from East City Limit to West City Limit	San Dimas	CA	1,600,000
82	Artesia Great Boulevard	Long Beach	CA	8,000,000
83	At-grade Caltrain Crossing Safety Project—E. Bellevue Avenue and Villa Terrace	San Mateo	CA	3,000,000
84	Atlantic Avenue Improvements	Los Angeles	CA	5,200,000
85	Atwater-Merced Expressway (AME) Phase 1B Right of Way acquisition	Merced	CA	2,000,000
86	Azusa Avenue Pedestrian Handicap Accessibility & Signal Synchronization Improvements Project	West Covina	CA	3,000,000

No.	Project Name	City	State/Territory	Amount
87	Bay Bridge Forward – I-80/Powell Street Transit Access and I-80 Westbound Bus Lane Extension	Emeryville and Oakland	CA	3,000,000
88	Bay Trail at Shoreline Park	San Leandro	CA	3,000,000
89	Bay Trail Connectivity—Vista Point Bay Trail	Sausalito	CA	1,300,000
90	Belmont Alameda de las Pulgas Corridor Project	Belmont	CA	2,400,000
91	Beverly and Robertson Boulevards Complete Street Improvements	West Hollywood	CA	3,000,000
92	Boulder Creek Complete Streets Improvements Project	Boulder Creek	CA	1,500,000
93	Broadway Rehabilitation Project	Glendale	CA	2,008,000
94	Build a non-motorized multi-use path along State Route 1, connecting the communities of Morro Bay and Cayucos in San Luis Obispo County	Cayucos	CA	4,000,000

No.	Project Name	City	State/Territory	Amount
95	Bus/Rail Support Facilities and Equipment (Trolley Yard Expansion Project)	San Diego	CA	2,000,000
96	Cabrillo Mole Phase II	Avalon	CA	6,700,000
97	Caltrain Crossing Optimization Project	San Jose	CA	315,000
98	Camino Pablo Pathway Rehabilitation Project	Orinda	CA	528,000
99	Capital South-East Connector—Segment D3 Class 1 Multi-Use Path and Broadband	Folsom	CA	2,000,000
100	Central Avenue Safety Improvement Project – Additional Roundabout	Alameda	CA	1,800,000
101	Central Mobility Hub Pre-Construction Project	San Diego	CA	25,000,000
				<i>12,500,000</i>
				<i>12,500,000</i>
102	Chandler Blvd Bike Path Gap Closure	Los Angeles	CA	400,000
103	Chapman Avenue/Lamplighter Street Traffic Signal	Garden Grove	CA	400,000
104	Chip Seal Program	Lakeport	CA	2,288,000
105	City of Ojai Electric Trolley	Ojai	CA	440,000

No.	Project Name	City	State/Territory	Amount
106	City of San Fernando Fixed Trolley Service – Electric Buses	City of San Fernando	CA	1,340,000
107	City of San Fernando Sidewalk Repair Project	City of San Fernando	CA	844,800
108	City of Vista Sidewalk Improvement Project on Nevada Avenue and Lemon Avenue	Vista	CA	820,368
109	Community Beautification Project	Glendale	CA	2,400,000
110	Cool Neighborhood Projects	Los Angeles	CA	1,000,000
111	Covina Grade Crossing Safety Projects throughout Metrolink Corridor	Covina	CA	3,000,000
112	Cudahy City-wide Complete Streets Improvement Project	Cudahy	CA	1,700,000
113	CUFC—Washington Street Widening Project	Stockton	CA	1,200,000
114	Culver CityBus Fleet Electrification Facility Infrastructure	Culver City	CA	3,500,000
115	Del Amo Boulevard Bridge Replacement and Signal Enhancements Project	Cerritos	CA	18,000,000

No.	Project Name	City	State/Territory	Amount
116	Destination Crenshaw Streetscape Improvement Project	Los Angeles	CA	7,600,000
117	Downtown Mobility Phase 3A	San Diego	CA	5,600,000
118	Duarte—Donald & Bernice Watson Multi-Use Pathway Improvement Project	Duarte	CA	1,225,000
119	East Bayshore Road Safety Improvements	East Palo Alto	CA	1,000,000
120	East Los Angeles Community Mobility	Los Angeles	CA	800,000
121	East Oakland Hydrogen Fueling Upgrade	Oakland	CA	2,000,000
122	East San Fernando Valley Traffic Signals on the High Injury Network	Van Nuys and North Hollywood	CA	1,797,312
123	East San Fernando Valley Transit Corridor (ESFVTC) Transit-Oriented Community (TOC) Plan	Van Nuys, Arleta, Pacoima	CA	1,236,000
124	East San Fernando Valley Transit Corridor Project	City of San Fernando to Van Nuys	CA	10,000,000
125	East San Jose Corridor Safety Improvement Project	San Jose	CA	4,700,000

No.	Project Name	City	State/Territory	Amount
126	El Camino Real to Via De LaValle	San Diego	CA	2,500,000
127	El Cerrito del Norte Area TOD Complete Streets Improvements Project	El Cerrito	CA	2,244,000
128	Electric Vehicle Car Share Program	San Pedro	CA	120,650
129	Elm Avenue Road Diet Reconstruction and Class IV-Ventura/California to North Avenue	Fresno	CA	3,750,000
130	Embarcadero Station Platform Elevator Capacity and Redundancy Project	San Francisco	CA	6,250,000
131	Emerald Necklace Quarry Clasp Peck Park Trail	Arcadia	CA	1,548,800
132	Evelyn Avenue Multi-Use Trail	Sunnyvale	CA	3,800,000
133	Flint Canyon Trail Repair/Restoration	La Cañada Flintridge	CA	4,800,000
134	Florence A Line FLM Improvements	Los Angeles	CA	4,000,000
135	Francisquito Avenue Metrolink At-Grade Safety Improvements	Baldwin Park	CA	2,300,000
136	Gardena GTrans Zero-Emission Bus Project	Gardena	CA	4,400,000
137	Garfield Avenue Complete Streets	San Pedro	CA	1,500,000

No.	Project Name	City	State/Territory	Amount
138	Glendora People Movement	Glendora	CA	5,000,000
139	Gold Line Light Rail Low Floor Station Conversion	Folsom and Rancho Cordova	CA	1,913,788
140	Golden Gate Bridge Physical Suicide Deterrent System (SDS) Project	San Francisco	CA	6,550,000
141	Hale Avenue/Santa Teresa Expressway Extension Phase 2A	Morgan Hill	CA	800,000
142	Harbor Drive 2.0	San Diego and National City	CA	800,000
				<i>400,000</i>
				<i>400,000</i>
143	Hawthorne—120th Street Improvement Project	Hawthorne	CA	950,000
144	High Voltage Conversion Fed Program Unit 2	City of Los Angeles	CA	347,200
145	Highland Avenue and Wabash Avenue Intersection Improvement Project	Redlands	CA	400,000
146	Highway 1 North Bicycle/Pedestrian Improvements Project	Half Moon Bay	CA	1,000,000
147	Highway 116/West Cotati Intersection Safety Improvement Project	Cotati	CA	2,000,000

No.	Project Name	City	State/Territory	Amount
148	Highway 24 LaMorinda Smart Signal System project	Orinda and Lafayette	CA	2,000,000
149	Highway 9 Safety Im- provement Project	Monte Serenio	CA	520,000
150	Highways to Boulevards	Los Angeles	CA	480,000
151	I Street Bridge Replacement Project	Sacramento and West Sacramento	CA	15,000,000
152	I-405 Sepul- veda Pass (Phase 1) ExpressLanes	Los Angeles	CA	5,000,000
153	I-505 Vaca Valley Park- way Corridor Multimodal Improve- ments Project	Vacaville	CA	4,000,000
154	Inglewood Transit Con- nector (ITC)	Inglewood	CA	9,200,000
155	Interstate 15 Northern Ex- tension (I-15 NEXT)	Jurupa Val- ley and Eastvale	CA	20,000,000
156	Jepson Park- way Vanden Road Com- plete Streets Project to Travis Air Force Base	Fairfield	CA	7,460,000
157	LA Streetcar Power Utility Relocations	Los Angeles	CA	2,000,000
158	Lawndale—Re- dondo Beach Blvd Project	Lawndale	CA	1,000,000
159	Leesdale Pass- ing Siding Extension and Upgrade, Ventura County, CA	Camarillo	CA	6,000,000

No.	Project Name	City	State/Territory	Amount
160	Leucadia Streetscape Phase 2 (Shown in the TransNet as North Coast Highway 101 Beautification)	Encinitas	CA	4,000,000
161	Liberty Canyon (Crossing)	Agoura Hills	CA	5,000,000
162	Link Union Station	Los Angeles	CA	5,000,000
163	Los Nietos Sunshine Shuttle Electric Bus Replacement	Unincorporated Los Nietos	CA	480,000
164	LOSSAN Corridor Improvements	Del Mar	CA	12,500,000
165	Malaga Bridge Project	Fontana	CA	15,000,000
166	Market Avenue Complete Street	N. Richmond	CA	2,170,000
167	Melrose Avenue Complete Street Improvements	West Hollywood	CA	4,944,149
168	Metro Purple Line Beverly/Wilshire North Portal Project	City Beverly Hills	CA	5,000,000
169	Middle Avenue Pedestrian/Bicycle Rail Crossing Project	Menlo Park	CA	6,500,000
170	Mission Bl/Pine St Safety Improvement Project	Fremont	CA	2,000,000
171	Mobility for All Project	N. Richmond and Bay Point	CA	2,000,000
172	Mobility Wallet Demonstration and Research Study	Los Angeles County	CA	4,000,000

No.	Project Name	City	State/Territory	Amount
173	Monroe Street Interchange Project	Indio	CA	20,000,000
174	Napa Valley Vine Trail—Yountville to St. Helena	St. Helena	CA	3,000,000
175	New Traffic Signal at Morrison and Sepulveda	Los Angeles	CA	710,000
176	New Traffic Signal at Plummer and White Oak Avenue	Los Angeles	CA	710,400
177	New Traffic Signal at Scott Creek Rd/ Zinfandel St	Fremont	CA	950,000
178	New Transit Maintenance Facility	Commerce	CA	2,000,000
179	North San Jose Bike Plan Implementation	San Jose	CA	3,838,348
180	Oakland 7th St Bike/Ped Improvements	Oakland	CA	2,500,000
181	Oakland Alameda Access Project	Oakland and Alameda	CA	2,996,000
182	Ojai Avenue Pedestrian Crossing Safety Lighting Improvements	Ojai	CA	440,000
183	Old I Street Bridge Deck Conversion for Active Transportation Project	West Sacramento	CA	4,150,000
184	Old Town Streetscape Phase 2	Elk Grove	CA	2,000,000

No.	Project Name	City	State/Territory	Amount
185	Olive/Magnolia Bridge Safety Barrier Rail Project	Burbank	CA	2,000,000
186	Otay Mesa Truck Route Phase 4	San Diego	CA	1,300,000
187	Overlook and Viewpoint Improvements to end of Mouth of Smith River Road	Smith River	CA	500,000
188	Pacific Coast Highway at Crenshaw Boulevard Intersection Capacity Enhancements	City of Torrance	CA	652,800
189	Parkway Drive and Merced Street Bicycle and Pedestrian Improvements	El Monte	CA	2,600,000
190	Pedestrian, ADA, Traffic Signal and Pavement Improvements along Bus Routes	Temple City	CA	6,200,000
191	Pine Avenue Extension	Chino	CA	5,000,000
192	Port of Hueneume Intermodal Improvement Project to Modernize the Port Wharf and Pier and Cargo Facilities	Oxnard	CA	3,000,000

No.	Project Name	City	State/Territory	Amount
193	Port of Oakland Solar, Battery Storage and Electric Vehicle Truck Charger Deployment	Oakland	CA	1,000,000
194	Puddingstone Drive Bicycle and Pedestrian Project	La Verne	CA	998,000
195	Purchase of eleven Battery-Electric Buses—SLORTA	San Luis Obispo	CA	5,000,000
196	Quint-Jerrold Connector Road	San Francisco	CA	7,200,000
197	Rail to Rail/River Active Transportation Corridor Project	Los Angeles	CA	5,000,000
198	Reche Canyon Road Alignment	Colton	CA	4,452,000
199	Replacement of 2nd Street Bridge over Warm Creek	San Bernardino	CA	2,000,000
200	Resilient State Route 37 Corridor Enhancement Program	Sonoma	CA	7,000,000
201	Richmond Parkway Transit Center and Freeway Access Improvements	Richmond	CA	1,000,000
202	San Fernando Road Bike Path Phase III	Sun Valley and North Hollywood	CA	594,027

No.	Project Name	City	State/Territory	Amount
203	San Francisco Bay Area Rapid Transit (BART) Station Restroom and Lighting Enhancements	Oakland, San Leandro, Berkeley	CA	3,000,000
204	San Francisco Bay Area regional advance mitigation program	Alameda, Contra Costa, and Santa Clara counties	CA	5,000,000
205	San Pablo Avenue Rehabilitation, City Limits to Pinole Shores	Pinole	CA	742,000
206	San Rafael Channel Crossing Swing Bridge	San Rafael	CA	2,000,000
207	Santa Cruz METRO Bus Replacements	Santa Cruz	CA	1,840,000
208	Santa Cruz Paratransit Vans Replacement Project	Santa Cruz	CA	505,750
209	Saratoga Pedestrian Walkway Project	Saratoga	CA	1,200,000
210	Scotts Creek Coastal Resiliency Project	Unincorporated Santa Cruz County north of Davenport	CA	3,500,000
211	Sepulveda Transit Corridor	City of Los Angeles	CA	10,000,000
				<i>5,000,000</i>
				<i>5,000,000</i>
212	Serramonte Boulevard and Serramonte Center Driveway Traffic Signal	Colma	CA	400,000

No.	Project Name	City	State/Territory	Amount
213	Sharp Park Priority Development Area (PDA) Access Resurfacing Project	Pacifica	CA	960,000
214	Slauson Avenue Congestion	Huntington Park	CA	1,000,000
215	SMART Russian River Rail Bridge Rehabilitation	Healdsburg	CA	13,606,840
216	Solar Energy Project (Phase 2)	Stockton	CA	5,300,000
217	SR 86 Improvement Project	Imperial	CA	3,000,000
218	SR128/I-505 Overcrossing (Br. 22-0110)/Russell Blvd Bicycle and Pedestrian Improvements	Winters	CA	8,540,000
219	State Route 11/Otay Mesa East Port of Entry	San Diego	CA	12,500,000
220	State Route 132 West Project	Modesto	CA	12,000,000
221	State Route 25 Expressway Conversion and State Route 25/156 Interchange Project	Hollister	CA	10,000,000
222	State Route 37 and Fairgrounds Drive Interchange Improvements	Vallejo	CA	4,000,000

No.	Project Name	City	State/Territory	Amount
223	State Route 99 Madera South—Operational Improvement Project	Madera	CA	10,000,000
224	Stockton Rail Maintenance Facility Expansion	Stockton	CA	6,715,000
225	Sustainable Mobility Expansion Project	Redlands	CA	1,756,630
226	Tarzana Crossing Great Streets Project	Tarzana— Los Angeles	CA	500,000
227	The Highway 101 Multimodal Corridor Project from Santa Barbara to Montecito with improvements on Highway 101 (SB-101-PM 9.1/12.3) and Adjacent Local Streets including the Cabrillo Boulevard Bicycle and Pedestrian Improvement Project	Santa Barbara	CA	11,000,000
228	Thornton Avenue Pavement Rehabilitation	Newark	CA	2,000,000
229	Torrance to Florence Bus Service	Torrance	CA	4,432,924

No.	Project Name	City	State/Territory	Amount
230	Track Rehabilitation of the San Bernardino Line	City of Rancho Cucamonga, California spanning to the City of Montclair, California including the cities of Rancho Cucamonga, Upland, and Montclair	CA	2,000,000
231	Traffic Signal System Upgrades on I-680 Project	Danville, Walnut Creek, Concord, Pleasant Hill	CA	6,000,000
232	Tri MyRide Fleet Expansion Project	Antioch	CA	1,760,000
				<i>880,000</i>
				<i>880,000</i>
233	TRI-CONNECT, SoCal Freight Initiative	Los Angeles	CA	3,357,895
234	U.S. 101 and Del Norte Boulevard Interchange	Oxnard	CA	3,000,000
235	Union Street Protected Bike Lanes	Pasadena	CA	1,600,000
236	US 101 / Woodside Interchange Improvement	Redwood City	CA	2,500,000
237	US 101 Safety Improvements—South of Salinas	Salinas and Chualar (Monterey County)	CA	2,000,000
238	US 101/SR 25 Interchange Phase 2—Santa Teresa Boulevard Extension	Gilroy	CA	5,000,000

No.	Project Name	City	State/Territory	Amount
239	US-101 Managed Lane Project North of I-380	San Mateo	CA	10,000,000
240	Valley Link—Implementation of Sustainability Blueprint	Livermore	CA	20,000,000
241	Vasco Road Safety Improvements Phase II	Byron	CA	3,905,000
242	Vermont Transit Corridor Improvements	Los Angeles	CA	10,000,000
				<i>3,900,000</i>
				<i>6,100,000</i>
243	Walnut Park Bus Stop Improvements	Walnut Park	CA	1,200,000
244	Walnut Park Pedestrian Plan Implementation	Walnut Park	CA	1,200,000
245	Warm Springs Grade Crossing Improvements	San Jose	CA	7,703,100
246	West Berkeley Bicycle and Pedestrian Improvements	Berkeley	CA	704,000
247	West San Jose Priority Bikeways Implementation Project	San Jose	CA	3,285,680
248	West Santa Ana Branch Transit Corridor	Los Angeles	CA	5,000,000
249	West Valley Connector Bus Rapid Transit—Phase 1, and Zero-Emission Bus Initiative	San Bernardino	CA	5,000,000

No.	Project Name	City	State/Territory	Amount
250	White Rock Road—0.5 Miles East of Rancho Cordova Parkway to the Easterly City Limits	Rancho Cordova	CA	12,307,000
251	Widen Central Ave to add new Class II Bike Lanes near U.S. 101 to the northwest city limits	Camarillo	CA	4,000,000
252	Wilmington Waterfront-Avalon Pedestrian Bridge	Wilmington	CA	1,000,000
253	Woodman Ave. Pedestrian Improvement Project	Panorama City	CA	3,256,591
254	Ygnacio Valley Road Project	Walnut Creek	CA	1,000,000
255	Yosemite Area Regional Transportation System	Merced	CA	2,250,000
256	Zero Emission Bus Replacements, Charging Infrastructure and Zero Emissions Job Training	Oxnard	CA	1,675,000
257	Zero Emission Buses and Charging Infrastructure	Wilmington	CA	5,000,000
258	Zero Emissions Bus Purchase—Pasadena, CA	Pasadena	CA	2,100,000
259	16th St Mall Reconstruction Program	Denver	CO	6,530,000

No.	Project Name	City	State/Territory	Amount
260	Aurora Bicycle and Pedestrian Master Plan Update	Aurora	CO	800,000
261	Big Barnes Ditch Trail Improvements	Loveland	CO	500,000
262	Cameron Peak Post-Fire Emergency Funding	Larimer County	CO	2,000,000
263	Central Corridor Rail Replacement	Denver	CO	7,930,000
264	CO 9 Widening from Iron Springs to Frisco	Summit County	CO	1,000,000
265	Easter/Havana Intersection Improvements	Centennial	CO	6,000,000
266	Eisenhower Johnson Memorial Tunnel (EJMT) Repairs and Upgrades	Dillon	CO	4,000,000
267	Expansion of Gun Club Road	Aurora	CO	1,500,000
268	Federal Parkway Multimodal Transportation Improvements	Westminster	CO	4,107,114
269	Frisco Transit Center	Frisco	CO	6,650,000
270	I-25 Valley Highway: Phases 3 and 4 ROW Acquisition	Denver	CO	5,530,000
271	I-25/Bellevue Avenue Interchange Improvements	Greenwood Village	CO	10,000,000
272	I-70 and 32nd Ave. Bridge Replacement	Wheat Ridge	CO	2,000,000

No.	Project Name	City	State/Territory	Amount
273	SH-72 (Indiana St) Widening at UPRR	Arvada	CO	1,095,872
274	State Highway 119 and State Highway 52 Multimodal Intersection Improvements	Boulder County	CO	5,000,000
275	US 36 and Community Drive Roundabout	Estes Park	CO	850,000
276	Wadsworth Widening: 35th Avenue to I-70	Wheat Ridge	CO	10,000,000
277	West Colfax Pedestrian Safety and Infrastructure Project	Lakewood	CO	1,750,000
278	Branchville Transit Oriented Development Pedestrian/Bicycle Improvement	Ridgefield	CT	1,853,120
279	Comstock Brook Bridge (No. 04975) Replacement	Wilton	CT	2,400,000
280	Coventry Main Street Sidewalk Project Final Extension	Coventry	CT	1,200,000
281	CT-195 (Storrs Road) Pedestrian Safety Improvements	Mansfield	CT	2,240,000
282	East Haddam/Haddam Swing Bridge Rehabilitation Project	East Haddam	CT	5,000,000

No.	Project Name	City	State/Territory	Amount
283	Essex River Road Bridge and Sidewalk Project	Essex	CT	2,400,000
284	Five Mile River Bridge (No. 04152) Replacement	Norwalk	CT	2,860,000
285	Greater Hartford Mobility Study – Planning and Preliminary Engineering	Hartford and East Hartford	CT	16,000,000
286	Greenwich Creek Bridge (No. 01872) Replacement	Greenwich	CT	2,530,000
287	Harbor Brook Bridge (No. 04185) Replacement Project	Meriden	CT	2,800,000
288	Intersection Improvements on Route 39 at Beckerle Street and East Gate Road	Danbury	CT	3,332,000
289	Mill River Bridge (No. 04953) Replacement	Fairfield	CT	2,700,000
290	New Haven Downtown Crossing Phase 4 – Temple Street Crossing	New Haven	CT	20,000,000
291	New London Pedestrian Bridge and Public Access Project	New London	CT	4,860,000
292	Park Avenue Traffic Signals	Bridgeport	CT	2,686,000

No.	Project Name	City	State/Territory	Amount
293	Quinebaug River Trail – Plainfield Section	Plainfield	CT	2,179,953
294	Route 10 Hop Brook Bridge (No. 00653) Replacement Project	Simsbury	CT	2,400,000
295	Route 109 Bridge (No. 05417) Replacement Project	Morris	CT	1,520,000
296	Route 202 Intersection Improvement Project	Brookfield	CT	7,400,000
297	Route 25 Bridge (No. 06750) Rehabilitation	Trumbull	CT	1,464,000
298	Stamford Transportation Center Improvement	Stamford	CT	3,500,000
299	20 x 22 Protected Bike Lanes	Washington	DC	3,000,000
300	Arboretum Bridge and Trail	Washington	DC	4,000,000
301	Bus Priority Program	Washington	DC	4,000,000
302	H Street Bridge	Washington	DC	3,000,000
303	Metropolitan Branch Trail—Fort Totten to Takoma	Washington	DC	3,000,000
304	Pavement Restoration, National Highway Performance Program	Washington	DC	3,000,000
305	US 113/SR 20 Grade Separated Intersection	Millsboro	DE	10,000,000
306	West Camden Bypass	Camden	DE	10,000,000

No.	Project Name	City	State/Territory	Amount
307	Approach Road at Cecil Air and Space Port	Jacksonville	FL	600,000
308	Card Sound Bridge Replacement Planning and Design Project	Key Largo	FL	4,200,000
309	City of South Miami Pedestrian Bridge	South Miami	FL	4,330,000
310	Commodore Trail Missing Link	Miami / Coral Gables	FL	999,205
311	Dunedin Causeway Bridge Project	Dunedin	FL	8,000,000
				<i>5,000,000</i>
				<i>3,000,000</i>
312	Harborview Road from Melbourne Street to I-75	Port Charlotte	FL	20,000,000
313	Marlin Road Roadway Improvements Project	Cutler Bay	FL	8,800,000
314	Miami River Greenway—Curtis Park East	Miami	FL	2,392,000
315	Midway Road Multimodal/Freight Improvements and Florida's Turnpike Connection	Port St. Lucie	FL	15,000,000
316	North Bay Village 79th Street Complete Streets Project	North Bay Village	FL	1,000,000

No.	Project Name	City	State/Territory	Amount
317	Port St. Lucie Boulevard South—Segment 2.2 (Alcantarra Boulevard to Paar Drive)	Port St. Lucie	FL	5,000,000
318	PortMiami Shore Power Pilot Program	Miami	FL	2,000,000
319	Reconstruction of State Road 33/Interstate 4 Interchange (Exit 38)	Lakeland	FL	20,000,000
320	Ridge Road Extension Phase 2B	Unincorporated Pasco County	FL	15,000,000
321	Alleyways Drainage Improvement Project	Miami Gardens	FL	240,000
322	Breakers Avenue Streetscape Project	City of Fort Lauderdale	FL	5,200,000
323	Cass Street Bridge Rehabilitation	Tampa	FL	5,116,000
324	Central Florida Regional Transportation Electronic Contactless Payment System	Orlando	FL	1,032,500
325	City of West Palm Beach Grand View Heights Street Pedestrian Safety Improvements Phase 2	West Palm Beach	FL	1,200,000
326	Corrine Drive Complete Streets Project	Orlando	FL	6,900,000

No.	Project Name	City	State/Territory	Amount
327	County Line Road Improvement Project	West Park	FL	944,000
328	Crystal Lake Drive Project	City of Deerfield Beach	FL	389,088
329	E.E. Williamson Road Trail Connect	Longwood	FL	4,346,000
330	Econlockhatchee Trail Multimodal Corridor Improvements	Orlando	FL	8,193,500
331	Flavor Road from Lyons to Hagen Ranch Road	Delray Beach	FL	4,780,000
332	Gulf to Bay (SR60) Duke Energy Trail Overpass	Clearwater	FL	6,000,000
333	HART Bus Shelter Revitalization and Expansion	Tampa	FL	6,990,100
334	Hinson Avenue Widening Project	Haines City	FL	1,375,000
335	International Drive and Sand Lake Road (SR 482) Pedestrian Bridge	Orlando	FL	7,000,000
336	InVision Tampa Streetcar	Tampa	FL	7,700,000
337	Johnson Street Bridge Replacement Project	Hollywood	FL	2,904,000
338	JTA's Sustainability and Renewable Energy Transit Facility (Project ID 425454-2)	Jacksonville	FL	2,315,840
339	Lake Monroe Loop Trail	Sanford	FL	3,313,181

No.	Project Name	City	State/Territory	Amount
340	Lowson Boulevard from Dover Road to Federal Highway	Delray Beach	FL	1,106,296
341	Loxahatchee Rd. from Arthur Marshall Loxahatchee Refuge to SR-7/US-441	City of Parkland	FL	5,000,000
342	Lyons Road Pedestrian Mobility Lighting and Safety Project	City of Coconut Creek	FL	2,700,000
343	Magnolia Drive Trail – Phase 1, 2, & 4 (Project ID: 4098037)	Tallahassee	FL	5,000,000
344	Marigold Ave from San Lorenzo Rd to Peabody Rd (4 Roundabouts)	Poinciana	FL	4,731,586
345	Neptune Road Widening and Improvement Project	Kissimmee	FL	5,000,000
346	NW 183rd to 191st Street and NW 27th to 42nd Avenue Road and Sidewalk Project	Miami Gardens	FL	1,200,000

No.	Project Name	City	State/Territory	Amount
347	NW 187th Street to NW 199th Street, from NW Sunshine State Parkway East to NW 12th Avenue Area-Road Resurfacing, Sidewalks, and Drainage Improvement Project	Miami Gardens	FL	960,000
348	NW 191st to 199th Street and NW 2nd to 7th Avenue Roadway and Sidewalk Project	Miami Gardens	FL	600,000
349	NW 199th to 202nd Street between NW 3rd and 15th Avenue-Road Resurfacing and Sidewalks Improvement Project	Miami Gardens	FL	960,000
350	NW/NE 87th Street Corridor	Village of El Portal	FL	1,320,551
351	Opa-locka Railroad Crossing Repair	Opa-Locka	FL	2,400,000
352	Orange Blossom Trail Sidewalks Phase 2A	Orlando	FL	3,012,472
353	Palm Beach County Bus Shelter Infrastructure	Palm Beach County	FL	8,300,000
				<i>300,000</i>
				<i>8,000,000</i>

No.	Project Name	City	State/Territory	Amount
354	Palm Springs, FL, Park Connector Pathway System	Palm Springs	FL	854,550
355	Pine Hills Trail Phase 2 from Silver Star Road (SR 438) to Clarcona-Ocoee Road	Orlando	FL	557,000
356	President Barack Obama Parkway, Phase 2, Orlando, Florida	Orlando	FL	8,360,000
357	Rolling Stock	Hallandale Beach, Hollywood, Dania Beach, Fort Lauderdale, Wilton Manors, Oakland Park, Pompano Beach, Deerfield Beach and Palm Beach County	FL	9,000,000
				<i>5,000,000</i>
				<i>4,000,000</i>
358	SMART Plan Beach Express (BERT) North Capital Bus Purchase	Miami	FL	9,100,000
359	Solar-Powered Zero-Emission Bus and Facility Charging Infrastructure	St. Petersburg	FL	6,000,000
360	South City Transit Capital Project StarMetro Modernization	Tallahassee	FL	2,400,000

No.	Project Name	City	State/Territory	Amount
361	Southcot Drive Sidewalk	Casselberry	FL	189,357
362	SR 50 (Colonial) from Thornton Ave to Mills Ave	Orlando	FL	917,933
363	SR 63 (US 27) Monroe Street from John Knox Road to Lakeshore Drive (Project ID 4450531)	Tallahassee	FL	2,400,000
364	SR-5/US-1/Federal Hwy from Johnson St. to SR-822/Sheridan St.	Hollywood	FL	1,899,308
365	SR-820/Pines Blvd from W of SW 136th Ave to E of NW 118th Ave	Pembroke Pines	FL	5,000,000
366	SR-A1A from Hallandale Beach Boulevard to Dania Beach Boulevard Drainage Improvement Project	Hallandale Beach, Hollywood, and Dania Beach	FL	1,075,350
367	StarMetro Bus Replacement	Tallahassee	FL	1,800,000
368	SW 36th Street Complete Street Improvements Project	West Park	FL	1,600,000
369	SW 52nd Avenue Complete Street Improvements Project	West Park	FL	602,400
370	Treasure Island Causeway Bridge Project	Treasure Island	FL	4,480,000

No.	Project Name	City	State/Territory	Amount
371	University Boulevard at Dean Road Intersection Improvement	Orlando	FL	1,000,000
372	University Drive from NW 40th St. to Sawgrass Expressway	City of Coral Springs	FL	5,000,000
373	West Warren Avenue Complete Street	Longwood	FL	400,000
374	Atlanta Beltline	Atlanta	GA	5,000,000
375	Big Creek Greenway Phase 2 Renovation-Replacement	Cumming	GA	3,000,000
376	Brennan Road Improvements	Columbus	GA	7,360,000
377	Buford Highway Pedestrian Improvements	Doraville	GA	1,373,859
378	Bus/Paratransit Vehicle Acquisition for Local Route 70	Snellville/ Northern DeKalb	GA	6,000,000
379	Cascade Multimodal Corridor	Atlanta	GA	1,000,000
380	Cherokee Area Transportation System Headquarters	Canton	GA	2,400,000
381	City of Forest Park Pedestrian Bridge	Forest Park	GA	2,000,000
382	City of Sugar Hill's Highway 20 Pedestrian Bridge	Sugar Hill	GA	5,000,000
383	Clayton Justice Center Transit Hub – Phase II	Jonesboro	GA	4,960,000

No.	Project Name	City	State/Territory	Amount
384	Cobb Parkway at McCollum Parkway Road Re-alignment	Kennesaw	GA	3,500,000
385	Cumberland Core Loop	Atlanta	GA	1,700,000
386	East West Connector Corridor Improvement, Cobb County GA	Smyrna	GA	4,500,000
387	Emory-CDC Intersection Project	Atlanta	GA	550,000
388	GDOT Project No. 0013752	Americus	GA	1,216,958
389	GDOT Project No. 0015563	Cuthbert	GA	2,405,280
390	GDOT Project No. 0015638	Reynolds	GA	1,608,000
391	GDOT Project No. 0015651	Arabi	GA	568,000
392	GDOT Project No. 0015652	Talbotton	GA	984,000
393	Global Gateway Connector	College Park	GA	3,542,355
394	Gwinnett Place Transit Center/Mall of Georgia local bus service	Gwinnett County	GA	5,000,000
395	I-20 Diverging Diamond Interchange at Chapel Hill Road	Douglasville	GA	5,000,000
396	Lawrenceville Area Park and Ride Lot	Lawrenceville	GA	4,800,000
397	Macon Transit Authority Electric Transit and Paratransit Vehicle Purchases	Macon	GA	2,600,000
398	MARTA Route 115—Covington Highway	Decatur	GA	2,000,000

No.	Project Name	City	State/Territory	Amount
399	McDaniel Farm Park Connector multi-use path	Gwinnett County	GA	2,000,000
400	Metropolitan Parkway Arterial Rapid Transit (ART)	Atlanta	GA	3,000,000
401	New Bus Rapid Transit Service along US 78	Snellville/ Stone Mountain	GA	5,000,000
402	North Avondale Road Complete Streets Project	Avondale Estates	GA	1,975,560
403	Peachtree Creek Greenway	Brookhaven	GA	3,382,000
404	Project DeRenne	Savannah	GA	20,000,000
405	Safety Improvements—Intersection of N Westover Blvd at Nottingham Way	Albany	GA	368,791
406	South Barrett Parkway Reliever	Kennesaw	GA	2,000,000
407	South Cobb Drive Corridor	Smyrna	GA	250,000
408	SR 120 (Abbotts Bridge Road) Operational and Safety Improvements	Johns Creek	GA	13,800,000
409	SR234 and Westover Blvd—Add Westbound Right Turn and Southbound Left	Albany	GA	349,295
410	Stonecrest Transit Hub	Stonecrest	GA	5,000,000

No.	Project Name	City	State/Territory	Amount
411	Widen and Re-align Intersection of Sands Drive and Radium Springs	Albany	GA	2,509,319
412	Windy Hill Boulevard	Smyrna	GA	500,000
413	Guam Public Transit Modernization—Bus Shelters	Hagatna	GU	20,000,000
414	Bus and Handi Van Acquisition Program (Battery Electric Buses; Electrification of Route 40)	Honolulu	HI	7,398,400
				<i>3,699,200</i>
				<i>3,699,200</i>
415	Hanapepe Road Resurfacing	Hanapepe	HI	3,680,000
416	Hawaii Recreational Trails Program (Hawaii Integrated Trail System)	Multiple Cities	HI	4,000,000
417	Interstate Route H-1 Improvements, Eastbound, Ola Lane Overpass to Vineyard Boulevard	Honolulu	HI	6,150,000
418	Leeward Bikeway, Philippine Sea Road to Waipahu Depot Street	Honolulu	HI	6,150,000

No.	Project Name	City	State/Territory	Amount
419	Papalaua Street (RTS 3020, MP 0.13–MP0.17) Traffic Signal Upgrade at Wainee Street (Route 3015, MP 0.3–MP0.34)	Maui	HI	1,154,000
420	Waiuanuenue Avenue Rehabilitation	Hilo	HI	7,277,499
421	Waimea to Kekaha Shared Use Path	Hanapepe	HI	2,000,000
422	Wakea Avenue (Route 3920, MP 0.70–MP 0.71) and Kamehameha Avenue (Route 3940, MP 0.91–MP0.92) Intersection Improvements	Maui	HI	2,186,000
423	HIRTA Regional Transit Facility	Waukee	IA	2,321,000
424	In the City of Iowa City, on Dodge Street, from Burlington Street north to Governor Street.	Iowa City	IA	9,943,600
425	Iowa 136 bridge replacement over Elwood Creek 3.1 miles west of US 61 in Clinton County	Clinton County	IA	1,144,800
426	Marion County—County Road G28 corridor	Marion County	IA	2,000,000

No.	Project Name	City	State/Territory	Amount
427	Red Rock Prarie Trail (Iowa 117 to Co Rd S27)	Prairie City	IA	900,000
428	Bus Replace- ments Across the Distriet	Des Moines	IA	5,000,000
429	Mills Civic Parkway Im- provements	West Des Moines	IA	2,000,000
430	Red Oak Bridge Replacement	Red Oak	IA	700,000
431	Southeast Con- nector	Des Moines	IA	7,000,000
432	Traffic Incident Management Center at Camp Dodge— Phase I	Johnston	IA	4,880,000
433	1st Street Re- construction	Ammon	ID	5,375,700
434	Center Street Railroad Bridge Un- derpass	Pocatello	ID	4,277,000
435	Fort Hall Connect- Up- grade of Ross Fork Road	Fort Hall	ID	3,500,000
436	I-15B (US-30) McCammon IC TO Old US-91	McCammon	ID	1,716,660
437	State Street Premium Corridor, Part 2, Boise Area, Valley Regional Transit	Boise and Garden City	ID	2,000,000
438	Alton Avenue Reconstruc- tion	Madison	IL	624,000
439	Alton Road Re- construction Phase I & II	Carlinville	IL	616,000
440	Brush College Road and Faries Park- way Grade Separation	Decatur	IL	2,000,000

No.	Project Name	City	State/Territory	Amount
441	Calhoun Street Bridge Replacement	City of Morris	IL	1,200,000
442	Candy Lane	Macomb	IL	3,500,000
443	Centennial Park Shared Use Path	Heyworth	IL	963,540
444	Cloverleaf and East Madison Subdivisions Improvements	Madison	IL	296,000
445	Curtis Road Grade Separation & Complete Streets Project	Savoy	IL	3,293,700
446	Dix Irvington Road Safety Project	Centralia	IL	600,000
447	Dupo Interchange	Dupo	IL	1,700,000
448	Edwardsville Road Resurfacing Project	Wood River	IL	668,000
449	Frank Scott Parkway East Extension	Shiloh	IL	12,512,000
450	Hamilton Road East-West Connection Project	Bloomington	IL	7,000,000
				<i>3,500,000</i>
				<i>3,500,000</i>
451	Hilltop Road Multi-Use Trail Extension Project	Springfield	IL	440,000
452	Lincoln Prairie Trail Bridge Replacement Project	Taylorville	IL	487,161
453	Madison Avenue from 23rd Street to 27th Street Resurfacing	Granite City	IL	759,420

No.	Project Name	City	State/Territory	Amount
454	Main Street Reconstruction Project	Roscoe	IL	3,880,000
455	Marissa—Main St. Resurfacing	Marissa	IL	476,000
456	Pioneer Parkway Reconstruction	Peoria	IL	5,000,000
457	Prospect Road Revitalization	Peoria Heights	IL	6,000,000
458	Reas Bridges Replacement Project over Lake Decatur	Decatur	IL	3,500,000
459	Reconstruction of Main Street from Elm Street to Madison Street	Staunton	IL	1,569,456
460	Resurfacing of County Highway 16 in Williamson County	Williamson County	IL	352,000
461	Resurfacing of Main Street, Bainbridge Trail, and Penecost Streets	Marion	IL	572,000
462	Riverside Boulevard Reconstruction and Widening (Phase II and III)	Loves Park and Rockford	IL	14,920,000
463	Royal Lakes Road Rehabilitation Project	Royal Lakes	IL	23,408
464	Spotsylvania Street Improvements	New Athens	IL	452,000
465	Stanford Avenue Reconstruction from 11th Street to Fox Bridge Road	Springfield	IL	1,279,035

No.	Project Name	City	State/Territory	Amount
466	Structure Replacement Over Piles Fork Creek	Carbondale	IL	504,000
467	US 67 Widening from Delhi Bypass Project to Crystal Lake Rd.	Jerseyville	IL	1,200,000
468	West Main Cross Street Improvements from Webster Street to Shumway Street	Taylorville	IL	1,127,700
469	Western Road—Marshall County	Henry	IL	2,000,000
470	118 N Clark Pedway Extension	Chicago	IL	2,700,000
471	143rd St Expansion—West Ave to SW Highway	Orland Park	IL	9,247,702
472	143rd St from IL 59 to IL 126	Plainfield	IL	6,200,000
				<i>3,700,000</i>
				<i>2,500,000</i>
473	34th Street Road Modernization and Stormwater Management Improvements Phase I Design	Berwyn	IL	5,022,323
474	606 Extension – Ashland Ave to Elston Ave	Chicago	IL	1,440,000
475	75th Street from Milbrook Drive to Greene Road	Naperville	IL	648,560

No.	Project Name	City	State/Territory	Amount
476	80th Ave from 191st to 183rd St Lane Improvements	Tinley Park	IL	1,500,000
477	9th Street Two-Way Conversion (Whitman Interchange)	Rockford	IL	4,050,000
478	Algonquin Road (Various Intersections) and Wilmot Road at Main Street Intersection Improvements	Spring Grove	IL	2,400,000
479	All Stations Accessibility Program—Blue Line Irving Park	Chicago	IL	4,330,000
480	Arterial Resurfacing	Chicago	IL	9,357,677
481	Berkeley Industrial Pedestrian Connector	Chicago	IL	424,500
482	Bike Path along Quentin Road	Hawthorn Woods/Lake Zurich	IL	1,000,000
483	Bliss Rd/Fabyan from Fabyan to Bliss Rd	Geneva	IL	7,000,000
484	Butler Drive	Chicago	IL	4,500,000
485	Central Road: Barrington Rd to Huntington Blvd	Hoffman Estates	IL	2,000,000
486	City of Berwyn, 16th Street Rehabilitation Project	Chicago	IL	1,967,468
487	City of Peoria Adams/Jefferson 2-Way Conversion	Peoria	IL	5,000,000
488	Columbia Bridge	Chicago	IL	2,000,000

No.	Project Name	City	State/Territory	Amount
489	CTA—ASAP (Belmont Station)	Chicago	IL	3,370,000
490	CTA Red Line—Loyola Station Im- provements	Chicago	IL	3,600,000
491	DeKalb Traffic Signal Up- grades	DeKalb	IL	570,000
492	Division Street Resurfacing	Oak Park	IL	2,000,000
493	Dundee Ave Re- construction	Elgin	IL	5,900,000
494	East Branch DuPage River Trail	Lombard	IL	1,200,000
495	East New York Street from North Farnsworth Ave to Welsh Drive	Aurora	IL	1,138,300
496	Fullerton Ave- nue between N Schmale Rd and Bloomingdale Rd	Glendale Heights	IL	696,500
497	Gougar Road from Laraway Road to Francis Road	Joliet and New Lenox	IL	2,700,000
498	Greater Down- town Master Plan Phase 4A	East Moline	IL	4,946,000
499	Hobson Rd 63rd St from Woodridge Dr to Janes Ave	Woodridge	IL	490,000
500	Homan Cor- ridor Im- provements	Chicago	IL	500,000
501	I-294 103rd Street Inter- change	Chicago Ridge	IL	5,000,000
502	I-294 Crest- wood/Robbins Interchange	Crestwood and Robbins	IL	4,800,000

No.	Project Name	City	State/Territory	Amount
503	I-57 Interchange near Mile Marker 332 (Between Harlem Avenue and Pauling Road)	Unincorporated Will County	IL	4,500,000
504	IL 171 (State Street) Pedestrian Safety Improvements	Lockport	IL	1,400,000
505	IL 38/Roosevelt Road at Naperville Road	Wheaton	IL	4,800,000
506	IL 50 from S of Brookmont Blvd to N of US 45/52 & Indiana Ave to Fair St in Kankakee	Kankakee	IL	5,000,000
507	IL-21 Milwaukee Ave Improvements (Glenview)	Glenview	IL	2,000,000
508	IL-62 Algonquin Rd at New Wilke Rd Intersection Improvements	Rolling Meadows	IL	226,935
509	Jackson Blvd Resurfacing (Desplaines to Harlem Ave)	Chicago	IL	800,000
510	Kedzie and Lake improvements	Chicago	IL	500,000
511	Lake Cook Road (IL-53 to Raupp Blvd)	Mount Prospect and Desplains	IL	3,000,000
512	Lombard Rd Resurfacing and Improvements	Addison	IL	900,000
513	Madison Street Resurfacing	Bellwood	IL	1,107,200

No.	Project Name	City	State/Territory	Amount
514	Main Street Reconstruction from Randall Road to Van Nortwick Avenue	Batavia	IL	600,000
515	McConnell Road Intersection and Roadway Improvements	Freeport	IL	2,528,200
516	Metra Zero Emission Vehicle Pilot	Chicago Region	IL	12,000,000
				<i>1,000,000</i>
				<i>5,000,000</i>
				<i>6,000,000</i>
517	Midway Bus Terminal Electrification Concept Design	Chicago	IL	550,000
518	N Lake Shore Drive Improvements	Chicago	IL	2,000,000
519	North Chicago Pace Route Access	North Chicago	IL	508,080
520	Oak Park Avenue—111th St to 107th St	Worth	IL	520,000
521	Pace Cermak Road Transit Signal Priority	Westchester, Oak Brook and Oakbrook Terrace	IL	390,000
522	Pace Pulse Line—Harlem Avenue Traffic Signal Improvements	Morton Grove	IL	400,000
523	Pace Pulse South Halsted Line	Chicago, Riverdale, and Harvey	IL	900,000
524	PACE Transit Signal Priority	Chicago	IL	900,000
525	Park Blvd Resurfacing	Streamwood	IL	220,783
526	Patriot Path	Lake County	IL	9,794,640

No.	Project Name	City	State/Territory	Amount
527	Proposed Midwest Medical Center Entrance and Highway Improvements	Galena	IL	2,000,000
528	Pulaski Corridor Improvements	Chicago	IL	500,000
529	Pulaski Road: 127th St to 159th St	Alsip, Crestwood, Midlothian, Markham, and Robbins	IL	2,500,000
530	Rand US-12 / Kensington / IL-83 Intersection Improvements	Mount Prospect	IL	4,500,000
531	Rand/Central/Mt Prospect Road Intersection Improvements	Mount Prospect and Desplains	IL	371,000
532	Randall and Hopps Road Intersection	Elgin	IL	5,000,000
533	Randall Road from Alexandra Blvd to Polaris Dr/Acorn Ln	Lake in the Hills	IL	2,000,000
534	Rehabilitative Resurfacing of Belmont Avenue—25th Ave to W of Elm St, Fran	Franklin Park	IL	588,000
535	Rehabilitative Resurfacing of Ill 64 North Ave— I-294 to Harlem Ave & N Frontage Rd - 7th Ave to 5th Ave	Elmwood Park, Melrose Park, Northlake, River Forest, River Grove	IL	7,920,000

No.	Project Name	City	State/Territory	Amount
536	Rodenburg Road Corridor Improvement Project	Roselle	IL	928,000
537	Schick Road Resurfacing	Hanover Park	IL	257,045
538	Skokie Valley Trail Path Improvements	Skokie	IL	3,526,800
539	Spring Street Resurfacing	South Elgin	IL	171,264
540	Study of S. Chicago/79th St/Stony Island Intersection	Chicago	IL	800,000
541	Tonne Road Reconstruction—Northern Section	Elk Grove Village	IL	4,300,000
542	Traffic Signal Modernization—City of Chicago	Chicago	IL	1,350,000
543	US Route 20 and Reinking Road Roundabout	Elgin	IL	1,200,000
544	US Route 30 at Illinois Route 50	Matteson	IL	4,000,000
545	Washington Boulevard Improvements – 21st Avenue to 9th Avenue	Maywood	IL	1,424,000
546	Weber Road from 135th Street to Airport Road	Romeoville	IL	2,100,000
				<i>1,000,000</i>
				<i>1,100,000</i>

No.	Project Name	City	State/Territory	Amount
547	West Branch DuPage River Trail Connection from West DuPage Woods Forest Preserve to Blackwell Forest Preserve	West Chicago	IL	500,000
548	Western Avenue Grade Separations	Blue Island, Posen, and Dixmoor	IL	4,500,000
549	Wolfs Crossing Road from US 34 Chicago Road to Eola Road – Douglas Road Intersection	Oswego	IL	4,822,000
				<i>3,616,500</i>
				<i>1,205,500</i>
550	Woodstock Railyard Relocation & Expansion	Woodstock	IL	4,000,000
551	Zero Emission Locomotive Commuter Rail Pilot	Blue Island, Chicago, Joliet, Midlothian, Mokena, New Lenox, Oak Forest, Robbins, Tinley Park	IL	7,000,000
				<i>2,000,000</i>
				<i>5,000,000</i>
552	Zion 27th Street Resurfacing	Zion	IL	920,320
553	Added Travel Lanes at 45th Avenue	Unincorporated Lake County	IN	1,500,000
554	Central Avenue Road Reconstruction	Portage	IN	2,000,000
555	IndyGo EV Charging Stations	Indianapolis	IN	774,000

No.	Project Name	City	State/Territory	Amount
556	Kennedy Avenue Bridge Replacement	Highland and Hammond	IN	8,100,000
557	Monument Circle/Market Street Reconstruction	Indianapolis	IN	12,864,000
558	Willowcreek Road Extension	Unincorporated Porter County	IN	7,411,200
559	Bridge Replacement on 151st Street West over the Ninescah River (B485)	Sedgwick County	KS	3,600,000
560	Centennial Bridge Replacement	Leavenworth	KS	1,000,000
561	K-7 Bourbon County	Fort Scott	KS	2,000,000
562	K-7 Crawford County	Girard	KS	2,000,000
563	Reconstruction of 151st St West between 53rd St North and Highway K-96 (R356)	Sedgwick County	KS	3,200,000
564	Reconstruction of the South Half Mile of 135th Street West between 53rd and 61st Streets North (R348)	Sedgwick County	KS	880,000
565	Route 458 Improvements	Lawrence	KS	750,000
566	SW Topeka Boulevard (21st to 29th) Street Resurfacing	Topeka	KS	1,480,000
567	Topeka Metropolitan Bus Replacement	Topeka	KS	3,000,000
568	US-169 Neosho County	Thayer	KS	3,000,000
569	US-400 Cherokee County	Cherokee	KS	2,000,000

No.	Project Name	City	State/Territory	Amount
570	US-400 Greenwood County (KDOT Project Number 400-037 KA-5790-01)	Greenwood County	KS	5,000,000
571	US-56 Douglas County	Baldwin City	KS	3,000,000
572	Wakarusa Drive Reconstruction	Lawrence	KS	1,000,000
573	Washington Creek Bridge Replacement	Lawrence	KS	400,000
574	West Kellogg/US-54/400 Expansion	Wichita	KS	1,800,000
575	U.S. 69/167th St. Interchange Improvement Project	Overland Park	KS	15,000,000
576	Congestion reduction and traffic improvement project on KY-17/Scott Boulevard/Greenup Street	Covington	KY	2,000,000
577	Extend KY 3155 from the southern Intersection at KY 259 westerly to KY 54	Leitchfield, Grayson County	KY	3,200,000
578	I-65 SB Ramp to Brook St	Louisville	KY	9,600,000
579	Improve KY 54 from west of the US 60 Bypass to CR 1021	Owensboro, Daviess County	KY	4,600,000
580	Improve KY 461 from US 150 to US 25	Mount Vernon, Rockcastle County	KY	18,200,000

No.	Project Name	City	State/Territory	Amount
581	Improve US 421 near the Virginia State Line	Cranks, Harlan County	KY	960,000
582	Improve west-bound lanes of US 60 from KY 1957 to KY 6106	Lewisport, Hancock County	KY	3,200,000
583	KY 335 improvements from US 31W south of KY 218 to I-65	Horse Cave, Hart County	KY	3,200,000
584	KYCT project 6-80101, KY-18 / Superstreet construction	Boone County	KY	5,200,000
585	KYTC Project 6-162.40, KY-536 from Williamswood Rd. to Calvery Dr. to KY-17	Kenton County	KY	12,064,000
586	Newtown Pike Extension Project—Phase III Scott Street Connector	Lexington	KY	20,000,000
587	Reconstruction of KY 44 from US 31E to KY 1319	Mount Washington, Bullitt County	KY	4,800,000
588	Reimagine 9th Street	Louisville	KY	5,000,000
589	Smart Signal Network	Louisville	KY	2,900,000
590	Traffic Calming Measures for Shelby Park and Smoketown Neighborhoods	Louisville	KY	2,400,000

No.	Project Name	City	State/Territory	Amount
591	Audubon Ave OVLY:LA 1 to Terrebonne P/L	Thibodaux	LA	468,510
592	I-10 (Caleasieu River Bridge / Approach)	Lake Charles	LA	10,000,000
593	I-49 Lafayette Connector	Lafayette	LA	10,000,000
594	LA 3127	St. James Parish	LA	10,000,000
595	LA 428, Gen- eral Meyer Blvd	New Orleans	LA	8,560,000
596	MRB South GBR: LA 1 to LA 30 Connector- Environ- mental Eval- uation	Baton Rouge	LA	1,600,000
597	MRB South GBR: LA 1 to LA 30 Connector (Pre-Engi- neering De- sign)	Baton Rouge	LA	8,000,000
598	Amherst Town Common Transpor- tation and Mobility Im- provements	Amherst	MA	1,344,000
599	Barker Road Bridge Project	Pittsfield	MA	1,000,000
600	Beacon Street Bridle Path	Brookline	MA	2,000,000
601	Belmont Com- munity Path	Belmont	MA	3,500,000
602	Blackstone Val- ley Multi-Use Path Phase 1, Segment – 2	Blackstone	MA	8,130,842
603	Blue Line Sig- nal Program	Revere, Bos- ton	MA	6,000,000
604	Bourne Rail Trail	Bourne	MA	14,728,680

No.	Project Name	City	State/Territory	Amount
605	Brockton Area Transit—Buy Replacement 35' Bus (6)	Brockton	MA	2,920,000
606	Brockton Area Transit—Buy Replacement 35' Electric Bus (5)	Brockton	MA	3,160,000
607	Brockton Area Transit—Purchase Misc. Electric Power Equipment	Brockton	MA	480,000
608	Christina Street Rail Bridge	Newton	MA	1,600,000
609	Columbian Square Intersection Improvements	Weymouth	MA	3,000,000
610	Court and Cherry Street Intersection Improvement	Plymouth	MA	2,000,000
611	Davis Square Transit Signal Priority Project	Somerville	MA	100,000
612	Division Street Bridge Project	Great Barrington	MA	2,000,000
613	Double-Tracking on Haverhill Line in Massachusetts	Andover and Wilmington	MA	5,800,000
				<i>2,900,000</i>
				<i>2,900,000</i>
614	Drift Road at Kirby Brooke Replacement Project	Westport	MA	600,000
615	Fiske Street and Andover Street Sidewalk and Street Improvements	Tewksbury	MA	456,000
616	Glendale Street Bridge Project	Easthampton	MA	1,000,000

No.	Project Name	City	State/Territory	Amount
617	Intersection Improvements at Central Street, Foster St, Hook St, Hamilton St	Southbridge	MA	1,000,000
618	Intersection improvements at Greenville Road (Rte 31) and Turnpike Road	Ashby	MA	1,000,000
619	Intersection Improvements at Massachusetts Avenue (Route 111) and Main Street (Route 27) (Kelley's Corner)	Acton	MA	1,100,000
620	Intersection improvements at Riverside Drive and Burnham Road	Methuen	MA	1,000,000
621	Intersection Improvements at Route 140/Route 62	Sterling	MA	320,000
622	Intersection Improvements on Route 2A at Willow Road and Bruce Street	Ayer and Littleton	MA	1,000,000
623	Intersection reconstruction on Rte 108 (Newton Road) at Rte 110 (Kenoza Ave. and Amesbury Road)	Haverhill	MA	1,000,000
624	James Street Project	Chicopee	MA	2,000,000

No.	Project Name	City	State/Territory	Amount
625	Lake Cochituate Path	Natick	MA	3,078,722
626	Leyden Road Sidewalk Construction	Greenfield	MA	1,840,000
627	Lynn Commuter Rail Station Rehabilitation	Lynn	MA	10,000,000
628	McGrath Highway Road Diet / Protected Bike Lane Project	Somerville	MA	500,000
629	Merrymount Bridge Reconstruction Project	Quincy	MA	6,000,000
630	MetroWest Regional Transit Authority Blandin Back Entrance (MWRTA BEB Project)	Framingham	MA	1,600,000
631	New vans for elderly and those with disabilities	Haverhill	MA	375,000
632	North Adams Adventure Trail	North Adams	MA	2,000,000
633	Peabody Canal Riverwalk Construction	Peabody	MA	6,642,980
634	Planning and Design for protecting critical transportation infrastructure and improving pedestrian access to the Northern Avenue Bridge and along the Fort Point Channel	Boston	MA	2,500,000

No.	Project Name	City	State/Territory	Amount
635	Reconstruction and Related Work Along Revere Street Corridor	Winthrop	MA	5,058,493
636	Reconstruction and related work on VFW Highway	Lowell	MA	3,000,000
637	Reconstruction of Foster Street	Littleton	MA	2,000,000
638	Regional Bike and Walking Trail (North Attleborough Branch)	North Attleborough	MA	1,500,000
639	Rehab Fitchburg Inter-modal Center	Fitchburg	MA	400,000
640	Rehabilitation & Box Widening on Route 20, from Route 9 to South Street	Shrewsbury	MA	8,000,000
641	Rehabilitation of Boston Road	Westford	MA	2,000,000
642	Replace diesel bus with hybrid bus	Lowell	MA	624,800
643	Replace fueling station at 100 Hale Street	Lowell	MA	775,200
644	Riverbank stabilization construction at MVRTA bus garage and administration building	Haverhill	MA	725,000
645	Roadway rehabilitation on route 101 south (Ashburnham)	Ashburnham	MA	1,000,000

No.	Project Name	City	State/Territory	Amount
646	Route 131 Bridge Project	Dudley	MA	1,000,000
647	Route 28 / Route 38 Intersection Safety Improvements Project	Somerville	MA	3,000,000
648	Ruggles Station State of Good Repair Improvements	Roxbury	MA	3,000,000
649	Stoughton Intersection Improvements at Canton St. (Route 27), School St., and Summer St.	Stoughton	MA	1,840,000
650	Sturbridge Roundabout Construction	Sturbridge	MA	1,000,000
651	Sudbury-Concord Bike Path Construction (Bruce Freeman Trail)	Concord	MA	1,000,000
652	Taunton River Trail	Taunton	MA	4,800,000
653	Union Station Regreening & Lighting Project	Springfield	MA	6,000,000
654	Walnut Street Signalization Project	Foxborough	MA	2,000,000
655	Warren Street / Blue Hill Avenue Multi-modal Corridor Phase I	Boston	MA	12,000,000
656	West Rodney French Improvement Project	New Bedford	MA	2,373,680

No.	Project Name	City	State/Territory	Amount
657	West Street/ Route 27 Intersection Reconstruction	Medfield	MA	1,440,000
658	Baltimore Greenway Trails Network: Critical Corridor Advancements	Baltimore City	MD	13,200,000 <i>4,400,000</i> <i>4,400,000</i> <i>4,400,000</i>
659	Bicycle-Pedestrian Priority Area Improvements— Purple Line (TIP 3642 Pedestrian Safety Program)	Montgomery County	MD	6,500,000
660	Dobbin Road Pathway	Columbia	MD	3,200,000
661	Dual Locomotives for Commuter Rail Service in the Future B&P Tunnel	Baltimore City	MD	2,000,000 <i>1,000,000</i> <i>1,000,000</i>
662	East-West Priority Corridor	Baltimore	MD	15,000,000 <i>5,000,000</i> <i>5,000,000</i> <i>5,000,000</i>
663	Electric Bus Grants	Rockville, Silver Spring	MD	4,992,000 <i>1,937,000</i> <i>1,780,000</i> <i>1,275,000</i>
664	Fayette Street Bridge Replacement	Cumberland	MD	4,800,000
665	Frederick and Pennsylvania Railroad Trail	City of Frederick and Walkersville	MD	2,560,000

No.	Project Name	City	State/Territory	Amount
666	Howard County Flash Extension	Columbia	MD	3,200,000
667	I-81 Phase 2 Reconstruction	Hagerstown	MD	4,620,000
668	Interstate 95/Greenbelt METRO/MARC Station Access and Redevelopment Project	Greenbelt	MD	20,000,000
669	MicroTransit & Demand Response Electric Transit Vehicles and Infrastructure	Owings Mills	MD	2,019,012
670	New Carrollton Metro/MARC/Amtrak/Purple Line Multimodal Transit District Right-of-Way Improvements	Landover	MD	18,480,000
671	Northwest Expressway (I-795) at Dolfield Boulevard Interchange Redesign	Owings Mills	MD	800,000
672	Parole Transportation Center	Annapolis	MD	2,000,000
673	US 1 Safety Projects	North Laurel, Savage, Jessup, Elkridge	MD	3,200,000
674	US 15 Frederick Freeway Reconstruction	Frederick	MD	8,800,000

No.	Project Name	City	State/Territory	Amount
675	US 29 Rapid Transit Improvements—Phase 2 Design	Silver Spring	MD	4,000,000
676	Veirs Mill /Randolph Bicycle & Pedestrian Priority Improvements	Rockville	MD	6,000,000
677	Woodley Road Extension to MD 715	Aberdeen	MD	5,000,000
678	Berwick Route 9—Intersection Improvements	Berwick	ME	800,000
679	Casco Bay Lines Replacement Ferry	Portland	ME	7,500,000
680	Maine State Ferry Vessel Replacement	Rockland	ME	7,500,000
681	Milo, Sebec River Bridge Replacements and Village Improvements	Milo	ME	8,000,000
682	New Transit Hub	Bangor	ME	327,600
683	Sanford SRTS Multi-Use Trail	Sanford	ME	400,000
684	Sanford US Route 202/State Route 4A	Sanford	ME	3,600,000
685	U.S. Route 1 Improvements	Van Buren	ME	10,700,000
686	10 Mile Signal Modernization	Center Line	MI	550,068
687	14 Mile Rd Rehabilitation, Lahser to Evergreen	Beverly Hills	MI	1,208,080
688	14 Mile Road	Roseville	MI	3,100,000

No.	Project Name	City	State/Territory	Amount
689	21 Mile Road Bridge Replacement over the Gloede Drain	Macomb Township	MI	1,616,800
690	Airport Road Rehabilitation Project	Blackman Township, Jackson County	MI	4,930,000
691	Beck Road Business Corridor Railroad Grade Crossing Safety Project	Wixom	MI	18,612,000
692	Bridge and Pedestrian Facility Upgrades on the Detroit Riverwalk	Detroit	MI	1,838,812
693	Bristol Road and Van Slyke Road Concrete Pavement Reconstruction Project	Flint Township	MI	700,000
694	Bristol Road: Mill and Resurface	Burton	MI	1,248,000
695	Burcham Dr.	East Lansing	MI	1,017,838
696	Center Road Reconstruction Project	Genesee Township	MI	600,000
697	Coolidge Rd (Road Rehabilitation and Bike Lanes)	East Lansing	MI	883,359
698	Division Avenue Project	Grand Rapids	MI	4,200,000
699	E Michigan Avenue	Lansing	MI	2,589,121
700	Fehrer Drive Reconstruction & Pedestrian Improvement Project	Montrose	MI	680,000

No.	Project Name	City	State/Territory	Amount
701	Fenton Road Bridge over the Thread Creek	Flint	MI	400,000
702	Flint Mass Transportation Authority (MTA) Rides to Wellness Facility Expansion/Renovation	Flint	MI	1,062,387
703	Genesee Street Bridge over Farmers Creek	Lapeer	MI	1,896,750
704	Grandville Avenue Project	Grand Rapids	MI	4,000,000
705	Haist Road over Pigeon River Preventive Maintenance	Winsor Township	MI	194,000
706	Hubbard Street Rehabilitation	Mount Clemens	MI	942,400
707	Inkster Road Bridge Over the Lower Rouge River—Capital Preventative Maintenance	Inkster	MI	329,600
708	Intelligent Transportation Systems Capital Investments in Traffic Signals on M-59	Pontiac	MI	2,240,000
709	Iron Belle Trail	Burton	MI	1,200,000
710	Joe Louis Greenway Hamtramck Drive Shared Use Path	City of Hamtramck	MI	3,920,000
711	Kalamazoo US-131/US-131BR	Kalamazoo	MI	14,745,600

No.	Project Name	City	State/Territory	Amount
712	Kelly Road	Fraser	MI	3,500,000
713	King Road Bridge Replacement over the Belle River	China Township	MI	2,299,800
714	Kuhl Road over Shebeon Drain Bridge Replacement	Fairhaven Township	MI	1,282,400
715	Lake Shore Drive, Houghton County, Michigan	Calumet and Hancock Township	MI	1,040,000
716	M-143W	Lansing	MI	597,767
717	M-46 and M-19 Reconstruction	Elmer Township	MI	10,073,042
718	Marlette Road Bridge over South Branch of the Cass River	Marlette	MI	1,406,000
719	Miller Road and Rotunda Drive Bridges	Dearborn	MI	20,000,000
720	Mound Road Industrial Corridor Technology and Innovation Project	Macomb County, Warren	MI	11,000,000
				<i>1,000,000</i>
				<i>10,000,000</i>
721	Mt. Vernon Street Reconstruction	Southfield	MI	4,400,000
722	N Cedar St	Mason	MI	2,543,083
723	N Putnam St	Williamston	MI	375,000
724	N. Leroy Streetscape and Resurfacing Project	Fenton	MI	1,600,000
725	North Beech Daily Road Rehabilitation Project	Dearborn Heights	MI	1,417,226

No.	Project Name	City	State/Territory	Amount
726	Oakland Avenue Road Rehabilitation Project	Highland Park	MI	1,212,169
727	Oakville Waltz Road	London Township	MI	3,728,000
728	Orchard Lake Road from 13 Mile to 14 Mile	Farmington Hills	MI	1,076,085
729	Orchard Lake Road from Middlebelt to Pontiac City Limits	City of Sylvan Lake, West Bloomfield and Bloomfield Township in Oakland County	MI	2,000,000
730	Ottawa Avenue Project	Grand Rapids	MI	845,000
731	Joe Louis Greenway Phase One (Conrail 1 / May Creek)	Detroit	MI	2,000,000
732	Pennsylvania Road Grade Separation	On border of City of Romulus and Huron Township	MI	15,000,000
733	Pierson Road Reconstruction Project	Mt. Morris Township	MI	2,400,000
734	Plank Road over US-23	Milan	MI	4,335,618
735	Reid Road Downtown Streetscape and Rehabilitation Spur Community Project	Grand Blanc	MI	700,000
736	Resurfacing of 12 Mile Road in Southfield from Northwester Hwy to Telegraph Road	Southfield	MI	750,000
737	S Pennsylvania Ave	Lansing	MI	1,472,000

No.	Project Name	City	State/Territory	Amount
738	Saginaw Street Road Reconstruction Project	Flint	MI	1,600,000
739	Saginaw Transit Authority Regional Services (STARS) Bus Replacement	Saginaw	MI	2,388,456
740	Saginaw Transit Authority Regional Services (STARS) Potter Street Station Study	Saginaw	MI	200,000
741	Silver Lake Road Connector Trail	Fenton and Linden	MI	868,682
742	Skaneec Road Improvements (from Jentoft Road to Town Road)	L'Anse and Arvon Townships	MI	7,530,000
743	Skaneec Road Improvements (from Town Road to Portice Road)	Arvon Township	MI	4,000,000
744	Snyder Rd.	East Lansing	MI	263,500
745	St. Ignace Road Reconstruction	Marquette Township	MI	800,000
746	State Park Drive Reconstruction	Charter Township of Bangor and Bay City	MI	2,000,000
747	US-12 over the Coldwater River Reconstruction	Coldwater	MI	645,360
748	US-127 and US-223 Resurfacing	Addison	MI	4,800,000
749	W Grand River Rd	Howell	MI	296,826

No.	Project Name	City	State/Territory	Amount
750	W Silver Bell Rd	Auburn Hills and Orion Township	MI	4,200,000
751	Waverly Rd	Lansing	MI	744,762
752	Wealthy Street-Fuller Ave to East City Limits	Grand Rapids	MI	7,250,000
753	Wenona Avenue Reconstruction	Bay City	MI	2,325,000
754	Apple Valley Transit Station Modernization	Apple Valley	MN	800,000
755	Bottineau LRT Project	Minneapolis to Brooklyn Park	MN	20,000,000
				<i>10,000,000</i>
				<i>10,000,000</i>
756	Burnsville Bus Garage Modernization	Burnsville	MN	2,400,000
757	City of Wabasha Highway 60 Realignment	Wabasha	MN	3,975,000
758	E-Line Bus Rapid Transit (BRT)	Minneapolis to Edina	MN	5,000,000
				<i>2,500,000</i>
				<i>2,500,000</i>
759	F-Line Bus Rapid Transit (BRT)	Columbia Heights	MN	4,500,000
760	Goodhue County CSAH 2 Bridge Replacement	Red Wing	MN	640,000
761	I-35/CSAH 50 Interchange Preliminary Engineering	Lakeville	MN	700,000
762	I-94 Expansion	St. Paul	MN	20,000,000
763	Kellogg-Third Street Bridge	St. Paul	MN	7,500,000
764	Pedestrian Bridge Over I-94	Minneapolis	MN	3,000,000
765	Reconnect Rondo Land Bridge	Saint Paul	MN	5,200,000

No.	Project Name	City	State/Territory	Amount
766	Rice Street Revitalization Project	Saint Paul	MN	6,864,000
767	University of Minnesota Arboretum Access and Egress Improvements	Chaska	MN	5,840,000
768	US 169/TH 282/ CH 9 Interchange Project	Jordan	MN	2,300,000
769	US Highway 8 Reconstruction	Chisago City, Wyoming, Forest Lake	MN	20,000,000
770	Veterans Memorial Greenway	Eagan	MN	5,000,000
771	Adding signing and striping for wrong way countermeasures at various ramp locations throughout the St. Louis District	St. Louis	MO	708,800
772	Bridge improvement and widening over Elkhorn Creek 1.6 miles south of Rte. CC near Buell	Montgomery County	MO	720,000
773	Bridge Rehab at Pitman Ave, I-70, and I-64 in Wentzville	Wentzville	MO	3,088,000
774	Bridge Rehabilitation and Pavement Repairs	St. Louis	MO	2,576,000
775	Chadwick Flyer Central Greenway Trail	Springfield	MO	4,000,000

No.	Project Name	City	State/Territory	Amount
776	Cliffs Drive State Scenic Byway Improvements	Kansas City	MO	2,160,000
777	Downtown Odessa Infrastructure Improvements	Odessa	MO	900,000
778	Expand I-44 to 6 lanes in the Springfield area	Springfield	MO	1,800,000
779	Grand Street Pedestrian Underpass and Streetscape Improvements	Springfield	MO	3,000,000
780	Hydraulic Study for causeway north of Washington	Washington	MO	240,000
781	I-44: Bridge rehabilitation over Gasconade overflow. Project involves bridge L0753	Laclede County	MO	331,200
782	I-70: Bridge improvements over Chouteau Creek. Project involves bridge A5118 and A5119	Cooper County	MO	246,400
783	Improve bridge conditions at Rt. C in Audrain County	Audrain County	MO	548,800
784	Improve pavement condition Rt. BB Randolph County	Randolph County	MO	600,800

No.	Project Name	City	State/Territory	Amount
785	Improve pavement condition Rt. K Randolph County	Randolph County	MO	763,200
786	Interstate 35 and 19th Street Interchange	Kearney	MO	5,500,000
787	Jazz District Pedestrian Plaza at 18th & Vine	Kansas City	MO	6,000,000
788	Kansas City Regional Zero Emission Electric Bus Program	Kansas City	MO	10,500,000
				<i>6,000,000</i>
				<i>4,500,000</i>
789	Little Blue Trace—Rock Island Trail Connector	Kansas City	MO	500,000
790	MM Highway Expansion from I-44 to US 60	Republic	MO	3,200,000
791	MO 100: Bridge improvements over Cedar Creek Project involves A1848	Osage County	MO	917,600
792	MO 100: Upgrade pedestrian facilities to comply with ADA Transition Plan and pavement resurfacing from Rte. 61 to Big Bend Blvd, bridge replacement over Black Creek, signal replacement	St. Louis	MO	2,500,000

No.	Project Name	City	State/Territory	Amount
793	MO 127: Bridge rehabilitation over Basin Fork Creek 0.6 mile south of Dove Road and 0.7 mile north of Chaney Road. Project involves bridge X0439	Pettis County	MO	786,400
794	MO 13: Add turn lanes at the intersection of Rte. E	Johnson County	MO	425,600
795	MO 13: Pavement improvements on the southbound lanes from SE 1100 Road to NE 201 Road	St. Clair County	MO	748,800
796	MO 19: I-70 to Hermann add shoulders	Montgomery County	MO	880,000
797	MO 23: Add turn lanes at the intersection of Rte. D	Johnson County	MO	395,200
798	MO 254: Pavement improvements from Route 64 to Route 54 in Hermitage.	Hermitage	MO	440,000
799	MO 38: Pavement resurfacing from Rte. J to west of Rte. CC.	Webster County	MO	676,800

No.	Project Name	City	State/Territory	Amount
800	MO 47: Engineering for pavement improvements from H to A.	Troy and Hawk Point	MO	925,600
801	MO 7: Bridge Rehabilitation over Truman Lake. Project involves bridge A3465	Benton County	MO	96,000
802	MO 89: Pavement improvements from Rte. 50 to Rte. E	Rte. 50 to Rte. E in Osage County	MO	2,833,600
803	MO94 Bridge over Treloar Creek Bridge	Warren County	MO	640,800
804	North Baltimore (Business 63) Improvements	Kirksville	MO	955,294
805	OR 70: Bridge replacement over Little Cedar Creek. Project involves bridge N0974	Boone County	MO	852,800
806	Pavement improvements and add rumblestripes from I-44 outer road to end of state maintenance, Rte. W from Rte. 7 to end of state maintenance, and Rte. O from Rte. 28 to end of state maintenance.	Pulaski County	MO	2,656,000

No.	Project Name	City	State/Territory	Amount
807	Payment to St. Robert to add sidewalks and upgrade signalized intersection at St. Robert Boulevard in St. Robert	St. Robert	MO	547,200
808	Raum Road Bridge Replacement	Lawson	MO	3,128,000
809	Riverway Boulevard Reconstruction	Riverside	MO	3,200,000
810	RT 18: Pavement improvements from Rte. Y to I-49 in Adrian and on Loop 49 from Passaic to Rte. 52 in Butler.	Adrian	MO	1,586,400
811	RT A: Bridge replacement over Enon Creek. Project involves bridge K0851	Moniteau County	MO	1,091,200
812	RT A: Bridge replacement over Moreau Creek. Project involves R0235	Cole County	MO	545,600
813	RT J: Bridge rehabilitation over Young Branch, 0.1 mile south of 217th Street and 0.4 mile northeast of Branick Drive in Peculiar. Project involves bridge A2331	Peculiar	MO	555,200

No.	Project Name	City	State/Territory	Amount
814	RT J: Bridge removal over the Niangua River. Project involves bridge S0391	Camden County	MO	204,800
815	RT K: Pavement improvements from I-49 to County Road 1800 near Nevada.	Nevada	MO	448,000
816	RT PP: Pavement improvements from Route C in Roseland to Route 7 in Tightwad	Roseland	MO	453,600
817	RT T: Pavement improvements and add rumblestripes from Rte. 52 to Rte. 135 and from Rte. 135 to the end of state maintenance	Morgan County	MO	3,020,000
818	RT. K bridge replacement over Dry Fork Creek Bridge	Montgomery County	MO	965,600
819	Study to determine base stability and flood resiliency near McKittrick	McKittrick	MO	80,000
820	Updated study for RR overpass near High Hill	High Hill	MO	1,600,000

No.	Project Name	City	State/Territory	Amount
821	Upgrade pedestrian facilities to comply with the ADA Transition Plan on Rte. 2 from Chisman Street to Rte. 52 in Windsor and on Rte. Y from Rte. 52 to Wall Street in Windsor	Windsor	MO	140,800
822	US 160: Pavement improvements from I-49 in Lamar Heights to County Road 30th Lane east of Lamar.	Lamar	MO	609,600
823	US 50: Reconstruct concrete pavement from Rte. EE to Independence Rd.	Rte. EE to Independence Road in Franklin County	MO	2,800,000
824	US 50: Reconstruct pavement from Rte. Y to Rte. C	Rte. Y to Rte. C in Franklin County	MO	2,640,000
825	US 54: Study for updated scope & estimate for shared 4-lane from Mexico to Louisiana	Louisiana	MO	800,000
				<i>400,000</i>
				<i>400,000</i>
826	US60 and Route 125 Interchange	Rogersville	MO	5,250,000

No.	Project Name	City	State/Territory	Amount
827	US65: Pavement improvements from the Osage River in Warsaw to 0.4 mile south of Rte. MM.	Warsaw	MO	1,049,600
828	West Florissant Avenue Great Streets	Ferguson, Dellwood, and Jennings	MO	10,000,000
829	A/E Design for the Fixed Route Bus Stops	Saipan	MP	300,000
830	Construction of Bus Transfer Stations at the Northern Marianas College, Paseo De Marianas and Kagman	Saipan	MP	900,000
831	Construction of the Commonwealth Office of Transit Authority Covered Bus Parking Facility	Saipan	MP	3,000,000
832	Design and Construction of the Rota Transit Maintenance Facility	Rota	MP	520,000
833	Design and Construction of Tinian Transit Maintenance Facility	Tinian	MP	520,000

No.	Project Name	City	State/Territory	Amount
834	Procurement of Four (4) Rolling Stocks for Rota and Tinian Demand Responsive Services	Rota and Tinian	MP	480,000
835	Route 10 Drainage Improvements and Road Overlay	Rota	MP	2,000,000
836	Route 205 Road and Drainage Improvements	Tinian	MP	2,000,000
837	Route 30 (Chalan Pale Arnold) Safety Improvements	Saipan	MP	2,000,000
838	Route 302 (Naftan Road) Improvements	Saipan	MP	2,000,000
839	Supply and Installation of 187 Bus Stop Shelters	Saipan	MP	4,500,000
840	Supply of Maintenance Equipment & Tools for the COTA Maintenance Facility	Saipan	MP	400,000
841	Bulldog Way Extended Improvements	Starkville	MS	3,360,000
842	Jackson Point Road Bridge	Wilkinson County	MS	4,000,000
843	Mississippi Band of Choctaw Indians Multi-Road Overlay Project	Choctaw	MS	2,653,195

No.	Project Name	City	State/Territory	Amount
844	Morgantown Road Safety Improvements	Natchez	MS	2,400,000
845	Bozeman Segment One—Reunion Access Network	Madison	MS	4,000,000
846	Airport Boulevard Sidewalk	Morrisville	NC	208,000
847	Atlantic & Yadkin Greenway, Phase 2	Greensboro	NC	6,400,000
848	Avent Ferry Road Re-alignment	Holly Springs	NC	1,000,000
849	B-5871 Replace Bridge no. 628 Over Lake Lure 5250. Dam and Broad River	Lake Lure	NC	8,000,000
850	Black Creek Greenway	Cary	NC	4,984,800
851	Bryant Bridge North/Goose Creek West Trail	Durham	NC	2,320,000
852	Bus Replacement Funding for Triangle Transit Systems	Chapel Hill	NC	8,000,000
853	CATS Battery Electric Bus Fleet Transition	Charlotte	NC	8,000,000
854	Downtown Pedestrian Bridge	Rocky Mount	NC	4,000,000
855	Duke Beltline Trail	Durham	NC	7,726,000
856	EB-5753 Baldwin Avenue Sidewalk Project	Marion	NC	349,600

No.	Project Name	City	State/Territory	Amount
857	Electric buses and charging infrastructure, City of Greensboro	Greensboro	NC	2,759,000
858	Festival Street	Cornelius	NC	2,200,000
859	Fuquay-Varina Townwide ITS/Signal System	Fuquay-Varina	NC	2,560,000
860	GoRaleigh/GoWake Coordinated ADA Paratransit Facility	Raleigh	NC	9,000,000
861	Greenville Bridge Repair and Replacement	Greenville	NC	2,851,200
862	Hanging Dog Bridge	Murphy	NC	1,676,000
863	High Point Heritage Greenway—Phase 1	High Point	NC	4,000,000
864	Jonathan Creek Safety Project	Maggie Valley	NC	160,000
865	Military Cutoff Road (US 17)/Eastwood Road (US 74) Interchange (Drysdale Drive Extension)	Wilmington	NC	3,840,000
866	N. Fork Coweeta Creek Bridge Replacement	Otta	NC	452,000
867	Pender Street Pedestrian Improvement, Infrastructure Repair, and Resurfacing	Wilson	NC	8,400,000
868	RIDE- Rural Microtransit	Wilson	NC	2,000,000

No.	Project Name	City	State/Territory	Amount
869	Silas Creek Parkway Sidewalk	Winston-Salem	NC	4,533,600
870	South Tar River Greenway	Greenville	NC	1,775,000
871	Streetlighting on High Injury Network	Charlotte	NC	8,000,000
872	Transit Bus Stop Improvements	Chapel Hill	NC	900,000
873	US 19/129 Road Improvements	Murphy	NC	3,851,000
874	US 74/NC 108 Interchange	Columbus	NC	1,000,000
875	Heartland Expressway Phase III	Minatare	NE	10,000,000
876	Signal System Master Plan Accelerated Implementation	Omaha	NE	20,000,000
877	US-275 Norfolk to Wisner	Norfolk to Wisner	NE	20,000,000
878	Ashuelot-Trail Cheshire Trail (42511)	Swanzey	NH	1,200,000
879	Bedford 40664—U.S. 3 Widening from Hawthorne Drive North to Manchester Airport Access Road	Bedford	NH	4,980,000
880	Claremont Intersection Improvements (13428)	Claremont	NH	1,000,000
881	Conway Phase II Pathway	Conway	NH	1,656,000
882	Derry Rail Trail (Folsom Rd to Londonderry town line)	Derry	NH	792,000

No.	Project Name	City	State/Territory	Amount
883	George Street Bridge (40653)	Keene	NH	729,191
884	Gorham Sidewalk (Route 2 (Lancaster Rd))	Gorham	NH	898,196
885	Heritage Rail Trail East	Nashua	NH	1,200,000
886	Littleton Sidewalk Project (41362)	Littleton	NH	710,159
887	Loudon Intersection Improvements (40632)	Loudon	NH	2,347,256
888	Malboro Street Cheshire Rail Trail (42515)	Keene	NH	681,123
889	Maplewood Avenue Complete Streets	Portsmouth	NH	2,804,300
890	Merrimack River Greenway	Concord	NH	1,584,800
891	Multi-use Path Connecting Warner Village to Exit 9 Business Area	Warner	NH	920,000
892	NH 128 and Sherburne Road and Mammoth and 111A	Pelham	NH	1,240,000
893	Pedestrian Bridge Crossing Granite Street	Manchester	NH	3,360,000
894	Plymouth Sidewalk Project	Plymouth	NH	414,000
895	Reconstruct Mechanic St / High St / Mascoma St Intersection (4094)	Lebanon	NH	2,400,000
896	Rt 11 Safety and Capacity Improvements	Rochester	NH	5,664,000

No.	Project Name	City	State/Territory	Amount
897	Spruce Street Connector	Nashua	NH	1,000,000
898	Trestle Bridge—Mill City Park Trail	Franklin	NH	1,200,000
899	Waterville Valley Pedestrian Improvements	Waterville Valley	NH	948,110
900	Whitefield Sidewalk Project	Whitefield	NH	396,704
901	Berkshire Valley Road Truck Circulation Project	Kenvil (Roxbury Township)	NJ	2,000,000
902	Bloomfield Avenue Roadway Improvements & Traffic Signal Modernization	West Caldwell, Caldwell, North Caldwell, Verona, Montclair, Glen Ridge, Bloomfield, and Newark	NJ	10,000,000
				<i>5,000,000</i>
				<i>5,000,000</i>
903	Bloomfield Station Rehabilitation Project	Bloomfield	NJ	2,000,000
904	Carteret Ferry Terminal Project	Carteret	NJ	5,625,000
905	City of Passaic Pedestrian Greenway Project	Passaic	NJ	883,432
906	Construction of Pedestrian Bridge on Columbia Trail (Relocation of Openaki Bridge Truss)	Long Valley (Washington Township)	NJ	1,000,000
907	Cranford Station Rehabilitation Project	Cranford	NJ	1,120,000

No.	Project Name	City	State/Territory	Amount
908	Dennisville Petersburg Road (CR 610) Resurfacing Improvements	Dennis Township	NJ	1,640,000
909	Dunellen Bikeway and Pedestrian Safety Improvements	Dunellen	NJ	475,723
910	East Orange Train Station	East Orange	NJ	800,000
911	Enhanced Laydown Area for Off-shore Wind Industry, Paulsboro Marine Terminal	Paulsboro	NJ	4,750,000
912	Freehold's Parking Improvement project	Freehold Borough	NJ	557,716
913	Great Falls Gateway Phase II	Paterson	NJ	972,000
914	Hackettstown Mobility Improvement	Hackettstown	NJ	4,712,000
915	Hamilton Street Plaza Project	Bound Brook	NJ	1,760,000
916	Hand Avenue (CR-658) Bridge Over Skeeter Island Creek	Middle Township	NJ	1,310,000
917	Highlands Rail Trail Phase II	Wanaque	NJ	800,000
918	Hudson County's County Avenue Reconstruction	Secaucus	NJ	1,400,000
919	Irvington Avenue Sidewalks and Streetscape Improvements	South Orange	NJ	2,750,000

No.	Project Name	City	State/Territory	Amount
920	Jackson Avenue/Riverside Avenue Improvements Project	Rutherford	NJ	250,000
921	Kingsland Avenue Bridge Replacement Project	Lyndhurst and Nutley	NJ	5,000,000
922	Koleda Park Improvement Project	Middletown	NJ	800,000
923	Lackawanna Cut-off Culvert Relocation	Byram	NJ	1,600,000
924	Lincoln Avenue Drainage Improvements Project	Elizabeth	NJ	2,080,000
925	Long Branch Intermodal Station Project	Long Branch	NJ	13,000,000
926	McBride Avenue Roundabout Project	Woodland Park	NJ	960,000
927	Mercer County Bus Purchase	West Trenton	NJ	732,000
928	Mercer County Electric Vehicles and Electric Vehicle Charging Stations	Trenton	NJ	454,500
929	Mercer County Roadway Safety Improvements	Mercer County	NJ	640,000
930	Newark Broad Street Signal Optimization	Newark	NJ	1,650,000
931	North Broad Street Redevelopment Project	Newark	NJ	1,200,000
932	Ocean Drive (CR621) Upgrades and Bridge Improvements	Lower Township	NJ	7,000,000

No.	Project Name	City	State/Territory	Amount
933	Parkside Neighborhood School and Pedestrian Traffic Safety	Camden	NJ	6,000,000
934	Passaic Bus Terminal Canopy	Passaic	NJ	1,600,000
935	Patriots Way Bridge Superstructure Replacement	Oakland	NJ	4,184,830
936	Pedestrian Bridge at the Great Falls National Historical Park	Paterson	NJ	1,000,000
937	Pedestrian Improvement for Metro Park	Township of Woodbridge	NJ	1,250,000
938	Permanent Ferry Terminal Peninsula Project	Bayonne	NJ	4,321,600
939	Pleasant Avenue & Park Avenue / Pedestrian & Vehicular Safety Improvements & Restoration Project	Weehawken	NJ	7,520,000
940	Point Pleasant Beach Channel Drive ADA Compliance Upgrade and Surface Revitalization project	Point Pleasant Beach Borough	NJ	1,399,785
941	Pompton River Rail Bridge (Pequannock Valley Pedestrian Trail) Substructure Repair	Township of Pequannock, Morris County, and Township of Wayne, Passaic County	NJ	1,500,000

No.	Project Name	City	State/Territory	Amount
942	Reconstruction of Pedestrian Bridges over Cole Drive (Bridgewater Train Station)	Bridgewater	NJ	1,280,000
943	Replacement of Morris County Bridge 1400-433 on Bloomfield Avenue over a Tributary to Passaic River in the Township of Montville, Morris County	Montville/ Pine Brooke	NJ	2,000,000
944	Replacement of Morris County Bridge 1400-935 on Lenape Island Road over Indian Lake in the Township of Denville, Morris County	Denville	NJ	1,000,000
945	River Road Overpass	West New York	NJ	5,200,000
946	River Road Subsurface Soil Stabilization	Edgewater	NJ	1,760,000
947	Roadway Rehabilitation East Atlantic Avenue CR727	Somerdale, Hi-Nella, Stratford	NJ	1,500,000
948	Roadway Rehabilitation Evesham Road, CR 544	Lawnsdale, Magnolia, Somerdale, Cherry Hill, Voorhees	NJ	2,500,000
949	Roadway Rehabilitation Haddon Ave. CR561	Haddon Township, Collingswood	NJ	3,000,000

No.	Project Name	City	State/Territory	Amount
950	Roadway Rehabilitation Red Bank Avenue CR644	Woodbury	NJ	1,765,000
951	Route 202, First Avenue Intersection Improvements – Right of Way Acquisitions	Raritan	NJ	3,340,685
952	Route 29 Tunnel Ventilation System	Trenton	NJ	2,400,000
953	Route 33 Bridge Over Millstone River	Millstone Township	NJ	3,640,000
954	Route 35 Bridge Over the North Branch of Wreck Pond	Wall	NJ	3,736,000
955	Route 55/Route 47 Interchange	Millville	NJ	9,250,000
956	Seaside Heights Boardwalk Replacement	Seaside Heights	NJ	400,000
957	Shaler Boulevard Streetscape Project	Ridgefield	NJ	250,000
958	Skyline Drive Bicycle and Pedestrian Bridge	Ringwood	NJ	800,000
959	South Orange Avenue Streetscape Improvement Project	Newark	NJ	4,000,000

No.	Project Name	City	State/Territory	Amount
960	Study & Engineering Design for the Rehabilitation or Replacement of Sussex County Bridge K-03 in the Borough of Hopatcong	Hopatcong	NJ	2,360,000
961	Sussex County Guide Rail Upgrade Program	Frankford and Wantage	NJ	1,000,000
962	Sussex County Skylands Ride Capital Project	Hamburg	NJ	400,000
963	Teaneck Pedestrian Overpass Replacement	Teaneck	NJ	4,000,000
964	Tenafly Roadway Resurface & Improvements	Borough of Tenafly	NJ	1,545,000
965	The County Road 539 Overpass Project	Plumstead	NJ	8,000,000
				<i>7,000,000</i>
				<i>1,000,000</i>
966	Traffic Signal Optimization/Adaptive Signals Along McCarter Highway (Route 21)	Newark	NJ	1,600,000
967	U.S. Route 130/Delaware Avenue/Florence Columbus Road Intersection Improvements	Florence Township	NJ	17,320,000

No.	Project Name	City	State/Territory	Amount
968	Union County Structurally Deficient Bridge Initiative – Allen Ave. Bridge, Township of Union	Union Township	NJ	400,000
969	Union County Structurally Deficient Bridge Initiative – Faitoute Ave. Bridge, Kenilworth	Kenilworth	NJ	600,000
970	Union County Structurally Deficient Bridge Initiative—High Street Bridge	Summit	NJ	600,000
971	Union County Structurally Deficient Bridge Initiative – Oakland Place Bridge	Summit	NJ	760,000
972	Union County Structurally Deficient Bridge Initiative – Pine Grove Avenue Bridge	Summit	NJ	800,000
973	Union County Structurally Deficient Bridge Initiative – Shumpike Road Bridge	Summit	NJ	600,000
974	Union County Structurally Deficient Bridge Initiative—Spring Garden Bridge, Cranford	Cranford	NJ	800,000

No.	Project Name	City	State/Territory	Amount
975	West County Drive (CR 646) Extension	Township of Branchburg	NJ	6,493,600
976	West Milford Bikeway Connector Project	West Milford	NJ	536,000
977	Willingboro EV Charging Stations	Willingboro	NJ	800,000
978	Woodbine Bike-way and Trailhead Improvements	Borough of Woodbine	NJ	800,000
979	Arroyo De Los Chamisos Crossing	Santa Fe	NM	4,900,000
980	Coal Avenue Commons "Event Street"	Gallup	NM	3,500,000
981	County Road 43—Superman Canyon Bridges	McKinley County—Churchrock Chapter	NM	4,500,000
982	Foothills Drive Enhancement Phase III	Farmington	NM	1,324,800
983	Kilgore Street Improvements	Portales	NM	2,079,000
984	Rio Lucero Road Improvement Project	Taos Pueblo	NM	3,048,910
985	Wild Rose Road (Route #670) and Pedestrian Improvement Project	Santa Clara Pueblo	NM	618,000
986	Arlington Avenue Bridges Project	Reno	NV	6,000,000
987	Charleston Boulevard Underpass	Las Vegas	NV	7,000,000
988	Charleston Park Avenue Reconstruction Project	Pahrump	NV	1,552,079

No.	Project Name	City	State/Territory	Amount
989	Coleman Road Expansion	Fallon	NV	5,000,000
990	Hydrogen Fuel Cell Bus and Fuel Site Project	Reno	NV	5,240,000
991	I-15 South Package 2—Sloan to Blue Diamond	Las Vegas	NV	5,000,000
992	Maryland Parkway Bus Rapid Transit Zero Emission Fleet	Las Vegas	NV	5,000,000
993	North Las Vegas Street Light Conversion	North Las Vegas	NV	12,000,000
994	Rancho Drive Complete Streets Improvements	Las Vegas	NV	3,000,000
995	SR28 Central Corridor Sand Harbor to Spooner—Secret Harbor to Skunk Harbor Trail, Parking and Safety Improvements	Carson City	NV	1,760,000
996	William Street Complete Streets Project	Carson City	NV	2,000,000
997	ADA: Classon Ave / Cross-town Line (G Train)	Brooklyn	NY	5,000,000
998	ADA: Forest Hills Platform Extensions & Elevators	Queens	NY	16,910,000
999	ADA: Parkchester-E.177 St / Pelham Line (6 Train)	Bronx	NY	15,000,000

No.	Project Name	City	State/Territory	Amount
1000	Asharoken Avenue	Northport	NY	800,000
1001	Bannister Creek Bridge Rehabilitation	Lawrence	NY	4,940,000
1002	Basher Pedestrian Bridge Rehabilitation	Tarrytown	NY	494,400
1003	Bayville Bridge	Bayville	NY	14,489,446
1004	Bridge Repair/Safety Assurance, Westchester County	Tarrytown	NY	1,096,395
1005	Bridge Replacement of CR46 (William Floyd Parkway) over Narrow Bay	Brookhaven	NY	7,200,000
1006	Broadway Junction Improvements Phase 1, Brooklyn, NY, 8th Congressional District	Brooklyn	NY	8,000,000
1007	City of Poughkeepsie Market Street Connectivity Project	Poughkeepsie	NY	2,400,000
1008	Concrete Pavement Rehabilitation I-495	Brookhaven	NY	7,998,048
1009	County Route 7&8—RTE 299 Roadway Repaving	Towns of New Paltz and Gardiner	NY	3,600,000
1010	Craig Street Corridor Project	Schenectady	NY	2,700,000

No.	Project Name	City	State/Territory	Amount
1011	Del Valle Square/Craves Square Traffic, Safety, and Plaza Improvements	Bronx	NY	4,870,000
1012	DL&W Station	Buffalo	NY	5,000,000
1013	Electric Bus Charging Facility	Rochester	NY	800,000
1014	Elmwood Avenue Multiuse Corridor Improvement	Rochester	NY	8,596,000
1015	Griswold Road over Murder Creek Bridge Replacement	Darien	NY	1,203,200
1016	Half Moon Bay Bridge Reconstruction Project	Croton-on-Hudson	NY	1,500,000
1017	Heritage Trail Extension: Hartley Road to Downtown Middletown (Segment 2)	Town of Goshen	NY	500,000
1018	High Line Connections—Hudson River Park / Javits Center Connection	New York	NY	5,000,000
1019	Highland Avenue over Wallace Street	Otisville	NY	1,250,000
1020	Highway and Pedestrian Safety Infrastructure Improvements	Kiryas Joel	NY	1,380,000
1021	Highway Improvements to the Interval Avenue Area, Farmingdale	Oyster Bay	NY	1,000,000

No.	Project Name	City	State/Territory	Amount
1022	Hudson Highlands Fjord Trail	Beacon	NY	4,350,000
1023	Hudson Line Tunnels	Peekskill	NY	4,550,000
1024	I-84/Route 9D Connectivity (Beacon-Fishkill)	Beacon and Town of Fishkill	NY	400,000
1025	Improvements to East Lincoln Avenue, Riverdale Avenue and Pirates Cove, Massapequa	Oyster Bay	NY	1,000,000
1026	Inner Loop North Transformation Project	Rochester	NY	4,000,000
1027	Lake St. Bridge Project	Newburgh	NY	1,750,000
1028	Lake to Lake Road Bridge Replacement	Town of Gorham	NY	1,464,000
1029	Level 2 EV Charging Network in NYCDOT Municipal Parking Facilities	Queens	NY	734,400
1030	Little Bay Park Promenade	Bayside	NY	1,000,000
1031	Long Beach Road Improvements, South Hempstead, NY	Rockville Centre	NY	4,780,000
1032	Multi-Modal Phase I/Pedestrian Connector Project	Amsterdam	NY	4,500,000
1033	Newburgh Ferry Landing Pier	Newburgh	NY	4,000,000
1034	Northport Flooding on Main St.	Northport	NY	1,392,000

No.	Project Name	City	State/Territory	Amount
1035	Northwest Bronx School Safety Improvement Project	Bronx	NY	2,331,000
1036	NY 146 and NY146A Bicycle & Pedestrian Access Improvements	Clifton Park	NY	1,055,000
1037	NYS Route 133 Bike Lane	Ossining	NY	1,500,000
1038	Onondaga Lake Canalways Trail—Salina Extension Project	Syracuse	NY	8,000,000
1039	Orange-Dutchess Transportation Access and Mobility Study	Goshen	NY	400,000
1040	Outer Harbor Multi-Use Trails	Buffalo	NY	2,000,000
1041	Park Ave—Ingersoll Houses Safety Improvements	Brooklyn	NY	1,942,000
1042	Perry Road (CR 64) Highway Rehabilitation	Mt. Morris	NY	1,440,000
1043	Phase 1 of the New York State Route 38 – State Street Pavement Preservation Project	Auburn	NY	2,778,400
1044	Preventative Maintenance Pavement from Route 67/Route 10 Ephratah to Johnstown City Line	Town of Johnstown & Ephratah	NY	3,394,752

No.	Project Name	City	State/Territory	Amount
1045	Purchase of Eight Electric Buses for Use in Emerging Markets – Montgomery County	Albany	NY	6,000,000
1046	Putnam County's Donald B. Smith Transit Hub	Carmel	NY	1,500,000
1047	Rapids Road Highway Improvements	Lockport	NY	4,000,000
1048	Reconstruction of Osborne Street	Auburn	NY	4,407,200
1049	Reconstruction of the Intersection of Rt 7, Rt 23 and Maple St in Oneonta into Roundabout Configuration	Oneonta	NY	3,200,000
1050	Replacement of the Bridge Street Bridge over Schoharie Creek	Schoharie	NY	6,254,400
1051	Restoration of Van Cortlandt Manor Entrance Road Project	Croton-on-Hudson	NY	600,000
1052	Riverside Drive Pedestrian Mall	New York	NY	2,400,000
1053	Rose Road over Bowen Creek Bridge Replacement	Batavia	NY	1,033,600
1054	Route 104 Intersection Improvement Project	Ontario	NY	1,254,400

No.	Project Name	City	State/Territory	Amount
1055	Route 2 Multi-Modal Connectivity Project	Troy	NY	5,700,000
1056	Route 28/South Inlet Lake	Town of Arietta	NY	6,621,248
1057	Route 31 Improvement Project	Wayne County	NY	2,970,400
1058	RT 12E/Chaumont River	Village of Chaumont	NY	9,984,000
1059	Safe and Accessible Midtown Kingston	Kingston	NY	6,053,818
1060	Safe Passage for CRCS Students	Cuba	NY	1,472,000
1061	Safe Routes to School—Bronx (HWCSCH4D)	Bronx	NY	1,682,000
1062	Safe Routes to School—Manhattan (HWCSCH-MN)	New York	NY	3,643,000
1063	Safe Routes to Transit 86th Street	Brooklyn	NY	2,516,000
1064	Sands Point Preserve Bridge	Village of Sands Point	NY	1,784,000
1065	Sharp Road (CR 181) over Spring Brook Bridge Replacement	Concord	NY	1,400,000
1066	Shoreline Trail	Laekawanna and Hamburg	NY	2,000,000
1067	Southeast Queens Flooding Relief	Queens	NY	3,859,000
1068	Street Restoration in Brooklyn—Hancock St, Bushwick Ave, Hill St, E 80th St	Brooklyn	NY	4,884,000

No.	Project Name	City	State/Territory	Amount
1069	The Maiden Lane Rehabilitation Project	Greece	NY	6,604,000
1070	The New Rochelle LINC Project	New Rochelle	NY	13,000,000
1071	The Riverline	Buffalo	NY	10,500,000
1072	Twin Cities Highway Complete Streets	Tonawanda and North Tonawanda	NY	500,000
1073	Ulster County Electric Bus Charging Infrastructure	Kingston	NY	800,000
1074	Union Turnpike Center Median Replacement	Queens	NY	2,355,200
1075	Van Wyck Expressway Access Improvement to John F. Kennedy Airport	Queens	NY	16,141,000
1076	Victor Traffic Mitigation Project	Victor	NY	9,920,000
1077	Village of Ossining Route 9 Road Diet Project	Ossining	NY	1,000,000
1078	Water Street Rejuvenation Project	Elmira	NY	1,289,400
1079	West Broadway Rehabilitation	Woodmere to Cedarhurst	NY	9,670,000
1080	West Lake Road (CR 3) Preventative Maintenance	Perry	NY	931,478
1081	Williams Bridge Station Renewal	Bronx	NY	14,675,000
1082	Yonkers Greenway	Yonkers	NY	1,791,600
1083	11th Street Reconstruction Project	Canton	OH	1,500,000

No.	Project Name	City	State/Territory	Amount
1084	Arlington Road Corridor	Green	OH	5,578,551
1085	Bagley Road Reconstruction	North Ridgeville	OH	1,500,000
1086	BRO-32-4.16	Mt. Orab	OH	10,000,000
1087	Cherry Rd Bridges Rehabilitation	Massillon	OH	1,480,000
1088	CLE CR 3 - Aicholtz Road Roundabouts	Cincinnati	OH	2,000,000
1089	CLE SR32-2.33 - CLE CR55 Overpass	Batavia	OH	1,500,000
1090	Cleveland Avenue Multimodal Facility Project	Westerville	OH	800,000
1091	Columbia Road—I-90 Interchange	Westlake	OH	1,900,000
1092	E. Main Street (SR153) & Nickel Plate Intersection Improvement	Louisville	OH	1,200,000
1093	East Dayton Rails-to-Trails (Flight Line)	Dayton	OH	2,000,000
1094	Easton Street/GlenOak HS Intersection Improvements	Canton	OH	575,000
1095	Electric Trolley Power Distribution System	Dayton	OH	3,600,000
1096	French Creek Greenway Phase 1	Avon	OH	595,637
1097	Gaysport Bridge Replacement Project	Philo	OH	3,000,000
1098	HAM-75-1.95	Cincinnati	OH	8,640,000

4,320,000

No.	Project Name	City	State/Territory	Amount
				<i>4,320,000</i>
1099	Hydrogen Infrastructure Tank Increase	Canton	OH	1,000,000
1100	Interchange Construction Project on I-71 at Sunbury Parkway	Sunbury	OH	3,000,000
1101	Kungle Road Culvert Replacement	Norton	OH	308,000
1102	LUC IR 475 @ US 20A Interchange	Lucas County	OH	10,000,000
1103	Main Street Corridor Improvement Plan	Mansfield	OH	2,000,000
1104	Miller Road— I77 Interchange	Brecksville	OH	12,000,000
1105	Olmsted Falls Columbia Rd.	Olmsted Falls	OH	1,900,000
1106	Pearl Road Brunswick	Brunswick	OH	2,718,700
1107	Pearl Road Improvements	Brunswick	OH	1,500,000
1108	River Styx Road/SR 162 Intersection Roundabout	Montville Township	OH	3,200,000
1109	Sprague Road Widening Parma	Parma	OH	800,000
1110	SR283 Capacity Improvements	Mentor	OH	3,148,000
1111	Stark County CR-224	North Canton	OH	350,000
1112	State Route 13 Relocation	Mount Vernon	OH	1,900,405
1113	State Route 254 & State Route 83 Intersection Improvement	Avon	OH	1,500,000
1114	Study and Design of ATB 531	Ashtabula	OH	2,400,000

No.	Project Name	City	State/Territory	Amount
1115	The Point Intersection—US 36/SR 37	Delaware	OH	4,000,000
1116	Thornwood Crossing Project	Newark	OH	5,000,000
1117	U.S. Route 30—East Canton Expansion	East Canton	OH	1,500,000
1118	US-422 Harper Road Interchange	Solon	OH	2,414,288
1119	W. Tuscarawas Street Safety Corridor Project	Canton	OH	1,000,000
1120	Wadsworth Streetscape	Wadsworth	OH	2,500,000
1121	Wayne CR-30 Resurfacing project	Wooster	OH	1,219,962
1122	West Creek Greenway	Parma	OH	2,720,000
1123	Western Hills Viaduct Replacement Project	Cincinnati	OH	15,000,000
1124	Bobcat Way: Transformation of Fairview Avenue	Grandview Heights	OH	1,000,000
1125	Broad Street and James Road Intersection	Columbus	OH	1,000,000
1126	Cherry Bottom Road Emergency Stabilization	Gahanna	OH	860,000
1127	City of Akron—North Main Street Complete Streets Project	Akron	OH	4,000,000

No.	Project Name	City	State/Territory	Amount
1128	Cleveland Hopkins Airport Master Plan Interstate Access Improvement Project	Cleveland	OH	2,000,000
1129	Cuyahoga Falls—Gorge Terrace Street Transformation Project	City of Cuyahoga Falls	OH	7,200,000
1130	Eastgate—State Route 46 and Warren-Sharon Road Intersection Safety Improvements	Howland Township	OH	4,000,000
1131	Ferris Road Corridor	Columbus	OH	2,000,000
1132	Hiawatha Park Drive Urban Greenway	Columbus	OH	1,000,000
1133	Hudson Street and Greenway Trail	Columbus	OH	1,000,000
1134	Jackson Street/Civic Center Mall Corridor-Lucas County	Toledo	OH	4,000,000
1135	Life and Safety Facility Upgrades, TARTA M&O Facility	Toledo	OH	4,000,000
1136	Lorain County Lakefront Connectivity Project	Lorain Ohio	OH	4,000,000
1137	Mahoning Avenue Industrial Corridor Upgrade	Jackson Township	OH	4,000,000

No.	Project Name	City	State/Territory	Amount
1138	Multimodal Lakefront Access, Cuyahoga County, Ohio	City of Cleveland Boundary, including Bay Village, Rocky River, and Lakewood	OH	2,000,000
1139	Operation Safewalks – Refugee Road	Columbus	OH	2,000,000
1140	Reynoldsburg East Main Phase II	Reynoldsburg	OH	1,585,000
1141	Reynoldsburg Park & Ride	Reynoldsburg	OH	500,000
1142	Rickenbacker Area Access—Northbound Bridge Project	Columbus	OH	5,000,000
1143	Rickenbacker Area Mobility Center (RAMC)	Columbus	OH	3,000,000
1144	Sandusky Bay Pathway	Sandusky	OH	4,000,000
1145	Bridges on Interstate 35 at Interchanges between Memorial and 2nd Street	Edmond	OK	10,000,000
1146	I-35 Widening in Love County	Love County	OK	17,120,000
1147	I35/I240 Interchange	Oklahoma City	OK	10,000,000
1148	I-40 and Exit 65 in Clinton	Clinton	OK	3,250,000
1149	S.E. 29th Street Bridge Replacement & Repair Project	Midwest City	OK	2,880,000
1150	SH30 from SH33 N. 2 miles in Roger Mills Co	Durham	OK	2,000,000

No.	Project Name	City	State/Territory	Amount
1151	SH-33 from Blaine County line east to SH-74	Kingfisher	OK	3,250,000
1152	US-270 between Watonga and Seiling	Watonga	OK	3,250,000
1153	US-287 from Boise City north to Colorado (Ports-to-Plains Corridor)	Boise City	OK	3,250,000
1154	181st Safety Improvements	Gresham	OR	4,000,000
1155	82nd Avenue Safety Projects	Portland	OR	5,000,000
1156	Albany Transit Operations Facility	Albany	OR	1,563,978
1157	Beaverton Downtown Loop: Phase 1 Improvements	Beaverton	OR	4,000,000
1158	Benton Area Transit Vehicle Replacement	Corvallis	OR	528,000
1159	Corvallis Area Pedestrian Crossing Improvements	Corvallis	OR	880,000
1160	Georgia Pacific Mill Site Rail-Served Marine Terminal	Coos Bay	OR	4,500,000
1161	I-5: Aurora-Donald Interchange Improvement Project	Aurora	OR	20,000,000
1162	Libby Lane Repaving	Coos Bay	OR	486,400
1163	LTD Electric Bus Replacement	Eugene	OR	1,844,322

No.	Project Name	City	State/Territory	Amount
1164	Main Avenue/ OR 104 Pe- destrian Route	Warrenton	OR	1,360,000
1165	NW Circle Bou- levard Recon- struction/Re- habilitation	Corvallis	OR	2,800,000
1166	OR18: Newberg- Dundee By- pass Phase 2 (OR219 Sec- tion)	Newberg	OR	8,000,000
1167	River Road— Santa Clara Bicycle and Pedestrian Bridge	Eugene	OR	1,500,000
1168	Rose Lane / High Crash Corridor – Smart Tech and Safety Improve- ments – 122nd	Portland	OR	5,000,000
1169	Safety and Smart Tech- nology In- vestments: Central City, Broadway	Portland	OR	4,000,000
				<i>2,000,000</i>
				<i>2,000,000</i>
1170	Siuslaw River Bridge Pe- destrian and Bicycle Im- provement Project	Florence	OR	897,300
1171	Territorial Highway Re- construction Phase 3	Lane County	OR	5,000,000
1172	TriMet Zero Emission Bus Infrastruc- ture	Portland	OR	4,000,000

No.	Project Name	City	State/Territory	Amount
1173	Tualatin Valley Highway Safety Improvements	Cornelius, Hillsboro, unincorporated Washington County	OR	4,000,000
1174	Amtran Bus Replacement	Altoona	PA	900,000
1175	Asset Management Phase 1	Washington/ North Branch/ Forkston Townships	PA	2,800,000
1176	Bradford Bypass	Bradford	PA	5,680,000
1177	Bristol Station Improvements	Bristol	PA	5,000,000
1178	Cambria County Transit Authority (CamTran) Bus Replacements	Johnstown	PA	6,160,000
1179	Crawford Avenue Bridge Rehabilitation	Connellsville	PA	5,682,180
1180	East Washington Road (PennDOT ID 91768)	New Castle	PA	3,116,000
1181	East Washington Street Bridge (PennDOT ID 100743)	New Castle	PA	1,400,000
1182	Johnstown Mainstreet Greenway & Urban Connectivity Improvements	Johnstown	PA	1,500,000
1183	Laurel Valley Transportation Improvement Project SR 130 to Arnold Palmer Airport	Mt Pleasant and Unity Townships	PA	5,000,000

No.	Project Name	City	State/Territory	Amount
1184	Lower State Road Grade Crossing Safety Improvements	Philadelphia	PA	1,200,000
1185	Marsh Creek Greenway	Wellsboro	PA	5,000,000
1186	PA Route 26 Jacksonville Road Betterment	Bellefonte	PA	5,000,000
1187	PA Turnpike / I-95 Interchange Project, Section C	Bensalem	PA	5,000,000
1188	PA Turnpike / I-95 Interchange Project, Section D30	Bensalem	PA	5,000,000
1189	Purchase of 8 Microtransit Vans	State College	PA	416,000
1190	Route 61 Revitalization	Schuykill County	PA	15,200,000
1191	Sassafras Street Extension Pedestrian Bridge	Erie	PA	4,400,000
1192	SR 1001 Farrandsville Road Improvements	Woodward Township and Lock Haven	PA	1,200,000
1193	SR 104 over Mahantango Creek	Chapman Township	PA	1,000,000
1194	SR2027 Speers Bridge Replacement over I-70	Speers Borough	PA	5,672,564
1195	SR87 over Kettle Creek	Hillsgrove Township	PA	1,040,000
1196	State Route 68 Corridor Improvements	Butler	PA	6,630,000
1197	US 422 Bypass Phase 2	Butler, Connoquenessing, and Franklin Townships	PA	2,454,000

No.	Project Name	City	State/Territory	Amount
1198	US 6: Reynolds St – Baldwin St Ext (Route 6 Highway Reconstruction)	Meadville	PA	2,000,000
1199	US Business Route 322 (State Route 3014) Atherton Street Section 153 Drainage/Repaving Project	State College	PA	5,550,000
1200	Warrensville Road Slide Rehabilitation	Williamsport	PA	3,360,000
1201	Waynesburg Betterment	Waynesburg Borough & Franking Township	PA	8,000,000
1202	69th Street Transportation Center Master Plan	Upper Darby	PA	1,600,000
1203	Blakely Borough Main Street Corridor Improvement Project	Blakely Borough, Lackwanna County	PA	1,497,417
1204	Bridge Replacement 209 & 33 NB over Appenzell Creek	Hamilton Township	PA	2,000,000
1205	Bushkill Creek Bridge Replacements (2) Carrying State Route 33	Easton	PA	4,000,000
1206	Carnegie Station Improvement and Park and Ride Expansion	Carnegie	PA	9,699,200

No.	Project Name	City	State/Territory	Amount
1207	Castor Ave Complete Street	Philadelphia	PA	3,000,000
1208	Cementon Bridge Replacement carrying State Route 329 over the Lehigh River	Whitehall, Northampton	PA	10,000,000
1209	Chestnut Street Pedestrian Safety Islands	Philadelphia	PA	3,000,000
1210	Cobbs Creek Parkway Multimodal Safety Improvements: Larchwood Avenue to 67th St.	Philadelphia	PA	2,000,000
				<i>1,200,000</i>
				<i>800,000</i>
1211	County of Lackawanna Transit System Transit Facility Renovation	Scranton	PA	5,000,000
1212	Crestwood Drive Resurfacing Project	Wright Township, Luzerne County	PA	1,200,000
1213	Critical Pedestrian Connections – Public Steps Reconstruction	Pittsburgh	PA	5,000,000
1214	Cross County Trail – Germantown Pike Crossing and Extension	Plymouth Township	PA	4,840,000
1215	Erie Station (Broad Street Line) Accessibility Improvements	Philadelphia	PA	7,200,000
				<i>3,600,000</i>
				<i>3,600,000</i>

No.	Project Name	City	State/Territory	Amount
1216	Exton Station Intermodal Connectivity	Exton	PA	4,800,000
1217	Frankford Creek Greenway: Adams Avenue to Bristol Street	Philadelphia	PA	2,000,000
1218	Franklin Square Pedestrian and Bicycle Improvement—7th and Race Specific	Philadelphia	PA	240,000
1219	Hazleton Buses and Bus Infrastructure	Hazleton	PA	1,500,000
1220	Hill District Corridor Enhancements	Pittsburgh	PA	6,000,000
1221	Improvements to Boulevard of the Allies	Pittsburgh	PA	5,000,000
1222	Kittanning Pike Flood Control	O'Hara Township	PA	2,200,000
1223	Lower Demunds Road Resurfacing Project	Dallas Township, Luzerne County	PA	1,200,000
1224	Main Street Grade Crossing in Darby Borough	Darby Borough	PA	1,000,000
1225	Mantua Neighborhood Traffic Safety Project (34th St.)	Philadelphia	PA	4,000,000
1226	Marcus Hook Regional Rail Station Accessibility Improvements	Marcus Hook	PA	11,250,000
1227	Market Place District Improvements Project	Moon Township	PA	3,100,800
1228	McKees Rocks Bridge	McKees Rocks	PA	5,000,000

No.	Project Name	City	State/Territory	Amount
1229	McKeesport— Duquesne Bridge Pres- ervation	McKeesport	PA	4,000,000
1230	PA 12 West Resurface- 422	Wyomissing Borough	PA	4,000,000
1231	Parkside Ave- nue – Safe Access to Parks	Philadelphia	PA	4,000,000
1232	Penn Center Transit Gate- way	Philadelphia	PA	3,975,000
1233	PHL Airport Bike Lanes	Philadelphia	PA	3,000,000
1234	Replacement of SR 590 Bridge over Branch of Ariel Creek	Salem Town- ship, Wayne County	PA	560,000
1235	Replacement of SR 590 Bridge over Inlet to Finn Swamp	Paupack Township, Wayne Coun- ty	PA	432,000
1236	Roosevelt Bou- levard Inter- section Im- provements	Philadelphia	PA	1,960,000
1237	Schuylkill Ave- nue Bridge	Reading	PA	4,904,036
1238	Second Street Signal Opti- mization (Le- high Ave to Callowhill St)	Philadelphia	PA	2,400,000
1239	SEPTA Plat- form Reha- bilitation Project at PHL	Philadelphia	PA	1,205,000
1240	Sleepy Hollow Road Bridge Replacement	Butler Town- ship, Luzerne County	PA	1,200,000
1241	South Hender- son Road Widening	Upper Merion	PA	5,000,000
1242	SR 29 & SR 113 Intersec- tion Improve- ments	Perkiomen Township	PA	3,676,512

No.	Project Name	City	State/Territory	Amount
1243	SR 4004—Park Ave, Eagleville Road, Crawford Road Intersection Re-alignment Project	Audubon	PA	4,745,604
1244	State Route 115 Corridor Improvements Effort	Chestnuthill Township, Monroe County	PA	4,000,000
1245	State Route 590 Paving Project	Lackawaxen Township, Pike County	PA	2,400,000
1246	State Route 652 Resurfacing Project	Berlin Township, Wayne County	PA	1,008,000
1247	Tilghman Street and State Route 309 Interchange Reconstruction	South Whitehall Township	PA	4,000,000
1248	Upper Darby Walnut Street Multimodal Connectivity Project	Upper Darby	PA	745,000
1249	US 222 Hard Shoulder	Wyomissing Borough	PA	5,000,000
1250	PRHTA-01 Lajas to San German	Lajas	PR	5,000,000
1251	PRHTA-02 Gurabo	Gurabo	PR	4,800,000
1252	PRHTA-03 Bayamon	Bayamon	PR	7,884,000
1253	East Main Road – Union Avenue to Sandy Point Avenue Safe Shared-Use Path	Portsmouth	RI	240,000
1254	Hope and Main Street Side-walks	Bristol and Warren	RI	8,000,000

No.	Project Name	City	State/Territory	Amount
1255	Pawtucket Avenue Veteran's Memorial Parkway to Waterman Avenue	East Providence	RI	5,600,000
1256	Post Road and Old Post Road Improvements	Westerly, Charlestown	RI	10,400,000
1257	Route 2, Bald Hill Road, and New London Avenue Improvements	Warwick/Cranston	RI	4,000,000
1258	RT-114, Wampanoag Trail (East Shore Expressway to Federal Road)	Barrington and East Providence	RI	5,920,000
1259	Trestle Trail—West Section	Coventry	RI	4,400,000
1260	I 26/ 526 Interchange	North Charleston	SC	20,000,000
1261	SC-126 Belvedere Clearwater Road Widening	Clearwater	SC	13,069,695
1262	Corridor Improvement at Old State Road (US 21/176) from Savany Hunt Creek Road (S-86) to Old Sandy Run Road (S-31)	Calhoun County	SC	1,100,000
1263	Intersection Improvement at Old State Road (US 21/176) and Savany Hunt Creek Road (S-86)	Gaston	SC	1,100,000

No.	Project Name	City	State/Territory	Amount
1264	Santee Wateree Regional Transportation #2022	Sumter	SC	2,000,000
1265	Sumter Manning Avenue Bridge Multimodal Enhancements	Sumter	SC	4,000,000
1266	US 21/178 Bypass (Joe S. Jeffords Highway) Corridor Improvement	Orangeburg	SC	7,800,000
1267	Walk Bike Columbia	Columbia	SC	4,000,000
1268	Blount County Greenway	Blount County	TN	3,420,800
1269	Elvis Presley Boulevard	Memphis	TN	7,000,000
1270	Knob Creek Road	Johnson City	TN	2,630,000
1271	Magnolia Avenue Corridor	Knoxville	TN	10,000,000
1272	MATA Electric Bus Program	Memphis	TN	7,000,000
1273	Memphis 3.0 (Kimball at Pendleton)	Memphis	TN	3,000,000
1274	Mississippi Boulevard Signalized Pedestrian Crossing	Memphis	TN	1,141,440
1275	Overton Park Cooper Street Entrance	Memphis	TN	1,739,432
1276	SR-126	Kingsport	TN	5,662,000
1277	SR-34	Morristown	TN	2,394,000
1278	SR-35	Greenville	TN	2,018,000
1279	SR-36	Spurgeon	TN	5,445,000
1280	SR-499 EXT	Sevierville	TN	832,000
1281	SR-93 Horse Creek	Kingsport	TN	777,000
1282	SR-93 Miscellaneous Safety Improvements	Fall Branch	TN	242,000

No.	Project Name	City	State/Territory	Amount
1283	Third/Fourth Street Corridor Project, Chattanooga, TN	Chattanooga	TN	2,500,000
1284	US-127 (SR-28)	Fentress County / Cumberland County	TN	20,000,000
1285	54 Scott Street BOOST Corridor project	Houston	TX	20,000,000
1286	Austin Bergstrom Spur Urban Trail	Austin	TX	10,000,000
1287	Austin Ross Road Substandard Street	Austin	TX	10,000,000
1288	Bear Creek Road Improvement Project	Glenn Heights	TX	3,329,417
1289	City of South Houston--Concrete Sidewalks	South Houston	TX	1,264,530
1290	Clay Road Bridge Reconstruction Project	Houston	TX	9,929,577
1291	Dallas East Grand Avenue (SH-78) Corridor Study & Infrastructure Improvements	Dallas	TX	1,300,000
1292	Dallas Vision Zero Implementation	Dallas	TX	10,000,000
1293	DART LED Light Replacement Project	Dallas	TX	2,080,000
1294	DART Mobile Data Terminals System Upgrade Project	Dallas	TX	1,760,000

No.	Project Name	City	State/Territory	Amount
1295	East Dallas Bus and Maintenance Facility Renovation Project	Dallas	TX	891,992
1296	FM 3349/US 79 Railroad Grade Separation Project	Hutto & Taylor	TX	10,000,000
1297	FM 60 from 2 miles east of SH 36 to .8 miles west of FM 2039	Caldwell	TX	4,000,000
1298	Foley Street & Navigation Realignment & Infrastructure Re-Use Construction Phase	Houston	TX	10,000,000
1299	Fondren Road Reconstruction with Transit and Pedestrian Enhancements	Houston	TX	11,000,000
1300	Greater Downtown Dallas Master Plan	Dallas	TX	1,600,000
1301	Grove Street Intermodal Campus Rehabilitation	Fort Wort	TX	3,250,000
1302	High Line Project	Pharr	TX	940,160
1303	IBTC	Donna and Alamo	TX	3,500,000
1304	IH 45 from 1.5 miles south of S 84 to US 84	Fairfield	TX	1,000,000
1305	IH 69E	Lyford and Sebastian	TX	3,500,000
1306	Intersection at SH 191 and Yukon Rd.	Midland	TX	6,520,000
1307	John Hayes Extension	El Paso	TX	12,000,000

No.	Project Name	City	State/Territory	Amount
1308	Meadowglen West Complete Street Project	Houston	TX	4,000,000
1309	Memorial Park Connector South	Houston	TX	4,000,000
1310	Missouri City/BW 8 Transit Facility	Missouri City	TX	5,000,000
1311	New Construction Overpass at Loop 338 and South US 385	Odessa	TX	2,000,000
1312	Pharr International Bridge Dock Expansion 1	Pharr	TX	2,863,918
1313	Pharr International Bridge-Commercial Vehicle Staging Area	Pharr	TX	3,880,000
1314	Phase 3A—SL 88 from Memphis to CR 2240 (Ave. U) (TxDOT Project Id: 1502-01-029)	Lubbock	TX	11,820,000
1315	Phase 3B—SL 88 from SL 88 from Chicago Avenue to Memphis Avenue (TxDOT Project Id: 1502-01-030)	Lubbock	TX	8,180,000
1316	Reconstruction of US385 in Odessa	Odessa	TX	1,000,000
1317	Re-establish Northwest Drive Direct Access to IH 635	Mesquite	TX	10,000,000

No.	Project Name	City	State/Territory	Amount
1318	RM 2243 Resiliency Project	Leander	TX	10,000,000
1319	Safe Access to Transit Improvements	Houston	TX	1,200,000
1320	SH 550	Brownsville	TX	3,791,529
1321	SH 6 from BS 6-R to SH 40	College Station	TX	4,000,000
1322	South Parallel Corridor Phase III	San Benito	TX	6,500,000
1323	South Park and Ride Project/ Electric Bus Project Expansion	McAllen	TX	4,700,000
1324	Speegleville Road: Bridge at Middle Bosque River	Waco	TX	8,379,000
1325	Stanton Street Bridge "Good Neighbor International Bridge" Intelligent Transportation System	El Paso	TX	7,200,000
1326	The I-35 Innovative Corridor Project	Dallas	TX	7,500,000
1327	Traffic Signal Improvements Loop 338 at W Yukon Rd	Odessa	TX	2,480,000
1328	Trinity Lakes Station— Fort Worth Transportation Authority	Fort Worth	TX	11,962,800
1329	TX SH 36 Expansion	Fort Bend County	TX	20,000,000
1330	Vallecillo Road Project	Laredo	TX	14,000,000
1331	Westheimer BOOST	Houston	TX	16,000,000
1332	Widen US-77	Victoria	TX	20,000,000

No.	Project Name	City	State/Territory	Amount
1333	Widening of US-83 South of Zapata Townsite Project	Zapata	TX	5,780,148
1334	Zarzamora/Frio City Road RR Overpass	San Antonio	TX	15,600,000
1335	1300 East/Richmond Street Reconstruction	Salt Lake City	UT	2,000,000
1336	1500 West and 1300 North Roundabout	Clinton City	UT	1,200,000
1337	4700 South Project WVC	West Valley City	UT	3,000,000
1338	700 West Project	South Salt Lake City	UT	3,000,000
1339	BRT from Kimball Junction to Park City (S.R. 224)	Park City	UT	6,500,000
1340	Colorado River Pathway Phase IV	Moab/Grand County	UT	1,000,000
1341	Fort Street Reconstruct	Draper	UT	915,294
1342	Frontage Road Bypass	Herriman	UT	4,800,000
1343	FrontRunner Forward	Provo to Ogden	UT	3,300,000
1344	Legacy Highway Frontage Road Project	Centerville	UT	1,500,000
1345	Midvalley Connector	Murray, West Valley, Salt Lake City	UT	5,500,000
1346	Neffs Canyon Trailhead Re-design	Salt Lake City	UT	800,000
				<i>400,000</i>
				<i>400,000</i>
1347	North Sugar Factory Road	Gunnison	UT	1,727,200
1348	Ogden 25th Street Re-build Project	Ogden	UT	5,500,000

No.	Project Name	City	State/Territory	Amount
1349	Ogden Canyon Shared Use Pathway Project	Ogden	UT	4,000,000
1350	Park City Arts and Culture District Roadway and Connectivity Project	Park City	UT	1,200,000
1351	Provo Inter-modal Center Pedestrian Bridge Project	Provo	UT	1,000,000
1352	Safe Route to School Sidewalk Project	Salt Lake County	UT	73,345
1353	Sharp/Tintie Railroad Connection	Springville and Spanish Fork	UT	1,700,000
1354	SR-7 Exit 5 Interchange, Southern Hills Bridge and Roadway	St. George	UT	5,000,000
1355	Young Street Bridge and Connector Road Project	Morgan City	UT	1,547,401
1356	Arlington Ridge Road Bridge	Arlington/Alexandria	VA	9,000,000
1357	Berkley Avenue Bridge	Norfolk	VA	5,000,000
1358	Chesapeake All-Electric Mobile Command Vehicle Demonstration Project	Chesapeake	VA	1,600,000
1359	Coalfields Expressway—RTE 121 West Virginia State Line to Grundy, VA	Grundy	VA	4,097,500
1360	Commerce Road Improvements Project	Richmond	VA	1,600,000
1361	Craney Island Access Road	Portsmouth	VA	3,111,500

No.	Project Name	City	State/Territory	Amount
1362	Electric Emergency Response Vehicles	Chesapeake	VA	1,600,000
1363	Fall Line Trail – Downtown Core Enhancements	Richmond	VA	1,500,000
1364	HRT Bus Replacement	Virginia Beach	VA	2,377,000
1365	I-64 at Oilville Road (Rte. 617) Interchange	Goochland County	VA	3,436,000
1366	I-66 Transportation Alternatives	Fairfax	VA	4,000,000
1367	I-81 Northbound Truck Climbing Lane—Mile Marker 39.5	Marion	VA	11,160,000
1368	Intersection Safety Improvements at the Intersection of Route 15 and Route 250	Troy	VA	5,082,700
1369	Intersection Safety Improvements at the Intersection of Route 22 and Route 780	Louisa	VA	2,050,000
1370	Interstate 95 and Willis Road Interchange Improvements Project	Chesterfield	VA	3,200,000
1371	Jahnke Road: Blakemore Road to Forest Hill Avenue	Richmond	VA	1,600,000
1372	Long Bridge	Arlington	VA	4,000,000
1373	Mathis Corridor Revitalization Project	Manassas	VA	7,000,000

No.	Project Name	City	State/Territory	Amount
1374	Multimodal Transportation Infrastructure Improvements	Falls Church	VA	2,000,000
1375	Nimmo Parkway Phase VII-B	Virginia Beach	VA	5,000,000
1376	Old Bridge Road at Gordon Boulevard Interchange/Intersection Improvements	Woodbridge	VA	4,000,000
1377	Parallel Chesapeake Tunnel Project	Northampton County	VA	3,111,500
1378	Peninsula Transit Signal Priority Improvements	Newport News and Hampton	VA	9,702,071
1379	Red Lane Road/Rt. 60 Continuous Green T	Powhatan	VA	3,145,663
1380	Richmond Highway Bus Rapid Transit	Fairfax County	VA	5,000,000
1381	Roundabout at the intersection of Middle Road (Rt. 646) and Jefferson Park Road (Rt. 630)	Prince George County	VA	3,540,806
1382	Route 31 Bicycle Accommodations Project	Surry	VA	6,379,000
1383	Route 7/Route 690 Interchange	Purcellville	VA	10,000,000

No.	Project Name	City	State/Territory	Amount
1384	Rt. 208 (Court-house Road) and Hood Drive Intersection Improvement (UPC 110987)	Fredericksburg	VA	1,151,000
1385	Silver Line Support Transportation Alternatives	Fairfax	VA	10,500,000
1386	The Birthplace of America Trail	Newport News	VA	3,160,000
1387	Tidewater Drive Reconstruction	Norfolk	VA	6,400,000
1388	Transit Enhancement and Expansion	Chesterfield	VA	4,688,800
1389	St. Croix/St. Thomas Ferry	Christiansted	VI	15,000,000
1390	Barre City-Barre Town VT Route 14 / Quarry Street and Quarry Hill Road Intersection Reconstruction	Barre	VT	4,750,000
1391	Essex Junction Crescent Connector	Essex	VT	5,400,000
1392	Railyard Enterprise Project (Design & Permitting Phase)	Burlington	VT	2,250,000
1393	Town of Hartford (Quechee) U.S 4 Bridge Rehabilitation	Hartford	VT	7,600,000

No.	Project Name	City	State/Territory	Amount
1394	Bigelow Gulch and Sullivan Road Corridor	Spokane Valley	WA	2,650,000
1395	City of Waitsburg Highway 12 Preston Bridge Replacement	Waitsburg	WA	350,000
1396	Columbia Heights Road Reconstruction	Longview	WA	5,500,000
1397	Ferry County Kettle River Road Rehabilitation	Curlew	WA	1,797,000
1398	I-5/SR 503 Interchange Area Improvements	Woodland	WA	11,760,000
1399	Industrial Rail Corridor Expansion (IRCE)	Longview	WA	2,740,000
1400	Palouse River Bridge Replacement	Colfax	WA	6,000,000
1401	Spokane Airport Spotted Road Project	Spokane	WA	6,749,000
1402	SR 410/Rock Creek Vic—Chronic Environmental Deficiency	Naches	WA	3,562,000
1403	SW Mojonier Road Reconstruction	College Place	WA	2,453,574
1404	US 12 Naches Vic to Yakima Vic—Intersection Safety Improvements	Naches	WA	1,452,000
1405	US 97/Jones Rd—Intersection Improvements	Wapato	WA	4,464,000

No.	Project Name	City	State/Territory	Amount
1406	US Highway 12 Phase 8 Final Design and Right of Way Acquisition	Touchet	WA	5,965,931
1407	Yakima County, East-West Corridor Phase II Project.	Yakima	WA	4,000,000
1408	169th Street Connecting Segment	Arlington	WA	3,900,000
1409	20th Street NE / Main Street Improvements	Lake Stevens	WA	2,000,000
1410	42nd Ave S Bridge Replacement Project	Tukwila	WA	1,270,000
1411	Aberdeen US 12 Highway-Rail Separation Project	Aberdeen	WA	2,080,000
1412	Access and Circulation Roads for the Darrington Wood Innovation Center	Town of Darrington	WA	1,291,869
1413	Bellevue Transit Center Safety and Connectivity Project	Bellevue	WA	1,000,000
1414	City of Carnation Larson / 40th Street Bypass Project	Carnation	WA	2,400,000
1415	City of Kenmore Fish Passable Culvert Replacements	Kenmore	WA	1,224,000
1416	College Street Corridor Improvements Phase III	Lacey	WA	6,000,000

No.	Project Name	City	State/Territory	Amount
1417	Columbia River Pedestrian Bridge Extension, Apple Capital Loop Trail	Wenatchee	WA	8,600,000
1418	E. 64th Street Phase II	Tacoma	WA	5,600,000
1419	East Marginal Way Corridor Improvements – Phase 1	Seattle	WA	2,340,000
1420	Eastrail Wilburton Critical Crossing	Bellevue	WA	1,680,000
1421	Georgetown to South Park Connection	Seattle	WA	1,800,000
1422	Gorst Area Resiliency and Redundancy Alternatives Study	Bremerton	WA	8,000,000
1423	Guemes Island Ferry Replacement Project	Anacortes	WA	8,000,000
1424	I-5/Lake Washington Ship Canal Bridge	Seattle	WA	5,000,000
1425	Lea Hill Corridor 112th Ave SE & 105th Pl SE Intersection Improvements	Aubrun	WA	4,446,200
1426	Links to Opportunity Streetscape Project	Tacoma	WA	2,000,000
1427	Lyon Creek Culvert Replacement Project	Lake Forest Park	WA	3,100,000
1428	Meeker Complete Street/ Safe Routes to School Project	Kent	WA	2,500,000

No.	Project Name	City	State/Territory	Amount
1429	MLK Jr. Way S Safety and Accessibility Improve- ments Project	Seattle	WA	750,000
1430	NE 124th St / 124th Ave NE Pedes- trian Bridge (Totem Lake Non-Motor- ized Bridge)	Kirkland	WA	2,000,000
1431	Orting HWY 162 Pedes- trian Bridge	Oting	WA	6,000,000
1432	Puyallup Ave- nue Transit/ Complete Street Im- provements	Tacoma	WA	2,000,000
1433	Rainier Avenue South Cor- ridor Im- provements— Phase 4A	Renton	WA	2,000,000
1434	Redmond Cen- tral Con- nector Phase III	Redmond	WA	3,000,000
1435	Roundabout on US-2 and Main Street	Sultan	WA	900,000
1436	Safe Routes to School Im- provements: Whitman El- ementary and Edison Ele- mentary Schools	Tacoma	WA	1,000,000
1437	Sheffield Trail Improvement Project	Fife	WA	2,750,000
1438	South Campus Interim Base Electrifica- tion	Tukwila	WA	3,000,000
1439	South Tacoma Way, 88th Street S to 80th Street Court SW.	Lakewood	WA	2,400,000

No.	Project Name	City	State/Territory	Amount
1440	South Whidbey— Clinton Area Transportation Infrastructure Improvements	Clinton	WA	1,500,000
1441	SR 99/NB Duwamish River Bridge—Grid Deck Replacement	Seattle	WA	2,000,000
1442	SR522 Corridor Improvement	Maltby	WA	4,000,000
1443	Town to Zylstra Lake Multi- Modal Trail	Friday Harbor	WA	5,280,000
1444	Tukwila International Boulevard Bus Rapid Transit Station	Tukwila	WA	2,000,000
1445	US 12/Heron St Bridge Tier 1— Bridge Rehabilitation	Aberdeen	WA	2,038,166
1446	US-2 WB Trestle	Lake Stevens, Everett	WA	1,680,000 <i>840,000</i> <i>840,000</i>
1447	Washington State Ferries Seattle Ferry Terminal Shoreside Electrification	Seattle	WA	4,200,000
1448	West Seattle and Ballard Link Extensions (WSBLE)	Seattle	WA	5,360,000
1449	X Street Roundabout	Tumwater	WA	3,250,000
1450	Atwood Ave. (Fair Oaks Ave. to Cottage Grove Rd.)	Madison	WI	6,275,000

No.	Project Name	City	State/Territory	Amount
1451	BeerLine Bike and Pedestrian Trail	Milwaukee	WI	1,200,000
1452	CTH CC from Ash Street to CTH D	Oregon	WI	2,000,000
1453	CTH CV from Government Road to USH 51	Madison	WI	2,000,000
1454	CTH M/Century Avenue Bridge (B-13-0046) over Pheasant Branch Replacement Including Approaches and Branch Street Intersection	Middleton	WI	2,000,000
1455	CTH P from CTH PD to CTH S	Klevenville	WI	2,000,000
1456	I-94 Screening Wall at Woods National Cemetery	Milwaukee	WI	2,000,000
1457	Milwaukee County Transit Bus Purchase	Wauwatosa	WI	4,000,000
1458	Milwaukee County Transit Security Initiative	Wauwatosa	WI	2,000,000
1459	Reconstruction of Silver Spring Drive	Glendale	WI	4,500,000
1460	Reedsburg - Baraboo, Preston Avenue to STH 23 Const./ Mill & Overlay, State 3R	Reedsburg	WI	125,000

No.	Project Name	City	State/Territory	Amount
1461	Reedsburg – Wisconsin Dells STH 136 Intersec- tion Const./ Intersection Improvement/ RAB Safety	Reedsburg	WI	1,600,000
1462	South Kinnickinnic Avenue Re- surfacing Project	St. Francis	WI	700,000
1463	US 14 (Wis- consin River to Oak Street) be- tween Spring Green & Madison	Arena	WI	2,000,000
1464	Vliet Street Re- surfacing Project	Milwaukee	WI	4,200,000
1465	Hal Greer Bou- levard Cor- ridor Up- grade	Huntington	WV	6,400,000
1466	Michael Angiulli Memorial Bridge	North View	WV	2,080,000
1467	New Cum- berland—WV 2	New Cum- berland	WV	3,200,000
1468	Princeton Over- head Bridge	Princeton	WV	3,600,000
1469	Rock Creek Inter- change—New Access Road	Rock Creek	WV	10,000,000
1470	Route 93 Scherr Over- pass	Scherr	WV	3,120,000
1471	Van Voorhis Road	Morgantown	WV	6,800,000
1472	WVU PRT Pas- senger Sta- tions Reha- bilitation Project	Morgantown	WV	4,800,000

No.	Project Name	City	State/Territory	Amount
1473	Excelsior Springs Safe Streets and Sidewalks	Excelsior Springs	MO	9,444,706
1474	Fox River Regional Trail: Hoover Forest Preserve-Fox River Bluffs Connecting Trail Segment	Yorkville	IL	240,000
1475	City of Red Wing Levee Road Re-alignment Project	Red Wing	MN	3,124,521

1 **SEC. 108. REPORT ON PROGRESS OF DBE PROGRAM.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, and annually thereafter,
4 the Secretary of Transportation shall submit to Congress
5 a report on the disadvantaged business enterprises pro-
6 gram carried out by the Department of Transportation
7 pursuant to section 1101(c) of this division.

8 (b) CONTENTS.—The report required under sub-
9 section (a) shall include, at a minimum, the percentage
10 and dollar amount of Federal funds paid to small business
11 concerns owned and controlled by socially and economi-
12 cally disadvantaged individuals in the prior fiscal year for
13 each State and territory of the United States.

1 (c) DEFINITIONS.—The terms “small business con-
2 cern” and “socially and economically disadvantaged indi-
3 viduals” have the meanings given such terms in section
4 1101(c)(2).

5 **DIVISION B—SURFACE** 6 **TRANSPORTATION**

7 **SEC. 1001. APPLICABILITY OF DIVISION.**

8 (a) APPLICABILITY.—This division, including the
9 amendments made by this division, applies beginning on
10 October 1, 2022.

11 (b) REFERENCE TO DATE OF ENACTMENT.—In this
12 division and the amendments made by this division, any
13 reference to—

14 (1) the date of enactment of this Act;

15 (2) the date of enactment of a provision of this
16 division;

17 (3) the date of enactment of a provision added
18 to law by an amendment made by this division; or

19 (4) the date of enactment of the INVEST in
20 America Act added to law by an amendment made
21 by this division,

22 shall be treated as a reference to October 1, 2022.

23 (c) EXCEPTION FOR IMMEDIATE APPLICATION.—
24 Subsections (a) and (b) shall not apply to the following
25 sections and any amendments made by such sections:

- 1 (1) Section 1105.
- 2 (2) Section 1107.
- 3 (3) Section 1305.
- 4 (4) Subsections (c)(1) and (d) of section 2104.
- 5 (5) Section 2106.
- 6 (6) Section 2112.
- 7 (7) Section 2204(1)(A).
- 8 (8) Section 2305.
- 9 (9) Section 2307.
- 10 (10) Section 2902(2).

11 **TITLE I—FEDERAL-AID**

12 **HIGHWAYS**

13 **Subtitle A—Authorizations and**

14 **Program Conditions**

15 **SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) IN GENERAL.—The following amounts are au-
17 thorized to be appropriated out of the Highway Trust
18 Fund (other than the Mass Transit Account):

19 (1) FEDERAL-AID HIGHWAY PROGRAM.—For
20 the national highway performance program under
21 section 119 of title 23, United States Code, the pre-
22 disaster mitigation program under section 124 of
23 such title, the railway crossings program under sec-
24 tion 130 of such title, the surface transportation
25 program under section 133 of such title, the high-

1 way safety improvement program under section 148
2 of such title, the congestion mitigation and air qual-
3 ity improvement program under section 149 of such
4 title, the clean corridors program under section 151
5 of such title, the national highway freight program
6 under section 167 of such title, the carbon pollution
7 reduction program under section 171 of such title,
8 and metropolitan planning under section 134 of such
9 title—

10 (A) \$56,522,048,429 for fiscal year 2023;

11 (B) \$57,480,646,776 for fiscal year 2024;

12 (C) \$58,595,359,712 for fiscal year 2025;

13 and

14 (D) \$59,618,666,186 for fiscal year 2026.

15 (2) TRANSPORTATION INFRASTRUCTURE FI-
16 NANCE AND INNOVATION PROGRAM.—For credit as-
17 sistance under the transportation infrastructure fi-
18 nance and innovation program under chapter 6 of
19 title 23, United States Code, \$250,000,000 for each
20 of fiscal years 2023 through 2026.

21 (3) CONSTRUCTION OF FERRY BOATS AND
22 FERRY TERMINAL FACILITIES.—For construction of
23 ferry boats and ferry terminal facilities under sec-
24 tion 147 of title 23, United States Code,

1 \$120,000,000 for each of fiscal years 2023 through
2 2026.

3 (4) FEDERAL LANDS AND TRIBAL TRANSPOR-
4 TATION PROGRAMS.—

5 (A) TRIBAL TRANSPORTATION PRO-
6 GRAM.—For the tribal transportation program
7 under section 202 of title 23, United States
8 Code, \$800,000,000 for each of fiscal years
9 2023 through 2026.

10 (B) FEDERAL LANDS TRANSPORTATION
11 PROGRAM.—

12 (i) IN GENERAL.—For the Federal
13 lands transportation program under sec-
14 tion 203 of title 23, United States Code,
15 \$555,000,000 for each of fiscal years 2023
16 through 2026.

17 (ii) ALLOCATION.—Of the amount
18 made available for a fiscal year under
19 clause (i)—

20 (I) the amount for the National
21 Park Service is \$400,000,000 for each
22 of fiscal years 2023 through 2026;

23 (II) the amount for the United
24 States Fish and Wildlife Service is

1 \$50,000,000 for each of fiscal years
2 2023 through 2026;

3 (III) the amount for the United
4 States Forest Service is \$50,000,000
5 for each of fiscal years 2023 through
6 2026;

7 (IV) the amount for the Corps of
8 Engineers is \$16,000,000 for each of
9 fiscal years 2023 through 2026;

10 (V) the amount for the Bureau
11 of Land Management is \$16,000,000
12 for each of fiscal years 2023 through
13 2026;

14 (VI) the amount for the Bureau
15 of Reclamation is \$16,000,000 for
16 each of fiscal years 2023 through
17 2026; and

18 (VII) the amount for independent
19 Federal agencies with natural re-
20 source and land management respon-
21 sibilities is \$7,000,000 for each of fis-
22 cal years 2023 through 2026.

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

1 \$345,000,000 for each of fiscal years 2023
2 through 2026.

3 (D) FEDERAL LANDS AND TRIBAL MAJOR
4 PROJECTS GRANTS.—To carry out section 208
5 of title 23, United States Code, \$400,000,000
6 for each of fiscal years 2023 through 2026.

7 (5) TERRITORIAL AND PUERTO RICO HIGHWAY
8 PROGRAM.—For the territorial and Puerto Rico
9 highway program under section 165 of title 23,
10 United States Code, the amounts specified in para-
11 graphs (1) and (2) of section 165(a) for each of fis-
12 cal years 2023 through 2026.

13 (6) PROJECTS OF NATIONAL AND REGIONAL
14 SIGNIFICANCE.—For projects of national and re-
15 gional significance under section 117 of title 23,
16 United States Code, \$3,000,000,000 for each of fis-
17 cal years 2023 through 2026.

18 (7) COMMUNITY TRANSPORTATION INVESTMENT
19 GRANTS.—To carry out section 173 of title 23,
20 United States Code, \$600,000,000 for each of fiscal
21 years 2023 through 2026.

22 (8) COMMUNITY CLIMATE INNOVATION
23 GRANTS.—To carry out section 172 of title 23,
24 United States Code, \$250,000,000 for each of fiscal
25 years 2023 through 2026.

1 (9) NATIONAL SCENIC BYWAYS PROGRAM.—To
2 carry out section 162 of title 23, United States
3 Code, \$16,000,000 for each of fiscal year 2023
4 through 2026.

5 (10) REBUILD RURAL BRIDGES PROGRAM.— To
6 carry out section 1307 of this Act, \$250,000,000 for
7 each of fiscal years 2023 through 2026.

8 (11) PARKING FOR COMMERCIAL MOTOR VEHI-
9 CLES.—To carry out section 1308 of this Act,
10 \$250,000,000 for each of fiscal years 2023 through
11 2026.

12 (12) ACTIVE CONNECTED TRANSPORTATION
13 GRANT PROGRAM.—To carry out section 1309 of
14 this Act, \$250,000,000 for each of fiscal years 2023
15 through 2026.

16 (13) WILDLIFE CROSSINGS PROGRAM.—To
17 carry out section 1310 of this Act, \$100,000,000 for
18 each of fiscal years 2023 through 2026.

19 (14) RECONNECTING NEIGHBORHOODS PRO-
20 GRAM.—To carry out section 1311 of this Act,
21 \$750,000,000 for each of fiscal years 2023 through
22 2026.

23 (15) METRO PERFORMANCE PROGRAM.—To
24 carry out section 1305 of this Act, \$250,000,000 for
25 each of fiscal years 2023 through 2026.

1 (16) GRIDLOCK REDUCTION GRANT PRO-
2 GRAM.—To carry out section 1306 of this Act,
3 \$500,000,000 for fiscal year 2023.

4 (b) AUTHORIZATION FOR NATIONAL SCENIC BY-
5 WAYS.—There is authorized to be appropriated out of the
6 general fund of the Treasury \$39,000,000 for each of fis-
7 cal years 2023 through 2026 to carry out section 162 of
8 title 23, United States Code.

9 (c) TREATMENT OF FUNDS.—Amounts made avail-
10 able under paragraphs (10) through (14) of subsection (a)
11 shall be administered as if apportioned under chapter 1
12 of title 23, United States Code.

13 (d) DISADVANTAGED BUSINESS ENTERPRISES.—

14 (1) FINDINGS.—Congress finds that—

15 (A) despite the real improvements caused
16 by the disadvantaged business enterprise pro-
17 gram, minority- and women-owned businesses
18 across the country continue to confront serious
19 and significant obstacles to success caused by
20 race and gender discrimination in the federally
21 assisted surface transportation market and re-
22 lated markets across the United States;

23 (B) the continuing race and gender dis-
24 crimination described in subparagraph (A) mer-

1 its the continuation of the disadvantaged busi-
2 ness enterprise program;

3 (C) recently, the disparities cause by dis-
4 crimination against African American, Hispanic
5 American, Asian American, Native American,
6 and women business owners have been further
7 exacerbated by the coronavirus pandemic and
8 its disproportionate effects on minority- and
9 women-owned businesses across the nation;

10 (D) Congress has received and reviewed
11 testimony and documentation of race and gen-
12 der discrimination from numerous sources, in-
13 cluding congressional hearings and other inves-
14 tigative activities, scientific reports, reports
15 issued by public and private agencies at every
16 level of government, news reports, academic
17 publications, reports of discrimination by orga-
18 nizations and individuals, and discrimination
19 lawsuits, which continue to demonstrate that
20 race- and gender-neutral efforts alone are insuf-
21 ficient to address the problem;

22 (E) the testimony and documentation de-
23 scribed in subparagraph (D) demonstrate that
24 discrimination across the United States poses
25 an injurious and enduring barrier to full and

1 fair participation in surface transportation-re-
2 lated businesses of women business owners and
3 minority business owners and has negatively af-
4 fected firm formation, development and success
5 in many aspects of surface transportation-re-
6 lated business in the public and private mar-
7 kets; and

8 (F) the testimony and documentation de-
9 scribed in subparagraph (D) provide a clear pic-
10 ture of the inequality caused by discrimination
11 that continues to plague our nation and a
12 strong basis that there is a compelling need for
13 the continuation of the disadvantaged business
14 enterprise program to address race and gender
15 discrimination in surface transportation-related
16 business.

17 (2) DEFINITIONS.—In this subsection, the fol-
18 lowing definitions apply:

19 (A) SMALL BUSINESS CONCERN.—The
20 term “small business concern” means a small
21 business concern (as the term is used in section
22 3 of the Small Business Act (15 U.S.C. 632)).

23 (B) SOCIALLY AND ECONOMICALLY DIS-
24 ADVANTAGED INDIVIDUALS.—The term “so-
25 cially and economically disadvantaged individ-

1 uals” has the meaning given the term in section
2 8(d) of the Small Business Act (15 U.S.C.
3 637(d)) and relevant subcontracting regulations
4 issued pursuant to that Act, except that women
5 shall be presumed to be socially and economi-
6 cally disadvantaged individuals for purposes of
7 this subsection.

8 (3) AMOUNTS FOR SMALL BUSINESS CON-
9 CERNS.—Except to the extent that the Secretary of
10 Transportation determines otherwise, not less than
11 10 percent of the amounts made available for any
12 program under titles I, II, V, and VII of this divi-
13 sion and section 403 of title 23, United States Code,
14 shall be expended through small business concerns
15 owned and controlled by socially and economically
16 disadvantaged individuals.

17 (4) ANNUAL LISTING OF DISADVANTAGED BUSI-
18 NESS ENTERPRISES.—Each State shall annually—

19 (A) survey and compile a list of the small
20 business concerns referred to in paragraph (3)
21 in the State, including the location of the small
22 business concerns in the State; and

23 (B) notify the Secretary, in writing, of the
24 percentage of the small business concerns that
25 are controlled by—

- 1 (i) women;
- 2 (ii) socially and economically dis-
- 3 advantaged individuals (other than
- 4 women); and
- 5 (iii) individuals who are women and
- 6 are otherwise socially and economically dis-
- 7 advantaged individuals.

8 (5) UNIFORM CERTIFICATION.—

9 (A) IN GENERAL.—The Secretary of

10 Transportation shall establish minimum uni-

11 form criteria for use by State governments in

12 certifying whether a concern qualifies as a small

13 business concern for the purpose of this sub-

14 section.

15 (B) INCLUSIONS.—The minimum uniform

16 criteria established under subparagraph (A)

17 shall include, with respect to a potential small

18 business concern—

- 19 (i) on-site visits;
- 20 (ii) personal interviews with personnel;
- 21 (iii) issuance or inspection of licenses;
- 22 (iv) analyses of stock ownership;
- 23 (v) listings of equipment;
- 24 (vi) analyses of bonding capacity;
- 25 (vii) listings of work completed;

- 1 (viii) examination of the resumes of
2 principal owners;
3 (ix) analyses of financial capacity; and
4 (x) analyses of the type of work pre-
5 ferred.

6 (6) REPORTING.—The Secretary of Transpor-
7 tation shall establish minimum requirements for use
8 by State governments in reporting to the Sec-
9 retary—

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

13 (B) such other information as the Sec-
14 retary determines to be appropriate for the
15 proper monitoring of the disadvantaged busi-
16 ness enterprise program.

17 (7) COMPLIANCE WITH COURT ORDERS.—Noth-
18 ing in this subsection limits the eligibility of an indi-
19 vidual or entity to receive funds made available
20 under titles I, II, V, and VII of this division and sec-
21 tion 403 of title 23, United States Code, if the enti-
22 ty or person is prevented, in whole or in part, from
23 complying with paragraph (3) because a Federal
24 court issues a final order in which the court finds

1 that a requirement or the implementation of para-
2 graph (3) is unconstitutional.

3 (8) SENSE OF CONGRESS ON PROMPT PAYMENT
4 OF DBE SUBCONTRACTORS.—It is the sense of Con-
5 gress that—

6 (A) the Secretary of Transportation should
7 take additional steps to ensure that recipients
8 comply with section 26.29 of title 49, Code of
9 Federal Regulations (the disadvantaged busi-
10 ness enterprises prompt payment rule), or any
11 corresponding regulation, in awarding federally
12 funded transportation contracts under laws and
13 regulations administered by the Secretary; and

14 (B) such additional steps should include
15 increasing the Department of Transportation's
16 ability to track and keep records of complaints
17 and to make that information publicly available.

18 (9) SENSE OF CONGRESS ON FULFILLING CER-
19 TAIN CONTRACTS.—It is the sense of Congress that
20 contractors participating in a federally funded trans-
21 portation contract with a small business concern
22 owned and controlled by socially and economically
23 disadvantaged individuals should ensure that the
24 percentage of a contract promised to such small
25 business concern is fulfilled, unless prior approval is

1 obtained consistent with the regulations under part
2 26 of title 49, Code of Federal Regulations.

3 (d) LIMITATION ON FINANCIAL ASSISTANCE FOR
4 STATE-OWNED ENTERPRISES.—

5 (1) IN GENERAL.—Funds provided under this
6 section may not be used in awarding or exercising
7 an option on a previously awarded contract, a con-
8 tract, subcontract, grant, or loan to an entity that
9 is owned or controlled by, is a subsidiary of, or is
10 otherwise related legally or financially to a corpora-
11 tion based in a country that—

12 (A) is identified as a nonmarket economy
13 country (as defined in section 771(18) of the
14 Tariff Act of 1930 (19 U.S.C. 1677(18))) as of
15 the date of enactment of this Act;

16 (B) was identified by the United States
17 Trade Representative in the most recent report
18 required by section 182 of the Trade Act of
19 1974 (19 U.S.C. 2242) as a priority foreign
20 country under subsection (a)(2) of that section;
21 and

22 (C) is subject to monitoring by the Trade
23 Representative under section 306 of the Trade
24 Act of 1974 (19 U.S.C. 2416).

1 (2) EXCEPTION.—For purposes of paragraph
2 (1), the term “otherwise related legally or finan-
3 cially” does not include a minority relationship or in-
4 vestment.

5 (3) INTERNATIONAL AGREEMENTS.—This sub-
6 section shall be applied in a manner consistent with
7 the obligations of the United States under inter-
8 national agreements.

9 **SEC. 1102. OBLIGATION LIMITATION.**

10 (a) GENERAL LIMITATION.—Subject to subsection
11 (e), and notwithstanding any other provision of law, the
12 obligations for Federal-aid highway and highway safety
13 construction programs shall not exceed—

- 14 (1) \$66,097,092,526 for fiscal year 2023;
15 (2) \$66,570,608,070 for fiscal year 2024;
16 (3) \$67,701,550,431 for fiscal year 2025; and
17 (4) \$68,741,903,518 for fiscal year 2026.

18 (b) EXCEPTIONS.—The limitations under subsection
19 (a) shall not apply to obligations under or for—

- 20 (1) section 125 of title 23, United States Code;
21 (2) section 147 of the Surface Transportation
22 Assistance Act of 1978 (23 U.S.C. 144 note; 92
23 Stat. 2714);
24 (3) section 9 of the Federal-Aid Highway Act
25 of 1981 (95 Stat. 1701);

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

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

7 (6) sections 1103 through 1108 of the Inter-
8 modal Surface Transportation Efficiency Act of
9 1991 (Public Law 102–240);

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

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

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

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

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

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

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

13 (13) section 119 of title 23, United States Code
14 (but, for fiscal years 2016 through 2022, only in an
15 amount equal to \$639,000,000 for each of those fis-
16 cal years);

17 (14) section 203 of title 23, United States Code
18 (but, for fiscal years 2023 through 2026, only in an
19 amount equal to \$550,000,000 for each of those fis-
20 cal years); and

21 (15) section 133(d)(1)(B) of title 23, United
22 States Code (but, for fiscal years 2023 through
23 2026, only in an amount equal to \$89,000,000 for
24 each of those fiscal years).

1 (c) DISTRIBUTION OF OBLIGATION AUTHORITY.—
2 Subject to paragraph (1)(B), for each of fiscal years 2023
3 through 2026, the Secretary of Transportation—

4 (1)(A) shall not distribute obligation authority
5 provided by subsection (a) for the fiscal year for—

6 (i) amounts authorized for administrative
7 expenses and programs by section 104(a) of
8 title 23, United States Code;

9 (ii) amounts authorized for the Bureau of
10 Transportation Statistics;

11 (iii) amounts authorized for the tribal
12 transportation program under section 202 of
13 title 23, United States Code; and

14 (iv) amounts authorized for the territorial
15 and Puerto Rico highway program under sec-
16 tion 165(a) of title 23, United States Code; and

17 (B) for each of fiscal years 2023 through 2026,
18 in addition to the amounts described in subpara-
19 graph (A), shall not distribute obligation authority
20 provided by subsection (a) for the fiscal year for
21 amounts authorized for the metro performance pro-
22 gram under section 1305 of this Act;

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

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

9 (B) for which obligation authority was pro-
10 vided in a previous fiscal year;

11 (3) shall determine the proportion that—

12 (A) the obligation authority provided by
13 subsection (a) for the fiscal year, less the aggre-
14 gate of amounts not distributed under para-
15 graphs (1) and (2) of this subsection; bears to

16 (B) the total of—

17 (i) the sums authorized to be appro-
18 priated for the Federal-aid highway and
19 highway safety construction programs,
20 other than sums authorized to be appro-
21 priated for—

22 (I) provisions of law described in
23 paragraphs (1) through (13) of sub-
24 section (b);

1 (II) section 203 of title 23,
2 United States Code, equal to the
3 amount referred to in subsection
4 (b)(14) for the fiscal year; and

5 (III) section 133(d)(1)(B) of title
6 23, United States Code, equal to the
7 amount referred to in subsection
8 (b)(15) for the fiscal year; less

9 (ii) the aggregate of the amounts not
10 distributed under paragraphs (1) and (2)
11 of this subsection;

12 (4) shall distribute the obligation authority pro-
13 vided by subsection (a), less the aggregate amounts
14 not distributed under paragraphs (1) and (2), for
15 each of the programs (other than programs to which
16 paragraph (1) applies) that are allocated by the Sec-
17 retary under this Act and title 23, United States
18 Code, or apportioned by the Secretary under section
19 202 or 204 of such title, by multiplying—

20 (A) the proportion determined under para-
21 graph (3); by

22 (B) the amounts authorized to be appro-
23 priated for each such program for the fiscal
24 year; and

1 (5) shall distribute the obligation authority pro-
2 vided by subsection (a), less the aggregate amounts
3 not distributed under paragraphs (1) and (2) and
4 the amounts distributed under paragraph (4), for
5 Federal-aid highway and highway safety construc-
6 tion programs that are apportioned by the Secretary
7 under title 23, United States Code (other than the
8 amounts apportioned for the surface transportation
9 program in section 133(d)(1)(B) of title 23, United
10 States Code, that are exempt from the limitation
11 under subsection (b)(15) and the amounts appor-
12 tioned under sections 202 and 204 of such title) in
13 the proportion that—

14 (A) amounts authorized to be appropriated
15 for the programs that are apportioned under
16 title 23, United States Code, to each State for
17 the fiscal year; bears to

18 (B) the total of the amounts authorized to
19 be appropriated for the programs that are ap-
20 portioned under title 23, United States Code, to
21 all States for the fiscal year.

22 (d) REDISTRIBUTION OF UNUSED OBLIGATION AU-
23 THORITY.—Notwithstanding subsection (c), the Secretary
24 of Transportation shall, after August 1 of each of fiscal
25 years 2023 through 2026—

1 (1) revise a distribution of the obligation au-
2 thority made available under subsection (c) if an
3 amount distributed cannot be obligated during that
4 fiscal year; and

5 (2) redistribute sufficient amounts to those
6 States able to obligate amounts in addition to those
7 previously distributed during that fiscal year, giving
8 priority to those States having large unobligated bal-
9 ances of funds apportioned under section 104 of title
10 23, United States Code.

11 (e) SPECIAL LIMITATION.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), obligation limitations imposed by sub-
14 section (a) shall apply to contract authority for—

15 (A) transportation research programs car-
16 ried out under chapter 5 of title 23, United
17 States Code, and title V of this Act; and

18 (B) the metro performance program under
19 section 1305 of this Act.

20 (2) EXCEPTION.—Obligation authority made
21 available under paragraph (1) shall—

22 (A) remain available for a period of 4 fis-
23 cal years; and

24 (B) be in addition to the amount of any
25 limitation imposed on obligations for Federal-

1 aid highway and highway safety construction
2 programs for future fiscal years.

3 (f) LOP-OFF.—

4 (1) IN GENERAL.—Not later than 30 days after
5 the date of distribution of obligation authority under
6 subsection (c) for each of fiscal years 2023 through
7 2026, the Secretary of Transportation shall dis-
8 tribute to the States any funds that—

9 (A) are authorized to be appropriated for
10 the fiscal year for Federal-aid highway pro-
11 grams; and

12 (B) the Secretary determines will not be
13 allocated to the States (or will not be appor-
14 tioned to the States under section 204 of title
15 23, United States Code), and will not be avail-
16 able for obligation, for the fiscal year because
17 of the imposition of any obligation limitation for
18 the fiscal year.

19 (2) RATIO.—Funds shall be distributed under
20 paragraph (1) in the same proportion as the dis-
21 tribution of obligation authority under subsection
22 (c)(5).

23 (3) AVAILABILITY.—Funds distributed to each
24 State under paragraph (1) shall be available for any

1 purpose described in section 133(b) of title 23,
2 United States Code.

3 **SEC. 1103. DEFINITIONS AND DECLARATION OF POLICY.**

4 Section 101 of title 23, United States Code, is
5 amended—

6 (1) in subsection (a)—

7 (A) by redesignating paragraphs (1), (2),
8 (3), (4), (5), (6), (7), (8), (9), (10), (11), (12),
9 (13), (14), (15), (16), (17), (18), (19), (20),
10 (21), (22), (23), (24), (25), (26), (27), (28),
11 (29), (30), (31), (32), (33), and (34) as para-
12 graphs (2), (4), (5), (7), (9), (11), (12), (13),
13 (14), (15), (17), (18), (19), (20), (21), (22),
14 (24), (25), (26), (27), (29), (30), (33), (34),
15 (35), (36), (37), (38), (39), (43), (44), (45),
16 (46), and (47), respectively;

17 (B) by inserting before paragraph (2), as
18 so redesignated, the following:

19 “(1) ADAPTATION.—The term ‘adaptation’
20 means an adjustment in natural or human systems
21 in anticipation of, or in response to, a changing envi-
22 ronment in a way that moderates negative effects of
23 extreme events or climate change.”;

24 (C) by inserting before paragraph (4), as
25 so redesignated, the following:

1 “(3) AREAS OF PERSISTENT POVERTY.—The
2 term ‘areas of persistent poverty’ means—

3 “(A) any county that has had 20 percent
4 or more of the population of such county living
5 in poverty over the past 30 years, as measured
6 by the 1990 and 2000 decennial censuses and
7 the most recent Small Area Income and Poverty
8 Estimates;

9 “(B) any census tract with a poverty rate
10 of at least 20 percent, as measured by the most
11 recent 5-year data series available from the
12 American Community Survey of the Bureau of
13 the Census for all States and Puerto Rico; or

14 “(C) any other territory or possession of
15 the United States that has had 20 percent or
16 more of its population living in poverty over the
17 past 30 years, as measured by the 1990, 2000,
18 and 2010 decennial censuses, or equivalent
19 data, of the Bureau of the Census.”.

20 (D) by inserting after paragraph (5), as so
21 redesignated, the following:

22 “(6) CLIMATE CHANGE.—The term ‘climate
23 change’ means any significant change in the meas-
24 ures of climate lasting for an extended period of
25 time, and may include major changes in tempera-

1 ture, precipitation, wind patterns, or sea level,
2 among others, that occur over several decades or
3 longer.”;

4 (E) in paragraph (7)(A), as so redesign-
5 nated, by inserting “assessing resilience,” after
6 “surveying,”;

7 (F) by inserting after paragraph (7), as so
8 redesignated, the following:

9 “(8) CONTEXT SENSITIVE DESIGN PRIN-
10 CIPLES.—The term ‘context sensitive design prin-
11 ciples’ means principles for the design of a public
12 road that—

13 “(A) provides for the safe and adequate
14 accommodation, in all phases of project plan-
15 ning, design, and development, transportation
16 facilities for users, including pedestrians,
17 bicyclists, public transportation users, children,
18 older individuals, individuals with disabilities,
19 motorists, and freight vehicles; and

20 “(B) considers the context in which the fa-
21 cility is planned to be constructed to determine
22 the appropriate facility design.”;

23 (G) by inserting after paragraph (9), as so
24 redesignated, the following:

1 “(10) EVACUATION ROUTE.—The term ‘evacu-
2 ation route’ means a transportation route or system
3 that—

4 “(A) is used to transport—

5 “(i) the public away from an emer-
6 gency event; or

7 “(ii) first responders and recovery re-
8 sources in the event of an emergency; and

9 “(B) is identified, consistent with sections
10 134(i)(2)(I)(iii) and 135(f)(10)(C)(iii), by the
11 eligible entity with jurisdiction over the area in
12 which the route is located for the purposes de-
13 scribed in subparagraph (A).”;

14 (H) by inserting after paragraph (15), as
15 so redesignated, the following:

16 “(16) GREENHOUSE GAS.—The term ‘green-
17 house gas’ has the meaning given the term in section
18 211(o)(1)(G) of the Clean Air Act (42 U.S.C.
19 7545(o)(1)(G)).”;

20 (I) by inserting after paragraph (22), as so
21 redesignated, the following:

22 “(23) NATURAL INFRASTRUCTURE.—

23 “(A) IN GENERAL.—The term ‘natural in-
24 frastructure’ means infrastructure that uses, re-

1 stores, or emulates natural ecological processes
2 that—

3 “(i) is created through the action of
4 natural physical, geological, biological, and
5 chemical processes over time;

6 “(ii) is created by human design, en-
7 gineering, and construction to emulate or
8 act in concert with natural processes; or

9 “(iii) involves the use of plants, soils,
10 and other natural features, including
11 through the creation, restoration, or pres-
12 ervation of vegetated areas using materials
13 appropriate to the region to manage
14 stormwater and runoff, to attenuate flood-
15 ing and storm surges, and for other related
16 purposes.

17 “(B) INCLUSION.—The term ‘natural in-
18 frastructure’ includes green infrastructure and
19 nature-based solutions.”;

20 (J) by inserting after paragraph (27), as
21 so redesignated, the following:

22 “(28) PROTECTIVE FEATURE.—

23 “(A) IN GENERAL.—The term ‘protective
24 feature’ means an improvement to a highway,
25 bridge, or other transportation facility designed

1 to increase resilience or mitigate the risk of re-
2 ccurring damage or the cost of future repairs
3 from climate change effects (including sea level
4 rise), flooding, and extreme events or other nat-
5 ural disasters (including wildfires, seismic activ-
6 ity, and landslides).

7 “(B) INCLUSIONS.—The term ‘protective
8 feature’ includes—

9 “(i) raising roadway grades;

10 “(ii) relocating roadways to higher
11 ground above projected flood elevation lev-
12 els or away from slide prone areas;

13 “(iii) stabilizing slide areas, including
14 areas that are at risk of flooding, rock-
15 slides, and mudslides following a wildfire;

16 “(iv) stabilizing slopes;

17 “(v) lengthening or raising bridges to
18 increase waterway openings;

19 “(vi) increasing the size or number of
20 drainage structures;

21 “(vii) replacing culverts with bridges
22 or upsizing culverts;

23 “(viii) installing seismic retrofits on
24 bridges;

1 “(ix) scour, stream stability, coastal,
2 and other hydraulic countermeasures;

3 “(x) the use of natural infrastructure;

4 “(xi) integration of the use of tradi-
5 tional and natural infrastructure features;

6 “(xii) undergrounding public utilities
7 in the course of other infrastructure im-
8 provements eligible under this title; and

9 “(xiii) permeable pavements for
10 stormwater management.”;

11 (K) by inserting after paragraph (30), as
12 so redesignated, the following:

13 “(31) REPEATEDLY DAMAGED FACILITY.—The
14 term ‘repeatedly damaged facility’ means a road,
15 highway, or bridge that has required repair and re-
16 construction activities on 2 or more occasions due to
17 natural disasters or catastrophic failures resulting in
18 emergencies declared by the Governor of the State
19 in which the road, highway, or bridge is located or
20 emergencies or major disasters declared by the
21 President under the Robert T. Stafford Disaster Re-
22 lief and Emergency Assistance Act (42 U.S.C. 5121
23 et seq.).

24 “(32) RESILIENCE.—

1 “(A) IN GENERAL.—The term ‘resilience’
2 means, with respect to a facility, the ability
3 to—

4 “(i) anticipate, prepare for, or adapt
5 to conditions; or

6 “(ii) withstand, respond to, or recover
7 rapidly from disruptions.

8 “(B) INCLUSIONS.—Such term includes,
9 with respect to a facility, the ability to—

10 “(i) resist hazards or withstand im-
11 pacts from disruptions;

12 “(ii) reduce the magnitude, duration,
13 or impact of a disruption; or

14 “(iii) have the absorptive capacity,
15 adaptive capacity, and recoverability to de-
16 crease vulnerability to a disruption.”; and

17 (L) by inserting after paragraph (39), as
18 so redesignated, the following:

19 “(40) TRANSPORTATION DEMAND MANAGE-
20 MENT; TDM.—The terms ‘transportation demand
21 management’ and ‘TDM’ mean the use of strategies
22 to inform and encourage travelers to maximize the
23 efficiency of a transportation system leading to im-
24 proved mobility, reduced congestion, and lower vehi-
25 cle emissions.

1 “(41) TRANSPORTATION DEMAND MANAGE-
2 MENT STRATEGIES.—The term ‘transportation de-
3 mand management strategies’ means the use of
4 planning, programs, policy, marketing, communica-
5 tions, incentives, pricing, data, and technology to
6 shift travel mode, routes used, departure times,
7 number of trips, and location and design of work
8 spaces or public attractions.

9 “(42) TRANSPORTATION SYSTEM ACCESS.—The
10 term ‘transportation system access’ means the abil-
11 ity to travel by automobile, public transportation,
12 pedestrian, and bicycle networks, measured by travel
13 time, taking into consideration—

14 “(A) the impacts of the level of travel
15 stress for non-motorized users;

16 “(B) costs for low-income travelers; and

17 “(C) the extent to which transportation ac-
18 cess is impacted by zoning policies and land use
19 planning practices that effect the affordability,
20 elasticity, and diversity of the housing supply.”;
21 and

22 (2) in subsection (b)—

23 (A) in paragraph (1) by striking “De-
24 fense,” and inserting “Defense Highways,”;

25 (B) in paragraph (3)—

1 (i) in subparagraph (A) by striking
2 “Century” and inserting “century”;

3 (ii) in subparagraph (G) by striking “;
4 and” and inserting a semicolon;

5 (iii) in subparagraph (H) by striking
6 “Century.” and inserting “century;”; and

7 (iv) by adding at the end the fol-
8 lowing:

9 “(I) safety is the highest priority of the
10 Department of Transportation, and the Sec-
11 retary and States should take all actions nec-
12 essary to meet the transportation needs of the
13 21st century for all road users;

14 “(J) climate change presents a significant
15 risk to safety, the economy, and national secu-
16 rity, and reducing the contributions of the
17 transportation system to the Nation’s total car-
18 bon pollution is critical; and

19 “(K) the Secretary and States should take
20 appropriate measures and ensure investments
21 to increase the resilience of the Nation’s trans-
22 portation system.”; and

23 (C) in paragraph (4)(A) by inserting
24 “while ensuring that environmental protections
25 are maintained” after “review process”.

1 **SEC. 1104. APPORTIONMENT.**

2 (a) IN GENERAL.—Section 104 of title 23, United
3 States Code, is amended—

4 (1) in subsection (a)(1) by striking subpara-
5 graphs (A) through (E) and inserting the following:

6 “(A) \$530,000,000 for fiscal year 2023;

7 “(B) \$543,000,000 for fiscal year 2024;

8 “(C) \$557,000,000 for fiscal year 2025;

9 and

10 “(D) \$572,000,000 for fiscal year 2026.”;

11 (2) by striking subsections (b) and (c) and in-
12 serting the following:

13 “(b) DIVISION AMONG PROGRAMS OF STATE’S
14 SHARE OF BASE APPORTIONMENT.—The Secretary shall
15 distribute the amount of the base apportionment appor-
16 tioned to a State for a fiscal year under subsection (c)
17 among the covered programs as follows:

18 “(1) NATIONAL HIGHWAY PERFORMANCE PRO-
19 GRAM.—For the national highway performance pro-
20 gram, 55.09 percent of the amount remaining after
21 distributing amounts under paragraphs (4), (6), (7),
22 and (10).

23 “(2) SURFACE TRANSPORTATION PROGRAM.—
24 For the surface transportation program, 28.43 per-
25 cent of the amount remaining after distributing
26 amounts under paragraphs (4), (6), (7), and (10).

1 “(3) HIGHWAY SAFETY IMPROVEMENT PRO-
2 GRAM.—For the highway safety improvement pro-
3 gram, 6.19 percent of the amount remaining after
4 distributing amounts under paragraphs (4), (6), (7),
5 and (10).

6 “(4) CONGESTION MITIGATION AND AIR QUAL-
7 ITY IMPROVEMENT PROGRAM.—

8 “(A) IN GENERAL.—For the congestion
9 mitigation and air quality improvement pro-
10 gram, an amount determined for the State
11 under subparagraphs (B) and (C).

12 “(B) TOTAL AMOUNT.—The total amount
13 for the congestion mitigation and air quality
14 improvement program for all States shall be—

15 “(i) \$2,913,925,833 for fiscal year
16 2023;

17 “(ii) \$2,964,919,535 for fiscal year
18 2024;

19 “(iii) \$3,024,217,926 for fiscal year
20 2025; and

21 “(iv) \$3,078,653,849 for fiscal year
22 2026.

23 “(C) STATE SHARE.—For each fiscal year,
24 the Secretary shall distribute among the States
25 the amount for the congestion mitigation and

1 air quality improvement program under sub-
2 paragraph (B) so that each State receives an
3 amount equal to the proportion that—

4 “(i) the amount apportioned to the
5 State for the congestion mitigation and air
6 quality improvement program for fiscal
7 year 2020; bears to

8 “(ii) the total amount of funds appor-
9 tioned to all States for such program for
10 fiscal year 2020.

11 “(5) NATIONAL HIGHWAY FREIGHT PRO-
12 GRAM.—For the national highway freight program,
13 3.38 percent of the amount remaining after distrib-
14 uting amounts under paragraphs (4), (6), (7), and
15 (10).

16 “(6) METROPOLITAN PLANNING.—

17 “(A) IN GENERAL.—For metropolitan
18 planning, an amount determined for the State
19 under subparagraphs (B) and (C).

20 “(B) TOTAL AMOUNT.—The total amount
21 for metropolitan planning for all States shall
22 be—

23 “(i) \$507,500,000 for fiscal year
24 2023;

1 “(ii) \$516,381,250 for fiscal year
2 2024;

3 “(iii) \$526,708,875 for fiscal year
4 2025; and

5 “(iv) \$536,189,635 for fiscal year
6 2026.

7 “(C) STATE SHARE.—For each fiscal year,
8 the Secretary shall distribute among the States
9 the amount for metropolitan planning under
10 subparagraph (B) so that each State receives
11 an amount equal to the proportion that—

12 “(i) the amount apportioned to the
13 State for metropolitan planning for fiscal
14 year 2020; bears to

15 “(ii) the total amount of funds appor-
16 tioned to all States for metropolitan plan-
17 ning for fiscal year 2020.

18 “(7) RAILWAY CROSSINGS.—

19 “(A) IN GENERAL.—For the railway cross-
20 ings program, an amount determined for the
21 State under subparagraphs (B) and (C).

22 “(B) TOTAL AMOUNT.—The total amount
23 for the railway crossings program for all States
24 shall be \$245,000,000 for each of fiscal years
25 2023 through 2026.

1 “(C) STATE SHARE.—

2 “(i) IN GENERAL.—For each fiscal
3 year, the Secretary shall distribute among
4 the States the amount for the railway
5 crossings program under subparagraph (B)
6 as follows:

7 “(I) 50 percent of the amount for
8 a fiscal year shall be apportioned to
9 States by the formula set forth in sec-
10 tion 104(b)(3)(A) (as in effect on the
11 day before the date of enactment of
12 MAP-21).

13 “(II) 50 percent of the amount
14 for a fiscal year shall be apportioned
15 to States in the ratio that total public
16 railway-highway crossings in each
17 State bears to the total of such cross-
18 ings in all States.

19 “(ii) MINIMUM APPORTIONMENT.—
20 Notwithstanding clause (i), for each fiscal
21 year, each State shall receive a minimum
22 of one-half of 1 percent of the total
23 amount for the railway crossings program
24 for such fiscal year under subparagraph
25 (B).

1 “(8) PREDISASTER MITIGATION PROGRAM.—
2 For the predisaster mitigation program, 2.96 per-
3 cent of the amount remaining after distributing
4 amounts under paragraphs (4), (6), (7), and (10).

5 “(9) CARBON POLLUTION REDUCTION PRO-
6 GRAM.—For the carbon pollution reduction program,
7 3.95 percent of the amount remaining after distrib-
8 uting amounts under paragraphs (4), (6), (7), and
9 (10).

10 “(10) CLEAN CORRIDORS.—

11 “(A) IN GENERAL.—For the clean cor-
12 ridors program, an amount determined for the
13 State under subparagraphs (B) and (C).

14 “(B) TOTAL AMOUNT.—The total amount
15 for the clean corridors program for all States
16 shall be \$1,000,000,000 for each of fiscal years
17 2023 through 2026.

18 “(C) STATE SHARE.—For each fiscal year,
19 the Secretary shall distribute among the States
20 the total amount for the clean corridors pro-
21 gram under subparagraph (B) so that each
22 State receives the amount equal to the propor-
23 tion that—

1 “(i) the total base apportionment de-
2 termined for the State under subsection
3 (c); bears to

4 “(ii) the total base apportionments for
5 all States under subsection (c).

6 “(c) CALCULATION OF AMOUNTS.—

7 “(1) STATE SHARE.—For each of fiscal years
8 2023 through 2026, the amount for each State shall
9 be determined as follows:

10 “(A) INITIAL AMOUNTS.—The initial
11 amounts for each State shall be determined by
12 multiplying—

13 “(i) each of—

14 “(I) the base apportionment; and

15 “(II) supplemental funds re-
16 served under subsection (h)(1) for the
17 highway safety improvement program;
18 by

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

21 “(I) the amount of apporportion-
22 ments that the State received for fis-
23 cal year 2020; bears to

1 “(II) the amount of those appor-
2 tionments received by all States for
3 fiscal year 2020.

4 “(B) ADJUSTMENTS TO AMOUNTS.—The
5 initial amounts resulting from the calculation
6 under subparagraph (A) shall be adjusted to
7 ensure that each State receives an aggregate
8 apportionment equal to at least 95 percent of
9 the estimated tax payments attributable to
10 highway users in the State paid into the High-
11 way Trust Fund (other than the Mass Transit
12 Account) in the most recent fiscal year for
13 which data are available.

14 “(2) STATE APPORTIONMENT.—On October 1
15 of fiscal years 2023 through 2026, the Secretary
16 shall apportion the sums authorized to be appro-
17 priated for expenditure on the covered programs in
18 accordance with paragraph (1).”;

19 (3) in subsection (d)(1)(A)—

20 (A) in clause (i) by striking “paragraphs
21 (5)(D) and (6) of subsection (b)” and inserting
22 “subsection (b)(6)”; and

23 (B) in clause (ii) by striking “paragraphs
24 (5)(D) and (6) of subsection (b)” and inserting
25 “subsection (b)(6)”; and

1 (4) by striking subsections (h) and (i) and in-
2 serting the following:

3 “(h) SUPPLEMENTAL FUNDS.—

4 “(1) AMOUNT.—Before making an apportion-
5 ment for a fiscal year under subsection (c), the Sec-
6 retary shall reserve for the highway safety improve-
7 ment program under section 148 \$500,000,000 for
8 each of fiscal years 2023 through 2026 for the pur-
9 pose of the safe streets set-aside under section
10 148(m).

11 “(2) TREATMENT OF FUNDS.—Funds reserved
12 under paragraph (1) and apportioned to a State
13 under subsection (c) shall be treated as if appor-
14 tioned under subsection (b)(3), and shall be in addi-
15 tion to amounts apportioned under such subsection.

16 “(i) DEFINITIONS.—In this section:

17 “(1) BASE APPORTIONMENT.—The term ‘base
18 apportionment’ means—

19 “(A) the combined amount authorized for
20 the covered programs; minus

21 “(B) the supplemental funds reserved
22 under subsection (h) for the highway safety im-
23 provement program.

24 “(2) COVERED PROGRAMS.—The term ‘covered
25 programs’ means—

1 “(A) the national highway performance
2 program under section 119;

3 “(B) the surface transportation program
4 under section 133;

5 “(C) the highway safety improvement pro-
6 gram under section 148;

7 “(D) the congestion mitigation and air
8 quality improvement program under section
9 149;

10 “(E) the national highway freight program
11 under section 167;

12 “(F) metropolitan planning under section
13 134;

14 “(G) the railway crossings program under
15 section 130;

16 “(H) the predisaster mitigation program
17 under section 124;

18 “(I) the carbon pollution reduction pro-
19 gram under section 171; and

20 “(J) the clean corridors program under
21 section 151.”.

22 (b) FEDERAL SHARE PAYABLE.—Section 120(c)(3)
23 of title 23, United States Code, is amended—

24 (1) in subparagraph (A) by striking “(5)(D),”;

25 and

1 (2) in subparagraph (C)(i) by striking
2 “(5)(D),”.

3 (c) METROPOLITAN TRANSPORTATION PLANNING;
4 TITLE 23.—Section 134(p) of title 23, United States
5 Code, is amended by striking “paragraphs (5)(D) and (6)
6 of section 104(b)” and inserting “section 104(b)(6)”.

7 (d) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
8 TATION PLANNING.—Section 135(i) of title 23, United
9 States Code, is amended by striking “paragraphs (5)(D)
10 and (6) of section 104(b)” and inserting “section
11 104(b)(6)”.

12 (e) METROPOLITAN TRANSPORTATION PLANNING;
13 TITLE 49.—Section 5303(p) of title 49, United States
14 Code, is amended by striking “section 104(b)(5)” and in-
15 serting “section 104(b)(6)”.

16 **SEC. 1105. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST**
17 **FUND.**

18 Section 105 of title 23, United States Code, is
19 amended—

20 (1) in subsection (a) by striking “FAST Act”
21 and inserting “INVEST in America Act”;

22 (2) in subsection (c)—

23 (A) in paragraph (1)(A) by striking “to be
24 appropriated” each place it appears; and

25 (B) by adding at the end the following:

1 “(4) SPECIAL RULE.—

2 “(A) ADJUSTMENT.—In making an adjust-
3 ment under paragraph (1) for an allocation,
4 reservation, or set-aside from an amount au-
5 thorized from the Highway Account or Mass
6 Transit Account described in subparagraph (B),
7 the Secretary shall—

8 “(i) determine the ratio that—

9 “(I) the amount authorized to be
10 appropriated for the allocation, res-
11 ervation, or set-aside from the account
12 for the fiscal year; bears to

13 “(II) the total amount authorized
14 to be appropriated for such fiscal year
15 for all programs under such account;

16 “(ii) multiply the ratio determined
17 under clause (i) by the amount of the ad-
18 justment determined under subsection
19 (b)(1)(B); and

20 “(iii) adjust the amount that the Sec-
21 retary would have allocated for the alloca-
22 tion, reservation, or set-aside for such fis-
23 cal year but for this section by the amount
24 calculated under clause (ii).

1 “(B) ALLOCATIONS, RESERVATIONS, AND
2 SET-ASIDES.—The allocations, reservations, and
3 set-asides described in this subparagraph are—

4 “(i) from the amount made available
5 for a fiscal year for the Federal lands
6 transportation program under section 203,
7 the amounts allocated for a fiscal year for
8 the National Park Service, the United
9 States Fish and Wildlife Service, the
10 United States Forest Service, the Corps of
11 Engineers, the Bureau of Land Manage-
12 ment, the Bureau of Reclamation, and
13 independent Federal agencies with natural
14 resource and land management responsibil-
15 ities;

16 “(ii) the amount made available for
17 the Puerto Rico highway program under
18 section 165(a)(1);

19 “(iii) the amount made available for
20 the territorial highway program under sec-
21 tion 165(a)(2);

22 “(iv) from the amounts made avail-
23 able for a fiscal year for the urbanized
24 areas formula grants under section 5307
25 of title 49, the amounts allocated for a fis-

1 cal year for the passenger ferry grant pro-
2 gram under section 5307(h) of such title;

3 “(v) from the amounts made available
4 for a fiscal year for the formula grants for
5 rural areas under section 5311 of such
6 title, the amounts allocated for a fiscal
7 year for public transportation on Indian
8 reservations;

9 “(vi) from the amounts made avail-
10 able for a fiscal year for the public trans-
11 portation innovation program under sec-
12 tion 5312 of such title—

13 “(I) the amounts allocated for
14 the zero emission vehicle component
15 assessment under section 5312(h) of
16 such title; and

17 “(II) the amounts allocated for
18 the transit cooperative research pro-
19 gram under section 5312(i) of such
20 title;

21 “(vii) from the amounts made avail-
22 able for a fiscal year for the technical as-
23 sistance and workforce development pro-
24 gram of section 5314 of such title, the
25 amounts allocated for the national transit

1 institute under section 5314(c) of such
2 title;

3 “(viii) from the amounts made avail-
4 able for a fiscal year for the bus and bus
5 facilities program under section 5339 of
6 such title, the amounts allocated for a fis-
7 cal year for the zero emission grants under
8 section 5339(c) of such title;

9 “(ix) the amounts made available for
10 growing States under section 5340(c) of
11 such title; and

12 “(x) the amounts made available for
13 high density states under section 5340(d)
14 of such title.”;

15 (3) in subsection (d) by inserting “and section
16 5324 of title 49” after “section 125”;

17 (4) in subsection (e)—

18 (A) by striking “There is authorized” and
19 inserting “For fiscal year 2023 and each fiscal
20 year thereafter, there is authorized”; and

21 (B) by striking “for any of fiscal years
22 2017 through 2020”; and

23 (5) in subsection (f)(1) by striking “section
24 1102 or 3018 of the FAST Act” and inserting “any
25 other provision of law”.

1 **SEC. 1106. TRANSPARENCY.**

2 (a) APPORTIONMENT.—Section 104 of title 23,
3 United States Code, is amended by striking subsection (g)
4 and inserting the following:

5 “(g) HIGHWAY TRUST FUND TRANSPARENCY AND
6 ACCOUNTABILITY REPORTS.—

7 “(1) REQUIREMENT.—

8 “(A) IN GENERAL.—The Secretary shall
9 compile data in accordance with this subsection
10 on the use of Federal-aid highway funds made
11 available under this title.

12 “(B) USER FRIENDLY DATA.—The data
13 compiled under subparagraph (A) shall be in a
14 user friendly format that can be searched,
15 downloaded, disaggregated, and filtered by data
16 category.

17 “(2) PROJECT DATA.—

18 “(A) IN GENERAL.—Not later than 120
19 days after the end of each fiscal year, the Sec-
20 retary shall make available on the website of
21 the Department of Transportation a report that
22 describes—

23 “(i) the location of each active project
24 within each State during such fiscal year,
25 including in which congressional district or
26 districts such project is located;

1 “(ii) the total cost of such project;

2 “(iii) the amount of Federal funding
3 obligated for such project;

4 “(iv) the program or programs from
5 which Federal funds have been obligated
6 for such project;

7 “(v) whether such project is located in
8 an area of the State with a population of—

9 “(I) less than 5,000 individuals;

10 “(II) 5,000 or more individuals
11 but less than 50,000 individuals;

12 “(III) 50,000 or more individuals
13 but less than 200,001 individuals; or

14 “(IV) greater than 200,000 indi-
15 viduals;

16 “(vi) whether such project is located
17 in an area of persistent poverty;

18 “(vii) the type of improvement being
19 made by such project, including catego-
20 rizing such project as—

21 “(I) a road reconstruction
22 project;

23 “(II) a new road construction
24 project;

1 “(III) a new bridge construction
2 project;

3 “(IV) a bridge rehabilitation
4 project; or

5 “(V) a bridge replacement
6 project; and

7 “(viii) the functional classification of
8 the roadway on which such project is lo-
9 cated.

10 “(B) INTERACTIVE MAP.—In addition to
11 the data made available under subparagraph
12 (A), the Secretary shall make available on the
13 website of the Department of Transportation an
14 interactive map that displays, for each active
15 project, the information described in clauses (i)
16 through (v) of subparagraph (A).

17 “(3) STATE DATA.—

18 “(A) APPORTIONED AND ALLOCATED PRO-
19 GRAMS.—The website described in paragraph
20 (2)(A) shall be updated annually to display the
21 Federal-aid highway funds apportioned and al-
22 located to each State under this title, includ-
23 ing—

24 “(i) the amount of funding available
25 for obligation by the State, including prior

1 unobligated balances, at the start of the
2 fiscal year;

3 “(ii) the amount of funding obligated
4 by the State during such fiscal year;

5 “(iii) the amount of funding remain-
6 ing available for obligation by the State at
7 the end of such fiscal year; and

8 “(iv) changes in the obligated, unex-
9 pended balance for the State.

10 “(B) PROGRAMMATIC DATA.—The data de-
11 scribed in subparagraph (A) shall include—

12 “(i) the amount of funding by each
13 apportioned and allocated program for
14 which the State received funding under
15 this title;

16 “(ii) the amount of funding trans-
17 ferred between programs by the State dur-
18 ing the fiscal year using the authority pro-
19 vided under section 126; and

20 “(iii) the amount and program cat-
21 egory of Federal funds exchanged as de-
22 scribed in section 106(g)(6).

23 “(4) DEFINITIONS.—In this subsection:

24 “(A) ACTIVE PROJECT.—

1 “(i) IN GENERAL.—The term ‘active
2 project’ means a Federal-aid highway
3 project using funds made available under
4 this title on which those funds were obli-
5 gated or expended during the fiscal year
6 for which the estimated total cost as of the
7 start of construction is greater than
8 \$5,000,000.

9 “(ii) EXCLUSION.—The term ‘active
10 project’ does not include any project for
11 which funds are transferred to agencies
12 other than the Federal Highway Adminis-
13 tration.

14 “(B) INTERACTIVE MAP.—The term ‘inter-
15 active map’ means a map displayed on the pub-
16 lic website of the Department of Transportation
17 that allows a user to select and view informa-
18 tion for each active project, State, and congres-
19 sional district.

20 “(C) STATE.—The term ‘State’ means any
21 of the 50 States or the District of Columbia.”.

22 (b) PROJECT APPROVAL AND OVERSIGHT.—Section
23 106 of title 23, United States Code, is amended—

24 (1) in subsection (g)—

1 (A) in paragraph (4) by striking subpara-
2 graph (B) and inserting the following:

3 “(B) ASSISTANCE TO STATES.—The Sec-
4 retary shall—

5 “(i) develop criteria for States to use
6 to make the determination required under
7 subparagraph (A); and

8 “(ii) provide training, guidance, and
9 other assistance to States and subrecipi-
10 ents as needed to ensure that projects ad-
11 ministered by subrecipients comply with
12 the requirements of this title.

13 “(C) PERIODIC REVIEW.—The Secretary
14 shall review, not less frequently than every 2
15 years, the monitoring of subrecipients by the
16 States.”; and

17 (B) by adding at the end the following:

18 “(6) FEDERAL FUNDING EXCHANGE PRO-
19 GRAMS.—

20 “(A) IN GENERAL.—If a State allows a
21 subrecipient to exchange Federal funds pro-
22 vided under this title that are allocated to such
23 subrecipient for State or local funds, the State
24 must certify to the Secretary that the State—

1 “(i) has prevailing wage requirements
2 that are comparable to the requirements
3 under section 113 that apply to the use of
4 such State or local funds; and

5 “(ii) shall ensure that the prevailing
6 wage requirements described in clause (i)
7 apply to the use of such State or local
8 funds.

9 “(B) APPLICABILITY.—The requirements
10 of this paragraph shall apply only if the re-
11 quirements of section 113 would be applicable
12 to a covered project if such project was carried
13 out using Federal funds.

14 “(C) COVERED PROJECT DEFINED.—In
15 this paragraph, the term ‘covered project’
16 means a project carried out with exchanged
17 State or local funds as described in subpara-
18 graph (A).”;

19 (2) in subsection (h)(3)—

20 (A) in subparagraph (B) by striking “, as
21 determined by the Secretary,”; and

22 (B) in subparagraph (D) by striking “shall
23 assess” and inserting “in the case of a project
24 proposed to be advanced as a public-private
25 partnership, shall include a detailed value for

1 money analysis or comparable analysis to deter-
2 mine”; and

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

4 “(k) MEGAPROJECTS.—

5 “(1) COMPREHENSIVE RISK MANAGEMENT
6 PLAN.—To be authorized for the construction of a
7 megaproject, the recipient of Federal financial as-
8 sistance under this title for such megaproject shall
9 submit to the Secretary a comprehensive risk man-
10 agement plan that contains—

11 “(A) a description of the process by which
12 the recipient will identify, quantify, and monitor
13 the risks, including natural hazards, that might
14 result in cost overruns, project delays, reduced
15 construction quality, or reductions in benefits
16 with respect to the megaproject;

17 “(B) examples of mechanisms the recipient
18 will use to track risks identified pursuant to
19 subparagraph (A);

20 “(C) a plan to control such risks; and

21 “(D) such assurances as the Secretary de-
22 termines appropriate that the recipient shall,
23 with respect to the megaproject—

24 “(i) regularly submit to the Secretary
25 updated cost estimates; and

1 “(ii) maintain and regularly reassess
2 financial reserves for addressing known
3 and unknown risks.

4 “(2) PEER REVIEW GROUP.—

5 “(A) IN GENERAL.—Not later than 90
6 days after the date on which a megaproject is
7 authorized for construction, the recipient of
8 Federal financial assistance under this title for
9 such megaproject shall establish a peer review
10 group for such megaproject that consists of at
11 least 5 individuals (including at least 1 indi-
12 vidual with project management experience) to
13 give expert advice on the scientific, technical,
14 and project management aspects of the
15 megaproject.

16 “(B) MEMBERSHIP.—

17 “(i) IN GENERAL.—Not later than
18 180 days after the date of enactment of
19 this subsection, the Secretary shall estab-
20 lish guidelines describing how a recipient
21 described in subparagraph (A) shall—

22 “(I) recruit and select members
23 for a peer review group established
24 under such subparagraph; and

1 “(II) make publicly available the
2 criteria for such selection and identify
3 the members so selected.

4 “(ii) CONFLICT OF INTEREST.—No
5 member of a peer review group for a
6 megaproject may have a direct or indirect
7 financial interest in such megaproject.

8 “(C) TASKS.—A peer review group estab-
9 lished under subparagraph (A) by a recipient of
10 Federal financial assistance for a megaproject
11 shall—

12 “(i) meet annually until completion of
13 the megaproject;

14 “(ii) not later than 90 days after the
15 date of the establishment of the peer re-
16 view group and not later than 90 days
17 after the date of any significant change, as
18 determined by the Secretary, to the scope,
19 schedule, or budget of the megaproject, re-
20 view the scope, schedule, and budget of the
21 megaproject, including planning, engineer-
22 ing, financing, and any other elements de-
23 termined appropriate by the Secretary; and

1 “(iii) submit to the Secretary, Con-
2 gress, and such recipient a report on the
3 findings of each review under clause (ii).

4 “(3) TRANSPARENCY.—Not later than 90 days
5 after the submission of a report under paragraph
6 (2)(C)(iii), the Secretary shall publish on the website
7 of the Department of Transportation such report.

8 “(4) MEGAPROJECT DEFINED.—In this sub-
9 section, the term ‘megaproject’ means a project
10 under this title that has an estimated total cost of
11 \$2,000,000,000 or more, and such other projects as
12 may be identified by the Secretary.

13 “(1) SPECIAL EXPERIMENTAL PROJECTS.—

14 “(1) PUBLIC AVAILABILITY.—The Secretary
15 shall publish on the website of the Department of
16 Transportation a copy of all letters of interest, pro-
17 posals, workplans, and reports related to the special
18 experimental project authority pursuant to section
19 502(b). The Secretary shall redact confidential busi-
20 ness information, as necessary, from any such infor-
21 mation published.

22 “(2) NOTIFICATION.—Not later than 3 days be-
23 fore making a determination to proceed with an ex-
24 periment under a letter of interest described in para-
25 graph (1), the Secretary shall provide notification

1 and a description of the proposed experiment to the
2 Committee on Transportation and Infrastructure of
3 the House of Representatives and the Committee on
4 Environment and Public Works of the Senate.

5 “(3) REPORT TO CONGRESS.—Not later than 2
6 years after the date of enactment of the INVEST in
7 America Act, the Secretary shall submit to the Com-
8 mittee on Transportation and Infrastructure of the
9 House of Representatives and the Committee on En-
10 vironment and Public Works of the Senate a report
11 that includes—

12 “(A) a summary of each experiment de-
13 scribed in this subsection carried out over the
14 previous 5 years; and

15 “(B) legislative recommendations, if any,
16 based on the findings of such experiments.

17 “(m) COMPETITIVE GRANT PROGRAM OVERSIGHT
18 AND ACCOUNTABILITY.—

19 “(1) IN GENERAL.—To ensure the account-
20 ability and oversight of the discretionary grant selec-
21 tion process administered by the Secretary, a cov-
22 ered program shall be subject to the requirements of
23 this section, in addition to the requirements applica-
24 ble to each covered program.

1 “(2) APPLICATION PROCESS.—The Secretary
2 shall—

3 “(A) develop a template for applicants to
4 use to summarize—

5 “(i) project needs and benefits; and

6 “(ii) any factors, requirements, or
7 considerations established for the applica-
8 ble covered program;

9 “(B) create a data driven process to evalu-
10 ate, as set forth in the covered program, each
11 eligible project for which an application is re-
12 ceived; and

13 “(C) make a determination, based on the
14 evaluation made pursuant to subparagraph (B),
15 on any ratings, rankings, scores, or similar
16 metrics for applications made to the covered
17 program.

18 “(3) NOTIFICATION OF CONGRESS.—Not less
19 than 15 days before making a grant for a covered
20 program, the Secretary shall notify, in writing, the
21 Committee on Transportation and Infrastructure of
22 the House of Representatives and the Committee on
23 the Environment and Public Works of the Senate
24 of—

1 “(A) the amount for each project proposed
2 to be selected;

3 “(B) a description of the review process;

4 “(C) for each application, the determina-
5 tion made under paragraph (2)(C); and

6 “(D) a detailed explanation of the basis for
7 each award proposed to be selected.

8 “(4) NOTIFICATION OF APPLICANTS.—Not later
9 than 30 days after making a grant for a project
10 under a covered program, the Secretary shall send
11 to all applicants under such covered program, and
12 publish on the website of the Department of Trans-
13 portation—

14 “(A) a summary of each application made
15 to the covered program for the given round of
16 funding; and

17 “(B) the evaluation and justification for
18 the project selection, including all ratings,
19 rankings, scores, or similar metrics for applica-
20 tions made to the covered program for the given
21 round of funding during each phase of the
22 grant selection process.

23 “(5) BRIEFING.—The Secretary shall provide,
24 at the request of a grant applicant of a covered pro-
25 gram, the opportunity to receive a briefing to explain

1 any reasons the grant applicant was not awarded a
2 grant.

3 “(6) TEMPLATE.—The Secretary shall, to the
4 extent practicable, develop a template as described
5 in paragraph (2)(A) for any discretionary program
6 administered by the Secretary that is not a covered
7 program.

8 “(7) COVERED PROGRAM DEFINED.—The term
9 ‘covered program’ means each of the following dis-
10 cretionary grant programs:

11 “(A) Community climate innovation grants
12 under section 172.

13 “(B) Federal lands and tribal major
14 projects grants under section 208.

15 “(C) Mobility through advanced tech-
16 nologies grants under section 503(c)(4).

17 “(D) Rebuild rural bridges program under
18 section 1307 of the INVEST in America Act.

19 “(E) Parking for commercial motor vehicle
20 grants under section 1308 of the INVEST in
21 America Act.

22 “(F) Active connected transportation
23 grants under section 1309 of the INVEST in
24 America Act.

1 “(G) Wildlife crossings grants under sec-
2 tion 1310 of the INVEST in America Act.

3 “(H) Reconnecting neighborhoods capital
4 construction grants under section 1311(d) of
5 the INVEST in America Act.”.

6 (c) DIVISION OFFICE CONSISTENCY.—Not later than
7 1 year after the date of enactment of this Act, the Comp-
8 troller General of the United States shall submit to Con-
9 gress a report that—

10 (1) analyzes the consistency of determinations
11 among division offices of the Federal Highway Ad-
12 ministration; and

13 (2) makes recommendations to improve the con-
14 sistency of such determinations.

15 (d) IMPROVING RISK BASED STEWARDSHIP AND
16 OVERSIGHT.—Not later than 180 days after the date of
17 enactment of this Act, the Administrator of the Federal
18 Highway Administration shall reference U.S. DOT Office
19 of Inspector General Report No. ST2020035 and take the
20 following actions, as necessary, to improve the risk based
21 stewardship and oversight of the Federal Highway Admin-
22 istration:

23 (1) Update and implement Federal Highway
24 Administration guidance for risk-based project in-
25 volvement to clarify the requirements for its project

1 risk-assessment process, including expectations for
2 conducting and documenting the risk assessment
3 and criteria to guide the reevaluation of project
4 risks.

5 (2) Identify and notify division offices of the
6 Federal Highway Administration about sources of
7 information that can inform the project risk-assess-
8 ment process.

9 (3) Update and implement Federal Highway
10 Administration guidance for risk-based project in-
11 volvement to clarify how the link between elevated
12 risks and associated oversight activities, changes to
13 oversight actions, and the results of its risk-based
14 involvement should be documented in project over-
15 sight plans.

16 (4) Develop and implement a process to rou-
17 tinely monitor the implementation and evaluate the
18 effectiveness of Federal Highway Administration
19 risk-based project involvement.

20 **SEC. 1107. COMPLETE AND CONTEXT SENSITIVE STREET**
21 **DESIGN.**

22 (a) STANDARDS.—Section 109 of title 23, United
23 States Code, is amended—

24 (1) in subsection (a)—

1 (A) in paragraph (1) by striking “planned
2 future traffic of the highway in a manner that
3 is conducive to” and inserting “future oper-
4 ational performance of the facility in a manner
5 that enhances”; and

6 (B) in paragraph (2) by inserting “, taking
7 into consideration context sensitive design prin-
8 ciples” after “each locality”;

9 (2) in subsection (b)—

10 (A) by striking “The geometric” and in-
11 serting “DESIGN CRITERIA FOR THE INTER-
12 STATE SYSTEM.—The geometric”; and

13 (B) by striking “the types and volumes of
14 traffic anticipated for such project for the twen-
15 ty-year period commencing on the date of ap-
16 proval by the Secretary, under section 106 of
17 this title, of the plans, specifications, and esti-
18 mates for actual construction of such project”
19 and inserting “the existing and future oper-
20 ational performance of the facility”;

21 (3) in subsection (c)(1)—

22 (A) in subparagraph (C) by striking “;
23 and” and inserting a semicolon;

24 (B) in subparagraph (D) by striking the
25 period and inserting “; and”; and

1 (C) by adding at the end the following:

2 “(E) context sensitive design principles.”;

3 (4) by striking subsection (o) and inserting the
4 following:

5 “(o) COMPLIANCE WITH STATE LAWS FOR NON-
6 NHS PROJECTS.—

7 “(1) IN GENERAL.—Projects (other than high-
8 way projects on the National Highway System)
9 shall—

10 “(A) be designed, constructed, operated,
11 and maintained in accordance with State laws,
12 regulations, directives, safety standards, design
13 standards, and construction standards; and

14 “(B) take into consideration context sen-
15 sitive design principles.

16 “(2) DESIGN FLEXIBILITY.—

17 “(A) IN GENERAL.—

18 “(i) IN GENERAL.—A local jurisdic-
19 tion may select the most appropriate de-
20 sign publication for the roadway context in
21 which the local jurisdiction is located for
22 the design of a project on a roadway (other
23 than a highway on the National Highway
24 System) if—

1 “(I) the local jurisdiction pro-
2 vides notification and justification of
3 the use of such design publication to
4 any State in which the project is lo-
5 cated; and

6 “(II) the design complies with all
7 other applicable Federal and State
8 laws.

9 “(ii) REVIEW.—If a State rejects a
10 local jurisdiction’s selection of a design
11 publication under this subparagraph, the
12 local jurisdiction may submit notification
13 and justification of such use to the Sec-
14 retary. The Secretary shall make a deter-
15 mination to approve or deny such submis-
16 sion not later than 90 days after receiving
17 such submission.

18 “(B) STATE-OWNED ROADS.—In the case
19 of a roadway under the ownership of the State,
20 the local jurisdiction may select the most appro-
21 priate design publication only with the concur-
22 rence of the State.

23 “(C) PROGRAMMATIC BASIS.—The Sec-
24 retary may consider the use of a design publica-

1 tion under this paragraph on a programmatic
2 basis.”; and

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

4 “(s) CONTEXT SENSITIVE DESIGN.—

5 “(1) CONTEXT SENSITIVE DESIGN PRIN-
6 CIPLES.—The Secretary shall consult with State and
7 local officials prior to approving any roadway design
8 publications under this section to ensure that the de-
9 sign publications provide adequate flexibility for a
10 project sponsor to select the appropriate design of a
11 roadway, consistent with context sensitive design
12 principles.

13 “(2) POLICIES OR PROCEDURES.—

14 “(A) IN GENERAL.—Not later than 1 year
15 after the Secretary publishes the final guidance
16 described in paragraph (3), each State shall
17 adopt policies or procedures to evaluate the con-
18 text of a proposed roadway and select the ap-
19 propriate design, consistent with context sen-
20 sitive design principles.

21 “(B) LOCAL GOVERNMENTS.—The Sec-
22 retary and States shall encourage local govern-
23 ments to adopt policies or procedures described
24 under subparagraph (A).

1 “(C) CONSIDERATIONS.—The policies or
2 procedures developed under this paragraph
3 shall take into consideration the guidance devel-
4 oped by the Secretary under paragraph (3).

5 “(3) GUIDANCE.—

6 “(A) IN GENERAL.—

7 “(i) NOTICE.—Not later than 1 year
8 after the date of enactment of this sub-
9 section, the Secretary shall publish guid-
10 ance on the official website of the Depart-
11 ment of Transportation on context sen-
12 sitive design.

13 “(ii) PUBLIC REVIEW AND COM-
14 MENT.—The guidance described in this
15 paragraph shall be finalized following an
16 opportunity for public review and com-
17 ment.

18 “(iii) UPDATE.—The Secretary shall
19 periodically update the guidance described
20 in this paragraph, including the model
21 policies or procedures described under sub-
22 paragraph (B)(v).

23 “(B) CONTENTS.—The guidance described
24 in this paragraph shall—

1 “(i) provide best practices for States,
2 metropolitan planning organizations, re-
3 gional transportation planning organiza-
4 tions, local governments, or other project
5 sponsors to implement context sensitive de-
6 sign principles;

7 “(ii) identify opportunities to modify
8 planning, scoping, design, and development
9 procedures to more effectively combine
10 modes of transportation into integrated fa-
11 cilities that meet the needs of each of such
12 modes of transportation in an appropriate
13 balance;

14 “(iii) identify metrics to assess the
15 context of the facility, including sur-
16 rounding land use or roadside characteris-
17 ties;

18 “(iv) assess the expected operational
19 and safety performance of facility design;
20 and

21 “(v) establish model policies or proce-
22 dures, consistent with the findings of such
23 guidance, for a State or other project spon-
24 sor to evaluate the context of a proposed

1 facility and select the appropriate facility
2 design for the context.

3 “(C) TOPICS OF EMPHASIS.—In addition
4 to the contents in subparagraph (B), the guid-
5 ance shall emphasize—

6 “(i) procedures for identifying the
7 needs of users of all ages and abilities of
8 a particular roadway;

9 “(ii) procedures for identifying the
10 types and designs of facilities needed to
11 serve various modes of transportation;

12 “(iii) safety and other benefits pro-
13 vided by carrying out context sensitive de-
14 sign principles;

15 “(iv) common barriers to carrying out
16 context sensitive design principles;

17 “(v) procedures for overcoming the
18 most common barriers to carrying out con-
19 text sensitive design principles;

20 “(vi) procedures for identifying the
21 costs associated with carrying out context
22 sensitive design principles;

23 “(vii) procedures for maximizing local
24 cooperation in the introduction of context

1 sensitive design principles and carrying out
2 those principles; and

3 “(viii) procedures for assessing and
4 modifying the facilities and operational
5 characteristics of existing roadways to im-
6 prove consistency with context sensitive de-
7 sign principles.

8 “(4) FUNDING.—Amounts made available
9 under sections 104(b)(6) and 505 of this title may
10 be used for States, local governments, metropolitan
11 planning organizations, or regional transportation
12 planning organizations to adopt policies or proce-
13 dures to evaluate the context of a proposed roadway
14 and select the appropriate design, consistent with
15 context sensitive design principles.”.

16 (b) CONFORMING AMENDMENT.—Section 1404(b) of
17 the FAST Act (23 U.S.C. 109 note) is repealed.

18 **SEC. 1108. FEDERAL SHARE.**

19 (a) IN GENERAL.—Section 120(c)(3)(B) of title 23,
20 United States Code, is amended—

21 (1) by striking clauses (i) and (ii) and inserting
22 the following:

23 “(i) prefabricated bridge elements and
24 systems, innovative materials, and other
25 technologies to reduce bridge construction

1 time, extend service life, and reduce preser-
2 vation costs, as compared to conventionally
3 designed and constructed bridges;

4 “(ii) innovative construction equip-
5 ment, materials, techniques, or practices,
6 including the use of in-place recycling tech-
7 nology, digital 3-dimensional modeling
8 technologies, and advanced digital con-
9 struction management systems;”;

10 (2) by redesignating clause (vi) as clause (ix);

11 (3) in clause (v) by striking “or” at the end;

12 and

13 (4) by inserting after clause (v) the following:

14 “(vi) innovative pavement materials
15 that demonstrate reductions in—

16 “(I) greenhouse gas emissions
17 through sequestration or innovative
18 manufacturing processes; or

19 “(II) local air pollution,
20 stormwater runoff, or noise pollution;

21 “(vii) innovative culvert materials that
22 are made with recycled content and dem-
23 onstrate reductions in greenhouse gas
24 emissions;

1 “(viii) contractual provisions that pro-
2 vide safety contingency funds to incor-
3 porate safety enhancements to work zones
4 prior to or during roadway construction
5 and maintenance activities; or”.

6 (b) ENVIRONMENTAL JUSTICE COMMUNITIES.—Sec-
7 tion 120(c) of title 23, United States Code, is amended
8 by adding at the end the following:

9 “(4) ENVIRONMENTAL JUSTICE COMMU-
10 NITIES.—The Federal share payable on account of a
11 project, program, or activity carried out with funds
12 apportioned under section 104(b)(5) may be in-
13 creased by up to 10 percent, up to 100 percent of
14 the total project cost of any such project, program,
15 or activity that the Secretary determines benefits an
16 environmental justice community through reducing
17 adverse environmental exposures that may dis-
18 proportionately impact such communities.”.

19 (c) TECHNICAL AMENDMENT.—Section 107(a)(2) of
20 title 23, United States Code, is amended by striking “sub-
21 section (c) of”.

22 **SEC. 1109. TRANSFERABILITY OF FEDERAL-AID HIGHWAY**
23 **FUNDS.**

24 Section 126(b) of title 23, United States Code, is
25 amended—

1 (1) in the heading by inserting “AND PRO-
2 GRAMS” after “SET-ASIDES”;

3 (2) in paragraph (1) by striking “and
4 133(d)(1)(A)” and inserting “, 130, 133(d)(1)(A),
5 133(h), 148(m), 149, 151(f), and 171”; and

6 (3) by striking paragraph (2) and inserting the
7 following:

8 “(2) ENVIRONMENTAL PROGRAMS.—With re-
9 spect to an apportionment under either paragraph
10 (4) or paragraph (9) of section 104(b), and notwith-
11 standing paragraph (1), a State may only transfer
12 not more than 50 percent from the amount of the
13 apportionment of either such paragraph to the ap-
14 portionment under the other such paragraph in a
15 fiscal year.”.

16 **SEC. 1110. TOLLING.**

17 (a) TOLL ROADS, BRIDGES, TUNNELS, AND FER-
18 RIES.—Section 129 of title 23, United States Code, is
19 amended—

20 (1) in subsection (a)—

21 (A) by striking paragraph (1) and insert-
22 ing the following:

23 “(1) IN GENERAL.—

24 “(A) AUTHORIZATION.—Subject to the
25 provisions of this section, Federal participation

1 shall be permitted on the same basis and in the
2 same manner as construction of toll-free high-
3 ways is permitted under this chapter in the—

4 “(i) initial construction of a toll high-
5 way, bridge, or tunnel or approach to the
6 highway, bridge, or tunnel;

7 “(ii) initial construction of 1 or more
8 lanes or other improvements that increase
9 capacity of a highway, bridge, or tunnel
10 (other than a highway on the Interstate
11 System) and conversion of that highway,
12 bridge, or tunnel to a tolled facility, if the
13 number of toll-free lanes, excluding auxil-
14 iary lanes, after the construction is not less
15 than the number of toll-free lanes, exclud-
16 ing auxiliary lanes, before the construction;

17 “(iii) initial construction of 1 or more
18 lanes or other improvements that increase
19 the capacity of a highway, bridge, or tun-
20 nel on the Interstate System and conver-
21 sion of that highway, bridge, or tunnel to
22 a tolled facility, if the number of toll-free
23 non-HOV lanes, excluding auxiliary lanes,
24 after such construction is not less than the
25 number of toll-free non-HOV lanes, exclud-

1 ing auxiliary lanes, before such construc-
2 tion;

3 “(iv) reconstruction, resurfacing, res-
4 toration, rehabilitation, or replacement of a
5 toll highway, bridge, or tunnel or approach
6 to the highway, bridge, or tunnel;

7 “(v) reconstruction or replacement of
8 a toll-free bridge or tunnel and conversion
9 of the bridge or tunnel to a toll facility;

10 “(vi) reconstruction of a toll-free Fed-
11 eral-aid highway (other than a highway on
12 the Interstate System) and conversion of
13 the highway to a toll facility;

14 “(vii) reconstruction, restoration, or
15 rehabilitation of a highway on the Inter-
16 state System if the number of toll-free
17 non-HOV lanes, excluding auxiliary lanes,
18 after reconstruction, restoration, or reha-
19 bilitation is not less than the number of
20 toll-free non-HOV lanes, excluding auxil-
21 iary lanes, before reconstruction, restora-
22 tion, or rehabilitation;

23 “(viii) conversion of a high occupancy
24 vehicle lane on a highway, bridge, or tun-

1 nel to a toll facility, subject to the require-
2 ments of section 166; and

3 “(ix) preliminary studies to determine
4 the feasibility of a toll facility for which
5 Federal participation is authorized under
6 this paragraph.

7 “(B) AGREEMENT TO TOLL.—

8 “(i) IN GENERAL.—Before the Sec-
9 retary may authorize tolling under this
10 subsection, the public authority with juris-
11 diction over or that operates a highway,
12 bridge, or tunnel shall enter into an agree-
13 ment with the Secretary to ensure compli-
14 ance with the requirements of this sub-
15 section.

16 “(ii) APPLICABILITY.—

17 “(I) IN GENERAL.—The require-
18 ments of this subparagraph shall
19 apply to—

20 “(aa) Federal participation
21 under subparagraph (A);

22 “(bb) any prior Federal par-
23 ticipation in the facility proposed
24 to be tolled; and

1 “(cc) conversion, with or
2 without Federal participation, of
3 a non-tolled lane on the National
4 Highway System to a toll facility
5 under subparagraph (E).

6 “(II) HOV FACILITY.—Except as
7 otherwise provided in this subsection
8 or section 166, the provisions of this
9 paragraph shall not apply to a high
10 occupancy vehicle facility.

11 “(iii) MAJOR FEDERAL ACTION.—Ap-
12 proval by the Secretary of an agreement to
13 toll under this paragraph shall be consid-
14 ered a major Federal action under the Na-
15 tional Environmental Policy Act of 1969
16 (42 U.S.C. 4321 et seq.).

17 “(C) AGREEMENT CONDITIONS.—Prior to
18 entering into an agreement to toll under sub-
19 paragraph (B), the public authority shall certify
20 to the Secretary that—

21 “(i) the public authority has estab-
22 lished procedures to ensure the toll meets
23 the purposes and requirements of this sub-
24 section;

1 “(ii) the toll facility shall provide for
2 access at no cost to public transportation
3 vehicles and over-the-road buses serving
4 the public; and

5 “(iii) the toll facility shall provide for
6 the regional interoperability of electronic
7 toll collection, including through tech-
8 nologies or business practices.

9 “(D) CONSIDERATION OF IMPACTS.—

10 “(i) IN GENERAL.—Prior to entering
11 into an agreement to toll under subpara-
12 graph (B), the Secretary shall ensure the
13 public authority has adequately considered,
14 including by providing an opportunity for
15 public comment, the following factors with-
16 in the corridor:

17 “(I) Congestion impacts on both
18 the toll facility and in the corridor or
19 cordon (including adjacent toll-free fa-
20 cilities).

21 “(II) In the case of a non-attain-
22 ment or maintenance area, air quality
23 impacts.

1 “(III) Planned investments to
2 improve public transportation or other
3 non-tolled alternatives in the corridor.

4 “(IV) Environmental justice and
5 equity impacts.

6 “(V) Impacts on freight move-
7 ment.

8 “(VI) Economic impacts on busi-
9 nesses.

10 “(ii) CONSIDERATION IN ENVIRON-
11 MENTAL REVIEW.—Nothing in this sub-
12 paragraph shall limit a public authority
13 from meeting the requirements of this sub-
14 paragraph through the environmental re-
15 view process, as applicable.

16 “(E) CONGESTION PRICING.—

17 “(i) IN GENERAL.—The Secretary
18 may authorize conversion of a non-tolled
19 lane on the National Highway System to a
20 toll facility to utilize pricing to manage the
21 demand to use the toll facility by varying
22 the toll amount that is charged.

23 “(ii) REQUIREMENT.—Prior to enter-
24 ing into an agreement to convert a non-
25 tolled lane on the National Highway Sys-

1 tem to a toll facility, the Secretary shall
2 ensure (in addition to the requirements
3 under subparagraphs (B), (C), and (D))
4 that such toll facility and any planned in-
5 vestments to improve public transportation
6 or other non-tolled alternatives in the cor-
7 ridor are reasonably expected to improve
8 mobility and efficiency in the cordon or
9 corridor, as described in clauses (iii) and
10 (iv).

11 “(iii) PERFORMANCE MONITORING.—

12 A public authority that enters into an
13 agreement to convert a non-tolled lane to
14 a toll facility under this subparagraph
15 shall—

16 “(I) establish, monitor, and sup-
17 port a performance monitoring, eval-
18 uation, and reporting program—

19 “(aa) for the toll facility
20 that provides for continuous
21 monitoring, assessment, and re-
22 porting on the impacts that the
23 pricing structure may have on
24 the operation of the toll facility;
25 and

1 “(bb) that considers the im-
2 pacts of congestion pricing of the
3 toll facility on the operation of
4 the corridor or cordon;

5 “(II) submit to the Secretary an-
6 nual reports of the impacts described
7 in subclause (I); and

8 “(III) if the toll facility becomes
9 degraded, as described in clause (iv),
10 submit to the Secretary an annual up-
11 date that describes the actions pro-
12 posed to bring the toll facility into
13 compliance and the progress made on
14 such actions.

15 “(iv) DETERMINATION.—

16 “(I) DEGRADED OPERATION.—
17 For purposes of clause (iii)(III), the
18 operation of a toll facility shall be
19 considered to be degraded if vehicles
20 operating on the toll facility are fail-
21 ing to maintain a minimum average
22 operating speed 90 percent of the
23 time over a consecutive 180-day pe-
24 riod during peak hour periods.

1 “(II) CORRIDOR OR CORDON OP-
2 ERATION.—The public authority with
3 jurisdiction over or that operates the
4 toll facility shall consider options that
5 improve public transportation or other
6 non-tolled alternatives that improve
7 mobility and efficiency in the corridor
8 or cordon, including increased person
9 or freight throughput or reduced per-
10 son hours of delay.

11 “(III) DEFINITION OF MINIMUM
12 AVERAGE OPERATING SPEED.—In this
13 subparagraph, the term ‘minimum av-
14 erage operating speed’ means—

15 “(aa) 35 miles per hour, in
16 the case of a toll facility with a
17 speed limit of 45 miles per hour
18 or greater; or

19 “(bb) not more than 10
20 miles per hour below the speed
21 limit, in the case of a toll facility
22 with a speed limit of less than 50
23 miles per hour.

24 “(IV) EFFICIENT OPERATION.—
25 The Secretary may set efficiency and

1 mobility performance standards as an
2 alternative to minimum operating
3 speed for a toll facility if determined
4 appropriate based on the context of
5 such toll facility.

6 “(v) MAINTENANCE OF OPERATING
7 PERFORMANCE.—

8 “(I) IN GENERAL.—Not later
9 than 180 days after the date on which
10 a toll facility becomes degraded under
11 clause (iv), the public authority with
12 jurisdiction over the toll facility shall
13 submit to the Secretary for approval a
14 plan that details the actions the public
15 authority will take to make significant
16 progress toward bringing the toll facil-
17 ity into compliance with this subpara-
18 graph.

19 “(II) NOTICE OF APPROVAL OR
20 DISAPPROVAL.—Not later than 60
21 days after the date of receipt of a
22 plan under subclause (I), the Sec-
23 retary shall provide to the public au-
24 thority a written notice indicating
25 whether the Secretary has approved

1 or disapproved the plan based on a
2 determination of whether the imple-
3 mentation of the plan will make sig-
4 nificant progress toward bringing the
5 toll facility into compliance with this
6 subparagraph.

7 “(III) UPDATE.—Until the date
8 on which the Secretary determines
9 that the public authority has brought
10 the toll facility into compliance with
11 this subparagraph, the public author-
12 ity shall submit annual updates that
13 describe—

14 “(aa) the actions taken to
15 bring the toll facility into compli-
16 ance;

17 “(bb) any actions taken to
18 improve the operation of the cor-
19 ridor or cordon; and

20 “(cc) the progress made by
21 those actions.

22 “(vi) CONSULTATION OF MPO.—If a
23 toll facility authorized under this subpara-
24 graph is located on the National Highway
25 System and in a metropolitan planning

1 area established in accordance with section
2 134, the public authority shall consult with
3 the metropolitan planning organization for
4 the area.

5 “(vii) INCLUSION.—For the purposes
6 of this paragraph, the corridor or cordon
7 shall include toll-free facilities that are ad-
8 jacent to the toll facility.”;

9 (B) in paragraph (3)—

10 (i) in subparagraph (A)—

11 (I) in clause (iv) by striking
12 “and” at the end; and

13 (II) by striking clause (v) and in-
14 serting the following:

15 “(v) any project eligible under this
16 title or chapter 53 of title 49 that provides
17 an efficiency or mobility benefit in the cor-
18 ridor or cordon, including by increasing
19 person or freight throughput, increasing
20 public transportation service, or reducing
21 person hours of delay;

22 “(vi) toll or public transportation fare
23 discounts, subsidies, or rebates for users of
24 the toll facility or public transportation in
25 the corridor that have no reasonable alter-

1 native transportation method to the toll fa-
2 cility or for whom the tolls or public trans-
3 portation fares create a financial hardship,
4 as determined by the public authority; and

5 “(vii) if the public authority certifies
6 annually that the tolled facility is being
7 adequately maintained and is not degraded
8 as described under paragraph (1)(E), any
9 revenues remaining after funding the ac-
10 tivities described in clauses (i) through (vi)
11 shall be considered surplus revenue and
12 may be used for any other purpose for
13 which Federal funds may be obligated by a
14 State under this title or chapter 53 of title
15 49.”; and

16 (ii) by striking subparagraph (B) and
17 inserting the following:

18 “(B) TRANSPARENCY.—

19 “(i) ANNUAL AUDIT.—

20 “(I) IN GENERAL.—A public au-
21 thority with jurisdiction over a toll fa-
22 cility shall conduct or have an inde-
23 pendent auditor conduct an annual
24 audit of toll facility records to verify
25 adequate maintenance and compliance

1 with subparagraph (A), and report the
2 results of the audits to the Secretary.

3 “(II) RECORDS.—On reasonable
4 notice, the public authority shall make
5 all records of the public authority per-
6 taining to the toll facility available for
7 audit by the Secretary.

8 “(ii) USE OF REVENUES.—A State or
9 public authority that obligates amounts
10 under clauses (v), (vi), or (vii) of subpara-
11 graph (A) shall annually report to the Sec-
12 retary a list of activities funded with such
13 amounts and the amount of funding pro-
14 vided for each such activity.”;

15 (C) in paragraph (8) by striking “as of the
16 date of enactment of the MAP-21, before com-
17 mencing any activity authorized” and inserting
18 “, before commencing any activity authorized”;

19 (D) in paragraph (9)—

20 (i) by striking “bus” and inserting
21 “vehicle”; and

22 (ii) by striking “buses” and inserting
23 “vehicles”; and

24 (E) by striking paragraph (10) and insert-
25 ing the following:

1 “(10) INTEROPERABILITY OF ELECTRONIC
2 TOLL COLLECTION.—

3 “(A) IN GENERAL.—All toll facilities on
4 Federal-aid highways shall provide for the re-
5 gional interoperability of electronic toll collec-
6 tion, including through technologies or business
7 practices.

8 “(B) PROHIBITION ON RESTRICTION.—No
9 State, or any political subdivision thereof, shall
10 restrict the information that is shared across
11 public and private toll facility operators or their
12 agents or contractors for purposes of facili-
13 tating, operating, or maintaining electronic toll
14 collection programs.

15 “(11) NONCOMPLIANCE.—If the Secretary con-
16 cludes that a public authority has not complied with
17 the requirements of this subsection, the Secretary
18 may take such action as may be necessary to ensure
19 compliance with this section.

20 “(12) DEFINITIONS.—In this subsection, the
21 following definitions apply:

22 “(A) FEDERAL PARTICIPATION.—The term
23 ‘Federal participation’ means the use of funds
24 made available under this title.

1 “(B) HIGH OCCUPANCY VEHICLE; HOV.—
2 The term ‘high occupancy vehicle’ or ‘HOV’
3 means a vehicle with not fewer than 2 occu-
4 pants.

5 “(C) INITIAL CONSTRUCTION.—

6 “(i) IN GENERAL.—The term ‘initial
7 construction’ means the construction of a
8 highway, bridge, tunnel, or other facility at
9 any time before it is open to traffic.

10 “(ii) EXCLUSIONS.—The term ‘initial
11 construction’ does not include any improve-
12 ment to a highway, bridge, tunnel, or other
13 facility after it is open to traffic.

14 “(D) OVER-THE-ROAD BUS.—The term
15 ‘over-the-road bus’ has the meaning given the
16 term in section 301 of the Americans with Dis-
17 abilities Act of 1990 (42 U.S.C. 12181).

18 “(E) PUBLIC AUTHORITY.—The term
19 ‘public authority’ means a State, interstate
20 compact of States, or public entity designated
21 by a State.

22 “(F) PUBLIC TRANSPORTATION VEHI-
23 CLE.—The term ‘public transportation vehicle’
24 has the meaning given that term in section 166.

1 “(G) TOLL FACILITY.—The term ‘toll fa-
2 cility’ means the tolled lanes of a highway,
3 bridge, or tunnel or approach to the highway,
4 bridge, or tunnel constructed or authorized to
5 be tolled under this subsection.”.

6 (b) REPEAL OF INTERSTATE SYSTEM RECONSTRUC-
7 TION AND REHABILITATION PILOT PROGRAM.—Section
8 1216 of the Transportation Equity Act for the 21st Cen-
9 tury (23 U.S.C. 129 note), and the item related to such
10 section in the table of contents in section 1(b) of such Act,
11 are repealed.

12 (c) VALUE PRICING PILOT PROGRAM.—Section
13 1012(b) of the Intermodal Surface Transportation Effi-
14 ciency Act of 1991 (23 U.S.C. 149 note) is amended by
15 adding at the end the following:

16 “(9) SUNSET.—The Secretary may not consider
17 an expression of interest submitted under this sec-
18 tion after the date of enactment of this paragraph.”.

19 (d) SAVINGS CLAUSE.—

20 (1) APPLICATION OF LIMITATIONS.—Any toll
21 facility, including a high occupancy toll facility, de-
22 scribed in paragraph (2) shall be subject to the re-
23 quirements of sections 129(a) or 166 of title 23,
24 United States Code, as applicable, as in effect on the
25 day before the date of enactment of this Act.

1 (2) TOLL FACILITIES.—A toll facility, including
2 a high occupancy toll facility, described in this sub-
3 section is a facility that, on the day prior to the date
4 of enactment of this Act, was—

5 (A) operating;

6 (B) in the planning and design phase; or

7 (C) in the construction phase.

8 (3) RULE OF CONSTRUCTION.—Nothing in this
9 subsection shall prohibit the Secretary, at the re-
10 quest of the public authority, from applying the re-
11 quirements of section 129(a) of title 23, United
12 States Code, as amended by this Act.

13 (e) REPORT.—Not later than 180 days after the date
14 of enactment of this Act, the Secretary of Transportation
15 shall submit to Congress a report on the implementation
16 of the interoperability of toll collection as required under
17 section 1512(b) of MAP–21, including an assessment of
18 the progress in, and barriers to, such implementation.

19 **SEC. 1111. HOV FACILITIES.**

20 Section 166 of title 23, United States Code, is
21 amended—

22 (1) in subsection (b)—

23 (A) in paragraph (4)(C)(iii) by striking
24 “transportation buses” and inserting “transpor-
25 tation vehicles”;

1 (B) in paragraph (5)(B) by striking
2 “2019” and inserting “2025”; and

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

4 “(6) EMERGENCY VEHICLES.—The public au-
5 thority may allow the following vehicles to use the
6 HOV facility if the authority establishes require-
7 ments for clearly identifying the vehicles:

8 “(A) An emergency vehicle that is respond-
9 ing to an existing emergency.

10 “(B) A blood transport vehicle that is
11 transporting blood between collection points and
12 hospitals or storage centers.”

13 (2) in subsection (d)(2)(A)(i) by striking “45
14 miles per hour, in the case of a HOV facility with
15 a speed limit of 50 miles per hour or greater” and
16 inserting “35 miles per hour, in the case of a HOV
17 facility with a speed limit of 45 miles per hour or
18 greater”;

19 (3) in subsection (d)(2)(B) by striking “morn-
20 ing or evening weekday peak hour periods (or both)”
21 and inserting “peak hour periods”;

22 (4) in subsection (e)—

23 (A) by striking “Not later than 180 days
24 after the date of enactment of this section, the

1 Administrator” and inserting “The Adminis-
2 trator”;

3 (B) in paragraph (1) by striking “and” at
4 the end;

5 (C) in paragraph (2) by striking the period
6 at the end and inserting “; and”; and

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

8 “(3) not later than 180 days after the date of
9 enactment of the INVEST in America Act, update
10 the requirements established under paragraph (1).”;
11 and

12 (5) in subsection (f)—

13 (A) in paragraph (1)—

14 (i) by striking subparagraphs (C),
15 (D), and (F); and

16 (ii) by redesignating subparagraphs
17 (E), (G), (H), and (I) as subparagraphs
18 (C), (D), (E), and (F), respectively; and

19 (B) in paragraph (6)(B)(i) by striking
20 “public entity” and inserting “public transpor-
21 tation service that is a recipient or subrecipient
22 of funds under chapter 53 of title 49”.

23 **SEC. 1112. BUY AMERICA.**

24 (a) IN GENERAL.—Section 313 of title 23, United
25 States Code, is amended—

1 (1) in subsection (a)—

2 (A) by striking “Notwithstanding” and in-
3 serting “IN GENERAL.—Notwithstanding”;

4 (B) by striking “Secretary of Transpor-
5 tation” and inserting “Secretary”;

6 (C) by striking “the Surface Transpor-
7 tation Assistance Act of 1982 (96 Stat. 2097)
8 or”; and

9 (D) by striking “and manufactured prod-
10 ucts” and inserting “manufactured products,
11 and construction materials”;

12 (2) in subsection (b) by inserting “DETERMINA-
13 TION.—” before “The provisions”;

14 (3) in subsection (c) by striking “For purposes”
15 and inserting “CALCULATION.—For purposes”;

16 (4) in subsection (d)—

17 (A) by striking “The Secretary of Trans-
18 portation” and inserting “REQUIREMENTS.—
19 The Secretary”; and

20 (B) by striking “the Surface Transpor-
21 tation Assistance Act of 1982 (96 Stat. 2097)
22 or”;

23 (5) in subsection (g) by inserting “or within the
24 scope of the applicable finding, determination, or en-
25 vironmental review decision made pursuant to au-

1 thority granted by the Secretary under section 330,
2 if applicable,” before “regardless of the”; and

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

4 “(h) WAIVER PROCEDURE.—

5 “(1) IN GENERAL.—Not later than 120 days
6 after the submission of a request for a waiver, the
7 Secretary shall make a determination under para-
8 graph (1) or (2) of subsection (b) as to whether sub-
9 section (a) shall apply.

10 “(2) PUBLIC NOTIFICATION AND COMMENT.—

11 “(A) IN GENERAL.—Not later than 30
12 days before making a determination regarding a
13 waiver described in paragraph (1), the Sec-
14 retary shall provide notification and an oppor-
15 tunity for public comment on the request for
16 such waiver.

17 “(B) NOTIFICATION REQUIREMENTS.—The
18 notification required under subparagraph (A)
19 shall—

20 “(i) describe whether the application
21 is being made for a determination de-
22 scribed in subsection (b)(1); and

23 “(ii) be provided to the public by elec-
24 tronic means, including on the public

1 website of the Department of Transpor-
2 tation.

3 “(3) DETERMINATION.—Before a determination
4 described in paragraph (1) takes effect, the Sec-
5 retary shall publish a detailed justification for such
6 determination that addresses all public comments re-
7 ceived under paragraph (2)—

8 “(A) on the public website of the Depart-
9 ment of Transportation; and

10 “(B) if the Secretary issues a waiver with
11 respect to such determination, in the Federal
12 Register.

13 “(i) REVIEW OF NATIONWIDE WAIVERS.—

14 “(1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of this subsection, and at
16 least every 5 years thereafter, the Secretary shall re-
17 view any standing nationwide waiver issued by the
18 Secretary under this section to ensure such waiver
19 remains justified.

20 “(2) PUBLIC NOTIFICATION AND OPPORTUNITY
21 FOR COMMENT.—

22 “(A) IN GENERAL.—Not later than 30
23 days before the completion of a review under
24 paragraph (1), the Secretary shall provide noti-

1 fication and an opportunity for public comment
2 on such review.

3 “(B) MEANS OF NOTIFICATION.—Notifica-
4 tion provided under this subparagraph shall be
5 provided by electronic means, including on the
6 public website of the Department of Transpor-
7 tation.

8 “(3) DETAILED JUSTIFICATION IN FEDERAL
9 REGISTER.—After the completion of a review under
10 paragraph (1), the Secretary shall publish in the
11 Federal Register a detailed justification for the de-
12 termination made under paragraph (1) that address-
13 es all public comments received under paragraph
14 (2).

15 “(4) CONSIDERATION.—In conducting the re-
16 view under paragraph (1), the Secretary shall con-
17 sider the study on supply chains carried out under
18 section 1112(c) of the INVEST in America Act.

19 “(j) REPORT.—Not later than 120 days after the last
20 day of each fiscal year, the Secretary shall submit to the
21 Committee on Transportation and Infrastructure of the
22 House of Representatives, the Committee on Appropria-
23 tions of the House of Representatives, the Committee on
24 Environment and Public Works of the Senate, and the
25 Committee on Appropriations of the Senate a report on

1 the waivers provided under subsection (h) during the pre-
2 vious fiscal year and the justifications for such waivers.

3 “(k) CONSTRUCTION MATERIALS DEFINED.—In this
4 section, the term ‘construction materials’ means primary
5 materials, except for iron and steel, that are commonly
6 used in highway construction, as determined by the Sec-
7 retary.”.

8 (b) CONSTRUCTION MATERIALS.—

9 (1) ESTABLISHMENT OF REQUIREMENTS.—

10 (A) IN GENERAL.—The Secretary shall
11 issue such regulations as are necessary to im-
12 plement the amendment made by subsection
13 (a)(1)(D). Such regulations shall ensure the
14 continued availability of construction materials
15 to carry out projects under title 23, United
16 States Code.

17 (B) CONSIDERATIONS.—The regulations
18 issued pursuant to subparagraph (A) shall—

19 (i) ensure the continued availability of
20 construction materials to carry out projects
21 under title 23, United States Code;

22 (ii) include authority for the Secretary
23 to waive the applicability of the require-
24 ment under section 313(a) of title 23,
25 United States Code, to procure domestic

1 construction materials if the study con-
2 ducted under subsection (c)(1) determines
3 that the domestic supply of construction
4 materials is insufficient to meet the de-
5 mand for activities covered under section
6 313 of title 23, United States Code; and

7 (iii) provide for efficient and timely—

8 (I) project delivery for project
9 sponsors; and

10 (II) administration for the Sec-
11 retary.

12 (C) FINAL RULE.—The regulations issued
13 pursuant to subparagraph (A) shall not be fi-
14 nalized until the study under subsection (c) has
15 been completed and considered by the Secretary
16 in the rulemaking process under such subpara-
17 graph.

18 (2) CONSIDERATIONS.—The requirements of
19 this section, and the amendments made by this sec-
20 tion—

21 (A) shall seek to maximize jobs located in
22 the United States;

23 (B) may establish domestic content re-
24 quirements that are less than 100 percent and
25 that increase over time, based on the current

1 and expected future domestic availability of
2 construction materials; and

3 (C) shall take into consideration the study
4 conducted under subsection (c), including any
5 potential—

6 (i) disruption in the supply of con-
7 struction materials to any State or isolated
8 geographic region; and

9 (ii) impacts on the price of covered
10 items.

11 (3) APPLICABILITY.—The amendment made by
12 subsection (a)(1)(D) shall take effect beginning on
13 the date that the Secretary establishes the regula-
14 tions described under paragraph (1).

15 (c) STUDY ON SUPPLY CHAINS.—

16 (1) IN GENERAL.—The Secretary shall conduct
17 study on covered items that are commonly used or
18 acquired under title 23, United States Code, includ-
19 ing—

20 (A) construction materials;

21 (B) manufactured products;

22 (C) vehicles; and

23 (D) alternative fuel infrastructure and
24 electric vehicle supply equipment.

1 (2) CONSIDERATIONS.—The study under para-
2 graph (1) shall consider—

3 (A) the current domestic availability of
4 covered items of sufficient and reasonably avail-
5 able quantity and of a satisfactory quality (in-
6 cluding any specific impacts in a State or iso-
7 lated geographic region, as applicable) nec-
8 essary to meet the demand for activities covered
9 under section 313 of title 23, United States
10 Code;

11 (B) the current supply chain for covered
12 items including the impacts of extracting, refin-
13 ing, manufacturing, and transporting domesti-
14 cally available covered items;

15 (C) anticipated impacts to the environ-
16 ment, public health, and safety from transpor-
17 tation of domestically available covered items;

18 (D) the estimated demand, in relation to
19 total domestic demand from all sources, for cov-
20 ered items from—

21 (i) procurement under the Federal-aid
22 highway program;

23 (ii) procurement under other pro-
24 grams administered by the Secretary of
25 Transportation; and

1 (iii) other Federal procurement; and

2 (E) the delivery cost differential of domes-
3 tic covered items, as compared to non-domestic
4 alternatives, including any specific impacts in a
5 State or isolated geographic region, as applica-
6 ble.

7 (3) INSPECTOR GENERAL REVIEW.—Not later
8 than 120 days after the Secretary completes the
9 study in paragraph (1), the Inspector General of the
10 Department of Transportation shall—

11 (A) review the extent to which the study
12 under paragraph (1) addresses the consider-
13 ations under paragraph (2); and

14 (B) submit to the Committee on Transpor-
15 tation and Infrastructure of the House of Rep-
16 resentatives and Committee on Environment
17 and Public Works of the Senate a report on the
18 findings of the review under subparagraph (A).

19 (4) DOMESTIC SUPPLIERS.—As part of the re-
20 view under this paragraph, the Secretary may estab-
21 lish and maintain a list of known domestic suppliers
22 of covered items.

23 (5) DEFINITION OF COVERED ITEM.—For the
24 purposes of this section, the term “covered item”
25 means any material or product (except for iron and

1 steel) subject to the requirements of section 313(a)
2 of title 23, United States Code, that is commonly
3 used in highway construction or procured under the
4 Federal-aid highway program.

5 (d) IRON AND STEEL.—Subsections (b) and (c), shall
6 not affect the requirements under section
7 635.410(b)(1)(ii) of title 23, Code of Federal Regulations,
8 with respect to iron and steel.

9 (e) CONSTRUCTION MATERIALS DEFINED.—In this
10 section, the term “construction materials” has the mean-
11 ing given such term in section 313 of title 23, United
12 States Code.

13 (f) SAFETEA—LU TECHNICAL CORRECTIONS ACT
14 OF 2008.—Section 117 of the SAFETEA—LU Technical
15 Corrections Act of 2008 (23 U.S.C. 313 note) is repealed.

16 **SEC. 1113. FEDERAL-AID HIGHWAY PROJECT REQUIRE-**
17 **MENTS.**

18 (a) IN GENERAL.—Section 113 of title 23, United
19 States Code, is amended—

20 (1) by striking subsections (a) and (b) and in-
21 serting the following:

22 “(a) IN GENERAL.—The Secretary shall take such
23 action as may be necessary to ensure that all laborers and
24 mechanics employed by contractors or subcontractors on
25 construction work performed on projects financed or oth-

1 erwise assisted in whole or in part by a loan, loan guar-
2 antee, grant, credit enhancement, or any other form of
3 Federal assistance administered by the Secretary or the
4 Department, including programs to capitalize revolving
5 loan funds and subsequent financing cycles under such
6 funds, shall be paid wages at rates not less than those
7 prevailing on projects of a character similar in the locality,
8 as determined by the Secretary of Labor in accordance
9 with subchapter IV of chapter 31 of title 40. With respect
10 to the labor standards specified in this section, the Sec-
11 retary of Labor shall have the authority and functions set
12 forth in Reorganization Plan Numbered 14 of 1950 (64
13 Stat. 1267) and section 3145 of title 40.”;

14 (2) by redesignating subsection (c) as sub-
15 section (b); and

16 (3) in subsection (b), as so redesignated, by in-
17 serting “APPRENTICESHIP AND SKILL TRAINING
18 PROGRAMS.—” before “The provisions”.

19 (b) CONFORMING AMENDMENTS.—

20 (1) Section 133 of title 23, United States Code,
21 is amended by striking subsection (i).

22 (2) Section 167 of title 23, United States Code,
23 is amended by striking subsection (l).

24 (3) Section 1401 of the MAP-21 (23 U.S.C.
25 137 note) is amended by striking subsection (e).

1 **SEC. 1114. STATE ASSUMPTION OF RESPONSIBILITY FOR**
2 **CATEGORICAL EXCLUSIONS.**

3 Section 326(c)(3) of title 23, United States Code, is
4 amended—

5 (1) by striking subparagraph (A) and inserting
6 the following:

7 “(A) except as provided under subpara-
8 graph (C), have a term of not more than 3
9 years;”;

10 (2) in subparagraph (B) by striking the period
11 at the end and inserting “; and”; and

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

13 “(C) for any State that has assumed the
14 responsibility for categorical exclusions under
15 this section for at least 10 years, have a term
16 of 5 years.”.

17 **SEC. 1115. SURFACE TRANSPORTATION PROJECT DELIV-**
18 **ERY PROGRAM WRITTEN AGREEMENTS.**

19 Section 327 of title 23, United States Code, is
20 amended—

21 (1) in subsection (a)(2)(G) by inserting “, in-
22 cluding the payment of fees awarded under section
23 2412 of title 28” after “with the project”.

24 (2) in subsection (c)—

25 (A) by striking paragraph (5) and insert-
26 ing the following:

1 “(5) except as provided under paragraph (7),
2 have a term of not more than 5 years;”;

3 (B) in paragraph (6) by striking the period
4 at the end and inserting “; and”; and

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

6 “(7) for any State that has participated in a
7 program under this section (or under a predecessor
8 program) for at least 10 years, have a term of 10
9 years.”;

10 (3) in subsection (g)(1)—

11 (A) in subparagraph (C) by striking “an-
12 nual”;

13 (B) in subparagraph (B) by striking “and”
14 at the end;

15 (C) by redesignating subparagraph (C) as
16 subparagraph (D); and

17 (D) by inserting after subparagraph (B)
18 the following:

19 “(C) in the case of an agreement period of
20 greater than 5 years under subsection (c)(7),
21 conduct an audit covering the first 5 years of
22 the agreement period; and”; and

23 (4) by adding at the end the following:

24 “(m) AGENCY DEEMED TO BE FEDERAL AGENCY.—

25 A State agency that is assigned a responsibility under an

1 agreement under this section shall be deemed to be an
2 agency of the United States for the purposes of section
3 2412 of title 28.”.

4 **SEC. 1116. CORROSION PREVENTION FOR BRIDGES.**

5 (a) DEFINITIONS.—In this section:

6 (1) APPLICABLE BRIDGE PROJECTS.—The term
7 “applicable bridge projects” means a project for con-
8 struction, replacement, rehabilitation, preservation,
9 or protection, other than de minimis work, as deter-
10 mined by the applicable State department of trans-
11 portation, on a bridge project that receives financial
12 assistance under title 23, United States Code.

13 (2) CERTIFIED CONTRACTOR.—The term “cer-
14 tified contractor” means a contracting or subcon-
15 tracting firm that has been certified by an industry-
16 wide recognized third party organization that evalu-
17 ates the capability of the contractor or subcontractor
18 to properly perform 1 or more specified aspects of
19 applicable bridge projects described in subsection
20 (b)(2).

21 (3) QUALIFIED TRAINING PROGRAM.—The term
22 “qualified training program” means a training pro-
23 gram in corrosion control, mitigation, and prevention
24 that is either—

1 (A) offered or accredited by an organiza-
2 tion that sets industry corrosion standards; or

3 (B) an industrial coatings applicator train-
4 ing program registered under the Act of August
5 16, 1937 (29 U.S.C. 50 et seq.; commonly
6 known as the “National Apprenticeship Act”)
7 that meets the standards of subpart A of part
8 29 and part 30 of title 29, Code of Federal
9 Regulations.

10 (b) APPLICABLE BRIDGE PROJECTS.—

11 (1) QUALITY CONTROL.—A certified contractor
12 shall carry out aspects of an applicable bridge
13 project described in paragraph (2).

14 (2) ASPECTS OF APPLICABLE BRIDGE
15 PROJECTS.—Aspects of an applicable bridge project
16 referred to in paragraph (1) shall include—

17 (A) surface preparation or coating applica-
18 tion on steel or rebar of an applicable bridge
19 project;

20 (B) removal of a lead-based or other haz-
21 ardous coating from steel of an existing applica-
22 ble bridge project; and

23 (C) shop painting of structural steel or
24 rebar fabricated for installation on an applica-
25 ble bridge project.

1 (3) CORROSION MANAGEMENT SYSTEM.—In
2 carrying out an applicable bridge project, a State de-
3 partment of transportation shall—

4 (A) implement a corrosion management
5 system that utilizes industry-recognized stand-
6 ards and corrosion mitigation and prevention
7 methods to address—

8 (i) surface preparation;

9 (ii) protective coatings;

10 (iii) materials selection;

11 (iv) cathodic protection;

12 (v) corrosion engineering;

13 (vi) personnel training; and

14 (vii) best practices in environmental
15 protection to prevent environmental deg-
16 radation and uphold public health.

17 (B) require certified contractors, for the
18 purpose of carrying out aspects of applicable
19 bridge projects described in paragraph (2), to
20 employ a substantial number of individuals that
21 are trained and certified by a qualified training
22 program as meeting the ANSI/NACE Number
23 13/SSPC–ACS–1 standard or future versions of
24 this standard.

1 (4) CERTIFICATION.—The applicable State de-
2 partment of transportation shall only accept bids for
3 projects that include aspects of applicable bridge
4 projects described in paragraph (2) from a certified
5 contractor that presents written proof that the cer-
6 tification of such contractor meets the relevant
7 SSPC–QP standards or future versions of these
8 standards.

9 (c) TRAINING PROGRAM.—As a condition of entering
10 into a contract for an applicable bridge project, each cer-
11 tified contractor shall provide training for each individual
12 who is not a certified coating applicator but that the cer-
13 tified contractor employs to carry out aspects of applicable
14 bridge projects as described in subsection (b)(2).

15 **SEC. 1117. SENSE OF CONGRESS.**

16 It is the sense of Congress that—

17 (1) States should utilize life-cycle cost analysis
18 to evaluate the total economic cost of a transpor-
19 tation project over its expected lifetime; and

20 (2) data indicating that future repair costs as-
21 sociated with a transportation project frequently
22 total more than half of the initial cost of the project,
23 and that conducting life-cycle cost analysis prior to
24 construction will help States identify the most cost-
25 effective option, improve their economic perform-

1 ance, and lower the total cost of building and main-
2 taining the project.

3 **SEC. 1118. ACCOMMODATION OF CERTAIN FACILITIES IN**
4 **RIGHT-OF-WAY.**

5 (a) IN GENERAL.—Notwithstanding chapter 1 of title
6 23, United States Code, electric vehicle charging infra-
7 structure, renewable energy generation facilities, electrical
8 transmission and distribution infrastructure, and
9 broadband infrastructure and conduit shall be treated as
10 a facility covered under part 645 of title 23, Code of Fed-
11 eral Regulations (or successor regulations), for purposes
12 of being accommodated under section 109(l) of title 23,
13 United States Code.

14 (b) STATE APPROVAL.—A State, on behalf of the
15 Secretary of Transportation, may approve the accommo-
16 dation of the infrastructure and facilities described in sub-
17 section (a) within any right-of-way on a Federal-aid high-
18 way pursuant to section 109(l) of title 23, United States
19 Code.

20 **SEC. 1119. FEDERAL GRANTS FOR PEDESTRIAN AND BIKE**
21 **SAFETY IMPROVEMENTS.**

22 (a) IN GENERAL.—Notwithstanding any provision of
23 title 23, United States Code, or any regulation issued by
24 the Secretary of Transportation, section 129(a)(3) of such
25 title shall not apply to a covered public authority that re-

1 ceives funding under such title for pedestrian and bike
2 safety improvements.

3 (b) NO TOLL.—A covered public authority may not
4 charge a toll, fee, or other levy for use of such improve-
5 ments.

6 (c) EFFECTIVE DATE.—A covered public authority
7 shall be eligible for the exemption under subsection (a)
8 for 10 years after the date of enactment of this Act. Any
9 such exemption granted shall remain in effect after the
10 effective date described in this section.

11 (d) DEFINITIONS.—In this section, the following defi-
12 nitions apply:

13 (1) COVERED PUBLIC AUTHORITY.—The term
14 “covered public authority” means a public authority
15 with jurisdiction over a toll facility located within
16 both—

17 (A) a National Scenic Area; and

18 (B) the National Trail System.

19 (2) NATIONAL SCENIC AREA.—The term “Na-
20 tional Scenic Area” means an area of the National
21 Forest System federally designated as a National
22 Scenic Area in recognition of the outstanding nat-
23 ural, scenic, and recreational values of the area.

24 (3) NATIONAL TRAIL SYSTEM.—The term “Na-
25 tional Trail System” means an area described in sec-

1 tion 3 of the National Trails System Act (16 U.S.C.
2 1242).

3 (4) PUBLIC AUTHORITY; TOLL FACILITY.—The
4 terms “public authority” and “toll facility” have the
5 meanings such terms would have if such terms were
6 included in chapter 1 of title 23, United States
7 Code.

8 **SEC. 1120. INCREASED FEDERAL SHARE.**

9 Section 120(c) of title 23, United States Code, is
10 amended by adding at the end the following:

11 “(4) AREAS OF PERSISTENT POVERTY.—The
12 Federal share payable on account of a project, pro-
13 gram, or activity carried out in an area of persistent
14 poverty with funds apportioned under section 104(b)
15 may be increased by up to 5 percent, up to 100 per-
16 cent of the total project cost of any such project,
17 program, or activity.”.

18 **Subtitle B—Programmatic**
19 **Infrastructure Investment**

20 **SEC. 1201. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

21 Section 119 of title 23, United States Code, is
22 amended—

23 (1) by striking subsection (b) and inserting the
24 following:

1 “(b) PURPOSES.—The purposes of the national high-
2 way performance program shall be—

3 “(1) to provide support for the condition and
4 performance of the National Highway System, con-
5 sistent with the asset management plans of States;

6 “(2) to support progress toward the achieve-
7 ment of performance targets of States established
8 under section 150;

9 “(3) to increase the resilience of Federal-aid
10 highways and bridges; and

11 “(4) to provide support for the construction of
12 new facilities on the National Highway System, con-
13 sistent with subsection (d)(3).”;

14 (2) in subsection (d)—

15 (A) in paragraph (1)(A) by striking “or
16 freight movement on the National Highway
17 System” and inserting “freight movement, envi-
18 ronmental sustainability, transportation system
19 access, or combating climate change”;

20 (B) in paragraph (1)(B) by striking “and”
21 at the end;

22 (C) in paragraph (2)—

23 (i) in subparagraph (G)—

24 (I) in clause (i) by inserting
25 “and” at the end;

1 (II) in clause (ii) by striking “;
2 and” and inserting a period; and

3 (III) by striking clause (iii);

4 (ii) in subparagraph (I) by inserting
5 “, including the installation of safety bar-
6 riers and nets on bridges on the National
7 Highway System” after “National High-
8 way System”; and

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

11 “(Q) Projects on or off the National High-
12 way System to reduce greenhouse gas emissions
13 that are eligible under section 171, including
14 the installation of electric vehicle charging in-
15 frastructure.

16 “(R) Projects on or off the National High-
17 way System to enhance resilience of a transpor-
18 tation facility eligible under section 124, includ-
19 ing protective features and natural infrastruc-
20 ture.

21 “(S) Projects and strategies to reduce ve-
22 hicle-caused wildlife mortality related to, or to
23 restore and maintain connectivity among terres-
24 trial or aquatic habitats affected by, a transpor-

1 tation facility eligible for assistance under this
2 section.

3 “(T) Projects on or off the National High-
4 way System to improve an evacuation route eli-
5 gible under section 124(b)(1)(C).

6 “(U) The removal, retrofit, repurposing,
7 remediation, or replacement of a highway on
8 the National Highway System that creates a
9 barrier to community connectivity to improve
10 access for multiple modes of transportation.”;
11 and

12 (D) by adding at the end the following:

13 “(3) a project that is otherwise eligible under
14 this subsection to construct new capacity for single
15 occupancy passenger vehicles only if the State—

16 “(A) has demonstrated progress in achiev-
17 ing a state of good repair, as defined in the
18 State’s asset management plan, on the National
19 Highway System;

20 “(B) demonstrates that the project—

21 “(i) supports the achievement of per-
22 formance targets of the State established
23 under section 150; and

24 “(ii) is more cost effective, as deter-
25 mined by benefit-cost analysis, than—

1 “(I) an operational improvement
2 to the facility or corridor;

3 “(II) the construction of a public
4 transportation project eligible for as-
5 sistance under chapter 53 of title 49;
6 or

7 “(III) the construction of a non-
8 single occupancy passenger vehicle
9 project that improves freight move-
10 ment; and

11 “(C) has a public plan for maintaining and
12 operating the new asset while continuing its
13 progress in achieving a state of good repair
14 under subparagraph (A).”;

15 (3) in subsection (e)—

16 (A) in the heading by inserting “ASSET
17 AND” after “STATE”;

18 (B) in paragraph (4)(D) by striking “anal-
19 ysis” and inserting “analyses, both of which
20 shall take into consideration climate change ad-
21 aptation and resilience”; and

22 (C) in paragraph (8) by striking “Not later
23 than 18 months after the date of enactment of
24 the MAP-21, the Secretary” and inserting
25 “The Secretary”; and

1 (4) by adding at the end the following:

2 “(k) BENEFIT-COST ANALYSIS.—In carrying out
3 subsection (d)(3)(B)(ii), the Secretary shall establish a
4 process for analyzing the cost and benefits of projects
5 under such subsection, ensuring that—

6 “(1) the benefit-cost analysis includes a calcula-
7 tion of all the benefits addressed in the performance
8 measures established under section 150;

9 “(2) the benefit-cost analysis includes a consid-
10 eration of the total maintenance cost of an asset
11 over the lifecycle of the asset; and

12 “(3) the State demonstrates that any transpor-
13 tation demand modeling used to calculate the ben-
14 efit-cost analysis has a documented record of accu-
15 racy.”.

16 **SEC. 1202. INCREASING THE RESILIENCE OF TRANSPOR-**
17 **TATION ASSETS.**

18 (a) PREDISASTER MITIGATION PROGRAM.—

19 (1) IN GENERAL.—Chapter 1 of title 23, United
20 States Code, is amended by inserting after section
21 123 the following:

22 **“§ 124. Predisaster mitigation program**

23 “(a) ESTABLISHMENT.—The Secretary shall estab-
24 lish and implement a predisaster mitigation program to
25 enhance the resilience of the transportation system of the

1 United States, mitigate the impacts of covered events, and
2 ensure the efficient use of Federal resources.

3 “(b) ELIGIBLE ACTIVITIES.—

4 “(1) IN GENERAL.—Subject to paragraph (2),
5 funds apportioned to the State under section
6 104(b)(8) may be obligated for—

7 “(A) construction activities, including con-
8 struction of natural infrastructure or protective
9 features—

10 “(i) to increase the resilience of a sur-
11 face transportation infrastructure asset to
12 withstand a covered event;

13 “(ii) to relocate or provide a reason-
14 able alternative to a repeatedly damaged
15 facility; and

16 “(iii) for an evacuation route identi-
17 fied in the vulnerability assessment re-
18 quired under section 134(i)(2)(I)(iii) or
19 section 135(f)(10)(C) to—

20 “(I) improve the capacity or op-
21 eration of such evacuation route
22 through communications and intel-
23 ligent transportation system equip-
24 ment and infrastructure, counterflow
25 measures, and shoulders; and

1 “(II) relocate such evacuation
2 route or provide a reasonable alter-
3 native to such evacuation route to ad-
4 dress the risk of a covered event;

5 “(B) resilience planning activities, includ-
6 ing activities described in sections 134(i)(2)(I)
7 and 135(f)(10) of this title and sections
8 5303(i)(2)(I) and 5304(f)(10) of title 49; and

9 “(C) the development of projects and pro-
10 grams that help States, territories, and regions
11 recover from covered events that significantly
12 disrupt the transportation system, including—

13 “(i) predisaster training programs
14 that help agencies and regional stake-
15 holders plan for and prepare multimodal
16 recovery efforts; and

17 “(ii) the establishment of region-wide
18 telework training and programs.

19 “(2) INFRASTRUCTURE RESILIENCE AND ADAP-
20 TATION.—No funds shall be obligated to a project
21 under this section unless the project meets each of
22 the following criteria:

23 “(A) The project is designed to ensure re-
24 silience over the anticipated service life of the
25 surface transportation infrastructure asset.

1 “(B) The project is identified in the metro-
2 politan or statewide transportation improve-
3 ment program as a project to address resilience
4 vulnerabilities, consistent with section
5 134(j)(3)(E) or 135(g)(5)(B)(iii).

6 “(3) PRIORITIZATION OF PROJECTS.—A State
7 shall develop a process to prioritize projects under
8 this section based on the degree to which the pro-
9 posed project would—

10 “(A) be cost effective in the long-term;

11 “(B) reduce the risk of disruption to a sur-
12 face transportation infrastructure asset consid-
13 ered critical to support population centers,
14 freight movement, economic activity, evacu-
15 ation, recovery, national security functions, or
16 critical infrastructure; and

17 “(C) ease disruptions to vulnerable, at-
18 risk, or transit-dependant populations.

19 “(c) GUIDANCE.—The Secretary shall provide guid-
20 ance to States to assist with the implementation of para-
21 graphs (2) and (3) of subsection (b).

22 “(d) DEFINITIONS.—In this section:

23 “(1) COVERED EVENT.—The term ‘covered
24 event’ means a climate change effect (including sea
25 level rise), flooding, and an extreme event or other

1 natural disaster (including wildfires, seismic activity,
2 and landslides).

3 “(2) SURFACE TRANSPORTATION INFRASTRUC-
4 TURE ASSET.—The term ‘surface transportation in-
5 frastructure asset’ means a facility eligible for as-
6 sistance under this title or chapter 53 of title 49.”.

7 (2) CONFORMING AMENDMENT.—The analysis
8 for chapter 1 of title 23, United States Code, is
9 amended by inserting after the item relating to sec-
10 tion 123 the following:

“124. Predisaster mitigation program.”.

11 (b) PROJECTS IN FLOOD-PRONE AREAS.—Section
12 109 of title 23, United States Code, is further amended
13 by adding at the end the following:

14 “(t) PROJECTS IN FLOOD-PRONE AREAS.—For
15 projects and actions that, in whole or in part, encroach
16 within the limits of a flood-prone area, the Secretary shall
17 ensure that such projects and actions are—

18 “(1) designed and constructed in a way that
19 takes into account, and mitigates where appropriate,
20 flood risk by using hydrologic, hydraulic, and hydro-
21 dynamic data, methods, and analysis that integrate
22 current and projected changes in flooding based on
23 climate science over the anticipated service life of
24 the asset and future forecasted land use changes;
25 and

1 “(2) designed using analysis that considers the
2 capital costs, risks, and other economic, engineering,
3 social and environmental concerns of constructing a
4 project in a flood-prone area.”.

5 (c) METROPOLITAN TRANSPORTATION PLANNING.—

6 (1) AMENDMENTS TO TITLE 23.—

7 (A) CLIMATE CHANGE AND RESILIENCE.—

8 Section 134(i)(2) of title 23, United States
9 Code, is amended by adding at the end the fol-
10 lowing:

11 “(I) CLIMATE CHANGE AND RESILIENCE.—

12 “(i) IN GENERAL.—The transpor-
13 tation planning process shall assess strate-
14 gies to reduce the climate change impacts
15 of the surface transportation system and
16 conduct a vulnerability assessment to iden-
17 tify opportunities to enhance the resilience
18 of the surface transportation system and
19 ensure the efficient use of Federal re-
20 sources.

21 “(ii) CLIMATE CHANGE MITIGATION
22 AND IMPACTS.—A long-range transpor-
23 tation plan shall—

24 “(I) identify investments and
25 strategies to reduce transportation-re-

1 lated sources of greenhouse gas emis-
2 sions per capita;

3 “(II) identify investments and
4 strategies to manage transportation
5 demand and increase the rates of pub-
6 lic transportation ridership, walking,
7 bicycling, and carpools; and

8 “(III) recommend zoning and
9 other land use policies that would sup-
10 port infill, transit-oriented develop-
11 ment, and mixed use development.

12 “(iii) VULNERABILITY ASSESSMENT.—

13 A long-range transportation plan shall in-
14 corporate a vulnerability assessment that—

15 “(I) includes a risk-based assess-
16 ment of vulnerabilities of critical
17 transportation assets and systems to
18 covered events (as such term is de-
19 fined in section 124);

20 “(II) considers, as applicable, the
21 risk management analysis in the
22 State’s asset management plan devel-
23 oped pursuant to section 119, and the
24 State’s evaluation of reasonable alter-
25 natives to repeatedly damaged facili-

1 ties conducted under part 667 of title
2 23, Code of Federal Regulations;

3 “(III) at the discretion of the
4 metropolitan planning organization,
5 identifies evacuation routes, assesses
6 the ability of any such routes to pro-
7 vide safe passage for evacuation, ac-
8 cess to health care and public health
9 facilities, and emergency response
10 during an emergency event, and iden-
11 tifies any improvements or redundant
12 facilities necessary to adequately fa-
13 cilitate safe passage;

14 “(IV) describes the metropolitan
15 planning organization’s adaptation
16 and resilience improvement strategies
17 that will inform the transportation in-
18 vestment decisions of the metropolitan
19 planning organization; and

20 “(V) is consistent with and com-
21plementary of the State, Tribal, and
22local mitigation plans required under
23section 322 of the Robert T. Stafford
24Disaster Relief and Emergency Assist-
25ance Act (42 U.S.C. 5165).

1 “(iv) CONSULTATION.—The assess-
2 ment described in this subparagraph shall
3 be developed in consultation with, as ap-
4 propriate, State, local, and Tribal officials
5 responsible for land use, housing, resil-
6 ience, hazard mitigation, and emergency
7 management.”.

8 (B) RESILIENCE PROJECTS.—Section
9 134(j)(3) of title 23, United States Code, is
10 amended by adding at the end the following:

11 “(E) RESILIENCE PROJECTS.—The TIP
12 shall—

13 “(i) identify any projects that address
14 the vulnerabilities identified by the assess-
15 ment in subsection (i)(2)(I)(iii); and

16 “(ii) describe how each project identi-
17 fied under clause (i) would improve the re-
18 silience of the transportation system.”.

19 (2) AMENDMENTS TO TITLE 49.—

20 (A) CLIMATE CHANGE AND RESILIENCE.—
21 Section 5303(i)(2) of title 49, United States
22 Code, is amended by adding at the end the fol-
23 lowing:

24 “(I) CLIMATE CHANGE AND RESILIENCE.—

1 “(i) IN GENERAL.—The transpor-
2 tation planning process shall assess strate-
3 gies to reduce the climate change impacts
4 of the surface transportation system and
5 conduct a vulnerability assessment to iden-
6 tify opportunities to enhance the resilience
7 of the surface transportation system and
8 ensure the efficient use of Federal re-
9 sources.

10 “(ii) CLIMATE CHANGE MITIGATION
11 AND IMPACTS.—A long-range transpor-
12 tation plan shall—

13 “(I) identify investments and
14 strategies to reduce transportation-re-
15 lated sources of greenhouse gas emis-
16 sions per capita;

17 “(II) identify investments and
18 strategies to manage transportation
19 demand and increase the rates of pub-
20 lic transportation ridership, walking,
21 bicycling, and carpools; and

22 “(III) recommend zoning and
23 other land use policies that would sup-
24 port infill, transit-oriented develop-
25 ment, and mixed use development.

1 “(iii) VULNERABILITY ASSESSMENT.—

2 A long-range transportation plan shall in-
3 corporate a vulnerability assessment that—

4 “(I) includes a risk-based assess-
5 ment of vulnerabilities of critical
6 transportation assets and systems to
7 covered events (as such term is de-
8 fined in section 124 of title 23);

9 “(II) considers, as applicable, the
10 risk management analysis in the
11 State’s asset management plan devel-
12 oped pursuant to section 119 of title
13 23, and the State’s evaluation of rea-
14 sonable alternatives to repeatedly
15 damaged facilities conducted under
16 part 667 of title 23, Code of Federal
17 Regulations;

18 “(III) at the discretion of the
19 metropolitan planning organization,
20 identifies evacuation routes, assesses
21 the ability of any such routes to pro-
22 vide safe passage for evacuation, ac-
23 cess to health care and public health
24 facilities, and emergency response
25 during an emergency event, and iden-

1 tifies any improvements or redundant
2 facilities necessary to adequately fa-
3 cilitate safe passage;

4 “(IV) describes the metropolitan
5 planning organization’s adaptation
6 and resilience improvement strategies
7 that will inform the transportation in-
8 vestment decisions of the metropolitan
9 planning organization; and

10 “(V) is consistent with and com-
11 plementary of the State, Tribal, and
12 local mitigation plans required under
13 section 322 of the Robert T. Stafford
14 Disaster Relief and Emergency Assist-
15 ance Act (42 U.S.C. 5165).

16 “(iv) CONSULTATION.—The assess-
17 ment described in this subparagraph shall
18 be developed in consultation, as appro-
19 priate, with State, local, and Tribal offi-
20 cials responsible for land use, housing, re-
21 silience, hazard mitigation, and emergency
22 management.”.

23 (B) RESILIENCE PROJECTS.—Section
24 5303(j)(3) of title 49, United States Code, is
25 amended by adding at the end the following:

1 “(E) RESILIENCE PROJECTS.—The TIP
2 shall—

3 “(i) identify any projects that address
4 the vulnerabilities identified by the assess-
5 ment in subsection (i)(2)(I)(iii); and

6 “(ii) describe how each project identi-
7 fied under clause (i) would improve the re-
8 siliance of the transportation system.”.

9 (d) STATEWIDE AND NONMETROPOLITAN PLAN-
10 NING.—

11 (1) AMENDMENTS TO TITLE 23.—

12 (A) CLIMATE CHANGE AND RESILIENCE.—
13 Section 135(f) of title 23, United States Code,
14 is amended by adding at the end the following:

15 “(10) CLIMATE CHANGE AND RESILIENCE.—

16 “(A) IN GENERAL.—The transportation
17 planning process shall assess strategies to re-
18 duce the climate change impacts of the surface
19 transportation system and conduct a vulner-
20 ability assessment to identify opportunities to
21 enhance the resilience of the surface transpor-
22 tation system and ensure the efficient use of
23 Federal resources.

1 “(B) CLIMATE CHANGE MITIGATION AND
2 IMPACTS.—A long-range transportation plan
3 shall—

4 “(i) identify investments and strate-
5 gies to reduce transportation-related
6 sources of greenhouse gas emissions per
7 capita;

8 “(ii) identify investments and strate-
9 gies to manage transportation demand and
10 increase the rates of public transportation
11 ridership, walking, bicycling, and carools;
12 and

13 “(iii) recommend zoning and other
14 land use policies that would support infill,
15 transit-oriented development, and mixed
16 use development.

17 “(C) VULNERABILITY ASSESSMENT.—A
18 long-range transportation plan shall incorporate
19 a vulnerability assessment that—

20 “(i) includes a risk-based assessment
21 of vulnerabilities of critical transportation
22 assets and systems to covered events (as
23 such term is defined in section 124);

24 “(ii) considers, as applicable, the risk
25 management analysis in the State’s asset

1 management plan developed pursuant to
2 section 119, and the State’s evaluation of
3 reasonable alternatives to repeatedly dam-
4 aged facilities conducted under part 667 of
5 title 23, Code of Federal Regulations;

6 “(iii) identifies evacuation routes, as-
7 sesses the ability of any such routes to pro-
8 vide safe passage for evacuation, access to
9 health care and public health facilities, and
10 emergency response during an emergency
11 event, and identifies any improvements or
12 redundant facilities necessary to ade-
13 quately facilitate safe passage;

14 “(iv) describes the States’s adaptation
15 and resilience improvement strategies that
16 will inform the transportation investment
17 decisions of the State; and

18 “(v) is consistent with and com-
19 plementary of the State, Tribal, and local
20 mitigation plans required under section
21 322 of the Robert T. Stafford Disaster Re-
22 lief and Emergency Assistance Act (42
23 U.S.C. 5165).

24 “(D) CONSULTATION.—The assessment
25 described in this paragraph shall be developed

1 in consultation with, as appropriate, metropoli-
2 tan planning organizations and State, local, and
3 Tribal officials responsible for land use, hous-
4 ing, resilience, hazard mitigation, and emer-
5 gency management.”.

6 (B) RESILIENCE PROJECTS.—Section
7 135(g)(5)(B) of title 23, United States Code, is
8 amended by adding at the end the following:

9 “(iii) RESILIENCE PROJECTS.—The
10 STIP shall—

11 “(I) identify projects that ad-
12 dress the vulnerabilities identified by
13 the assessment in subsection
14 (i)(10)(B); and

15 “(II) describe how each project
16 identified under subclause (I) would
17 improve the resilience of the transpor-
18 tation system.”.

19 (2) AMENDMENTS TO TITLE 49.—

20 (A) CLIMATE CHANGE AND RESILIENCE.—
21 Section 5304(f) of title 49, United States Code,
22 is amended by adding at the end the following:

23 “(10) CLIMATE CHANGE AND RESILIENCE.—

24 “(A) IN GENERAL.—The transportation
25 planning process shall assess strategies to re-

1 duce the climate change impacts of the surface
2 transportation system and conduct a vulner-
3 ability assessment to identify opportunities to
4 enhance the resilience of the surface transpor-
5 tation system and ensure the efficient use of
6 Federal resources.

7 “(B) CLIMATE CHANGE MITIGATION AND
8 IMPACTS.—A long-range transportation plan
9 shall—

10 “(i) identify investments and strate-
11 gies to reduce transportation-related
12 sources of greenhouse gas emissions per
13 capita;

14 “(ii) identify investments and strate-
15 gies to manage transportation demand and
16 increase the rates of public transportation
17 ridership, walking, bicycling, and carpool;
18 and

19 “(iii) recommend zoning and other
20 land use policies that would support infill,
21 transit-oriented development, and mixed
22 use development.

23 “(C) VULNERABILITY ASSESSMENT.—A
24 long-range transportation plan shall incorporate
25 a vulnerability assessment that—

1 “(i) includes a risk-based assessment
2 of vulnerabilities of critical transportation
3 assets and systems to covered events (as
4 such term is defined in section 124 of title
5 23);

6 “(ii) considers, as applicable, the risk
7 management analysis in the State’s asset
8 management plan developed pursuant to
9 section 119 of title 23, and the State’s
10 evaluation of reasonable alternatives to re-
11 peatedly damaged facilities conducted
12 under part 667 of title 23, Code of Federal
13 Regulations;

14 “(iii) identifies evacuation routes, as-
15 sesses the ability of any such routes to pro-
16 vide safe passage for evacuation, access to
17 health care and public health facilities, and
18 emergency response during an emergency
19 event, and identifies any improvements or
20 redundant facilities necessary to ade-
21 quately facilitate safe passage;

22 “(iv) describes the State’s adaptation
23 and resilience improvement strategies that
24 will inform the transportation investment
25 decisions of the State; and

1 “(v) is consistent with and com-
2 plementary of the State, Tribal, and local
3 mitigation plans required under section
4 322 of the Robert T. Stafford Disaster Re-
5 lief and Emergency Assistance Act (42
6 U.S.C. 5165).

7 “(D) CONSULTATION.—The assessment
8 described in this paragraph shall be developed
9 in consultation with, as appropriate, metropoli-
10 tan planning organizations and State, local, and
11 Tribal officials responsible for land use, hous-
12 ing, resilience, hazard mitigation, and emer-
13 gency management.”.

14 (B) RESILIENCE PROJECTS.—Section
15 5304(g)(5)(B) of title 49, United States Code,
16 is amended by adding at the end the following:

17 “(iii) RESILIENCE PROJECTS.—The
18 STIP shall—

19 “(I) identify projects that ad-
20 dress the vulnerabilities identified by
21 the assessment in subsection
22 (i)(10)(B); and

23 “(II) describe how each project
24 identified under subclause (I) would

1 improve the resilience of the transpor-
2 tation system.”.

3 **SEC. 1203. EMERGENCY RELIEF.**

4 (a) IN GENERAL.—Section 125 of title 23, United
5 States Code, is amended—

6 (1) in subsection (a)(1) by inserting “wildfire,”
7 after “severe storm,”;

8 (2) by striking subsection (b);

9 (3) in subsection (c)(2)(A) by striking “in any
10 1 fiscal year commencing after September 30,
11 1980,” and inserting “in any fiscal year”;

12 (4) in subsection (d)—

13 (A) in paragraph (3)(C) by striking “(as
14 defined in subsection (e)(1))”;

15 (B) by redesignating paragraph (3) as
16 paragraph (4); and

17 (C) by striking paragraphs (1) and (2) and
18 inserting the following:

19 “(1) IN GENERAL.—The Secretary may expend
20 funds from the emergency fund authorized by this
21 section only for the repair or reconstruction of high-
22 ways on Federal-aid highways in accordance with
23 this chapter.

24 “(2) RESTRICTIONS.—

1 “(A) IN GENERAL.—No funds shall be ex-
2 pended from the emergency fund authorized by
3 this section unless—

4 “(i) an emergency has been declared
5 by the Governor of the State with concur-
6 rence by the Secretary, unless the Presi-
7 dent has declared the emergency to be a
8 major disaster for the purposes of the Rob-
9 ert T. Stafford Disaster Relief and Emer-
10 gency Assistance Act (42 U.S.C. 5121 et
11 seq.) for which concurrence of the Sec-
12 retary is not required; and

13 “(ii) the Secretary has received an ap-
14 plication from the State transportation de-
15 partment that includes a comprehensive
16 list of all eligible project sites and repair
17 costs by not later than 2 years after the
18 natural disaster or catastrophic failure.

19 “(B) COST LIMITATION.—The total cost of
20 a project funded under this section may not ex-
21 ceed the cost of repair or reconstruction of a
22 comparable facility unless the Secretary deter-
23 mines that the project incorporates economi-
24 cally justified betterments, including protective
25 features to increase the resilience of the facility.

1 “(C) REPEATEDLY DAMAGED FACILI-
2 TIES.—An application submitted under this sec-
3 tion for the permanent repair or reconstruction
4 of a repeatedly damaged facility shall include
5 consideration and, if feasible, incorporation of
6 economically justifiable betterments, including
7 protective features, to increase the resilience of
8 such facility.

9 “(3) SPECIAL RULE FOR BRIDGE PROJECTS.—
10 In no case shall funds be used under this section for
11 the repair or reconstruction of a bridge—

12 “(A) that has been permanently closed to
13 all vehicular traffic by the State or responsible
14 local official because of imminent danger of col-
15 lapse due to a structural deficiency or physical
16 deterioration; or

17 “(B) if a construction phase of a replace-
18 ment structure is included in the approved
19 statewide transportation improvement program
20 at the time of an event described in subsection
21 (a).”;

22 (5) in subsection (e)—

23 (A) by striking paragraph (1);

1 (B) in paragraph (2) by striking “sub-
2 section (d)(1)” and inserting “subsection
3 (c)(1)”; and

4 (C) by redesignating paragraphs (2) and
5 (3), as amended, as paragraphs (1) and (2), re-
6 spectively;

7 (6) by redesignating subsections (c) through
8 (g), as amended, as subsections (b) through (f), re-
9 spectively; and

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

11 “(g) IMPOSITION OF DEADLINE.—

12 “(1) IN GENERAL.—Notwithstanding any other
13 provision of law, the Secretary may not require any
14 project funded under this section to advance to the
15 construction obligation stage before the date that is
16 the last day of the sixth fiscal year after the later
17 of—

18 “(A) the date on which the Governor de-
19 clared the emergency, as described in subsection
20 (c)(2)(A)(i); or

21 “(B) the date on which the President de-
22 clared the emergency to be a major disaster, as
23 described in such subsection.

24 “(2) EXTENSION OF DEADLINE.—If the Sec-
25 retary imposes a deadline for advancement to the

1 construction obligation stage pursuant to paragraph
2 (1), the Secretary may, upon the request of the Gov-
3 ernor of the State, issue an extension of not more
4 than 1 year to complete such advancement, and may
5 issue additional extensions after the expiration of
6 any extension, if the Secretary determines the Gov-
7 ernor of the State has provided suitable justification
8 to warrant such an extension.

9 “(h) HAZARD MITIGATION PILOT PROGRAM.—

10 “(1) IN GENERAL.—The Secretary shall estab-
11 lish a hazard mitigation pilot program for the pur-
12 pose of mitigating future hazards posed to Federal-
13 aid highways, Federal lands transportation facilities,
14 and Tribal transportation facilities.

15 “(2) ALLOCATION OF FUNDS.—

16 “(A) AUTHORIZATION OF APPROPRIA-
17 TIONS.—There is authorized to be appropriated
18 such sums as may be necessary for the pilot
19 program established under this subsection.

20 “(B) CALCULATION.—Annually, the Sec-
21 retary shall calculate the total amount of out-
22 standing eligible repair costs under the emer-
23 gency relief program under this section, includ-
24 ing the emergency relief backlog, for each
25 State, territory, and Indian Tribe.

1 “(C) ALLOCATION.—Any amounts made
2 available under this subsection shall be distrib-
3 uted to each State, territory, or Indian Tribe
4 based on—

5 “(i) the ratio that the total amount of
6 outstanding eligible repair costs for such
7 State, territory, or Indian Tribe, as de-
8 scribed under subparagraph (B); bears to

9 “(ii) the total amount of outstanding
10 eligible repair costs for all States, terri-
11 tories, and Indian Tribes, as described
12 under subparagraph (B).

13 “(D) LIMITATION.—The allocation to a
14 State, territory, or Indian Tribe described
15 under subparagraph (C) shall not exceed 5 per-
16 cent of the total amount of outstanding eligible
17 repair costs under the emergency relief program
18 for such State, territory, or Indian Tribe, as de-
19 scribed in subparagraph (B).

20 “(3) ELIGIBLE ACTIVITIES.—Amounts made
21 available under this subsection shall be used for pro-
22 tective features or other hazard mitigation activities
23 that—

24 “(A) the Secretary determines are cost ef-
25 fective and that reduce the risk of, or increase

1 the resilience to, future damage to existing as-
2 sets as a result of natural disasters; and

3 “(B) are eligible under section 124.

4 “(4) REPORT.—For each fiscal year in which
5 funding is made available for the program under this
6 subsection, the Secretary shall submit to the Com-
7 mittee on Transportation and Infrastructure of the
8 House of Representatives and the Committee on En-
9 vironment and Public Works of the Senate a report
10 detailing—

11 “(A) a description of the activities carried
12 out under the pilot program;

13 “(B) an evaluation of the effectiveness of
14 the pilot program in meeting purposes described
15 in paragraph (1); and

16 “(C) policy recommendations to improve
17 the effectiveness of the pilot program.

18 “(5) SUNSET.—The authority provided under
19 this subsection shall terminate on October 1, 2025.

20 “(i) IMPROVING THE EMERGENCY RELIEF PRO-
21 GRAM.—Not later than 1 year after the date of enactment
22 of the INVEST in America Act, the Secretary shall—

23 “(1) revise the emergency relief manual of the
24 Federal Highway Administration—

1 “(A) to include and reflect the definition of
2 the term ‘resilience’ (as defined in section
3 101(a));

4 “(B) to identify procedures that States
5 may use to incorporate resilience into emer-
6 gency relief projects; and

7 “(C) to consider economically justified bet-
8 terments in emergency relief projects, such as—

9 “(i) protective features that increase
10 the resilience of the facility; and

11 “(ii) incorporation of context sensitive
12 design principles and other planned better-
13 ments that improve the safety of the facil-
14 ity;

15 “(2) consider transportation system access for
16 moderate and low-income families impacted by a
17 major disaster or emergency declared by the Presi-
18 dent under section 401 of the Robert T. Stafford
19 Disaster Relief and Emergency Assistance Act (42
20 U.S.C. 5170);

21 “(3) develop best practices for improving the
22 use of resilience in—

23 “(A) the emergency relief program under
24 this section; and

25 “(B) emergency relief efforts;

1 “(4) provide to division offices of the Federal
2 Highway Administration and State departments of
3 transportation information on the best practices de-
4 veloped under paragraph (2); and

5 “(5) develop and implement a process to
6 track—

7 “(A) the consideration of resilience as part
8 of the emergency relief program under this sec-
9 tion; and

10 “(B) the costs of emergency relief projects.

11 “(j) DEFINITIONS.—In this section:

12 “(1) COMPARABLE FACILITY.—The term ‘com-
13 parable facility’ means a facility that meets the cur-
14 rent geometric and construction standards required
15 for the types and volume of traffic that the facility
16 will carry over its design life.

17 “(2) CONSTRUCTION PHASE.—The term ‘con-
18 struction phase’ means the phase of physical con-
19 struction of a highway or bridge facility that is sepa-
20 rate from any other identified phases, such as plan-
21 ning, design, or right-of-way phases, in the State
22 transportation improvement program.

23 “(3) OPEN TO PUBLIC TRAVEL.—The term
24 ‘open to public travel’ means with respect to a road,

1 that, except during scheduled periods, extreme
2 weather conditions, or emergencies, the road—

3 “(A) is maintained;

4 “(B) is open to the general public; and

5 “(C) can accommodate travel by a stand-
6 ard passenger vehicle, without restrictive gates
7 or prohibitive signs or regulations, other than
8 for general traffic control or restrictions based
9 on size, weight, or class of registration.

10 “(4) STANDARD PASSENGER VEHICLE.—The
11 term ‘standard passenger vehicle’ means a vehicle
12 with 6 inches of clearance from the lowest point of
13 the frame, body, suspension, or differential to the
14 ground.”.

15 (b) CONFORMING AMENDMENTS.—

16 (1) FEDERAL LANDS AND TRIBAL TRANSPOR-
17 TATION PROGRAMS.—Section 201(c)(8)(A) of title
18 23, United States Code, is amended by striking
19 “section 125(e)” and inserting “section 125(j)”.

20 (2) TRIBAL TRANSPORTATION PROGRAM.—Sec-
21 tion 202(b)(6)(A) of title 23, United States Code, is
22 amended by striking “section 125(e)” and inserting
23 “section 125(d)”.

24 (c) REPEAL.—Section 668.105(h) of title 23, Code
25 of Federal Regulations, is repealed.

1 **SEC. 1204. RAILWAY CROSSINGS.**

2 (a) IN GENERAL.—Section 130 of title 23, United
3 States Code, is amended—

4 (1) in the section heading by striking “**Rail-**
5 **way-highway crossings**” and inserting “**Rail-**
6 **way crossings**”;

7 (2) in subsection (a)—

8 (A) by striking “Subject to section 120
9 and subsection (b) of this section, the entire”
10 and inserting “IN GENERAL.—The”;

11 (B) by striking “then the entire” and in-
12 sserting “the”; and

13 (C) by striking “, subject to section 120
14 and subsection (b) of this section,”;

15 (3) by amending subsection (b) to read as fol-
16 lows:

17 “(b) CLASSIFICATION.—

18 “(1) IN GENERAL.—The construction of
19 projects for the elimination of hazards at railway
20 crossings represents a benefit to the railroad. The
21 Secretary shall classify the various types of projects
22 involved in the elimination of hazards of railway-
23 highway crossings, and shall set for each such classi-
24 fication a percentage of the total project cost that
25 represent the benefit to the railroad or railroads for
26 the purpose of determining the railroad’s share of

1 the total project cost. The Secretary shall determine
2 the appropriate classification of each project.

3 “(2) NONCASH CONTRIBUTIONS.—

4 “(A) IN GENERAL.—Not more than 5 per-
5 cent of the cost share described in paragraph
6 (1) may be attributable to noncash contribu-
7 tions of materials and labor furnished by the
8 railroad in connection with the construction of
9 such project.

10 “(B) REQUIREMENT.—The requirements
11 under section 200.306 and 200.403(g) of title
12 2, Code of Federal Regulations (or successor
13 regulations), shall apply to any noncash con-
14 tributions under this subsection.

15 “(3) TOTAL PROJECT COST.—For the purposes
16 of this subsection, the determination of the rail-
17 road’s share of the total project cost shall include
18 environment, design, right-of-way, utility accommo-
19 dation, and construction phases of the project.”;

20 (4) in subsection (c)—

21 (A) by striking “Any railroad involved”
22 and inserting “BENEFIT.—Any railroad in-
23 volved”;

1 (B) by striking “the net benefit” and in-
2 serting “the cost associated with the benefit”;
3 and

4 (C) by striking “Such payment may con-
5 sist in whole or in part of materials and labor
6 furnished by the railroad in connection with the
7 construction of such project.”;

8 (5) by striking subsection (e) and inserting the
9 following:

10 “(e) RAILWAY CROSSINGS.—

11 “(1) ELIGIBLE ACTIVITIES.—Funds appor-
12 tioned to a State under section 104(b)(7) may be ob-
13 ligated for the following:

14 “(A) The elimination of hazards at rail-
15 way-highway crossings, including technology or
16 protective upgrades.

17 “(B) Construction or installation of protec-
18 tive devices (including replacement of function-
19 ally obsolete protective devices) at railway-high-
20 way crossings.

21 “(C) Infrastructure and noninfrastructure
22 projects and strategies to prevent or reduce sui-
23 cide or trespasser fatalities and injuries along
24 railroad rights-of-way and at or near railway-
25 highway crossings.

1 “(D) Projects to mitigate any degradation
2 in the level of access from a highway-grade
3 crossing closure.

4 “(E) Bicycle and pedestrian railway grade
5 crossing improvements, including underpasses
6 and overpasses.

7 “(F) Projects eligible under section
8 22907(c)(5) of title 49, provided that amounts
9 obligated under this subparagraph—

10 “(i) shall be administered by the Sec-
11 retary in accordance with such section as
12 if such amounts were made available to
13 carry out such section; and

14 “(ii) may be used to pay up to 90 per-
15 cent of the non-Federal share of the cost
16 of a project carried out under such section.

17 “(2) SPECIAL RULE.—If a State demonstrates
18 to the satisfaction of the Secretary that the State
19 has met all its needs for installation of protective de-
20 vices at railway-highway crossings, the State may
21 use funds made available by this section for other
22 highway safety improvement program purposes.”;

23 (6) by striking subsection (f) and inserting the
24 following:

1 “(f) FEDERAL SHARE.—Notwithstanding section
2 120, the Federal share payable on account of any project
3 financed with funds made available to carry out subsection
4 (e) shall be up to 90 percent of the cost thereof.”;

5 (7) by striking subsection (g) and inserting the
6 following:

7 “(g) REPORT.—

8 “(1) STATE REPORT.—

9 “(A) IN GENERAL.—Not later than 2 years
10 after the date of enactment of the INVEST in
11 America Act, and at least biennially thereafter,
12 each State shall submit to the Secretary a re-
13 port on the progress being made to implement
14 the railway crossings program authorized by
15 this section and the effectiveness of projects to
16 improve railway crossing safety.

17 “(B) CONTENTS.—Each State report
18 under subparagraph (A) shall contain an as-
19 sessment of the costs of the various treatments
20 employed and subsequent accident experience at
21 improved locations.

22 “(2) DEPARTMENTAL REPORT.—

23 “(A) IN GENERAL.—Not later than 180
24 days after the deadline for the submission of a
25 report under paragraph (1)(A), the Secretary

1 shall publish on the website of the Department
2 of Transportation a report on the progress
3 being made by the State in implementing
4 projects to improve railway crossings.

5 “(B) CONTENTS.—The report under sub-
6 paragraph (A) shall include—

7 “(i) the number of projects under-
8 taken;

9 “(ii) distribution of such projects by
10 cost range, road system, nature of treat-
11 ment, and subsequent accident experience
12 at improved locations;

13 “(iii) an analysis and evaluation of
14 each State program;

15 “(iv) the identification of any State
16 found not to be in compliance with the
17 schedule of improvements required by sub-
18 section (d); and

19 “(v) recommendations for future im-
20 plementation of the railway crossings pro-
21 gram.”;

22 (8) in subsection (j)—

23 (A) in the heading by inserting “AND PE-
24 DESTRIAN” after “BICYCLE”; and

1 (B) by inserting “and pedestrian” after
2 “bicycle”; and
3 (9) in subsection (l)—

4 (A) in paragraph (1) by striking “Not
5 later than” and all that follows through “each
6 State” and inserting “Not later than 6 months
7 after a new railway crossing becomes oper-
8 ational, each State”; and

9 (B) in paragraph (2) by striking “On a
10 periodic” and all that follows through “every
11 year thereafter” and inserting “On or before
12 September 30 of each year”.

13 (b) CLERICAL AMENDMENT.—The analysis for chap-
14 ter 1 of title 23, United States Code, is amended by
15 amending the item relating to section 130 to read as fol-
16 lows:

“130. Railway crossings.”.

17 (c) GAO STUDY.—Not later than 2 years after the
18 date of enactment of this Act, the Comptroller General
19 of the United States shall submit to Congress a report
20 that includes an analysis of the effectiveness of the railway
21 crossing program under section 130 of title 23, United
22 States Code.

23 (d) SENSE OF CONGRESS RELATING TO TRESPASSER
24 DEATHS ALONG RAILROAD RIGHTS-OF-WAY.—It is the
25 sense of Congress that the Department of Transportation

1 should, where feasible, coordinate departmental efforts to
2 prevent or reduce trespasser deaths along railroad rights-
3 of-way and at or near railway-highway crossings.

4 **SEC. 1205. SURFACE TRANSPORTATION PROGRAM.**

5 (a) IN GENERAL.—Section 133 of title 23, United
6 States Code, is amended—

7 (1) in the heading by striking “**block grant**”;

8 (2) in subsection (a) by striking “block grant”;

9 (3) in subsection (b)—

10 (A) by striking “block grant”;

11 (B) in paragraph (1)(B) by inserting “, ex-
12 cept that for the purposes of this section hover-
13 craft and terminal facilities for hovercraft en-
14 gaging in water transit for passengers or vehi-
15 cles shall be considered ferry boats and ferry
16 terminal facilities eligible under section 129(c)”
17 after “section 129(c)”;

18 (C) in paragraph (4) by striking “railway-
19 highway grade crossings” and inserting
20 “projects eligible under section 130 and instal-
21 lation of safety barriers and nets on bridges”;

22 (D) in paragraph (6)—

23 (i) by striking “Recreational” and in-
24 serting “Transportation alternatives

1 projects eligible under subsection (h), rec-
2 reational”; and

3 (ii) by striking “1404 of SAFETEA-
4 LU (23 U.S.C. 402 note)” and inserting
5 “211”;

6 (E) in paragraph (12) by striking “travel”
7 and inserting “transportation”; and

8 (F) by adding at the end the following:

9 “(16) Protective features (including natural in-
10 frastructure and vegetation control and clearance) to
11 enhance the resilience of a transportation facility
12 otherwise eligible for assistance under this section.

13 “(17) Projects to reduce greenhouse gas emis-
14 sions eligible under section 171, including the instal-
15 lation of electric vehicle charging infrastructure.

16 “(18) Projects and strategies to reduce vehicle-
17 caused wildlife mortality related to, or to restore and
18 maintain connectivity among terrestrial or aquatic
19 habitats affected by, a transportation facility other-
20 wise eligible for assistance under this section.

21 “(19) A surface transportation project carried
22 out in accordance with the national travel and tour-
23 ism infrastructure strategic plan under section
24 1431(e) of the FAST Act (49 U.S.C. 301 note).

1 “(20) roads in rural areas that primarily serve
2 to transport agricultural products from a farm or
3 ranch to a marketplace.

4 “(21) The removal, retrofit, repurposing, reme-
5 diation, or replacement of a highway or other trans-
6 portation facility that creates a barrier to commu-
7 nity connectivity to improve access for multiple
8 modes of transportation.”;

9 (4) in subsection (c)—

10 (A) by striking “block grant” and inserting
11 “program”;

12 (B) by striking paragraph (3) and insert-
13 ing the following:

14 “(3) for a project described in—

15 “(A) subsection (h); or

16 “(B) section 101(a)(29), as in effect on
17 the day before the date of enactment of the
18 FAST Act;”;

19 (C) by redesignating paragraph (4) as
20 paragraph (5); and

21 (D) by inserting after paragraph (3) the
22 following:

23 “(4) for a project described in section 5308 of
24 title 49; and”;

25 (5) in subsection (d)—

1 (A) in paragraph (1)—

2 (i) by inserting “each fiscal year”
3 after “apportioned to a State”;

4 (ii) by striking “the reservation of”
5 and inserting “setting aside”; and

6 (iii) in subparagraph (A)—

7 (I) by striking “the percentage
8 specified in paragraph (6) for a fiscal
9 year” and inserting “57 percent for
10 fiscal year 2023, 58 percent for fiscal
11 year 2024, 59 percent for fiscal year
12 2025, and 60 percent for fiscal year
13 2026”;

14 (II) in clause (i) by striking “of
15 over” and inserting “greater than”;
16 and

17 (III) by striking clauses (ii) and
18 (iii) and inserting the following:

19 “(ii) in urbanized areas of the State
20 with an urbanized area population greater
21 than 49,999 and less than 200,001;

22 “(iii) in urban areas of the State with
23 a population greater than 4,999 and less
24 than 50,000; and

1 “(iv) in other areas of the State with
2 a population less than 5,000; and”;

3 (B) by striking paragraph (3) and insert-
4 ing the following:

5 “(3) LOCAL COORDINATION AND CONSULTA-
6 TION.—

7 “(A) COORDINATION WITH METROPOLITAN
8 PLANNING ORGANIZATIONS.—For purposes of
9 paragraph (1)(A)(ii), a State shall—

10 “(i) establish a process to coordinate
11 with all metropolitan planning organiza-
12 tions in the State that represent an urban-
13 ized area described in such paragraph; and

14 “(ii) describe how funds described
15 under paragraph (1)(A)(ii) will be allo-
16 cated equitably among such urbanized
17 areas during the period of fiscal years
18 2023 through 2026.

19 “(B) JOINT RESPONSIBILITY.—Each State
20 and the Secretary shall jointly ensure compli-
21 ance with subparagraph (A).

22 “(C) CONSULTATION WITH REGIONAL
23 TRANSPORTATION PLANNING ORGANIZA-
24 TIONS.—For purposes of clauses (iii) and (iv)
25 of paragraph (1)(A), before obligating funding

1 attributed to an area with a population less
2 than 50,000, a State shall consult with the re-
3 gional transportation planning organizations
4 that represent the area, if any.”;

5 (C) in the heading for paragraph (4) by
6 striking “OVER 200,000” and inserting “GREAT-
7 ER THAN 200,000”;

8 (D) by striking paragraph (6) and insert-
9 ing the following:

10 “(6) TECHNICAL ASSISTANCE.—

11 “(A) IN GENERAL.—The State and all
12 metropolitan planning organizations in the
13 State that represent an urbanized area with a
14 population of greater than 200,000 may jointly
15 establish a program to improve the ability of
16 applicants to deliver projects under this sub-
17 section in an efficient and expeditious manner
18 and reduce the period of time between the selec-
19 tion of the project and the obligation of funds
20 for the project by providing—

21 “(i) technical assistance and training
22 to applicants for projects under this sub-
23 section; and

24 “(ii) funding for one or more full-time
25 State, regional, or local government em-

1 ployee positions to administer this sub-
2 section.

3 “(B) ELIGIBLE FUNDS.—To carry out this
4 paragraph, a State or metropolitan planning or-
5 ganization may use funds made available under
6 paragraphs (2) or (6) of section 104(b).

7 “(C) USE OF FUNDS.—Amounts used
8 under this paragraph may be expended—

9 “(i) directly by the State or metropoli-
10 tan planning organization; or

11 “(ii) through contracts with State
12 agencies, private entities, or nonprofit or-
13 ganizations.”;

14 (6) in subsection (e)—

15 (A) in paragraph (1)—

16 (i) by striking “over 200,000” and in-
17 sserting “greater than 200,000”; and

18 (ii) by striking “2016 through 2020”
19 and inserting “2023 through 2026”; and

20 (B) by adding at the end the following:

21 “(3) ANNUAL AMOUNTS.—To the extent prac-
22 ticable, each State shall annually notify each af-
23 fected metropolitan planning organization as to the
24 amount of obligation authority that will be made

1 available under paragraph (1) to each affected met-
2 ropolitan planning organization for the fiscal year.”;

3 (7) by striking subsection (f) and inserting the
4 following:

5 “(f) BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—

6 “(1) DEFINITION OF OFF-SYSTEM BRIDGE.—In
7 this subsection, the term ‘off-system bridge’ means
8 a bridge located on a public road, other than a
9 bridge on a Federal-aid highway.

10 “(2) SPECIAL RULE.—

11 “(A) SET ASIDE.—Of the amounts appor-
12 tioned to a State for each fiscal year under this
13 section other than the amounts described in
14 subparagraph (C), the State shall obligate for
15 activities described in subsection (b)(2) (as in
16 effect on the day before the date of enactment
17 of the FAST Act) for off-system bridges an
18 amount that is not less than 20 percent of the
19 amounts available to such State under this sec-
20 tion in fiscal year 2020, not including the
21 amounts described in subparagraph (C).

22 “(B) REDUCTION OF EXPENDITURES.—

23 The Secretary, after consultation with State
24 and local officials, may reduce the requirement
25 for expenditures for off-system bridges under

1 subparagraph (A) with respect to the State if
2 the Secretary determines that the State has in-
3 adequate needs to justify the expenditure.

4 “(C) LIMITATIONS.—The following
5 amounts shall not be used for the purposes of
6 meeting the requirements of subparagraph (A):

7 “(i) Amounts described in section
8 133(d)(1)(A).

9 “(ii) Amounts set aside under section
10 133(h).

11 “(iii) Amounts described in section
12 505(a).

13 “(3) CREDIT FOR BRIDGES NOT ON FEDERAL-
14 AID HIGHWAYS.—Notwithstanding any other provi-
15 sion of law, with respect to any project not on a
16 Federal-aid highway for the replacement of a bridge
17 or rehabilitation of a bridge that is wholly funded
18 from State and local sources, is eligible for Federal
19 funds under this section, is certified by the State to
20 have been carried out in accordance with all stand-
21 ards applicable to such projects under this section,
22 and is determined by the Secretary upon completion
23 to be no longer a deficient bridge—

24 “(A) any amount expended after the date
25 of enactment of this subsection from State and

1 local sources for the project in excess of 20 per-
2 cent of the cost of construction of the project
3 may be credited to the non-Federal share of the
4 cost of other bridge projects in the State that
5 are eligible for Federal funds under this sec-
6 tion; and

7 “(B) that crediting shall be conducted in
8 accordance with procedures established by the
9 Secretary.”; and

10 (8) in subsection (g)—

11 (A) in the heading by striking “5,000” and
12 inserting “50,000”; and

13 (B) in paragraph (1) by striking “sub-
14 section (d)(1)(A)(ii)” and all that follows
15 through the period at the end and inserting
16 “clauses (iii) and (iv) of subsection (d)(1)(A)
17 for each fiscal year may be obligated on roads
18 functionally classified as rural minor collectors
19 or local roads or on critical rural freight cor-
20 ridors designated under section 167(e).”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 1 of title 23, United States Code, is amended by strik-
23 ing the item relating to section 133 and inserting the fol-
24 lowing:

“133. Surface transportation program.”.

25 (c) CONFORMING AMENDMENTS.—

1 (1) ADVANCE ACQUISITION OF REAL PROP-
2 ERTY.—Section 108(c) of title 23, United States
3 Code, is amended—

4 (A) in paragraph (2)(A) by striking “block
5 grant”; and

6 (B) in paragraph (3) by striking “block
7 grant”.

8 (2) PUBLIC TRANSPORTATION.—Section
9 142(e)(2) of title 23, United States Code, is amend-
10 ed by striking “block grant”.

11 (3) HIGHWAY USE TAX EVASION PROJECTS.—
12 Section 143(b)(8) of title 23, United States Code, is
13 amended in the heading by striking “BLOCK
14 GRANT”.

15 (4) CONGESTION MITIGATION AND AIR QUALITY
16 IMPROVEMENT PROGRAM.—Section 149(d) of title
17 23, United States Code, is amended—

18 (A) in paragraph (1)(B) by striking “block
19 grant”; and

20 (B) in paragraph (2)(A) by striking “block
21 grant”.

22 (5) TERRITORIAL AND PUERTO RICO HIGHWAY
23 PROGRAM.—Section 165 of title 23, United States
24 Code, is amended—

1 (A) in subsection (b)(2)(A)(ii) by striking
2 “block grant” each time such term appears;
3 and

4 (B) in subsection (c)(6)(A)(i) by striking
5 “block grant”.

6 (6) MAGNETIC LEVITATION TRANSPORTATION
7 TECHNOLOGY DEPLOYMENT PROGRAM.—Section
8 322(h)(3) of title 23, United States Code, is amend-
9 ed by striking “block grant”.

10 (7) TRAINING AND EDUCATION.—Section
11 504(a)(4) of title 23, United States Code, is amend-
12 ed by striking “block grant”.

13 **SEC. 1206. TRANSPORTATION ALTERNATIVES PROGRAM.**

14 Section 133(h) of title 23, United States Code, is
15 amended to read as follows:

16 “(h) TRANSPORTATION ALTERNATIVES PROGRAM
17 SET-ASIDE.—

18 “(1) SET ASIDE.—For each fiscal year, of the
19 total funds apportioned to all States under section
20 104(b)(2) for a fiscal year, the Secretary shall set
21 aside an amount such that—

22 “(A) the Secretary sets aside a total
23 amount under this subsection for a fiscal year
24 equal to 10 percent of such total funds; and

1 “(B) the State’s share of the amount set
2 aside under subparagraph (A) is determined by
3 multiplying the amount set aside under sub-
4 paragraph (A) by the ratio that—

5 “(i) the amount apportioned to the
6 State for the transportation enhancement
7 program for fiscal year 2009 under section
8 133(d)(2), as in effect on the day before
9 the date of enactment of MAP-21; bears
10 to

11 “(ii) the total amount of funds appor-
12 tioned to all States for the transportation
13 enhancements program for fiscal year
14 2009.

15 “(2) ALLOCATION WITHIN A STATE.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraph (B), funds set aside for a State
18 under paragraph (1) shall be obligated within
19 that State in the manner described in sub-
20 sections (d) and (e), except that, for purposes
21 of this paragraph (after funds are made avail-
22 able under paragraph (5))—

23 “(i) for each fiscal year, the percent-
24 age referred to in paragraph (1)(A) of sub-

1 section (d) shall be deemed to be 66 per-
2 cent; and

3 “(ii) paragraph (3) of subsection (d)
4 shall not apply.

5 “(B) LOCAL CONTROL.—

6 “(i) IN GENERAL.—A State may make
7 available up to 100 percent of the funds
8 set aside under paragraph (1) to the enti-
9 ties described in subclause (I) if the State
10 submits to the Secretary, and the Sec-
11 retary approves, a plan that describes—

12 “(I) how such funds shall be
13 made available to metropolitan plan-
14 ning organizations, regional transpor-
15 tation planning organizations, coun-
16 ties, or other regional transportation
17 authorities;

18 “(II) how the entities described
19 in subclause (I) shall select projects
20 for funding and how such entities
21 shall report selected projects to the
22 State;

23 “(III) the legal, financial, and
24 technical capacity of such entities; and

1 “(IV) the procedures in place to
2 ensure such entities comply with the
3 requirements of this title.

4 “(ii) REQUIREMENT.—A State that
5 makes funding available under a plan ap-
6 proved under this subparagraph shall make
7 available an equivalent amount of obliga-
8 tion authority to an entity described in
9 clause (i)(I) to whom funds are made
10 available under this subparagraph.

11 “(3) ELIGIBLE PROJECTS.—Funds set aside
12 under this subsection may be obligated for any of
13 the following projects or activities:

14 “(A) Construction, planning, and design of
15 on-road and off-road trail facilities for pedes-
16 trians, bicyclists, and other nonmotorized forms
17 of transportation, including sidewalks, bicycle
18 infrastructure, pedestrian and bicycle signals,
19 traffic calming techniques, lighting and other
20 safety-related infrastructure, and transportation
21 projects to achieve compliance with the Ameri-
22 cans with Disabilities Act of 1990 (42 U.S.C.
23 12101 et seq.).

24 “(B) Construction, planning, and design of
25 infrastructure-related projects and systems that

1 will provide safe routes for nondrivers, includ-
2 ing children, older adults, and individuals with
3 disabilities to access daily needs.

4 “(C) Conversion and use of abandoned
5 railroad corridors for trails for pedestrians,
6 bicyclists, or other nonmotorized transportation
7 users.

8 “(D) Construction of turnouts, overlooks,
9 and viewing areas.

10 “(E) Community improvement activities,
11 including—

12 “(i) inventory, control, or removal of
13 outdoor advertising;

14 “(ii) historic preservation and reha-
15 bilitation of historic transportation facili-
16 ties;

17 “(iii) vegetation management prac-
18 tices in transportation rights-of-way to im-
19 prove roadway safety, prevent against
20 invasive species, facilitate wildfire control,
21 and provide erosion control;

22 “(iv) archaeological activities relating
23 to impacts from implementation of a trans-
24 portation project eligible under this title;
25 and

1 “(v) the planting of trees, appropriate
2 to the region, in street medians, islands,
3 and along sidewalks in order to com-
4 plement traffic calming techniques.

5 “(F) Any environmental mitigation activ-
6 ity, including pollution prevention and pollution
7 abatement activities and mitigation to address
8 stormwater management, control, and water
9 pollution prevention or abatement related to
10 highway construction or due to highway runoff,
11 including activities described in sections 328(a)
12 and 329.

13 “(G) Projects and strategies to reduce ve-
14 hicle-caused wildlife mortality related to, or to
15 restore and maintain connectivity among terres-
16 trial or aquatic habitats affected by, a transpor-
17 tation facility otherwise eligible for assistance
18 under this subsection.

19 “(H) The recreational trails program
20 under section 206.

21 “(I) The safe routes to school program
22 under section 211.

23 “(J) Activities in furtherance of a vulner-
24 able road user assessment described in section
25 148.

1 “(K) Any other projects or activities de-
2 scribed in section 101(a)(29) or section 213, as
3 such sections were in effect on the day before
4 the date of enactment of the FAST Act (Public
5 Law 114–94).

6 “(4) ACCESS TO FUNDS.—

7 “(A) IN GENERAL.—A State, metropolitan
8 planning organization required to obligate funds
9 in accordance with paragraph (2)(A), or an en-
10 tity required to obligate funds in accordance
11 with paragraph (2)(B) shall develop a competi-
12 tive process to allow eligible entities to submit
13 projects for funding that achieve the objectives
14 of this subsection. A metropolitan planning or-
15 ganization for an area described in subsection
16 (d)(1)(A)(i) shall select projects under such
17 process in consultation with the relevant State.

18 “(B) PRIORITY.—The processes described
19 in subparagraph (A) shall prioritize project lo-
20 cation and impact in low-income, transit-de-
21 pendent, or other high-need areas.

22 “(C) ELIGIBLE ENTITY DEFINED.—In this
23 paragraph, the term ‘eligible entity’ means—

24 “(i) a local government, including a
25 county or multi-county special district;

- 1 “(ii) a regional transportation author-
2 ity;
- 3 “(iii) a transit agency;
- 4 “(iv) a natural resource or public land
5 agency;
- 6 “(v) a school district, local education
7 agency, or school;
- 8 “(vi) a tribal government;
- 9 “(vii) a metropolitan planning organi-
10 zation that serves an urbanized area with
11 a population of 200,000 or fewer;
- 12 “(viii) a nonprofit organization car-
13 rying out activities related to transpor-
14 tation;
- 15 “(ix) any other local or regional gov-
16 ernmental entity with responsibility for or
17 oversight of transportation or recreational
18 trails (other than a metropolitan planning
19 organization that serves an urbanized area
20 with a population of over 200,000 or a
21 State agency) that the State determines to
22 be eligible, consistent with the goals of this
23 subsection; and
- 24 “(x) a State, at the request of any en-
25 tity listed in clauses (i) through (ix).

1 “(5) CONTINUATION OF CERTAIN REC-
2 REATIONAL TRAILS PROJECTS.—

3 “(A) IN GENERAL.—For each fiscal year, a
4 State shall—

5 “(i) obligate an amount of funds set
6 aside under this subsection equal to 175
7 percent of the amount of the funds appor-
8 tioned to the State for fiscal year 2009
9 under section 104(h)(2), as in effect on the
10 day before the date of enactment of MAP-
11 21, for projects relating to recreational
12 trails under section 206;

13 “(ii) return 1 percent of the funds de-
14 scribed in clause (i) to the Secretary for
15 the administration of such program; and

16 “(iii) comply with the provisions of
17 the administration of the recreational trails
18 program under section 206, including the
19 use of apportioned funds described in sub-
20 section (d)(3)(A) of such section.

21 “(B) STATE FLEXIBILITY.—A State may
22 opt out of the recreational trails program under
23 this paragraph if the Governor of the State no-
24 tifies the Secretary not later than 30 days prior

1 to the date on which an apportionment is made
2 under section 104 for any fiscal year.

3 “(6) IMPROVING ACCESSIBILITY AND EFFI-
4 CIENCY.—

5 “(A) IN GENERAL.—A State may use an
6 amount equal to not more than 5 percent of the
7 funds set aside for the State under this sub-
8 section, after allocating funds in accordance
9 with paragraph (2)(A), to improve the ability of
10 applicants to access funding for projects under
11 this subsection in an efficient and expeditious
12 manner by providing—

13 “(i) to applicants for projects under
14 this subsection application assistance, tech-
15 nical assistance, and assistance in reducing
16 the period of time between the selection of
17 the project and the obligation of funds for
18 the project; and

19 “(ii) funding for one or more full-time
20 State employee positions to administer this
21 subsection.

22 “(B) USE OF FUNDS.—Amounts used
23 under subparagraph (A) may be expended—

24 “(i) directly by the State; or

1 “(ii) through contracts with State
2 agencies, private entities, or nonprofit enti-
3 ties.

4 “(C) IMPROVING PROJECT DELIVERY.—

5 “(i) IN GENERAL.—The Secretary
6 shall take such action as may be necessary,
7 consistent with Federal requirements, to
8 facilitate efficient and timely delivery of
9 projects under this subsection that are
10 small, low impact, and constructed within
11 an existing built environment.

12 “(ii) CONSIDERATIONS.—The Sec-
13 retary shall consider the use of pro-
14 grammatic agreements, expedited or alter-
15 native procurement processes (including
16 project bundling), and other effective prac-
17 tices to facilitate the goals of this para-
18 graph.

19 “(7) FEDERAL SHARE.—

20 “(A) FLEXIBLE MATCH.—

21 “(i) IN GENERAL.—Notwithstanding
22 section 120—

23 “(I) the non-Federal share for a
24 project under this subsection may be

1 calculated on a project, multiple-
2 project, or program basis; and

3 “(II) the Federal share of the
4 cost of an individual project in this
5 subsection may be up to 100 percent.

6 “(ii) AGGREGATE NON-FEDERAL
7 SHARE.—The average annual non-Federal
8 share of the total cost of all projects for
9 which funds are obligated under this sub-
10 section in a State for a fiscal year shall be
11 not less than the non-Federal share au-
12 thorized for the State under section 120.

13 “(iii) REQUIREMENT.—This subpara-
14 graph shall only apply to a State if such
15 State has adequate financial controls, as
16 certified by the Secretary, to account for
17 the average annual non-Federal share
18 under this subparagraph.

19 “(B) SAFETY PROJECTS.—Notwith-
20 standing section 120, funds made available to
21 carry out section 148 may be credited toward
22 the non-Federal share of the costs of a project
23 under this subsection if the project—

24 “(i) is a project described in section
25 148(e)(1); and

1 “(ii) is consistent with the State stra-
2 tegic highway safety plan (as defined in
3 section 148(a)).

4 “(8) FLEXIBILITY.—

5 “(A) STATE AUTHORITY.—

6 “(i) IN GENERAL.—A State may use
7 not more than 50 percent of the funds set
8 aside under this subsection that are avail-
9 able for obligation in any area of the State
10 (suballocated consistent with the require-
11 ments of subsection (d)(1)(B)) for any
12 purpose eligible under subsection (b).

13 “(ii) RESTRICTION.—Funds may be
14 used as described in clause (i) only if the
15 State demonstrates to the Secretary—

16 “(I) that the State held a com-
17 petition in compliance with the re-
18 quirements of this subsection in such
19 form as the Secretary determines ap-
20 propriate;

21 “(II) that the State offered tech-
22 nical assistance to all eligible entities
23 and provided such assistance upon re-
24 quest by an eligible entity; and

1 “(III) that there were not suffi-
2 cient suitable applications from eligi-
3 ble entities to use the funds described
4 in clause (i).

5 “(B) MPO AUTHORITY.—

6 “(i) IN GENERAL.—A metropolitan
7 planning organization that represents an
8 urbanized area with a population of great-
9 er than 200,000 may use not more than
10 50 percent of the funds set aside under
11 this subsection for an urbanized area de-
12 scribed in subsection (d)(1)(A)(i) for any
13 purpose eligible under subsection (b).

14 “(ii) RESTRICTION.—Funds may be
15 used as described in clause (i) only if the
16 Secretary certifies that the metropolitan
17 planning organization—

18 “(I) held a competition in compli-
19 ance with the requirements of this
20 subsection in such form as the Sec-
21 retary determines appropriate; and

22 “(II) demonstrates that there
23 were not sufficient suitable applica-
24 tions from eligible entities to use the
25 funds described in clause (i).

1 “(9) ANNUAL REPORTS.—

2 “(A) IN GENERAL.—Each State or metro-
3 politan planning organization responsible for
4 carrying out the requirements of this subsection
5 shall submit to the Secretary an annual report
6 that describes—

7 “(i) the number of project applica-
8 tions received for each fiscal year, includ-
9 ing—

10 “(I) the aggregate cost of the
11 projects for which applications are re-
12 ceived; and

13 “(II) the types of projects by eli-
14 gibility category to be carried out, ex-
15 pressed as percentages of the total ap-
16 portionment of the State under this
17 subsection; and

18 “(ii) the list of each project selected
19 for funding for each fiscal year, including
20 specifying the fiscal year for which the
21 project was selected, the fiscal year in
22 which the project is anticipated to be fund-
23 ed, the recipient, the funding sources (in-
24 cluding non-Federal match), the project
25 status, the specific location, the congress-

1 sional district, the type by eligibility cat-
2 egory, and a brief description.

3 “(B) PUBLIC AVAILABILITY.—The Sec-
4 retary shall make available to the public, in a
5 user-friendly format on the website of the De-
6 partment of Transportation, a copy of each an-
7 nual report submitted under subparagraph
8 (A).”.

9 **SEC. 1207. BRIDGE INVESTMENT.**

10 (a) IN GENERAL.—Section 144 of title 23, United
11 States Code, is amended—

12 (1) in the section heading by striking “**Na-**
13 **tional bridge and tunnel inventory and**
14 **inspection standards**” and inserting
15 “**Bridges and tunnels**”;

16 (2) in subsection (a)(1)(B) by striking “defi-
17 cient”;

18 (3) in subsection (b)(5) by striking “struc-
19 turally deficient bridge” and inserting “bridge classi-
20 fied as in poor condition”;

21 (4) in subsection (d)—

22 (A) in paragraph (2) by striking “Not
23 later than 2 years after the date of enactment
24 of the MAP-21, each” and inserting “Each”;
25 and

1 (B) by striking paragraph (4);

2 (5) in subsection (j)—

3 (A) in paragraph (2) by inserting “, 124,”
4 after “section 119”;

5 (B) in paragraph (3)(A) by inserting “,
6 124,” after “section 119”; and

7 (C) in paragraph (5) by striking “financial
8 characteristics” and all that follows through the
9 end and inserting “Federal share.”; and
10 (6) by adding at the end the following:

11 “(1) HIGHWAY BRIDGE REPLACEMENT AND REHA-
12 BILITATION.—

13 “(1) GOALS.—The goals of this subsection shall
14 be to—

15 “(A) support the achievement of a state of
16 good repair for the Nation’s bridges;

17 “(B) improve the safety, efficiency, and re-
18 liability of the movement of people and freight
19 over bridges;

20 “(C) improve the condition of bridges in
21 the United States by reducing—

22 “(i) the number of bridges—

23 “(I) in poor condition; or

24 “(II) in fair condition and at risk
25 of falling into poor condition;

1 “(ii) the total person miles traveled
2 over bridges—

3 “(I) in poor condition; or

4 “(II) in fair condition and at risk
5 of falling into poor condition;

6 “(iii) the number of bridges that—

7 “(I) do not meet current geo-
8 metric design standards; or

9 “(II) cannot meet the load and
10 traffic requirements typical of the re-
11 gional transportation network; and

12 “(iv) the total person miles traveled
13 over bridges that—

14 “(I) do not meet current geo-
15 metric design standards; or

16 “(II) cannot meet the load and
17 traffic requirements typical of the re-
18 gional transportation network; and

19 “(D) increase the resilience of bridges, in-
20 cluding the ability to withstand disruptions
21 from a seismic event.

22 “(2) BRIDGES ON PUBLIC ROADS.—

23 “(A) MINIMUM BRIDGE INVESTMENT.—

24 Excluding the amounts described in subpara-
25 graph (C), of the total funds apportioned to a

1 State under paragraphs (1) and (2) of section
2 104(b) for fiscal years 2023 to 2026, a State
3 shall obligate not less than 20 percent for
4 projects described in subparagraph (E).

5 “(B) PROGRAM FLEXIBILITY.—A State re-
6 quired to obligate funds under subparagraph
7 (A) may use any combination of funds appor-
8 tioned to a State under paragraphs (1) and (2)
9 of section 104(b).

10 “(C) LIMITATION.—Amounts described
11 below may not be used for the purposes of cal-
12 culating or meeting the minimum bridge invest-
13 ment requirement under subparagraph (A)—

14 “(i) amounts described in section
15 133(d)(1)(A);

16 “(ii) amounts set aside under section
17 133(h); and

18 “(iii) amounts described in section
19 505(a).

20 “(D) RULE OF CONSTRUCTION.—Nothing
21 in this section shall be construed to prohibit the
22 expenditure of funds described in subparagraph
23 (C) for bridge projects eligible under such sec-
24 tion.

1 “(E) ELIGIBLE PROJECTS.—Funds re-
2 quired to be obligated in accordance with para-
3 graph (2)(A) may be obligated for projects or
4 activities that—

5 “(i) are otherwise eligible under either
6 section 119 or section 133, as applicable;

7 “(ii) support the achievement of per-
8 formance targets of the State established
9 under section 150, are consistent with the
10 transportation asset management plan of
11 the State, or provide support for the condi-
12 tion and performance of bridges on public
13 roads within the State; and

14 “(iii) remove, replace, reconstruct, re-
15 habilitate, preserve, or protect a bridge in-
16 cluded on the national bridge inventory au-
17 thorized by subsection (b), including
18 through—

19 “(I) seismic retrofits;

20 “(II) systematic preventive main-
21 tenance;

22 “(III) installation of scour coun-
23 termeasures;

24 “(IV) the use of innovative mate-
25 rials that extend the service life of the

1 bridge and reduce preservation costs,
2 as compared to conventionally de-
3 signed and constructed bridges;

4 “(V) the use of nontraditional
5 production techniques, including fac-
6 tory prefabrication;

7 “(VI) painting for purposes of
8 bridge protection;

9 “(VII) application of calcium
10 magnesium acetate, sodium acetate/
11 formate, or other environmentally ac-
12 ceptable, minimally corrosive anti-
13 icing and deicing compositions;

14 “(VIII) corrosion control;

15 “(IX) construction of protective
16 features (including natural infrastruc-
17 ture) alone or in combination with
18 other activities eligible under this
19 paragraph to enhance resilience of a
20 bridge;

21 “(X) bridge security counter-
22 measures;

23 “(XI) impact protection meas-
24 ures for bridges;

1 “(XII) inspection and evaluation
2 of bridges;

3 “(XIII) training for bridge in-
4 spectors consistent with subsection (i);
5 and

6 “(XIV) removal of a bridge clas-
7 sified as in poor condition in order to
8 improve community connectivity.

9 “(F) BUNDLES OF PROJECTS.—A State
10 may use a bundle of projects as described in
11 subsection (j) to satisfy the requirements of
12 subparagraph (A), if each project in the bundle
13 is otherwise eligible under subparagraph (E).

14 “(G) FLEXIBILITY.—The Secretary may,
15 at the request of a State, reduce the required
16 obligation under subparagraph (A) if—

17 “(i) the reduction is consistent with a
18 State’s asset management plan for the Na-
19 tional Highway System;

20 “(ii) the reduction will not limit a
21 State’s ability to meet its performance tar-
22 gets under section 150 or to improve the
23 condition and performance of bridges on
24 public roads within the State; and

1 “(iii) the State demonstrates that it
2 has inadequate needs to justify the expend-
3 iture.

4 “(H) BRIDGE INVESTMENT REPORT.—The
5 Secretary shall annually publish on the website
6 of the Department of Transportation a bridge
7 investment report that includes—

8 “(i) the total Federal funding obli-
9 gated for bridge projects in the most re-
10 cent fiscal year, on a State-by-State basis
11 and broken out by Federal program;

12 “(ii) the total Federal funding obli-
13 gated, on a State-by-State basis and bro-
14 ken out by Federal program, for bridge
15 projects carried out pursuant to the min-
16 imum bridge investment requirements
17 under subparagraph (A);

18 “(iii) the progress made by each State
19 toward meeting the minimum bridge in-
20 vestment requirement under subparagraph
21 (A) for such State, both cumulatively and
22 for the most recent fiscal year;

23 “(iv) a summary of—

24 “(I) each request made under
25 subparagraph (G) by a State for a re-

1 duction in the minimum bridge invest-
2 ment requirement under subpara-
3 graph (A); and

4 “(II) for each request described
5 in subclause (I) that is granted by the
6 Secretary—

7 “(aa) the percentage and
8 dollar amount of the reduction;
9 and

10 “(bb) an explanation of how
11 the State met each of the criteria
12 described in subparagraph (G);
13 and

14 “(v) a summary of—

15 “(I) each request made by a
16 State for a reduction in the obligation
17 requirements under section 133(f);
18 and

19 “(II) for each request that is
20 granted by the Secretary—

21 “(aa) the percentage and
22 dollar amount of the reduction;
23 and

24 “(bb) an explanation of how
25 the Secretary made the deter-

1 mination under section
2 133(f)(2)(B).

3 “(I) OFF-SYSTEM BRIDGES.—A State may
4 apply amounts obligated under this subsection
5 or section 133(f)(2)(A) to the obligation re-
6 quirements of both this subsection and section
7 133(f).

8 “(J) NHS PENALTY.—A State may apply
9 amounts obligated under this subsection or sec-
10 tion 119(f)(2) to the obligation requirements of
11 both this subsection and section 119(f)(2).

12 “(K) COMPLIANCE.—If a State fails to
13 satisfy the requirements of subparagraph (A)
14 by the end of fiscal year 2025, the Secretary
15 may subject the State to appropriate program
16 sanctions under section 1.36 of title 23, Code of
17 Federal Regulations (or successor regula-
18 tions).”.

19 (b) CLERICAL AMENDMENT.—The analysis for chap-
20 ter 1 of title 23, United States Code, is amended by strik-
21 ing the item relating to section 144 and inserting the fol-
22 lowing:

“144. Bridges and tunnels.”.

1 **SEC. 1208. CONSTRUCTION OF FERRY BOATS AND FERRY**
2 **TERMINAL FACILITIES.**

3 Section 147 of title 23, United States Code, is
4 amended—

5 (1) by striking subsection (h); and

6 (2) by redesignating subsections (i) and (j) as
7 subsections (h) and (i), respectively.

8 **SEC. 1209. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

9 (a) **IN GENERAL.**—Section 148 of title 23, United
10 States Code, is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (4)(B)—

13 (i) by striking “only includes a
14 project” and inserting “includes a
15 project”;

16 (ii) in clause (xiii) by inserting “, in-
17 cluding the development of a vulnerable
18 road user safety assessment or a vision
19 zero plan under section 1601 of the IN-
20 VEST in America Act” after “safety plan-
21 ning”;

22 (iii) by amending clause (xviii) to read
23 as follows:

24 “(xviii) Safe routes to school infra-
25 structure-related projects eligible under
26 section 211.”;

1 (iv) in clause (xxvi) by inserting “or
2 leading pedestrian intervals” after “hybrid
3 beacons”; and

4 (v) by striking clause (xxviii) and in-
5 sserting the following:

6 “(xxviii) A pedestrian security feature
7 designed to slow or stop a motor vehicle.

8 “(xxix) Installation of infrastructure
9 improvements, including sidewalks, cross-
10 walks, signage, and bus stop shelters or
11 protected waiting areas.”;

12 (B) in paragraph (11)—

13 (i) in subparagraph (A)—

14 (I) in clause (ix) by striking
15 “and” at the end;

16 (II) by redesignating clause (x)
17 as clause (xi); and

18 (III) by inserting after clause (ix)
19 the following:

20 “(x) State or local representatives of
21 educational agencies to address safe routes
22 to school and schoolbus safety; and”;

23 (ii) in subparagraph (E) by inserting
24 “Tribal,” after “State,”;

1 (iii) by redesignating subparagraphs
2 (G), (H), and (I) as subparagraphs (H),
3 (I), and (J), respectively; and

4 (iv) by inserting after subparagraph
5 (F) the following:

6 “(G) includes a vulnerable road user safety
7 assessment described under paragraph (16);”;

8 (C) by redesignating paragraphs (10),
9 (11), and (12) as paragraphs (12), (13), and
10 (14), respectively;

11 (D) by inserting after paragraph (9) the
12 following:

13 “(10) SAFE SYSTEM APPROACH.—The term
14 ‘safe system approach’ means a roadway design that
15 emphasizes minimizing the risk of injury or fatality
16 to road users and that—

17 “(A) takes into consideration the possi-
18 bility and likelihood of human error;

19 “(B) accommodates human injury toler-
20 ance by taking into consideration likely crash
21 types, resulting impact forces, and the human
22 body’s ability to withstand such forces; and

23 “(C) takes into consideration vulnerable
24 road users.

25 “(11) SPECIFIED SAFETY PROJECT.—

1 “(A) IN GENERAL.—The term ‘specified
2 safety project’ means a project carried out for
3 the purpose of safety under any other section of
4 this title that is consistent with the State stra-
5 tegic highway safety plan.

6 “(B) INCLUSION.—The term ‘specified
7 safety project’ includes a project that—

8 “(i) promotes public awareness and
9 informs the public regarding highway safe-
10 ty matters (including safety for motorcy-
11 clists, bicyclists, pedestrians, individuals
12 with disabilities, and other road users);

13 “(ii) facilitates enforcement of traffic
14 safety laws;

15 “(iii) provides infrastructure and in-
16 frastructure-related equipment to support
17 emergency services;

18 “(iv) conducts safety-related research
19 to evaluate experimental safety counter-
20 measures or equipment; or

21 “(v) supports safe routes to school
22 noninfrastructure-related activities de-
23 scribed under section 211(e)(2).”;

24 (E) by adding at the end the following:

1 “(15) TRANSPORTATION MANAGEMENT AREA.—
2 The term ‘transportation management area’ means
3 an area designated under section 134(k).

4 “(16) VULNERABLE ROAD USER.—The term
5 ‘vulnerable road user’ means a nonmotorist—

6 “(A) with a fatality analysis reporting sys-
7 tem person attribute code that is included in
8 the definition of the term ‘number of non-mo-
9 torized fatalities’ in section 490.205 of title 23,
10 Code of Federal Regulations (or successor regu-
11 lation); or

12 “(B) described in the term ‘number of
13 non-motorized serious injuries’ in such section.

14 “(17) VULNERABLE ROAD USER SAFETY AS-
15 SESSMENT.—The term ‘vulnerable road user safety
16 assessment’ means an assessment of the safety per-
17 formance of the State or a metropolitan planning or-
18 ganization within the State with respect to vulner-
19 able road users and the plan of the State or metro-
20 politan planning organization to improve the safety
21 of vulnerable road users described in subsection
22 (1).”;

23 (2) in subsection (c)—

24 (A) in paragraph (1) by striking “(a)(11)”
25 and inserting “(a)(13)”; and

1 (B) in paragraph (2)—

2 (i) in subparagraph (A)(vi) by insert-
3 ing “, consistent with the vulnerable road
4 user safety assessment” after “non-
5 motorized crashes”;

6 (ii) in subparagraph (B)(i)—

7 (I) by inserting “, consistent with
8 a safe system approach,” after “iden-
9 tify”;

10 (II) by inserting “excessive de-
11 sign speeds and speed limits,” after
12 “crossing needs,”; and

13 (III) by striking “motorists (in-
14 cluding motorcycleists), bicyclists, pe-
15 destrians, and other highway users”
16 and inserting “road users”; and

17 (iii) in subparagraph (D)(iii) by strik-
18 ing “motorists (including motorcycleists),
19 bicyclists, pedestrians, persons with disabil-
20 ities, and other highway users” and insert-
21 ing “road users”;

22 (3) in subsection (d)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (A) by striking
25 “Not later than 1 year after the date of

1 enactment of the MAP-21, the” and in-
2 serting “The”; and

3 (ii) in subparagraph (B)—

4 (I) in clause (iv) by inserting
5 “and serious injury” after “fatality”;

6 (II) in clause (vii) by striking “;
7 and” and inserting a semicolon;

8 (III) by redesignating clause
9 (viii) as clause (ix); and

10 (IV) by inserting after clause
11 (vii) the following:

12 “(viii) the findings of a vulnerable
13 road user safety assessment of the State;
14 and”; and

15 (B) in paragraph (2)(B)(i) by striking
16 “subsection (a)(11)” and inserting “subsection
17 (a)(13)”;

18 (4) in subsection (e)—

19 (A) in paragraph (1)(C) by striking “,
20 without regard to whether the project is in-
21 cluded in an applicable State strategic highway
22 safety plan”; and

23 (B) by adding at the end the following:

24 “(3) FLEXIBLE FUNDING FOR SPECIFIED SAFE-
25 TY PROJECTS.—

1 “(A) IN GENERAL.—To advance the imple-
2 mentation of a State strategic highway safety
3 plan, a State may use not more than 10 percent
4 of the amounts apportioned to the State under
5 section 104(b)(3) for a fiscal year to carry out
6 specified safety projects.

7 “(B) RULE OF STATUTORY CONSTRU-
8 TION.—Nothing in this paragraph shall be con-
9 strued to require a State to revise any State
10 process, plan, or program in effect on the date
11 of enactment of this paragraph.

12 “(C) EFFECT OF PARAGRAPH.—

13 “(i) REQUIREMENTS.—A project
14 funded under this paragraph shall be sub-
15 ject to all requirements under this section
16 that apply to a highway safety improve-
17 ment project.

18 “(ii) OTHER APPORTIONED PRO-
19 GRAMS.—Subparagraph (A) shall not apply
20 to amounts that may be obligated for non-
21 infrastructure projects apportioned under
22 any other paragraph of section 104(b).”;

23 (5) in subsection (g)—

24 (A) by amending paragraph (1) to read as
25 follows:

1 “(1) HIGH-RISK RURAL ROAD SAFETY.—

2 “(A) IN GENERAL.—If the Secretary deter-
3 mines that the fatality rate on rural roads in a
4 State for the most recent 2-year period for
5 which data are available exceeds the median fa-
6 tality rate for rural roads among all States,
7 such State shall be required to—

8 “(i) obligate over the 2 fiscal years
9 following the fiscal year in which such de-
10 termination is made for projects on high-
11 risk rural roads an amount not less than
12 7.5 percent of the amounts apportioned to
13 the State under section 104(b)(3) for fiscal
14 year 2020; and

15 “(ii) include, in the subsequent update
16 to the State strategic highway safety plan,
17 strategies to reduce the fatality rate.

18 “(B) SOURCE OF FUNDS.—Any amounts
19 obligated under subparagraph (A) shall be from
20 amounts described under section 133(d)(1)(B).

21 “(C) ANNUAL DETERMINATION.—The de-
22 termination described under subparagraph (A)
23 shall be made on an annual basis.

24 “(D) CONSULTATION.—In carrying out a
25 project with an amount obligated under sub-

1 paragraph (A), a State shall consult with, as
2 applicable, local governments, metropolitan
3 planning organizations, and regional transpor-
4 tation planning organizations.”;

5 (B) in paragraph (2)—

6 (i) in the heading by striking “DRIV-
7 ERS” and inserting “ROAD USERS”;

8 (ii) by striking “drivers and pedes-
9 trians” and inserting “road users”; and

10 (iii) by striking “address the increases
11 in” and inserting “reduce”; and

12 (C) by adding at the end the following:

13 “(3) VULNERABLE ROAD USER SAFETY.—

14 “(A) HIGH RISK STATES.—

15 “(i) ANNUAL DETERMINATION.—Be-
16 ginning on the date of enactment of the
17 INVEST in America Act, the Secretary
18 shall determine on an annual basis whether
19 the number of vulnerable road user fatali-
20 ties and serious injuries per capita in a
21 State over the most recent 2-year period
22 for which data are available exceeds the
23 median number fatalities in all such areas
24 over such 2-year period.

1 “(ii) OBLIGATION REQUIREMENT.—If
2 the Secretary determines that the number
3 of vulnerable road user fatalities and seri-
4 ous injuries per capita in a State over the
5 most recent 2-year period for which data
6 are available exceeds the median number of
7 such fatalities and serious injuries per cap-
8 ita over such 2-year period among all
9 States, that State shall be required to obli-
10 gate over the 2 fiscal years following the
11 fiscal year in which such determination is
12 made an amount that is not less than 50
13 percent of the amount set aside in such
14 State under section 133(h)(1) for fiscal
15 year 2020 (less any amounts obligated for
16 projects in that State as required by sub-
17 paragraph (B)(ii)) for—

18 “(I) in the first two fiscal years
19 after the enactment of the INVEST
20 in America Act—

21 “(aa) performing the vulner-
22 able road user safety assessment
23 as required by subsection (l);

24 “(bb) providing matching
25 funds for transportation alter-

1 natives safety projects as identi-
2 fied in section 133(h)(7)(B); or

3 “(cc) projects eligible under
4 subparagraphs (A), (B), (C), or
5 (I) of section 133(h); and

6 “(II) in each 2-year period there-
7 after, projects identified in the pro-
8 gram of projects described in sub-
9 section (l)(2)(C).

10 “(B) HIGH RISK AREAS.—

11 “(i) ANNUAL DETERMINATION.—The
12 Secretary shall determine on an annual
13 basis whether the number of vulnerable
14 road user fatalities per capita in a trans-
15 portation management area over the most
16 recent 2-year period for which data are
17 available exceeds the median number fa-
18 talities in all such areas over such 2-year
19 period.

20 “(ii) OBLIGATION REQUIREMENT.—If
21 the Secretary determines that the number
22 of vulnerable road user fatalities per capita
23 in the transportation management area
24 over the most recent 2-year period for
25 which data are available exceeds the me-

1 dian number of such fatalities over such 2-
2 year period among all such areas, then
3 there shall be required to be obligated over
4 the 2 fiscal years following the fiscal year
5 in which such determination is made, for
6 projects identified in the program of
7 projects described in subsection (l)(7)(C),
8 an amount that is not less than 50 percent
9 of the amount set aside for that urbanized
10 area under section 133(h)(2) for fiscal
11 year 2020.

12 “(iii) APPLICABILITY.—The obligation
13 requirement described in clause (ii) shall
14 not take effect until the subject metropoli-
15 tan planning organization has developed
16 the vulnerable road user safety assessment
17 described in subsection (l)(7).

18 “(C) SOURCE OF FUNDS.—

19 “(i) IN GENERAL.—Any amounts re-
20 quired to be obligated under this para-
21 graph shall be from amounts apportioned
22 under section 104(b) except for—

23 “(I) amounts described in section
24 133(d)(1)(A); and

1 “(II) amounts set aside under
2 section 133(h).

3 “(ii) AREAS IN A HIGH RISK STATE.—

4 If an area subject to the obligation require-
5 ment described in subparagraph (B)(ii) is
6 located in a State required to obligate
7 funds to vulnerable road user safety under
8 subparagraph (A)(ii), any obligations in
9 such State for projects identified in the
10 program of projects described in subsection
11 (1)(7)(C) shall count toward such State’s
12 obligation requirement under subparagraph
13 (A)(ii).”;

14 (6) in subsection (h)(1)(A)—

15 (A) by inserting “, including any efforts to
16 reduce vehicle speed” after “under this sec-
17 tion”; and

18 (B) by inserting “and projects identified
19 under a vulnerable road user safety assess-
20 ment” after “projects”; and

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

22 “(1) VULNERABLE ROAD USER SAFETY ASSESS-
23 MENT.—

24 “(1) IN GENERAL.—Not later than 1 year after
25 date of enactment of the INVEST in America Act,

1 each State shall create a vulnerable road user safety
2 assessment.

3 “(2) CONTENTS.—A vulnerable road user safety
4 assessment required under paragraph (1) shall in-
5 clude—

6 “(A) a description of the location within
7 the State of each vulnerable road user fatality
8 and serious injury, including, if available, the
9 design speed of the roadway at any such loca-
10 tion;

11 “(B) a description of any corridors identi-
12 fied by a State, in coordination with local gov-
13 ernments, metropolitan planning organizations,
14 and regional transportation planning organiza-
15 tions that pose a high risk of a vulnerable road
16 user fatality or serious injury, including, if
17 available, the design speeds of such corridors;
18 and

19 “(C) a program of projects or strategies to
20 reduce safety risks to vulnerable road users in
21 corridors identified under subparagraph (B), in
22 coordination with local governments, metropoli-
23 tan planning organizations, and regional trans-
24 portation planning organizations that represent

1 a high-risk area identified under subparagraph
2 (B).

3 “(3) ANALYSIS.—In creating a vulnerable road
4 user safety assessment under this subsection, a
5 State shall assess the last 5 years of available data.

6 “(4) REQUIREMENTS.—In creating a vulnerable
7 road user safety assessment under this subsection, a
8 State shall—

9 “(A) take into consideration a safe system
10 approach; and

11 “(B) coordinate with local governments,
12 metropolitan planning organizations, and re-
13 gional transportation planning organizations
14 that represent a high-risk area identified under
15 paragraph (2)(B).

16 “(5) UPDATE.—A State shall update a vulner-
17 able road user safety assessment on the same sched-
18 ular as the State updates the State strategic highway
19 safety plan.

20 “(6) TRANSPORTATION SYSTEM ACCESS.—The
21 program of projects developed under paragraph
22 (2)(C) may not degrade transportation system ac-
23 cess for vulnerable road users.

24 “(7) URBANIZED AREA ASSESSMENTS.—

1 “(A) IN GENERAL.—A metropolitan plan-
2 ning organization representing a transportation
3 management area shall, in consultation with
4 local governments in such area, complete a vul-
5 nerable road user safety assessment based on
6 the most recent 5 years of available data at
7 least once every 4 years.

8 “(B) CONTENTS.—The assessment com-
9 pleted under subparagraph (A) shall include—

10 “(i) a description of the location with-
11 in the area of each vulnerable road user fa-
12 tality and, if available, serious injury;

13 “(ii) a description of any corridors
14 that represent a high-risk area identified
15 under paragraph (2)(B) or have otherwise
16 been identified by the metropolitan plan-
17 ning organization or local government that
18 pose a high risk of a vulnerable road user
19 fatality or serious injury; and

20 “(iii) a program of projects or strate-
21 gies to reduce safety risks to vulnerable
22 road users in corridors identified under
23 subparagraph (B).”.

24 (b) TECHNICAL AMENDMENT.—Section 148 of title
25 23, United States Code, is amended—

1 (1) in the heading for subsection (a)(8) by
2 striking “ROAD USERS” and inserting “ROAD
3 USER”; and

4 (2) in subsection (i)(2)(D) by striking “safety
5 safety” and inserting “safety”.

6 (c) HIGH-RISK RURAL ROADS.—

7 (1) STUDY.—Not later than 2 years after the
8 date of enactment of this Act, the Secretary of
9 Transportation shall update the study described in
10 paragraph (1) of section 1112(b) of MAP–21 (23
11 U.S.C. 148 note).

12 (2) PUBLICATION OF REPORT.—Not later than
13 2 years after the date of enactment of this Act, the
14 Secretary shall publish on the website of the Depart-
15 ment of Transportation an updated report of the re-
16 port described in paragraph (2) of section 1112(b)
17 of MAP–21 (23 U.S.C. 148 note).

18 (3) BEST PRACTICES MANUAL.—Not later than
19 180 days after the date of submission of the report
20 described in paragraph (2), the Secretary shall up-
21 date the best practices manual described in section
22 1112(b)(3) of MAP–21 (23 U.S.C. 148 note).

1 **SEC. 1210. CONGESTION MITIGATION AND AIR QUALITY IM-**
2 **PROVEMENT PROGRAM.**

3 Section 149 of title 23, United States Code, is
4 amended—

5 (1) in subsection (b)—

6 (A) in paragraph (1)(A)(ii) by striking
7 “subsection (h)” and inserting “subsection (i)”;

8 (B) by striking paragraph (7) and insert-
9 ing the following:

10 “(7) if the project or program utilizes transpor-
11 tation demand management strategies, shifts traffic
12 demand to nonpeak hours or other transportation
13 modes, increases vehicle occupancy rates, or other-
14 wise reduces demand for roads through such means
15 as telecommuting, ridesharing, carsharing, shared
16 micromobility (including bikesharing and shared
17 scooter systems), publicly accessible charging sta-
18 tions, docks, and storage for electric bicycles and
19 micromobility devices, alternative work hours, and
20 pricing;”; and

21 (C) in paragraph (8)(B) by striking “; or”
22 and inserting a semicolon;

23 (D) in paragraph (9) by striking the period
24 and inserting a semicolon; and

25 (E) by adding at the end the following:

1 “(10) if the project or program mitigates sea-
2 sonal or temporary traffic congestion from long-haul
3 travel or tourism;

4 “(11) if the project or program is for the point-
5 of-sale purchase of zero-emission medium- and
6 heavy-duty vehicles or related zero-emission oper-
7 ations equipment, or supports battery electric charg-
8 ing or fuel cell electric refueling infrastructure and
9 related equipment for medium- and heavy-duty vehi-
10 cles in projects or programs such as depot infra-
11 structure and infrastructure along routes servicing
12 regional freight hubs; or

13 “(12) if the project or program of projects in-
14 volves the deployment of hyperlocal air quality mo-
15 bile monitoring systems primarily to monitor trans-
16 portation-related emissions.”;

17 (2) in subsection (c)—

18 (A) in paragraph (2)—

19 (i) in the heading by inserting “, HY-
20 DROGEN VEHICLE,” after “ELECTRIC VE-
21 HICLE”;

22 (ii) by inserting “hydrogen or” after
23 “charging stations or”; and

24 (iii) by inserting “, hydrogen-pow-
25 ered,” after “battery powered”; and

1 (B) in paragraph (3) by inserting “, and is
2 consistent with section 166” after “travel
3 times”; and

4 (3) by striking subsection (m) and inserting the
5 following:

6 “(m) OPERATING ASSISTANCE.—

7 “(1) PROJECTS.—A State may obligate funds
8 apportioned under section 104(b)(4) in an area of
9 such State that is otherwise eligible for obligations
10 of such funds for operating costs under chapter 53
11 of title 49 or on a system for which CMAQ funding
12 was made available, obligated, or expended in fiscal
13 year 2012, or, notwithstanding subsection (b), on a
14 State-supported Amtrak route with a cost-sharing
15 agreement under section 209 of the Passenger Rail
16 Investment and Improvement Act of 2008 or alter-
17 native cost allocation under section 24712(g)(3) of
18 title 49.

19 “(2) TIME LIMITATION.—In determining the
20 amount of time for which a State may obligate funds
21 under paragraph (1) for operating assistance for an
22 area of a State or on a system, the Secretary shall
23 allow such obligations to occur, in such area or on
24 such system—

1 “(A) with a time limitation of not less than
2 3 years; and

3 “(B) in the case of projects that dem-
4 onstrate continued net air quality benefits be-
5 yond 3 years, as determined annually by the
6 Secretary in consultation with the Adminis-
7 trator of the Environmental Protection Agency,
8 with no imposed time limitation.

9 “(n) **HYPERLOCAL AIR QUALITY MOBILE MONI-**
10 **TORING SYSTEMS DEFINED.**—In this section, the term
11 ‘hyperlocal air quality mobile monitoring systems’ means
12 a method of monitoring and mapping ambient air quality
13 and greenhouse gases and detecting the presence of pollut-
14 ants using mobile vehicles that yields frequently repeated,
15 on-going measurements of pollutants and greenhouse
16 gases at a block-level resolution and identifies hotspots of
17 persistent elevated levels of pollutants and greenhouse
18 gases.”.

19 **SEC. 1211. ELECTRIC VEHICLE CHARGING STATIONS.**

20 (a) **ELECTRIC VEHICLE CHARGING STATIONS.**—
21 Chapter 1 of title 23, United States Code, is amended by
22 inserting after section 154 the following new section:

1 **“§ 155. Electric vehicle charging stations**

2 “(a) IN GENERAL.—Any electric vehicle charging in-
3 frastructure funded under this title shall be subject to the
4 requirements of this section.

5 “(b) INTEROPERABILITY.—An electric vehicle charg-
6 ing station funded under this title shall—

7 “(1) provide a charging connector type or
8 means to transmit electricity to vehicles that meets
9 applicable industry accepted practices and safety
10 standards; and

11 “(2) have the ability to serve vehicles produced
12 by more than one vehicle manufacturer.

13 “(c) OPEN ACCESS TO PAYMENT.—Electric vehicle
14 charging stations shall provide payment methods available
15 to all members of the public to ensure secure, convenient,
16 and equal access and shall not be limited by membership
17 to a particular payment provider.

18 “(d) NETWORK CAPABILITY.—An electric vehicle
19 charging station funded under this title shall be capable
20 of being remotely monitored.

21 “(e) STANDARDS AND GUIDANCE.—Not less than
22 180 days after enactment of the INVEST in America Act,
23 the Secretary of Transportation, in coordination with the
24 Secretary of Energy and in consultation with relevant
25 stakeholders, shall, as appropriate, develop standards and

1 guidance applicable to any electric vehicle charging station
2 funded in whole or in part under this title related to—

3 “(1) the installation, operation, or maintenance
4 by qualified technicians of electric vehicle charging
5 infrastructure;

6 “(2) the interoperability of electric vehicle
7 charging infrastructure;

8 “(3) any traffic control device or on-premises
9 sign acquired, installed, or operated related to an
10 electric vehicle charging station funded under this
11 title; and

12 “(4) network connectivity of electric vehicle
13 charging infrastructure, including measures to pro-
14 tect personal privacy and ensure cybersecurity.

15 “(f) WAGE REQUIREMENTS.—Section 113 shall apply
16 to any project for electric vehicle charging infrastructure
17 funded under this title.”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-
19 ter 1 of title 23, United States Code, is amended by insert-
20 ing after the item relating to section 154 the following
21 new item:

“155. Electric vehicle charging stations.”.

22 (c) ELECTRIC VEHICLE CHARGING SIGNAGE.—The
23 Secretary of Transportation shall update the Manual on
24 Uniform Traffic Control Devices to—

1 (1) ensure uniformity in providing road users
2 direction to electric charging stations that are open
3 to the public; and

4 (2) allow the use of a comprehensive system of
5 signs for electric vehicle charging providers to help
6 drivers identify the type of charging and connector
7 types available at the location.

8 (d) AGREEMENTS RELATING TO THE USE AND AC-
9 CESS OF RIGHTS-OF-WAY OF THE INTERSTATE SYS-
10 TEM.—Section 111 of title 23, United States Code, is
11 amended by adding at the end the following:

12 “(f) INTERSTATE SYSTEM RIGHTS-OF-WAY.—

13 “(1) IN GENERAL.—Notwithstanding subsection
14 (a) or (b) and sections 137 and 142, the Secretary
15 shall permit, consistent with section 155, limited
16 commercial activities for the charging of electric ve-
17 hicles on rights-of-way of the Interstate System, in-
18 cluding in—

19 “(A) a rest area; or

20 “(B) a fringe or corridor parking facility,
21 including a park and ride facility.

22 “(2) SAVINGS CLAUSE.—Nothing in this sub-
23 section shall permit commercial activities on rights-
24 of-way of the Interstate System, except as necessary

1 for the charging of electric vehicles in accordance
2 with this subsection.”.

3 **SEC. 1212. NATIONAL HIGHWAY FREIGHT PROGRAM.**

4 (a) IN GENERAL.—Section 167 of title 23, United
5 States Code, is amended—

6 (1) in subsection (b)—

7 (A) in paragraph (6) by striking “; and”
8 and inserting a semicolon; and

9 (B) by striking paragraph (7) and insert-
10 ing the following:

11 “(7) to reduce the environmental impacts of
12 freight movement on the National Highway Freight
13 Network, including—

14 “(A) greenhouse gas emissions;

15 “(B) local air pollution, including local pol-
16 lution derived from vehicles idling at railway
17 crossings;

18 “(C) minimizing, capturing, or treating
19 stormwater runoff and addressing other adverse
20 impacts to water quality; and

21 “(D) wildlife habitat loss; and

22 “(8) to decrease any adverse impact of freight
23 transportation on communities located near freight
24 facilities or freight corridors.”;

1 (2) in subsection (e)(2) by striking “150 miles”
2 and inserting “300 miles”;

3 (3) in subsection (f)(4) by striking “75 miles”
4 and inserting “150 miles”;

5 (4) in subsection (h) by striking “Not later
6 than” and all that follows through “shall prepare”
7 and inserting “As part of the report required under
8 section 503(b)(8), the Administrator shall biennially
9 prepare”;

10 (5) in subsection (i)—

11 (A) by striking paragraphs (2) and (3);

12 (B) by amending paragraph (4) to read as
13 follows:

14 “(4) **FREIGHT PLANNING.**—Notwithstanding
15 any other provision of law, a State may not obligate
16 funds apportioned to the State under section
17 104(b)(5) unless the State has developed, updated,
18 or amended, as applicable, a freight plan in accord-
19 ance with section 70202 of title 49.”;

20 (C) in paragraph (5)—

21 (i) by striking subparagraph (B) and
22 inserting the following:

23 “(B) **LIMITATION.**—The Federal share of
24 a project described in subparagraph (C)(xxiii)

1 shall fund only elements of such project that
2 provide public benefits.”; and

3 (ii) in subparagraph (C)—

4 (I) in clause (iii) by inserting
5 “and freight management and oper-
6 ations systems” after “freight trans-
7 portation systems”; and

8 (II) by amending clause (xxiii) to
9 read as follows:

10 “(xxiii) Freight intermodal or freight
11 rail projects, including—

12 “(I) projects within the bound-
13 aries of public or private freight rail
14 or water facilities (including ports);

15 “(II) projects that provide sur-
16 face transportation infrastructure nec-
17 essary to facilitate direct intermodal
18 interchange, transfer, and access into
19 or out of the facility; and

20 “(III) any other surface trans-
21 portation project to improve the flow
22 of freight into or out of a facility de-
23 scribed in subclause (I) or (II).”;

24 (D) in paragraph (6) by striking “para-
25 graph (5)” and inserting “paragraph (3)”; and

1 (E) by redesignating paragraphs (4), (5),
2 (6), and (7) as paragraphs (2), (3), (4), and
3 (5), respectively; and
4 (6) in subsection (k)(1)(A)(ii) by striking
5 “ports-of entry” and inserting “ports-of-entry”.

6 (b) NATIONAL HIGHWAY FREIGHT NETWORK.—If a
7 congressionally designated future Interstate, or any por-
8 tion thereof, is included in a State Freight Plan (regard-
9 less of whether such project is included in the freight in-
10 vestment plan of the State) approved by the Department
11 of Transportation prior to October 1, 2021, such route
12 shall be considered to be on the National Highway Freight
13 Network established under section 167(c) of title 23,
14 United States Code.

15 **SEC. 1213. CARBON POLLUTION REDUCTION.**

16 (a) IN GENERAL.—Chapter 1 of title 23, United
17 States Code, is amended by adding at the end the fol-
18 lowing:

19 **“§ 171. Carbon pollution reduction**

20 “(a) ESTABLISHMENT.—The Secretary shall estab-
21 lish a carbon pollution reduction program to support the
22 reduction of greenhouse gas emissions from the surface
23 transportation system.

24 “(b) ELIGIBLE PROJECTS.—A project is eligible for
25 funding under this section if such project—

1 “(1) is expected to yield a significant reduction
2 in greenhouse gas emissions from the surface trans-
3 portation system;

4 “(2) will help a State meet the greenhouse gas
5 emissions performance targets established under sec-
6 tion 150(d); and

7 “(3) is—

8 “(A) eligible for assistance under this title
9 or under chapter 53 of title 49 or is a capital
10 project for vehicles and facilities (whether pub-
11 licly or privately owned) that are used to pro-
12 vide intercity passenger service by bus; or

13 “(B) a capital project, as such term is de-
14 fined in section 22906 of title 49, to improve
15 intercity rail passenger transportation, provided
16 that the project will yield a significant reduction
17 in single occupant vehicle trips and improve
18 mobility on public roads.

19 “(c) GUIDANCE.—The Secretary shall issue guidance
20 on methods of determining the reduction of single occu-
21 pant vehicle trips and improvement of mobility on public
22 roads as those factors relate to intercity rail passenger
23 transportation projects under subsection (b)(4).

24 “(d) OPERATING EXPENSES.—A State may use not
25 more than 20 percent of the funds provided under section

1 104(b)(9) for the operating expenses of public transpor-
2 tation and passenger rail transportation projects.

3 “(e) SINGLE-OCCUPANCY VEHICLE HIGHWAY FA-
4 CILITIES.—None of the funds provided under this section
5 may be used for a project that will result in the construc-
6 tion of new capacity available to single occupant vehicles
7 unless the project consists of a high occupancy vehicle fa-
8 cility and is consistent with section 166.

9 “(f) EVALUATION.—

10 “(1) IN GENERAL.—The Secretary shall annu-
11 ally evaluate the progress of each State in carrying
12 out the program under this section by comparing the
13 percent change in carbon dioxide emissions per cap-
14 ita on public roads in the State calculated as—

15 “(A) the annual carbon dioxide emissions
16 per capita on public roads in the State for the
17 most recent year for which there is data; di-
18 vided by

19 “(B) the average annual carbon dioxide
20 emissions per capita on public roads in the
21 State in calendar years 2015 through 2019.

22 “(2) MEASURES.—In conducting the evaluation
23 under paragraph (1), the Secretary shall—

24 “(A) prior to the effective date of the
25 greenhouse gas performance measures under

1 section 150(c)(7)(A), use such data as are
2 available, which may include data on motor
3 fuels usage published by the Federal Highway
4 Administration and information on emissions
5 factors or coefficients published by the Energy
6 Information Administration of the Department
7 of Energy; and

8 “(B) following the effective date of the
9 greenhouse gas performance measures under
10 section 150(c)(7)(A), use such measures.

11 “(g) PROGRESS REPORT.—The Secretary shall annu-
12 ally issue a carbon pollution reduction progress report, to
13 be made publicly available on the website of the Depart-
14 ment of Transportation, that includes—

15 “(1) the results of the evaluation under sub-
16 section (f) for each State; and

17 “(2) a ranking of all the States by the criteria
18 under subsection (f), with the States that, for the
19 year covered by such report, have the largest per-
20 centage reduction in annual carbon dioxide emissions
21 per capita on public roads being ranked the highest.

22 “(h) HIGH-PERFORMING STATES.—

23 “(1) DESIGNATION.—For purposes of this sec-
24 tion, each State that is 1 of the 15 highest ranked
25 States, as determined under subsection (g)(2), and

1 that achieves a reduction in carbon dioxide emissions
2 per capita on public roads, as determined by the
3 evaluation in subsection (f), shall be designated as a
4 high-performing State for the following fiscal year.

5 “(2) USE OF FUNDS.—For each State that is
6 designated as a high-performing State under para-
7 graph (1)—

8 “(A) notwithstanding section 120, the
9 State may use funds made available under this
10 title to pay the non-Federal share of a project
11 under this section during any year for which
12 such State is designated as a high-performing
13 State; and

14 “(B) notwithstanding section 126, the
15 State may transfer up to 50 percent of funds
16 apportioned under section 104(b)(9) to the pro-
17 gram under section 104(b)(2) in any year for
18 which such State is designated as a high-per-
19 forming State.

20 “(3) TRANSFER.—For each State that is 1 of
21 the 15 lowest ranked States, as determined under
22 subsection (g)(2), the Secretary shall transfer 10
23 percent of the amount apportioned to the State
24 under section 104(b)(2) in the fiscal year following
25 the year in which the State is so ranked, not includ-

1 ing amounts set aside under section 133(d)(1)(A)
2 and under section 133(h) or 505(a), to the appor-
3 tionment of the State under section 104(b)(9).

4 “(4) LIMITATION.—The Secretary shall not
5 conduct a transfer under paragraph (3)—

6 “(A) until the first fiscal year following the
7 effective date of greenhouse gas performance
8 measures under section 150(c)(7)(A); and

9 “(B) with respect to a State in any fiscal
10 year following the year in which such State
11 achieves a reduction in carbon dioxide emissions
12 per capita on public roads in such year as de-
13 termined by the evaluation under subsection (f).

14 “(i) REPORT.—Not later than 2 years after the date
15 of enactment of this section and periodically thereafter,
16 the Secretary, in consultation with the Administrator of
17 the Environmental Protection Agency, shall issue a re-
18 port—

19 “(1) detailing, based on the best available
20 science, what types of projects eligible for assistance
21 under this section are expected to provide the most
22 significant greenhouse gas emissions reductions from
23 the surface transportation sector; and

24 “(2) detailing, based on the best available
25 science, what types of projects eligible for assistance

1 under this section are not expected to provide sig-
2 nificant greenhouse gas emissions reductions from
3 the surface transportation sector.”.

4 (b) CLERICAL AMENDMENT.—The analysis for chap-
5 ter 1 of title 23, United States Code, is amended by add-
6 ing at the end the following new item:

“171. Carbon pollution reduction.”.

7 (c) APPLICABILITY.—Subsection (b)(2) of section
8 171 of title 23, United States Code, as added by this sec-
9 tion, shall apply to a State beginning on the first fiscal
10 year following the fiscal year in which the State sets green-
11 house gas performance targets under section 150(d) of
12 title 23, United States Code.

13 **SEC. 1214. RECREATIONAL TRAILS.**

14 Section 206 of title 23, United States Code, is
15 amended—

16 (1) in subsection (a)—

17 (A) in paragraph (1) by striking “except
18 for” and all that follows and inserting the fol-
19 lowing: “except for—

20 “(A) a motorized wheelchair; and

21 “(B) in any case in which applicable laws
22 and regulations permit use, an electric bicycle,
23 as defined in section 217(j).”;

24 (B) in paragraph (2)—

1 (i) in subparagraph (F) by striking
2 “and” at the end;

3 (ii) in subparagraph (G) by striking
4 the period and inserting “; and”; and

5 (iii) by adding at the end the fol-
6 lowing:

7 “(H) electric bicycling.”; and

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

9 “(j) SPECIAL RULE.—Section 113 shall not apply to
10 projects under this section.

11 “(k) USE OF OTHER APPORTIONED FUNDS.—Funds
12 apportioned to a State under section 104(b) that are obli-
13 gated for recreational trails and related projects shall be
14 administered as if such funds were made available for pur-
15 poses described under this section.”.

16 **SEC. 1215. SAFE ROUTES TO SCHOOL PROGRAM.**

17 (a) IN GENERAL.—Chapter 2 of title 23, United
18 States Code, is amended by inserting after section 210 the
19 following:

20 **“§ 211. Safe routes to school program**

21 “(a) PROGRAM.—The Secretary shall carry out a safe
22 routes to school program for the benefit of children in pri-
23 mary, middle, and high schools.

24 “(b) PURPOSES.—The purposes of the program shall
25 be—

1 “(1) to enable and encourage children, includ-
2 ing those with disabilities, to walk and bicycle to
3 school;

4 “(2) to make bicycling and walking to school a
5 safer and more appealing transportation alternative,
6 thereby encouraging a healthy and active lifestyle
7 from an early age; and

8 “(3) to facilitate the planning, development,
9 and implementation of projects and activities that
10 will improve safety and reduce traffic, fuel consump-
11 tion, and air pollution in the vicinity of schools.

12 “(c) USE OF FUNDS.—Amounts apportioned to a
13 State under paragraphs (2) and (3) of section 104(b) may
14 be used to carry out projects, programs, and other activi-
15 ties under this section.

16 “(d) ELIGIBLE ENTITIES.—Projects, programs, and
17 activities funded under this section may be carried out by
18 eligible entities described under section 133(h)(4)(B) that
19 demonstrate an ability to meet the requirements of this
20 section.

21 “(e) ELIGIBLE PROJECTS AND ACTIVITIES.—

22 “(1) INFRASTRUCTURE-RELATED PROJECTS.—

23 “(A) IN GENERAL.—A State may obligate
24 funds under this section for the planning, de-
25 sign, and construction of infrastructure-related

1 projects that will substantially improve the abil-
2 ity of students to walk and bicycle to school, in-
3 cluding sidewalk improvements, traffic calming
4 and speed reduction improvements, pedestrian
5 and bicycle crossing improvements, on-street bi-
6 cycle facilities, off-street bicycle and pedestrian
7 facilities, secure bicycle parking facilities, and
8 traffic diversion improvements in the vicinity of
9 schools.

10 “(B) LOCATION OF PROJECTS.—Infra-
11 structure-related projects under subparagraph
12 (A) may be carried out on any public road or
13 any bicycle or pedestrian pathway or trail in the
14 vicinity of schools.

15 “(2) NONINFRASTRUCTURE-RELATED ACTIVI-
16 TIES.—In addition to projects described in para-
17 graph (1), a State may obligate funds under this
18 section for noninfrastructure-related activities to en-
19 courage walking and bicycling to school, including—

20 “(A) public awareness campaigns and out-
21 reach to press and community leaders;

22 “(B) traffic education and enforcement in
23 the vicinity of schools;

24 “(C) student sessions on bicycle and pedes-
25 trian safety, health, and environment;

1 “(D) programs that address personal safe-
2 ty; and

3 “(E) funding for training, volunteers, and
4 managers of safe routes to school programs.

5 “(3) SAFE ROUTES TO SCHOOL COORDI-
6 NATOR.—Each State receiving an apportionment
7 under paragraphs (2) and (3) of section 104(b) shall
8 use a sufficient amount of the apportionment to
9 fund a full-time position of coordinator of the
10 State’s safe routes to school program.

11 “(4) RURAL SCHOOL DISTRICT OUTREACH.—A
12 coordinator described in paragraph (3) shall conduct
13 outreach to ensure that rural school districts in the
14 State are aware of such State’s safe routes to school
15 program and any funds authorized by this section.

16 “(f) FEDERAL SHARE.—The Federal share of the
17 cost of a project, program, or activity under this section
18 shall be 100 percent.

19 “(g) CLEARINGHOUSE.—

20 “(1) IN GENERAL.—The Secretary shall main-
21 tain a national safe routes to school clearinghouse
22 to—

23 “(A) develop information and educational
24 programs on safe routes to school; and

1 “(B) provide technical assistance and dis-
2 seminate techniques and strategies used for
3 successful safe routes to school programs.

4 “(2) FUNDING.—The Secretary shall carry out
5 this subsection using amounts authorized to be ap-
6 propriated for administrative expenses under section
7 104(a).

8 “(h) DEFINITIONS.—In this section, the following
9 definitions apply:

10 “(1) IN THE VICINITY OF SCHOOLS.—The term
11 ‘in the vicinity of schools’ means, with respect to a
12 school, the area within bicycling and walking dis-
13 tance of the school (approximately 2 miles).

14 “(2) PRIMARY, MIDDLE, AND HIGH SCHOOLS.—
15 The term ‘primary, middle, and high schools’ means
16 schools providing education from kindergarten
17 through twelfth grade.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

19 (1) REPEAL.—Section 1404 of SAFETEA-LU
20 (Public Law 109–59; 119 Stat. 1228–1230), and
21 the item relating to such section in the table of con-
22 tents in section 1(b) of such Act, are repealed.

23 (2) ANALYSIS.—The analysis for chapter 2 of
24 title 23, United States Code, is amended by insert-

1 ing after the item relating to section 210 the fol-
2 lowing:

“211. Safe routes to school program.”.

3 **SEC. 1216. BICYCLE TRANSPORTATION AND PEDESTRIAN**
4 **WALKWAYS.**

5 Section 217 of title 23, United States Code, is
6 amended—

7 (1) in subsection (d)—

8 (A) by striking “104(b)(3)” and inserting
9 “104(b)(4)”; and

10 (B) by striking “a position” and inserting
11 “at least one full-time positions”;

12 (2) in subsection (e) by striking “bicycles” and
13 inserting “pedestrians or bicyclists” each place such
14 term appears;

15 (3) in subsection (j)—

16 (A) in paragraph (1) by inserting “or oper-
17 ators of micromobility devices” after
18 “bicyclists”;

19 (B) by striking paragraph (2) and insert-
20 ing the following:

21 “(2) **ELECTRIC BICYCLE.**—The term ‘electric
22 bicycle’ means mean a bicycle equipped with fully
23 operable pedals, a saddle or seat for the rider, and
24 an electric motor of less than 750 watts that can
25 safely share a bicycle transportation facility with

1 other users of such facility and meets the require-
2 ments of one of the following three classes:

3 “(A) CLASS 1 ELECTRIC BICYCLE.—The
4 term ‘class 1 electric bicycle’ means an electric
5 bicycle equipped with a motor that provides as-
6 sistance only when the rider is pedaling, and
7 that ceases to provide assistance when the bicy-
8 cle reaches the speed of 20 miles per hour.

9 “(B) CLASS 2 ELECTRIC BICYCLE.—The
10 term ‘class 2 electric bicycle’ means an electric
11 bicycle equipped with a motor that may be used
12 exclusively to propel the bicycle, and that is not
13 capable of providing assistance when the bicycle
14 reaches the speed of 20 miles per hour.

15 “(C) CLASS 3 ELECTRIC BICYCLE.—The
16 term ‘class 3 electric bicycle’ means an electric
17 bicycle equipped with a motor that provides as-
18 sistance only when the rider is pedaling, and
19 that ceases to provide assistance when the bicy-
20 cle reaches the speed of 28 miles per hour.

21 “(3) MICROMOBILITY DEVICE.—The term
22 ‘micromobility device’ means any wheeled vehicle
23 equipped with a low powered electric motor—

24 “(A) that is designed primarily for human
25 transport;

1 “(B) that weighs not more than 100
2 pounds; and

3 “(C) that has a top speed of 20 miles per
4 hour or less.”.

5 **SEC. 1217. NOISE BARRIERS.**

6 (a) PERMITTING USE OF HIGHWAY TRUST FUND
7 FOR CONSTRUCTION OF CERTAIN NOISE BARRIERS.—
8 Section 339(b)(1) of the National Highway System Des-
9 igation Act of 1995 (23 U.S.C. 109 note) is amended
10 to read as follows:

11 “(1) GENERAL RULE.—No funds made avail-
12 able out of the Highway Trust Fund may be used
13 to construct a Type II noise barrier (as defined by
14 section 772.5(I) of title 23, Code of Federal Regula-
15 tions) pursuant to subsections (h) and (I) of section
16 109 of title 23, United States Code, unless—

17 “(A) such a barrier is part of a project ap-
18 proved by the Secretary before November 28,
19 1995; or

20 “(B) such a barrier separates a highway or
21 other noise corridor from a group of structures
22 of which the majority of those closest to the
23 highway or noise corridor—

24 “(i) are residential in nature; and

25 “(ii) either—

1 “(I) were constructed before the
2 construction or most recent widening
3 of the highway or noise corridor; or
4 “(II) are at least 10 years old.”.

5 (b) ELIGIBILITY FOR SURFACE TRANSPORTATION
6 PROGRAM FUNDS.—Section 133 of title 23, United States
7 Code, is amended—

8 (1) in subsection (b) by adding at the end the
9 following:

10 “(22) Planning, design, or construction of a
11 Type II noise barrier (as described in section 772.5
12 of title 23, Code of Federal Regulations).”; and

13 (2) in subsection (c)(2) by inserting “and para-
14 graph (22)” after “(11)”.

15 **SEC. 1218. SAFE STREETS FOR ALL.**

16 Section 148 of title 23, United States Code, is further
17 amended by adding at the end the following:

18 “(m) SAFE STREETS FOR ALL.—

19 “(1) SAFE STREETS SET-ASIDE.—

20 “(A) ESTABLISHMENT.—The Secretary
21 shall establish a safe streets program to elimi-
22 nate the occurrence of transportation-related fa-
23 talities and serious injuries on public roads,
24 with a focus on vulnerable road users.

1 “(B) AMOUNT.—Of the funds apportioned
2 to a State under section 104(b)(3) for each fis-
3 cal year, the Secretary shall reserve an amount
4 such that—

5 “(i) the Secretary reserves a total
6 under this subsection of \$500,000,000 for
7 each of fiscal years 2023 through 2026;
8 and

9 “(ii) the State’s share of that total is
10 distributed in the same manner as the
11 amount apportioned to the State under
12 section 104(b)(3) for each fiscal year bears
13 to the total amount of funds apportioned
14 to all States under such section.

15 “(2) SUBALLOCATION.—

16 “(A) IN GENERAL.—For each fiscal year
17 for which funds are set aside under this sub-
18 section, such funds shall be obligated within a
19 State in the manner described in subsections
20 (d) and (e) of section 133, except that, for the
21 purposes of this subsection—

22 “(i) the percentage referred to in sec-
23 tion 133(d)(1)(A) shall be treated as 100
24 percent; and

1 “(ii) before obligating funds for a
2 project located fully or partially within an
3 area described in subparagraph (B) that is
4 under the jurisdiction of a unit of local
5 government, a State or metropolitan plan-
6 ning organization shall consult with such
7 unit of local government regarding project
8 selection.

9 “(B) AREA DESCRIBED.—An area de-
10 scribed in this subparagraph is an area with a
11 population greater than 200,000.

12 “(3) USE OF FUNDS.—

13 “(A) IN GENERAL.—Funds set aside under
14 this subsection shall be available for obliga-
15 tion—

16 “(i) for a complete streets project that
17 supports the safe, comfortable, convenient,
18 and independent movement of all users of
19 the transportation system, of all ages and
20 abilities, consistent with context sensitive
21 design principles;

22 “(ii) for activities eligible under the
23 safe routes to school program under sec-
24 tion 211;

1 “(iii) to develop and implement the
2 policies and procedures described in section
3 109(s);

4 “(iv) for any element of vision zero
5 planning described under section 1601 of
6 the INVEST in America Act and to imple-
7 ment an existing vision zero plan;

8 “(v) for other activities in furtherance
9 of the vulnerable road user safety assess-
10 ment of the State or the metropolitan
11 planning organization described under sub-
12 section (l); and

13 “(vi) for any other project, program,
14 or plan eligible under this section that pro-
15 vides for the safe and adequate accommo-
16 dation of all users of the surface transpor-
17 tation network, as determined by the Sec-
18 retary.

19 “(B) SPECIAL RULE.—If a State or metro-
20 politan planning organization demonstrates to
21 the satisfaction of the Secretary that such State
22 or metropolitan planning organization has met
23 all its needs for vulnerable road user safety
24 under this section, the State or metropolitan
25 planning organization may use funds made

1 available under this subsection for other high-
2 way safety improvement program purposes,
3 subject to the suballocation under paragraph
4 (2). The Secretary may not make a determina-
5 tion under this subparagraph if the State or
6 metropolitan planning organization has been
7 subject to the special rule described in sub-
8 section (g)(3) within the last 5 years.”.

9 **SEC. 1219. YOUTH SERVICE AND CONSERVATION CORPS.**

10 (a) IN GENERAL.—Chapter 2 of title 23, United
11 States Code, is amended by inserting after section 211 (as
12 added by this Act) the following:

13 **“§ 212. Use of youth service and conservation corps**

14 “(a) IN GENERAL.—The Secretary may allow and
15 shall encourage project sponsors to enter into contracts
16 and cooperative agreements with qualified youth service
17 or conservation corps, as described in sections 122(a)(2)
18 of the National and Community Service Act of 1990 (42
19 U.S.C. 12572(a)(2)) and 106(c)(3) of the National and
20 Community Service Trust Act of 1993 (42 U.S.C.
21 12656(c)(3)) to perform appropriate projects eligible
22 under sections 133(h), 162, 206, and 211.

23 “(b) REQUIREMENTS.—Under any contract or coop-
24 erative agreement entered into with a qualified youth serv-

1 ice or conservation corps under this section, the Secretary
2 shall—

3 “(1) set the amount of a living allowance or
4 rate of pay for each participant in such corps at—

5 “(A) such amount or rate as required
6 under State law in a State with such require-
7 ments; or

8 “(B) for corps in States not described in
9 subparagraph (A), at such amount or rate as
10 determined by the Secretary, not to exceed the
11 maximum living allowance authorized by section
12 140 of the National and Community Service
13 Act of 1990 (42 U.S.C. 12594); and

14 “(2) not subject such corps to the requirements
15 of section 112.”.

16 (b) CLERICAL AMENDMENT.—The analysis for chap-
17 ter 2 of title 23, United States Code, is amended by insert-
18 ing after the item relating to section 211 (as added by
19 this Act) the following:

“212. Use of youth service and conservation corps.”.

20 **SEC. 1220. NATIONAL SCENIC BYWAYS PROGRAM.**

21 Section 162 of title 23, United States Code, is
22 amended by adding at the end the following:

23 “(g) STATE.—In this section, the term ‘State’ has the
24 meaning given such term in section 401.”.

1 **SEC. 1221. FUNDING FOR BORDER INFRASTRUCTURE.**

2 Section 1437(a) of the FAST Act (23 U.S.C. 101
3 note) is amended by striking “5 percent” and inserting
4 “7 percent”.

5 **Subtitle C—Project-Level**
6 **Investments**

7 **SEC. 1301. PROJECTS OF NATIONAL AND REGIONAL SIG-**
8 **NIFICANCE.**

9 (a) IN GENERAL.—Section 117 of title 23, United
10 States Code, is amended to read as follows:

11 **“§ 117. Projects of national and regional significance**

12 “(a) ESTABLISHMENT.—The Secretary shall estab-
13 lish a projects of national and regional significance pro-
14 gram under which the Secretary may make grants to, and
15 establish multiyear grant agreements with, eligible entities
16 in accordance with this section.

17 “(b) APPLICATIONS.—To be eligible for a grant
18 under this section, an eligible entity shall submit to the
19 Secretary an application in such form, in such manner,
20 and containing such information as the Secretary may re-
21 quire.

22 “(c) GRANT AMOUNTS AND PROJECT COSTS.—

23 “(1) IN GENERAL.—Each grant made under
24 this section—

25 “(A) shall be in an amount that is at least
26 \$25,000,000; and

1 “(B) shall be for a project that has eligible
2 project costs that are reasonably anticipated to
3 equal or exceed the lesser of—

4 “(i) \$100,000,000; or

5 “(ii) in the case of a project—

6 “(I) located in 1 State or terri-
7 tory, 30 percent of the amount appor-
8 tioned under this chapter to the State
9 or territory in the most recently com-
10 pleted fiscal year; or

11 “(II) located in more than 1
12 State or territory, 50 percent of the
13 amount apportioned under this chap-
14 ter to the participating State or terri-
15 tory with the largest apportionment
16 under this chapter in the most re-
17 cently completed fiscal year.

18 “(2) LARGE PROJECTS.—For a project that has
19 eligible project costs that are reasonably anticipated
20 to equal or exceed \$500,000,000, a grant made
21 under this section—

22 “(A) shall be in an amount sufficient to
23 fully fund the project, or in the case of a public
24 transportation project, a minimum operable
25 segment, in combination with other funding

1 sources, including non-Federal financial com-
2 mitment, identified in the application; and

3 “(B) may be awarded pursuant to the
4 process under subsection (d), as necessary
5 based on the amount of the grant.

6 “(d) MULTIYEAR GRANT AGREEMENTS FOR LARGE
7 PROJECTS.—

8 “(1) IN GENERAL.—A large project that re-
9 ceives a grant under this section may be carried out
10 through a multiyear grant agreement in accordance
11 with this subsection.

12 “(2) REQUIREMENTS.—A multiyear grant
13 agreement for a large project shall—

14 “(A) establish the terms of participation by
15 the Federal Government in the project;

16 “(B) establish the amount of Federal fi-
17 nancial assistance for the project;

18 “(C) establish a schedule of anticipated
19 Federal obligations for the project that provides
20 for obligation of the full grant amount by not
21 later than 4 fiscal years after the fiscal year in
22 which the initial amount is provided; and

23 “(D) determine the period of time for com-
24 pleting the project, even if such period extends
25 beyond the period of an authorization.

1 “(3) SPECIAL RULES.—

2 “(A) IN GENERAL.—A multiyear grant
3 agreement under this subsection—

4 “(i) shall obligate an amount of avail-
5 able budget authority specified in law; and

6 “(ii) may include a commitment, con-
7 tingent on amounts to be specified in law
8 in advance for commitments under this
9 paragraph, to obligate an additional
10 amount from future available budget au-
11 thority specified in law.

12 “(B) CONTINGENT COMMITMENT.—A con-
13 tingent commitment under this subsection is
14 not an obligation of the Federal Government
15 under section 1501 of title 31.

16 “(C) INTEREST AND OTHER FINANCING
17 COSTS.—

18 “(i) IN GENERAL.—Interest and other
19 financing costs of carrying out a part of
20 the project within a reasonable time shall
21 be considered a cost of carrying out the
22 project under a multiyear grant agreement,
23 except that eligible costs may not be more
24 than the cost of the most favorable financ-

1 ing terms reasonably available for the
2 project at the time of borrowing.

3 “(ii) CERTIFICATION.—The applicant
4 shall certify to the Secretary that the ap-
5 plicant has shown reasonable diligence in
6 seeking the most favorable financing
7 terms.

8 “(4) ADVANCE PAYMENT.—An eligible entity
9 carrying out a large project under a multiyear grant
10 agreement—

11 “(A) may use funds made available to the
12 eligible entity under this title or title 49 for eli-
13 gible project costs of the large project; and

14 “(B) shall be reimbursed, at the option of
15 the eligible entity, for such expenditures from
16 the amount made available under the multiyear
17 grant agreement for the project in that fiscal
18 year or a subsequent fiscal year.

19 “(e) ELIGIBLE PROJECTS.—

20 “(1) IN GENERAL.—The Secretary may make a
21 grant under this section only for a project that is a
22 project eligible for assistance under this title or
23 chapter 53 of title 49 and is—

1 “(A) a bridge project carried out on the
2 National Highway System, or that is eligible to
3 be carried out under section 165;

4 “(B) a project to improve person through-
5 put that is—

6 “(i) a highway project carried out on
7 the National Highway System, or that is
8 eligible to be carried out under section
9 165;

10 “(ii) a public transportation project;
11 or

12 “(iii) a capital project, as such term is
13 defined in section 22906 of title 49, to im-
14 prove intercity rail passenger transpor-
15 tation; or

16 “(C) a project to improve freight through-
17 put that is—

18 “(i) a highway freight project carried
19 out on the National Highway Freight Net-
20 work established under section 167 or on
21 the National Highway System;

22 “(ii) a freight intermodal, freight rail,
23 or railway-highway grade crossing or grade
24 separation project; or

1 “(iii) within the boundaries of a public
2 or private freight rail, water (including
3 ports), or intermodal facility and that is a
4 surface transportation infrastructure
5 project necessary to facilitate direct inter-
6 modal interchange, transfer, or access into
7 or out of the facility.

8 “(2) LIMITATION.—

9 “(A) CERTAIN FREIGHT PROJECTS.—
10 Projects described in clauses (ii) and (iii) of
11 paragraph (1)(C) may receive a grant under
12 this section only if—

13 “(i) the project will make a significant
14 improvement to the movement of freight
15 on the National Highway System; and

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

19 “(B) CERTAIN PROJECTS FOR PERSON
20 THROUGHPUT.—Projects described in clauses
21 (ii) and (iii) of paragraph (1)(B) may receive a
22 grant under this section only if the project will
23 make a significant improvement in mobility on
24 public roads.

1 “(f) ELIGIBLE PROJECT COSTS.—An eligible entity
2 receiving a grant under this section may use such grant
3 for—

4 “(1) development phase activities, including
5 planning, feasibility analysis, revenue forecasting,
6 environmental review, preliminary engineering and
7 design work, and other preconstruction activities;
8 and

9 “(2) construction, reconstruction, rehabilitation,
10 acquisition of real property (including land related
11 to the project and improvements to the land), envi-
12 ronmental mitigation, construction contingencies, ac-
13 quisition of equipment, and operational improve-
14 ments directly related to improving system perform-
15 ance.

16 “(g) PROJECT REQUIREMENTS.—The Secretary may
17 select a project described under this section for funding
18 under this section only if the Secretary determines that
19 the project—

20 “(1) generates significant regional or national
21 economic, mobility, safety, resilience, or environ-
22 mental benefits;

23 “(2) is cost effective;

24 “(3) is based on the results of preliminary engi-
25 neering;

1 “(4) has secured or will secure acceptable levels
2 of non-Federal financial commitments, including—

3 “(A) one or more stable and dependable
4 sources of funding and financing to construct,
5 maintain, and operate the project; and

6 “(B) contingency amounts to cover unan-
7 ticipated cost increases;

8 “(5) cannot be easily and efficiently completed
9 without additional Federal funding or financial as-
10 sistance available to the project sponsor, beyond ex-
11 isting Federal apportionments; and

12 “(6) is reasonably expected to begin construc-
13 tion not later than 18 months after the date of obli-
14 gation of funds for the project.

15 “(h) MERIT CRITERIA AND CONSIDERATIONS.—

16 “(1) MERIT CRITERIA.—In awarding a grant
17 under this section, the Secretary shall evaluate the
18 following merit criteria:

19 “(A) The extent to which the project sup-
20 ports achieving a state of good repair.

21 “(B) The level of benefits the project is ex-
22 pected to generate, including—

23 “(i) the costs avoided by the preven-
24 tion of closure or reduced use of the asset
25 to be improved by the project;

1 “(ii) reductions in maintenance costs
2 over the life of the asset;

3 “(iii) safety benefits, including the re-
4 duction of accidents and related costs;

5 “(iv) improved person or freight
6 throughput, including congestion reduction
7 and reliability improvements;

8 “(v) national and regional economic
9 benefits;

10 “(vi) resilience benefits, including the
11 ability to withstand disruptions from a
12 seismic event;

13 “(vii) environmental benefits, includ-
14 ing reduction in greenhouse gas emissions
15 and air quality benefits; and

16 “(viii) benefits to all users of the
17 project, including pedestrian, bicycle, non-
18 vehicular, railroad, and public transpor-
19 tation users.

20 “(C) How the benefits compare to the
21 costs of the project.

22 “(D) The average number of people or vol-
23 ume of freight, as applicable, supported by the
24 project, including visitors based on travel and
25 tourism.

1 “(2) ADDITIONAL CONSIDERATIONS.—In
2 awarding a grant under this section, the Secretary
3 shall consider the following:

4 “(A) Whether the project spans at least 1
5 border between 2 States.

6 “(B) Whether the project serves low-in-
7 come residents of low-income communities, in-
8 cluding areas of persistent poverty, while not
9 displacing such residents.

10 “(C) Whether the project uses innovative
11 technologies, innovative design and construction
12 techniques, or pavement materials that dem-
13 onstrate reductions in greenhouse gas emissions
14 through sequestration or innovative manufac-
15 turing processes and, if so, the degree to which
16 such technologies, techniques, or materials are
17 used.

18 “(D) Whether the project improves
19 connectivity between modes of transportation
20 moving people or goods in the Nation or region.

21 “(E) Whether the project provides new or
22 improved connections between at least two met-
23 ropolitan areas with a population of at least
24 500,000.

1 “(F) Whether the project would replace,
2 reconstruct, or rehabilitate a commuter corridor
3 (including a high-commuter corridor (as such
4 term is defined in section 203(a)(6))) that is in
5 poor condition.

6 “(G) Whether the project would improve
7 the shared transportation corridor of a
8 multistate corridor.

9 “(i) PROJECT SELECTION.—

10 “(1) EVALUATION.—To evaluate applications
11 for funding under this section, the Secretary shall—

12 “(A) determine whether a project is eligible
13 for a grant under this section;

14 “(B) evaluate, through a methodology that
15 is discernible and transparent to the public,
16 how each application addresses the merit cri-
17 teria pursuant to subsection (h);

18 “(C) assign a quality rating for each merit
19 criteria for each application based on the eval-
20 uation in subparagraph (B);

21 “(D) ensure that applications receive final
22 consideration by the Secretary to receive an
23 award under this section only on the basis of
24 such quality ratings and that the Secretary
25 gives final consideration only to applications

1 that meet the minimally acceptable level for
2 each of the merit criteria; and

3 “(E) award grants only to projects rated
4 highly under the evaluation and rating process.

5 “(2) CONSIDERATIONS FOR LARGE
6 PROJECTS.—In awarding a grant for a large project,
7 the Secretary shall—

8 “(A) consider the amount of funds avail-
9 able in future fiscal years for the program
10 under this section; and

11 “(B) assume the availability of funds in fu-
12 ture fiscal years for the program that extend
13 beyond the period of authorization based on the
14 amount made available for the program in the
15 last fiscal year of the period of authorization.

16 “(3) GEOGRAPHIC DISTRIBUTION.—In awarding
17 grants under this section, the Secretary shall ensure
18 geographic diversity and a balance between rural
19 and urban communities among grant recipients over
20 fiscal years 2023 through 2026.

21 “(4) PUBLICATION OF METHODOLOGY.—

22 “(A) IN GENERAL.—Prior to the issuance
23 of any notice of funding opportunity for grants
24 under this section, the Secretary shall publish

1 and make publicly available on the Depart-
2 ment’s website—

3 “(i) a detailed explanation of the
4 merit criteria developed under subsection
5 (h);

6 “(ii) a description of the evaluation
7 process under this subsection; and

8 “(iii) how the Secretary shall deter-
9 mine whether a project satisfies each of
10 the requirements under subsection (g).

11 “(B) UPDATES.—The Secretary shall up-
12 date and make publicly available on the website
13 of the Department of Transportation such in-
14 formation at any time a revision to the informa-
15 tion described in subparagraph (A) is made.

16 “(C) INFORMATION REQUIRED.—The Sec-
17 retary shall include in the published notice of
18 funding opportunity for a grant under this sec-
19 tion detailed information on the rating method-
20 ology and merit criteria to be used to evaluate
21 applications, or a reference to the information
22 on the website of the Department of Transpor-
23 tation, as required by subparagraph (A).

24 “(j) FEDERAL SHARE.—

1 “(1) IN GENERAL.—The Federal share of the
2 cost of a project carried out with a grant under this
3 section may not exceed 60 percent.

4 “(2) MAXIMUM FEDERAL INVOLVEMENT.—Fed-
5 eral assistance other than a grant under this section
6 may be used to satisfy the non-Federal share of the
7 cost of a project for which such a grant is made, ex-
8 cept that the total Federal assistance provided for a
9 project receiving a grant under this section may not
10 exceed 80 percent of the total project cost.

11 “(k) BRIDGE INVESTMENTS.—Of the amounts made
12 available to carry out this section, the Secretary shall re-
13 serve not less than \$1,000,000,000 in each fiscal year to
14 make grants for projects described in subsection (e)(1)(A).

15 “(l) TREATMENT OF PROJECTS.—

16 “(1) FEDERAL REQUIREMENTS.—The Secretary
17 shall, with respect to a project funded by a grant
18 under this section, apply—

19 “(A) the requirements of this title to a
20 highway project;

21 “(B) the requirements of chapter 53 of
22 title 49 to a public transportation project; and

23 “(C) the requirements of section 22905 of
24 title 49 to a passenger rail or freight rail
25 project.

1 “(2) MULTIMODAL PROJECTS.—

2 “(A) IN GENERAL.—Except as otherwise
3 provided in this paragraph, if an eligible project
4 is a multimodal project, the Secretary shall—

5 “(i) determine the predominant modal
6 component of the project; and

7 “(ii) apply the applicable requirements
8 of such predominant modal component to
9 the project.

10 “(B) EXCEPTIONS.—

11 “(i) PASSENGER OR FREIGHT RAIL
12 COMPONENT.—For any passenger or
13 freight rail component of a project, the re-
14 quirements of section 22907(j)(2) of title
15 49 shall apply.

16 “(ii) PUBLIC TRANSPORTATION COM-
17 PONENT.—For any public transportation
18 component of a project, the requirements
19 of section 5333 of title 49 shall apply.

20 “(C) BUY AMERICA.—In applying the Buy
21 America requirements under section 313 of this
22 title and sections 5320, 22905(a), and 24305(f)
23 of title 49 to a multimodal project under this
24 paragraph, the Secretary shall—

1 “(i) consider the various modal com-
2 ponents of the project; and

3 “(ii) seek to maximize domestic jobs.

4 “(m) TIFIA PROGRAM.—At the request of an eligible
5 entity under this section, the Secretary may use amounts
6 awarded to the entity to pay subsidy and administrative
7 costs necessary to provide the entity Federal credit assist-
8 ance under chapter 6 with respect to the project for which
9 the grant was awarded.

10 “(n) ADMINISTRATION.—Of the amounts made avail-
11 able to carry out this section, the Secretary may use up
12 to \$5,000,000 in each fiscal year for the costs of admin-
13 istering the program under this section.

14 “(o) TECHNICAL ASSISTANCE.—Of the amounts
15 made available to carry out this section, the Secretary may
16 reserve up to \$5,000,000 to provide technical assistance
17 to eligible entities.

18 “(p) CONGRESSIONAL REVIEW.—

19 “(1) NOTIFICATION.—Not less than 60 days be-
20 fore making an award under this section, the Sec-
21 retary shall submit to the Committee on Transpor-
22 tation and Infrastructure of the House of Represent-
23 atives and the Committee on Environment and Pub-
24 lic Works, the Committee on Banking, Housing, and

1 Urban Affairs, and the Committee on Commerce,
2 Science, and Transportation of the Senate—

3 “(A) a list of all applications determined to
4 be eligible for a grant by the Secretary;

5 “(B) the quality ratings assigned to each
6 application pursuant to subsection (i);

7 “(C) a list of applications that received
8 final consideration by the Secretary to receive
9 an award under this section;

10 “(D) each application proposed to be se-
11 lected for a grant award;

12 “(E) proposed grant amounts, including
13 for each new multiyear grant agreement, the
14 proposed payout schedule for the project; and

15 “(F) an analysis of the impacts of any
16 large projects proposed to be selected on exist-
17 ing commitments and anticipated funding levels
18 for the next 4 fiscal years, based on information
19 available to the Secretary at the time of the re-
20 port.

21 “(2) COMMITTEE REVIEW.—Before the last day
22 of the 60-day period described in paragraph (1),
23 each Committee described in paragraph (1) shall re-
24 view the Secretary’s list of proposed projects.

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

7 “(q) TRANSPARENCY.—

8 “(1) IN GENERAL.—Not later than 30 days
9 after awarding a grant for a project under this sec-
10 tion, the Secretary shall send to all applicants, and
11 publish on the website of the Department of Trans-
12 portation—

13 “(A) a summary of each application made
14 to the program for the grant application period;
15 and

16 “(B) the evaluation and justification for
17 the project selection, including ratings assigned
18 to all applications and a list of applications that
19 received final consideration by the Secretary to
20 receive an award under this section, for the
21 grant application period.

22 “(2) BRIEFING.—The Secretary shall provide,
23 at the request of a grant applicant under this sec-
24 tion, the opportunity to receive a briefing to explain

1 any reasons the grant applicant was not awarded a
2 grant.

3 “(r) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
4 tion, the term ‘eligible entity’ means—

5 “(1) a State or a group of States;

6 “(2) a unit of local government, including a
7 metropolitan planning organization, or a group of
8 local governments;

9 “(3) a political subdivision of a State or local
10 government;

11 “(4) a special purpose district or public author-
12 ity with a transportation function, including a port
13 authority;

14 “(5) an Indian Tribe or Tribal organization;

15 “(6) a Federal agency eligible to receive funds
16 under section 201, 203, or 204, including the Army
17 Corps of Engineers, Bureau of Reclamation, and the
18 Bureau of Land Management, that applies jointly
19 with a State or group of States;

20 “(7) a territory; and

21 “(8) a multistate or multijurisdictional group of
22 entities described in this subsection.”.

23 (b) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 1 of title 23, United States Code, is amended by strik-

1 ing the item relating to section 117 and inserting the fol-
2 lowing:

“117. Projects of national and regional significance.”.

3 **SEC. 1302. COMMUNITY TRANSPORTATION INVESTMENT**
4 **GRANT PROGRAM.**

5 (a) IN GENERAL.—Chapter 1 of title 23, United
6 States Code, as amended by this title, is further amended
7 by adding at the end the following:

8 **“§ 173. Community transportation investment grant**
9 **program**

10 “(a) ESTABLISHMENT.—The Secretary shall estab-
11 lish a community transportation investment grant pro-
12 gram to improve surface transportation safety, state of
13 good repair, accessibility, and environmental quality
14 through infrastructure investments.

15 “(b) GRANT AUTHORITY.—

16 “(1) IN GENERAL.—In carrying out the pro-
17 gram established under subsection (a), the Secretary
18 shall make grants, on a competitive basis, to eligible
19 entities in accordance with this section.

20 “(2) GRANT AMOUNT.—The maximum amount
21 of a grant under this section shall be \$25,000,000.

22 “(c) APPLICATIONS.—To be eligible for a grant under
23 this section, an eligible entity shall submit to the Secretary
24 an application in such form, at such time, and containing
25 such information as the Secretary may require.

1 “(d) ELIGIBLE PROJECT COSTS.—Grant amounts for
2 an eligible project carried out under this section may be
3 used for—

4 “(1) development phase activities, including
5 planning, feasibility analysis, revenue forecasting,
6 environmental review, preliminary engineering and
7 design work, and other preconstruction activities;
8 and

9 “(2) construction, reconstruction, rehabilitation,
10 acquisition of real property (including land related
11 to the project and improvements to such land), envi-
12 ronmental mitigation, construction contingencies, ac-
13 quisition of equipment, and operational improve-
14 ments.

15 “(e) RURAL AND COMMUNITY SETASIDES.—

16 “(1) IN GENERAL.—The Secretary shall re-
17 serve—

18 “(A) not less than 25 percent of the
19 amounts made available to carry out this sec-
20 tion for projects located in rural areas; and

21 “(B) not less than 25 percent of the
22 amounts made available to carry out this sec-
23 tion for projects located in areas with a popu-
24 lation greater than 74,999 individuals and
25 fewer than 200,001 individuals.

1 “(2) DEFINITION OF RURAL AREA.—In this
2 subsection, the term ‘rural area’ means all areas of
3 a State or territory that are outside of an urbanized
4 area with a population greater than 74,999 individ-
5 uals, as determined by the Bureau of the Census.

6 “(3) INVESTMENTS IN COLONIAS.—

7 “(A) IN GENERAL.—Of the grants made
8 available under this section, for fiscal years
9 2023 through 2026, a total of not less than
10 \$20,000,000 shall be made available to provide
11 grants that improve the safety, state of good re-
12 pair, or connectivity of surface transportation
13 infrastructure eligible under this section in and
14 providing access to, colonias.

15 “(B) RURAL AND COMMUNITY SET
16 ASIDES.—Funds made available under this sec-
17 tion in areas described in paragraphs (1)(A) or
18 (1)(B) shall count toward the set aside de-
19 scribed in the applicable paragraph.

20 “(C) COLONIA DEFINED.—In this sub-
21 section, the term ‘colonia’ means any identifi-
22 able community that—

23 “(i) is in the State of Arizona, Cali-
24 fornia, New Mexico, or Texas;

1 “(ii) is in the area of the United
2 States within 150 miles of the border be-
3 tween the United States and Mexico, ex-
4 cept that the term does not include any
5 standard metropolitan statistical area that
6 has a population exceeding 1,000,000; and

7 “(iii) is determined to be a colonia on
8 the basis of objective criteria, including
9 lack of potable water supply, lack of ade-
10 quate sewage systems, and lack of decent,
11 safe, and sanitary housing.

12 “(4) EXCESS FUNDING.—If the Secretary de-
13 termines that there are insufficient qualified appli-
14 cants to use the funds set aside under this sub-
15 section, the Secretary may use such funds for grants
16 for any projects eligible under this section.

17 “(f) EVALUATION.—To evaluate applications under
18 this section, the Secretary shall—

19 “(1) develop a process to objectively evaluate
20 applications on the benefits of the project proposed
21 in such application—

22 “(A) to transportation safety, including re-
23 ductions in traffic fatalities and serious injuries;

24 “(B) to state of good repair, including im-
25 proved condition of bridges and pavements;

1 “(C) to transportation system access, in-
2 cluding improved access to jobs and services;
3 and

4 “(D) in reducing greenhouse gas emis-
5 sions;

6 “(2) develop a rating system to assign a nu-
7 meric value to each application, based on each of the
8 criteria described in paragraph (1);

9 “(3) for each application submitted, compare
10 the total benefits of the proposed project, as deter-
11 mined by the rating system developed under para-
12 graph (2), with the costs of such project, and rank
13 each application based on the results of the compari-
14 son; and

15 “(4) ensure that only such applications that are
16 ranked highly based on the results of the comparison
17 conducted under paragraph (3) are considered to re-
18 ceive a grant under this section.

19 “(g) WEIGHTING.—In establishing the evaluation
20 process under subsection (f), the Secretary may assign dif-
21 ferent weights to the criteria described in subsection (f)(1)
22 based on project type, population served by a project, and
23 other context-sensitive considerations, provided that—

24 “(1) each application is rated on all criteria de-
25 scribed in subsection (f)(1); and

1 “(2) each application has the same possible
2 minimum and maximum rating, regardless of any
3 differences in the weighting of criteria.

4 “(h) TRANSPARENCY.—

5 “(1) PUBLICLY AVAILABLE INFORMATION.—

6 Prior to the issuance of any notice of funding oppor-
7 tunity under this section, the Secretary shall make
8 publicly available on the website of the Department
9 of Transportation a detailed explanation of the eval-
10 uation and rating process developed under sub-
11 section (f), including any differences in the
12 weighting of criteria pursuant to subsection (g), if
13 applicable, and update such website for each revision
14 of the evaluation and rating process.

15 “(2) NOTIFICATIONS TO CONGRESS.—The Sec-
16 retary shall submit to the Committee on Transpor-
17 tation and Infrastructure of the House of Represent-
18 atives, the Committee on Environment and Public
19 Works of the Senate, the Committee on Banking,
20 Housing, and Urban Affairs of the Senate, and the
21 Committee on Commerce, Science, and Transpor-
22 tation of the Senate the following written notifica-
23 tions:

1 “(A) A notification when the Secretary
2 publishes or updates the information required
3 under paragraph (1).

4 “(B) Not later than 30 days prior to the
5 date on which the Secretary awards a grant
6 under this section, a notification that in-
7 cludes—

8 “(i) the ratings of each application
9 submitted pursuant to subsection (f)(2);

10 “(ii) the ranking of each application
11 submitted pursuant to subsection (f)(3);
12 and

13 “(iii) a list of all applications that re-
14 ceive final consideration by the Secretary
15 to receive an award under this section pur-
16 suant to subsection (f)(4).

17 “(C) Not later than 3 business days prior
18 to the date on which the Secretary announces
19 the award of a grant under this section, a noti-
20 fication describing each grant to be awarded,
21 including the amount and the recipient.

22 “(i) TECHNICAL ASSISTANCE.—Of the amounts
23 made available to carry out this section, the Secretary may
24 reserve up to \$3,000,000 in each fiscal year to provide
25 technical assistance to eligible entities.

1 “(j) ADMINISTRATION.—Of the amounts made avail-
2 able to carry out this section, the Secretary may reserve
3 up to \$5,000,000 for the administrative costs of carrying
4 out the program under this section.

5 “(k) TREATMENT OF PROJECTS.—

6 “(1) FEDERAL REQUIREMENTS.—The Secretary
7 shall, with respect to a project funded by a grant
8 under this section, apply—

9 “(A) the requirements of this title to a
10 highway project;

11 “(B) the requirements of chapter 53 of
12 title 49 to a public transportation project; and

13 “(C) the requirements of section 22905 of
14 title 49 to a passenger rail or freight rail
15 project.

16 “(2) MULTIMODAL PROJECTS.—

17 “(A) IN GENERAL.—Except as otherwise
18 provided in this paragraph, if an eligible project
19 is a multimodal project, the Secretary shall—

20 “(i) determine the predominant modal
21 component of the project; and

22 “(ii) apply the applicable requirements
23 of such predominant modal component to
24 the project.

25 “(B) EXCEPTIONS.—

1 “(i) PASSENGER OR FREIGHT RAIL
2 COMPONENT.—For any passenger or
3 freight rail component of a project, the re-
4 quirements of section 22907(j)(2) of title
5 49 shall apply.

6 “(ii) PUBLIC TRANSPORTATION COM-
7 PONENT.—For any public transportation
8 component of a project, the requirements
9 of section 5333 of title 49 shall apply.

10 “(C) BUY AMERICA.—In applying the Buy
11 America requirements under section 313 of this
12 title and sections 5320, 22905(a), and 24305(f)
13 of title 49 to a multimodal project under this
14 paragraph, the Secretary shall—

15 “(i) consider the various modal com-
16 ponents of the project; and

17 “(ii) seek to maximize domestic jobs.

18 “(l) TRANSPARENCY.—

19 “(1) IN GENERAL.—Not later than 30 days
20 after awarding a grant for a project under this sec-
21 tion, the Secretary shall send to all applicants, and
22 publish on the website of the Department of Trans-
23 portation—

1 “(A) a summary of each application made
2 to the program for the grant application period;
3 and

4 “(B) the evaluation and justification for
5 the project selection, including ratings and
6 rankings assigned to all applications and a list
7 of applications that received final consideration
8 by the Secretary to receive an award under this
9 section, for the grant application period.

10 “(2) BRIEFING.—The Secretary shall provide,
11 at the request of a grant applicant under this sec-
12 tion, the opportunity to receive a briefing to explain
13 any reasons the grant applicant was not awarded a
14 grant.

15 “(m) DEFINITIONS.—In this section:

16 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
17 tity’ means—

18 “(A) a metropolitan planning organization;

19 “(B) a unit of local government;

20 “(C) a transit agency;

21 “(D) an Indian Tribe or Tribal organiza-
22 tion;

23 “(E) a multijurisdictional group of entities
24 described in this paragraph;

1 “(F) a special purpose district with a
2 transportation function or a port authority;

3 “(G) a territory; or

4 “(H) a State that applies for a grant
5 under this section jointly with an entity de-
6 scribed in subparagraphs (A) through (G).

7 “(2) ELIGIBLE PROJECT.—The term ‘eligible
8 project’ means any project eligible under this title or
9 chapter 53 of title 49.”.

10 (b) CLERICAL AMENDMENT.—The analysis for chap-
11 ter 1 of title 23, United States Code, is further amended
12 by adding at the end the following new item:

 “173. Community transportation investment grant program.”.

13 **SEC. 1303. CLEAN CORRIDORS PROGRAM.**

14 (a) PURPOSE.—The purpose of this section is to es-
15 tablish a formula program to strategically deploy electric
16 vehicle charging infrastructure along designated alter-
17 native fuel corridors that will be accessible to all drivers
18 of electric vehicles.

19 (b) NATIONAL ELECTRIC VEHICLE CHARGING AND
20 HYDROGEN, PROPANE, AND NATURAL GAS FUELING
21 CORRIDORS.—Section 151 of title 23, United States Code,
22 is amended—

23 (1) in subsection (a) by striking “Not later
24 than 1 year after the date of enactment of the

1 FAST Act, the Secretary shall” and inserting “The
2 Secretary shall periodically”;

3 (2) in subsection (b)(2) by inserting “previously
4 designated by the Federal Highway Administration
5 or” after “fueling corridors”;

6 (3) in subsection (d)—

7 (A) by striking “Not later than” and in-
8 serting the following:

9 “(1) IN GENERAL.—Not later than”;

10 (B) by striking “5 years after the date of
11 establishment of the corridors under subsection
12 (a), and every 5 years thereafter” and inserting
13 “180 days after the date of enactment of the
14 INVEST in America Act”;

15 (C) by inserting “establish a recurring
16 process to regularly” after “the Secretary
17 shall”; and

18 (D) by adding at the end the following:

19 “(2) FREIGHT CORRIDORS.—Not later than 1
20 year after the date of enactment of the INVEST in
21 America Act, the Secretary shall designate national
22 electric vehicle charging and hydrogen fueling freight
23 corridors that identify the near- and long-term need
24 for, and the location of, electric vehicle charging and
25 hydrogen fueling infrastructure to support freight

1 and goods movement at strategic locations along
2 major national highways, the National Highway
3 Freight Network, and goods movement locations in-
4 cluding ports, intermodal centers, and warehousing
5 locations.”;

6 (4) in subsection (e)—

7 (A) in paragraph (1) by striking “; and”
8 and inserting a semicolon;

9 (B) in paragraph (2)—

10 (i) by striking “establishes an aspira-
11 tional goal of achieving” and inserting “de-
12 scribes efforts to achieve”; and

13 (ii) by striking “by the end of fiscal
14 year 2020.” and inserting “, including
15 progress on the implementation of sub-
16 section (f); and”;

17 (C) by adding at the end the following:

18 “(3) summarizes best practices and provides
19 guidance, developed through consultation with the
20 Secretary of Energy, for project development of elec-
21 tric vehicle charging infrastructure to allow for the
22 predictable deployment of such infrastructure.”; and

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

24 “(f) CLEAN CORRIDORS PROGRAM.—

1 “(1) ESTABLISHMENT.—There is established a
2 clean corridors program (referred to in this sub-
3 section as the “Program”) to provide funding to
4 States to strategically deploy electric vehicle charg-
5 ing and hydrogen fueling infrastructure along alter-
6 native fuel corridors and to establish an inter-
7 connected network to facilitate data collection, ac-
8 cess, and reliability.

9 “(2) PURPOSE.—The purpose of the Program
10 is to provide funding for—

11 “(A) the acquisition and installation of
12 electric vehicle charging infrastructure and hy-
13 drogen fueling infrastructure to serve as a cata-
14 lyst for the deployment of such infrastructure
15 and to connect it to a network to facilitate data
16 collection, access, and reliability;

17 “(B) proper operation and maintenance of
18 electric vehicle charging infrastructure; and

19 “(C) data sharing about charging and fuel-
20 ing infrastructure to ensure the long-term suc-
21 cess of investments made through the Program.

22 “(3) ALTERNATIVE DISTRIBUTION OF FUNDS.—

23 “(A) PLAN.—

24 “(i) IN GENERAL.—The Secretary
25 shall establish a deadline by which a State

1 shall provide a plan to the Secretary, in
2 such form and such manner that the Sec-
3 retary requires, describing how such State
4 intends to use its allocation under this sec-
5 tion.

6 “(ii) REPORT OF STATE PLANS TO
7 CONGRESS.—Not later than 120 days after
8 the deadline established in clause (i), the
9 Secretary shall submit to the Committee
10 on Transportation and Infrastructure of
11 the House of Representatives and the
12 Committee on Environment and Public
13 Works of the Senate a report detailing—

14 “(I) a summary of each plan sub-
15 mitted by a State to the Department
16 of Transportation; and

17 “(II) an assessment of how such
18 plans make progress towards the es-
19 tablishment of a national network of
20 electric vehicle charging stations.

21 “(B) EFFICIENT OBLIGATION OF
22 FUNDS.—If a State fails to submit the plan re-
23 quired by subparagraph (A) to the Secretary in
24 a timely manner, or if the Secretary determines

1 a State has not taken sufficient action to carry
2 out its plan, the Secretary may—

3 “(i) withdraw from the State the
4 funds that were apportioned to the State
5 for a fiscal year under section 104(b)(10);

6 “(ii) award such funds on a competi-
7 tive basis to local units of government
8 within the State for use on projects that
9 meet the eligibility requirements described
10 in paragraph (4); and

11 “(iii) ensure timely obligation of such
12 funds.

13 “(C) REDISTRIBUTION AMONG STATES.—If
14 the Secretary determines that any funds with-
15 drawn from a State under subparagraph (B)(i)
16 cannot be fully awarded to local units of gov-
17 ernment within the State under subparagraph
18 (B)(ii) in a manner consistent with the purpose
19 of this subsection, any such funds remaining
20 under subparagraph (B)(i) shall be—

21 “(i) apportioned among other States
22 (except States for which funds for that fis-
23 cal year have been withdrawn under sub-
24 paragraph (B)(i)) in the same ratio as
25 funds apportioned for that fiscal year

1 under section 104(b)(10)(C) for the Pro-
2 gram; and

3 “(ii) only available to carry out this
4 section.

5 “(4) ELIGIBLE PROJECTS.—

6 “(A) IN GENERAL.—Funding made avail-
7 able under this subsection shall be for
8 projects—

9 “(i) directly related to the electric
10 charging or hydrogen fueling of a vehicle;
11 and

12 “(ii) only for infrastructure that is
13 open to the general public or to authorized
14 commercial motor vehicle operators from
15 more than 1 company.

16 “(B) LOCATION OF INFRASTRUCTURE.—

17 “(i) IN GENERAL.—Any charging or
18 fueling infrastructure acquired or installed
19 with funding under this subsection shall be
20 located along an alternative fuel corridor.

21 “(ii) GUIDANCE.—Not later than 90
22 days after the date of enactment of the
23 INVEST in America Act, the Secretary of
24 Transportation, in coordination with the
25 Secretary of Energy, shall develop guid-

1 ance for States and localities to strategi-
2 cally deploy charging and fueling infra-
3 structure along alternative fuel corridors,
4 consistent with this section.

5 “(iii) ADDITIONAL CONSIDER-
6 ATIONS.—In developing the guidance re-
7 quired under clause (ii), the Secretary of
8 Transportation, in coordination with the
9 Secretary of Energy, shall consider, as ap-
10 propriate—

11 “(I) the distance between publicly
12 available charging and fueling infra-
13 structure eligible under this section;

14 “(II) connections to the electric
15 grid or fuel distribution system, in-
16 cluding electric distribution upgrades,
17 vehicle-to-grid integration, including
18 smart charge management or other
19 protocols that can minimize impacts
20 to the electric grid, and alignment
21 with electric distribution interconnec-
22 tion processes;

23 “(III) meeting current and an-
24 ticipated market demands for charg-
25 ing or fueling infrastructure, including

1 with regard to power levels and charg-
2 ing speed, and minimizing the time to
3 charge or refuel current and antici-
4 pated vehicles;

5 “(IV) plans to protect the electric
6 grid from added load of charging dis-
7 tribution systems from adverse im-
8 pacts of changing load patterns, in-
9 cluding through on site storage;

10 “(V) plans for the use of renew-
11 able energy sources to power charg-
12 ing, energy storage, and hydrogen fuel
13 production;

14 “(VI) the proximity of existing
15 off-highway travel centers, fuel retail-
16 ers, and small businesses to electric
17 vehicle charging infrastructure ac-
18 quired or funded under this sub-
19 section, including recommendations
20 for promoting efficient dwell times
21 based on best practices;

22 “(VII) the need for—

23 “(aa) publicly available elec-
24 tric vehicle charging infrastruc-
25 ture in rural corridors;

1 “(bb) equitable deployment
2 of electric vehicle charging infra-
3 structure in underserved or dis-
4 advantaged communities;

5 “(cc) vehicle charging infra-
6 structure that is easily accessible
7 to residents of public or afford-
8 able housing and multi-unit
9 dwellings; and

10 “(dd) consideration of the
11 beneficial health impacts of in-
12 stalling electric vehicle charging
13 infrastructure in densely popu-
14 lated communities with high
15 rates of poverty, air pollution,
16 and asthma;

17 “(VIII) the long-term operation
18 and maintenance of publicly available
19 electric vehicle charging infrastructure
20 to avoid stranded assets and protect
21 the investment of public funds in that
22 infrastructure;

23 “(IX) existing private, national,
24 State, local, Tribal, and territorial
25 government electric vehicle charging

1 infrastructure programs and incen-
2 tives;

3 “(X) fostering enhanced, coordi-
4 nated, public-private or private invest-
5 ment in charging and fueling infra-
6 structure;

7 “(XI) ensuring consumer protec-
8 tion and pricing transparency;

9 “(XII) the availability of onsite
10 amenities for vehicle operators, includ-
11 ing restrooms or food facilities; and

12 “(XIII) any other factors, as de-
13 termined by the Secretary.

14 “(5) ELIGIBLE PROJECT COSTS.—Subject to
15 paragraph (6), funds made available under this sub-
16 section may be used for—

17 “(A) the acquisition or installation of elec-
18 tric vehicle charging or hydrogen fueling infra-
19 structure;

20 “(B) operating assistance for costs allo-
21 cable to operating and maintaining infrastruc-
22 ture acquired or installed under this subsection,
23 for a period not to exceed five years;

24 “(C) the acquisition or installation of traf-
25 fic control devices located in the right-of-way to

1 provide directional information to infrastructure
2 acquired, installed, or operated under this sub-
3 section; or

4 “(D) on-premises signs to provide informa-
5 tion about infrastructure acquired, installed, or
6 operated under this subsection.

7 “(6) PROJECT REQUIREMENTS.—Not later than
8 180 days after the date of enactment of the IN-
9 VEST in America Act, the Secretary of Transpor-
10 tation, in coordination with the Secretary of Energy
11 and in consultation with relevant stakeholders, shall,
12 as appropriate, develop standards and requirements
13 for electric vehicle charging infrastructure under this
14 subsection related to—

15 “(A) the installation, operation, or mainte-
16 nance by qualified technicians of electric vehicle
17 charging infrastructure funded under this sub-
18 section;

19 “(B) the interoperability of electric vehicle
20 charging infrastructure funded under this sub-
21 section;

22 “(C) any traffic control device or on-prem-
23 ises sign acquired, installed, or operated under
24 this subsection;

1 “(D) any data requested by the Secretary
2 related to a project funded under this sub-
3 section, including the format and schedule for
4 the submission of such data;

5 “(E) network connectivity of electric vehi-
6 cle charging infrastructure funded under this
7 subsection that includes measures to protect
8 personal privacy and ensure cybersecurity; and

9 “(F) information on publicly available elec-
10 tric vehicle charging station locations, station
11 operator contact information, number of simul-
12 taneous refueling positions, pricing, and real-
13 time availability to be made publicly available
14 and easily accessible, including through applica-
15 ble mapping applications.

16 “(7) FEDERAL SHARE.—The Federal share
17 payable for the cost of a project funded under this
18 subsection shall be 80 percent.

19 “(8) PERIOD OF AVAILABILITY.—Notwith-
20 standing section 118(b), funds made available for
21 the Program shall be available until expended.

22 “(9) ADDITIONAL ASSISTANCE GRANTS.—For
23 each of fiscal years 2023 through 2026, before mak-
24 ing an apportionment under section 104(b)(10), the
25 Secretary shall set aside, from amounts made avail-

1 able to carry out the clean corridors program under
2 this subsection, \$100,000,000 for grants to States
3 or localities that require additional assistance to
4 strategically deploy infrastructure eligible under this
5 subsection along alternative fuel corridors to fill
6 gaps in the national charging network, including in
7 rural areas and underserved or disadvantaged com-
8 munities.

9 “(10) DEFINITION OF ALTERNATIVE FUEL COR-
10 RIDORS.—In this subsection, the term ‘alternative
11 fuel corridors’ means a fuel corridor—

12 “(A) designated under subsection (a); or

13 “(B) equivalent to a fuel corridor described
14 under such subsection that is designated, after
15 consultation with any affected Indian Tribes or
16 Tribal organizations, by a State or group of
17 States.”.

18 **SEC. 1304. COMMUNITY CLIMATE INNOVATION GRANTS.**

19 (a) IN GENERAL.—Chapter 1 of title 23, United
20 States Code, as amended by this title, is further amended
21 by inserting after section 171 the following:

22 **“§ 172. Community climate innovation grants**

23 “(a) ESTABLISHMENT.—The Secretary shall estab-
24 lish a community climate innovation grant program (in
25 this section referred to as the ‘Program’) to make grants,

1 on a competitive basis, for locally selected projects that
2 reduce greenhouse gas emissions while improving the mo-
3 bility, accessibility, and connectivity of the surface trans-
4 portation system.

5 “(b) PURPOSE.—The purpose of the Program shall
6 be to support communities in reducing greenhouse gas
7 emissions from the surface transportation system.

8 “(c) ELIGIBLE APPLICANTS.—The Secretary may
9 make grants under the Program to the following entities:

10 “(1) A metropolitan planning organization.

11 “(2) A unit of local government or a group of
12 local governments, or a county or multi-county spe-
13 cial district.

14 “(3) A subdivision of a local government.

15 “(4) A transit agency.

16 “(5) A special purpose district with a transpor-
17 tation function or a port authority.

18 “(6) An Indian Tribe or Tribal organization.

19 “(7) A territory.

20 “(8) A multijurisdictional group of entities de-
21 scribed in paragraphs (1) through (7).

22 “(d) APPLICATIONS.—To be eligible for a grant
23 under the Program, an entity specified in subsection (c)
24 shall submit to the Secretary an application in such form,

1 at such time, and containing such information as the Sec-
2 retary determines appropriate.

3 “(e) ELIGIBLE PROJECTS.—The Secretary may only
4 provide a grant under the Program for a project that is
5 expected to yield a significant reduction in greenhouse gas
6 emissions from the surface transportation system and—

7 “(1) is a project eligible for assistance under
8 this title or under chapter 53 of title 49, or is a cap-
9 ital project for vehicles and facilities, whether pub-
10 licly or privately owned, that are used to provide
11 intercity passenger service by bus; or

12 “(2) is a capital project as defined in section
13 22906 of title 49 to improve intercity passenger rail
14 that will yield a significant reduction in single occu-
15 pant vehicle trips and improve mobility on public
16 roads.

17 “(f) ELIGIBLE USES.—Grant amounts received for a
18 project under the Program may be used for—

19 “(1) development phase activities, including
20 planning, feasibility analysis, revenue forecasting,
21 environmental review, preliminary engineering and
22 design work, and other preconstruction activities;
23 and

24 “(2) construction, reconstruction, rehabilitation,
25 acquisition of real property (including land related

1 to the project and improvements to the land), envi-
2 ronmental mitigation, construction contingencies, ac-
3 quisition of equipment, and operational improve-
4 ments.

5 “(g) PROJECT PRIORITIZATION.—In making grants
6 for projects under the Program, the Secretary shall give
7 priority to projects that are expected to yield the most sig-
8 nificant reductions in greenhouse gas emissions from the
9 surface transportation system.

10 “(h) ADDITIONAL CONSIDERATIONS.—In making
11 grants for projects under the Program, the Secretary shall
12 consider the extent to which—

13 “(1) a project maximizes greenhouse gas reduc-
14 tions in a cost-effective manner;

15 “(2) a project reduces dependence on single-oc-
16 cupant vehicle trips or provides additional transpor-
17 tation options;

18 “(3) a project improves the connectivity and ac-
19 cessibility of the surface transportation system, par-
20 ticularly to low- and zero-emission forms of trans-
21 portation, including public transportation, walking,
22 and bicycling;

23 “(4) an applicant has adequately considered or
24 will adequately consider, including through the op-

1 portunity for public comment, the environmental jus-
2 tice and equity impacts of the project;

3 “(5) a project contributes to geographic diver-
4 sity among grant recipients, including to achieve a
5 balance between urban, suburban, and rural commu-
6 nities;

7 “(6) a project serves low-income residents of
8 low-income communities, including areas of per-
9 sistent poverty, while not displacing such residents;

10 “(7) a project uses pavement materials that
11 demonstrate reductions in greenhouse gas emissions
12 through sequestration or innovative manufacturing
13 processes;

14 “(8) a project repurposes neglected or
15 underused infrastructure, including abandoned high-
16 ways, bridges, railways, trail ways, and adjacent
17 underused spaces, into new hybrid forms of public
18 space that support multiple modes of transportation;
19 and

20 “(9) a project includes regional multimodal
21 transportation system management and operations
22 elements that will improve the effectiveness of such
23 project and encourage reduction of single occupancy
24 trips by providing the ability of users to plan, use,
25 and pay for multimodal transportation alternatives.

1 “(i) FUNDING.—

2 “(1) MAXIMUM AMOUNT.—The maximum
3 amount of a grant under the Program shall be
4 \$25,000,000.

5 “(2) TECHNICAL ASSISTANCE.—Of the amounts
6 made available to carry out the Program, the Sec-
7 retary may use up to 1 percent to provide technical
8 assistance to applicants and potential applicants.

9 “(j) TREATMENT OF PROJECTS.—

10 “(1) FEDERAL REQUIREMENTS.—The Secretary
11 shall, with respect to a project funded by a grant
12 under this section, apply—

13 “(A) the requirements of this title to a
14 highway project;

15 “(B) the requirements of chapter 53 of
16 title 49 to a public transportation project; and

17 “(C) the requirements of section 22905 of
18 title 49 to a passenger rail or freight rail
19 project.

20 “(2) MULTIMODAL PROJECTS.—

21 “(A) IN GENERAL.—Except as otherwise
22 provided in this paragraph, if an eligible project
23 is a multimodal project, the Secretary shall—

24 “(i) determine the predominant modal
25 component of the project; and

1 “(ii) apply the applicable requirements
2 of such predominant modal component to
3 the project.

4 “(B) EXCEPTIONS.—

5 “(i) PASSENGER OR FREIGHT RAIL
6 COMPONENT.—For any passenger or
7 freight rail component of a project, the re-
8 quirements of section 22907(j)(2) of title
9 49 shall apply.

10 “(ii) PUBLIC TRANSPORTATION COM-
11 PONENT.—For any public transportation
12 component of a project, the requirements
13 of section 5333 of title 49 shall apply.

14 “(C) BUY AMERICA.—In applying the Buy
15 America requirements under section 313 of this
16 title and sections 5320, 22905(a), and 24305(f)
17 of title 49 to a multimodal project under this
18 paragraph, the Secretary shall—

19 “(i) consider the various modal com-
20 ponents of the project; and

21 “(ii) seek to maximize domestic jobs.

22 “(k) SINGLE-OCCUPANCY VEHICLE HIGHWAY FA-
23 CILITIES.—None of the funds provided under this section
24 may be used for a project that will result in the construc-
25 tion of new capacity available to single occupant vehicles

1 unless the project consists of a high-occupancy vehicle fa-
2 cility and is consistent with section 166.

3 “(l) PUBLIC COMMENT.—Prior to issuing the notice
4 of funding opportunity for funding under this section for
5 fiscal year 2023, the Secretary, in consultation with the
6 Administrator of the Environmental Protection Agency,
7 shall solicit public comment on the method of determining
8 the significant reduction in greenhouse gas emissions re-
9 quired under subsection (e).

10 “(m) CONSULTATION.—Prior to making an award
11 under this section in a given fiscal year, the Secretary
12 shall consult with the Administrator of the Environmental
13 Protection Agency to determine which projects are ex-
14 pected to yield a significant reduction in greenhouse gas
15 emissions as required under subsection (e).

16 “(n) RURAL SET-ASIDE.—

17 “(1) IN GENERAL.—The Secretary shall set
18 aside not less than 10 percent of the amounts made
19 available to carry out this section for projects lo-
20 cated in rural areas.

21 “(2) DEFINITION OF RURAL AREA.—In this
22 subsection, the term ‘rural area’ means all areas of
23 a State or territory that are outside of an urbanized
24 area with a population greater than 74,999 individ-
25 uals, as determined by the Bureau of the Census.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 1 of title 23, United States Code, is amended by insert-
3 ing after the item relating to section 171 the following:
“172. Community climate innovation grants.”.

4 **SEC. 1305. METRO PERFORMANCE PROGRAM.**

5 (a) ESTABLISHMENT.—The Secretary of Transpor-
6 tation shall establish a metro performance program in ac-
7 cordance with this section to enhance local decision mak-
8 ing and provide enhanced local control in transportation
9 project delivery.

10 (b) DIRECT RECIPIENT DESIGNATION.—

11 (1) IN GENERAL.—The Secretary shall des-
12 ignate high-performing metropolitan planning orga-
13 nizations and units of local government based on the
14 criteria in paragraph (3) to be direct recipients of
15 funds under this section.

16 (2) AUTHORITY.—Nothing in this section shall
17 be construed to prohibit a direct recipient from tak-
18 ing any action otherwise authorized to secure and
19 expend Federal funds authorized under chapter 1 of
20 title 23, United States Code.

21 (3) CRITERIA.—In designating an applicant
22 under this subsection, the Secretary shall consider,
23 where applicable—

24 (A) the legal, financial, and technical ca-
25 pacity of the applicant;

1 (B) the level of coordination between the
2 applicant and—

3 (i) the State department of transpor-
4 tation of the State or States in which the
5 metropolitan planning area or unit of local
6 government represented by the applicant is
7 located;

8 (ii) local governments, the metropoli-
9 tan planning organization, and providers of
10 public transportation within the area rep-
11 resented by the applicant; and

12 (iii) if more than one metropolitan
13 planning organization is designated within
14 an urbanized area represented by the ap-
15 plicant, any other such metropolitan plan-
16 ning organization;

17 (C) in the case of an applicant that rep-
18 represents an urbanized area population of greater
19 than 200,000, the effectiveness of project deliv-
20 ery and timely obligation of funds made avail-
21 able under section 133(d)(1)(A)(i) of title 23,
22 United States Code;

23 (D) if the applicant or a local government
24 within the metropolitan planning area that the
25 applicant represents has been the recipient of a

1 discretionary grant from the Secretary within
2 the preceding 5 years, the administration of
3 such grant;

4 (E) the extent to which the planning and
5 decision making process of the applicant, in-
6 cluding the long-range transportation plan and
7 the approved transportation improvement pro-
8 gram under section 134 of such title, support—

9 (i) the performance goals established
10 under section 150(b) of such title; and

11 (ii) the achievement of metropolitan
12 or statewide performance targets estab-
13 lished under section 150(d) of such title;

14 (F) whether the applicant is a designated
15 recipient of funds as described under subpara-
16 graphs (A) and (B) of section 5302(4) of title
17 49, United States Code, or a direct recipient of
18 funds under section 5307 of such title from the
19 Federal Transit Administration;

20 (G) if the applicant is a unit of local gov-
21 ernment, whether the applicable metropolitan
22 planning organization has been designated as a
23 direct recipient; and

24 (H) any other criteria established by the
25 Secretary.

1 (4) REQUIREMENTS.—

2 (A) CALL FOR NOMINATION.—Not later
3 than February 1, 2022, the Secretary shall
4 publish in the Federal Register a notice solie-
5 citing applications for designation under this
6 subsection.

7 (B) GUIDANCE.—The notification under
8 paragraph (1) shall include guidance on the re-
9 quirements and responsibilities of a direct re-
10 cipient under this section, including imple-
11 menting regulations.

12 (C) DETERMINATION.—The Secretary
13 shall make all designations under this section
14 for fiscal year 2023 not later than June 1,
15 2022.

16 (5) TERM.—Except as provided in paragraph
17 (6), a designation under this subsection shall—

18 (A) be for a period of not less than 5
19 years; and

20 (B) be renewable.

21 (6) TERMINATION.—

22 (A) IN GENERAL.—The Secretary shall es-
23 tablish procedures for the termination of a des-
24 igation under this subsection.

1 (B) CONSIDERATIONS.—In establishing
2 procedures under subparagraph (A), the Sec-
3 retary shall consider—

4 (i) with respect to projects carried out
5 under this section, compliance with the re-
6 quirements of title 23, United States Code,
7 or chapter 53 of title 49, United States
8 Code; and

9 (ii) the obligation rate of any funds—

10 (I) made available under this sec-
11 tion; and

12 (II) in the case of a metropolitan
13 planning organization that represents
14 a metropolitan planning area with an
15 urbanized area population of greater
16 than 200,000, made available under
17 section 133(d)(1)(A)(i) of title 23,
18 United States Code.

19 (c) USE OF FUNDS.—

20 (1) ELIGIBLE PROJECTS.—Funds made avail-
21 able under this section may be obligated for the pur-
22 poses described in section 133(b) or 148 of title 23,
23 United States Code.

24 (2) ADMINISTRATIVE EXPENSES AND TECH-
25 NICAL ASSISTANCE.—Of the amounts made available

1 under this section, the Secretary may set aside not
2 more than \$5,000,000 for each fiscal year in each
3 of fiscal years 2023 through 2026 for program man-
4 agement, oversight, and technical assistance to di-
5 rect recipients.

6 (d) RESPONSIBILITIES OF DIRECT RECIPIENTS.—

7 (1) DIRECT AVAILABILITY OF FUNDS.—Not-
8 withstanding title 23, United States Code, the
9 amounts made available under this section shall be
10 allocated to each direct recipient for obligation.

11 (2) DISTRIBUTION OF AMOUNTS AMONG DIRECT
12 RECIPIENTS.—

13 (A) IN GENERAL.—Subject to subpara-
14 graph (B), on the first day of the fiscal year for
15 which funds are made available under this sec-
16 tion, the Secretary shall allocate such funds to
17 each direct recipient as the proportion of the
18 population (as determined by data collected by
19 the Bureau of the Census) of the urbanized
20 area represented by any 1 direct recipient bears
21 to the total population of all of urbanized areas
22 represented by all direct recipients.

23 (B) MINIMUM AND MAXIMUM AMOUNTS.—

24 Of funds allocated to direct recipients under
25 subparagraph (A), each direct recipient shall re-

1 ceive not less than \$10,000,000 and not more
2 than \$50,000,000 each fiscal year.

3 (C) MINIMUM GUARANTEED AMOUNT.—In
4 making a determination whether to designate a
5 metropolitan planning organization or unit of
6 local government as a direct recipient under
7 subsection (b), the Secretary shall ensure that
8 each direct recipient receives the minimum re-
9 quired allocation under subparagraph (B).

10 (D) ADDITIONAL AMOUNTS.—If any
11 amounts remain undistributed after the dis-
12 tribution described in this subsection, such re-
13 maining amounts and an associated amount of
14 obligation limitation shall be made available as
15 if suballocated under clauses (i) and (ii) of sec-
16 tion 133(d)(1)(A) of title 23, United States
17 Code, and distributed among the States in the
18 proportion that the relative shares of the popu-
19 lation (as determined by data collected by the
20 Bureau of the Census) of the urbanized areas
21 of each State bears to the total populations of
22 all urbanized areas across all States.

23 (3) PROJECT DELIVERY.—

24 (A) IN GENERAL.—For 1 or more projects
25 carried out with funds provided under this sec-

1 tion, the direct recipient may, consistent with
2 the agreement entered into with the Secretary
3 under this paragraph, assume the Federal-aid
4 highway project approval and oversight respon-
5 sibilities vested in the State department of
6 transportation under section 106 of title 23,
7 United States Code.

8 (B) PARTNERSHIP.—The direct recipient
9 may partner with a State, unit of local govern-
10 ment, regional entity, or transit agency to carry
11 out a project under this section.

12 (C) PROCEDURAL, LEGAL, AND SUB-
13 STANTIVE REQUIREMENTS.—A direct recipient
14 entering into an agreement with the Secretary
15 under this section shall assume responsibility
16 for compliance with all procedural and sub-
17 stantive requirements as would apply if that re-
18 sponsibility were carried out by a State, unless
19 the direct recipient or the Secretary determines
20 that such assumption of responsibility for 1 or
21 more of the procedural and substantive require-
22 ments is not appropriate.

23 (D) WRITTEN AGREEMENT.—The Sec-
24 retary and the direct recipient shall enter into
25 an agreement in writing relating to the extent

1 to which the direct recipient assumes the re-
2 sponsibilities of the Secretary under this para-
3 graph. Such agreement shall be developed in
4 consultation with the State.

5 (E) USE OF FUNDS.—The direct recipient
6 may use amounts made available under this
7 section for costs incurred in implementing this
8 paragraph and to compensate a State, unit of
9 local government, or transit agency for costs in-
10 curred in providing assistance under this para-
11 graph.

12 (F) LIMITATIONS.—The direct recipient
13 may not assume responsibilities described in
14 subparagraph (A) for any project that the Sec-
15 retary determines to be in a high-risk category,
16 including projects on the National Highway
17 System.

18 (G) SELF-CERTIFICATION AND COMPLI-
19 ANCE.—The Secretary may conduct risk-based
20 stewardship and oversight of a direct recipient's
21 performance of the assumed responsibilities
22 specified in the agreement under subparagraph
23 (D), as determined appropriate by the Sec-
24 retary.

25 (e) EXPENDITURE OF FUNDS.—

1 (1) CONSISTENCY WITH METROPOLITAN PLAN-
2 NING.—Except as otherwise provided in this section,
3 programming and expenditure of funds for projects
4 under this section shall be consistent with the re-
5 quirements of section 134 of title 23, United States
6 Code, and section 5303 of title 49, United States
7 Code.

8 (2) SELECTION OF PROJECTS.—

9 (A) IN GENERAL.—Notwithstanding sub-
10 sections (j)(5) and (k)(4) of section 134 of title
11 23, United States Code, or subsections (j)(5)
12 and (k)(4) of section 5303 of title 49, United
13 States Code, a direct recipient shall select, from
14 the approved transportation improvement pro-
15 gram under such sections, all projects to be
16 funded under this section, including projects on
17 the National Highway System.

18 (B) ELIGIBLE PROJECTS.—The project se-
19 lection process described in this subsection shall
20 apply to all federally funded projects within the
21 boundaries of a metropolitan planning area or
22 unit of local government served by a direct re-
23 cipient that are carried out under this section.

1 (C) CONSULTATION REQUIRED.—In select-
2 ing a project under this subsection, the direct
3 recipient shall consult with—

4 (i) in the case of a highway project,
5 the State and locality in which such project
6 is located; and

7 (ii) in the case of a transit project,
8 any affected public transportation oper-
9 ator.

10 (3) RULE OF CONSTRUCTION.—Nothing in this
11 section shall be construed to limit the ability of a di-
12 rect recipient to partner with a State department of
13 transportation or other recipient of Federal funds
14 under title 23, United States Code, or chapter 53 of
15 title 49, United States Code, to carry out a project.

16 (f) TREATMENT OF FUNDS.—

17 (1) IN GENERAL.—Except as provided in this
18 section, funds made available to carry out this sec-
19 tion shall be administered as if apportioned under
20 chapter 1 of title 23, United States Code.

21 (2) FEDERAL SHARE.—The Federal share of
22 the cost of a project carried out under this section
23 shall be determined in accordance with section 120
24 of title 23, United States Code.

25 (g) REPORT.—

1 (1) DIRECT RECIPIENT REPORT.—Not later
2 than 60 days after the end of each fiscal year, each
3 direct recipient shall submit to the Secretary a re-
4 port that includes—

5 (A) a list of projects funded with amounts
6 provided under this section;

7 (B) a description of any obstacles to com-
8 plete projects or timely obligation of funds; and

9 (C) recommendations to improve the effec-
10 tiveness of the program under this section.

11 (2) REPORT TO CONGRESS.—Not later than Oc-
12 tober 1, 2024, the Secretary shall submit to the
13 Committee on Environment and Public Works of the
14 Senate and the Committee on Transportation and
15 Infrastructure of the House of Representatives a re-
16 port that—

17 (A) summarizes the findings of each direct
18 recipient provided under paragraph (1);

19 (B) describes the efforts undertaken by
20 both direct recipients and the Secretary to en-
21 sure compliance with the requirements of title
22 23 and chapter 53 of title 49, United States
23 Code;

1 (C) analyzes the capacity of direct recipi-
2 ents to receive direct allocations of funds under
3 chapter 1 of title 23, United States Code; and

4 (D) provides recommendations from the
5 Secretary to—

6 (i) improve the administration, over-
7 sight, and performance of the program es-
8 tablished under this section;

9 (ii) improve the effectiveness of direct
10 recipients to complete projects and obligate
11 funds in a timely manner; and

12 (iii) evaluate options to expand the
13 authority provided under this section, in-
14 cluding to allow for the direct allocation to
15 metropolitan planning organizations or
16 units of local government of funds made
17 available to carry out clause (i) or (ii) of
18 section 133(d)(1)(A) of title 23, United
19 States Code.

20 (3) UPDATE.—Not less frequently than every 2
21 years, the Secretary shall update the report de-
22 scribed in paragraph (2).

23 (h) DEFINITIONS.—

24 (1) DIRECT RECIPIENT.—In this section, the
25 term “direct recipient” means a metropolitan plan-

1 ning organization or unit of local government des-
2 ignated by the Secretary as high-performing under
3 subsection (b) and that was directly allocated funds
4 as described in subsection (d).

5 (2) METROPOLITAN PLANNING AREA.—The
6 term “metropolitan planning area” has the meaning
7 given such term in section 134 of title 23, United
8 States Code.

9 (3) METROPOLITAN PLANNING ORGANIZA-
10 TION.—The term “metropolitan planning organiza-
11 tion” has the meaning given such term in section
12 134 of title 23, United States Code.

13 (4) NATIONAL HIGHWAY SYSTEM.—The term
14 “National Highway System” has the meaning given
15 such term in section 101 of title 23, United States
16 Code.

17 (5) STATE.—The term “State” has the mean-
18 ing given such term in section 101 of title 23,
19 United States Code.

20 (6) URBANIZED AREA.—The term “urbanized
21 area” has the meaning given such term in section
22 134 of title 23, United States Code.

23 **SEC. 1306. GRIDLOCK REDUCTION GRANT PROGRAM.**

24 (a) ESTABLISHMENT.—The Secretary of Transpor-
25 tation shall establish a gridlock reduction program to

1 make grants, on a competitive basis, for projects to re-
2 duce, and mitigate the adverse impacts of, traffic conges-
3 tion.

4 (b) APPLICATIONS.—To be eligible for a grant under
5 this section, an applicant shall submit to the Secretary an
6 application in such form, at such time, and containing
7 such information as the Secretary determines appropriate.

8 (c) ELIGIBILITY.—

9 (1) ELIGIBLE APPLICANTS.—The Secretary
10 may make grants under this section to an applicant
11 that serves an eligible area and that is—

12 (A) a metropolitan planning organization;

13 (B) a unit of local government or a group
14 of local governments;

15 (C) a multijurisdictional group of entities
16 described in subparagraphs (A) and (B);

17 (D) a special purpose district or public au-
18 thority with a transportation function, including
19 a port authority; or

20 (E) a State that is in partnership with an
21 entity or group of entities described in subpara-
22 graph (A), (B), or (C).

23 (2) ELIGIBLE AREA.—An eligible area for an el-
24 igible entity under paragraph (1) shall be—

1 (A) a combined statistical area, as defined
2 by the Office of Management and Budget, with
3 a population of not less than 1,300,000; or

4 (B) a metropolitan statistical area that is
5 not part of a combined statistical area, as de-
6 fined by the Office of Management and Budget,
7 that has a population of not less than 750,000.

8 (d) ELIGIBLE PROJECTS.—The Secretary may award
9 grants under this section to applicants that submit a com-
10 prehensive program of surface transportation-related
11 projects to reduce traffic congestion and related adverse
12 impacts, including a project for one or more of the fol-
13 lowing:

14 (1) Transportation systems management and
15 operations, including strategies to improve the oper-
16 ations of high-occupancy vehicle lanes.

17 (2) Intelligent transportation systems to im-
18 prove connectivity and innovation.

19 (3) Real-time traveler information.

20 (4) Traffic incident management.

21 (5) Active traffic management.

22 (6) Traffic signal timing.

23 (7) Multimodal travel payment systems.

24 (8) Transportation demand management, in-
25 cluding employer-based commuting programs such

1 as carpool, vanpool, transit benefit, parking cashout,
2 shuttle, or telework programs.

3 (9) A project to provide transportation options
4 to reduce traffic congestion, including—

5 (A) a project under chapter 53 of title 49,
6 United States Code, including value capture
7 and transit-oriented development projects;

8 (B) a bicycle or pedestrian project, includ-
9 ing a project to provide safe and connected ac-
10 tive transportation networks; and

11 (C) a surface transportation project car-
12 ried out in accordance with the national travel
13 and tourism infrastructure strategic plan under
14 section 1431(e) of the FAST Act (49 U.S.C.
15 301 note).

16 (10) Any other project, as determined appro-
17 priate by the Secretary utilizing eligible projects.

18 (e) AWARD PRIORITIZATION.—

19 (1) IN GENERAL.—In selecting grants under
20 this section, the Secretary shall prioritize applicants
21 serving urbanized areas, as described in subsection
22 (c), that are experiencing a high degree of recurrent
23 transportation congestion, as determined by the Sec-
24 retary.

1 (2) ADDITIONAL CONSIDERATIONS.—In select-
2 ing grants under this section, the Secretary shall
3 also consider the extent to which the project
4 would—

5 (A) reduce traffic congestion and improve
6 the reliability of the surface transportation sys-
7 tem;

8 (B) mitigate the adverse impacts of traffic
9 congestion on the surface transportation sys-
10 tem, including safety and environmental im-
11 pacts;

12 (C) maximize the use of existing capacity;
13 and

14 (D) employ innovative, integrated, and
15 multimodal solutions to the items described in
16 subparagraphs (A), (B), and (C).

17 (f) FEDERAL SHARE.—

18 (1) IN GENERAL.—The Federal share of the
19 cost of a project carried out under this section may
20 not exceed 60 percent.

21 (2) MAXIMUM FEDERAL SHARE.—Federal as-
22 sistance other than a grant for a project under this
23 section may be used to satisfy the non-Federal share
24 of the cost of such project, except that the total Fed-
25 eral assistance provided for a project receiving a

1 grant under this section may not exceed 80 percent
2 of the total project cost.

3 (g) USE OF FUNDS.—Funds made available for a
4 project under this section may be used for—

5 (1) development phase activities, including plan-
6 ning, feasibility analysis, revenue forecasting, envi-
7 ronmental review, preliminary engineering and de-
8 sign work, and other preconstruction activities; and

9 (2) construction, reconstruction, rehabilitation,
10 acquisition of real property (including land related
11 to the project and improvements to the land), envi-
12 ronmental mitigation, construction contingencies, ac-
13 quisition of equipment, and operational improve-
14 ments.

15 (h) FUNDING.—

16 (1) GRANT AMOUNT.—A grant under this sec-
17 tion shall be in an amount not less than
18 \$10,000,000 and not more than \$50,000,000.

19 (2) AVAILABILITY.—Funds made available
20 under this program shall be available until expended.

21 (i) FREIGHT PROJECT SET-ASIDE.—

22 (1) IN GENERAL.—The Secretary shall set aside
23 not less than 50 percent of the funds made available
24 to carry out this section for grants for freight
25 projects under this subsection.

1 (2) ELIGIBLE USES.—The Secretary shall pro-
2 vide funds set aside under this subsection to appli-
3 cants that submit a comprehensive program of sur-
4 face transportation-related projects to reduce
5 freight-related traffic congestion and related adverse
6 impacts, including—

7 (A) freight intelligent transportation sys-
8 tems;

9 (B) real-time freight parking information;

10 (C) real-time freight routing information;

11 (D) freight transportation and delivery
12 safety projects;

13 (E) first-mile and last-mile delivery solu-
14 tions;

15 (F) shifting freight delivery to off-peak
16 travel times;

17 (G) reducing greenhouse gas emissions and
18 air pollution from freight transportation and
19 delivery, including through the use of innovative
20 vehicles that produce fewer greenhouse gas
21 emissions;

22 (H) use of centralized delivery locations;

23 (I) designated freight vehicle parking and
24 staging areas;

25 (J) curb space management; and

1 (K) other projects, as determined appro-
2 priate by the Secretary.

3 (3) AWARD PRIORITIZATION.—

4 (A) IN GENERAL.—In providing funds set
5 aside under this section, the Secretary shall
6 prioritize applicants serving urbanized areas, as
7 described in subsection (c), that are experi-
8 encing a high degree of recurrent congestion
9 due to freight transportation, as determined by
10 the Secretary.

11 (B) ADDITIONAL CONSIDERATIONS.—In
12 providing funds set aside under this subsection,
13 the Secretary shall consider the extent to which
14 the proposed project—

15 (i) reduces freight-related traffic con-
16 gestion and improves the reliability of the
17 freight transportation system;

18 (ii) mitigates the adverse impacts of
19 freight-related traffic congestion on the
20 surface transportation system, including
21 safety and environmental impacts;

22 (iii) maximizes the use of existing ca-
23 pacity;

1 (iv) employs innovative, integrated,
2 and multimodal solutions to the items de-
3 scribed in clauses (i) through (iii);

4 (v) leverages Federal funds with non-
5 Federal contributions; and

6 (vi) integrates regional multimodal
7 transportation management and oper-
8 ational projects that address both pas-
9 senger and freight congestion.

10 (4) FLEXIBILITY.—If the Secretary determines
11 that there are insufficient qualified applicants to use
12 the funds set aside under this subsection, the Sec-
13 retary may use such funds for grants for any
14 projects eligible under this section.

15 (j) REPORT.—

16 (1) RECIPIENT REPORT.—The Secretary shall
17 ensure that not later than 2 years after the Sec-
18 retary awards grants under this section, the recipi-
19 ent of each such grant submits to the Secretary a
20 report that contains—

21 (A) information on each activity or project
22 that received funding under this section;

23 (B) a summary of any non-Federal re-
24 sources leveraged by a grant under this section;

1 (C) any statistics, measurements, or quan-
2 titative assessments that demonstrate the con-
3 gestion reduction, reliability, safety, and envi-
4 ronmental benefits achieved through activities
5 or projects that received funding under this sec-
6 tion; and

7 (D) any additional information required by
8 the Secretary.

9 (2) REPORT TO CONGRESS.—Not later than 9
10 months after the date specified in paragraph (1), the
11 Secretary shall submit to the Committee on Trans-
12 portation and Infrastructure of the House of Rep-
13 resentatives and the Committee on Environment and
14 Public Works, the Committee on Commerce, Science,
15 and Transportation, and the Committee on Banking,
16 Housing, and Urban Affairs of the Senate, and
17 make publicly available on a website, a report detail-
18 ing—

19 (A) a summary of any information pro-
20 vided under paragraph (1); and

21 (B) recommendations and best practices
22 to—

23 (i) reduce traffic congestion, including
24 freight-related traffic congestion, and im-

1 prove the reliability of the surface trans-
2 portation system;

3 (ii) mitigate the adverse impacts of
4 traffic congestion, including freight-related
5 traffic congestion, on the surface transpor-
6 tation system, including safety and envi-
7 ronmental impacts; and

8 (iii) employ innovative, integrated,
9 and multimodal solutions to the items de-
10 scribed in clauses (i) and (ii).

11 (k) NOTIFICATION.—Not later than 3 business days
12 before awarding a grant under this section, the Secretary
13 shall notify the Committee on Transportation and Infra-
14 structure of the House of Representatives and the Com-
15 mittee on Environment and Public Works, the Committee
16 on Commerce, Science, and Transportation, and the Com-
17 mittee on Banking, Housing, and Urban Affairs of the
18 Senate of the intention to award such a grant.

19 (l) TREATMENT OF PROJECTS.—

20 (1) FEDERAL REQUIREMENTS.—The Secretary
21 shall, with respect to a project funded by a grant
22 under this section, apply—

23 (A) the requirements of title 23, United
24 States Code, to a highway project;

1 (B) the requirements of chapter 53 of title
2 49, United States Code, to a public transpor-
3 tation project; and

4 (C) the requirements of section 22905 of
5 title 49, United States Code, to a passenger rail
6 or freight rail project.

7 (2) MULTIMODAL PROJECTS.—

8 (A) IN GENERAL.—Except as otherwise
9 provided in this paragraph, if an eligible project
10 is a multimodal project, the Secretary shall—

11 (i) determine the predominant modal
12 component of the project; and

13 (ii) apply the applicable requirements
14 of such predominant modal component to
15 the project.

16 (B) EXCEPTIONS.—

17 (i) PASSENGER OR FREIGHT RAIL
18 COMPONENT.—For any passenger or
19 freight rail component of a project, the re-
20 quirements of section 22907(j)(2) of title
21 49, United States Code, shall apply.

22 (ii) PUBLIC TRANSPORTATION COMPO-
23 NENT.—For any public transportation
24 component of a project, the requirements

1 of section 5333 of title 49, United States
2 Code, shall apply.

3 (C) BUY AMERICA.—In applying the Buy
4 America requirements under section 313 of title
5 23, United States Code, and sections 5320,
6 22905(a), and 24305(f) of title 49, United
7 States Code, to a multimodal project under this
8 paragraph, the Secretary shall—

9 (i) consider the various modal compo-
10 nents of the project; and

11 (ii) seek to maximize domestic jobs.

12 (m) TREATMENT OF FUNDS.—Except as provided in
13 subsection (l), funds authorized for the purposes described
14 in this section shall be available for obligation in the same
15 manner as if the funds were apportioned under chapter
16 1 of title 23, United States Code.

17 **SEC. 1307. REBUILD RURAL BRIDGES PROGRAM.**

18 (a) ESTABLISHMENT.—The Secretary of Transpor-
19 tation shall establish a rebuild rural bridges program to
20 improve the safety and state of good repair of bridges in
21 rural communities.

22 (b) GRANT AUTHORITY.—In carrying out the pro-
23 gram established in subsection (a), the Secretary shall
24 make grants, on a competitive basis, to eligible applicants
25 in accordance with this section.

1 (c) APPLICATIONS.—To be eligible for a grant under
2 this section, an eligible entity shall submit to the Secretary
3 an application in such form, at such time, and containing
4 such information as the Secretary determines appropriate.

5 (d) ELIGIBLE PROJECTS.—The Secretary—

6 (1) shall provide grants under this section to
7 projects eligible under title 23, United States Code,
8 including projects on and off of the Federal-aid
9 highway system, to inspect, replace, rehabilitate, or
10 preserve—

11 (A) an off-system bridge;

12 (B) a bridge on Tribal land; or

13 (C) a bridge in poor condition located in a
14 rural community; and

15 (2) may provide a grant for a bundle of bridges
16 described in paragraph (1).

17 (e) ELIGIBLE PROJECT COSTS.—A recipient of a
18 grant under this section may use such grant for—

19 (1) development phase activities, including plan-
20 ning, feasibility analysis, revenue forecasting, envi-
21 ronmental review, preliminary engineering and de-
22 sign work, and other preconstruction activities;

23 (2) construction, reconstruction, rehabilitation,
24 acquisition of real property (including land related
25 to the project and improvements to the land), envi-

1 ronmental mitigation, and construction contin-
2 gencies; and

3 (3) bridge inspection, evaluation, and preserva-
4 tion.

5 (f) FEDERAL SHARE.—

6 (1) IN GENERAL.—The Federal share of the
7 cost of a project carried out using a grant under this
8 section may not exceed 80 percent of the total cost
9 of such project.

10 (2) MAXIMUM FEDERAL ASSISTANCE.—Federal
11 assistance other than a grant under this section may
12 be used to satisfy up to 100 percent of the total cost
13 of such project.

14 (g) CONSIDERATIONS.—In making grants under this
15 section, the Secretary shall consider—

16 (1) whether the project can be completed with-
17 out additional Federal funding or financial assist-
18 ance available to the project sponsor, beyond existing
19 Federal apportionments; and

20 (2) the level of benefits the project is expected
21 to generate, including—

22 (A) the costs avoided by the prevention of
23 closure or reduced use of the asset to be im-
24 proved by the project;

1 (B) reductions in maintenance costs over
2 the life of the asset;

3 (C) safety benefits, including the reduction
4 of accidents and related costs; and

5 (D) benefits to the economy of the rural or
6 Tribal community.

7 (3) STUDY.—Not later than 18 months after
8 the date of enactment of this Act, the Comptroller
9 General of the United States shall submit to the
10 Committee on Transportation and Infrastructure of
11 the House of Representatives a study on the infra-
12 structure needs of colonias.

13 (h) NOTIFICATION.—Not later than 3 business days
14 before awarding a grant under this section, the Secretary
15 shall notify the Committee on Transportation and Infra-
16 structure of the House of Representatives and the Com-
17 mittee on Environment and Public Works of the Senate
18 of the intention to award such a grant.

19 (i) DEFINITIONS.—In this section:

20 (1) ELIGIBLE APPLICANT.—The term “eligible
21 applicant” means—

22 (A) a State;

23 (B) a metropolitan planning organization
24 or a regional transportation planning organiza-
25 tion;

- 1 (C) a unit of local government;
- 2 (D) a Federal land management agency;
- 3 (E) an Indian Tribe or Tribal organiza-
- 4 tion;
- 5 (F) a territory; and
- 6 (G) a multijurisdictional group of entities
- 7 described in subparagraph (A) through (F).

8 (2) OFF SYSTEM BRIDGE.—The term “off-sys-

9 tem bridge” has the meaning given such term in sec-

10 tion 133(f) of title 23, United States Code, (as

11 added by this Act).

12 (3) RURAL COMMUNITY.—The term “rural

13 community” means an area that is not an urbanized

14 area, as such term is defined in section 101(a) of

15 title 23, United States Code.

16 **SEC. 1308. PARKING FOR COMMERCIAL MOTOR VEHICLES.**

17 (a) ESTABLISHMENT.—The Secretary of Transpor-

18 tation shall establish a program under which the Secretary

19 shall make grants, on a competitive basis, to eligible enti-

20 ties to address the shortage of parking for commercial

21 motor vehicles to improve the safety of commercial motor

22 vehicle operators.

23 (b) APPLICATIONS.—To be eligible for a grant under

24 this section, an eligible entity shall submit to the Secretary

1 an application in such form, at such time, and containing
2 such information as the Secretary may require.

3 (c) ELIGIBLE PROJECTS.—Projects eligible under
4 this section are projects that—

5 (1) construct safety rest areas that include
6 parking for commercial motor vehicles;

7 (2) construct commercial motor vehicle parking
8 facilities—

9 (A) adjacent to private commercial truck-
10 stops and travel plazas;

11 (B) within the boundaries of, or adjacent
12 to, a publicly owned freight facility, including a
13 port terminal operated by a public authority;
14 and

15 (C) at existing facilities, including inspec-
16 tion and weigh stations and park-and-ride loca-
17 tions;

18 (3) open existing weigh stations, safety rest
19 areas, and park-and-ride facilities to commercial
20 motor vehicle parking;

21 (4) facilitate access to publicly and privately
22 provided commercial motor vehicle parking, such as
23 through the use of intelligent transportation sys-
24 tems;

1 (5) construct turnouts along a Federal-aid
2 highway for commercial motor vehicles;

3 (6) make capital improvements to public com-
4 mercial motor vehicle parking facilities that are
5 closed on a seasonal basis to allow the facilities to
6 remain open year-round;

7 (7) open existing commercial motor vehicle
8 chain-up areas that are closed on a seasonal basis to
9 allow the facilities to remain open year-round for
10 commercial motor vehicle parking;

11 (8) address commercial motor vehicle parking
12 and layover needs in emergencies that strain the ca-
13 pacity of existing publicly and privately provided
14 commercial motor vehicle parking; and

15 (9) make improvements to existing commercial
16 motor vehicle parking facilities, including advanced
17 truckstop electrification systems.

18 (d) USE OF FUNDS.—

19 (1) IN GENERAL.—An eligible entity may use a
20 grant under this section for—

21 (A) development phase activities, including
22 planning, feasibility analysis, benefit-cost anal-
23 ysis, environmental review, preliminary engi-
24 neering and design work, and other

1 preconstruction activities necessary to advance
2 a project described in subsection (c); and

3 (B) construction and operational improve-
4 ments, as such terms are defined in section 101
5 of title 23, United States Code.

6 (2) PRIVATE SECTOR PARTICIPATION.—An eli-
7 gible entity that receives a grant under this section
8 may partner with a private entity to carry out an eli-
9 gible project under this section.

10 (3) LIMITATION.—Not more than 10 percent of
11 the amounts made available to carry out this section
12 may be used to promote the availability of existing
13 commercial motor vehicle parking.

14 (e) SELECTION CRITERIA.—In making grants under
15 this section, the Secretary shall consider—

16 (1) in the case of construction of new commer-
17 cial motor vehicle parking capacity, the shortage of
18 public and private commercial motor vehicle parking
19 near the project; and

20 (2) the extent to which each project—

21 (A) would increase commercial motor vehi-
22 cle parking capacity or utilization;

23 (B) would facilitate the efficient movement
24 of freight;

1 (C) would improve safety, traffic conges-
2 tion, and air quality;

3 (D) is cost effective; and

4 (E) reflects consultation with motor car-
5 riers, commercial motor vehicle operators, and
6 private providers of commercial motor vehicle
7 parking.

8 (f) NOTIFICATION OF CONGRESS.—Not later than 3
9 business days before announcing a project selected to re-
10 ceive a grant under this section, the Secretary of Trans-
11 portation shall notify the Committee on Transportation
12 and Infrastructure of the House of Representatives and
13 the Committee on Environment and Public Works of the
14 Senate of the intention to award such a grant.

15 (g) FEDERAL SHARE.—The Federal share of the cost
16 of a project under this section shall be determined in ac-
17 cordance with subsections (b) and (c) of section 120 of
18 title 23, United States Code.

19 (h) PROHIBITION ON CHARGING FEES.—To be eligi-
20 ble for a grant under this section, an eligible entity shall
21 certify that no fees will be charged for the use of a project
22 assisted with such grant.

23 (i) AMENDMENT TO MAP–21.—Section 1401(c)(1)
24 of MAP–21 (23 U.S.C. 137 note) is amended—

1 (1) by inserting “and private providers of com-
2 mercial motor vehicle parking” after “personnel”;
3 and

4 (2) in subparagraph (A) by striking “the capa-
5 bility of the State to provide” and inserting “the
6 availability of”.

7 (j) SURVEY; COMPARATIVE ASSESSMENT; REPORT.—

8 (1) UPDATE.—Not later than 2 years after the
9 date of enactment of this Act, the Secretary shall
10 update the survey of each State required under sec-
11 tion 1401(c)(1) of the MAP-21 (23 U.S.C. 137
12 note).

13 (2) REPORT.—Not later than 1 year after the
14 deadline under paragraph (1), the Secretary shall
15 publish on the website of the Department of Trans-
16 portation a report that—

17 (A) evaluates the availability of adequate
18 parking and rest facilities for commercial motor
19 vehicles engaged in interstate transportation;

20 (B) evaluates the effectiveness of the
21 projects funded under this section in improving
22 access to commercial motor vehicle parking; and

23 (C) reports on the progress being made to
24 provide adequate commercial motor vehicle
25 parking facilities in the State.

1 (3) CONSULTATION.—The Secretary shall pre-
2 pare the report required under paragraph (2) in con-
3 sultation with—

4 (A) relevant State motor carrier safety
5 personnel;

6 (B) motor carriers and commercial motor
7 vehicle operators; and

8 (C) private providers of commercial motor
9 vehicle parking.

10 (k) DEFINITIONS.—In this section:

11 (1) COMMERCIAL MOTOR VEHICLE.—The term
12 “commercial motor vehicle” has the meaning given
13 such term in section 31132 of title 49, United
14 States Code.

15 (2) ELIGIBLE ENTITY.—The term “eligible enti-
16 ty” means—

17 (A) a State;

18 (B) a metropolitan planning organization;

19 (C) a unit of local government;

20 (D) a political subdivision of a State or
21 local government carrying out responsibilities
22 relating to commercial motor vehicle parking;
23 and

1 (E) a multistate or multijurisdictional
2 group of entities described in subparagraphs
3 (A) through (D).

4 (3) SAFETY REST AREA.—The term “safety
5 rest area” has the meaning given such term in sec-
6 tion 120(c) of title 23, United States Code.

7 **SEC. 1309. ACTIVE CONNECTED TRANSPORTATION GRANT**
8 **PROGRAM.**

9 (a) ESTABLISHMENT.—The Secretary of Transpor-
10 tation shall establish an active connected transportation
11 grant program to provide for safe and connected active
12 transportation networks and active transportation connec-
13 tors.

14 (b) GRANT AUTHORITY.—In carrying out the pro-
15 gram established in subsection (a), the Secretary shall
16 make grants, on a competitive basis, in accordance with
17 this section.

18 (c) ELIGIBLE APPLICANTS.—The Secretary may
19 make a grant under this section to—

20 (1) a State;

21 (2) a metropolitan planning organization;

22 (3) a regional transportation authority;

23 (4) a unit of local government, including a
24 county or multi-county special district;

25 (5) a Federal land management agency;

1 (6) a natural resource or public land agency;

2 (7) an Indian Tribe or Tribal organization;

3 (8) any local or regional governmental entity
4 with responsibility for or oversight of transportation
5 or recreational trails; and

6 (9) a multistate or multijurisdictional group of
7 entities described in this subsection.

8 (d) APPLICATIONS.—To be eligible for a grant under
9 this section, an entity specified under subsection (c) shall
10 submit to the Secretary an application in such form, at
11 such time, and containing such information as the Sec-
12 retary determines appropriate.

13 (e) ELIGIBLE PROJECTS.—The Secretary shall pro-
14 vide grants under this section to projects that improve the
15 connectivity and the use of active transportation facili-
16 ties—

17 (1) including—

18 (A) active transportation networks;

19 (B) active transportation connectors; and

20 (C) planning related to the development
21 of—

22 (i) active transportation networks;

23 (ii) active transportation connectors;

24 and

1 (iii) vision zero plans or complete
2 streets prioritization plans under section
3 1601; and

4 (2) that have—

5 (A) total project costs of not less than
6 \$15,000,000; or

7 (B) in the case of planning grants under
8 subsection (f)(2), a total cost of not less than
9 \$100,000.

10 (f) USE OF FUNDS.—

11 (1) IN GENERAL.—Of the amounts made avail-
12 able to carry out this section for fiscal years 2023
13 through 2026 and except as provided in paragraph
14 (2), the Secretary shall obligate—

15 (A) not less than 30 percent to eligible
16 projects that construct active transportation
17 networks; and

18 (B) not less than 30 percent to eligible
19 projects that construct active transportation
20 connectors.

21 (2) PLANNING GRANTS.—Of the amounts made
22 available to carry out this section for fiscal years
23 2023 through 2026, the Secretary may use not more
24 than 10 percent to provide planning grants to eligi-

1 ble applicants for activities under subsection
2 (e)(1)(C).

3 (g) CONSIDERATIONS.—In making grants under this
4 section, the Secretary shall consider the extent to which—

5 (1) a project is likely to provide substantial ad-
6 ditional opportunities for active transportation, in-
7 cluding walking and bicycling, including through the
8 creation of—

9 (A) active transportation networks con-
10 necting destinations within or between commu-
11 nities, including between schools, workplaces,
12 residences, businesses, recreation areas, and
13 other community areas; and

14 (B) active transportation connectors con-
15 necting 2 or more communities, metropolitan
16 areas, or States, including greenway paths;

17 (2) an applicant has adequately considered or
18 will consider, including through the opportunity for
19 public comment, the environmental justice and eq-
20 uity impacts of the project;

21 (3) the project would improve safety for vulner-
22 able road users, including through the use of com-
23 plete street design policies or a safe system ap-
24 proach;

1 (4) a project integrates active transportation fa-
2 cilities with public transportation services, where
3 available, to improve access to public transportation;
4 and

5 (5) the project would serve the low income resi-
6 dents of economically disadvantaged communities,
7 including environmental justice communities, under-
8 served communities, or communities located in areas
9 of persistent poverty (as such term is defined in sec-
10 tion 101 of title 23, United States Code).

11 (h) LIMITATION.—

12 (1) IN GENERAL.—The share of the cost of a
13 project assisted with a grant under this section may
14 not exceed 80 percent.

15 (2) MAXIMUM FEDERAL ASSISTANCE.—Federal
16 assistance other than a grant under this section may
17 be used to satisfy up to 100 percent of the total
18 project cost.

19 (i) ELIGIBLE PROJECT COSTS.—Amounts made
20 available for a project under this section may be used
21 for—

22 (1) development phase activities, including plan-
23 ning, feasibility analysis, revenue forecasting, envi-
24 ronmental review, preliminary engineering and de-
25 sign work, and other preconstruction activities; and

1 (2) construction, reconstruction, rehabilitation,
2 acquisition of real property (including land related
3 to the project and improvements to the land), envi-
4 ronmental mitigation, construction contingencies, ac-
5 quisition of equipment, and operational improve-
6 ments.

7 (j) NOTIFICATION.—Not later than 3 business days
8 before awarding a grant under this section, the Secretary
9 of Transportation shall notify the Committee on Transpor-
10 tation and Infrastructure of the House of Representatives
11 and the Committee on Environment and Public Works of
12 the Senate of the intention to award such a grant.

13 (k) DEFINITIONS.—In this section:

14 (1) ACTIVE TRANSPORTATION NETWORK.—The
15 term “active transportation network” means facili-
16 ties built for alternative methods of transportation
17 to motor vehicles for individuals, including side-
18 walks, bikeways, and pedestrian and bicycle trails,
19 that connect destinations within an area covered by
20 a unit of local government, a county, a community,
21 including a community on Federal lands, or a metro-
22 politan area.

23 (2) ACTIVE TRANSPORTATION CONNECTOR.—
24 The term “active transportation connector” means
25 facilities built for alternative methods of transpor-

1 tation to motor vehicles for individuals, including
2 sidewalks, bikeways, and pedestrian and bicycle
3 trails, that connect 2 or more active transportation
4 networks or connect communities, areas covered by
5 a unit of local government, counties, metropolitan
6 areas, Federal lands, or States.

7 (3) GREENWAY PATH.—The term “greenway
8 path” means an active transportation connector
9 that—

10 (A) crosses jurisdictional boundaries, in-
11 cluding State lines, and provides for
12 connectivity between multiple communities,
13 counties, metropolitan areas, or States; or

14 (B) is a component of a regionally or na-
15 tionally significant network.

16 (4) SAFE SYSTEM APPROACH.—The term “safe
17 system approach” has the meaning given such term
18 in section 148(a) of title 23, United States Code.

19 (5) VULNERABLE ROAD USER.—The term “vul-
20 nerable road user” has the meaning given such term
21 in section 148(a) of title 23, United States Code.

22 **SEC. 1310. WILDLIFE CROSSINGS PROGRAM.**

23 (a) ESTABLISHMENT.—The Secretary shall establish
24 a competitive wildlife crossings grant program (referred

1 to in this section as the “program”) to provide grants for
2 projects that seek to achieve—

3 (1) a reduction in the number of wildlife-vehicle
4 collisions; and

5 (2) improved habitat connectivity for terrestrial
6 and aquatic species.

7 (b) ELIGIBLE ENTITIES.—The Secretary may make
8 grants under the program to the following entities:

9 (1) A State.

10 (2) An Indian Tribe or Tribal organization.

11 (3) A territory.

12 (4) A Federal land management agency de-
13 scribed in section 203(b) of title 23, United States
14 Code.

15 (5) A group of entities described in paragraphs
16 (1) through (4).

17 (c) APPLICATIONS.—To be eligible to receive a grant
18 under the program, an eligible entity shall submit to the
19 Secretary an application at such time, in such manner,
20 and containing such information as the Secretary may re-
21 quire.

22 (d) CONSIDERATIONS.—In selecting grant recipients
23 under the program, the Secretary shall consider the fol-
24 lowing:

1 (1) PRIMARY CRITERIA.—The extent to which
2 the proposed project is likely to protect motorists
3 and wildlife by reducing the number of wildlife-vehi-
4 cle collisions and improve habitat connectivity for
5 terrestrial and aquatic species.

6 (2) SECONDARY CRITERIA.—

7 (A) The resilience benefits of the project.

8 (B) The extent to which the project incor-
9 porates climate science, including expected
10 changes in migration patterns.

11 (C) The extent to which the project spon-
12 sor has coordinated with the relevant State
13 agency with jurisdiction over fish and wildlife,
14 if appropriate.

15 (D) In the case of a project involving spe-
16 cies listed as threatened species or endangered
17 species under the Endangered Species Act of
18 1973 (16 U.S.C. 1531 et seq.), whether the
19 project sponsor has coordinated with the United
20 States Fish and Wildlife Service.

21 (E) Other ecological benefits of the project,
22 including—

23 (i) reductions in stormwater runoff
24 and other water pollution; and

1 (ii) the benefits of improved habitat
2 connectivity for pollinators and the use of
3 natively appropriate grasses.

4 (F) Whether the project supports local eco-
5 nomic development and improvement of visita-
6 tion opportunities.

7 (G) The extent to which the project incor-
8 porates innovative technologies, including ad-
9 vanced design techniques and other strategies
10 to enhance efficiency and effectiveness in reduc-
11 ing wildlife-vehicle collisions and improving
12 habitat connectivity for terrestrial and aquatic
13 species.

14 (H) The extent to which the project pro-
15 vides educational and outreach opportunities.

16 (I) Whether the project will further re-
17 search to evaluate, compare effectiveness of,
18 and identify best practices in selected projects.

19 (J) How the benefits compare to the costs
20 of the project.

21 (K) Any other criteria relevant to reducing
22 the number of wildlife-vehicle collisions and im-
23 proving habitat connectivity for terrestrial and
24 aquatic species, as the Secretary determines to
25 be appropriate.

1 (e) ELIGIBLE PROJECT COSTS.—Grant amounts for
2 a project under this section may be used for—

3 (1) development phase activities, including plan-
4 ning, feasibility analysis, revenue forecasting, envi-
5 ronmental review, preliminary engineering and de-
6 sign work, and other preconstruction activities;

7 (2) construction (including construction of pro-
8 tective features), reconstruction, rehabilitation, ac-
9 quisition of real property (including land related to
10 the project and improvements to the land), environ-
11 mental mitigation, construction contingencies, acqui-
12 sition of equipment, and operational improvements;
13 and

14 (3) planning and technical assistance activities
15 consistent with section 5107 of title 49, United
16 States Code, including—

17 (A) data collection on wildlife-vehicle colli-
18 sions;

19 (B) integration of State, Tribal, territorial,
20 regional, or Federal wildlife conservation plans
21 and data collection with transportation planning
22 and project selection;

23 (C) technical assistance, including work-
24 force development training, on reducing wildlife-
25 vehicle collisions and improving habitat

1 connectivity for terrestrial and aquatic species;
2 and

3 (D) education and public outreach to re-
4 duce wildlife-vehicle collisions.

5 (f) PARTNERSHIPS.—

6 (1) IN GENERAL.—A grant received under the
7 program may be used to provide funds to an eligible
8 partner as a subrecipient, in accordance with the
9 terms of the project agreement and subject to the
10 requirements of this section.

11 (2) ELIGIBLE PARTNER DEFINED.—In this sec-
12 tion, the term “eligible partner” means—

13 (A) an eligible entity described in sub-
14 section (b);

15 (B) a metropolitan planning organization;

16 (C) a unit of local government;

17 (D) a regional transportation authority;

18 (E) a special purpose district or public au-
19 thority with a transportation function, including
20 a port authority;

21 (F) a non-profit entity or institution of
22 higher education; or

23 (G) a Federal, Tribal, regional, State, or
24 local governmental entity not described in sub-
25 section (b).

1 (g) REQUIREMENTS.—

2 (1) RURAL PROJECTS.—The Secretary shall re-
3 serve not less than 50 percent of the amounts made
4 available under this section for projects located in a
5 rural community.

6 (2) RESILIENCE.—A project under this section
7 shall be designed to ensure resilience over the antici-
8 pated service life of the asset.

9 (3) LIMITATION.—The Secretary may not
10 award more than 10 percent of the amounts made
11 available under this section for grants that propose
12 only activities described in subsection (e)(3).

13 (h) NOTIFICATION.—Not later than 3 business days
14 before awarding a grant under this section, the Secretary
15 shall notify the Committee on Transportation and Infra-
16 structure of the House of Representatives and the Com-
17 mittee on Environment and Public Works of the Senate
18 of the intention to award such a grant.

19 (i) ANNUAL REPORT.—

20 (1) IN GENERAL.—Not later than December 31
21 of each calendar year, the Secretary shall publish, on
22 the website of the Department of Transportation, a
23 report describing the activities under the program
24 for the fiscal year that ends during that calendar
25 year.

1 (2) CONTENTS.—The report under paragraph
2 (1) shall include—

3 (A) a detailed description of the activities
4 carried out under the program;

5 (B) an evaluation of the effectiveness of
6 the program in meeting the purposes described
7 in subsection (b); and

8 (C) policy recommendations, if any, to im-
9 prove the effectiveness of the program.

10 (j) DEFINITIONS.—In this section:

11 (1) PROTECTIVE FEATURES.—The term “pro-
12 tective features” has the meaning given such term in
13 section 101 of title 23, United States Code.

14 (2) RESILIENCE.—The term “resilience” has
15 the meaning given that term in section 101 of title
16 23, United States Code.

17 (3) RURAL COMMUNITY.—The term “rural
18 community” means any area of a State or territory
19 that is not an urbanized area, as such term is de-
20 fined in section 101 of title 23, United States Code.

21 (4) SECRETARY.—The term “Secretary” has
22 the meaning given such term in section 101 of title
23 23, United States Code.

1 (5) STATE.—The term “State” has the mean-
2 ing given such term in section 101 of title 23,
3 United States Code.

4 **SEC. 1311. RECONNECTING NEIGHBORHOODS PROGRAM.**

5 (a) ESTABLISHMENT.—The Secretary of Transpor-
6 tation shall establish a reconnecting neighborhoods pro-
7 gram under which an eligible entity may apply for funding
8 in order to identify, remove, replace, retrofit, or remediate
9 the effects from eligible facilities and restore or improve
10 connectivity, mobility, and access in disadvantaged and
11 underserved communities, including—

12 (1) studying the feasibility and impacts of re-
13 moving, retrofitting, or remediating the effects on
14 community connectivity from an existing eligible fa-
15 cility;

16 (2) conducting preliminary engineering and
17 final design activities for a project to remove, ret-
18 rofit, or remediate the effects on community
19 connectivity from an existing eligible facility;

20 (3) conducting construction activities necessary
21 to carry out a project to remove, retrofit, or reme-
22 diate the effects on community connectivity from an
23 existing eligible facility; and

24 (4) ensuring any activities carried out under
25 this section—

1 (A) focus on improvements that will ben-
2 efit the populations impacted by or previously
3 displaced by the eligible facility; and

4 (B) emphasize equity by garnering commu-
5 nity engagement, avoiding future displacement,
6 and ensuring local participation in the planning
7 process.

8 (b) ELIGIBLE ENTITIES.—

9 (1) IN GENERAL.—The Secretary may award a
10 planning grant or a capital construction grant to—

11 (A) a State;

12 (B) a unit of local government;

13 (C) an Indian Tribe or Tribal organization;

14 (D) a territory;

15 (F) a metropolitan planning organization;

16 (G) a transit agency;

17 (H) a special purpose district with a trans-
18 portation function; and

19 (I) a group of entities described in this
20 paragraph.

21 (2) PARTNERSHIPS.—An eligible entity may
22 enter into an agreement with the following entities
23 to carry out the eligible activities under this section:

24 (A) A nonprofit organization.

1 (B) An institution of higher education, as
2 such term is defined in section 101 of the High-
3 er Education Act of 1965 (20 U.S.C. 1001), in-
4 cluding historically black colleges and univer-
5 sities, defined as the term “Predominantly
6 Black institution” is defined in section 371(c)
7 of the Higher Education Act of 1965 (20
8 U.S.C. 1067q(e)).

9 (c) PLANNING GRANTS.—

10 (1) IN GENERAL.—The Secretary may award
11 grants (referred to in this section as a “planning
12 grants”) to carry out planning activities described in
13 paragraph (2).

14 (2) ELIGIBLE ACTIVITIES DESCRIBED.—The
15 planning activities referred to in paragraph (1)
16 are—

17 (A) planning studies to evaluate the feasi-
18 bility of removing, retrofitting, or remediating
19 an existing eligible facility to restore community
20 connectivity, including evaluations of—

21 (i) current traffic patterns on the eli-
22 gible facility proposed for removal, retrofit,
23 or remediation and the surrounding street
24 network;

- 1 (ii) the capacity of existing transpor-
2 tation networks to maintain mobility
3 needs;
- 4 (iii) an analysis of alternative roadway
5 designs or other uses for the right-of-way
6 of the eligible facility, including an analysis
7 of whether the available right-of-way would
8 suffice to create an alternative roadway de-
9 sign;
- 10 (iv) the effect of the removal, retrofit,
11 or remediation of the eligible facility on the
12 mobility of freight and people;
- 13 (v) the effect of the removal, retrofit,
14 or remediation of the eligible facility on the
15 safety of the traveling public;
- 16 (vi) the cost to remove, retrofit, or re-
17 mediate the eligible facility—
- 18 (I) to restore community
19 connectivity; and
- 20 (II) to convert the eligible facility
21 to a roadway design or use that in-
22 creases safety, mobility, and access
23 for all users, compared to any ex-
24 pected costs for necessary mainte-

1 nance or reconstruction of the eligible
2 facility;

3 (vii) the environmental impacts of re-
4 taining or reconstructing the eligible facil-
5 ity and the anticipated effect of the pro-
6 posed alternative use or roadway design;
7 and

8 (viii) the community impacts and eq-
9 uity analyses of retaining or reconstructing
10 the eligible facility on the surrounding
11 communities, including—

12 (I) the demographic breakdown
13 of the impacted community by race
14 and socioeconomic status; and

15 (II) the displacement or dis-
16 connection that occurred within the
17 community as a result of the existing
18 facility;

19 (B) public engagement activities to provide
20 opportunities for public input into a plan to re-
21 move, replace, retrofit, or remediate the effects
22 from an eligible facility, including—

23 (i) building organizational or commu-
24 nity capacity to, and educating community
25 members on how to, engage in and con-

1 tribute to eligible planning activities de-
2 scribed in subsection (c)(2);

3 (ii) identifying community needs and
4 desires for community improvements and
5 developing community driven solutions in
6 carrying out eligible planning activities de-
7 scribed in subsection (c)(2);

8 (iii) conducting assessments of equity,
9 mobility and access, environmental justice,
10 affordability, economic opportunity, health
11 outcomes, and other local goals to be used
12 in carrying out eligible planning activities
13 described in subsection (c)(2); and

14 (iv) forming a community advisory
15 board in accordance with subsection (d)(7);

16 (C) other transportation planning activities
17 required in advance of a project to remove, ret-
18 rofit, or remediate an existing eligible facility to
19 restore community connectivity, as determined
20 by the Secretary;

21 (D) evaluating land use and zoning
22 changes necessary to improve equity and maxi-
23 mize transit-oriented development in connection
24 with project eligible for a capital construction

1 grant, including activities eligible under section
2 5327 of title 49, United States Code; and

3 (E) establishment of anti-displacement and
4 equitable neighborhood revitalization strategies
5 in connection with project eligible for a capital
6 construction grant, including establishment of a
7 community land trust for land acquisition, land
8 banking, and equitable transit-oriented develop-
9 ment.

10 (3) TECHNICAL ASSISTANCE.—

11 (A) IN GENERAL.—The Secretary may
12 provide technical assistance described in sub-
13 paragraph (B) to an eligible entity.

14 (B) TECHNICAL ASSISTANCE DE-
15 SCRIBED.—The technical assistance referred to
16 in subparagraph (A) is technical assistance in
17 building organizational or community capac-
18 ity—

19 (i) to conduct transportation planning;

20 and

21 (ii) to identify innovative solutions to
22 challenges posed by existing eligible facili-
23 ties, including reconnecting communities
24 that—

1 (I) are bifurcated by eligible fa-
2 cilities; or

3 (II) lack safe, reliable, and af-
4 fordable transportation choices.

5 (4) SELECTION.—The Secretary shall—

6 (A) solicit applications for—

7 (i) planning grants;

8 (ii) technical assistance under para-
9 graph (3); and

10 (iii) the activities would benefit popu-
11 lations impacted by or previously displaced
12 by an eligible facility; and

13 (B) evaluate applications for a planning
14 grant on the basis of the demonstration by the
15 applicant that—

16 (i) the eligible facility—

17 (I) creates barriers to mobility,
18 access, or economic development; or

19 (II) is not justified by current
20 and forecast future travel demand;
21 and

22 (ii) on the basis of preliminary assess-
23 ment into the feasibility of removing, retro-
24 fitting, or remediating the eligible facility
25 to restore community connectivity, and in-

1 crease safety, mobility, and access for all
2 users, further planning activities are nec-
3 essary and likely to be productive.

4 (5) AWARD AMOUNTS.—A planning grant may
5 not exceed \$2,000,000 for any recipient.

6 (6) FEDERAL SHARE.—The total Federal share
7 of the cost of a planning activity for which a plan-
8 ning grant is used may not exceed 80 percent.

9 (d) CAPITAL CONSTRUCTION GRANTS.—

10 (1) ELIGIBLE ENTITIES.—The Secretary may
11 award grants (referred to in this section as a “cap-
12 ital construction grants”) to eligible entities to carry
13 out eligible projects described in paragraph (3).

14 (2) PARTNERSHIPS.—In the case that the
15 owner of an eligible facility that is the subject of the
16 capital construction grant is not an eligible entity,
17 an eligible entity shall demonstrate the existence of
18 a partnership with the owner of the eligible facility.

19 (3) ELIGIBLE PROJECTS.—A project eligible to
20 be carried out with a capital construction grant in-
21 cludes the following:

22 (A) The removal, retrofit, or remediation
23 of the effects on community connectivity from
24 of an eligible facility, including a project to

1 deck over a limited-access highway or other eli-
2 gible facility.

3 (B) The replacement of an eligible facility
4 with a new facility that—

5 (i) restores community connectivity;

6 (ii) employs context sensitive solutions
7 appropriate for the surrounding commu-
8 nity; and

9 (iii) is otherwise eligible for funding
10 under title 23, United States Code.

11 (C) Support for community partnerships,
12 including a community advisory board described
13 under paragraph (7), in connection with a cap-
14 ital construction grant awarded under this sub-
15 section.

16 (D) Other activities required to remove, re-
17 place, retrofit, or remediate an existing eligible
18 facility, as determined by the Secretary.

19 (4) SELECTION.—The Secretary shall—

20 (A) solicit applications for capital construc-
21 tion grants;

22 (B) evaluate applications on the basis of—

23 (i) the degree to which the project will
24 improve mobility and access through the
25 removal of barriers;

1 (ii) the appropriateness of removing,
2 retrofitting, or remediating the effects on
3 community connectivity from the eligible
4 facility, based on current traffic patterns
5 and the ability of the project and the re-
6 gional transportation network to absorb
7 transportation demand and provide safe
8 mobility and access;

9 (iii) the impact of the project on
10 freight movement;

11 (iv) the results of a cost-benefit anal-
12 ysis of the project;

13 (v) the extent to which the grantee
14 has plans for inclusive economic develop-
15 ment in place, including the existing land
16 use and whether the zoning provides for
17 equitable and transit-oriented development
18 of underutilized land;

19 (vi) the degree to which the eligible
20 facility is out of context with the current
21 or planned land use;

22 (vii) the results of any feasibility
23 study completed for the project;

24 (viii) whether the eligible facility is
25 likely to need replacement or significant re-

1 construction within the 20-year period be-
2 ginning on the date of the submission of
3 the application;

4 (ix) whether the project is consistent
5 with the relevant long-range transportation
6 plan and included in the relevant statewide
7 transportation improvement program;

8 (x) whether the project is consistent
9 with, and how the project would impact,
10 the relevant transportation performance
11 management targets; and

12 (xi) the extent to which the project
13 benefits populations impacted by or pre-
14 viously displaced by the eligible facility;

15 (C) ensure that the project has conducted
16 sufficient community engagement, such as the
17 activities described in subsection (c)(2)(B); and

18 (D) ensure that the jurisdiction in which
19 the eligible facility is located has an anti-dis-
20 placement policy or a community land trust in
21 place.

22 (5) MINIMUM AWARD AMOUNTS.—A capital
23 construction grant shall be in an amount not less
24 than \$5,000,000 for each recipient.

25 (6) FEDERAL SHARE.—

1 (A) IN GENERAL.—Subject to subpara-
2 graph (B), the Federal share of the total cost
3 of a project carried out using a capital con-
4 struction grant may not exceed 80 percent.

5 (B) MAXIMUM FEDERAL INVOLVEMENT.—
6 Federal assistance other than a capital con-
7 struction grant may be used to satisfy the non-
8 Federal share of the cost of a project for which
9 the grant is awarded.

10 (7) COMMUNITY ADVISORY BOARD.—

11 (A) IN GENERAL.—To help achieve inclu-
12 sive economic development benefits with respect
13 to the project for which a grant is awarded, a
14 grant recipient may form a community advisory
15 board, which, if formed, shall—

16 (i) facilitate community engagement
17 with respect to the project; and

18 (ii) track progress with respect to
19 commitments of the grant recipient to in-
20 clusive employment, contracting, and eco-
21 nomic development under the project.

22 (B) MEMBERSHIP.—If a grant recipient
23 forms a community advisory board under sub-
24 paragraph (A), the community advisory board
25 shall be composed of representatives of—

- 1 (i) the community, including residents
2 in the immediate vicinity of the project;
- 3 (ii) owners of businesses that serve
4 the community;
- 5 (iii) labor organizations that represent
6 workers that serve the community;
- 7 (iv) State and local government; and
- 8 (v) private and non-profit organiza-
9 tions that represent local community devel-
10 opment.

11 (C) DIVERSITY.—The community advisory
12 board shall be representative of the community
13 served by the project.

14 (e) PRIORITIES.—In selecting recipients of planning
15 grants, capital construction grants, and technical assist-
16 ance under this section, the Secretary shall give priority
17 to—

18 (1) an application from a community that is
19 economically disadvantaged, including an environ-
20 mental justice community, an underserved commu-
21 nity, or a community located in an area of persistent
22 poverty (as such term is defined in section 101 of
23 title 23, United States Code); and

24 (2) an eligible entity that has—

1 (A) entered into a community benefits
2 agreement with representatives of the commu-
3 nity or formed a community advisory board
4 under paragraph (7) of subsection (d);

5 (B) demonstrated a plan for employing
6 residents in the area impacted by the activity or
7 project through targeted hiring programs; and

8 (C) demonstrated a plan for improving
9 transportation system access.

10 (f) ADMINISTRATIVE EXPENSES.—Of amounts made
11 available to carry out this section, the Secretary may set
12 aside not more than \$5,000,000 in each fiscal year for
13 the costs of administering the program under this section.

14 (g) TECHNICAL ASSISTANCE.—Of amounts made
15 available to carry out this section, the Secretary may set
16 aside not more than \$5,000,000 in each fiscal year to pro-
17 vide technical assistance to eligible entities under sub-
18 section (c)(3).

19 (h) REPORT.—Not later than 2 years after the date
20 of enactment of this Act, the Secretary shall submit to
21 the Committee on Transportation and Infrastructure of
22 the House of Representatives and the Committee on Envi-
23 ronment and Public Works of the Senate a report that—

24 (1) identifies and creates an online mapping
25 tool showing any examples of potential projects to

1 remove eligible facilities, and assesses the potential
2 impacts of carrying out such projects; and

3 (2) assesses projects funded under subsection
4 (d) to provide best practices.

5 (i) DEFINITIONS.—In this section:

6 (1) ANTI-DISPLACEMENT POLICY.—The term
7 “anti-displacement policy” means a policy that limits
8 the displacement of low-income, disadvantaged, and
9 underserved communities from neighborhoods due to
10 new investments in housing, businesses, and infra-
11 structure.

12 (2) COMMUNITY LAND TRUST.—The term
13 “community land trust” means a nonprofit organiza-
14 tion established or with the responsibility, as appli-
15 cable—

16 (A) to develop the real estate created by
17 the removal or capping of an eligible facility;
18 and

19 (B) to carry out anti-displacement or com-
20 munity development strategies, including—

21 (i) affordable housing preservation
22 and development;

23 (ii) homeownership and property im-
24 provement programs;

- 1 (iii) the development or rehabilitation
2 of park space or recreation facilities; and
3 (iv) community revitalization and eco-
4 nomic development projects.

5 (3) ELIGIBLE FACILITY.—

6 (A) IN GENERAL.—The term “eligible fa-
7 cility” means a highway or other transportation
8 facility that creates a barrier to community
9 connectivity, including barriers to mobility, ac-
10 cess, or economic development, due to high
11 speeds, grade separations, or other design fac-
12 tors.

13 (B) INCLUSIONS.—In this section, the
14 term “eligible facility” may include—

- 15 (i) a limited access highway;
16 (ii) a railway;
17 (iii) a viaduct;
18 (iv) a principal arterial facility; or
19 (v) any other transportation facility
20 for which the high speeds, grade separa-
21 tion, or other design factors create an ob-
22 stacle to connectivity.

23 **SEC. 1312. APPRENTICESHIP UTILIZATION.**

24 (a) IN GENERAL.—

1 (1) CERTIFICATION REQUIREMENT.—To receive
2 a grant under sections 117 and 173 of title 23,
3 United States Code, and section 1311 of this Act,
4 each applicant shall include in a grant application a
5 certification that such applicant will ensure that any
6 contractor or subcontractor utilized in carrying out
7 activities with such grant—

8 (A) meets or exceeds the apprenticeship
9 employment goal;

10 (B) to the extent practicable, employs
11 qualified apprentices from traditionally under-
12 represented populations, including women and
13 minorities, in meeting or exceeding such goal;

14 (C) makes best efforts to meet project-
15 wide, annually updated participation goals set
16 by the applicant for the percentage of total
17 workhours that are performed by historically
18 under-represented populations, including by
19 women, people of color, and women of color, by
20 trade and position; and

21 (D) tracks ongoing progress towards the
22 goals described in subparagraph (C).

23 (2) EXCEPTIONS.—The Secretary may adjust
24 the requirements of this section if the grant appli-
25 cant—

1 (A) demonstrates a lack of availability of
2 qualified apprentices in a specific geographic
3 area; or

4 (B) makes a good faith effort to comply
5 with the requirements of this section.

6 (b) REGULATIONS.—The Secretary, in collaboration
7 with the Secretary of Labor, as appropriate, shall have
8 the authority to issue such regulations or other guidance,
9 forms, instructions, and publications as may be necessary
10 or appropriate to carry out the requirements of this sec-
11 tion, including reporting requirements and oversight for
12 applicants awarded a grant.

13 (c) REPORT TO CONGRESS.—Not later than 3 years
14 after the date of enactment of this Act, the Secretary shall
15 submit to the Committee on Transportation and Infra-
16 structure of the House of Representatives and the Com-
17 mittee on Environment and Public Works of the Senate
18 a report on the utilization of qualified apprentices for
19 projects carried out under sections 117 and 173 of title
20 23, United States Code, and section 1311 of this Act, that
21 includes—

22 (1) the total number of labor hours fulfilled by
23 qualified apprentices and historically underrep-
24 resented populations;

1 (2) the total number of qualified apprentices
2 and historically underrepresented populations em-
3 ployed;

4 (3) the total number of grant recipients that
5 met or exceeded the apprenticeship employment and
6 the goals for the percentage of total workhours per-
7 formed by historically under-represented populations
8 under subsection (a)(1)(C);

9 (4) best practices utilized by grant recipients
10 that met or exceeded the apprenticeship employment
11 goal and the goals for the percentage of total
12 workhours performed by historically under-rep-
13 resented populations under subsection (a)(1)(C); and

14 (5) a summary of agency oversight of grant re-
15 cipients' fulfillment of certification terms under this
16 section.

17 (d) PUBLIC TRANSPARENCY.—At the end of each fis-
18 cal year, the Secretary shall make available on a public
19 website information on the utilization of qualified appren-
20 tices in the preceding fiscal year for each grant program
21 under sections 117 and 173 of title 23, United States
22 Code, and section 1311 of this Act, including—

23 (1) the total number of grant applicants that
24 certified they would be able to meet or exceed the

1 apprenticeship employment goal under subsection
2 (a);

3 (2) the total number of grants awarded for
4 which applicants certified they would be able to meet
5 or exceed the apprenticeship employment goal; and

6 (3) for each grant awarded, data on grant re-
7 cipients' progress toward achieving participation
8 goals under subsection (a)(1).

9 (e) DEFINITIONS.—In this section:

10 (1) APPRENTICESHIP EMPLOYMENT GOAL.—
11 The term “apprenticeship employment goal” means
12 the utilization of qualified apprentices for not less
13 than 15 percent of the total labor hours used for
14 construction activities for a project.

15 (2) QUALIFIED APPRENTICE.—The term “quali-
16 fied apprentice” means an employee participating in
17 an apprenticeship program that—

18 (A) is registered with the Office of Appren-
19 ticeship of the Employment Training Adminis-
20 tration of the Department of Labor or a State
21 apprenticeship agency recognized by such Office
22 of Apprenticeship pursuant to the Act of Au-
23 gust 16, 1937 (29 U.S.C. 50 et seq.; commonly
24 known as the “National Apprenticeship Act”);
25 and

1 (B) satisfies the requirements of subpart A
2 of part 29 and part 30 of title 29, Code of Fed-
3 eral Regulations.

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

6 **SEC. 1313. GAO STUDY.**

7 Not later than 3 years after the date of enactment
8 of this Act, the Comptroller General of the United States
9 shall conduct a study to review the amount of funds made
10 available under section 151(f) of title 23, United States
11 Code, for the installation of electric vehicle charging sta-
12 tions in communities disproportionately impacted by air
13 pollution and high rates of asthma.

14 **SEC. 1314. SENSE OF CONGRESS.**

15 It is the sense of Congress that—

16 (1) contractors and subcontractors utilized in
17 carrying out activities funded under title 23, United
18 States Code, should institute respectful workplace
19 policies and provide effective, ongoing workplace
20 training to create safe, respectful work sites that are
21 free from bullying, hazing, discrimination, or harass-
22 ment; and

23 (2) the Department of Transportation should
24 take appropriate steps in coordination with the De-

1 partment of Labor to ensure contractors and sub-
2 contractors take such actions.

3 **SEC. 1315. POLLINATOR-FRIENDLY PRACTICES ON ROAD-**
4 **SIDES AND HIGHWAY RIGHTS-OF-WAY.**

5 (a) IN GENERAL.—Section 329 of title 23, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 “(d) POLLINATOR-FRIENDLY PRACTICES ON ROAD-
9 SIDES AND HIGHWAY RIGHTS-OF-WAY.—

10 “(1) IN GENERAL.—The Secretary shall estab-
11 lish a program to provide grants to eligible entities
12 to carry out activities to benefit pollinators on road-
13 sides and highway rights-of-way, including the plant-
14 ing and seeding of native locally-appropriate grasses
15 and wildflowers, including milkweed.

16 “(2) ELIGIBLE ENTITIES.—An entity eligible to
17 receive a grant under this subsection is—

18 “(A) a State department of transportation;

19 “(B) an Indian tribe or tribal organization;

20 “(C) a territory; or

21 “(D) a Federal land management agency.

22 “(3) APPLICATION.—To be eligible to receive a
23 grant under this section, an eligible entity shall sub-
24 mit to the Secretary an application at such time, in
25 such manner, and containing such information as

1 the Secretary may require, including a pollinator-
2 friendly practices plan described in paragraph (4).

3 “(4) POLLINATOR-FRIENDLY PRACTICES
4 PLAN.—

5 “(A) IN GENERAL.—An eligible entity shall
6 include in the application under paragraph (3)
7 a plan that describes the pollinator-friendly
8 practices that the eligible entity has imple-
9 mented or plans to implement, including—

10 “(i) practices relating to mowing
11 strategies that promote early successional
12 vegetation and limit disturbance during pe-
13 riods of highest use by target pollinator
14 species on roadsides and highway rights-of-
15 way, such as—

16 “(I) reducing the mowing swath
17 outside of the State-designated safety
18 zone;

19 “(II) increasing the mowing
20 height;

21 “(III) reducing the mowing fre-
22 quency;

23 “(IV) refraining from mowing
24 monarch and other pollinator habitat

1 during periods in which monarchs or
2 other pollinators are present;

3 “(V) use of a flushing bar and
4 cutting at reduced speeds to reduce
5 pollinator deaths due to mowing; or

6 “(VI) reducing raking along
7 roadsides and highway rights-of-way;

8 “(ii) implementation of an integrated
9 vegetation management plan that includes
10 approaches such as mechanical tree and
11 brush removal, targeted and judicious use
12 of herbicides, and mowing, to address weed
13 issues on roadsides and highway rights-of-
14 way;

15 “(iii) planting or seeding of native, lo-
16 cally-appropriate grasses and wildflowers,
17 including milkweed, on roadsides and high-
18 way rights-of-way to enhance pollinator
19 habitat, including larval host plants;

20 “(iv) removing nonnative grasses from
21 planting and seeding mixes, except for use
22 as nurse or cover crops;

23 “(v) obtaining expert training or as-
24 sistance on pollinator-friendly practices, in-
25 cluding—

- 1 “(I) native plant identification;
- 2 “(II) establishment and manage-
- 3 ment of locally-appropriate or native
- 4 plants that benefit pollinators;
- 5 “(III) land management practices
- 6 that benefit pollinators; and
- 7 “(IV) pollinator-focused inte-
- 8 grated vegetation management; or
- 9 “(vi) any other pollinator-friendly or
- 10 vegetation management practices the Sec-
- 11 retary determines to be appropriate.

12 “(B) CONSIDERATION.—In developing the

13 plan under subparagraph (A), the eligible entity

14 shall consider other vegetation management

15 best management practices established by the

16 Secretary, including—

- 17 “(i) fuel breaks for the prevention and
- 18 control of wildfires;
- 19 “(ii) abating stormwater runoff and
- 20 stabilizing soil;
- 21 “(iii) habitat for forage for native
- 22 fauna; and
- 23 “(iv) the economy of maintenance of
- 24 the right-of-way.

1 “(C) COORDINATION.—In developing a
2 plan under subparagraph (A), an eligible entity
3 that is a State department of transportation or
4 a Federal land management agency shall co-
5 ordinate with applicable State agencies, includ-
6 ing State agencies with jurisdiction over agri-
7 culture and fish and wildlife.

8 “(D) CONSULTATION.—In developing a
9 plan under subparagraph (A)—

10 “(i) an eligible entity that is a State
11 department of transportation or a Federal
12 land management agency shall consult with
13 any affected Indian tribes or tribal organi-
14 zations; and

15 “(ii) any eligible entity may consult
16 with nonprofit organizations, institutions
17 of higher education, units of local govern-
18 ment, or any other relevant entities.

19 “(5) AWARD OF GRANTS.—

20 “(A) IN GENERAL.—The Secretary shall
21 provide a grant to each eligible entity that sub-
22 mits an application under paragraph (3), in-
23 cluding a plan under paragraph (4), that the
24 Secretary determines to be satisfactory.

1 “(B) AMOUNT OF GRANTS.—The amount
2 of each grant provided under this subsection
3 may not exceed \$150,000.

4 “(6) USE OF FUNDS.—An eligible entity that
5 receives a grant under this subsection shall use the
6 funds for the implementation, improvement, or fur-
7 ther development of the plan under paragraph (4).

8 “(7) FEDERAL SHARE.—The Federal share of
9 the cost of an activity carried out with a grant under
10 this subsection shall be up to 80 percent.

11 “(8) TECHNICAL ASSISTANCE.—On request of
12 an eligible entity that receives a grant under this
13 subsection, the Secretary may provide technical as-
14 sistance with the implementation, improvement, or
15 further development of a plan under paragraph (4).

16 “(9) ADMINISTRATIVE COSTS.—For each fiscal
17 year, the Secretary may use not more than 5 percent
18 of the amounts made available to carry out this sub-
19 section for the administrative costs of carrying out
20 this subsection.

21 “(10) AUTHORIZATION OF APPROPRIATIONS.—

22 “(A) IN GENERAL.—There is authorized to
23 be appropriated from the general fund of the
24 Treasury to carry out this subsection

1 \$2,000,000 for each of fiscal years 2023
2 through 2026.

3 “(B) AVAILABILITY.—Amounts made
4 available under this subsection shall remain
5 available as described under section 118(b).

6 “(e) BEST PRACTICES AND GUIDANCE.—

7 “(1) IN GENERAL.—Not later than 1 year after
8 the date of enactment of the INVEST in America
9 Act, and periodically thereafter, the Secretary shall
10 develop or update best practices for, and a priority
11 ranking of, pollinator-friendly practices on roadsides
12 and highway rights-of-way.

13 “(2) GUIDANCE.—The Secretary shall provide
14 guidance on sources of funds made available under
15 this title that are eligible for activities described
16 under this section, including any best management
17 practices identified under paragraph (1) that are eli-
18 gible for funding under this title.”.

19 (b) REPORT.—Not later than 2 years after the date
20 on which the first grant is provided under section 329(d)
21 of title 23, United States Code, as added by this Act, the
22 Secretary shall publish a report on the implementation of
23 the program under such section.

1 **Subtitle D—Planning, Performance**
2 **Management, and Asset Man-**
3 **agement**

4 **SEC. 1401. METROPOLITAN TRANSPORTATION PLANNING.**

5 Section 134 of title 23, United States Code, is
6 amended—

7 (1) in subsection (a) by striking “resiliency
8 needs while minimizing transportation-related fuel
9 consumption and air pollution” and inserting “resil-
10 ience and climate change adaptation needs while re-
11 ducing transportation-related fuel consumption, air
12 pollution, and greenhouse gas emissions”;

13 (2) in subsection (b)—

14 (A) by redesignating paragraphs (6) and
15 (7) as paragraphs (7) and (8), respectively; and

16 (B) by inserting after paragraph (5) the
17 following:

18 “(6) STIP.—The term ‘STIP’ means a state-
19 wide transportation improvement program developed
20 by a State under section 135(g).”;

21 (3) in subsection (c)—

22 (A) in paragraph (1) by striking “and
23 transportation improvement programs” and in-
24 serting “and TIPs”; and

25 (B) by adding at the end the following:

1 “(4) CONSIDERATION.—In developing the plans
2 and TIPs, metropolitan planning organizations shall
3 consider direct and indirect emissions of greenhouse
4 gases.”;

5 (4) in subsection (d)—

6 (A) in paragraph (2) by striking “Not
7 later than 2 years after the date of enactment
8 of MAP–21, each” and inserting “Each”;

9 (B) in paragraph (3) by adding at the end
10 the following:

11 “(D) EQUITABLE AND PROPORTIONAL
12 REPRESENTATION.—

13 “(i) IN GENERAL.—For officials or
14 representatives under paragraph (2), the
15 metropolitan planning organization shall
16 ensure the equitable and proportional rep-
17 resentation of the population of the metro-
18 politan planning area.

19 “(ii) SAVINGS CLAUSE.—Nothing in
20 this paragraph shall require a metropolitan
21 planning organization in existence on the
22 date of enactment of this subparagraph to
23 be restructured.

24 “(iii) REDESIGNATION.—Notwith-
25 standing clause (ii), the requirements of

1 this paragraph shall apply to any metro-
2 politan planning organization redesignated
3 under paragraph (6).”;

4 (C) in paragraph (6)(B) by striking “para-
5 graph (2)” and inserting “paragraph (2) or
6 (3)(D)”;

7 (D) in paragraph (7)—

8 (i) by striking “an existing metropoli-
9 tan planning area” and inserting “an ur-
10 banized area”;

11 (ii) by striking “the existing metro-
12 politan planning area” and inserting “the
13 area”;

14 (5) in subsection (g)—

15 (A) in paragraph (1) by striking “a metro-
16 politan area” and inserting “an urbanized
17 area”;

18 (B) in paragraph (2) by striking “MPOS”
19 and inserting “METROPOLITAN PLANNING
20 AREAS”;

21 (C) in paragraph (3)(A) by inserting
22 “emergency response and evacuation, climate
23 change adaptation and resilience,” after “dis-
24 aster risk reduction,”;

25 (D) by adding at the end the following:

1 “(4) COORDINATION BETWEEN MPOS.—

2 “(A) IN GENERAL.—If more than one met-
3 ropolitan planning organization is designated
4 within an urbanized area under subsection
5 (d)(7), the metropolitan planning organizations
6 designated within the area shall ensure, to the
7 maximum extent practicable, the consistency of
8 any data used in the planning process, includ-
9 ing information used in forecasting transpor-
10 tation demand.

11 “(B) SAVINGS CLAUSE.—Nothing in this
12 paragraph requires metropolitan planning orga-
13 nizations designated within a single urbanized
14 area to jointly develop planning documents, in-
15 cluding a unified long-range transportation plan
16 or unified TIP.”;

17 (6) in subsection (h)(1)—

18 (A) by striking subparagraph (E) and in-
19 serting the following:

20 “(E) protect and enhance the environment,
21 promote energy conservation, reduce greenhouse
22 gas emissions, improve the quality of life and
23 public health, and promote consistency between
24 transportation improvements and State and
25 local planned growth and economic development

1 patterns, including housing and land use pat-
2 terns;”;

3 (B) in subparagraph (I)—

4 (i) by inserting “, sea level rise, ex-
5 treme weather, and climate change” after
6 “stormwater”; and

7 (ii) by striking “and” at the end;

8 (C) by redesignating subparagraph (J) as
9 subparagraph (M); and

10 (D) by inserting after subparagraph (I) the
11 following:

12 “(J) support emergency management, re-
13 sponse, and evacuation and hazard mitigation;

14 “(K) improve the level of transportation
15 system access;

16 “(L) support inclusive zoning policies and
17 land use planning practices that incentivize af-
18 fordable, elastic, and diverse housing supply, fa-
19 cilitate long-term economic growth by improving
20 the accessibility of housing to jobs, and prevent
21 high housing costs from displacing economically
22 disadvantaged households; and”;

23 (7) in subsection (h)(2) by striking subpara-
24 graph (A) and inserting the following:

1 “(A) IN GENERAL.—Through the use of a
2 performance-based approach, transportation in-
3 vestment decisions made as a part of the metro-
4 politan transportation planning process shall
5 support the national goals described in section
6 150(b), the achievement of metropolitan and
7 statewide targets established under section
8 150(d), the improvement of transportation sys-
9 tem access (consistent with section 150(f)), and
10 the general purposes described in section 5301
11 of title 49.”;

12 (8) in subsection (i)—

13 (A) in paragraph (2)(D)(i) by inserting
14 “reduce greenhouse gas emissions and” before
15 “restore and maintain”;

16 (B) in paragraph (2)(G) by inserting “and
17 climate change” after “infrastructure to natural
18 disasters”;

19 (C) in paragraph (2)(H) by inserting
20 “greenhouse gas emissions,” after “pollution,”;

21 (D) in paragraph (5)—

22 (i) in subparagraph (A) by inserting
23 “air quality, public health, housing, trans-
24 portation, resilience, hazard mitigation,

1 emergency management,” after “conserva-
2 tion,”; and

3 (ii) by striking subparagraph (B) and
4 inserting the following:

5 “(B) ISSUES.—The consultation shall in-
6 volve, as appropriate, comparison of transpor-
7 tation plans to other relevant plans, including,
8 if available—

9 “(i) State conservation plans or maps;
10 and

11 “(ii) inventories of natural or historic
12 resources.”; and

13 (E) by amending paragraph (6)(C) to read
14 as follows:

15 “(C) METHODS.—

16 “(i) IN GENERAL.—In carrying out
17 subparagraph (A), the metropolitan plan-
18 ning organization shall, to the maximum
19 extent practicable—

20 “(I) hold any public meetings at
21 convenient and accessible locations
22 and times;

23 “(II) employ visualization tech-
24 niques to describe plans; and

1 “(III) make public information
2 available in electronically accessible
3 format and means, such as the inter-
4 net, as appropriate to afford reason-
5 able opportunity for consideration of
6 public information under subpara-
7 graph (A).

8 “(ii) ADDITIONAL METHODS.—In ad-
9 dition to the methods described in clause
10 (i), in carrying out subparagraph (A), the
11 metropolitan planning organization shall,
12 to the maximum extent practicable—

13 “(I) use virtual public involve-
14 ment, social media, and other web-
15 based tools to encourage public par-
16 ticipation and solicit public feedback;
17 and

18 “(II) use other methods, as ap-
19 propriate, to further encourage public
20 participation of historically underrep-
21 resented individuals in the transpor-
22 tation planning process.”;

23 (9) in subsection (j) by striking “transportation
24 improvement program” and inserting “TIP” each
25 place it appears; and

1 (10) by striking “Federally” each place it ap-
2 pears and inserting “federally”.

3 **SEC. 1402. STATEWIDE AND NONMETROPOLITAN TRANS-**
4 **PORTATION PLANNING.**

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

7 (1) in subsection (a)—

8 (A) in paragraph (1) by striking “state-
9 wide transportation improvement program” and
10 inserting “STIP”;

11 (B) in paragraph (2)—

12 (i) by striking “The statewide trans-
13 portation plan and the” and inserting the
14 following:

15 “(A) IN GENERAL.—The statewide trans-
16 portation plan and the”;

17 (ii) by striking “transportation im-
18 provement program” and inserting
19 “STIP”; and

20 (iii) by adding at the end the fol-
21 lowing:

22 “(B) CONSIDERATION.—In developing the
23 statewide transportation plans and STIPs,
24 States shall consider direct and indirect emis-
25 sions of greenhouse gases.”; and

1 (C) in paragraph (3) by striking “trans-
2 portation improvement program” and inserting
3 “STIP”;

4 (2) in subsection (d)—

5 (A) in paragraph (1)—

6 (i) in subparagraph (E)—

7 (I) by inserting “reduce green-
8 house gas emissions,” after “promote
9 energy conservation,”;

10 (II) by inserting “and public
11 health” after “improve the quality of
12 life”; and

13 (III) by inserting “, including
14 housing and land use patterns” after
15 “economic development patterns”;

16 (ii) in subparagraph (I)—

17 (I) by inserting “, sea level rise,
18 extreme weather, and climate change”
19 after “mitigate stormwater”; and

20 (II) by striking “and” after the
21 semicolon;

22 (iii) by redesignating subparagraph
23 (J) as subparagraph (M); and

24 (iv) by inserting after subparagraph
25 (I) the following:

1 “(J) facilitate emergency management, re-
2 sponse, and evacuation and hazard mitigation;

3 “(K) improve the level of transportation
4 system access;

5 “(L) support inclusive zoning policies and
6 land use planning practices that incentivize af-
7 fordable, elastic, and diverse housing supply, fa-
8 cilitate long-term economic growth by improving
9 the accessibility of housing to jobs, and prevent
10 high housing costs from displacing economically
11 disadvantaged households; and”;

12 (B) in paragraph (2)—

13 (i) by striking subparagraph (A) and
14 inserting the following:

15 “(A) IN GENERAL.—Through the use of a
16 performance-based approach, transportation in-
17 vestment decisions made as a part of the state-
18 wide transportation planning process shall sup-
19 port—

20 “(i) the national goals described in
21 section 150(b);

22 “(ii) the consideration of transpor-
23 tation system access (consistent with sec-
24 tion 150(f));

1 “(iii) the achievement of statewide
2 targets established under section 150(d);
3 and

4 “(iv) the general purposes described
5 in section 5301 of title 49.”; and

6 (ii) in subparagraph (D) by striking
7 “statewide transportation improvement
8 program” and inserting “STIP”; and

9 (C) in paragraph (3) by striking “state-
10 wide transportation improvement program” and
11 inserting “STIP”;

12 (3) in subsection (e)(3) by striking “transpor-
13 tation improvement program” and inserting
14 “STIP”;

15 (4) in subsection (f)—

16 (A) in paragraph (2)(D)—

17 (i) in clause (i) by inserting “air qual-
18 ity, public health, housing, transportation,
19 resilience, hazard mitigation, emergency
20 management,” after “conservation,”; and

21 (ii) by amending clause (ii) to read as
22 follows:

23 “(ii) COMPARISON AND CONSIDER-
24 ATION.—Consultation under clause (i)
25 shall involve the comparison of transpor-

1 tation plans to other relevant plans and in-
2 ventories, including, if available—

3 “(I) State and tribal conservation
4 plans or maps; and

5 “(II) inventories of natural or
6 historic resources.”;

7 (B) in paragraph (3)(B)—

8 (i) by striking “In carrying out” and
9 inserting the following:

10 “(i) IN GENERAL.—In carrying out”;

11 (ii) by redesignating clauses (i)
12 through (iv) as subclauses (I) through
13 (IV), respectively; and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(ii) ADDITIONAL METHODS.—In ad-
17 dition to the methods described in clause
18 (i), in carrying out subparagraph (A), the
19 State shall, to the maximum extent prac-
20 ticable—

21 “(I) use virtual public involve-
22 ment, social media, and other web-
23 based tools to encourage public par-
24 ticipation and solicit public feedback;
25 and

1 “(II) use other methods, as ap-
2 propriate, to further encourage public
3 participation of historically underrep-
4 resented individuals in the transpor-
5 tation planning process.”;

6 (C) in paragraph (4)(A) by inserting “re-
7 duce greenhouse gas emissions and” after “po-
8 tential to”; and

9 (D) in paragraph (8) by inserting “green-
10 house gas emissions,” after “pollution,”;

11 (5) in subsection (g)—

12 (A) in paragraph (1)(A) by striking “state-
13 wide transportation improvement program” and
14 inserting “STIP”;

15 (B) in paragraph (3) by striking “opera-
16 tors),,” and inserting “operators,”;

17 (C) in paragraph (4) by striking “state-
18 wide transportation improvement program” and
19 inserting “STIP” each place it appears;

20 (D) in paragraph (5)—

21 (i) in subparagraph (A) by striking
22 “transportation improvement program”
23 and inserting “STIP”;

1 (ii) in subparagraph (B)(ii) by strik-
2 ing “metropolitan transportation improve-
3 ment program” and inserting “TIP”;

4 (iii) in subparagraph (C) by striking
5 “transportation improvement program”
6 and inserting “STIP” each place it ap-
7 pears;

8 (iv) in subparagraph (E) by striking
9 “transportation improvement program”
10 and inserting “STIP”;

11 (v) in subparagraph (F)(i) by striking
12 “transportation improvement program”
13 and inserting “STIP” each place it ap-
14 pears;

15 (vi) in subparagraph (G)(ii) by strik-
16 ing “transportation improvement program”
17 and inserting “STIP”; and

18 (vii) in subparagraph (H) by striking
19 “transportation improvement program”
20 and inserting “STIP”;

21 (E) in paragraph (6)—

22 (i) in subparagraph (A)—

23 (I) by striking “transportation
24 improvement program” and inserting
25 “STIP”; and

1 (II) by striking “and projects
2 carried out under the bridge program
3 or the Interstate maintenance pro-
4 gram”; and

5 (ii) in subparagraph (B)—

6 (I) by striking “or under the
7 bridge program or the Interstate
8 maintenance program”;

9 (II) by striking “5310, 5311,
10 5316, and 5317” and inserting “5310
11 and 5311”; and

12 (III) by striking “statewide
13 transportation improvement program”
14 and inserting “STIP”;

15 (F) in paragraph (7)—

16 (i) in the heading by striking “TRANS-
17 PORTATION IMPROVEMENT PROGRAM” and
18 inserting “STIP”; and

19 (ii) by striking “transportation im-
20 provement program” and inserting
21 “STIP”;

22 (G) in paragraph (8) by striking “state-
23 wide transportation plans and programs” and
24 inserting “statewide transportation plans and
25 STIPs”; and

1 (H) in paragraph (9) by striking “trans-
2 portation improvement program” and inserting
3 “STIP”;

4 (6) in subsection (h)(2)(A) by striking “Not
5 later than 5 years after the date of enactment of the
6 MAP-21,” and inserting “Not less frequently than
7 once every 4 years,”;

8 (7) in subsection (k) by striking “transportation
9 improvement program” and inserting “STIP” each
10 place it appears; and

11 (8) in subsection (m) by striking “transpor-
12 tation improvement programs” and inserting
13 “STIPs”.

14 **SEC. 1403. NATIONAL GOALS AND PERFORMANCE MANAGE-**
15 **MENT MEASURES.**

16 (a) IN GENERAL.—Section 150 of title 23, United
17 States Code, is amended—

18 (1) in subsection (b)—

19 (A) in paragraph (1) by inserting “or
20 elimination” after “significant reduction”;

21 (B) by redesignating paragraph (7) as
22 paragraph (8); and

23 (C) by inserting after paragraph (6) the
24 following:

1 “(7) COMBATING CLIMATE CHANGE.—To re-
2 duce carbon dioxide and other greenhouse gas emis-
3 sions and reduce the climate impacts of the trans-
4 portation system.”;

5 (2) in subsection (c)—

6 (A) in paragraph (1) by striking “Not
7 later than 18 months after the date of enact-
8 ment of the MAP-21, the Secretary” and in-
9 serting “The Secretary”; and

10 (B) by adding at the end the following:

11 “(7) GREENHOUSE GAS EMISSIONS.—The Sec-
12 retary shall establish, in consultation with the Ad-
13 ministrators of the Environmental Protection Agency,
14 measures for States to use to assess—

15 “(A) carbon dioxide emissions per capita
16 on public roads;

17 “(B) carbon dioxide emissions using dif-
18 ferent parameters than described in subpara-
19 graph (A) that the Secretary determines to be
20 appropriate; and

21 “(C) any other greenhouse gas emissions
22 on public roads that the Secretary determines
23 to be appropriate.”;

24 (3) in subsection (d)—

25 (A) in paragraph (1)—

1 (i) by striking “Not later than 1 year
2 after the Secretary has promulgated the
3 final rulemaking under subsection (c),
4 each” and inserting “Each”; and

5 (ii) by striking “and (6)” and insert-
6 ing “(6), and (7)”; and

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

8 “(3) REGRESSIVE TARGETS.—

9 “(A) IN GENERAL.—A State may not es-
10 tablish a regressive target for the measures de-
11 scribed under paragraph (4) or paragraph (7)
12 of subsection (c).

13 “(B) REGRESSIVE TARGET DEFINED.—In
14 this paragraph, the term ‘regressive target’
15 means a target that fails to demonstrate con-
16 stant or improved performance for a particular
17 measure.”;

18 (4) in subsection (e)—

19 (A) by striking “Not later than 4 years
20 after the date of enactment of the MAP-21 and
21 biennially thereafter, a” and inserting “A”; and

22 (B) by inserting “biennial” after “the Sec-
23 retary a”; and

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

25 “(f) TRANSPORTATION SYSTEM ACCESS.—

1 “(1) IN GENERAL.—The Secretary shall estab-
2 lish measures for States and metropolitan planning
3 organizations to use to assess the level of safe, reli-
4 able, and convenient transportation system access
5 to—

6 “(A) employment; and

7 “(B) services.

8 “(2) CONSIDERATIONS.—The measures estab-
9 lished pursuant to paragraph (1) shall include the
10 ability for States and metropolitan planning organi-
11 zations to assess—

12 “(A) the change in the level of transpor-
13 tation system access for various modes of trav-
14 el, including connection to other modes of
15 transportation, that would result from new
16 transportation investments;

17 “(B) the level of transportation system ac-
18 cess for economically disadvantaged commu-
19 nities, including to affordable housing; and

20 “(C) the extent to which transportation ac-
21 cess is impacted by zoning policies and land use
22 planning practices that effect the affordability,
23 elasticity, and diversity of the housing supply.

24 “(3) DEFINITION OF SERVICES.—In this sub-
25 section, the term ‘services’ includes healthcare facili-

1 ties, child care, education and workforce training,
2 food sources, banking and other financial institu-
3 tions, and other retail shopping establishments.”.

4 (b) METROPOLITAN TRANSPORTATION PLANNING;
5 TITLE 23.—Section 134 of title 23, United States Code,
6 is further amended—

7 (1) in subsection (j)(2)(D)—

8 (A) by striking “PERFORMANCE TARGET
9 ACHIEVEMENT” in the heading and inserting
10 “PERFORMANCE MANAGEMENT”;

11 (B) by striking “The TIP” and inserting
12 the following:

13 “(i) IN GENERAL.—The TIP”; and

14 (C) by adding at the end the following:

15 “(ii) TRANSPORTATION MANAGEMENT
16 AREAS.—For metropolitan planning areas
17 that represent an urbanized area des-
18 ignated as a transportation management
19 area under subsection (k), the TIP shall
20 include—

21 “(I) a discussion of the antici-
22 pated effect of the TIP toward achiev-
23 ing the performance targets estab-
24 lished in the metropolitan transpor-

1 tation plan, linking investment prior-
2 ities to such performance targets; and

3 “**(II)** a description of how the an-
4 ticipated effect of the TIP would im-
5 prove the overall level of transpor-
6 tation system access, consistent with
7 section 150(f).”;

8 (2) in subsection (k)—

9 (A) in paragraph (3)(A)—

10 (i) by striking “shall address conges-
11 tion management” and inserting the fol-
12 lowing: “shall address—

13 “**(i)** congestion management”;

14 (ii) by striking the period at the end
15 and inserting “; and”; and

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

18 “**(ii)** the overall level of transportation
19 system access for various modes of travel
20 within the metropolitan planning area, in-
21 cluding the level of access for economically
22 disadvantaged communities, consistent
23 with section 150(f), that is based on a co-
24 operatively developed and implemented
25 metropolitan-wide strategy, assessing both

1 new and existing transportation facilities
2 eligible for funding under this title and
3 chapter 53 of title 49.”; and
4 (B) in paragraph (5)(B)—
5 (i) in clause (i) by striking “; and”
6 and inserting a semicolon;
7 (ii) in clause (ii) by striking the pe-
8 riod and inserting “; and”; and
9 (iii) by adding at the end the fol-
10 lowing:
11 “(iii) the TIP approved under clause
12 (ii) makes progress towards improving the
13 level of transportation system access, con-
14 sistent with section 150(f).”; and
15 (3) in subsection (l)(2)—
16 (A) by striking “5 years after the date of
17 enactment of the MAP-21” and inserting “2
18 years after the date of enactment of the IN-
19 VEST in America Act, and every 2 years there-
20 after”;
21 (B) in subparagraph (C) by striking “and
22 whether metropolitan planning organizations
23 are developing meaningful performance targets;
24 and” and inserting a semicolon; and

1 (C) by striking subparagraph (D) and in-
2 serting the following:

3 “(D) a listing of all metropolitan planning
4 organizations that are establishing performance
5 targets and whether such performance targets
6 established by the metropolitan planning orga-
7 nization are meaningful or regressive (as de-
8 fined in section 150(d)(3)(B)); and

9 “(E) the progress of implementing the
10 measure established under section 150(f).”.

11 (c) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
12 TATION PLANNING; TITLE 23.—Section 135(g)(4) of title
13 23, United States Code, is further amended—

14 (1) by striking “PERFORMANCE TARGET
15 ACHIEVEMENT” in the heading and inserting “PER-
16 FORMANCE MANAGEMENT”;

17 (2) by striking “shall include, to the maximum
18 extent practicable, a discussion” and inserting the
19 following: “shall include—

20 “(A) a discussion”;

21 (3) by striking the period at the end and insert-
22 ing “; and”; and

23 (4) by adding at the end the following:

24 “(B) a consideration of the anticipated ef-
25 fect of the STIP on the overall level of trans-

1 portation system access, consistent with section
2 150(f).”.

3 (d) METROPOLITAN TRANSPORTATION PLANNING;
4 TITLE 49.—Section 5303 of title 49, United States Code,
5 is amended—

6 (1) in subsection (j)(2)(D)—

7 (A) by striking “PERFORMANCE TARGET
8 ACHIEVEMENT” and inserting “PERFORMANCE
9 MANAGEMENT”;

10 (B) by striking “The transportation im-
11 provement plan” and inserting the following:

12 “(i) IN GENERAL.—The TIP”; and

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

14 “(ii) TRANSPORTATION MANAGEMENT
15 AREAS.—For metropolitan planning areas
16 that represent an urbanized area des-
17 ignated as a transportation management
18 area under subsection (k), the TIP shall
19 include—

20 “(I) a discussion of the antici-
21 pated effect of the TIP toward achiev-
22 ing the performance targets estab-
23 lished in the metropolitan transpor-
24 tation plan, linking investment prior-
25 ities to such performance targets; and

1 “(II) a description of how the an-
2 ticipated effect of the TIP would im-
3 prove the overall level of transpor-
4 tation system access, consistent with
5 section 150(f) of title 23.”;

6 (2) in subsection (k)—

7 (A) in paragraph (3)(A)—

8 (i) by striking “shall address conges-
9 tion management” and inserting the fol-
10 lowing: “shall address—

11 “(i) congestion management”;

12 (ii) by striking the period at the end
13 and inserting “; and”; and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(ii) the overall level of transportation
17 system access for various modes of travel
18 within the metropolitan planning area, in-
19 cluding the level of access for economically
20 disadvantaged communities, consistent
21 with section 150(f) of title 23, that is
22 based on a cooperatively developed and im-
23 plemented metropolitan-wide strategy, as-
24 sessing both new and existing transpor-

1 tation facilities eligible for funding under
2 this chapter and title 23.”; and
3 (B) in paragraph (5)(B)—
4 (i) in clause (i) by striking “; and”
5 and inserting a semicolon;
6 (ii) in clause (ii) by striking the pe-
7 riod and inserting “; and”; and
8 (iii) by adding at the end the fol-
9 lowing:
10 “(iii) the TIP approved under clause
11 (ii) makes progress towards improving the
12 level of transportation system access, con-
13 sistent with section 150(f) of title 23.”;
14 and
15 (3) in subsection (l)(2)—
16 (A) by striking “5 years after the date of
17 enactment of the Federal Public Transportation
18 Act of 2012” and inserting “2 years after the
19 date of enactment of the INVEST in America
20 Act, and every 2 years thereafter,”;
21 (B) in subparagraph (C) by striking “and
22 whether metropolitan planning organizations
23 are developing meaningful performance targets;
24 and” and inserting a semicolon; and

1 (C) by striking subparagraph (D) and in-
2 serting the following:

3 “(D) a listing of all metropolitan planning
4 organizations that are establishing performance
5 targets and whether such performance targets
6 established by the metropolitan planning orga-
7 nization are meaningful or regressive (as de-
8 fined in section 150(d)(3)(B) of title 23); and

9 “(E) the progress of implementing the
10 measure established under section 150(f) of
11 title 23.”.

12 (e) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
13 TATION PLANNING; TITLE 49.—Section 5304(g)(4) of
14 title 49, United States Code, is amended—

15 (1) by striking “PERFORMANCE TARGET
16 ACHIEVEMENT” and inserting “PERFORMANCE MAN-
17 AGEMENT”;

18 (2) by striking “shall include, to the maximum
19 extent practicable, a discussion” and inserting the
20 following: “shall include—

21 “(A) a discussion”;

22 (3) by striking the period at the end and insert-
23 ing “; and”;

1 (4) by striking “statewide transportation im-
2 provement program” and inserting “STIP” each
3 place it appears; and

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

5 “(B) a consideration of the anticipated ef-
6 fect of the STIP on the overall level of trans-
7 portation system access, consistent with section
8 150(f) of title 23.”.

9 (f) SAVINGS CLAUSE.—

10 (1) REGRESSIVE TARGETS.—The prohibition in
11 the amendment made by subsection (a)(3)(B) shall
12 apply to States beginning on the date that is 1 year
13 before the subsequent State target and reporting
14 deadlines related to safety performance management
15 established pursuant to section 150 of title 23,
16 United States Code.

17 (2) ACCESS PLANNING REQUIREMENTS.—The
18 requirements in the amendments made by sub-
19 sections (b), (c), (d), and (e) shall apply beginning
20 on the date on which the requirements for the meas-
21 ure described in section 150(f) of title 23, United
22 States Code, take effect.

23 (g) DEVELOPMENT OF GREENHOUSE GAS MEAS-
24 URE.—Not later than 1 year after the date of enactment
25 of this Act, the Secretary of Transportation shall issue

1 such regulations as are necessary to carry out paragraph
2 (7) of section 150(c) of title 23, United States Code, as
3 added by this Act.

4 (h) DEVELOPMENT OF TRANSPORTATION SYSTEM
5 ACCESS MEASURE.—

6 (1) ESTABLISHMENT.—Not later than 120 days
7 after the date of enactment of this Act, the Sec-
8 retary of Transportation shall establish a working
9 group to assess the provisions of paragraphs (1) and
10 (2) of section 150(f) and make recommendations re-
11 garding the establishment of measures for States
12 and metropolitan planning organizations to use to
13 assess the level of transportation system access for
14 various modes of travel, consistent with section
15 150(f) of title 23, United States Code.

16 (2) MEMBERS.—The working group established
17 pursuant to paragraph (1) shall include representa-
18 tives from—

19 (A) the Department of Transportation;

20 (B) State departments of transportation,
21 including representatives that specialize in pe-
22 destrian and bicycle safety;

23 (C) the Bureau of Transportation Statis-
24 tics;

1 (D) metropolitan planning organizations
2 representing transportation management areas
3 (as those terms are defined in section 134 of
4 title 23, United States Code);

5 (E) other metropolitan planning organiza-
6 tions or local governments;

7 (F) providers of public transportation;

8 (G) nonprofit entities related to transpor-
9 tation, including relevant safety groups;

10 (H) experts in the field of transportation
11 access data; and

12 (I) any other stakeholders, as determined
13 by the Secretary.

14 (3) REPORT.—

15 (A) SUBMISSION.—Not later than 1 year
16 after the establishment of the working group
17 pursuant to paragraph (1), the working group
18 shall submit to the Secretary a report of rec-
19 ommendations regarding the establishment of
20 measures for States and metropolitan planning
21 organizations to use to assess the level of trans-
22 portation system access, consistent with section
23 150(f) of title 23, United States Code.

24 (B) PUBLICATION.—Not later than 30
25 days after the date on which the Secretary re-

1 ceives the report under subparagraph (A), the
2 Secretary shall publish the report on a publicly
3 accessible website of the Department of Trans-
4 portation.

5 (4) RULEMAKING.—Not later than 2 years after
6 the date on which the Secretary receives the report
7 under paragraph (3), the Secretary shall issue such
8 regulations as are necessary to implement the re-
9 quirements of section 150(f) of title 23, United
10 States Code.

11 (5) TERMINATION.—The Secretary shall termi-
12 nate the working group established pursuant to
13 paragraph (1) on the date on which the regulation
14 issued pursuant to paragraph (4) takes effect.

15 (i) TRANSPORTATION SYSTEM ACCESS DATA.—

16 (1) IN GENERAL.—Not later than 90 days after
17 the date on which the Secretary of Transportation
18 establishes the measure required under section
19 150(f) of title 23, United States Code, the Secretary
20 shall develop or procure eligible transportation sys-
21 tem access data sets and analytical tools and make
22 such data sets and analytical tools available to State
23 departments of transportation and metropolitan
24 planning areas that represent transportation man-
25 agement areas.

1 (2) REQUIREMENTS.—An eligible transpor-
2 tation system access data set and analytical tool
3 shall have the following characteristics:

4 (A) The ability to quantify the level of
5 safe, reliable, and convenient transportation
6 system access to—

7 (i) employment;

8 (ii) services; and

9 (iii) connections to other modes of
10 transportation.

11 (B) The ability to quantify transportation
12 system access for various modes of travel, in-
13 cluding—

14 (i) driving;

15 (ii) public transportation;

16 (iii) walking (including conveyance for
17 persons with disabilities); and

18 (iv) cycling (including micromobility).

19 (C) The ability to disaggregate the level of
20 transportation system access by various trans-
21 portation modes by a variety of population cat-
22 egories, including—

23 (i) low-income populations;

24 (ii) minority populations;

25 (iii) age;

1 (iv) disability; and

2 (v) geographical location.

3 (D) The ability to assess the change in the
4 level of transportation system access that would
5 result from new transportation investments.

6 (3) CONSIDERATION.—An eligible transpor-
7 tation system access data set and analytical tool
8 shall take into consideration safe and connected net-
9 works for walking, cycling, and persons with disabil-
10 ities.

11 (j) DEFINITIONS.—In this section:

12 (1) TRANSPORTATION SYSTEM ACCESS.—The
13 term “transportation system access” has the mean-
14 ing given such term in section 101 of title 23,
15 United States Code.

16 (2) SERVICES.—The term “services” has the
17 meaning given such term in section 150(f) of title
18 23, United States Code.

19 **SEC. 1404. TRANSPORTATION DEMAND DATA AND MOD-**
20 **ELING STUDY.**

21 (a) STUDY.—

22 (1) IN GENERAL.—The Secretary of Transpor-
23 tation shall conduct a study on transportation de-
24 mand data and modeling, including transportation
25 demand forecasting, and make recommendations for

1 developing and utilizing transportation and traffic
2 demand models with a demonstrated record of accu-
3 racy.

4 (2) CONTENTS.—In carrying out the study
5 under this section, the Secretary shall—

6 (A) collect observed transportation demand
7 data and transportation demand forecasts from
8 States and metropolitan planning organizations,
9 including data and forecasts on—

10 (i) traffic counts;

11 (ii) transportation mode share and
12 public transportation ridership;

13 (iii) vehicle occupancy measures; and

14 (iv) travel demand impacts from state
15 and local transportation demand manage-
16 ment programs;

17 (B) compare the transportation demand
18 forecasts with the observed transportation de-
19 mand data gathered under subparagraph (A),
20 including an analysis of the level of accuracy of
21 forecasts and possible reasons for large discrep-
22 ancies; and

23 (C) use the information described in sub-
24 paragraphs (A) and (B) to—

1 (i) develop best practices and guid-
2 ance for States and metropolitan planning
3 organizations to use in forecasting trans-
4 portation demand for future investments in
5 transportation improvements;

6 (ii) evaluate the impact of transpor-
7 tation investments, including new roadway
8 capacity, on transportation behavior and
9 transportation demand, including public
10 transportation ridership, induced highway
11 transportation, and congestion;

12 (iii) support more accurate transpor-
13 tation demand forecasting by States and
14 metropolitan planning organizations;

15 (iv) enhance the capacity of States
16 and metropolitan planning organizations
17 to—

18 (I) forecast transportation de-
19 mand; and

20 (II) track observed transpor-
21 tation behavior responses, including
22 induced transportation, to changes in
23 transportation capacity, pricing, and
24 land use patterns; and

1 (v) develop transportation demand
2 management strategies to maximize the ef-
3 ficiency of the transportation system, im-
4 prove mobility, reduce congestion, and
5 lower vehicle emissions.

6 (3) COVERED ENTITIES.—In carrying out the
7 study under this section, the Secretary shall ensure
8 that data and forecasts described in paragraph
9 (2)(A) are collected from—

10 (A) States;

11 (B) metropolitan planning organizations
12 that serve an area with a population of 200,000
13 people or fewer; and

14 (C) metropolitan planning organizations
15 that serve an area with a population of over
16 200,000 people.

17 (4) WORKING WITH THE PRIVATE SECTOR.—In
18 carrying out this section, the Secretary may, and is
19 encouraged to, procure additional data as necessary
20 from university transportation centers, private sector
21 providers, and other entities as is needed and may
22 use funds authorized under section 503(b) of title
23 23, United States Code, for carrying out this para-
24 graph.

1 (5) WORKING WITH AFFECTED COMMU-
2 NITIES.—In carrying out this section, the Secretary
3 shall consult with, and collect data and input from,
4 representatives of—

5 (A) the Department of Transportation;

6 (B) State departments of transportation;

7 (C) metropolitan planning organizations;

8 (D) local governments;

9 (E) providers of public transportation;

10 (F) nonprofit entities related to transpor-
11 tation, including safety, cycling, disability, and
12 equity groups; and

13 (G) any other stakeholders, as determined
14 by the Secretary.

15 (b) REPORT.—Not later than 2 years after the date
16 of enactment of this Act, the Secretary shall submit to
17 Congress a report containing the findings of the study
18 conducted under subsection (a).

19 (c) SECRETARIAL SUPPORT.—The Secretary shall
20 seek opportunities to support the transportation planning
21 processes under sections 134 and 135 of title 23, United
22 States Code, through the provision of data to States and
23 metropolitan planning organizations to improve the qual-
24 ity of transportation plans, models, and demand forecasts.

1 (d) UPDATE GUIDANCE AND REGULATIONS.—The
2 Secretary shall—

3 (1) update Department of Transportation guid-
4 ance and procedures to utilize best practices docu-
5 mented throughout the Federal program; and

6 (2) ensure that best practices included in the
7 report are incorporated into appropriate regulations
8 as such regulations are updated.

9 (e) CONTINUING IMPROVEMENT.—The Secretary
10 shall set out a process to repeat the study under this sec-
11 tion every 2 years as part of the conditions and perform-
12 ance report, including—

13 (1) progress in the accuracy of model projec-
14 tions;

15 (2) further recommendations for improvement;
16 and

17 (3) further changes to guidance, regulation, and
18 procedures required for the Department of Trans-
19 portation to adopt best practices.

20 **SEC. 1405. FISCAL CONSTRAINT ON LONG-RANGE TRANS-**
21 **PORTATION PLANS.**

22 Not later than 1 year after the date of enactment
23 of this Act, the Secretary shall amend section
24 450.324(f)(11)(v) of title 23, Code of Federal Regulations,

1 to ensure that the outer years of a metropolitan transpor-
2 tation plan are defined as “beyond the first 4 years”.

3 **Subtitle E—Federal Lands, Tribes,**
4 **and Territories**

5 **SEC. 1501. TERRITORIAL AND PUERTO RICO HIGHWAY PRO-**
6 **GRAM.**

7 (a) IN GENERAL.—Section 165 of title 23, United
8 States Code, is amended—

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

11 “(a) ANNUAL ALLOCATION.—For the Puerto Rico
12 and territorial highway program, there shall be made
13 available—

14 “(1) \$340,000,000 for the Puerto Rico highway
15 program under subsection (b) for each of fiscal years
16 2023 through 2026; and

17 “(2) for the territorial highway program under
18 subsection (c)—

19 “(A) an amount equivalent to 0.002 of the
20 amount made available under section
21 1101(a)(1)(A) of the INVEST in America Act
22 for fiscal year 2023;

23 “(B) an amount equivalent to 0.002 of the
24 amount made available under section

1 1101(a)(1)(B) of the INVEST in America Act
2 for fiscal year 2024;

3 “(C) an amount equivalent to 0.002 of the
4 amount made available under section
5 1101(a)(1)(C) of the INVEST in America Act
6 for fiscal year 2025; and

7 “(D) an amount equivalent to 0.002 of the
8 amount made available under section
9 1101(a)(1)(D) of the INVEST in America Act
10 for fiscal year 2026.”;

11 (2) in subsection (b)(2) by adding at the end
12 the following:

13 “(D) TRANSFERABILITY.—Of the amounts
14 described in clauses (i) and (ii) of subparagraph
15 (C) for the Puerto Rico highway program,
16 Puerto Rico may transfer not to exceed 50 per-
17 cent in a fiscal year of such amounts for activi-
18 ties described in clause (iii) of such subpara-
19 graph.”.

20 (3) in subsection (c)(6)(A)—

21 (A) by redesignating clauses (iv), (v), (vi),
22 and (vii) as clauses (v), (vi), (vii), and (viii), re-
23 spectively; and

24 (B) by inserting after clause (iii) the fol-
25 lowing:

1 “(iv) Ferry boats and terminal facili-
2 ties that are privately or majority privately
3 owned, in accordance with paragraphs (1),
4 (2), (4), (5), (6), and (7) of section 129(c),
5 that provide a substantial public benefit.”;
6 and

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

8 “(d) PARTICIPATION OF TERRITORIES IN DISCRE-
9 TIONARY PROGRAMS.—For any program in which the Sec-
10 retary may allocate funds out of the Highway Trust Fund
11 (other than the Mass Transit Account) to a State at the
12 discretion of the Secretary, the Secretary may allocate
13 funds to one or more territory for any project or activity
14 that otherwise would be eligible under such program if
15 such project or activity was being carried out in a State.”.

16 (b) ACCESS AND DEVELOPMENT ROADS.—Section
17 118(d) of title 23, United States Code, is amended by
18 striking “and the Commonwealth of Puerto Rico” and in-
19 serting “, the Commonwealth of Puerto Rico, and any
20 other territory of the United States”.

21 **SEC. 1502. TRIBAL TRANSPORTATION PROGRAM.**

22 Section 202 of title 23, United States Code, is
23 amended—

24 (1) in subsection (d)—

- 1 (A) in paragraph (1) by striking “improv-
2 ing deficient” and inserting “the construction
3 and reconstruction of”;
- 4 (B) in paragraph (2)—
- 5 (i) in subparagraph (A) by inserting
6 “construct,” after “project to”; and
- 7 (ii) in subparagraph (B)—
- 8 (I) by striking “deficient”; and
- 9 (II) by inserting “in poor condi-
10 tion” after “facility bridges”; and
- 11 (C) in paragraph (3)—
- 12 (i) in the heading by striking “ELIGI-
13 BLE BRIDGES” and inserting “ELIGIBILITY
14 FOR EXISTING BRIDGES”;
- 15 (ii) by striking “a bridge” and insert-
16 ing “an existing bridge”; and
- 17 (iii) in subparagraph (C) by striking
18 “structurally deficient or functionally obso-
19 lete” and inserting “in poor condition”;
20 and
- 21 (2) in subsection (e)(1)—
- 22 (A) by striking “2 percent” and inserting
23 “4 percent”; and

1 (B) by striking “for eligible projects de-
2 scribed in section 148(a)(4).” and inserting the
3 following: “for—

4 “(A) eligible projects described in section
5 148(a)(4);

6 “(B) projects to promote public awareness
7 and education concerning highway safety mat-
8 ters (including bicycle, all-terrain, motorcyclist,
9 and pedestrian safety); or

10 “(C) projects to enforce highway safety
11 laws.”.

12 **SEC. 1503. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.**

13 (a) TRIBAL TRANSPORTATION PROGRAM.—Section
14 202 of title 23, United States Code, is amended—

15 (1) by redesignating subsection (f) as sub-
16 section (g); and

17 (2) by inserting after subsection (e) the fol-
18 lowing:

19 “(f) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—
20 Before making any distribution under subsection (b), the
21 Secretary shall set aside \$50,000,000 from the funds
22 made available under the tribal transportation program
23 for each fiscal year to carry out the Tribal High Priority
24 Projects program under section 1123 of MAP-21 (23
25 U.S.C. 202 note).”.

1 (b) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—
2 Section 1123 of MAP-21 (23 U.S.C. 202 note) is amend-
3 ed—

4 (1) in subsection (a)(1)(C) by striking “re-
5 quired by that section” and inserting “required
6 under such program”;

7 (2) in subsection (b)(1) by striking “use
8 amounts made available under subsection (h) to”;

9 (3) in subsection (d)—

10 (A) in paragraph (2) by inserting “, in
11 consultation with the Secretary of the Interior,”
12 after “The Secretary”; and

13 (B) in paragraph (3) by striking “of the
14 Interior” each place it appears;

15 (4) in subsection (f) by striking “\$1,000,000”
16 and inserting “\$5,000,000”;

17 (5) in subsection (g) by striking “and the Sec-
18 retary” and inserting “or the Secretary”; and

19 (6) by striking subsection (h) and inserting the
20 following:

21 “(h) ADMINISTRATION.—The funds made available to
22 carry out this section shall be administered in the same
23 manner as funds made available for the Tribal transpor-
24 tation program under section 202 of title 23, United
25 States Code.”.

1 **SEC. 1504. FEDERAL LANDS TRANSPORTATION PROGRAM.**

2 (a) IN GENERAL.—Section 203(a) of title 23, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 “(6) TRANSFER FOR HIGH-COMMUTER COR-
6 RIDORS.—

7 “(A) REQUEST.—If the head of a covered
8 agency determines that a high-commuter cor-
9 ridor requires additional investment, based on
10 the criteria described in subparagraph (D), the
11 head of a covered agency, with respect to such
12 corridor, shall submit to the State—

13 “(i) information on condition of pave-
14 ments and bridges;

15 “(ii) an estimate of the amounts need-
16 ed to bring such corridor into a state of
17 good repair, taking into consideration any
18 planned future investments; and

19 “(iii) at the discretion of the head of
20 a covered agency, a request that the State
21 transfer to the covered agency, under the
22 authority of section 132 or section 204, or
23 to the Federal Highway Administration,
24 under the authority of section 104, a por-
25 tion of such amounts necessary to address
26 the condition of the corridor.

1 “(B) STATE RESPONSE.—Not later than
2 45 days after the date of receipt of the request
3 described in subparagraph (A)(iii), the State
4 shall—

5 “(i) approve the request;

6 “(ii) deny the request and explain the
7 reasons for such denial; or

8 “(iii) request any additional informa-
9 tion necessary to take action on the re-
10 quest.

11 “(C) NOTIFICATION TO THE SEC-
12 RETARY.—The head of a covered agency shall
13 provide to the Secretary a copy of any request
14 described under subparagraph (A)(iii) and re-
15 sponse described under subparagraph (B).

16 “(D) CRITERIA.—In making a determina-
17 tion under subparagraph (A), the head of a cov-
18 ered agency, with respect to the corridor, shall
19 consider—

20 “(i) the condition of roads, bridges,
21 and tunnels; and

22 “(ii) the average annual daily traffic.

23 “(E) DEFINITIONS.—In this paragraph:

24 “(i) COVERED AGENCY.—The term
25 ‘covered agency’ means a Federal agency

1 eligible to receive funds under this section,
2 section 203, or section 204, including the
3 Army Corps of Engineers, Bureau of Rec-
4 lamation, and the Bureau of Land Man-
5 agement.

6 “(ii) HIGH-COMMUTER CORRIDOR.—

7 The term ‘high-commuter corridor’ means
8 a Federal lands transportation facility that
9 has an average annual daily traffic of not
10 less than 20,000 vehicles.”.

11 (b) GAO STUDY REGARDING NPS MAINTENANCE.—

12 (1) STUDY.—The Comptroller General of the
13 United States shall study the National Park Service
14 maintenance prioritization of Federal lands trans-
15 portation facilities.

16 (2) CONTENTS.—At minimum, the study under
17 paragraph (1) shall examine—

18 (A) general administrative maintenance of
19 the National Park Service;

20 (B) how the National Park Service cur-
21 rently prioritizes maintenance of Federal facili-
22 ties covered under the Federal Lands Transpor-
23 tation Program;

24 (C) what kind of maintenance the National
25 Parkway Service is performing;

1 (D) to what degree does the National Park
2 Service prioritize high-commuter corridors; and

3 (E) how the National Park Service can
4 better service the needs of high commuter cor-
5 ridors.

6 (3) REPORT.—Not later than 1 year after the
7 date of enactment of this Act, the Comptroller Gen-
8 eral shall submit to the Committee on Transpor-
9 tation and Infrastructure of the House of Represent-
10 atives and the Committee on Environment and Pub-
11 lic Works of the Senate a report summarizing the
12 study and the results of such study, including rec-
13 ommendations for addressing the maintenance needs
14 and prioritization of high-commuter corridors.

15 (4) DEFINITION OF HIGH-COMMUTER COR-
16 RIDOR.—In this section, the term “high-commuter
17 corridor” means a Federal lands transportation fa-
18 cility that has average annual daily traffic of not less
19 than 20,000 vehicles.

20 **SEC. 1505. FEDERAL LANDS AND TRIBAL MAJOR PROJECTS**
21 **PROGRAM.**

22 (a) IN GENERAL.—Chapter 2 of title 23, United
23 States Code, is amended by inserting after section 207 the
24 following:

1 **“§ 208. Federal lands and Tribal major projects pro-**
2 **gram**

3 “(a) ESTABLISHMENT.—The Secretary shall estab-
4 lish a Federal lands and Tribal major projects program
5 (referred to in this section as the ‘program’) to provide
6 funding to construct, reconstruct, or rehabilitate critical
7 Federal lands and Tribal transportation infrastructure.

8 “(b) ELIGIBLE APPLICANTS.—

9 “(1) IN GENERAL.—Except as provided in para-
10 graph (2), entities eligible to receive funds under
11 sections 201, 202, 203, and 204 may apply for fund-
12 ing under the program.

13 “(2) SPECIAL RULE.—A State, county, or unit
14 of local government may only apply for funding
15 under the program if sponsored by an eligible Fed-
16 eral agency or Indian Tribe.

17 “(c) ELIGIBLE PROJECTS.—An eligible project under
18 the program shall be on a Federal lands transportation
19 facility, a Federal lands access transportation facility, or
20 a tribal transportation facility, except that such facility is
21 not required to be included in an inventory described in
22 section 202 or 203, and for which—

23 “(1) the project—

24 “(A) has completed the activities required
25 under the National Environmental Policy Act of

1 1969 (42 U.S.C. 4321 et seq.) which has been
2 demonstrated through—

3 “(i) a record of decision with respect
4 to the project;

5 “(ii) a finding that the project has no
6 significant impact; or

7 “(iii) a determination that the project
8 is categorically excluded; or

9 “(B) is reasonably expected to begin con-
10 struction not later than 18 months after the
11 date of obligation of funds for the project; and

12 “(2) the project has an estimated cost equal to
13 or exceeding—

14 “(A) \$12,500,000 if it is on a Federal
15 lands transportation facility or a Federal lands
16 access transportation facility; and

17 “(B) \$5,000,000 if it is on a Tribal trans-
18 portation facility.

19 “(d) ELIGIBLE ACTIVITIES.—Grant amounts re-
20 ceived for a project under this section may be used for—

21 “(1) development phase activities, including
22 planning, feasibility analysis, revenue forecasting,
23 environmental review, preliminary engineering and
24 design work, and other preconstruction activities;
25 and

1 “(2) construction, reconstruction, and rehabili-
2 tation activities.

3 “(e) APPLICATIONS.—Eligible applicants shall submit
4 to the Secretary an application at such time, in such form,
5 and containing such information as the Secretary may re-
6 quire.

7 “(f) PROJECT REQUIREMENTS.—The Secretary may
8 select a project to receive funds under the program only
9 if the Secretary determines that the project—

10 “(1) improves the condition of critical transpor-
11 tation facilities, including multimodal facilities;

12 “(2) cannot be easily and efficiently completed
13 with amounts made available under section 202,
14 203, or 204; and

15 “(3) is cost effective.

16 “(g) MERIT CRITERIA.—In making a grant under
17 this section, the Secretary shall consider whether the
18 project—

19 “(1) will generate state of good repair, resil-
20 ience, economic competitiveness, quality of life, mo-
21 bility, or safety benefits;

22 “(2) in the case of a project on a Federal lands
23 transportation facility or a Federal lands access
24 transportation facility, has costs matched by funds

1 that are not provided under this section or this title;
2 and

3 “(3) generates benefits for land owned by mul-
4 tiple Federal land management agencies or Indian
5 Tribes, or which spans multiple States.

6 “(h) EVALUATION AND RATING.—To evaluate appli-
7 cations, the Secretary shall—

8 “(1) determine whether a project meets the re-
9 quirements under subsection (f);

10 “(2) evaluate, through a discernable and trans-
11 parent methodology, how each application addresses
12 one or more merit criteria established under sub-
13 section (g);

14 “(3) assign a rating for each merit criteria for
15 each application; and

16 “(4) consider applications only on the basis of
17 such quality ratings and which meet the minimally
18 acceptable level for each of the merit criteria.

19 “(i) COST SHARE.—

20 “(1) FEDERAL LANDS PROJECTS.—

21 “(A) IN GENERAL.—Notwithstanding sec-
22 tion 120, the Federal share of the cost of a
23 project on a Federal lands transportation facil-
24 ity or a Federal lands access transportation fa-
25 cility shall be up to 90 percent.

1 “(B) NON-FEDERAL SHARE.—Notwith-
2 standing any other provision of law, any Fed-
3 eral funds may be used to pay the non-Federal
4 share of the cost of a project carried out under
5 this section.

6 “(2) TRIBAL PROJECTS.—The Federal share of
7 the cost of a project on a Tribal transportation facil-
8 ity shall be 100 percent.

9 “(j) USE OF FUNDS.—For each fiscal year, of the
10 amounts made available to carry out this section, not more
11 than 50 percent shall be used for eligible projects on Fed-
12 eral lands transportation facilities or Federal lands access
13 transportation facilities and Tribal transportation facili-
14 ties, respectively.”.

15 (b) CLERICAL AMENDMENT.—The analysis for chap-
16 ter 2 of title 23, United States Code, is amended by insert-
17 ing after the item relating to section 207 the following
18 new item:

 “208. Federal lands and Tribal major projects program.”.

19 (c) REPEAL.—Section 1123 of the FAST Act (23
20 U.S.C. 201 note), and the item related to such section in
21 the table of contents under section 1(b) of such Act, are
22 repealed.

23 **SEC. 1506. OFFICE OF TRIBAL GOVERNMENT AFFAIRS.**

24 Section 102 of title 49, United States Code, is
25 amended—

1 (1) in subsection (e)(1)—

2 (A) by striking “6 Assistant” and inserting
3 “7 Assistant”;

4 (B) in subparagraph (C) by striking “;
5 and” and inserting a semicolon;

6 (C) by redesignating subparagraph (D) as
7 subparagraph (E); and

8 (D) by inserting after subparagraph (C)
9 the following:

10 “(D) an Assistant Secretary for Tribal
11 Government Affairs, who shall be appointed by
12 the President; and”;

13 (2) in subsection (f)—

14 (A) in the heading by striking “DEPUTY
15 ASSISTANT SECRETARY FOR TRIBAL GOVERN-
16 MENT AFFAIRS” and inserting “OFFICE OF
17 TRIBAL GOVERNMENT AFFAIRS”; and

18 (B) by striking paragraph (1) and insert-
19 ing the following:

20 “(1) ESTABLISHMENT.—There is established in
21 the Department an Office of Tribal Government Af-
22 fairs, under the Assistant Secretary for Tribal Gov-
23 ernment Affairs, to—

1 “(A) oversee the Tribal transportation self-
2 governance program under section 207 of title
3 23;

4 “(B) plan, coordinate, and implement poli-
5 cies and programs serving Indian Tribes and
6 Tribal organizations;

7 “(C) coordinate Tribal transportation pro-
8 grams and activities in all offices and adminis-
9 trations of the Department;

10 “(D) provide technical assistance to Indian
11 Tribes and Tribal organizations;

12 “(E) be a participant in any negotiated
13 rulemakings relating to, or having an impact
14 on, projects, programs, or funding associated
15 with the tribal transportation program under
16 section 202 of title 23; and

17 “(F) ensure that Department programs
18 have in place, implement, and enforce require-
19 ments and obligations for regular and meaning-
20 ful consultation and collaboration with Tribes
21 and Tribal officials under Executive Order No.
22 13175 and to serve as the primary advisor to
23 the Secretary and other Department compo-
24 nents regarding violations of those require-
25 ments.”.

1 **SEC. 1507. ALTERNATIVE CONTRACTING METHODS.**

2 (a) LAND MANAGEMENT AGENCIES AND TRIBAL
3 GOVERNMENTS.—Section 201 of title 23, United States
4 Code, is amended by adding at the end the following:

5 “(f) ALTERNATIVE CONTRACTING METHODS.—

6 “(1) IN GENERAL.—Notwithstanding any other
7 provision of law, the Secretary may use a con-
8 tracting method available to a State under this title
9 on behalf of—

10 “(A) a Federal land management agency,
11 with respect to any funds available pursuant to
12 section 203 or 204;

13 “(B) a Federal land management agency,
14 with respect to any funds available pursuant to
15 section 1535 of title 31 for any eligible use de-
16 scribed in sections 203(a)(1) and 204(a)(1) of
17 this title; or

18 “(C) a Tribal Government, with respect to
19 any funds available pursuant to section
20 202(b)(7)(D).

21 “(2) METHODS DESCRIBED.—The contracting
22 methods referred to in paragraph (1) shall include,
23 at a minimum—

24 “(A) project bundling;

25 “(B) bridge bundling;

26 “(C) design-build contracting;

1 “(D) 2-phase contracting;

2 “(E) long-term concession agreements; and

3 “(F) any method tested, or that could be
4 tested, under an experimental program relating
5 to contracting methods carried out by the Sec-
6 retary.

7 “(3) RULE OF CONSTRUCTION.—Nothing in
8 this subsection—

9 “(A) affects the application of the Federal
10 share for a project carried out with a con-
11 tracting method under this subsection; or

12 “(B) modifies the point of obligation of
13 Federal salaries and expenses.”.

14 (b) USE OF ALTERNATIVE CONTRACTING METH-
15 OD.—In carrying out the amendments made by this sec-
16 tion, the Secretary shall—

17 (1) in consultation with the applicable Federal
18 land management agencies, establish procedures that
19 are—

20 (A) applicable to each alternative con-
21 tracting method; and

22 (B) to the maximum extent practicable,
23 consistent with requirements for Federal pro-
24 curement transactions;

1 (2) solicit input on the use of each alternative
2 contracting method from any affected industry prior
3 to using such method; and

4 (3) analyze and prepare an evaluation of the
5 use of each alternative contracting method.

6 **SEC. 1508. DIVESTITURE OF FEDERALLY OWNED BRIDGES.**

7 (a) IN GENERAL.—The Commissioner of the Bureau
8 of Reclamation may transfer ownership of a bridge that
9 is owned by the Bureau of Reclamation if—

10 (1) the ownership of the bridge is transferred to
11 a State with the concurrence of such State;

12 (2) the State to which ownership is transferred
13 agrees to operate and maintain the bridge;

14 (3) the transfer of ownership complies with all
15 applicable Federal requirements, including—

16 (A) section 138 of title 23, United States
17 Code;

18 (B) section 306108 of title 54, United
19 States Code; and

20 (C) the National Environmental Policy Act
21 of 1969 (42 U.S.C. 4321 et seq.); and

22 (4) the Bureau of Reclamation and the State to
23 which ownership is being transferred jointly notify
24 the Secretary of Transportation of the intent to con-
25 duct a transfer prior to such transfer.

1 (b) ACCESS.—In a transfer of ownership of a bridge
2 under this section, the Commissioner of the Bureau of
3 Reclamation—

4 (1) shall not be required to transfer ownership
5 of the land on which the bridge is located or any ad-
6 jacent lands; and

7 (2) shall make arrangements with the State to
8 which ownership is being transferred to allow for
9 adequate access to such bridge, including for the
10 purposes of construction, maintenance, and bridge
11 inspections pursuant to section 144 of title 23,
12 United States Code.

13 **SEC. 1509. STUDY ON FEDERAL FUNDING AVAILABLE TO IN-**
14 **DIAN TRIBES.**

15 Not later than January 31 of each year, the Sec-
16 retary of Transportation shall submit to the Committee
17 on Transportation and Infrastructure of the House of
18 Representatives and the Committee on Environment and
19 Public Works of the Senate a report that—

20 (1) identifies the number of Indian Tribes that
21 were direct recipients of funds under any discre-
22 tionary Federal highway, transit, or highway safety
23 program in the prior fiscal year;

24 (2) lists the total amount of such funds made
25 available directly to such Tribes;

1 (3) identifies the number and location of Indian
2 Tribes that were indirect recipients of funds under
3 any formula-based Federal highway, transit, or high-
4 way safety program in the prior fiscal year; and

5 (4) lists the total amount of such funds made
6 available indirectly to such tribes through states or
7 other direct recipients of Federal highway, transit or
8 highway safety funding.

9 **SEC. 1510. GAO STUDY.**

10 (a) IN GENERAL.—The Comptroller General of the
11 United States shall conduct a study on the deferred main-
12 tenance of United States forest roads, including—

13 (1) the current backlog;

14 (2) the current actions on such maintenance
15 and backlog;

16 (3) the impacts of public safety due to such de-
17 ferred maintenance, including wildfire ignitions, sup-
18 pression, and evacuation routes; and

19 (4) recommendations for Congress on ways to
20 address such backlog.

21 (b) REPORT.—Not later than 1 year after the date
22 of enactment of this Act, the Comptroller General of the
23 United States shall submit to the Committee on Transpor-
24 tation and Infrastructure of the House of Representatives
25 and the Committee on Environment and Public Works of

1 the Senate a report containing the results of the study
2 conducted under subsection (a).

3 **SEC. 1511. FEDERAL LANDS ACCESS PROGRAM.**

4 (a) IN GENERAL.—Section 204(a) of title 23, United
5 States Code, is amended—

6 (1) in paragraph (1)(A)—

7 (A) in the matter preceding clause (i), by
8 inserting “context-sensitive solutions,” after
9 “restoration,”;

10 (B) in clause (i), by inserting “, including
11 interpretive panels in or adjacent to those
12 areas” after “areas”;

13 (C) in clause (v), by striking “and” at the
14 end;

15 (D) by redesignating clause (vi) as clause
16 (ix); and

17 (E) by inserting after clause (v) the fol-
18 lowing:

19 “(vi) contextual wayfinding markers;

20 “(vii) landscaping;

21 “(viii) cooperative mitigation of visual
22 blight, including screening or removal;
23 and”;

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

1 “(6) NATIVE PLANT MATERIALS.—In carrying
2 out an activity described in paragraph (1), the Sec-
3 retary shall ensure that the entity carrying out the
4 activity considers—

5 “(A) the use of locally adapted native plant
6 materials; and

7 “(B) designs that minimize runoff and
8 heat generation.”.

9 (b) FEDERAL SHARE.—Section 201(b)(7)(B) of title
10 23, United States Code, is amended by striking “deter-
11 mined in accordance with section 120”, and inserting “up
12 to 100 percent”.

13 **Subtitle F—Additional Provisions**

14 **SEC. 1601. VISION ZERO.**

15 (a) IN GENERAL.—A local government, metropolitan
16 planning organization, or regional transportation planning
17 organization may develop and implement a vision zero
18 plan to significantly reduce or eliminate transportation-re-
19 lated fatalities and serious injuries within a specified time-
20 frame, not to exceed 20 years.

21 (b) USE OF FUNDS.—Amounts apportioned to a
22 State under paragraph (2) or (3) of section 104(b) of title
23 23, United States Code, may be used—

1 (1) to carry out vision zero planning under this
2 section or a vulnerable road user safety assessment;
3 and

4 (2) to implement an existing vision zero plan.

5 (c) CONTENTS OF PLAN.—A vision zero plan under
6 this section shall include—

7 (1) a description of programs, strategies, or
8 policies intended to significantly reduce or eliminate
9 transportation-related fatalities and serious injuries
10 within a specified timeframe, not to exceed 20 years,
11 that is consistent with a State strategic highway
12 safety plan and uses existing transportation data
13 and consideration of risk factors;

14 (2) plans for implementation of, education of
15 the public about, and enforcement of such programs,
16 strategies, or policies;

17 (3) a description of how such programs, strate-
18 gies, or policies, and the enforcement of such pro-
19 grams, strategies, or policies will—

20 (A) equitably invest in the safety needs of
21 low-income and minority communities;

22 (B) ensure that such communities are not
23 disproportionately targeted by law enforcement;

24 and

1 (C) protect the rights of members of such
2 communities with respect to title VI of the Civil
3 Rights Act of 1964 (42 U.S.C. 2000d et seq.);
4 and

5 (4) a description of a mechanism to evaluate
6 progress of the development and implementation of
7 the plan, including the gathering and use of trans-
8 portation safety and demographic data.

9 (d) INCLUSIONS.—A vision zero plan may include a
10 complete streets prioritization plan that identifies a spe-
11 cific list of projects to—

12 (1) create a connected network of active trans-
13 portation facilities, including sidewalks, bikeways, or
14 pedestrian and bicycle trails, to connect communities
15 and provide safe, reliable, affordable, and convenient
16 access to employment, housing, and services, con-
17 sistent with the goals described in section 150(b) of
18 title 23, United States Code;

19 (2) integrate active transportation facilities with
20 public transportation service or improve access to
21 public transportation; and

22 (3) improve transportation options for low-in-
23 come and minority communities.

24 (e) COORDINATION.—A vision zero plan under this
25 section shall provide for coordination of various subdivi-

1 sions of a unit of local government in the implementation
2 of the plan, including subdivisions responsible for law en-
3 forcement, public health, data collection, and public works.

4 (f) SAFETY PERFORMANCE MANAGEMENT.—A vision
5 zero plan under this section is not sufficient to dem-
6 onstrate compliance with the safety performance or plan-
7 ning requirements of section 148 or 150 of title 23, United
8 States Code.

9 (g) GUIDANCE ON SAFE SYSTEM APPROACH.—The
10 Secretary of Transportation shall develop guidance on the
11 consideration of a safe system approach in project plan-
12 ning, scoping, and design to facilitate the implementation
13 of vision zero plans under this section and vulnerable road
14 user assessments under section 148 of title 23, United
15 States Code.

16 (h) DEFINITIONS.—In this section, the terms “safe
17 system approach” and “vulnerable road user safety assess-
18 ment” have the meanings given such terms in section 148
19 of title 23, United States Code.

20 **SEC. 1602. SPEED LIMITS.**

21 (a) SPEED LIMITS.—The Secretary of Transpor-
22 tation shall revise the Manual on Uniform Traffic Control
23 Devices to provide for a safe system approach to setting
24 speed limits.

1 (b) CONSIDERATIONS.—In carrying out subpara-
2 graph (A), the Secretary shall consider—

3 (1) crash statistics;

4 (2) road geometry characteristics;

5 (3) roadside characteristics;

6 (4) traffic volume;

7 (5) the possibility and likelihood of human
8 error;

9 (6) human injury tolerance;

10 (7) the results and recommendations of the Na-
11 tional Academies of Sciences, Engineering, and Med-
12 icine report entitled “Development of a Posted
13 Speed Limit Setting Procedure and Tool”, issued
14 March 2021;

15 (8) the safety recommendations issued by the
16 National Transportation Safety Board on August
17 15, 2017, numbered H–17–27 and H–17–28;

18 (9) the prevalence of vulnerable road users; and

19 (10) any other consideration, consistent with a
20 safe system approach, as determined by the Sec-
21 retary.

22 (c) REPORT ON SPEED MANAGEMENT PROGRAM
23 PLAN.—Not later than 1 year after the date of enactment
24 of this Act, the Secretary shall update and report on the
25 implementation progress of the Speed Management Pro-

1 gram Plan of the Department of Transportation, as de-
2 scribed in the safety recommendation issued by the Na-
3 tional Transportation Safety Board on August 15, 2017,
4 numbered H-17-018.

5 (d) STUDY ON SPEED LIMIT METHODOLOGIES.—Not
6 later than 2 years after the date of enactment of this Act,
7 the Secretary shall conduct a study of current speed limit
8 setting methodologies across the country and develop best-
9 practices for such methodologies, taking into consideration
10 context sensitive design principles (as such term is defined
11 in section 101 of title 23, United States Code).

12 (e) DEFINITIONS.—In this section, the terms “safe
13 system approach” and “vulnerable road user” have the
14 meanings given such terms in section 148(a) of title 23,
15 United States Code.

16 **SEC. 1603. DIG ONCE FOR BROADBAND INFRASTRUCTURE**
17 **DEPLOYMENT.**

18 (a) DEFINITIONS.—In this section:

19 (1) APPROPRIATE STATE AGENCY.—The term
20 “appropriate State agency” means a State govern-
21 mental agency that is recognized by the executive
22 branch of the State as having the experience nec-
23 essary to evaluate and facilitate the installation and
24 operation of broadband infrastructure within the
25 State.

1 (2) BROADBAND.—The term “broadband” has
2 the meaning given the term “advanced telecommuni-
3 cations capability” in section 706 of the Tele-
4 communications Act of 1996 (47 U.S.C. 1302).

5 (3) BROADBAND CONDUIT.—The term
6 “broadband conduit” means a conduit or innerduct
7 for fiber optic cables (or successor technology of
8 greater quality and speed) that supports the provi-
9 sion of broadband.

10 (4) BROADBAND INFRASTRUCTURE.—The term
11 “broadband infrastructure” means any buried or un-
12 derground facility and any wireless or wireline con-
13 nection that enables the provision of broadband.

14 (5) BROADBAND PROVIDER.—The term
15 “broadband provider” means an entity that provides
16 broadband to any person, including, with respect to
17 such entity—

18 (A) a corporation, company, association,
19 firm, partnership, nonprofit organization, or
20 any other private entity;

21 (B) a State or local broadband provider;

22 (C) an Indian Tribe; and

23 (D) a partnership between any of the enti-
24 ties described in subparagraphs (A), (B), and
25 (C).

1 (6) COVERED HIGHWAY CONSTRUCTION
2 PROJECT.—

3 (A) IN GENERAL.—The term “covered
4 highway construction project” means, without
5 regard to ownership of a highway, a project
6 funded under title 23, United States Code, and
7 administered by a State department of trans-
8 portation to construct a new highway or an ad-
9 ditional lane for an existing highway, to recon-
10 struct an existing highway, or new construction,
11 including construction of a paved shoulder.

12 (B) EXCLUSIONS.—The term “covered
13 highway construction project” excludes any
14 project—

15 (i) awarded before the date on which
16 regulations required under subsection (b)
17 take effect;

18 (ii) that does not include work beyond
19 the edge of pavement or current paved
20 shoulder;

21 (iii) that is less than a mile in length;

22 or

23 (iv) that is—

1 (I) a project primarily for resur-
2 facing, restoration, rehabilitation, or
3 maintenance;

4 (II) a bicycle, pedestrian, trans-
5 portation alternatives, sidewalk, rec-
6 reational trails, or safe routes to
7 school project;

8 (III) an operational improvement
9 (as such term is defined in section
10 101 of title 23, United States Code);

11 (IV) a project primarily to install
12 signage; or

13 (V) a culvert project.

14 (7) DIG ONCE REQUIREMENT.—The term “dig
15 once requirement” means a requirement designed to
16 reduce the cost and accelerate the deployment of
17 broadband by minimizing the number and scale of
18 repeated excavations for the installation and mainte-
19 nance of broadband conduit or broadband infrastruc-
20 ture in rights-of-way.

21 (8) INDIAN TRIBE.—The term “Indian Tribe”
22 has the meaning given such term in section 4(e) of
23 the Indian Self-Determination and Education Assist-
24 ance Act (25 U.S.C. 5304(e)).

1 (9) NTIA ADMINISTRATOR.—The term “NTIA
2 Administrator” means the Assistant Secretary of
3 Commerce for Communications and Information.

4 (10) PROJECT.—The term “project” has the
5 meaning given such term in section 101 of title 23,
6 United States Code.

7 (11) SECRETARY.—The term “Secretary”
8 means the Secretary of Transportation.

9 (12) STATE.—The term “State” has the mean-
10 ing given such term in section 401 of title 23,
11 United States Code.

12 (13) STATE OR LOCAL BROADBAND PRO-
13 VIDER.—The term “State or local broadband pro-
14 vider” means a State or political subdivision thereof,
15 or any agency, authority, or instrumentality of a
16 State or political subdivision thereof, that provides
17 broadband to any person or facilitates the provision
18 of broadband to any person in such State.

19 (b) DIG ONCE REQUIREMENT.—Not later than 12
20 months after the date of enactment of this Act, to facili-
21 tate the installation of broadband infrastructure, the Sec-
22 retary shall issue such regulations as may be necessary
23 to ensure that each State that receives funds under chap-
24 ter 1 of title 23, United States Code, complies with the
25 following provisions:

1 (1) BROADBAND PLANNING AND NOTICE.—The
2 State department of transportation, in consultation
3 with appropriate State agencies, shall—

4 (A) review existing State broadband plans,
5 including existing dig once requirements of the
6 State, municipal governments incorporated
7 under State law, and Indian tribes within the
8 State, to determine opportunities to coordinate
9 covered highway construction projects occurring
10 within or across highway rights-of-way with
11 planned broadband infrastructure projects;

12 (B) identify a broadband coordinator, who
13 may have additional responsibilities in the State
14 department of transportation or in another
15 State agency, that is responsible for facilitating
16 the broadband infrastructure right-of-way ef-
17 forts within the State; and

18 (C) establish a process—

19 (i) for the registration of broadband
20 providers that seek to be included in the
21 advance notification of, and opportunity to
22 participate in, broadband infrastructure
23 right-of-way facilitation efforts within the
24 State; and

1 (ii) to electronically notify all
2 broadband providers registered under
3 clause (i)—

4 (I) of the State transportation
5 improvement program on at least an
6 annual basis; and

7 (II) of covered highway construc-
8 tion projects within the highway right-
9 of-way for which Federal funding is
10 expected to be obligated in the subse-
11 quent fiscal year.

12 (2) COORDINATION AND COMPLIANCE.—

13 (A) MOBILE NOW ACT.—A State depart-
14 ment of transportation shall be considered to
15 meet the requirements of subparagraphs (B)
16 and (C) of paragraph (1) if such State depart-
17 ment of transportation has been determined to
18 be in compliance with the requirements estab-
19 lished under section 607 of division P of the
20 Consolidated Appropriations Act, 2018 (47
21 U.S.C. 1504).

22 (B) WEBSITE.—A State department of
23 transportation shall be considered to meet the
24 requirements of paragraph (1)(C) if the State
25 publishes on a public website—

1 (i) the State transportation improve-
2 ment program on at least an annual basis;
3 and

4 (ii) covered highway construction
5 projects within the highway right-of-way
6 for which Federal funding is expected to be
7 obligated in the subsequent fiscal year.

8 (C) COORDINATION.—The State depart-
9 ment of transportation, in consultation with ap-
10 propriate State agencies, shall by rule or regu-
11 lation establish a process for a broadband pro-
12 vider to commit to installing broadband conduit
13 or broadband infrastructure as part of any cov-
14 ered highway construction project.

15 (D) APPROPRIATE STATE AGENCY.—In
16 lieu of the State department of transportation,
17 at the discretion of the State, an appropriate
18 State agency, in consultation with the State de-
19 partment of transportation, may carry out the
20 requirements of paragraph (1).

21 (3) REQUIRED INSTALLATION OF BROADBAND
22 CONDUIT.—

23 (A) IN GENERAL.—The State department
24 of transportation shall install broadband con-
25 duit, in accordance with this paragraph (except

1 as described in subparagraph (F)), as part of
2 any covered highway construction project, un-
3 less a broadband provider has committed to in-
4 stall broadband conduit or broadband infra-
5 structure as part of such project in a process
6 described under paragraph (2)(C).

7 (B) INSTALLATION REQUIREMENTS.—In
8 installing broadband conduit or broadband in-
9 frastructure as part of a covered highway con-
10 struction project, the State department of
11 transportation shall ensure that—

12 (i) installation pursuant to this para-
13 graph of broadband conduit, broadband in-
14 frastructure, and means or points of access
15 to such conduit or infrastructure (such as
16 poles, hand holes, manholes, pull tape, or
17 ducts) shall provide for the current and fu-
18 ture safe operation of the traveled way, is
19 consistent with part 645 of title 23, Code
20 of Federal Regulations, and any accommo-
21 dation policies of the State under such
22 part to reasonably enable deployment of
23 such conduit, infrastructure, and means or
24 points of access, and any Damage Preven-

1 tion and Underground Facilities Protection
2 or related requirements of the State;

3 (ii) an appropriate number of
4 broadband conduits, as determined in con-
5 sultation with the appropriate State agen-
6 cies, are installed along the right-of-way of
7 a covered highway construction project to
8 accommodate multiple broadband pro-
9 viders, with consideration given to the
10 availability of existing broadband conduits;

11 (iii) the size of each broadband con-
12 duit is consistent with industry best prac-
13 tices, consistent with the requirements of
14 part 645 of title 23, Code of Federal Regu-
15 lations, and sufficient to accommodate an-
16 ticipated demand, as determined in con-
17 sultation with the appropriate State agen-
18 cies;

19 (iv) any hand holes and manholes nec-
20 essary for fiber access and pulling with re-
21 spect to such conduit are placed at inter-
22 vals consistent with standards determined
23 in consultation with the appropriate State
24 agencies (which may differ by type of road,
25 topologies, and rurality) the requirements

1 of part 645 of title 23, Code of Federal
2 Regulations, and other applicable safety re-
3 quirements;

4 (v) each broadband conduit installed
5 pursuant to this paragraph includes a pull
6 tape and is capable of supporting fiber
7 optic cable placement techniques consistent
8 with best practices and the requirements of
9 part 645 of title 23, Code of Federal Regu-
10 lations;

11 (vi) broadband conduit is placed at a
12 depth consistent with requirements of the
13 covered highway construction project and
14 best practices and that, in determining the
15 depth of placement, consideration is given
16 to the location of existing utilities and
17 cable separation requirements of State and
18 local electrical codes; and

19 (vii) installation of broadband conduit
20 shall not preclude the installation of other
21 specific socially, environmentally, or eco-
22 nomically beneficial uses of the right-of-
23 way, such as planned energy transmission
24 or renewable energy generation projects.

1 (C) PROGRAMMATIC REVIEW.—The State
2 department of transportation may make deter-
3 minations on the implementation of the require-
4 ments described in subparagraph (B) on a pro-
5 grammatic basis.

6 (D) ACCESS.—

7 (i) IN GENERAL.—The State depart-
8 ment of transportation shall ensure that
9 any requesting broadband provider has ac-
10 cess to each broadband conduit installed by
11 the State pursuant to this paragraph, on a
12 competitively neutral and nondiscrim-
13 inatory basis and in accordance with State
14 permitting, licensing, leasing, or other
15 similar laws and regulations.

16 (ii) SOCIALLY BENEFICIAL USE.—The
17 installation of broadband conduit as part
18 of a covered highway construction project
19 shall be considered a socially-beneficial use
20 of the right-of-way under section 156(b) of
21 title 23, United States Code.

22 (iii) IN-KIND COMPENSATION.—The
23 State department of transportation may
24 negotiate in-kind compensation with any
25 broadband provider requesting access to

1 broadband conduit installed under the pro-
2 visions of this paragraph.

3 (iv) SAFETY CONSIDERATIONS.—The
4 State department of transportation shall
5 provide for a process for a broadband pro-
6 vider to safely access to the highway right-
7 of-way during installation and on-going
8 maintenance of the broadband conduit and
9 broadband infrastructure, including a traf-
10 fic control safety plan.

11 (v) COMMUNICATION.—A broadband
12 provider with access to the conduit in-
13 stalled pursuant to this subsection shall
14 notify, and receive permission from, the
15 relevant agencies of State responsible for
16 the installation of such broadband conduit
17 prior to accessing any highway or highway
18 right-of-way, in accordance with applicable
19 Federal requirements.

20 (E) TREATMENT OF PROJECTS.—Notwith-
21 standing any other provision of law, broadband
22 conduit and broadband infrastructure installa-
23 tion projects installed by a State under this
24 paragraph shall comply with section 113(a) of
25 title 23, United States Code.

1 (F) WAIVER AUTHORITY.—

2 (i) IN GENERAL.—A State department
3 of transportation may waive the required
4 installation of broadband conduit for part
5 or all of any covered highway construction
6 project under this paragraph if, in the de-
7 termination of the State department of
8 transportation—

9 (I) broadband infrastructure, ter-
10 restrial broadband infrastructure, aer-
11 ial broadband fiber cables, or
12 broadband conduit is present near a
13 majority of the length of the covered
14 highway construction project;

15 (II) installation of terrestrial or
16 aerial broadband fiber cables associ-
17 ated with the covered highway con-
18 struction project is more appropriate
19 for the context or a more cost-effec-
20 tive means to facilitate broadband
21 service to an area not adequately
22 served by broadband and such instal-
23 lation is present or planned;

24 (III) the installation of
25 broadband conduit increases overall

1 costs of a covered highway construc-
2 tion project by 1.5 percent or greater;

3 (IV) the installation of
4 broadband conduit associated with the
5 covered highway construction project
6 is not reasonably expected to be uti-
7 lized or connected to future
8 broadband infrastructure in the 20
9 years following the date on which such
10 determination is made, as determined
11 by the State department of transpor-
12 tation, in consultation with appro-
13 priate State agencies and potentially
14 affected local governments and Indian
15 tribes;

16 (V) the requirements of this
17 paragraph would require installation
18 of conduit redundant with a dig once
19 requirement of a local government or
20 Indian tribe;

21 (VI) there exists a circumstance
22 involving force majeure; or

23 (VII) the installation of conduit
24 is not appropriate based on other rel-
25 evant factors established by the Sec-

1 retary in consultation with the NTIA
2 Administrator through regulation.

3 (ii) CONTENTS OF WAIVER.—A waiver
4 authorized under this subparagraph
5 shall—

6 (I) identify the covered highway
7 construction project; and

8 (II) include a brief description of
9 the determination of the State for
10 issuing such waiver.

11 (iii) AVAILABILITY OF WAIVER.—Noti-
12 fication of a waiver authorized under this
13 subparagraph shall be made publicly avail-
14 able, such as on a public website of the
15 State department of transportation de-
16 scribed in paragraph (2)(B).

17 (iv) WAIVER DETERMINATION.—

18 (I) IN GENERAL.—The State de-
19 partment of transportation shall be
20 responsible for the waiver determina-
21 tion described under this paragraph,
22 consistent with the regulation issued
23 pursuant to this subsection, and may
24 grant a programmatic waiver for cat-

1 categories of projects excluded under this
2 subparagraph.

3 (II) NO PRIVATE CAUSE OF AC-
4 TION.—The waiver determination de-
5 scribed under this paragraph shall be
6 final and conclusive. Nothing in this
7 section shall provide a private right or
8 cause of action to challenge such de-
9 termination in any court of law.

10 (4) PRIORITY.—If a State provides for the in-
11 stallation of broadband infrastructure or broadband
12 conduit in the right-of-way of a covered highway
13 construction project, the State department of trans-
14 portation, along with appropriate State agencies,
15 shall carry out appropriate measures to ensure that
16 an existing broadband provider is afforded access
17 that is non-discriminatory, competitively neutral,
18 and equal in opportunity, as compared to other
19 broadband providers, with respect to the program
20 under this subsection.

21 (c) GUIDANCE FOR THE INSTALLATION OF
22 BROADBAND CONDUIT.—The Secretary, in consultation
23 with the NTIA Administrator, shall issue guidance for
24 best practices related to the installation of broadband con-
25 duit as described in subsection (b)(2) and of conduit and

1 similar infrastructure for intelligent transportation sys-
2 tems (as such term is defined in section 501 of title 23,
3 United States Code) that may utilize broadband conduit
4 installed pursuant to subsection (b)(2).

5 (d) CONSULTATION.—

6 (1) IN GENERAL.—In issuing regulations re-
7 quired by this subsection or to implement any part
8 of this section, the Secretary shall consult—

9 (A) the NTIA Administrator;

10 (B) the Federal Communications Commis-
11 sion;

12 (C) State departments of transportation;

13 (D) appropriate State agencies;

14 (E) agencies of local governments respon-
15 sible for transportation and rights-of-way, utili-
16 ties, and telecommunications and broadband;

17 (F) Indian tribes;

18 (G) broadband providers; and

19 (H) manufacturers of optical fiber, con-
20 duit, pull tape, and related items.

21 (2) BROADBAND USERS.—The Secretary shall
22 ensure that the entities consulted under subpara-
23 graphs (C) through (F) of paragraph (1) include en-
24 tities that have expertise with rural areas and popu-

1 lations with limited access to broadband infrastruc-
2 ture.

3 (3) BROADBAND PROVIDERS.—The Secretary
4 shall ensure that the entities consulted under sub-
5 paragraph (G) of paragraph (1) include entities that
6 provide broadband to rural areas and populations
7 with limited access to broadband infrastructure.

8 (4) CONSULTING SMALL MUNICIPALITIES.—The
9 Secretary shall ensure that the agencies of local gov-
10 ernments consulted under subparagraph (E) of para-
11 graph (1) include rural areas, specifically agencies of
12 local governments with populations less than 50,000.

13 (e) OVERSIGHT.—

14 (1) IN GENERAL.—The Secretary shall periodi-
15 cally review compliance with the regulations issued
16 pursuant to this section and ensure that State waiv-
17 er determinations are consistent with such regula-
18 tions.

19 (2) EFFICIENT REVIEW.—The review described
20 under paragraph (1) may be carried out through the
21 risk-based stewardship and oversight program de-
22 scribed under section 106(g) of title 23, United
23 States Code.

24 (3) EFFECT OF SUBSECTION.—Nothing in this
25 subsection shall affect or discharge any oversight re-

1 sponsibility of the Secretary specifically provided for
2 under title 23, United States Code, or any other
3 Federal law.

4 (f) ADDITIONAL PROVISIONS.—

5 (1) APPLICABILITY.—

6 (A) IN GENERAL.—The portion of the reg-
7 ulation issued pursuant to subsection (b) relat-
8 ing to the provisions under paragraph (3) of
9 such subsection shall not take effect until a
10 source of dedicated funding for the installation
11 and long term maintenance of broadband con-
12 duit described in subsection (g)(2) is estab-
13 lished.

14 (B) APPLICABILITY DATE.—Paragraphs
15 (2) through (4) of subsection (b) and subsection
16 (d) shall apply only to covered highway con-
17 struction projects for which Federal obligations
18 or expenditures are initially approved on or
19 after the date on which regulations required
20 under this subsection take effect.

21 (2) RULES OF CONSTRUCTION.—

22 (A) STATE LAW.—Nothing in this sub-
23 section shall be construed to require a State to
24 install or allow the installation of broadband
25 conduit or broadband infrastructure—

1 (i) that is otherwise inconsistent with
2 what is allowable under State law; or

3 (ii) where the State lacks the author-
4 ity for such installation, such as any prop-
5 erty right or easement necessary for such
6 installation.

7 (B) NO REQUIREMENT FOR INSTALLATION
8 OF MOBILE SERVICES EQUIPMENT.—Nothing in
9 this section shall be construed to require a
10 State, a municipal government incorporated
11 under State law, or an Indian Tribe to install
12 or allow for the installation of equipment essen-
13 tial for the provision of commercial mobile serv-
14 ices (as defined in section 332(d) of the Com-
15 munications Act of 1934 (47 U.S.C. 332(d)))
16 or commercial mobile data service (as defined in
17 section 6001 of the Middle Class Tax Relief
18 and Job Creation Act of 2012 (47 U.S.C.
19 1401)), other than broadband conduit and asso-
20 ciated equipment described in paragraph
21 (3)(B).

22 (3) RELATION TO STATE DIG ONCE REQUIRE-
23 MENTS.—Nothing in subsections (b), (c), (d), or (e)
24 or any regulations issued pursuant to subsection (b)
25 shall be construed to alter or supersede any provi-

1 sion of a State law or regulation that provides for
2 a dig once requirement that includes similar or more
3 stringent requirements to the provisions of sub-
4 sections (b), (c), (d), or (e) and any regulations pro-
5 mulgated under subsection (b).

6 (g) DIG ONCE FUNDING TASK FORCE.—

7 (1) ESTABLISHMENT.—The Secretary and the
8 NTIA Administrator shall jointly establish an inde-
9 pendent task force on funding the nationwide dig
10 once requirement described in this section to be
11 known as the “Dig Once Funding Task Force”
12 (hereinafter referred to as the “Task Force”).

13 (2) DUTIES.—The duties of the Task Force
14 shall be to—

15 (A) estimate the annual cost for imple-
16 menting, administering, and maintaining a na-
17 tionwide dig once requirement;

18 (B) propose and evaluate options for fund-
19 ing a nationwide dig once requirement described
20 in this section that includes—

21 (i) a discussion of the role and poten-
22 tial share of costs of—

23 (I) the Federal Government;

24 (II) State and local governments
25 and Indian tribes; and

1 (III) broadband providers install-
2 ing broadband conduit or broadband
3 infrastructure under this section;

4 (ii) consideration of the role of exist-
5 ing dig once requirements on States, local
6 governments, and Indian tribes and the
7 role of private broadband investment, with
8 a goal to not discourage or disincentivize
9 such dig once requirements or such invest-
10 ment; and

11 (iii) evaluating the appropriate entity
12 or entities responsible for maintaining the
13 broadband infrastructure and conduit in-
14 stalled pursuant to a dig once requirement;
15 and

16 (C) propose a cost-based model fee sched-
17 ule for a State to charge a broadband provider
18 to access and use conduit installed by such
19 State pursuant to this section that—

20 (i) shall consider costs (including ad-
21 ministrative costs) associated with installa-
22 tion and long-term maintenance of the
23 broadband conduit installed pursuant to
24 this section;

1 (ii) may vary by topography, location,
2 type of road, rurality, and other factors;
3 and

4 (iii) may consider financial and mar-
5 ket incentives for expanding broadband in-
6 frastructure.

7 (3) REPORTS.—

8 (A) INTERIM REPORT AND BRIEFING.—

9 Not later than 9 months after the appointment
10 of Members to the Task Force under paragraph
11 (4)(D), the Task Force shall—

12 (i) submit to Congress an interim re-
13 port on the findings of the Task Force;
14 and

15 (ii) provide briefings for Congress on
16 the findings of the Task Force.

17 (B) FINAL REPORT.—Not later than 3
18 months after the submission of the interim re-
19 port under subparagraph (A), the Task Force
20 shall submit to Congress a final report on the
21 findings of the Task Force.

22 (4) MEMBERS.—

23 (A) APPOINTMENTS.—The Task Force
24 shall consist of 14 members, comprising—

1 (i) 2 co-chairs described in subpara-
2 graph (B);

3 (ii) 6 members jointly appointed by
4 the Speaker and minority leader of the
5 House of Representatives, in consultation
6 with the respective Chairs and Ranking
7 Members of—

8 (I) the Committee on Transpor-
9 tation and Infrastructure of the
10 House of Representatives;

11 (II) the Committee on Energy
12 and Commerce of the House of Rep-
13 resentatives; and

14 (III) the Committee on Appro-
15 priations of the House of Representa-
16 tives; and

17 (iii) 6 members jointly appointed by
18 the majority leader and minority leader of
19 the Senate, in consultation with the respec-
20 tive Chairs and Ranking Members of the—

21 (I) the Committee on Environ-
22 ment and Public Works of the Senate;

23 (II) the Committee on Com-
24 merce, Science, and Transportation of
25 the Senate; and

1 (III) the Committee on Appro-
2 priations of the Senate.

3 (B) CO-CHAIRS.—The Task Force shall be
4 co-chaired by the Secretary and the NTIA Ad-
5 ministrator, or the designees of the Secretary
6 and NTIA Administrator.

7 (C) COMPOSITION.—The Task Force shall
8 include at least—

9 (i) 1 representative from a State de-
10 partment of transportation;

11 (ii) 1 representative from a local gov-
12 ernment;

13 (iii) 1 representative from an Indian
14 tribe;

15 (iv) 1 representative from a
16 broadband provider;

17 (v) 1 representative from a State or
18 local broadband provider;

19 (vi) 1 representative from a labor
20 union; and

21 (vii) 1 representative from a public in-
22 terest organization.

23 (D) APPOINTMENT DEADLINE.—Members
24 shall be appointed to the Task Force not later

1 than 60 days after the date of enactment of
2 this Act.

3 (E) TERMS.—Members shall be appointed
4 for the life of the Task Force. A vacancy in the
5 Task Force shall not affect the powers of the
6 Task Force and the vacancy shall be filled in
7 the same manner as the initial appointment was
8 made.

9 (5) CONSULTATIONS.—In carrying out the du-
10 ties required under this subsection, the Task Force
11 shall consult, at a minimum—

12 (A) the Federal Communications Commis-
13 sion;

14 (B) agencies of States including—

15 (i) State departments of transpor-
16 tation; and

17 (ii) appropriate State agencies;

18 (C) agencies of local governments respon-
19 sible for transportation and rights-of-way, utili-
20 ties, and telecommunications and broadband;

21 (D) Indian tribes;

22 (E) broadband providers and other tele-
23 communications providers;

24 (F) labor unions; and

1 (G) State or local broadband providers and
2 Indian tribes that act as broadband providers.

3 (6) ADDITIONAL PROVISIONS.—

4 (A) EXPENSES FOR NON-FEDERAL MEM-
5 BERS.—Non-Federal members of the Task
6 Force shall be allowed travel expenses, includ-
7 ing per diem in lieu of subsistence, at rates au-
8 thorized for employees under subchapter I of
9 chapter 57 of title 5, United States Code, while
10 away from the homes or regular places of busi-
11 ness of such members in the performance of
12 services for the Task Force.

13 (B) STAFF.—Staff of the Task Force shall
14 comprise detailees with relevant expertise from
15 the Department of Transportation and the Na-
16 tional Telecommunications and Information Ad-
17 ministration, or another Federal agency that
18 the co-chairpersons consider appropriate, with
19 the consent of the head of the Federal agency,
20 and such detailees shall retain the rights, sta-
21 tus, and privileges of the regular employment of
22 such detailees without interruption.

23 (C) ADMINISTRATIVE ASSISTANCE.—The
24 Secretary and NTIA Administrator shall pro-
25 vide to the Task Force on a reimbursable basis

1 administrative support and other services for
2 the performance of the functions of the Task
3 Force.

4 (7) TERMINATION.—The Task Force shall ter-
5minate not later than 90 days after submission of
6 the final report required under paragraph (3)(B).

7 **SEC. 1604. STORMWATER BEST MANAGEMENT PRACTICES.**

8 (a) STUDY.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of enactment of this Act, the Sec-
11retary of Transportation and the Administrator shall
12 seek to enter into an agreement with the Transpor-
13tation Research Board of the National Academy of
14 Sciences to under which the Transportation Re-
15search Board shall conduct a study—

16 (A) to estimate pollutant loads from
17 stormwater runoff from highways and pedes-
18trian facilities eligible for assistance under title
19 23, United States Code, to inform the develop-
20ment of appropriate total maximum daily load
21 requirements;

22 (B) to provide recommendations (including
23 recommended revisions to existing laws and reg-
24ulations) regarding the evaluation and selection
25 by State departments of transportation of po-

1 tential stormwater management and total maximum daily load compliance strategies within a
2 watershed, including environmental restoration
3 and pollution abatement carried out under section 328 of title 23, United States Code;

4 (C) to examine the potential for the Secretary to assist State departments of transportation in carrying out and communicating stormwater management practices for highways and pedestrian facilities that are eligible for assistance under title 23, United States Code, through information-sharing agreements, database assistance, or an administrative platform to provide the information described in subparagraphs (A) and (B) to entities issued permits under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

5 (D) to examine the benefit of concentrating stormwater retrofits in impaired watersheds and selecting such retrofits according to a process that depends on a watershed management plan developed in accordance with section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329).

1 (2) REQUIREMENTS.—In conducting the study
2 under the agreement entered into pursuant to para-
3 graph (1), the Transportation Research Board
4 shall—

5 (A) review and supplement, as appropriate,
6 the methodologies examined and recommended
7 in the 2019 report of the National Academies
8 of Sciences, Engineering, and Medicine titled
9 “Approaches for Determining and Complying
10 with TMDL Requirements Related to Roadway
11 Stormwater Runoff”;

12 (B) consult with—

13 (i) the Secretary of Transportation;

14 (ii) the Secretary of Agriculture;

15 (iii) the Administrator;

16 (iv) the Secretary of the Army, acting
17 through the Chief of Engineers; and

18 (v) State departments of Transpor-
19 tation; and

20 (C) solicit input from—

21 (i) stakeholders with experience in im-
22 plementing stormwater management prac-
23 tices for projects; and

24 (ii) educational and technical
25 stormwater management groups.

1 (3) REPORT.—In carrying out the agreement
2 entered into pursuant to paragraph (1), not later
3 than 18 months after the date of enactment of this
4 Act, the Transportation Research Board shall sub-
5 mit to the Secretary of Transportation, the Adminis-
6 trator, the Committee on Transportation and Infra-
7 structure of the House of Representatives, and the
8 Committee on Environment and Public Works of the
9 Senate a report describing the results of the study.

10 (b) STORMWATER BEST MANAGEMENT PRACTICES
11 REPORTS.—

12 (1) REISSUANCE.—Not later than 180 days
13 after the date of enactment of this Act, the Adminis-
14 trator shall update and reissue the best management
15 practices reports to reflect new information and ad-
16 vancements in stormwater management.

17 (2) UPDATES.—Not less frequently than once
18 every 5 years after the date on which the Secretary
19 reissues the best management practices reports
20 under paragraph (1), the Secretary shall update and
21 reissue the best management practices reports, un-
22 less the contents of the best management practices
23 reports have been incorporated (including by ref-
24 erence) into applicable regulations of the Secretary.

25 (c) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) BEST MANAGEMENT PRACTICES RE-
5 PORTS.—The term “best management practices re-
6 ports” means—

7 (A) the 2014 report sponsored by the De-
8 partment of Transportation titled “Determining
9 the State of the Practice in Data Collection and
10 Performance Measurement of Stormwater Best
11 Management Practices” (FHWA–HEP–16–
12 021); and

13 (B) the 2000 report sponsored by the De-
14 partment of Transportation titled “Stormwater
15 Best Management Practices in an Ultra-Urban
16 Setting: Selection and Monitoring”.

17 (3) TOTAL MAXIMUM DAILY LOAD.—The term
18 “total maximum daily load” has the meaning given
19 such term in section 130.2 of title 40, Code of Fed-
20 eral Regulations (or successor regulations).

21 **SEC. 1605. PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-**
22 **OF-WAY.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of enactment of this Act, the Architectural and
25 Transportation Barriers Compliance Board under the au-

1 thority of section 502(b)(3) of the Rehabilitation Act of
2 1973 (29 U.S.C. 792(b)(3)), shall publish final accessi-
3 bility guidelines setting forth minimum standards for pe-
4 destrian facilities in the public right-of-way, including
5 shared use paths.

6 (b) ADOPTION OF REGULATIONS.—Not later than
7 180 days after the establishment of the guidelines pursu-
8 ant to subsection (a), the Secretary and Attorney General
9 shall issue such regulations as are necessary to adopt such
10 guidelines.

11 **SEC. 1606. HIGHWAY FORMULA MODERNIZATION REPORT.**

12 (a) HIGHWAY FORMULA MODERNIZATION STUDY.—

13 (1) IN GENERAL.—The Secretary of Transpor-
14 tation, in consultation with the State departments of
15 transportation and representatives of local govern-
16 ments (including metropolitan planning organiza-
17 tions), shall conduct a highway formula moderniza-
18 tion study to assess the method and data used to ap-
19 portion Federal-aid highway funds under subsections
20 (b) and (c) of section 104 of title 23, United States
21 Code, and issue recommendations on such method
22 and data.

23 (2) ASSESSMENT.—The highway formula mod-
24 ernization study required under paragraph (1) shall
25 include an assessment of, based on the latest avail-

1 able data, whether the apportionment method under
2 such section results in—

3 (A) an equitable distribution of funds
4 based on the estimated tax payments attrib-
5 utable to—

6 (i) highway users in the State that are
7 paid into the Highway Trust Fund; and

8 (ii) individuals in the State that are
9 paid to the Treasury, based on contribu-
10 tions to the Highway Trust Fund from the
11 general fund of the Treasury; and

12 (B) the achievement of the goals described
13 in section 101(b)(3) of title 23, United States
14 Code.

15 (3) CONSIDERATIONS.—In carrying out the as-
16 sessment under paragraph (2), the Secretary shall
17 consider the following:

18 (A) The factors described in sections
19 104(b), 104(f)(2), 104(h)(2), 130(f), and
20 144(e) of title 23, United States Code, as in ef-
21 fect on the date of enactment of SAFETEA-
22 LU (Public Law 109–59).

23 (B) The availability and accuracy of data
24 necessary to calculate formula apportionments

1 under the factors described in subparagraph
2 (A).

3 (C) The measures established under sec-
4 tion 150 of title 23, United States Code, and
5 whether such measures are appropriate for con-
6 sideration as formula apportionment factors.

7 (D) The results of the CMAQ formula
8 modernization study required under subsection
9 (b).

10 (E) Inclusion of the Commonwealth of
11 Puerto Rico in the apportionment under sub-
12 sections (b) and (c) of section 104 of such title,
13 including an estimate of the anticipated con-
14 tributions to the Highway Trust Fund from the
15 citizens of Puerto Rico if Puerto Rico was sub-
16 ject to applicable highway user fees.

17 (F) A needs-based assessment of the share
18 of Federal-aid highway funds that should be
19 made available to the territories described
20 under section 165(c) of such title and a review
21 of the current administrative distribution of
22 such funds among the territories.

23 (G) Any other factors that the Secretary
24 determines are appropriate.

1 (4) RECOMMENDATIONS.—The Secretary shall,
2 in consultation with the State departments of trans-
3 portation and representatives of local governments
4 (including metropolitan planning organizations), de-
5 velop recommendations on a new apportionment
6 method, including—

7 (A) the factors recommended to be in-
8 cluded in such apportionment method;

9 (B) the weighting recommended to be ap-
10 plied to the factors under subparagraph (A);
11 and

12 (C) any other recommendations to ensure
13 that the apportionment method best achieves an
14 equitable distribution of funds described under
15 paragraph (2)(A) and the goals described in
16 paragraph (2)(B).

17 (5) TERRITORIAL ALLOCATIONS.—The Sec-
18 retary shall, in consultation with the territories de-
19 scribed under section 165(c) of title 23, United
20 States Code, develop recommendations on the total
21 annual allocation to such territories and a data driv-
22 en, equitable allocation of funding among such terri-
23 tories.

24 (b) CMAQ FORMULA MODERNIZATION STUDY.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Secretary of
3 Transportation, in consultation with the Adminis-
4 trator of the Environmental Protection Agency, shall
5 conduct an CMAQ formula modernization study to
6 assess whether the apportionment method under sec-
7 tion 104(b)(4) of title 23, United States Code, re-
8 sults in a distribution of funds that best achieves the
9 air quality goals of section 149 of such title.

10 (2) CONSIDERATIONS.—In providing consulta-
11 tion under this subsection, the Administrator of the
12 Environmental Protection Agency shall provide to
13 the Secretary an analysis of—

14 (A) factors that contribute to the appor-
15 tionment, including population, types of pollut-
16 ants, and severity of pollutants, as such factors
17 were determined on the date prior to the date
18 of enactment of MAP-21;

19 (B) the weighting of the factors listed
20 under subparagraph (A); and

21 (C) the recency of the data used in making
22 the apportionment under section 104(b)(4) of
23 title 23, United States Code.

24 (3) RECOMMENDATIONS.—If, in conducting the
25 study under this subsection, the Secretary finds that

1 modifying the apportionment method under section
2 104(b)(4) of title 23, United States Code, would
3 best achieve the air quality goals of section 149 of
4 title 23, United States Code, the Secretary shall, in
5 consultation with the Administrator, include in such
6 study recommendations for a new apportionment
7 method, including—

8 (A) the factors recommended to be in-
9 cluded in such apportionment method;

10 (B) the weighting recommended to be ap-
11 plied to the factors under subparagraph (A);
12 and

13 (C) any other recommendations to ensure
14 that the apportionment method best achieves
15 the air quality goals section 149 of such title.

16 (c) REPORT.—No later than 2 years after the date
17 of enactment of this Act, the Secretary shall submit to
18 the Committee on Transportation and Infrastructure of
19 the House of Representatives and the Committee on Envi-
20 ronment and Public Works of the Senate a report con-
21 taining the results of the highway formula modernization
22 study and the CMAQ formula modernization study.

23 **SEC. 1607. CONSOLIDATION OF PROGRAMS.**

24 Section 1519 of MAP-21 (Public Law 112-141) is
25 amended—

1 (1) in subsection (a)—

2 (A) by striking “fiscal years 2016 through
3 2020” and inserting “fiscal years 2023 through
4 2026”; and

5 (B) by striking “\$3,500,000” and insert-
6 ing “\$4,000,000”;

7 (2) by redesignating subsections (b) and (c) as
8 subsections (c) and (d), respectively; and

9 (3) by inserting after subsection (a) the fol-
10 lowing:

11 “(b) FEDERAL SHARE.—The Federal share of the
12 cost of a project or activity carried out under subsection
13 (a) shall be 100 percent.”.

14 **SEC. 1608. STUDENT OUTREACH REPORT TO CONGRESS.**

15 (a) REPORT.—Not later than 180 days after the date
16 of enactment of this Act, the Secretary of Transportation
17 shall submit to the Committee on Transportation and In-
18 frastructure of the House of Representatives and the Com-
19 mittee on Environment and Public Works of the Senate
20 a report that describes the efforts of the Department of
21 Transportation to encourage elementary, secondary, and
22 post-secondary students to pursue careers in the surface
23 transportation sector.

24 (b) CONTENTS.—The report required under sub-
25 section (a) shall include—

1 (1) a description of efforts to increase aware-
2 ness of careers related to surface transportation
3 among elementary, secondary, and post-secondary
4 students;

5 (2) a description of efforts to prepare and in-
6 spire such students for surface transportation ca-
7 reers;

8 (3) a description of efforts to support the devel-
9 opment of a diverse, well-qualified workforce for fu-
10 ture surface transportation needs; and

11 (4) the effectiveness of the efforts described in
12 paragraphs (1) through (3).

13 **SEC. 1609. TASK FORCE ON DEVELOPING A 21ST CENTURY**
14 **SURFACE TRANSPORTATION WORKFORCE.**

15 (a) **IN GENERAL.**—Not later than 90 days after the
16 date of enactment of this Act, the Secretary of Transpor-
17 tation shall establish a task force on developing a 21st
18 century surface transportation workforce (in this section
19 referred to as the “Task Force”).

20 (b) **DUTIES.**—Not later than 12 months after the es-
21 tablishment of the Task Force under subsection (a), the
22 Task Force shall develop and submit to the Secretary rec-
23 ommendations and strategies for the Department of
24 Transportation to—

- 1 (1) evaluate the current and future state of the
2 surface transportation workforce, including projected
3 job needs in the surface transportation sector;
- 4 (2) identify factors influencing individuals pur-
5 suing careers in surface transportation, including
6 barriers to attracting individuals into the workforce;
- 7 (3) address barriers to retaining individuals in
8 surface transportation careers;
- 9 (4) identify and address potential impacts of
10 emerging technologies on the surface transportation
11 workforce;
- 12 (5) increase access for vulnerable or underrep-
13 resented populations, especially women and minori-
14 ties, to high-skill, in-demand surface transportation
15 careers;
- 16 (6) facilitate and encourage elementary, sec-
17 ondary, and post-secondary students in the United
18 States to pursue careers in the surface transpor-
19 tation sector; and
- 20 (7) identify and develop pathways for students
21 and individuals to secure pre-apprenticeships, reg-
22 istered apprenticeships, and other work-based learn-
23 ing opportunities in the surface transportation sector
24 of the United States.

1 (c) CONSIDERATIONS.—In developing recommenda-
2 tions and strategies under subsection (b), the Task Force
3 shall—

4 (1) identify factors that influence whether
5 young people pursue careers in surface transpor-
6 tation, especially traditionally underrepresented pop-
7 ulations, including women and minorities;

8 (2) consider how the Department, businesses,
9 industry, labor, educators, and other stakeholders
10 can coordinate efforts to support qualified individ-
11 uals in pursuing careers in the surface transpor-
12 tation sector;

13 (3) identify methods of enhancing surface
14 transportation pre-apprenticeships and registered
15 apprenticeships, job skills training, mentorship, edu-
16 cation, and outreach programs that are exclusive to
17 youth in the United States; and

18 (4) identify potential sources of funding, includ-
19 ing grants and scholarships, that may be used to
20 support youth and other qualified individuals in pur-
21 suing careers in the surface transportation sector.

22 (d) CONSULTATION.—In developing the recommenda-
23 tions and strategies required under subsection (b), the
24 Task Force may consult with—

1 (1) local educational agencies and institutes of
2 higher education, including community colleges and
3 vocational schools; and

4 (2) State workforce development boards.

5 (e) REPORT.—Not later than 60 days after the sub-
6 mission of the recommendations and strategies under sub-
7 section (b), the Secretary shall submit to the Committee
8 on Transportation and Infrastructure of the House of
9 Representatives and the Committee on Environment and
10 Public Works of the Senate a report containing such rec-
11 ommendations and strategies.

12 (f) COMPOSITION OF TASK FORCE.—The Secretary
13 shall appoint members to the Task Force whose diverse
14 background and expertise allow such members to con-
15 tribute balanced points of view and ideas in carrying out
16 this section, comprised of equal representation from each
17 of the following:

18 (1) Industries in the surface transportation sec-
19 tor.

20 (2) Surface transportation sector labor organi-
21 zations.

22 (3) Such other surface transportation stake-
23 holders and experts as the Secretary considers ap-
24 propriate.

1 (g) PERIOD OF APPOINTMENT.—Members shall be
2 appointed to the Task Force for the duration of the exist-
3 ence of the Task Force.

4 (h) COMPENSATION.—Task Force members shall
5 serve without compensation.

6 (i) SUNSET.—The Task Force shall terminate upon
7 the submission of the report required under subsection (e).

8 (j) DEFINITIONS.—In this section:

9 (1) PRE-APPRENTICESHIP.—The term “pre-ap-
10 prenticeship” means a training model or program
11 that prepares individuals for acceptance into a reg-
12 istered apprenticeship and has a demonstrated part-
13 nership with one or more registered apprenticeships.

14 (2) REGISTERED APPRENTICESHIP.—The term
15 “registered apprenticeship” means an apprenticeship
16 program registered under the Act of August 16,
17 1937 (29 U.S.C. 50 et seq.; commonly known as the
18 “National Apprenticeship Act”), that satisfies the
19 requirements of parts 29 and 30 of title 29, Code
20 of Federal Regulations (as in effect on January 1,
21 2020).

22 **SEC. 1610. ON-THE-JOB TRAINING AND SUPPORTIVE SERV-**
23 **ICES.**

24 Section 140(b) of title 23, United States Code, is
25 amended to read as follows:

1 “(b) WORKFORCE TRAINING AND DEVELOPMENT.—

2 “(1) IN GENERAL.—The Secretary, in coopera-
3 tion with the Secretary of Labor and any other de-
4 partment or agency of the Government, State agen-
5 cy, authority, association, institution, Indian Tribe
6 or Tribal organization, corporation (profit or non-
7 profit), or any other organization or person, is au-
8 thorized to develop, conduct, and administer surface
9 transportation and technology training, including
10 skill improvement programs, and to develop and
11 fund summer transportation institutes.

12 “(2) STATE RESPONSIBILITIES.—A State de-
13 partment of transportation participating in the pro-
14 gram under this subsection shall—

15 “(A) develop an annual workforce plan
16 that identifies immediate and anticipated work-
17 force gaps and underrepresentation of women
18 and minorities and a detailed plan to fill such
19 gaps and address such underrepresentation;

20 “(B) establish an annual workforce devel-
21 opment compact with the State workforce devel-
22 opment board and appropriate agencies to pro-
23 vide a coordinated approach to workforce train-
24 ing, job placement, and identification of train-
25 ing and skill development program needs, which

1 shall be coordinated to the extent practical with
2 an institution or agency, such as a State work-
3 force development board under section 101 of
4 the Workforce Innovation and Opportunities
5 Act (29 U.S.C. 3111), that has established
6 skills training, recruitment, and placement re-
7 sources; and

8 “(C) demonstrate program outcomes, in-
9 cluding—

10 “(i) impact on areas with transpor-
11 tation workforce shortages;

12 “(ii) diversity of training participants;

13 “(iii) number and percentage of par-
14 ticipants obtaining certifications or creden-
15 tials required for specific types of employ-
16 ment;

17 “(iv) employment outcome, including
18 job placement and job retention rates and
19 earnings, using performance metrics estab-
20 lished in consultation with the Secretary of
21 Labor and consistent with metrics used by
22 programs under the Workforce Innovation
23 and Opportunity Act (29 U.S.C. 3101 et
24 seq.); and

1 “(v) to the extent practical, evidence
2 that the program did not preclude workers
3 that participate in training or registered
4 apprenticeship activities under the pro-
5 gram from being referred to, or hired on,
6 projects funded under this chapter.

7 “(3) FUNDING.—From administrative funds
8 made available under section 104(a), the Secretary
9 shall deduct such sums as necessary, not to exceed
10 \$10,000,000 in each fiscal year, for the administra-
11 tion of this subsection. Such sums shall remain
12 available until expended.

13 “(4) NONAPPLICABILITY OF TITLE 41.—Sub-
14 sections (b) through (d) of section 6101 of title 41
15 shall not apply to contracts and agreements made
16 under the authority granted to the Secretary under
17 this subsection.

18 “(5) USE OF SURFACE TRANSPORTATION PRO-
19 GRAM AND NATIONAL HIGHWAY PERFORMANCE PRO-
20 GRAM FUNDS.—Notwithstanding any other provision
21 of law, not to exceed ½ of 1 percent of funds appor-
22 tioned to a State under paragraph (1) or (2) of sec-
23 tion 104(b) may be available to carry out this sub-
24 section upon request of the State transportation de-
25 partment to the Secretary.”.

1 **SEC. 1611. APPALACHIAN DEVELOPMENT HIGHWAY SYS-**
2 **TEM FUNDING FLEXIBILITY.**

3 (a) IN GENERAL.—Any funds made available to a
4 State for the Appalachian development highway system
5 program under subtitle IV of title 40, United States Code,
6 before the date of enactment of this Act may be used, at
7 the request of such State to the Secretary of Transpor-
8 tation, for the purposes described in section 133(b) of title
9 23, United States Code.

10 (b) LIMITATION.—The authority in subsection (a)
11 may only be used by an Appalachian development highway
12 system State if all of the Appalachian development high-
13 way system corridors authorized by subtitle IV of title 40,
14 United States Code, in such State, have been fully com-
15 pleted and are open to traffic prior to the State making
16 a request to the Secretary as described in subsection (a).

17 **SEC. 1612. TRANSPORTATION EDUCATION DEVELOPMENT**
18 **PROGRAM.**

19 Section 504 of title 23, United States Code, is
20 amended—

21 (1) in subsection (e)(1) by inserting “and (8)
22 through (9)” after “paragraphs (1) through (4)”;
23 and

24 (2) in subsection (f) by adding at the end the
25 following:

1 “(4) REPORTS.—The Secretary shall submit to
2 the Committee on Transportation and Infrastructure
3 of the House of Representatives and the Committee
4 on Commerce, Science, and Transportation of the
5 Senate an annual report that includes—

6 “(A) a list of all grant recipients under
7 this subsection;

8 “(B) an explanation of why each recipient
9 was chosen in accordance with the criteria
10 under paragraph (2);

11 “(C) a summary of each recipient’s objec-
12 tive to carry out the purpose described in para-
13 graph (1) and an analysis of progress made to-
14 ward achieving each such objective;

15 “(D) an accounting for the use of Federal
16 funds obligated or expended in carrying out this
17 subsection; and

18 “(E) an analysis of outcomes of the pro-
19 gram under this subsection.”.

20 **SEC. 1613. WORKING GROUP ON CONSTRUCTION RE-**
21 **SOURCES.**

22 (a) ESTABLISHMENT.—Not later than 120 days after
23 the date of enactment of this Act, the Secretary of Trans-
24 portation shall establish a working group (in this section

1 referred to as the “Working Group”) to conduct a study
2 on access to covered resources for infrastructure projects.

3 (b) MEMBERSHIP.—

4 (1) APPOINTMENT.—The Secretary shall ap-
5 point to the Working Group individuals with knowl-
6 edge and expertise in the production and transpor-
7 tation of covered resources.

8 (2) REPRESENTATION.—The Working Group
9 shall include at least one representative of each of
10 the following:

11 (A) State departments of transportation.

12 (B) State agencies associated with covered
13 resources protection.

14 (C) State planning and geologic survey and
15 mapping agencies.

16 (D) Commercial motor vehicle operators,
17 including small business operators and opera-
18 tors who transport covered resources.

19 (E) Covered resources producers.

20 (F) Construction contractors.

21 (G) Labor organizations.

22 (H) Metropolitan planning organizations
23 and regional planning organizations.

24 (I) Indian Tribes.

1 (J) Professional surveying, mapping, and
2 geospatial organizations.

3 (K) Any other stakeholders that the Sec-
4 retary determines appropriate.

5 (3) TERMINATION.—The Working Group shall
6 terminate 6 months after the date on which the Sec-
7 retary receives the report under subsection (e)(1).

8 (c) DUTIES.—In carrying out the study required
9 under subsection (a), the Working Group shall analyze—

10 (1) the use of covered resources in transpor-
11 tation projects funded with Federal dollars;

12 (2) how the proximity of covered resources to
13 such projects affects the cost and environmental im-
14 pact of such projects;

15 (3) whether and how State, Tribal, and local
16 transportation and planning agencies consider cov-
17 ered resources when developing transportation
18 projects; and

19 (4) any challenges for transportation project
20 sponsors regarding access and proximity to covered
21 resources.

22 (d) CONSULTATION.—In carrying out the study re-
23 quired under subsection (a), the Working Group shall con-
24 sult with, as appropriate—

25 (1) chief executive officers of States;

1 (2) State and local transportation planning
2 agencies;

3 (3) Indian Tribes;

4 (4) other relevant State, Tribal, and local agen-
5 cies, including State agencies associated with cov-
6 ered resources protection;

7 (5) members of the public with industry experi-
8 ence with respect to covered resources;

9 (6) other Federal entities that provide funding
10 for transportation projects; and

11 (7) any other stakeholder the Working Group
12 determines appropriate.

13 (e) REPORTS.—

14 (1) WORKING GROUP REPORT.—Not later than
15 2 years after the date on which the Working Group
16 is established, the Working Group shall submit to
17 the Secretary a report that includes—

18 (A) the findings of the study required
19 under subsection (a), including a summary of
20 comments received during the consultation
21 process under subsection (d); and

22 (B) any recommendations to preserve ac-
23 cess to and reduce the costs and environmental
24 impacts of covered resources for infrastructure
25 projects.

1 (2) DEPARTMENTAL REPORT.—Not later than
2 3 months after the date on which the Secretary re-
3 ceives the report under paragraph (1), the Secretary
4 shall submit to the Committee on Transportation
5 and Infrastructure of the House of Representatives
6 and the Committee on Environment and Public
7 Works of the Senate a summary of the findings
8 under such report and any recommendations, as ap-
9 propriate.

10 (f) DEFINITIONS.—In this section:

11 (1) COVERED RESOURCES.—The term “covered
12 resources” means common variety materials used in
13 transportation infrastructure construction and main-
14 tenance, including stone, sand, and gravel.

15 (2) INDIAN TRIBES.—The term “Indian Tribes”
16 has the meaning given such term in section 4 of the
17 Indian Self-Determination and Education Assistance
18 Act (25 U.S.C. 5304).

19 (3) STATE.—The term “State” means each of
20 the several States, the District of Columbia, and
21 each territory or possession of the United States.

22 **SEC. 1614. NUMBERING SYSTEM OF HIGHWAY INTER-**
23 **CHANGES.**

24 (a) IN GENERAL.—Notwithstanding section 315 of
25 title 23, United States Code, and section 1.36 of title 23,

1 Code of Federal Regulations, the Secretary of Transpor-
2 tation may not impose a penalty on a State that does not
3 comply with section 2E.31 of the Manual on Uniform
4 Traffic Control Devices (or a successor section) with re-
5 spect to the numbering of highway interchanges.

6 (b) APPLICABILITY.—Subsection (a) shall only apply
7 to a method of numbering of a highway interchange in
8 effect on the date of enactment of this Act.

9 **SEC. 1615. TOLL CREDITS.**

10 (a) PURPOSES.—The Secretary of Transportation
11 shall—

12 (1) identify the extent of the demand to pur-
13 chase toll credits;

14 (2) identify the expected cash price of toll cred-
15 its;

16 (3) analyze the impact of the exchange of toll
17 credits on transportation expenditures; and

18 (4) identify any other repercussions of estab-
19 lishing a toll credit exchange.

20 (b) SOLICITATION.—To carry out the requirements of
21 this section, the Secretary shall solicit information from
22 States eligible to use a credit under section 120(i) of title
23 23, United States Code, including—

24 (1) the amount of unused toll credits, includ-
25 ing—

1 (A) toll revenue generated and the sources
2 of that revenue;

3 (B) toll revenue used by public, quasi-pub-
4 lic, and private agencies to build, improve, or
5 maintain highways, bridges, or tunnels that
6 serve the public purpose of interstate commerce;
7 and

8 (C) an accounting of any Federal funds
9 used by the public, quasi-public, or private
10 agency to build, improve, or maintain the toll
11 facility, to validate that the credit has been re-
12 duced by a percentage equal to the percentage
13 of the total cost of building, improving, or
14 maintaining the facility that was derived from
15 Federal funds;

16 (2) the documentation of maintenance of effort
17 for toll credits earned by the State; and

18 (3) the accuracy of the accounting system of
19 the State to earn and track toll credits.

20 (c) WEBSITE.—The Secretary shall make available a
21 publicly accessible website on which a State eligible to use
22 a credit under section 120(i) of title 23, United States
23 Code shall publish the information described under sub-
24 section (b)(1).

1 (d) EVALUATION AND RECOMMENDATIONS TO CON-
2 GRESS.—Not later than 2 years after the date of enact-
3 ment of this Act, the Secretary shall provide to the Com-
4 mittee on Transportation and Infrastructure of the House
5 of Representatives and the Committee on Environment
6 and Public Works of the Senate, and make publicly avail-
7 able on the website of the Department of Transpor-
8 tation—

9 (1) an evaluation of the accuracy of the ac-
10 counting and documentation of toll credits earned
11 under section 120(i);

12 (2) a determination whether a toll credit mar-
13 ketplace is viable and cost effective;

14 (3) estimates, to the extent possible, of the av-
15 erage sale price of toll credits; and

16 (4) recommendations on any modifications nec-
17 essary, including legislative changes, to establish and
18 implement a toll credit exchange program.

19 (e) DEFINITION.—In this section, the term “State”
20 has the meaning given the term in section 101(a) of title
21 23, United States Code.

22 **SEC. 1616. TRANSPORTATION CONSTRUCTION MATERIALS**
23 **PROCUREMENT.**

24 (a) ESTABLISHMENT.—Not later than 180 days after
25 the date of enactment of this Act, the Secretary of Trans-

1 portation shall initiate a review of the procurement proc-
2 esses used by State departments of transportation to se-
3 lect construction materials on projects utilizing Federal-
4 aid highway funds.

5 (b) CONTENTS.—The review under subsection (a)
6 shall include—

7 (1) a review of competitive practices in the bid-
8 ding process for transportation construction mate-
9 rials;

10 (2) a list of States that currently issue bids
11 that include flexibility in the type of construction
12 materials used to meet the project specifications;

13 (3) any information provided by States on con-
14 siderations that influence the decision to include
15 competition by type of material in transportation
16 construction projects;

17 (4) any data on whether issuing bids that in-
18 clude flexibility in the type of construction materials
19 used to meet the project specifications will affect
20 project costs over the lifecycle of an asset;

21 (5) any data on the degree to which competition
22 leads to greater use of sustainable, innovative, or re-
23 silient materials; and

1 (6) an evaluation of any barriers to more wide-
2 spread use of competitive bidding processes for
3 transportation construction materials.

4 (c) REPORT.—Not later than 18 months after the
5 date of enactment of this Act, the Secretary shall submit
6 to the Committee on Transportation and Infrastructure
7 of the House of Representatives and the Committee on
8 Environment and Public Works of the Senate, and make
9 publicly available, a report on the review initiated by the
10 Secretary pursuant to this section.

11 **SEC. 1617. NATIONWIDE ROAD SAFETY ASSESSMENT.**

12 (a) IN GENERAL.—The Secretary of Transportation
13 shall, every 2 years, conduct nationwide, on-the-ground
14 road safety assessments focused on pedestrian and bicycle
15 safety in each State.

16 (b) REQUIREMENTS.—The assessments required
17 under subsection (a) shall be conducted—

18 (1) by Department of Transportation field of-
19 fices from the Federal Highway Administration, the
20 National Highway Transportation Safety Adminis-
21 tration, the Federal Transit Administration, and the
22 Federal Motor Carrier Safety Administration; and

23 (2) in consultation with—

24 (A) State and local agencies with jurisdic-
25 tion over pedestrian and bicycle safety;

1 (B) pedestrian safety and bicycle safety
2 advocacy organizations; and

3 (C) other relevant pedestrian and bicycle
4 safety stakeholders.

5 (c) PURPOSES.—The purpose of the assessments
6 under this section is to—

7 (1) identify and examine specific locations with
8 documented or perceived problems with pedestrian
9 and bicycle safety and access;

10 (2) examine barriers to providing safe pedes-
11 trian and bicycle access to transportation infrastruc-
12 ture; and

13 (3) develop and issue recommendations de-
14 signed to effectively address specific safety and ac-
15 cess issues and enhance pedestrian and bicycle safe-
16 ty in high risk areas.

17 (d) REPORT ON STATE ASSESSMENTS.—Upon com-
18 pletion of the assessment of a State, the Secretary shall
19 issue, and make available to the public, a report con-
20 taining the assessment that includes—

21 (1) a list of locations that have been assessed
22 as presenting a danger to pedestrians or bicyclists;
23 and

24 (2) recommendations to enhance pedestrian and
25 bicycle safety in those locations.

1 (e) REPORT ON NATIONWIDE PROGRAM.—Upon com-
2 pletion of the biannual assessment nationwide required
3 under this section, the Secretary shall issue, and make
4 available to the public, that covers assessments for all ju-
5 risdictions and also present it to the congressional trans-
6 portation committees.

7 (f) NATIONAL PEDESTRIAN AND BICYCLE SAFETY
8 DATABASE.—The Secretary, in order to enhance pedes-
9 trian and bicycle safety and improve information sharing
10 on pedestrian and bicycle safety challenges between the
11 Federal Government and State and local governments,
12 shall maintain a national pedestrian and bicycle safety
13 database that includes—

14 (1) a list of high-risk intersections, roads, and
15 highways with a documented history of pedestrian or
16 bicycle accidents or fatalities and details regarding
17 those incidents; and

18 (2) information on corrective measures that
19 have been implemented at the State, local, or Fed-
20 eral level to enhance pedestrian and bicyclist safety
21 at those high risk areas, including details on the na-
22 ture and date of corrective action.

23 (g) STATE DEFINED.—In this section, the term
24 “State” means each of the States, the District of Colum-
25 bia, and Puerto Rico.

1 **SEC. 1618. CLIMATE RESILIENT TRANSPORTATION INFRA-**
2 **STRUCTURE STUDY.**

3 (a) CLIMATE RESILIENT TRANSPORTATION INFRA-
4 STRUCTURE STUDY.—Not later than 180 days after the
5 date of enactment of this Act, the Secretary of Transpor-
6 tation shall seek to enter into an agreement with the
7 Transportation Research Board of the National Acad-
8 emies to conduct a study of the actions needed to ensure
9 that Federal agencies are taking into account current and
10 future climate conditions in planning, designing, building,
11 operating, maintaining, investing in, and upgrading any
12 federally funded transportation infrastructure invest-
13 ments.

14 (b) METHODOLOGIES.—In conducting the study, the
15 Transportation Research Board shall build on the meth-
16 odologies examined and recommended in—

17 (1) the 2018 report issued the American Soci-
18 ety of Civil Engineers, titled “Climate-Resilient In-
19 frastructure: Adaptive Design and Risk Manage-
20 ment”; and

21 (2) the report issued by the California Climate-
22 Safe Infrastructure Working Group, titled “Paying
23 it Forward: The Path Toward Climate-Safe Infra-
24 structure in California”.

25 (c) CONTENTS OF STUDY.—The study shall include
26 specific recommendations regarding the following:

1 (1) Integrating scientific knowledge of projected
2 climate change impacts, and other relevant data and
3 information, into Federal infrastructure planning,
4 design, engineering, construction, operation and
5 maintenance.

6 (2) Addressing critical information gaps and
7 challenges.

8 (3) Financing options to help fund climate-resil-
9 ient infrastructure.

10 (4) A platform or process to facilitate commu-
11 nication between climate scientists and other experts
12 with infrastructure planners, engineers and other
13 relevant experts.

14 (5) A stakeholder process to engage with rep-
15 resentatives of State, local, tribal and community
16 groups.

17 (6) A platform for tracking Federal funding of
18 climate-resilient infrastructure.

19 (7) Labor and workforce needs to implement
20 climate-resilient transportation infrastructure
21 projects including new and emerging skills, training
22 programs, competencies and recognized postsec-
23 ondary credentials that may be required to ade-
24 quately equip the workforce.

1 (8) Outlining how Federal infrastructure plan-
2 ning, design, engineering, construction, operation,
3 and maintenance impact the environment and public
4 health of disproportionately exposed communities.
5 For purposes of this paragraph, the term “dis-
6 proportionately exposed communities” means a com-
7 munity in which climate change, pollution, or envi-
8 ronmental destruction have exacerbated systemic ra-
9 cial, regional, social, environmental, and economic
10 injustices by disproportionately affecting indigenous
11 peoples, communities of color, migrant communities,
12 deindustrialized communities, depopulated rural
13 communities, the poor, low-income workers, women,
14 the elderly, residents of public housing (as such term
15 is defined in section 3(b) of the United States Hous-
16 ing Act of 1937 (42 U.S.C. 1437a(b)) and of other
17 housing assisted under other Federal affordable
18 housing programs as so designated by the Secretary
19 of Housing and Urban Development, people experi-
20 encing homelessness, people with disabilities, people
21 who are incarcerated, or youth.

22 (d) CONSIDERATIONS.—In carrying out the study,
23 the Transportation Research Board shall determine the
24 need for information related to climate resilient transpor-
25 tation infrastructure by considering—

1 (1) the current informational and institutional
2 barriers to integrating projected infrastructure risks
3 posed by climate change into federal infrastructure
4 planning, design, engineering, construction, oper-
5 ation and maintenance;

6 (2) the critical information needed by engineers,
7 planners and those charged with infrastructure up-
8 grades and maintenance to better incorporate cli-
9 mate change risks and impacts over the lifetime of
10 projects;

11 (3) how to select an appropriate, adaptive engi-
12 neering design for a range of future climate sce-
13 narios as related to infrastructure planning and in-
14 vestment;

15 (4) how to incentivize and incorporate systems
16 thinking into engineering design to maximize the
17 benefits of multiple natural functions and emissions
18 reduction, as well as regional planning;

19 (5) how to take account of the risks of cas-
20 cading infrastructure failures and develop more ho-
21 listic approaches to evaluating and mitigating cli-
22 mate risks;

23 (6) how to ensure that investments in infra-
24 structure resilience benefit all communities, includ-
25 ing communities of color, low-income communities,

1 residents of public housing (as such term is defined
2 in section 3(b) of the United States Housing Act of
3 1937 (42 U.S.C. 1437a(b)) and of other housing as-
4 sisted under other Federal affordable housing pro-
5 grams as so designated by the Secretary of Housing
6 and Urban Development, and Indian Tribes that
7 face a disproportionate risk from climate change and
8 in many cases have experienced long-standing unmet
9 needs and underinvestment in critical infrastructure;

10 (7) how to incorporate capital assessment and
11 planning training and techniques, including a range
12 of financing options to help local and State govern-
13 ments plan for and provide matching funds;

14 (8) how federal agencies can track and monitor
15 federally funded resilient infrastructure in a coordi-
16 nated fashion to help build the understanding of the
17 cost-benefit of resilient infrastructure and to build
18 the capacity for implementing resilient infrastruc-
19 ture; and

20 (9) the occupations, skillsets, training pro-
21 grams, competencies and recognized postsecondary
22 credentials that will be needed to implement such
23 climate-resilient transportation infrastructure
24 projects, and how to ensure that any new jobs cre-
25 ated by such projects ensure that priority hiring con-

1 siderations are given to individuals facing barriers to
2 employment, including individuals registered with a
3 one-stop center, as defined under section 3 of the
4 Workforce Innovation and Opportunity Act (29
5 U.S.C. 3102), communities of color, low-income
6 communities, residents of public housing (as such
7 term is defined in section 3(b) of the United States
8 Housing Act of 1937 (42 U.S.C. 1437a(b)) and of
9 other housing assisted under other Federal afford-
10 able housing programs as so designated by the Sec-
11 retary of Housing and Urban Development, and In-
12 dian Tribes that face a disproportionate risk from
13 climate change and have been excluded from job op-
14 portunities.

15 (e) CONSULTATION.—In carrying out the study, the
16 Transportation Research Board—

17 (1) shall convene and consult with a panel of
18 national experts, including operators and users of
19 Federal transportation infrastructure and private
20 sector stakeholders; and

21 (2) is encouraged to consult with—

22 (A) representatives from the thirteen fed-
23 eral agencies that comprise the United States
24 Global Change Research Program;

1 (B) representatives from the Department
2 of the Treasury;

3 (C) professional engineers with relevant ex-
4 pertise in infrastructure design;

5 (D) scientists from the National Academies
6 with relevant expertise;

7 (E) scientists, social scientists and experts
8 from academic and research institutions who
9 have expertise in climate change projections and
10 impacts; engineering; architecture; or other rel-
11 evant areas of expertise;

12 (F) licensed architects with relevant expe-
13 rience in infrastructure design;

14 (G) certified planners;

15 (H) representatives of State and local gov-
16 ernments and Indian Tribes;

17 (I) representatives of environmental justice
18 groups; and

19 (J) representatives of labor unions that
20 represent key trades and industries involved in
21 infrastructure projects.

22 (f) REPORT.—Not later than 3 years after the date
23 of enactment of this Act, the Transportation Research
24 Board shall submit to the Secretary, the Committee on
25 Transportation and Infrastructure of the House of Rep-

1 representatives, and the Committee on Environment and
2 Public Works of the Senate a report on the results of the
3 study conducted under this section.

4 **SEC. 1619. NATURAL GAS, ELECTRIC BATTERY, AND ZERO**
5 **EMISSION VEHICLES.**

6 Subsection (s) of section 127 of title 23, United
7 States Code is amended to read as follows:

8 “(s) NATURAL GAS, ELECTRIC BATTERY, AND ZERO
9 EMISSION VEHICLES.—A vehicle, if operated by an engine
10 fueled primarily by natural gas, powered primarily by
11 means of electric battery power, or fueled primarily by
12 means of other zero emission fuel technologies, may exceed
13 the weight limit on the power unit by up to 2,000 pounds
14 (up to a maximum gross vehicle weight of 82,000 pounds)
15 under this section.”.

16 **SEC. 1620. GUIDANCE ON EVACUATION ROUTES.**

17 (a) IN GENERAL.—

18 (1) GUIDANCE.—The Administrator of the Fed-
19 eral Highway Administration, in coordination with
20 the Administrator of the Federal Emergency Man-
21 agement Agency, and consistent with guidance
22 issued by the Federal Emergency Management
23 Agency pursuant to section 1209 of the Disaster Re-
24 covery Reform Act of 2018 (Public Law 115–254),
25 shall revise existing guidance or issue new guidance

1 as appropriate for State and local governments and
2 Indian Tribes regarding the design, construction,
3 maintenance, retrofit, and repair of evacuation
4 routes.

5 (2) CONSIDERATIONS.—In revising or issuing
6 guidance under subsection (a)(1), the Administrator
7 of the Federal Highway Administration shall con-
8 sider—

9 (A) methods that assist evacuation routes

10 to—

11 (i) withstand the effects of hydrostatic
12 and hydrodynamic forces on viability, in-
13 cluding recommendations regarding appro-
14 priate drainage structures or other flood
15 prevention mechanisms to manage
16 stormwater, runoff, and the effect of storm
17 surge;

18 (ii) withstand the risks that flamma-
19 bility poses to viability;

20 (iii) improve durability, strength (in-
21 cluding the ability to withstand tensile
22 stresses and compressive stresses), and
23 sustainability; and

24 (iv) provide for long-term cost sav-
25 ings;

1 (B) the ability of evacuation routes to ef-
2 fectively manage contraflow operations;

3 (C) for evacuation routes on public lands,
4 the viewpoints of the applicable Federal land
5 management agency regarding emergency oper-
6 ations, sustainability, and resource protection;
7 and

8 (D) such other items the Administrator of
9 the Federal Highway Administration considers
10 appropriate.

11 (3) REPORT.—In the case in which the Admin-
12 istrator of the Federal Highway Administration, in
13 consultation with the Administrator of the Federal
14 Emergency Management Agency, concludes existing
15 guidance addresses the considerations in paragraph
16 (2), The Administrator of the Federal Highway Ad-
17 ministration shall submit to the Committee on
18 Transportation and Infrastructure of the House of
19 Representatives and the Committee on Environment
20 and Public Works of the Senate a detailed report de-
21 scribing how existing guidance addresses such con-
22 siderations.

23 (b) STUDY.—

24 (1) IN GENERAL.—The Administrator of the
25 Federal Highway Administration, in coordination

1 with the Administrator of the Federal Emergency
2 Management Agency, shall study the vulnerability of
3 evacuation routes that are part of the national high-
4 way system to the risks of extreme weather, includ-
5 ing flooding and storm surge.

6 (2) CONTENTS.—In conducting the study under
7 paragraph (1), the Administrator shall examine—

8 (A) the likelihood of Federal evacuation
9 routes flooding during a 100-year, 500-year,
10 and 1000-year weather event;

11 (B) whether Federal evacuation routes
12 that have historically flooded have recovered
13 quickly from extreme weather events;

14 (C) the availability of alternative evacu-
15 ation routes to accommodate the flow of evac-
16 uees in the event of an evacuation route becom-
17 ing impassable due to flooding; and

18 (D) the impact of impassable evacuation
19 routes on vulnerable individuals, with consider-
20 ation of the return of evacuees after an extreme
21 weather event, including—

22 (i) individuals with a physical or men-
23 tal disability;

24 (ii) individuals in schools, daycare
25 centers, mobile home parks, prisons, nurs-

1 ing homes, and other long-term care facili-
2 ties and detention centers;

3 (iii) individuals with limited pro-
4 ficiency in English;

5 (iv) the elderly; and

6 (v) individuals who are tourists, sea-
7 sonal workers, or homeless.

8 (3) REPORT.—Not later than 1 year after the
9 date of enactment of this Act, the Administrator
10 shall submit to the Committee on Transportation
11 and Infrastructure of the House of Representatives
12 and the Committee on Commerce, Science, and
13 Transportation of the Senate a report summarizing
14 the study and the results of such study, including
15 identifying which segments of Federal evacuation
16 routes are most vulnerable to becoming impassable
17 due to flooding.

18 **SEC. 1621. HIGH PRIORITY CORRIDORS ON NATIONAL**
19 **HIGHWAY SYSTEM.**

20 (a) IDENTIFICATION.—

21 (1) CENTRAL TEXAS CORRIDOR.—Section
22 1105(e)(84) of the Intermodal Surface Transpor-
23 tation Efficiency Act of 1991 is amended to read as
24 follows:

1 “(84) The Central Texas Corridor, including
2 the route—

3 “(A) commencing in the vicinity of Texas
4 Highway 338 in Odessa, Texas, running east-
5 ward generally following Interstate Route 20,
6 connecting to Texas Highway 158 in the vicin-
7 ity of Midland, Texas, then following Texas
8 Highway 158 eastward to United States Route
9 87 and then following United States Route 87
10 southeastward, passing in the vicinity of San
11 Angelo, Texas, and connecting to United States
12 Route 190 in the vicinity of Brady, Texas;

13 “(B) commencing at the intersection of
14 Interstate Route 10 and United States Route
15 190 in Pecos County, Texas, and following
16 United States Route 190 to Brady, Texas;

17 “(C) following portions of United States
18 Route 190 eastward, passing in the vicinity of
19 Fort Hood, Killeen, Belton, Temple, Bryan,
20 College Station, Huntsville, Livingston, Wood-
21 ville, and Jasper, to the logical terminus of
22 Texas Highway 63 at the Sabine River Bridge
23 at Burrs Crossing and including a loop gen-
24 erally encircling Bryan/College Station, Texas;

1 “(D) following United States Route 83
2 southward from the vicinity of Eden, Texas, to
3 a logical connection to Interstate Route 10 at
4 Junction, Texas;

5 “(E) following United States Route 69
6 from Interstate Route 10 in Beaumont, Texas,
7 north to United States Route 190 in the vicin-
8 ity of Woodville, Texas;

9 “(F) following United States Route 96
10 from Interstate Route 10 in Beaumont, Texas,
11 north to United States Route 190 in the vicin-
12 ity of Jasper, Texas; and

13 “(G) following United States Route 190,
14 State Highway 305, and United States Route
15 385 from Interstate Route 10 in Pecos County,
16 Texas to Interstate 20 at Odessa, Texas.”.

17 (2) CENTRAL LOUISIANA CORRIDOR.—Section
18 1105(c) of the Intermodal Surface Transportation
19 Efficiency Act of 1991 is amended by adding at the
20 end the following:

21 “(92) The Central Louisiana Corridor com-
22 mencing at the logical terminus of Louisiana High-
23 way 8 at the Sabine River Bridge at Burrs Crossing
24 and generally following portions of Louisiana High-
25 way 8 to Leesville, Louisiana, and then eastward on

1 Louisiana Highway 28, passing in the vicinity of Al-
2 exandria, Pineville, Walters, and Archie, to the log-
3 ical terminus of United States Route 84 at the Mis-
4 sissippi River Bridge at Vidalia, Louisiana.”.

5 (3) CENTRAL MISSISSIPPI CORRIDOR.—Section
6 1105(c) of the Intermodal Surface Transportation
7 Efficiency Act of 1991, as amended by this Act, is
8 further amended by adding at the end the following:

9 “(93) The Central Mississippi Corridor, includ-
10 ing the route—

11 “(A) commencing at the logical terminus
12 of United States Route 84 at the Mississippi
13 River and then generally following portions of
14 United States Route 84 passing in the vicinity
15 of Natchez, Brookhaven, Monticello, Prentiss,
16 and Collins, to Interstate 59 in the vicinity of
17 Laurel, Mississippi, and continuing on Inter-
18 state Route 59 north to Interstate Route 20
19 and on Interstate Route 20 to the Mississippi-
20 Alabama State Border; and

21 “(B) commencing in the vicinity of Laurel,
22 Mississippi, running south on Interstate Route
23 59 to United States Route 98 in the vicinity of
24 Hattiesburg, connecting to United States Route
25 49 south then following United States Route 49

1 south to Interstate Route 10 in the vicinity of
2 Gulfport and following Mississippi Route 601
3 southerly terminating near the Mississippi State
4 Port at Gulfport.”.

5 (4) MIDDLE ALABAMA CORRIDOR.—Section
6 1105(c) of the Intermodal Surface Transportation
7 Efficiency Act of 1991, as amended by this Act, is
8 further amended by adding at the end the following:

9 “(94) The Middle Alabama Corridor including
10 the route—

11 “(A) beginning at the Alabama-Mississippi
12 Border generally following portions of I-20
13 until following a new interstate extension paral-
14 leling United States Highway 80 specifically:

15 “(B) crossing Alabama Route 28 near
16 Coatopa, Alabama, traveling eastward crossing
17 United States Highway 43 and Alabama Route
18 69 near Selma, Alabama, traveling eastwards
19 closely paralleling United States Highway 80 to
20 the south crossing over Alabama Routes 22, 41,
21 and 21, until its intersection with I-65 near
22 Hope Hull, Alabama;

23 “(C) continuing east along the proposed
24 Montgomery Outer Loop south of Montgomery,

1 Alabama where it would next join with I-85
2 east of Montgomery, Alabama;

3 “(D) continuing along I-85 east bound
4 until its intersection with United States High-
5 way 280 near Opelika, Alabama or United
6 States Highway 80 near Tuskegee, Alabama;
7 and

8 “(E) generally following the most expe-
9 dient route until intersecting with existing
10 United States Highway 80 (JR Allen Parkway)
11 through Phenix City until continuing into Co-
12 lumbus, Georgia.”.

13 (5) MIDDLE GEORGIA CORRIDOR.—Section
14 1105(c) of the Intermodal Surface Transportation
15 Efficiency Act of 1991, as amended by this Act, is
16 further amended by adding at the end the following:

17 “(95) The Middle Georgia Corridor including
18 the route—

19 “(A) beginning at the Alabama-Georgia
20 Border generally following the Fall Line Free-
21 way from Columbus Georgia to Augusta, Geor-
22 gia specifically:

23 “(B) travelling along United States Route
24 80 (JR Allen Parkway) through Columbus,
25 Georgia and near Fort Benning, Georgia, east

1 to Talbot County, Georgia where it would follow
2 Georgia Route 96, then commencing on Georgia
3 Route 49C (Fort Valley Bypass) to Georgia
4 Route 49 (Peach Parkway) to its intersection
5 with Interstate route 75 in Byron, Georgia;

6 “(C) continuing north along Interstate
7 Route 75 through Warner Robins and Macon,
8 Georgia where it would meet Interstate Route
9 16. Following Interstate 16 east it would next
10 join United States Route 80 and then onto
11 State Route 57; and

12 “(D) commencing with State Route 57
13 which turns into State Route 24 near
14 Milledgeville, Georgia would then bypass Wrens,
15 Georgia with a newly constructed bypass. After
16 the bypass it would join United States Route 1
17 near Fort Gordon into Augusta, Georgia where
18 it will terminate at Interstate Route 520.”.

19 (6) LOUISIANA CAPITAL REGION.—Section
20 1105(e) of the Intermodal Surface Transportation
21 Efficiency Act of 1991, as amended by this Act, is
22 further amended by adding at the end the following:

23 “(96) The Louisiana Capital Region High Pri-
24 ority Corridor, which shall generally follow—

1 “(A) Interstate 10, between its intersec-
2 tions with Interstate 12 and Louisiana High-
3 way 415;

4 “(B) Louisiana Highway 415, between its
5 intersections with Interstate 10 and United
6 States route 190;

7 “(C) United States route 190, between its
8 intersections with Louisiana Highway 415 and
9 intersection with Interstate 110;

10 “(D) Interstate 110, between its intersec-
11 tions with United States route 190 and Inter-
12 state 10;

13 “(E) Louisiana Highway 30, near St. Ga-
14 briel, LA and its intersections with Interstate
15 10;

16 “(F) Louisiana Highway 1, near White
17 Castle, LA and its intersection with Interstate
18 10; and

19 “(G) A bridge connecting Louisiana High-
20 way 1 with Louisiana Highway 30, south of the
21 Interstate described in subparagraph (A).”.

22 (b) INCLUSION OF CERTAIN SEGMENTS ON INTER-
23 STATE SYSTEM.—Section 1105(e)(5)(A) of the Intermodal
24 Surface Transportation Efficiency Act of 1991 is amend-
25 ed—

1 (1) by inserting “subclauses (I) through (IX) of
2 subsection (c)(38)(A)(i), subsection (c)(38)(A)(iv),”
3 after “subsection (c)(37),”;

4 (2) by inserting “subsection (c)(84),” after
5 “subsection (c)(83),”; and

6 (3) by striking “and subsection (c)(91)” and in-
7 serting “subsection (c)(91), subsection (c)(92), sub-
8 section (c)(93), subsection (c)(94), subsection
9 (c)(95), and subsection (c)(96)”.

10 (c) DESIGNATION.—Section 1105(e)(5)(C) of the
11 Intermodal Surface Transportation Efficiency Act of 1991
12 is amended by striking “The route referred to in sub-
13 section (c)(84) is designated as Interstate Route I–14.”
14 and inserting “The route referred to in subsection
15 (c)(84)(A) is designated as Interstate Route I–14 North.
16 The route referred to in subsection (c)(84)(B) is des-
17 ignated as Interstate Route I–14 South. The Bryan/Col-
18 lege Station, Texas loop referred to in subsection (c)(84)
19 is designated as Interstate Route I–214. The routes re-
20 ferred to in subparagraphs (C), (D), (E), (F), and (G)
21 of subsection (c)(84) and in subsections (c)(92), (c)(93),
22 (c)(94), and (c)(95) are designated as Interstate Route I–
23 14.”.

1 **SEC. 1622. GUIDANCE ON INUNDATED AND SUBMERGED**
2 **ROADS.**

3 (a) GUIDANCE.—The Administrator of the Federal
4 Highway Administration, in coordination with the Admin-
5 istrator of the Federal Emergency Management Agency,
6 shall review the guidance issued pursuant to section 1228
7 of the Disaster Recovery Reform Act of 2018 (Public Law
8 115–254), and revise or issue new guidance regarding re-
9 pair, restoration, and replacement of inundated and sub-
10 merged roads damaged or destroyed by a major disaster
11 declared pursuant to the Robert T. Stafford Disaster Re-
12 lief and Emergency Assistance Act (42 U.S.C. 5121 et
13 seq.) with respect to roads eligible for assistance under
14 Federal Highway Administration programs.

15 (b) CONSIDERATIONS.—In revising or issuing new
16 guidance under subsection (a), the Administrator shall
17 consider methods of repair, restoration, and replacement
18 of damaged or destroyed roads that—

19 (1) improve the ability of a previously inun-
20 dated or submerged road to withstand the effects of
21 hydrostatic and hydrodynamic forces, including
22 stormwater, runoff, or storm surge; and

23 (2) provide for long-term cost savings.

24 **SEC. 1623. DRY BULK WEIGHT TOLERANCE.**

25 Section 127 of title 23, United States Code, is
26 amended by adding at the end the following:

1 “(v) DRY BULK WEIGHT TOLERANCE.—

2 “(1) DEFINITION OF DRY BULK GOODS.—In
3 this subsection, the term ‘dry bulk goods’ means any
4 homogeneous unmarked nonliquid cargo being trans-
5 ported in a trailer specifically designed for that pur-
6 pose.

7 “(2) WEIGHT TOLERANCE.—Notwithstanding
8 any other provision of this section, except for the
9 maximum gross vehicle weight limitation, a commer-
10 cial motor vehicle transporting dry bulk goods may
11 not exceed 110 percent of the maximum weight on
12 any axle or axle group described in subsection (a),
13 including any enforcement tolerance.”.

14 **SEC. 1624. HIGHWAY USE TAX EVASION PROJECTS.**

15 Section 143(b)(2)(A) of title 23, United States Code,
16 is amended by striking “2016 through 2020” and insert-
17 ing “2023 through 2026”.

18 **SEC. 1625. LABOR STANDARDS.**

19 It is the policy of the United States that funds au-
20 thorized or made available by this Act, or the amendments
21 made by this Act, should not be used to purchase products
22 produced whole or in part through the use of child labor,
23 as such term is defined in Article 3 of the International
24 Labor Organization Convention concerning the prohibition
25 and immediate action for the elimination of the worst

1 forms of child labor (December 2, 2000), or in violation
2 of human rights.

3 **SEC. 1626. CLIMATE RESILIENCY REPORT BY GAO.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, and every 5 years there-
6 after, the Comptroller General of the United States shall
7 evaluate and issue a report to Congress on the economic
8 benefits, including avoided impacts on property and life,
9 of the use of model, consensus-based building codes,
10 standards, and provisions that support resilience to cli-
11 mate risks and impacts, including—

- 12 (1) flooding;
- 13 (2) wildfires;
- 14 (3) hurricanes;
- 15 (4) heat waves;
- 16 (5) droughts;
- 17 (6) rises in sea level; and
- 18 (7) extreme weather.

19 (b) REPORT ISSUES.—The report required under
20 subsection (a) shall include the following:

- 21 (1) An assessment of the status of adoption of
22 building codes, standards, and provisions within the
23 States, territories, and tribes at the State or juris-
24 dictional level; including whether the adopted codes

1 meet or exceed the most recent published edition of
2 a national, consensus-based model code.

3 (2) An analysis of the extent to which pre-dis-
4 aster mitigation measures provide benefits to the na-
5 tion and individual States, territories and tribes, in-
6 cluding—

7 (A) an economic analysis of the benefits to
8 the design and construction of new resilient in-
9 frastructure;

10 (B) losses avoided, including economic
11 losses, number of structures (buildings, roads,
12 bridges), and injuries and deaths by utilizing
13 building codes and standards that prioritize re-
14 siliency; and

15 (C) an economic analysis of the benefits to
16 using hazard resistant building codes in rebuild-
17 ing and repairing infrastructure following a dis-
18 aster.

19 (3) An assessment of the building codes and
20 standards referenced or otherwise currently incor-
21 porated into Federal policies and programs, includ-
22 ing but not limited to grants, incentive programs,
23 technical assistance and design and construction cri-
24 teria, administered by the Federal Emergency Man-

1 agement Agency (hereinafter referred to as
2 “FEMA”), including—

3 (A) the extent to which such codes and
4 standards contribute to increasing climate resil-
5 iency;

6 (B) recommendations for how FEMA could
7 improve their use of codes and standards to
8 prepare for climate change and address resil-
9 iency in housing, public buildings, and infra-
10 structure such as roads and bridges; and

11 (C) how FEMA could increase efforts to
12 support the adoption of hazard resistant codes
13 by the States, territories, and Indian Tribes.

14 (4) Recommendations for FEMA on how to bet-
15 ter incorporate climate resiliency into efforts to re-
16 build after natural disasters.

17 **SEC. 1627. DESIGNATION OF JOHN R. LEWIS VOTING**
18 **RIGHTS HIGHWAY.**

19 (a) DESIGNATION.—The portion of United States
20 Route 80 from Selma, Alabama to Montgomery, Alabama
21 shall be known as the “John R. Lewis Voting Rights
22 Highway”.

23 (b) REFERENCES.—Any reference in a law, map, reg-
24 ulation, document, paper, or other record of the United
25 States to the portion of United States Route 80 from

1 Selma, Alabama to Montgomery, Alabama is deemed to
2 be a reference to the “John R. Lewis Voting Rights High-
3 way”.

4 **SEC. 1628. GAO STUDY ON CAPITAL NEEDS OF PUBLIC FER-**
5 **RIES.**

6 (a) IN GENERAL.—The Comptroller General of the
7 United States shall conduct a study on the capital invest-
8 ment needs of United States public ferries and how Fed-
9 eral funding programs are meeting such needs.

10 (b) CONSIDERATIONS.—In carrying out the study
11 under subsection (a), the Comptroller General shall exam-
12 ine the feasibility of including United States public ferries
13 in the conditions and performance report of the Depart-
14 ment of Transportation.

15 (c) REPORT TO CONGRESS.—Not later than 1 year
16 after the date of enactment of this Act, the Comptroller
17 General shall submit to Congress a report describing the
18 results of the study described in subsection (a), including
19 any recommendations for how to include ferries in the con-
20 ditions and performance report of the Department of
21 Transportation.

22 **SEC. 1629. USE OF MODELING AND SIMULATION TECH-**
23 **NOLOGY.**

24 It is the sense of Congress that the Department of
25 Transportation should utilize, to the fullest and most eco-

1 nomically feasible extent practicable, modeling and simula-
2 tion technology to analyze highway and public transpor-
3 tation projects authorized by this Act and the amendments
4 made by this Act to ensure that these projects—

5 (1) increase transportation capacity and safety,
6 alleviate congestion, and reduce travel time and envi-
7 ronmental impacts; and

8 (2) are as cost effective as practicable.

9 **SEC. 1630. GAO STUDY ON PER-MILE USER FEE EQUITY.**

10 (a) **ESTABLISHMENT.**—Not later than 2 years after
11 the date of enactment of this Act, the Comptroller General
12 of the United States shall carry out a study on the impact
13 of equity issues associated with per-mile user fee funding
14 systems on the surface transportation system.

15 (b) **CONTENTS.**—The study under subsection (a)
16 shall include the following with respect to per-mile user
17 fee systems:

18 (1) The financial, social, and other impacts of
19 per-mile user fee systems on individuals, low-income
20 individuals, and individuals of different races.

21 (2) The impact that access to alternative modes
22 of transportation, including public transportation,
23 has in carrying out per-mile user fee systems.

24 (3) The ability to access jobs and services,
25 which may include healthcare facilities, child care,

1 education and workforce training, food sources,
2 banking and other financial institutions, and other
3 retail shopping establishments.

4 (4) Equity issues for low-income individuals in
5 urban and rural areas.

6 (5) Any differing impacts on passenger vehicles
7 and commercial vehicles.

8 (c) INCLUSIONS.—In carrying out the study under
9 subsection (a), the Comptroller General shall include an
10 analysis of the State surface transportation system fund-
11 ing pilot program under section 6020 of the FAST Act
12 (23 U.S.C. 503 note).

13 (d) REPORT.—Not later than 2 years after the date
14 of the enactment after this Act, the Comptroller General
15 shall submit to the Committee on Transportation and In-
16 frastructure of the House of Representatives and the Com-
17 mittee on Environment and Public Works of the Senate,
18 and make publicly available, a report containing the re-
19 sults of the study under subsection (a), including rec-
20 ommendations for how to equitably implement per-mile
21 user fee systems.

22 (e) DEFINITIONS.—

23 (1) PER-MILE USER FEE.—The term “per-mile
24 user fee” means a revenue mechanism that—

1 (A) is applied to road users operating
2 motor vehicles on the surface transportation
3 system; and

4 (B) is based on the number of vehicle miles
5 traveled by an individual road user.

6 (2) COMMERCIAL VEHICLE.—The term “com-
7 mercial vehicle” has the meaning given the term
8 commercial motor vehicle in section 31101 of title
9 49, United States Code.

10 **SEC. 1631. GAO REVIEW OF EQUITY CONSIDERATIONS AT**
11 **STATE DOTs.**

12 (a) REVIEW REQUIRED.—Not later than 1 year after
13 the date of enactment of this Act, the Comptroller General
14 shall undertake a review of the extent to which State de-
15 partments of transportation have in place best practices,
16 standards, and protocols designed to ensure equity consid-
17 erations in transportation planning, project selection, and
18 project delivery, including considerations of the diverse
19 transportation needs of low-income populations, minority
20 populations, and other diverse populations.

21 (b) EVALUATION.—After the completion of the review
22 under subsection (a), the Comptroller General shall issue
23 and make available on a publicly accessible Website a re-
24 port detailing—

1 (1) findings based on the review in subsection
2 (a);

3 (2) a comprehensive set of recommendations for
4 State departments of transportation to improve eq-
5 uity considerations, which may include model legisla-
6 tion, best practices, or guidance; and

7 (3) any recommendations to Congress for addi-
8 tional statutory authority needed to support State
9 department of transportation efforts to incorporate
10 equity considerations into transportation planning,
11 project selection, and project delivery.

12 (c) REPORT.—After completing the review and eval-
13 uation required under subsections (a) and (b), and not
14 later than 2 years after the date of enactment of this Act,
15 the Comptroller General shall make available on a publicly
16 accessible Website, a report that includes—

17 (1) findings based on the review conducted
18 under subsection (a);

19 (2) the outcome of the evaluation conducted
20 under subsection (b);

21 (3) a comprehensive set of recommendations to
22 improve equity considerations in the public transpor-
23 tation industry, including recommendations for stat-
24 utory changes if applicable; and

1 (4) the actions that the Secretary of Transpor-
2 tation could take to effectively address the rec-
3 ommendations provided under paragraph (3).

4 **SEC. 1632. STUDY ON EFFECTIVENESS OF SUICIDE PREVEN-**
5 **TION NETS AND BARRIERS FOR STRUCTURES**
6 **OTHER THAN BRIDGES.**

7 (a) STUDY.—The Comptroller General of the United
8 States shall conduct a study to identify—

9 (1) the types of structures, other than bridges,
10 that attract a high number of individuals attempting
11 suicide-by-jumping;

12 (2) the characteristics that distinguish struc-
13 tures identified under paragraph (1) from similar
14 structures that do not attract a high number of indi-
15 viduals attempting suicide-by-jumping;

16 (3) the types of nets or barriers that are effec-
17 tive at reducing suicide-by-jumping with respect to
18 the structures identified under paragraph (1);

19 (4) methods of reducing suicide-by-jumping
20 with respect to the structures identified under para-
21 graph (1) other than nets and barriers;

22 (5) quantitative measures of the effectiveness of
23 the nets and barriers identified under paragraph (3);

1 (6) quantitative measures of the effectiveness of
2 the additional methods identified under paragraph
3 (4);

4 (7) the entities that typically install the nets
5 and barriers identified under paragraph (3); and

6 (8) the costs of the nets and barriers identified
7 under paragraph (3).

8 (b) REPORT.—Not later than 1 year after the date
9 of the enactment of this Act, the Comptroller General shall
10 submit to the Committee on Transportation and Infra-
11 structure of the House of Representatives and the Com-
12 mittee on Commerce, Science, and Transportation of the
13 Senate a report on the results of the study conducted
14 under subsection (a).

15 **SEC. 1633. TRANSPORTATION PLANNING ACTIVITIES.**

16 The Secretary of Transportation shall take all rea-
17 sonable efforts to provide assistance for an Olympic or
18 Paralympic event, or a Special Olympics International
19 event, including the following:

20 (1) Planning activities of States and metropoli-
21 tan planning organizations and transportation
22 projects relating to an international Olympic or
23 Paralympic event, or a Special Olympics Inter-
24 national event, under sections 134 and 135 of title
25 23, United States Code.

1 (2) Developing intermodal transportation plans
2 necessary for the projects, in coordination with State
3 and local transportation agencies.

4 (3) Efforts to expedite review and comment by
5 the Department of Transportation on any required
6 submittals pertaining to an Olympic or Paralympic
7 event or a Special Olympics International event.

8 (4) Providing technical assistance.

9 **SEC. 1634. BETTER UTILIZING INFRASTRUCTURE FOR**
10 **LASTING DEVELOPMENT OF VETERANS BUSI-**
11 **NESSES.**

12 (a) DEFINITIONS.—In this section, the following defi-
13 nitions apply:

14 (1) SMALL BUSINESS CONCERN.—The term
15 “small business concern” has the meaning given the
16 term in section 3 of the Small Business Act (15
17 U.S.C. 632).

18 (2) VETERAN.—The term “veteran” has the
19 meaning given the term in section 101(2) of title 38,
20 United States Code.

21 (3) VETERAN OWNED SMALL BUSINESS CON-
22 CERN.—The term “veteran owned small business
23 concern” has the meaning given the term “small
24 business concern owned and controlled by veterans”

1 in section 3(q) of the Small Business Act (15 U.S.C.
2 632 (q)).

3 (b) AMOUNTS FOR VETERAN OWNED SMALL BUSI-
4 NESS CONCERNS.—Except to the extent that the Sec-
5 retary of Transportation determines otherwise, not less
6 than 3 percent of the amounts made available for any pro-
7 gram under titles I, II, V, and VII of this division and
8 section 403 of title 23, United States Code, shall be ex-
9 pended through veteran owned small business concerns.

10 (c) UNIFORM CRITERIA.—The Secretary shall estab-
11 lish minimum uniform criteria for use by State govern-
12 ments in certifying whether a concern qualifies as a vet-
13 eran owned small business concern for the purpose of this
14 section. Such criteria shall include a limit on the personal
15 net worth of the veterans who own and control the small
16 business concern.

17 (d) REPORTING.—The Secretary shall establish min-
18 imum requirements for use by State government in report-
19 ing to the Secretary—

20 (1) information concerning veteran owned small
21 business concern awards, commitments, and achieve-
22 ment; and

23 (2) such other information as the Secretary de-
24 termined to be appropriate for the proper moni-
25 toring of the veterans business enterprise program.

1 **SEC. 1635. VEHICLE WEIGHT LIMITATIONS.**

2 Section 127(i)(1)(A) of title 23, United States Code,
3 is amended by inserting “an emergency or” before “a
4 major disaster”.

5 **SEC. 1636. ROADWAY WORKER PROTECTION WORKING**
6 **GROUP.**

7 (a) ESTABLISHMENT.—Not later than 180 days after
8 the date of enactment of this Act, the Secretary of Trans-
9 portation shall establish a working group (in this section
10 referred to as the “Working Group”) to review the meth-
11 ods, practices, and technologies necessary to protect work-
12 ers in roadway work zones.

13 (b) MEMBERSHIP.—

14 (1) APPOINTMENT.—The Secretary shall ap-
15 point to the Working Group individuals with knowl-
16 edge and expertise in roadway safety.

17 (2) REPRESENTATION.—The Working group
18 shall include at least one representative of each of
19 the following:

20 (A) State departments of transportation.

21 (B) Local governments or metropolitan
22 planning organizations.

23 (C) Temporary traffic control organiza-
24 tions.

25 (D) Roadway user organizations.

1 (E) Vehicle and commercial vehicle manu-
2 facturers.

3 (F) Labor organizations.

4 (G) Traffic safety organizations.

5 (H) Motor carrier and independent owner-
6 operator organizations.

7 (I) Law enforcement and first responder
8 organizations.

9 (J) Autonomous vehicle technology compa-
10 nies.

11 (K) Any other stakeholders that the Sec-
12 retary determines appropriate.

13 (3) TERMINATION.—The Working Group shall
14 terminate 6 months after the date on which the Sec-
15 retary receives the report under subsection (f)(1).

16 (c) DUTIES.—In carrying out the review required
17 under subsection (a), the Working Group shall—

18 (1) evaluate and analyze current work zone
19 safety and worker protection traffic control best
20 practices;

21 (2) identify causes of work zone injuries and fa-
22 talities;

23 (3) identify and evaluate technologies related to
24 vehicle interaction with work zones and workers in
25 work zones; and

1 (4) identify challenges for transportation con-
2 struction project sponsors regarding improving work
3 zone safety.

4 (d) CONSULTATION.—In carrying out the review re-
5 quired under subsection (a), the Working Group shall con-
6 sult with—

7 (1) transportation construction contractor orga-
8 nizations;

9 (2) roadway and roadway safety equipment
10 manufacturer organizations;

11 (3) academic experts; and

12 (4) any other stakeholder the Working Group
13 determines appropriate.

14 (e) REPORTS.—

15 (1) WORKING GROUP REPORT.—Not later than
16 2 years after the date on which the Working Group
17 is established, the Working Group shall submit to
18 the Secretary a report that includes—

19 (A) the findings of the review required
20 under subsection (a), including a summary of
21 any comments received during the consultation
22 process under subsection (d); and

23 (B) recommendations on safety counter-
24 measures, technologies, programs and policies

1 for the Department of Transportation to im-
2 prove roadway work zone safety and practices.

3 (2) REPORT TO CONGRESS.—Not later than 1
4 month after the date on which the Secretary receives
5 a report under paragraph (1), the Secretary shall
6 submit to the Committee on Transportation and In-
7 frastructure of the House of Representatives and the
8 Committee on Environment and Public Works of the
9 Senate a summary of the report.

10 **SEC. 1637. GAO STUDY ON NATURE-BASED SOLUTIONS FOR**
11 **COASTAL HIGHWAY RESILIENCE.**

12 (a) STUDY.—The Comptroller General of the United
13 States shall conduct a study on the utilization of nature-
14 based solutions for improving the resilience of coastal
15 highways and bridges.

16 (b) CONTENTS.—In conducting the study under sub-
17 section (a), the Comptroller General shall examine—

18 (1) the resiliency benefits of nature-based fea-
19 tures that work in conjunction with structural fea-
20 tures to protect coastal highways and bridges by re-
21 ducing the impacts of floods or other risks of ex-
22 treme weather;

23 (2) the ecological benefits of nature-based fea-
24 tures for habitat restoration, water quality improve-
25 ments, and recreational aesthetics;

1 (3) any potential savings to taxpayers over the
2 lifecycles of roadways produced by an integrated ap-
3 proach to resilience against extreme weather;

4 (4) the utilization rates for integrated nature-
5 based solutions among transportation agencies; and

6 (5) any barriers to the use of nature-based solu-
7 tions by transportation agencies to improve the resil-
8 ience of coastal roads and bridges.

9 (c) REPORT.—Not later than 1 year after the date
10 of enactment of this Act, the Comptroller General shall
11 submit to the Committee on Transportation and Infra-
12 structure of the House of Representatives and the Com-
13 mittee on Commerce, Science, and Transportation of the
14 Senate a report summarizing the study under subsection
15 (a) and the results of such study, including recommenda-
16 tions for how the Federal Highway Administration can en-
17 courage transportation agencies to use natural and na-
18 ture-based features to improve the resilience of coastal
19 highways and bridges.

20 **SEC. 1638. REPEAL OF PILOT PROGRAM.**

21 Section 325 of title 23, United States Code, is re-
22 pealed.

23 **SEC. 1639. TECHNICAL CORRECTIONS.**

24 (a) IN GENERAL.— Title 23, United States Code, is
25 amended as follows:

1 (1) NAME CORRECTION.—Section
2 101(a)(17)(C), as redesignated by section
3 1103(1)(A) of this Act, is amended by striking
4 “United States Customs and Immigration Services”
5 and inserting “U.S. Customs and Border Protec-
6 tion”.

7 (2) TRANSFER OF FUNDS.—Section 104(f)(3) is
8 amended—

9 (A) in subparagraph (A), by striking “the
10 Federal Highway Administration” and inserting
11 “an operating administration of the Depart-
12 ment of Transportation”; and

13 (A) in the paragraph heading, by striking
14 “FEDERAL HIGHWAY ADMINISTRATION” and in-
15 serting “AN OPERATING ADMINISTRATION OF
16 THE DEPARTMENT OF TRANSPORTATION”.

17 (3) TERMS AND CONDITIONS.—Section
18 108(c)(3)(F) is amended—

19 (A) by inserting “of 1969 (42 U.S.C. 4321
20 et seq.)” after “Policy Act”; and

21 (B) by striking “this Act” and inserting
22 “this title”.

23 (4) EXCLUSION.—Section 112(b)(2) is amended
24 in subparagraph (F) by striking “(F)” and all that

1 follows through “Subparagraphs” and inserting “(F)
2 Subparagraphs”.

3 (5) REFERENCE TO STATEWIDE TRANSPOR-
4 TATION IMPROVEMENT PROGRAM.—Section 115(c) is
5 amended by striking “135(f)” and inserting
6 “135(g)”.

7 (6) OPPORTUNITY FOR COMMENT.—Section
8 134(j) is amended by striking “subsection (i)(5)”
9 both places it appears and inserting “subsection
10 (i)(6)”.

11 (7) PERFORMANCE-BASED APPROACH.—Section
12 135(f)(7)(B) is amended by striking the semicolon
13 at the end and inserting a period.

14 (8) EFFICIENT ENVIRONMENTAL REVIEWS FOR
15 PROJECT DECISIONMAKING.—Section 139 is amend-
16 ed—

17 (A) in subsection (b)(1) by inserting “(42
18 U.S.C. 4321 et seq.)” after “of 1969”;

19 (B) in subsection (c) by inserting “(42
20 U.S.C. 4321 et seq.)” after “of 1969” each
21 place it appears; and

22 (C) in subsection (k)(2) by inserting “(42
23 U.S.C. 4321 et seq.)” after “of 1969”.

1 (9) NONDISCRIMINATION.—Section 140(a) is
2 amended, in the third sentence, by inserting a
3 comma after “Secretary”.

4 (10) PUBLIC TRANSPORTATION.—Section 142
5 is amended by striking subsection (i).

6 (11) CONGESTION MITIGATION AND AIR QUAL-
7 ITY IMPROVEMENT PROGRAM.—Section 149 is
8 amended—

9 (A) in subsection (b)(1)(A)(ii) by striking
10 “; or,” and inserting “; or”; and

11 (B) in subsection (g)(2)(B) by striking the
12 semicolon at the end and inserting “; and”.

13 (12) TRIBAL TRANSPORTATION PROGRAM DATA
14 COLLECTION.—Section 201(c)(6)(A)(ii) is amended
15 by striking “(25 U.S.C. 450 et seq.)” and inserting
16 “(25 U.S.C. 5301 et seq.)”.

17 (13) TRIBAL TRANSPORTATION PROGRAM.—
18 Section 202 is amended—

19 (A) by striking “(25 U.S.C. 450 et seq.)”
20 each place it appears and inserting “(25 U.S.C.
21 5301 et seq.)”;

22 (B) in subsection (a)(10)(B) by striking
23 “(25 U.S.C. 450e(b))” and inserting “(25
24 U.S.C. 5307(b))”; and

25 (C) in subsection (b)—

1 (i) in paragraph (5) in the matter pre-
2 ceding subparagraph (A) by inserting
3 “the” after “agreement under”; and

4 (ii) in paragraph (6)(A) by inserting
5 “the” after “in accordance with”.

6 (14) PERMISSIBLE USES OF RECREATIONAL
7 TRAILS PROGRAM APPORTIONED FUNDS.—Section
8 206(d)(2)(G) is amended by striking “use of rec-
9 reational trails” and inserting “uses of recreational
10 trails”.

11 (15) TRIBAL TRANSPORTATION SELF-GOVERN-
12 ANCE PROGRAM.—Section 207 is amended—

13 (A) in subsection (g)—

14 (i) by striking “(25 U.S.C. 450j–1)”
15 and inserting “(25 U.S.C. 5325)”; and

16 (ii) by striking “(25 U.S.C. 450j-
17 1(f))” and inserting “(25 U.S.C.
18 5325(f))”;

19 (B) in subsection (l)—

20 (i) in paragraph (1), by striking “(25
21 U.S.C. 458aaa–5)” and inserting “(25
22 U.S.C. 5386)”;

23 (ii) in paragraph (2), by striking “(25
24 U.S.C. 458aaa–6)” and inserting “(25
25 U.S.C. 5387)”;

1 (iii) in paragraph (3), by striking
2 “(25 U.S.C. 458aaa-7)” and inserting
3 “(25 U.S.C. 5388)”;

4 (iv) in paragraph (4), by striking “(25
5 U.S.C. 458aaa-9)” and inserting “(25
6 U.S.C. 5390)”;

7 (v) in paragraph (5), by striking “(25
8 U.S.C. 458aaa-10)” and inserting “(25
9 U.S.C. 5391)”;

10 (vi) in paragraph (6), by striking “(25
11 U.S.C. 458aaa-11)” and inserting “(25
12 U.S.C. 5392)”;

13 (vii) in paragraph (7), by striking
14 “(25 U.S.C. 458aaa-14)” and inserting
15 “(25 U.S.C. 5395)”;

16 (viii) in paragraph (8), by striking
17 “(25 U.S.C. 458aaa-15)” and inserting
18 “(25 U.S.C. 5396)”;

19 (ix) in paragraph (9), by striking “(25
20 U.S.C. 458aaa-17)” and inserting “(25
21 U.S.C. 5398)”;

22 (C) in subsection (m)(2)—

23 (i) by striking “505” and inserting
24 “501”; and

1 (ii) by striking “(25 U.S.C. 450b;
2 458aaa)” and inserting “(25 U.S.C. 5304;
3 5381)”.

4 (16) BUY AMERICA.—Section 313 is amended—

5 (A) in subsection (e)(2) by striking
6 “States;” and inserting “States,”; and

7 (B) in subsection (f)(1) by striking “, and”
8 and inserting “; and”.

9 (17) PROCEDURES FOR A GIFT OR DONA-
10 TION.—Section 323(d) is amended in the matter
11 preceding paragraph (1) by inserting “(42 U.S.C.
12 4321 et seq.)” after “of 1969”.

13 (18) HIGHWAY SAFETY PROGRAMS.—Section
14 402(b)(1)(E) is amended by striking the semicolon
15 at the end and inserting “; and”.

16 (19) USE OF FREIGHT CAPACITY BUILDING
17 PROGRAM FUNDS.—Section 504(g)(6) is amended by
18 striking “make grants or to” and inserting “make
19 grants to”.

20 (20) DEVELOPMENT PHASE ACTIVITIES.—Sec-
21 tion 602(e) is amended by striking “601(a)(1)(A)”
22 and inserting “601(a)(2)(A)”.

23 (b) CLERICAL AMENDMENTS.—

24 (1) IN GENERAL.—The table of contents for
25 title 23, United States Code, is amended in the item

1 relating to chapter 1 by striking “**FEDERAL AID**
2 **HIGHWAYS**” and inserting “**FEDERAL-AID**
3 **HIGHWAYS**”.

4 (2) CHAPTER 3.—The analysis for chapter 3 of
5 title 23, United States Code, is amended by striking
6 the item relating to section 325.

7 **SEC. 1640. CREDIT ADJUSTMENTS FOR PAYCHECK PROTEC-**
8 **TION PROGRAM LOAN FORGIVENESS UNDER**
9 **HIGHWAY AND PUBLIC TRANSPORTATION**
10 **PROJECT COST REIMBURSEMENT CON-**
11 **TRACTS.**

12 (a) IN GENERAL.—Notwithstanding section 112 of
13 title 23, United States Code, a covered contractor shall
14 only make credit adjustments to the indirect cost rate ap-
15 plied to such contractor to reflect the portion of loan for-
16 giveness attributable to the receipt of Federal funds. For
17 purposes of this section, beginning on the date on which
18 the credit attributable to Federal funds is recovered fully,
19 no further indirect cost rate credit shall be applied or oth-
20 erwise provided.

21 (b) COVERED CONTRACTOR DEFINED.—For pur-
22 poses of this section, the term “covered contractor” means
23 a contractor or subcontractor at any tier that—

24 (1) provides architectural and engineering serv-
25 ices under a federally-funded Federal-aid highway

1 program or Federal lands highway program cost re-
2 imbursement contract under title 23, United States
3 Code;

4 (2) received loan forgiveness in accordance with
5 section 1106 of the Coronavirus Aid, Relief, and
6 Economic Security Act (Public Law 116–136), for a
7 loan provided under paragraph (36) of section 7(a)
8 of the Small Business Act (15 U.S.C. 636(a)); and
9 (3) applied such loan proceeds to indirect costs
10 that were reimbursed, in whole or in part, with Fed-
11 eral funds.

12 **SEC. 1641. ESTABLISHMENT OF WESTERN RIVERSIDE**
13 **COUNTY NATIONAL WILDLIFE REFUGE.**

14 (a) IN GENERAL.—The Secretary of the Interior (in
15 this section referred to as the “Secretary”), acting
16 through the United States Fish and Wildlife Service, shall
17 establish as a national wildlife refuge the lands, waters,
18 and interests therein acquired under subsection (g). The
19 national wildlife refuge shall be known as the “Western
20 Riverside County National Wildlife Refuge” (in this sec-
21 tion referred to as the “Wildlife Refuge”).

22 (b) PURPOSE.—The purpose of the Wildlife Refuge
23 shall be—

1 (1) to conserve, manage, and restore wildlife
2 habitats for the benefit of present and future gen-
3 erations of Americans;

4 (2) to conserve species listed as threatened or
5 endangered under the Endangered Species Act of
6 1973 (16 U.S.C. 1531 et seq.) or the California En-
7 dangered Species Act (California Fish and Game
8 Code 2050–2068), or which is a covered species
9 under the Western Riverside County Multiple Spe-
10 cies Habitat Conservation Plan;

11 (3) to support the recovery and protection of
12 threatened and endangered species under the En-
13 dangered Species Act of 1973 (16 U.S.C. 1531 et
14 seq.); and

15 (4) to provide for wildlife habitat connectivity
16 and migratory corridors within the Western River-
17 side County Multiple Species Habitat Conservation
18 Plan Area.

19 (c) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that the Secretary shall seek to acquire land, water,
21 or interests therein (including conservation easements), or
22 sufficient to satisfy the goals established in the Multiple
23 Species Habitat Conservation Plan, within the acquisition
24 boundaries pursuant to this section, including but not lim-
25 ited to those which have been heretofore or may be herein-

1 after acquired by the Western Riverside County Regional
2 Conservation Authority for Purposes of the Multiple Spe-
3 cies Habitat Conservation Plan.

4 (d) NOTIFICATION OF ESTABLISHMENT.—The Sec-
5 retary shall publish notice of the establishment of the
6 Wildlife Refuge in the Federal Register.

7 (e) ACQUISITION BOUNDARIES.—The Secretary shall
8 establish the acquisition boundaries of the Wildlife Refuge
9 as the lands and waters within the Western Riverside
10 County Multiple Species Habitat Conservation Plan Area
11 (as depicted on maps and described in the Final Western
12 Riverside County Multiple Species Habitat Conservation
13 Plan dated June 17, 2003).

14 (f) ADMINISTRATION.—

15 (1) IN GENERAL.—Upon the establishment of
16 the Wildlife Refuge and thereafter, the Secretary
17 shall administer all federally owned lands, waters,
18 and interests in the Wildlife Refuge in accordance
19 with the National Wildlife Refuge System Adminis-
20 tration Act of 1966 (16 U.S.C. 668dd et seq.) and
21 this section. The Secretary may use such additional
22 statutory authority as may be available to the Sec-
23 retary for the conservation, management, recovery
24 and restoration of fish and wildlife and habitat, the
25 development of compatible wildlife dependent out-

1 door recreation opportunities, and the facilitation of
2 fish and wildlife interpretation and education as the
3 Secretary considers appropriate to carry out the pur-
4 poses of this section and serve the objectives of the
5 Western Riverside County Multiple Species Habitat
6 Conservation Plan.

7 (2) COOPERATIVE AGREEMENTS REGARDING
8 NON-FEDERAL LANDS.—The Secretary may enter
9 into cooperative agreements with the State of Cali-
10 fornia, any political subdivision thereof, or any other
11 person—

12 (A) for the management, in a manner con-
13 sistent with this section and the Western River-
14 side County Multiple Species Habitat Conserva-
15 tion Plan, of lands that are owned by such
16 State, subdivision, or other person and located
17 within the acquisition boundaries of the Wildlife
18 Refuge;

19 (B) to promote public awareness of the
20 natural resources of the Western Riverside
21 County Multiple Species Habitat Conservation
22 Plan Area; or

23 (C) to encourage public participation in the
24 conservation of those resources.

1 (g) ACQUISITION AND TRANSFERS OF LANDS AND
2 WATERS FOR WILDLIFE REFUGE.—

3 (1) ACQUISITIONS.—The Secretary shall ac-
4 quire by donation, purchase with appropriated
5 funds, or exchange such lands and waters, or inter-
6 ests therein (including conservation easements), as
7 they become available, that will achieve the purposes
8 of subsection (b), within the acquisition boundaries
9 of the Wildlife Refuge, except that the lands, waters,
10 and interests therein owned by the State of Cali-
11 fornia and its political subdivisions may be acquired
12 only by donation.

13 (2) TRANSFERS.—

14 (A) IN GENERAL.—The head of any Fed-
15 eral department or agency, including any agen-
16 cy within the Department of the Interior, that
17 has jurisdiction of any Federal property located
18 within the boundaries of the Wildlife Refuge as
19 described by this section shall, not later than 1
20 year after the date of the enactment of this Act,
21 submit to the Secretary an assessment of the
22 suitability of such property for inclusion in the
23 Wildlife Refuge.

24 (B) ASSESSMENT.—Any assessment under
25 subparagraph (A) shall include—

- 1 (i) parcel descriptions and best exist-
2 ing land surveys for such property;
- 3 (ii) a list of existing special reserva-
4 tions designations, or purposes of the prop-
5 erty;
- 6 (iii) a list of all known or suspected
7 hazardous substance contamination of such
8 property, and any facilities, surface water,
9 or groundwater on such property;
- 10 (iv) the status of withdrawal of such
11 property from—
- 12 (I) the Mineral Leasing Act (30
13 U.S.C. 181 et seq.); and
- 14 (II) the General Mining Act of
15 1872 (30 U.S.C. 22 et seq.); and
- 16 (v) a recommendation as to whether
17 such property is or is not suitable for in-
18 clusion in the Wildlife Refuge, and the rea-
19 sons supporting the recommendation.
- 20 (C) INCLUSION IN WILDLIFE REFUGE.—
- 21 (i) IN GENERAL.—The Secretary
22 shall, not later than 60 days after receiving
23 an assessment submitted pursuant to sub-
24 paragraph (A), determine if the property

1 described in such assessment is suitable for
2 inclusion in the Wildlife Refuge.

3 (ii) TRANSFER.—If the Secretary de-
4 termines the property in an assessment
5 submitted under subparagraph (A) is suit-
6 able for inclusion in the Wildlife Refuge,
7 the head of the Federal department or
8 agency that has jurisdiction of such prop-
9 erty shall transfer such property to the ad-
10 ministrative jurisdiction of the Secretary
11 for the purposes of this section.

12 (D) PROPERTY UNSUITABLE FOR INCLU-
13 SION.—Property determined by the Secretary to
14 be unsuitable for inclusion in the Wildlife Ref-
15 uge based on an assessment submitted under
16 subparagraph (A) shall be subsequently trans-
17 ferred to the Secretary for purposes of this sec-
18 tion by the head of the department or agency
19 that has jurisdiction of such property if such
20 property becomes suitable for inclusion in the
21 Wildlife Refuge as determined by the Secretary
22 in consultation with the head of the department
23 or agency that has jurisdiction of such prop-
24 erty.

1 (E) PUBLIC ACCESS.—If property trans-
2 ferred to the Secretary under this paragraph al-
3 lows for public access at the time of transfer,
4 such access shall be maintained unless such ac-
5 cess—

6 (i) would be incompatible with the
7 purposes of the Wildlife Refuge;

8 (ii) would jeopardize public health or
9 safety; or

10 (iii) must be limited due to emergency
11 circumstances.

12 **SEC. 1642. EFFECT OF WEATHER EXTREMES ON SUSTAIN-**
13 **ABILITY AND RELIABILITY OF ROADWAYS.**

14 The Administrator of the Federal Highway Adminis-
15 tration shall issue or update guidance and best practices
16 related to the resiliency of materials used for construction,
17 reconstruction, rehabilitation, and preservation projects on
18 Federal-aid highways, taking into consideration the effect
19 of dynamic changes on maintenance cycles for roadways,
20 including as a result of weather-based factors.

21 **SEC. 1643. GAO REPORT REGARDING HIGHWAY TRUST**
22 **FUND EXPENDITURES.**

23 (a) IN GENERAL.—Not later than 2 years after the
24 date of enactment of this Act, the Comptroller General
25 of the United States shall submit to the Committee on

1 Transportation and Infrastructure of the House of Rep-
2 resentatives and the Committee on Environment and Pub-
3 lic Works of the Senate a report on Highway Trust Fund
4 expenditures.

5 (b) PURPOSE.—The purpose of the report under sub-
6 section (a) shall be to gain an understanding of the ex-
7 penditures made by the trust fund, including for programs
8 funded under the Mass Transit Account and the Highway
9 Account.

10 (c) CONTENTS.—The report under subsection (a)
11 shall examine reimbursements to eligible recipients, in-
12 cluding States, territories, Indian tribes, transit agencies,
13 and Federal land management agencies, by—

- 14 (1) Federal-aid highway program; and
15 (2) category of eligible project costs including—
16 (A) administrative costs;
17 (B) development phase activities, including
18 transportation planning;
19 (C) construction;
20 (D) maintenance;
21 (E) transit capital projects;
22 (F) operational improvements;
23 (G) safety improvements; and
24 (H) any other category that the Comp-
25 troller General determines necessary.

1 **SEC. 1644. RURAL OPPORTUNITIES TO USE TRANSPOR-**
2 **TATION FOR ECONOMIC SUCCESS INITIATIVE.**

3 (a) IN GENERAL.—The Secretary of Transportation
4 shall establish the Rural Opportunities to Use Transpor-
5 tation for Economic Success Initiative (hereinafter re-
6 ferred to as the “ROUTES Office”), to—

7 (1) improve analysis of rural projects applying
8 for Department of Transportation discretionary
9 grants, including ensuring that project costs, local
10 resources, and the larger benefits to the American
11 people and the economy are appropriately consid-
12 ered; and

13 (2) provide rural communities with technical as-
14 sistance for meeting the Nation’s transportation in-
15 frastructure investment need in a financially sustain-
16 able manner.

17 (b) OBJECTIVES.—The ROUTES Office shall—

18 (1) collect input from knowledgeable entities
19 and the public on the benefits of rural transpor-
20 tation projects, the technical and financial assistance
21 required for constructing and operating rural trans-
22 portation infrastructure and services, and barriers
23 and opportunities to funding such rural transpor-
24 tation projects;

25 (2) evaluate data on rural transportation chal-
26 lenges and determining methods to align the Depart-

1 ment of Transportation’s discretionary funding and
2 financing opportunities with the needs of rural com-
3 munities for meeting National transportation goals;
4 and

5 (3) educate rural communities about applicable
6 Department of Transportation discretionary grants,
7 developing effective methods to evaluate rural
8 projects in discretionary grant programs, and com-
9 municating those methods through program guid-
10 ance.

11 (c) ROUTES COUNCIL.—

12 (1) IN GENERAL.—The Secretary shall establish
13 the ROUTES Council (hereinafter referred to as the
14 “Council”) to—

15 (A) organize, guide, and lead the
16 ROUTES Office; and

17 (B) coordinate rural-related funding pro-
18 grams and assistance among the modal admin-
19 istrations.

20 (2) MEMBERSHIP.—

21 (A) IN GENERAL.—The Council shall be
22 composed of the following officers of the De-
23 partment of Transportation, or their designees:

24 (i) The Under Secretary of Transpor-
25 tation for Policy.

1 (ii) The General Counsel.

2 (iii) The Chief Financial Officer and
3 Assistant Secretary for Budget and Pro-
4 grams.

5 (iv) The Assistant Secretary for Re-
6 search and Technology.

7 (v) The Administrators of the—

8 (I) Federal Aviation Administra-
9 tion;

10 (II) Federal Highway Adminis-
11 tration;

12 (III) Federal Railroad Adminis-
13 tration; and

14 (IV) Federal Transit Administra-
15 tion.

16 (vi) The Chief Infrastructure Funding
17 Officer.

18 (vii) The Assistant Secretary of Gov-
19 ernment Affairs.

20 (viii) The Director of the Office of
21 Public Affairs.

22 (B) CHAIR.—The Under Secretary of
23 Transportation for Policy shall be the Chair of
24 the Council.

1 (C) ADDITIONAL MEMBERS.—The Sec-
2 retary of Transportation or the Chair of the
3 Council may designate additional members to
4 serve on the Council.

5 (3) ADDITIONAL MODAL INPUT.—To address
6 issues related to safety and transport of rural com-
7 modities, the Council shall consult with the Adminis-
8 trators (or their designees) of the—

9 (A) Maritime Administration;

10 (B) Great Lakes St. Lawrence Seaway De-
11 velopment Corporation; and

12 (C) National Highway Traffic Safety Ad-
13 ministration.

14 (4) DUTIES.—Members of the Council shall—

15 (A) participate in all meetings and relevant
16 Council activities and be prepared to share in-
17 formation relevant to rural transportation infra-
18 structure projects and issues;

19 (B) provide guidance and leadership on
20 rural transportation infrastructure issues and
21 represent the work of the Council and Depart-
22 ment of Transportation on such issues to exter-
23 nal stakeholders; and

1 (C) recommend initiatives to the Chair of
2 the Council to consider, establish, and staff any
3 resulting activities or working groups.

4 (5) MEETINGS.—The Council shall meet bi-
5 monthly.

6 (6) WORK PRODUCTS AND DELIVERABLES.—
7 The Council may develop work products or
8 deliverables to meet its goals, including—

9 (A) an annual report to Congress describ-
10 ing Council activities for the past year and ex-
11 pected activities for the coming year;

12 (B) any recommendations to enhance the
13 effectiveness of Department of Transportation
14 discretionary grant programs regarding rural
15 infrastructure issues; and

16 (C) other guides and reports for relevant
17 groups and the public.

18 **SEC. 1645. GAO STUDY ON VULNERABILITIES TO CERTAIN**
19 **THREATS.**

20 Not later than 1 year after the date of enactment
21 of this Act, the Comptroller General of the United States
22 shall conduct a study and submit a report on the
23 vulnerabilities facing the United States transportation sys-
24 tem, including risks to intelligent transportation systems
25 and other connected systems from ransomware and other

1 cybersecurity threats. Such report shall be submitted to
2 the Committee on Transportation and Infrastructure of
3 the House of Representatives and the Committee on Com-
4 merce, Science, and Transportation of the Senate and in-
5 clude a summary of findings and any recommendations
6 to protect against any such vulnerabilities.

7 **SEC. 1646. EXTENSION OF NHA AUTHORIZATIONS.**

8 (a) **SHORT TITLE.**—The section may be referred to
9 as the “National Heritage Area Authorization Extension
10 Act of 2021”.

11 (b) **IN GENERAL.**—Notwithstanding any other provi-
12 sion of law, the authorization of appropriations for each
13 National Heritage Area with an authorization expiring in
14 2021 is extended through September 30, 2023.

15 (c) **NATIONAL HERITAGE AREA DEFINED.**—For the
16 purposes of subsection (b), the term “National Heritage
17 Area” means each of the following:

- 18 (1) A National Heritage Area.
- 19 (2) A National Heritage Corridor.
- 20 (3) A Cultural Heritage Corridor.
- 21 (4) A Heritage Preservation Commission.
- 22 (5) A National Heritage Route.
- 23 (6) A Heritage Partnership.
- 24 (7) A National Heritage Partnership.
- 25 (8) A National Historic District.

1 (9) An area designated as a national heritage
2 area through Federal Statute.

3 (d) **MANAGEMENT PLAN EXTENSION.**—Section
4 6001(c) of the John D. Dingell, Jr. Conservation, Man-
5 agement, and Recreation Act (Public Law 116–9; 54
6 U.S.C. 320101 note) is amended—

7 (1) in paragraph (1), by striking “3 years after
8 the date of enactment of this Act” and inserting
9 “September 30, 2023”; and

10 (2) in paragraph (3), by striking “the date that
11 is 3 years after the date of enactment of this Act”
12 and inserting “September 30, 2023”.

13 **SEC. 1647. ELECTRIC VEHICLE WORKING GROUP.**

14 (a) **ESTABLISHMENT OF WORKING GROUP.**—Not
15 later than 240 days after the date of enactment of this
16 Act, the Secretary of Transportation and the Secretary of
17 Energy shall jointly establish a working group consisting
18 of Federal and non-Federal stakeholders to make rec-
19 ommendations on the development, adoption, and integra-
20 tion of light and heavy duty electric vehicles into the trans-
21 portation and energy systems of the United States.

22 (b) **MEMBERSHIP.**—

23 (1) **IN GENERAL.**—The working group shall be
24 composed of—

1 (A) the Secretaries (or designees), who
2 shall be co-chairs of the working group; and

3 (B) relevant Federal and non-Federal
4 stakeholders, as determined by the Secretaries.

5 (2) REQUIREMENT.—The Secretaries shall en-
6 sure that the members of the working group include
7 individuals with a balance of backgrounds, experi-
8 ences, view points, and represent geographically di-
9 verse regions of the United States.

10 (c) MEETINGS.—The working group shall meet not
11 less frequently than once every 120 days.

12 (d) JOINT REPORT AND STRATEGY ON ELECTRIC
13 VEHICLE ADOPTION, OPPORTUNITIES, AND CHAL-
14 LENGES.—

15 (1) IN GENERAL.—The Secretaries, in consulta-
16 tion with the working group, shall submit to Con-
17 gress, a report on the status of electric vehicle adop-
18 tion, opportunities, and challenges to expanding
19 adoption of electric vehicles, and develop strategies
20 to address these opportunities and challenges.

21 (2) DEADLINES.—A joint report and strategy
22 shall be submitted to Congress by September 30,
23 2025.

1 (e) TERMINATION.—The working group shall termi-
2 nate on the date on which the report and strategy under
3 subsection (d) are submitted.

4 **SEC. 1648. SENSE OF THE CONGRESS ON SOIL AND ERO-**
5 **SION CONTROL FOR HIGHWAY PROJECTS.**

6 It is the sense of Congress that—

7 (1) federally funded construction projects
8 should seek to—

9 (A) incorporate products and materials
10 that support environmental sustainability;

11 (B) ensure the health and safety of fish
12 and wildlife; and

13 (C) consist of recycled or biobased prod-
14 ucts; and

15 (2) State departments of transportation should
16 support environmental sustainability, to the max-
17 imum extent practicable, in procurement decisions.

18 **SEC. 1649. LOCAL PROJECT DELIVERY IMPROVEMENTS.**

19 (a) HIGH-PERFORMING LOCAL PUBLIC AGENCY DES-
20 IGNATION.—

21 (1) IN GENERAL.—The Secretary shall des-
22 ignate high-performing local public agencies based
23 on the criteria in paragraph (3) and consistent with
24 the process described under paragraph (4) to be eli-
25 gible to exercise the project delivery methods de-

1 scribed under this section for projects funded under
2 title 23, United States Code.

3 (2) AUTHORITY.—Nothing in this section shall
4 be construed to prohibit a local public agency from
5 taking any action otherwise authorized to secure and
6 expend Federal funds authorized under chapter 1 of
7 title 23, United States Code.

8 (3) CRITERIA.—In designating a high-per-
9 forming local public agency under this section, the
10 Secretary shall consider the legal, financial, and
11 technical capacity of the applicant.

12 (4) REQUIREMENTS.—

13 (A) CALL FOR NOMINATION.—The Sec-
14 retary shall solicit applications for designation
15 under this section.

16 (B) GUIDANCE.—The call for nomination
17 under paragraph (1) shall include guidance on
18 the requirements and responsibilities of a high-
19 performing local public agency under this sec-
20 tion.

21 (C) DETERMINATION.—

22 (i) IN GENERAL.—The Secretary shall
23 have discretion to make any designation
24 under this section.

1 (ii) APPROVAL.—The Secretary may
2 approve for participation under this pro-
3 gram any direct recipient under section
4 1305 of this Act based on the application
5 under such section. Such approval shall
6 only apply to the direct recipient unless the
7 Secretary determines it is appropriate,
8 based on the criteria in subsection (a)(3),
9 to extend the approval to 1 or more sub-
10 recipients of the direct recipient.

11 (5) TERM.—Except as provided in paragraph
12 (6), a designation under this subsection—

13 (A) shall be for a period of not less than
14 5 years; and

15 (B) may be renewable.

16 (6) TERMINATION.—The Secretary shall estab-
17 lish procedures for the termination of a designation
18 under this subsection.

19 (7) LIMITATION.—The Secretary may establish
20 a limitation on the number of participants in the
21 program, based on the availability of administrative
22 resources and the capacity to provide sufficient over-
23 sight of the program established under this section.

24 (b) PROJECT DELIVERY.—

25 (1) IN GENERAL.—

1 (A) METHODS.—The high-performing local
2 public agency may, consistent with the agree-
3 ment entered into with the Secretary under
4 subsection(c), utilize 1 or more of the project
5 delivery methods described in this subsection,
6 notwithstanding the adoption of such methods
7 by the State.

8 (B) RULE OF CONSTRUCTION.—Nothing in
9 this section shall be construed to prohibit a
10 local public agency from using a project delivery
11 method otherwise available to such local public
12 agency under title 23, United States Code.

13 (2) FORCE ACCOUNT.—Notwithstanding sub-
14 sections (a) and (b) of section 112 of title 23,
15 United States Code, a high-performing local public
16 agency may, subject to the terms of the agreement
17 under subsection (c), complete the construction (as
18 such term is defined under section 101 of such title)
19 of a Federal-aid highway project by force account,
20 provided the recipient is qualified to perform the
21 work in a satisfactory manner based on the criteria
22 in subsection (a)(3), as determined by the Secretary.

23 (3) INDEFINITE DELIVERY AND INDEFINITE
24 QUANTITY CONTRACTING.—Subject to the terms of
25 the agreement under subsection (c), a high-per-

1 forming local public agency may use indefinite quan-
2 tity and indefinite delivery contracting, including job
3 order contracting, consistent with the process de-
4 scribed under subpart F of part 635 of title 23,
5 Code of Federal Regulations. If determined appro-
6 priate by the Secretary, the high-performing local
7 public agency may submit an indefinite delivery and
8 indefinite quantity contracting procedures plan di-
9 rectly to the Secretary for approval.

10 (4) ASSUMPTION OF RESPONSIBILITIES OF
11 STATE DEPARTMENTS OF TRANSPORTATION.—

12 (A) IN GENERAL.—Subject to the terms of
13 the agreement under subsection (c), a high-per-
14 forming local public agency may assume, in lieu
15 of a State, for projects covered by an agreement
16 under subsection (c)—

17 (i) the Federal-aid highway project
18 approval, determination, and oversight re-
19 sponsibilities that a State may assume
20 under section 106 of title 23, United
21 States Code; and

22 (ii) the responsibility that a State may
23 assume, under section 326 of title 23,
24 United States Code, for determining
25 whether certain designated activities are

1 included within classes of action identified
2 in regulation by the Secretary that are cat-
3 egorically excluded from requirements for
4 environmental assessments or environ-
5 mental impact statements.

6 (B) TERMS.—In assuming the responsibil-
7 ities under subparagraph (A), the high-per-
8 forming local public agency shall be subject to
9 the same terms, conditions, and requirements
10 at the discretion of the Secretary as would be
11 a State under sections 106(c) and 326 of title
12 23, United States Code, and any associated reg-
13 ulations and procedures.

14 (c) AGREEMENT.—

15 (1) IN GENERAL.—

16 (A) AUTHORITY.—The Secretary and the
17 high-performing local public agency shall enter
18 into an agreement relating to the extent to
19 which the local public agency may assume the
20 authorities described under this section.

21 (B) DISCRETION.—The Secretary shall
22 have the discretion to enter into an agreement
23 under this section for one or more of the
24 project delivery methods described in subsection
25 (b).

1 (C) SCOPE.—

2 (i) IN GENERAL.—The Secretary may
3 make an approval to assume the respon-
4 sibilities described under subsection (b) on
5 a single-project, multiple-project, project-
6 type, or programmatic basis.

7 (ii) COVERED PROJECTS.—The au-
8 thority described under this section may
9 apply to any Federal-aid highway project
10 carried out within the jurisdiction of the
11 high-performing local public agency, at the
12 discretion of the Secretary.

13 (2) SELF-CERTIFICATION OF COMPLIANCE.—

14 (A) IN GENERAL.—The high-performing
15 local public agency may, at the discretion of the
16 Secretary, provide for self-certification of com-
17 pliance for the responsibilities assumed pursu-
18 ant to the agreement established under this sec-
19 tion. The Secretary shall establish procedures
20 governing such self-certification of compliance,
21 including the frequency of such certification.

22 (B) OVERSIGHT.—If the high-performing
23 local public agency assumes the role of self-
24 tification of compliance as described under
25 clause (i), the Secretary shall establish proce-

1 dures to conduct risk-based stewardship and
2 oversight of a local public agency's performance
3 of the assumed responsibilities specified in the
4 agreement under this subsection, as determined
5 necessary or appropriate by the Secretary.

6 (3) ASSISTANCE TO LOCAL PUBLIC AGEN-
7 CIES.—On request of a local public agency, the Sec-
8 retary shall provide to the local public agency tech-
9 nical assistance, training, or other support relating
10 to—

11 (A) assuming responsibilities under this
12 section;

13 (B) developing an agreement under this
14 subsection; or

15 (C) addressing a responsibility under this
16 section in need of corrective action.

17 (4) ADOPTION OF STATE PROCEDURES.—Ex-
18 cept as otherwise provided in the agreement between
19 the Secretary and the high performing local agency,
20 the local public agency shall use any manuals, stand-
21 ards, procedures, and specifications utilized by the
22 State, as determined appropriate by the Secretary.

23 (5) CONSULTATION.—In establishing the agree-
24 ment under this section, the Secretary may require

1 the local public agency to consult with the State de-
2 partment of transportation, as appropriate.

3 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion shall be construed to limit the ability of a high-per-
5 forming local public agency to partner with a State depart-
6 ment of transportation or other recipient of Federal funds
7 under title 23, United States Code, or chapter 53 of title
8 49, United States Code, to carry out a project.

9 (e) SAVINGS CLAUSE.—Except as provided in this
10 section, all applicable requirements of title 23, United
11 States Code, shall apply to projects carried out under this
12 section.

13 (f) FUNDING.—The Secretary may use for program
14 management, oversight, and technical assistance to high-
15 performing local public agencies amounts made available
16 under section 1305(c)(2) of this Act for technical assist-
17 ance and administration.

18 (g) REPORT.—

19 (1) LOCAL PUBLIC AGENCY REPORT.—Not later
20 than 60 days after the end of each fiscal year, each
21 local public agency designated under this section
22 shall submit to the Secretary a report that in-
23 cludes—

24 (A) a list of projects carried out under this
25 section;

1 (B) a description of the authorities as-
2 sumed under subsection (b), including a sum-
3 mary of the project types carried out under
4 such authorities;

5 (C) recommendations, if any—

6 (i) on other authorities that would be
7 appropriate to assume under this section;

8 and

9 (ii) to improve the effectiveness of the
10 program under this section.

11 (2) REPORT TO CONGRESS.—Not later than Oc-
12 tober 1, 2024, the Secretary shall submit to the
13 Committee on Transportation and Infrastructure of
14 the House of Representatives and the Committee on
15 Environment and Public Works of the Senate a re-
16 port that—

17 (A) summarizes the findings of each local
18 public agency provided under paragraph (1);

19 (B) describes the efforts undertaken by
20 both local public agencies and the Secretary to
21 ensure compliance with the requirements of title
22 23, United States Code; and

23 (C) provides recommendations from the
24 Secretary to—

- 1 (i) improve the administration, over-
2 sight, and performance of the program es-
3 tablished under this section;
- 4 (ii) improve the effectiveness of
5 project delivery for local public agencies;
- 6 (iii) evaluate options to expand the
7 authority provided under this section; and
- 8 (iv) provide legislative recommenda-
9 tions, if any, based on the outcomes of the
10 program.

11 **SEC. 1650. UTILIZATION OF QUALIFIED ELECTRICIANS.**

12 (a) RULEMAKING.—Not later than 6 months after
13 the date of enactment of this Act, the Secretary of Trans-
14 portation and the Secretary of Energy shall each promul-
15 gate regulations requiring the utilization of qualified elec-
16 tricians in the construction, installation, operation and
17 maintenance of electric vehicle charging stations assisted,
18 in whole or in part, by funding provided under this Act.

19 (b) DEFINITION OF QUALIFIED ELECTRICIAN.—In
20 this section, the term “qualified electrician” means an
21 electrician who has completed training under the Electric
22 Vehicle Infrastructure Training Program (EVITP) and
23 obtained an EVITP certification.

1 **SEC. 1651. GAO STUDY ON THE IMPACT OF DRUNK DRIVING**
2 **CHILD ENDANGERMENT LAWS.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of the enactment of this Act, the Comptroller General
5 of the United States shall submit to Congress a report
6 on the impact and effectiveness of drunk driving child
7 endangerment laws, and ways in which child
8 endangerment laws can be strengthened to protect chil-
9 dren who may be passengers in vehicles driven by drunk
10 drivers.

11 (b) CONTENTS.—The report required under this sec-
12 tion shall—

13 (1) review State laws to determine best prac-
14 tices, comparing State laws in which driving drunk
15 with a child is considered a felony versus a mis-
16 demeanor, as well as review effective ways in which
17 States mandate or encourage reporting and docu-
18 mentation of child endangerment; and

19 (2) make recommendations as to how State
20 laws can be improved to protect children from riding
21 as passengers in vehicles driven by drunk drivers, in-
22 cluding increased penalties, reporting requirements,
23 and coordination with child protective services.

1 **SEC. 1652. REGIONAL INFRASTRUCTURE ACCELERATOR**
2 **DEMONSTRATION PROGRAM.**

3 Section 1441 of the FAST Act (23 U.S.C. 601 note)
4 is amended—

5 (1) in subsection (d)—

6 (A) by redesignating paragraphs (1) and
7 (2) as paragraphs (2) and (3), respectively; and

8 (B) by inserting before paragraph (1) the
9 following:

10 “(1) the need for projects that address air qual-
11 ity in areas—

12 “(A) that have been designated as non-
13 attainment area under section 107(d) of the
14 Clean Air Act (42 U.S.C. 7407(d)); or

15 “(B) that are maintenance areas (as such
16 term is defined in section 101(a) of title 23,
17 United States Code);”; and

18 (2) in subsection (f) by striking “\$12,000,000”
19 inserting “\$13,600,000 out of the general fund of
20 the Treasury for each fiscal year”.

21 **SEC. 1653. CLIMATE-SAFE INFRASTRUCTURE WORKING**
22 **GROUP.**

23 (a) **ESTABLISHMENT.**—Not later than 3 months after
24 the date of enactment of this Act, the Secretary of Trans-
25 portation shall establish a working group, to be known as
26 the “Climate-Safe Infrastructure Working Group” (in this

1 section referred to as the “Working Group”), to examine
2 how to integrate scientific data regarding the projected
3 impacts and risks of climate change into infrastructure
4 planning, design, engineering, construction, operation, and
5 maintenance that is funded by the Federal Government.

6 (b) COMPOSITION.—The Working Group shall consist
7 of the following:

8 (1) One or more representatives from each of
9 the Federal agencies that participate in the U.S.
10 Global Change Research Program.

11 (2) One or more representatives from the De-
12 partment of the Treasury.

13 (3) One or more professional engineers with rel-
14 evant expertise in infrastructure design.

15 (4) One or more scientists from the National
16 Academy of Sciences.

17 (5) One or more scientists, social scientists, and
18 experts from academic and research institutions who
19 have expertise in—

20 (A) climate change projections and im-
21 pacts;

22 (B) engineering;

23 (C) architecture; or

24 (D) other relevant areas of expertise.

1 (6) One or more licensed architects with rel-
2 evant expertise in infrastructure design.

3 (7) One or more certified planners with relevant
4 expertise in climate change impacts.

5 (8) One or more representatives of State, local,
6 and Tribal governments.

7 (9) One or more representatives of environ-
8 mental justice groups.

9 (c) DUTIES.—The Working Group shall consider and
10 examine, at a minimum, the following matters:

11 (1) The current informational and institutional
12 barriers to integrating scientific data regarding the
13 projected impacts and risks of climate change into
14 infrastructure planning, design, engineering, con-
15 struction, operation, and maintenance that is funded
16 by the Federal Government.

17 (2) The critical information needed by engi-
18 neers, certified planners, Federal, State, and local
19 governments, and other persons charged with infra-
20 structure upgrades and maintenance to better ad-
21 dress the impacts and risks of climate change over
22 the lifetime of infrastructure projects.

23 (3) With respect to Federal investment and
24 planning for infrastructure, how to select an appro-

1 appropriate, adaptive engineering design for a range of fu-
2 ture climate scenarios.

3 (4) How to incentivize and incorporate trans-
4 portation systems thinking, considering how various
5 transportation and infrastructure projects are linked
6 together in a metropolitan region or community, into
7 regional planning and engineering design to ensure
8 the social, economic, and environmental benefits of
9 transportation and infrastructure projects are maxi-
10 mized.

11 (5) With respect to Federal investment and
12 planning for infrastructure, how to take account of
13 the risks of cascading infrastructure failures and de-
14 velop more holistic and equitable approaches to eval-
15 uating and mitigating risks of climate change.

16 (6) How to ensure that Federal investments in
17 infrastructure resilience benefit all communities, in-
18 cluding communities of color, low-income commu-
19 nities, Tribal communities, and other communities
20 that face a disproportionate risk from climate
21 change and may have experienced long-standing
22 unmet needs and underinvestment in critical infra-
23 structure.

1 (7) How Federal agencies can track and mon-
2 itor federally-funded climate resilient infrastructure
3 in a coordinated fashion to—

4 (A) help build an understanding of the
5 costs and benefits of climate resilient infra-
6 structure;

7 (B) build the capacity for climate resilient
8 infrastructure; and

9 (C) plan for investments for the future.

10 (d) COORDINATION AND CONSIDERATIONS.—In car-
11 rying out its duties, the Working Group shall—

12 (1) coordinate with other Federal climate
13 change adaptation planning efforts and strategies
14 that advance reliability and safety in infrastructure,
15 including the Mitigation Framework Leadership
16 Group and the National Mitigation Investment
17 Strategy; and

18 (2) consider and build upon existing informa-
19 tion relating to climate change, including informa-
20 tion from the most recent National Climate Assess-
21 ment.

22 (e) PUBLIC INPUT.—In carrying out its duties, the
23 Working Group shall, prior to submission of a draft report
24 under subsection (f), engage in a public stakeholder proc-
25 ess by—

1 (1) holding regional public meetings with key
2 stakeholders, including climate experts, infrastruc-
3 ture experts, State, local, and community groups,
4 and infrastructure finance and insurance experts;
5 and

6 (2) providing the public an opportunity to pro-
7 vide views, for a period of at least 60 days, to the
8 Working Group regarding the best way to incor-
9 porate scientific data regarding the projected im-
10 pacts and risks of climate change into infrastructure
11 planning, design, engineering, construction, oper-
12 ation, and maintenance that is funded by the Fed-
13 eral Government.

14 (f) PRELIMINARY RECOMMENDATIONS.—

15 (1) SUBMISSION.—Not later than 1 year after
16 the date of enactment of this Act, the Working
17 Group shall submit to the President and Congress a
18 draft report that includes preliminary recommenda-
19 tions addressing the each of the matters described in
20 subsection (c).

21 (2) PUBLIC COMMENT.—The Working Group
22 shall make draft report submitted under paragraph
23 (1) available to the public for comment for a period
24 of not less than 60 days prior to submission of the
25 final report under subsection (g).

1 (g) FINAL RECOMMENDATIONS.—Not later than 2
2 years after the date of enactment of this Act, the Working
3 Group shall submit to the President and Congress a final
4 report that includes recommendations—

5 (1) addressing each of the matters described in
6 subsection (c);

7 (2) addressing critical information gaps and
8 challenges identified by the Working Group;

9 (3) for financing options for Federal, State,
10 local, Tribal, and territorial governments to help
11 fund climate-resilient infrastructure;

12 (4) for a platform or process to facilitate com-
13 munication between climate scientists, infrastructure
14 planners, engineers, and other relevant experts;

15 (5) for a stakeholder process—

16 (A) to engage with representatives of
17 State, local, Tribal, territorial, and community
18 groups regarding the specific challenges and in-
19 equities faced by historically marginalized com-
20 munities; and

21 (B) to provide outreach and education,
22 shared knowledge, and lessons learned about
23 climate-resilient infrastructure; and

24 (6) for a platform for tracking Federal funding
25 of climate-resilient infrastructure.

1 **SEC. 1654. UPDATES TO MANUAL ON UNIFORM TRAFFIC**
2 **CONTROL DEVICES.**

3 (a) ADDRESSING ALL USERS EQUALLY.—The Sec-
4 retary shall ensure that current and future editions of the
5 Manual on Uniform Traffic Control Devices address all
6 users equally, including vulnerable road users such as pe-
7 destrians and cyclists.

8 (b) TIMING OF REGULAR UPDATES.—Pursuant to
9 the authority granted the Secretary in section 109 of title
10 23, United States Code, the Secretary shall review the ex-
11 isting guidance for when updates to the Manual on Uni-
12 form Traffic Control Devices occur and make any adjust-
13 ments to that guidance needed to ensure the Secretary is
14 timely updating the Manual on Uniform Traffic Control
15 Devices to take into account advances in design standards,
16 road markings, and traffic devices. The Secretary shall
17 consider requiring that the Manual on Uniform Traffic
18 Control Devices be reviewed at least once every 4 years
19 for any necessary updates.

20 **SEC. 1655. DBE REPORT.**

21 Not later than 18 months after the date of enactment
22 of this Act, the Comptroller General of the United States
23 shall submit to Congress, and make available to the public,
24 a report analyzing the Department of Transportation's
25 performance measured against the 8 objectives of the Dis-
26 advantaged Business Enterprises Program under section

1 26.1 of title 49, Code of Federal Regulations. The report
2 shall identify and provide a list of recipients of Depart-
3 ment of Transportation funds, such recipient's overall an-
4 nual Disadvantaged Business Enterprise goals
5 (disaggregated by percentage and dollar value), and the
6 information submitted in sections A and B of such recipi-
7 ent's respective Uniform Reports of DBE Awards, Com-
8 mitments, and Payments for the previous 5 years.

9 **SEC. 1656. STUDY ON IMPACT OF AIR POLLUTION FROM VE-**
10 **HICLES IDLING IN SCHOOL ZONES.**

11 Not later than 1 year after the date of enactment
12 of this Act, the Secretary of Health and Human Services
13 and the Administrator of the Environmental Protection
14 Agency, acting jointly, shall—

15 (1) complete a study on the impacts on the
16 health of children related to the emission of air pol-
17 lutants from school buses and other vehicles idling
18 in school zones; and

19 (2) submit a report to the Congress on the re-
20 sults of such study.

21 **SEC. 1657. FOREST SERVICE LEGACY ROADS AND TRAILS**
22 **REMEDATION PROGRAM.**

23 Public Law 88–657 (16 U.S.C. 532 et seq.) (com-
24 monly known as the “Forest Roads and Trails Act”) is
25 amended by adding at the end the following:

1 **“SEC. 8. FOREST SERVICE LEGACY ROADS AND TRAILS RE-**
2 **MEDIATION PROGRAM.**

3 “(a) ESTABLISHMENT.—The Secretary shall estab-
4 lish the Forest Service Legacy Roads and Trails Remedi-
5 ation Program (referred to in this section as ‘the Pro-
6 gram’).

7 “(b) ADMINISTRATION.—The Program shall be ad-
8 ministered by the Secretary, acting through the Chief of
9 the Forest Service.

10 “(c) ACTIVITIES.—In carrying out the Program, the
11 Secretary shall, taking into account predicted changes in
12 weather and hydrology related to global climate change—

13 “(1) carry out storm damage risk reduction, in-
14 cluding deferred maintenance, repairs, road and trail
15 relocation, and associated activities on National For-
16 est System roads, National Forest System trails,
17 and tunnels and bridges under the jurisdiction of the
18 Forest Service;

19 “(2) restore waterways and natural migration
20 for fish and other aquatic species by removing, re-
21 pairing, or replacing culverts or other infrastructure
22 from such waterways; and

23 “(3) decommission National Forest System
24 roads and unauthorized roads and trails under Na-
25 tional Forest System jurisdiction in accordance with
26 subsection (f).

1 “(d) PRIORITY.—In implementing the Program, the
2 Secretary shall give priority to projects that protect or re-
3 store—

4 “(1) water quality and watershed function;

5 “(2) a watershed that supplies a public drinking
6 water system;

7 “(3) the habitat of a threatened, endangered, or
8 sensitive fish or wildlife species, or species of con-
9 servation concern; or

10 “(4) a watershed for which the Secretary has
11 completed a watershed protection and restoration ac-
12 tion plan pursuant to section 304 of the Healthy
13 Forests Restoration Act of 2003 (16 U.S.C. 6543).

14 “(e) NATIONAL FOREST SYSTEM.—Except with re-
15 spect to a project carried out on a watershed for which
16 the Secretary has a cooperative agreement under section
17 323 of the Department of the Interior and Related Agen-
18 cies Appropriations Act, 1999 (16 U.S.C. 1011a), each
19 project carried out under this section shall be on a Na-
20 tional Forest System road, National Forest System trail,
21 or unauthorized road or trail under National Forest Sys-
22 tem jurisdiction.

23 “(f) UNNEEDED NATIONAL FOREST SYSTEM
24 ROADS.—As soon as practicable after identifying a road
25 as unneeded under subpart A of part 212 of title 36, Code

1 of Federal Regulations (as in effect on the date of the
2 enactment of this section), the Secretary shall—

3 “(1) decommission such road; or

4 “(2) convert such road to a system trail.

5 “(g) REVIEW; REVISION.—The Secretary shall re-
6 view, and may revise, an identification made under sub-
7 part A of part 212 of title 36 Code of Federal Regulations
8 (as in effect on the date of enactment of this section).

9 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
10 is authorized to be appropriated to carry out this section
11 \$100,000,000 for each of fiscal years 2021 through
12 2030.”.

13 **SEC. 1658. COMPTROLLER GENERAL REPORT ON HIGH-**
14 **SPEED INTERNET CONNECTIVITY IN FEDER-**
15 **ALLY-ASSISTED HOUSING.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date of enactment of this Act, the Comptroller General
18 of the United States shall submit to Congress a report
19 on broadband service in Federally-assisted housing.

20 (b) CONTENTS.—The report required under sub-
21 section (a) shall include—

22 (1) an analysis of Federally-assisted housing
23 units that have access to broadband service and the
24 number of such units that do not have access to
25 broadband service, disaggregated by State, county,

1 and congressional district, that includes geographic
2 information and any Federal agency responsible for
3 such units;

4 (2) an analysis of which such units are not cur-
5 rently capable of supporting broadband service de-
6 ployment and would require retrofitting to support
7 broadband service deployment, disaggregated by
8 State, county, and congressional district, that in-
9 cludes geographic information and any Federal
10 agency responsible for such units;

11 (3) an analysis of the estimated costs and time-
12 frame necessary for retrofitting buildings to achieve
13 100 percent access to broadband service;

14 (4) an analysis of the challenges to more wide-
15 spread deployment of broadband service, including
16 the comparative markets dynamics to expansion in
17 rural areas and low-income urban areas, and the
18 challenges to pursuing retrofits to achieve 100 per-
19 cent access to broadband service;

20 (5) descriptions of lessons learned from pre-
21 vious retrofitting actions;

22 (6) an evaluation of the ConnectHome pilot
23 program of the Secretary of Housing and Urban De-
24 velopment; and

1 (7) recommendations for Congress for achieving
2 100 percent access to broadband service in Feder-
3 ally-assisted housing.

4 (c) DEFINITIONS.—In this section:

5 (1) BROADBAND SERVICE.—The term
6 “broadband service” has the meaning given the term
7 “broadband internet access service” in section 8.1(b)
8 of title 47, Code of Federal Regulations, or any suc-
9 cessor regulation.

10 (2) FEDERALLY-ASSISTED HOUSING.—In this
11 section, the term “Federally-assisted housing”
12 means—

13 (A) any single-family or multifamily hous-
14 ing that is assisted under a program adminis-
15 tered by the Secretary of Housing and Urban
16 Development or the Secretary of Agriculture; or

17 (B) housing eligible for a Federal low-in-
18 come housing tax credit.

19 **SEC. 1659. HISTORIC PRESERVATION FUND.**

20 Section 303102 of title 54, United States Code, is
21 amended by—

22 (1) striking “of fiscal years 2012 to 2023” and
23 inserting “fiscal year”; and

24 (2) striking “\$150,000,000” and inserting
25 “\$300,000,000”.

1 **SEC. 1660. HOV FACILITY REVIEW.**

2 Section 166 of title 23, United States Code, is further
3 amended by adding at the end the following:

4 “(h) REVIEW AND REMOVAL.—If the Secretary of
5 Transportation determines appropriate, 10 years after
6 construction of an HOV facility operated in compliance
7 with this section, a State may—

8 “(1) conduct a review of such facility; and

9 “(2) remove such facility and repay any funds
10 associated with such facility.”.

11 **TITLE II—PUBLIC**
12 **TRANSPORTATION**
13 **Subtitle A—Federal Transit**
14 **Administration**

15 **SEC. 2101. AUTHORIZATIONS.**

16 (a) IN GENERAL.—Section 5338 of title 49, United
17 States Code, is amended to read as follows:

18 **“§ 5338. Authorizations**

19 “(a) GRANTS.—

20 “(1) IN GENERAL.—There shall be available
21 from the Mass Transit Account of the Highway
22 Trust Fund to carry out sections 5305, 5307, 5308,
23 5310, 5311, 5312, 5314, 5318, 5320, 5328, 5335,
24 5337, 5339, and 5340—

25 “(A) \$17,894,460,367 for fiscal year 2023;

26 “(B) \$18,201,940,770 for fiscal year 2024;

1 “(C) \$18,551,676,708 for fiscal year 2025;

2 and

3 “(D) \$18,901,573,693 for fiscal year

4 2026.

5 “(2) ALLOCATION OF FUNDS.—Of the amounts
6 made available under paragraph (1)—

7 “(A) \$189,879,151 for fiscal year 2023,

8 \$192,841,266 for fiscal year 2024,

9 \$195,926,726 for fiscal year 2025, and

10 \$199,002,776 for fiscal year 2026, shall be

11 available to carry out section 5305;

12 “(B) \$7,505,830,848 for fiscal year 2023,

13 \$7,622,921,809 for fiscal year 2024,

14 \$7,744,888,558 for fiscal year 2025, and

15 \$7,866,483,309 for fiscal year 2026 shall be al-

16 located in accordance with section 5336 to pro-

17 vide financial assistance for urbanized areas

18 under section 5307;

19 “(C) \$101,510,000 for fiscal year 2023,

20 \$103,093,556 for fiscal year 2024,

21 \$104,743,053 for fiscal year 2025, and

22 \$106,387,519 for fiscal year 2026 shall be

23 available for grants under section 5308;

24 “(D) \$434,830,298 for fiscal year 2023,

25 \$441,613,651 for fiscal year 2024,

1 \$448,679,469 for fiscal year 2025, and
2 \$455,723,737 for fiscal year 2026 shall be
3 available to carry out section 5310, of which
4 not less than—

5 “(i) \$5,075,500 for fiscal year 2023,
6 \$5,154,678 for fiscal year 2024,
7 \$5,237,153 for fiscal year 2025, and
8 \$5,319,376 for fiscal year 2026 shall be
9 available to carry out section 5310(j); and

10 “(ii) \$20,302,000 for fiscal year 2023,
11 \$20,618,711 for fiscal year 2024,
12 \$20,948,611 for fiscal year 2025, and
13 \$21,277,504 for fiscal year 2026 shall be
14 available to carry out section 5310(k);

15 “(E) \$1,025,199,724 for fiscal year 2023,
16 \$1,041,192,839 for fiscal year 2024,
17 \$1,057,851,925 for fiscal year 2025, and
18 \$1,074,460,200 for fiscal year 2026 shall be
19 available to carry out section 5311, of which
20 not less than—

21 “(i) \$55,679,500 for fiscal year 2023,
22 \$56,392,100 for fiscal year 2024,
23 \$57,134,374 for fiscal year 2025, and
24 \$57,874,383 for fiscal year 2026 shall be

1 available to carry out section 5311(c)(1);
2 and

3 “(ii) \$50,755,000 for fiscal year 2023,
4 \$51,546,778 for fiscal year 2024,
5 \$52,371,526 for fiscal year 2025, and
6 \$53,193,759 for fiscal year 2026 shall be
7 available to carry out section 5311(c)(2);

8 “(F) \$53,498,300 for fiscal year 2023;
9 \$54,020,873 for fiscal year 2024; \$54,565,207
10 for fiscal year 2025; \$55,107,881 for fiscal year
11 2026 shall be available to carry out section
12 5312, of which not less than—

13 “(i) \$5,075,500 for fiscal year 2023,
14 \$5,154,678 for fiscal year 2024,
15 \$5,237,153 for fiscal year 2025, and
16 \$5,319,376 for fiscal year 2026 shall be
17 available to carry out each of sections
18 5312(d)(3) and 5312(d)(4);

19 “(ii) \$3,045,300 for fiscal year 2023,
20 \$3,092,807 for fiscal year 2024,
21 \$3,142,292 for fiscal year 2025, and
22 \$3,191,626 for fiscal year 2026 shall be
23 available to carry out section 5312(h);

24 “(iii) \$10,151,000 for fiscal year
25 2023, \$10,309,356 for fiscal year 2024,

1 \$10,474,305 for fiscal year 2025, and
2 \$10,638,752 for fiscal year 2026 shall be
3 available to carry out section 5312(i); and

4 “(iv) \$10,075,500 for fiscal year
5 2023, \$10,154,678 for fiscal year 2024,
6 \$10,237,153 for fiscal year 2025, and
7 \$10,319,376 shall be available to carry out
8 section 5312(j);

9 “(G) \$23,347,300 for fiscal year 2023,
10 \$23,711,518 for fiscal year 2024, \$24,090,902
11 for fiscal year 2025, and \$24,469,129 for fiscal
12 year 2026 shall be available to carry out section
13 5314, of which not less than—

14 “(i) \$4,060,400 for fiscal year 2023,
15 \$4,123,742 for fiscal year 2024,
16 \$4,189,722 for fiscal year 2025, and
17 \$4,255,501 for fiscal year 2026 shall be
18 available to carry out section of 5314(a);

19 “(ii) \$5,075,500 for fiscal year 2023,
20 \$5,154,678 for fiscal year 2024,
21 \$5,237,153 for fiscal year 2025, and
22 \$5,319,376 for fiscal year 2026 shall be
23 available to carry out section 5314(c); and

24 “(iii) \$12,181,200 for fiscal year
25 2023, \$12,371,227 for fiscal year 2024,

1 \$12,569,166 for fiscal year 2025, and
2 \$12,766,502 for fiscal year 2026 shall be
3 available to carry out section 5314(b)(2);

4 “(H) \$5,075,500 for fiscal year 2023,
5 \$5,154,678 for fiscal year 2024, \$5,237,153 for
6 fiscal year 2025, and \$5,319,376 for fiscal year
7 2026 shall be available to carry out section
8 5318;

9 “(I) \$30,453,000 for fiscal year 2023,
10 \$30,928,067 for fiscal year 2024, \$31,422,916
11 for fiscal year 2025, and \$31,916,256 for fiscal
12 year 2026 shall be available to carry out section
13 5328, of which not less than—

14 “(i) \$25,377,500 for fiscal year 2023,
15 \$25,773,389 for fiscal year 2024,
16 \$26,185,763 for fiscal year 2025, and
17 \$26,596,880 for fiscal year 2026 shall be
18 available to carry out section of 5328(b);
19 and

20 “(ii) \$2,537,750 for fiscal year 2023,
21 \$2,577,339 for fiscal year 2024,
22 \$2,618,576 for fiscal year 2025, and
23 \$2,659,688 for fiscal year 2026 shall be
24 available to carry out section 5328(c);

1 “(J) \$4,060,400 for fiscal year 2023,
2 \$4,123,742 for fiscal year 2024, \$4,189,722 for
3 fiscal year 2025, and \$4,255,501 for fiscal year
4 2026 shall be available to carry out section
5 5335;

6 “(K) \$5,366,233,728 for fiscal year 2023,
7 \$5,460,789,084 for fiscal year 2024,
8 \$5,560,170,578 for fiscal year 2025, and
9 \$5,660,288,417 for fiscal year 2026 shall be
10 available to carry out section 5337;

11 “(L) to carry out the bus formula program
12 under section 5339(a)—

13 “(i) \$1,240,328,213 for fiscal year
14 2023, \$1,259,667,334 for fiscal year 2024,
15 \$1,279,832,171 for fiscal year 2025, and
16 \$1,299,925,536 for fiscal year 2026; ex-
17 cept that

18 “(ii) 15 percent of the amounts under
19 clause (i) shall be available to carry out
20 5339(d);

21 “(M) \$437,080,000 for fiscal year 2023,
22 \$424,748,448 for fiscal year 2024,
23 \$387,944,423 for fiscal year 2025, and
24 \$351,100,151 for fiscal year 2026 shall be
25 available to carry out section 5339(b);

1 “(N) \$890,000,000 for fiscal year 2023,
2 \$950,000,000 for fiscal year 2024,
3 \$1,065,000,000 for fiscal year 2025, and
4 \$1,180,000,000 for fiscal year 2026 shall be
5 available to carry out section 5339(c); and

6 “(O) \$587,133,905 for each of fiscal years
7 2023 through 2026 shall be available to carry
8 out section 5340 to provide financial assistance
9 for urbanized areas under section 5307 and
10 rural areas under section 5311, of which—

11 “(i) \$309,688,908 for each of fiscal
12 years 2023 through 2026 shall be for
13 growing States under section 5340(c); and

14 “(ii) \$277,444,997 for each of fiscal
15 years 2023 through 2026 shall be for high
16 density States under section 5340(d).

17 “(b) CAPITAL INVESTMENT GRANTS.—There are au-
18 thorized to be appropriated to carry out section 5309
19 \$3,500,000,000 for fiscal year 2023, \$4,250,000,000 for
20 fiscal year 2024, \$5,000,000,000 for fiscal year 2025, and
21 5,500,000,000 for fiscal year 2026.

22 “(c) ADMINISTRATION.—

23 “(1) IN GENERAL.—There are authorized to be
24 appropriated to carry out section 5334,
25 \$142,060,785 for fiscal year 2023, \$144,191,696 for

1 fiscal year 2024, \$146,412,248 for fiscal year 2025,
2 and 148,652,356 for fiscal year 2026.

3 “(2) SECTION 5329.—Of the amounts author-
4 ized to be appropriated under paragraph (1), not
5 less than \$6,000,000 for each of fiscal years 2023
6 through 2026 shall be available to carry out section
7 5329.

8 “(3) SECTION 5326.—Of the amounts made
9 available under paragraph (2), not less than
10 \$2,500,000 for each of fiscal years 2023 through
11 2026 shall be available to carry out section 5326.

12 “(d) OVERSIGHT.—

13 “(1) IN GENERAL.—Of the amounts made
14 available to carry out this chapter for a fiscal year,
15 the Secretary may use not more than the following
16 amounts for the activities described in paragraph
17 (2):

18 “(A) 0.5 percent of amounts made avail-
19 able to carry out section 5305.

20 “(B) 0.75 percent of amounts made avail-
21 able to carry out section 5307.

22 “(C) 1 percent of amounts made available
23 to carry out section 5309.

24 “(D) 1 percent of amounts made available
25 to carry out section 601 of the Passenger Rail

1 Investment and Improvement Act of 2008
2 (Public Law 110–432; 126 Stat. 4968).

3 “(E) 0.5 percent of amounts made avail-
4 able to carry out section 5310.

5 “(F) 0.5 percent of amounts made avail-
6 able to carry out section 5311.

7 “(G) 1 percent of amounts made available
8 to carry out section 5337, of which not less
9 than 25 percent of such amounts shall be avail-
10 able to carry out section 5329 and of which not
11 less than 10 percent of such amounts shall be
12 made available to carry out section 5320.

13 “(H) 1 percent of amounts made available
14 to carry out section 5339 of which not less than
15 10 percent of such amounts shall be made
16 available to carry out section 5320.

17 “(I) 1 percent of amounts made available
18 to carry out section 5308.

19 “(2) ACTIVITIES.—The activities described in
20 this paragraph are as follows:

21 “(A) Activities to oversee the construction
22 of a major capital project.

23 “(B) Activities to review and audit the
24 safety and security, procurement, management,

1 and financial compliance of a recipient or sub-
2 recipient of funds under this chapter.

3 “(C) Activities to provide technical assist-
4 ance generally, and to provide technical assist-
5 ance to correct deficiencies identified in compli-
6 ance reviews and audits carried out under this
7 section.

8 “(3) GOVERNMENT SHARE OF COSTS.—The
9 Government shall pay the entire cost of carrying out
10 a contract under this subsection.

11 “(4) AVAILABILITY OF CERTAIN FUNDS.—
12 Funds made available under paragraph (1)(C) shall
13 be made available to the Secretary before allocating
14 the funds appropriated to carry out any project
15 under a full funding grant agreement.

16 “(e) GRANTS AS CONTRACTUAL OBLIGATIONS.—

17 “(1) GRANTS FINANCED FROM HIGHWAY TRUST
18 FUND.—A grant or contract that is approved by the
19 Secretary and financed with amounts made available
20 from the Mass Transit Account of the Highway
21 Trust Fund pursuant to this section is a contractual
22 obligation of the Government to pay the Government
23 share of the cost of the project.

24 “(2) GRANTS FINANCED FROM GENERAL
25 FUND.—A grant or contract that is approved by the

1 Secretary and financed with amounts from future
2 appropriations from the general fund of the Treas-
3 ury pursuant to this section is a contractual obliga-
4 tion of the Government to pay the Government share
5 of the cost of the project only to the extent that
6 amounts are appropriated for such purpose by an
7 Act of Congress.

8 “(f) AVAILABILITY OF AMOUNTS.—Amounts made
9 available by or appropriated under this section shall re-
10 main available until expended.

11 “(g) LIMITATION ON FINANCIAL ASSISTANCE FOR
12 STATE-OWNED ENTERPRISES.—

13 “(1) IN GENERAL.—Funds provided under this
14 section may not be used in awarding a contract, sub-
15 contract, grant, or loan to an entity that is owned
16 or controlled by, is a subsidiary of, or is otherwise
17 related legally or financially to a corporation based
18 in a country that—

19 “(A) is identified as a nonmarket economy
20 country (as defined in section 771(18) of the
21 Tariff Act of 1930 (19 U.S.C. 1677(18))) as of
22 the date of enactment of the INVEST in Amer-
23 ica Act;

24 “(B) was identified by the United States
25 Trade Representative in the most recent report

1 required by section 182 of the Trade Act of
2 1974 (19 U.S.C. 2242) as a priority foreign
3 country under subsection (a)(2) of that section;
4 and

5 “(C) is subject to monitoring by the Trade
6 Representative under section 306 of the Trade
7 Act of 1974 (19 U.S.C. 2416).

8 “(2) EXCEPTION.—For purposes of paragraph
9 (1), the term ‘otherwise related legally or financially’
10 does not include a minority relationship or invest-
11 ment.

12 “(3) INTERNATIONAL AGREEMENTS.—This sub-
13 section shall be applied in a manner consistent with
14 the obligations of the United States under inter-
15 national agreements.”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) Section 5312(i)(1) of title 49, United States
18 Code, is amended by striking “5338(a)(2)(G)(ii)”
19 and inserting “5338(a)(2)(F)(iii)”.

20 (2) Section 5333(b) of title 49, United States
21 Code, is amended by striking “5328, 5337, and
22 5338(b)” each place it appears and inserting “and
23 5337”.

1 (3) Section 5336 of title 49, United States
2 Code, is amended in subsection (d)(1) by striking
3 “5338(a)(2)(C)” and inserting “5338(a)(2)(B)”.

4 (4) Subsections (c) and (d)(1) of section 5327
5 of title 49, United States Code, are amended by
6 striking “5338(f)” and inserting “5338(d)”.

7 (5) Section 5340(b) of title 49, United States
8 Code, is amended by striking “5338(b)(2)(N)” and
9 inserting “5338(a)(2)(O)”.

10 **SEC. 2102. CHAPTER 53 DEFINITIONS.**

11 Section 5302 of title 49, United States Code, is
12 amended—

13 (1) in paragraph (1)(E)—

14 (A) by striking “and the installation” and
15 inserting “, the installation”; and

16 (B) by inserting “, charging stations and
17 docks for electric micromobility devices, and
18 bikeshare projects” after “public transportation
19 vehicles”;

20 (2) in paragraph (3)—

21 (A) in subparagraph (G) by striking clause
22 (iii) and inserting the following:

23 “(iii) provides a fair share of revenue
24 established by the Secretary that will be
25 used for public transportation, except for a

1 joint development that is a community
2 service (as defined by the Federal Transit
3 Administration), publicly operated facility,
4 or offers a minimum of 50 percent of units
5 as affordable housing, meaning legally
6 binding affordability restricted housing
7 units available to tenants with incomes
8 below 60 percent of the area median in-
9 come or owners with incomes below the
10 area median;”;

11 (B) in subparagraph (M) strike “; or” and
12 insert a semicolon;

13 (C) in subparagraph (N)—

14 (i) by striking “no emission” and in-
15 serting “zero emission”; and

16 (ii) by striking “(as defined in section
17 5339(c)) or facilities.” and inserting “or
18 facilities; or”; and

19 (D) by adding at the end the following:

20 “(O) the employment of forensic consult-
21 ants, cybersecurity experts, or third-party pene-
22 tration testers to identify, evaluate, test, and
23 patch ransomware attack vulnerabilities.”; and

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

25 “(25) RESILIENCE.—

1 “(A) IN GENERAL.—The term ‘resilience’
2 means, with respect to a facility, the ability
3 to—

4 “(i) anticipate, prepare for, or adapt
5 to conditions; or

6 “(ii) withstand, respond to, or recover
7 rapidly from disruptions.

8 “(B) INCLUSIONS.—Such term includes,
9 with respect to a facility, the ability to—

10 “(i) resist hazards or withstand im-
11 pacts from disruptions;

12 “(ii) reduce the magnitude, duration,
13 or impact of a disruption; or

14 “(iii) have the absorptive capacity,
15 adaptive capacity, and recoverability to de-
16 crease vulnerability to a disruption.

17 “(26) ASSAULT ON A TRANSIT WORKER.—The
18 term ‘assault on a transit worker’ means any cir-
19 cumstance in which an individual knowingly, without
20 lawful authority or permission, and with intent to
21 endanger the safety of any individual, or with a
22 reckless disregard for the safety of human life, inter-
23 feres with, disables, or incapacitates any transit
24 worker while the transit worker is performing his or
25 her duties.”.

1 **SEC. 2103. GENERAL PROVISIONS.**

2 Section 5323 of title 49, United States Code, is
3 amended—

4 (1) in subsection (d)—

5 (A) in paragraph (1) by striking “urban
6 area” and inserting “urbanized area”;

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

8 “(3) EXCEPTIONS.—This subsection shall not
9 apply to financial assistance under this chapter—

10 “(A) in which the non-Federal share of
11 project costs are provided from amounts re-
12 ceived under a service agreement with a State
13 or local social service agency or private social
14 service organization pursuant to section
15 5307(d)(3)(E) or section 5311(g)(3)(C);

16 “(B) provided to a recipient or sub-
17 recipient whose sole receipt of such assistance
18 derives from section 5310; or

19 “(C) provided to a recipient operating a
20 fixed route service that is—

21 “(i) for a period of less than 15 days;

22 “(ii) accessible to the public;

23 “(iii) contracted by a local govern-
24 ment entity that provides local cost share
25 to the recipient;

1 “(iv) not contracted for the purposes
2 of a convention or on behalf of a conven-
3 tion and visitors bureau; and

4 “(v) limited to the service area in
5 which the recipient provides regularly
6 scheduled public transportation service.

7 “(4) GUIDELINES.—The Secretary shall publish
8 guidelines for grant recipients and private bus oper-
9 ators that clarify when and how a transit agency
10 may provide the service in the event a registered
11 charter provider does not contact the customer, pro-
12 vide a quote, or provide the service.”;

13 (2) in subsection (h)—

14 (A) in paragraph (1) by adding “or” at the
15 end; and

16 (B) by striking paragraph (2) and redesign-
17 nating paragraph (3) as paragraph (2);

18 (3) by striking subsection (j) and inserting the
19 following:

20 “(j) REPORTING ACCESSIBILITY COMPLAINTS.—

21 “(1) IN GENERAL.—The Secretary shall ensure
22 that an individual who believes that he or she, or a
23 specific class in which the individual belongs, has
24 been subjected to discrimination on the basis of dis-
25 ability by a State or local governmental entity, pri-

1 vate nonprofit organization, or Tribe that operates a
2 public transportation service and is a recipient or
3 subrecipient of funds under this chapter, may, by
4 the individual or by an authorized representative, file
5 a complaint with the Department of Transportation.

6 “(2) PROCEDURES.—Not later than 1 year
7 after the date of enactment of the INVEST in
8 America Act, the Secretary shall implement proce-
9 dures that allow an individual to submit a complaint
10 described in paragraph (1) by phone, mail-in form,
11 and online through the website of the Office of Civil
12 Rights of the Federal Transit Administration.

13 “(3) NOTICE TO INDIVIDUALS WITH DISABIL-
14 ITIES.—Not later than 12 months after the date of
15 enactment of the INVEST in America Act, the Sec-
16 retary shall require that each public transit provider
17 and contractor providing paratransit services shall
18 include on a publicly available website of the service
19 provider, any related mobile device application, and
20 online service—

21 “(A) notice that an individual can file a
22 disability-related complaint with the local tran-
23 sit agency and the process and any timelines for
24 filing such a complaint;

1 “(B) the telephone number, or a com-
2 parable electronic means of communication, for
3 the disability assistance hotline of the Office of
4 Civil Rights of the Federal Transit Administra-
5 tion;

6 “(C) notice that a consumer can file a dis-
7 ability related complaint with the Office of Civil
8 Rights of the Federal Transit Administration;
9 and

10 “(D) an active link to the website of the
11 Office of Civil Rights of the Federal Transit
12 Administration for an individual to file a dis-
13 ability-related complaint.

14 “(4) INVESTIGATION OF COMPLAINTS.—Not
15 later than 60 days after the last day of each fiscal
16 year, the Secretary shall publish a report that lists
17 the disposition of complaints described in paragraph
18 (1), including—

19 “(A) the number and type of complaints
20 filed with Department of Transportation;

21 “(B) the number of complaints inves-
22 tigated by the Department;

23 “(C) the result of the complaints that were
24 investigated by the Department including
25 whether the complaint was resolved—

1 “(i) informally;

2 “(ii) by issuing a violation through a
3 noncompliance Letter of Findings; or

4 “(iii) by other means, which shall be
5 described; and

6 “(D) if a violation was issued for a com-
7 plaint, whether the Department resolved the
8 noncompliance by—

9 “(i) reaching a voluntary compliance
10 agreement with the entity;

11 “(ii) referring the matter to the Attor-
12 ney General; or

13 “(iii) by other means, which shall be
14 described.

15 “(5) REPORT.—The Secretary shall, upon im-
16 plementation of this section and annually thereafter,
17 submit to the Committee on Transportation and In-
18 frastructure of the House of Representatives, the
19 Committee on Banking, Housing, and Urban Affairs
20 of the Senate, and make publicly available a report
21 containing the information collected under this sec-
22 tion.”;

23 (4) by striking subsection (m) and inserting the
24 following:

1 “(m) PREAWARD AND POSTDELIVERY REVIEW OF
2 ROLLING STOCK PURCHASES.—The Secretary shall pre-
3 scribe regulations requiring a preaward and postdelivery
4 review of a grant under this chapter to buy rolling stock
5 to ensure compliance with bid specifications requirements
6 of grant recipients under this chapter. Under this sub-
7 section, grantee inspections and review are required, and
8 a manufacturer certification is not sufficient.”; and

9 (5) by amending subsection (r) to read as fol-
10 lows:

11 “(r) REASONABLE ACCESS TO PUBLIC TRANSPOR-
12 TATION FACILITIES.—

13 “(1) IN GENERAL.—A recipient of assistance
14 under this chapter—

15 “(A) may not deny reasonable access for a
16 private intercity or charter transportation oper-
17 ator to federally funded public transportation
18 facilities, including intermodal facilities, park
19 and ride lots, and bus-only highway lanes; and

20 “(B) shall respond to any request for rea-
21 sonable access within 75 days of the receipt of
22 the request and, if a recipient of assistance
23 under this chapter denies access to a private
24 intercity or charter transportation operator

1 based on the reasonable access standards, pro-
2 vide, in writing, the reasons for the denial.

3 “(2) DETERMINING REASONABLE ACCESS.—In
4 determining reasonable access under paragraph
5 (1)(A), capacity requirements of the recipient of as-
6 sistance and the extent to which access would be
7 detrimental or beneficial to existing public transpor-
8 tation services must be considered and demographic
9 makeup of the riders of a private intercity or charter
10 transportation operator may not be cited as a det-
11 riment to the provision of access.

12 “(3) NOTIFICATION.—If a private intercity or
13 charter transportation operator requesting access
14 under this subsection is denied such access by a re-
15 cipient of assistance under this chapter or does not
16 receive a written response within 75 days of submit-
17 ting the request, such operator may notify the Sec-
18 retary for purposes of inclusion in the report under
19 paragraph (4).

20 “(4) REPORT TO CONGRESS.—The Secretary
21 shall annually submit to the Committee on Trans-
22 portation and Infrastructure of the House of Rep-
23 resentatives and the Committee on Banking, Hous-
24 ing, and Urban Affairs of the Senate a report listing

1 each instance reported under paragraph (3) in
2 which—

3 “(A) a private intercity or charter trans-
4 portation operator requested reasonable access
5 and was denied, and the reasons provided by
6 the recipient of assistance under this chapter
7 for the denial; and

8 “(B) a recipient of assistance under this
9 chapter did not respond to a request for reason-
10 able access within 75 days.”.

11 **SEC. 2104. MISCELLANEOUS PROVISIONS.**

12 (a) STATE OF GOOD REPAIR GRANTS.—Section
13 5337(e) of title 49, United States Code, is amended by
14 adding at the end the following:

15 “(3) ACCESSIBILITY COSTS.—Notwithstanding
16 paragraph (1), the Federal share of the net project
17 cost of a project to provide accessibility improve-
18 ments consistent with standards in compliance with
19 the Americans with Disabilities Act of 1990 (42
20 U.S.C. 12101 et seq.) shall be 90 percent.”.

21 (b) APPORTIONMENTS BASED ON GROWING STATES
22 AND HIGH DENSITY STATES FORMULA FACTORS.—Sec-
23 tion 5340(a) of title 49, United States Code, is amended
24 by inserting “and the District of Columbia” after “United
25 States”.

1 (c) TECHNICAL ASSISTANCE AND WORKFORCE DE-
2 VELOPMENT.—Section 5314 of title 49, United States
3 Code, is amended—

4 (1) in subsection (a)(1)(B)—

5 (A) in clause (i) by striking “; and” and
6 inserting a semicolon;

7 (B) in clause (ii) by striking “and vehicle
8 electronics.” and inserting “cybersecurity and
9 mitigating the threat of ransomware, and vehi-
10 cle electronics; and”;

11 (C) by adding at the end the following:

12 “(iii) technical assistance to assist re-
13 cipients with the impacts of a new census
14 count.”;

15 (2) in subsection (a)(2)—

16 (A) by redesignating subparagraphs (H)
17 and (I) as subparagraphs (J) and (K), respec-
18 tively; and

19 (B) by inserting after subparagraph (G)
20 the following:

21 “(H) cybersecurity and mitigating the
22 threat of ransomware;”;

23 (3) in subsection (b)(1)(B) by striking “fe-
24 males” and inserting “women”; and

1 (4) in subsection (c)(4)(A) by inserting “, and
2 not more than 2 percent of amounts under 5311,”
3 after “5339”.

4 (d) NATIONAL TRANSIT DATABASE.—Section 5335
5 of title 49, United States Code, is amended—

6 (1) in subsection (a) by inserting “, including
7 information on transit routes and ridership on those
8 routes” after “public sector investment decision”;
9 and

10 (2) in subsection (c) by inserting “, any data on
11 each assault on a transit worker, and pedestrian in-
12 juries and fatalities as a result of an impact with a
13 bus. Each of the data sets shall be publicly reported
14 without aggregating the data with other safety data”
15 after “by the recipient”.

16 (e) URBANIZED AREA FORMULA GRANTS.—Section
17 5307 of title 49, United States Code, is amended—

18 (1) in subsection (a)(2)(A)—

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

21 (B) by adding at the end the following:

22 “(iii) operate a minimum of 101 buses
23 and a maximum of 125 buses in fixed
24 route service or demand response service,
25 excluding ADA complementary paratransit

1 service, during peak service hours, in an
2 amount not to exceed 25 percent of the
3 share of the apportionment which is attrib-
4 utable to such systems within the urban-
5 ized area, as measured by vehicle revenue
6 hours; or”;

7 (2) in subsection (a)(2)(B)—

8 (A) in clause (i) by striking “or” at the
9 end;

10 (B) in clause (ii) by striking the period at
11 the end and inserting “; or”; and

12 (C) by adding at the end the following:

13 “(iii) operate a minimum of 101 buses
14 and a maximum of 125 buses in fixed
15 route service or demand response service,
16 excluding ADA complementary paratransit
17 service, during peak service hours, in an
18 amount not to exceed 25 percent of the
19 share of the apportionment allocated to
20 such systems within the urbanized area, as
21 determined by the local planning process
22 and included in the designated recipient’s
23 final program of projects prepared under
24 subsection (b).”;

25 (3) in subsection (b)—

1 (A) in paragraph (6) by striking “and” at
2 the end;

3 (B) by redesignating paragraph (7) as
4 paragraph (8); and

5 (C) by inserting after paragraph (6) the
6 following:

7 “(7) ensure that the proposed program of
8 projects provides improved access to transit for the
9 individuals described in section 5336(j); and”.

10 (f) TECHNICAL CORRECTION.—Section
11 5307(a)(2)(B)(ii) of title 49, United States Code, is
12 amended by striking “service during peak” and inserting
13 “service, during peak”.

14 (g) TRANSPORTATION DEVELOPMENT CREDITS AS
15 LOCAL MATCH.—

16 (1) SECTION 5307.—Section 5307(d)(3) of title
17 49, United States Code, is amended—

18 (A) in subparagraph (D) by striking “;
19 and” and inserting a semicolon;

20 (B) in subparagraph (E) by striking the
21 period and inserting “; and”; and

22 (C) by adding at the end the following:

23 “(F) transportation development credits.”.

24 (2) SECTION 5309.—Section 5309 of title 49,
25 United States Code, is amended—

1 (A) in subsection (f) by adding at the end
2 the following:

3 “(3) TRANSPORTATION DEVELOPMENT CRED-
4 ITS.—For purposes of assessments and determina-
5 tions under this subsection or subsection (h), trans-
6 portation development credits that are included as a
7 source of local financing or match shall be treated
8 the same as other sources of local financing.”; and

9 (B) in subsection (l)(4)—

10 (i) in subparagraph (B) by striking “;
11 or” and inserting a semicolon;

12 (ii) in subparagraph (C) by striking
13 the period and inserting a semicolon; and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(D) transportation development credits;
17 or”.

18 (3) SECTION 5339.—Section 5339(a)(7)(B) of
19 title 49, United States Code, is amended—

20 (A) in clause (iv) by striking “; or” and in-
21 serting a semicolon;

22 (B) in clause (v) by striking the period and
23 inserting “; or”; and

24 (C) by adding at the end the following:

1 “(vi) transportation development cred-
2 its.”.

3 (h) CLARIFICATION OF INCIDENTAL USE.—Section
4 5310(b)(7) of title 49, United States Code, is amended—

5 (1) in the header by inserting “AND INCI-
6 DENTAL USE” after “INDIVIDUALS”;

7 (2) by inserting “or providing other incidental
8 services” after “individuals”; and

9 (3) by striking “delivery service does not con-
10 flict” and inserting “service does not conflict”.

11 **SEC. 2105. POLICIES AND PURPOSES.**

12 Section 5301(b) of title 49, United States Code, is
13 amended—

14 (1) in paragraph (7) by striking “; and” and in-
15 serting a semicolon;

16 (2) in paragraph (8) by striking the period and
17 inserting a semicolon; and

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

19 “(9) reduce the contributions of the surface
20 transportation system to the total carbon pollution
21 of the United States; and

22 “(10) improve the resiliency of the public trans-
23 portation network to withstand weather events and
24 other natural disasters.”.

1 **SEC. 2106. FISCAL YEARS 2022 AND 2023 FORMULAS.**

2 For fiscal years 2022 and 2023, the Secretary of
3 Transportation shall apportion and distribute formula
4 funds provided for under chapter 53 of title 49, United
5 States Code, using data submitted to the 2019 National
6 Transit Database.

7 **SEC. 2107. METROPOLITAN TRANSPORTATION PLANNING.**

8 Section 5303 of title 49, United States Code, is fur-
9 ther amended—

10 (1) by amending subsection (a)(1) to read as
11 follows:

12 “(1) to encourage and promote the safe and ef-
13 ficient management, operation, and development of
14 surface transportation systems that will serve the
15 mobility needs of people and freight, foster economic
16 growth and development within and between States
17 and urbanized areas, and take into consideration re-
18 siliency and climate change adaptation needs while
19 reducing transportation-related fuel consumption, air
20 pollution, and greenhouse gas emissions through
21 metropolitan and statewide transportation planning
22 processes identified in this chapter; and”.

23 (2) in subsection (b)—

24 (A) by redesignating paragraphs (6) and
25 (7) as paragraphs (7) and (8), respectively; and

1 (B) by inserting after paragraph (5) the
2 following:

3 “(6) STIP.—The term ‘STIP’ means a state-
4 wide transportation improvement program developed
5 by a State under section 135(g).”;

6 (3) in subsection (c)—

7 (A) in paragraph (1) by striking “and
8 transportation improvement programs” and in-
9 serting “and TIPS”; and

10 (B) by adding at the end the following:

11 “(4) CONSIDERATION.—In developing the plans
12 and TIPS, metropolitan planning organizations shall
13 consider direct and indirect emissions of greenhouse
14 gases.”;

15 (4) in subsection (d)—

16 (A) in paragraph (2) by striking “Not
17 later than 2 years after the date of enactment
18 of the Federal Public Transportation Act of
19 2012, each” and inserting “Each”;

20 (B) in paragraph (3) by adding at the end
21 the following:

22 “(D) EQUITABLE AND PROPORTIONAL
23 REPRESENTATION.—

24 “(i) IN GENERAL.—For officials or
25 representatives under paragraph (2), the

1 metropolitan planning organization shall
2 ensure the equitable and proportional rep-
3 resentation of the population of the metro-
4 politan planning area.

5 “(ii) SAVINGS CLAUSE.—Nothing in
6 this paragraph shall require a metropolitan
7 planning organization in existence on the
8 date of enactment of this subparagraph to
9 be restructured.

10 “(iii) REDESIGNATION.—Notwith-
11 standing clause (ii), the requirements of
12 this paragraph shall apply to any metro-
13 politan planning organization redesignated
14 under paragraph (6).”;

15 (C) in paragraph (6)(B) by striking “para-
16 graph (2)” and inserting “paragraphs (2) or
17 (3)(D)”; and

18 (D) in paragraph (7)—

19 (i) by striking “an existing metropoli-
20 tan planning area” and inserting “an ur-
21 banized area”; and

22 (ii) by striking “the existing metro-
23 politan planning area” and inserting “the
24 area”;

25 (5) in subsection (g)—

1 (A) in paragraph (1) by striking “a metro-
2 politan area” and inserting “an urbanized
3 area”;

4 (B) in paragraph (2) by striking “MPOS”
5 and inserting “METROPOLITAN PLANNING
6 AREAS”;

7 (C) in paragraph (3)(A) by inserting
8 “emergency response and evacuation, climate
9 change adaptation and resilience,” after “dis-
10 aster risk reduction,”; and

11 (D) by adding at the end the following:

12 “(4) COORDINATION BETWEEN MPOS.—

13 “(A) IN GENERAL.—If more than one met-
14ropolitan planning organization is designated
15within an urbanized area under subsection
16(d)(7), the metropolitan planning organizations
17designated within the area shall ensure, to the
18maximum extent practicable, the consistency of
19any data used in the planning process, includ-
20ing information used in forecasting transpor-
21tation demand.

22 “(B) SAVINGS CLAUSE.—Nothing in this
23paragraph requires metropolitan planning orga-
24nizations designated within a single urbanized
25area to jointly develop planning documents, in-

1 including a unified long-range transportation plan
2 or unified TIP.”;

3 (6) in subsection (h)(1)—

4 (A) by striking subparagraph (E) and in-
5 serting the following:

6 “(E) protect and enhance the environment,
7 promote energy conservation, reduce greenhouse
8 gas emissions, improve the quality of life and
9 public health, and promote consistency between
10 transportation improvements and State and
11 local planned growth and economic development
12 patterns, including housing and land use pat-
13 terns;”;

14 (B) in subparagraph (H) by striking
15 “and” at the end;

16 (C) in subparagraph (I) by striking the pe-
17 riod at the end and inserting “and reduce or
18 mitigate stormwater, sea level rise, extreme
19 weather, and climate change impacts of surface
20 transportation;”; and

21 (D) by inserting after subparagraph (I) the
22 following:

23 “(J) support emergency management, re-
24 sponse, and evacuation and hazard mitigation;

1 “(K) improve the level of transportation
2 system access; and

3 “(L) support inclusive zoning policies and
4 land use planning practices that incentivize af-
5 fordable, elastic, and diverse housing supply, fa-
6 cilitate long-term economic growth by improving
7 the accessibility of housing to jobs, and prevent
8 high housing costs from displacing economically
9 disadvantaged households.”;

10 (7) in subsection (h)(2) by striking subpara-
11 graph (A) and inserting the following:

12 “(A) IN GENERAL.—Through the use of a
13 performance-based approach, transportation in-
14 vestment decisions made as a part of the metro-
15 politan transportation planning process shall
16 support the national goals described in section
17 150(b) of title 23, the achievement of metro-
18 politan and statewide targets established under
19 section 150(d) of title 23, the improvement of
20 transportation system access (consistent with
21 section 150(f)) of title 23, and the general pur-
22 poses described in section 5301 of this title.”;
23 (8) in subsection (i)—

1 (A) in paragraph (2)(D)(i) by inserting
2 “reduce greenhouse gas emissions and” before
3 “restore and maintain”;

4 (B) in paragraph (2)(G) by inserting “and
5 climate change” after “infrastructure to natural
6 disasters”;

7 (C) in paragraph (2)(H) by inserting
8 “greenhouse gas emissions,” after “pollution,”;

9 (D) in paragraph (5)—

10 (i) in subparagraph (A) by inserting
11 “air quality, public health, housing, trans-
12 portation, resilience, hazard mitigation,
13 emergency management,” after “conserva-
14 tion,”; and

15 (ii) by striking subparagraph (B) and
16 inserting the following:

17 “(B) ISSUES.—The consultation shall in-
18 volve, as appropriate, comparison of transpor-
19 tation plans to other relevant plans, including,
20 if available—

21 “(i) State conservation plans or maps;

22 and

23 “(ii) inventories of natural or historic
24 resources.”; and

1 (E) by amending paragraph (6)(C) to read
2 as follows:

3 “(C) METHODS.—

4 “(i) IN GENERAL.—In carrying out
5 subparagraph (A), the metropolitan plan-
6 ning organization shall, to the maximum
7 extent practicable—

8 “(I) hold any public meetings at
9 convenient and accessible locations
10 and times;

11 “(II) employ visualization tech-
12 niques to describe plans; and

13 “(III) make public information
14 available in electronically accessible
15 format and means, such as the inter-
16 net, as appropriate to afford reason-
17 able opportunity for consideration of
18 public information under subpara-
19 graph (A).

20 “(ii) ADDITIONAL METHODS.—In ad-
21 dition to the methods described in clause
22 (i), in carrying out subparagraph (A), the
23 metropolitan planning organization shall,
24 to the maximum extent practicable—

1 “(I) use virtual public involve-
2 ment, social media, and other web-
3 based tools to encourage public par-
4 ticipation and solicit public feedback;
5 and

6 “(II) use other methods, as ap-
7 propriate, to further encourage public
8 participation of historically underrep-
9 resented individuals in the transpor-
10 tation planning process.”;

11 (9) in subsection (j) by striking “transportation
12 improvement program” and inserting “TIP” each
13 place it appears; and

14 (10) by striking “Federally” each place it ap-
15 pears and inserting “federally”.

16 **SEC. 2108. STATEWIDE AND NONMETROPOLITAN TRANS-**
17 **PORTATION PLANNING.**

18 Section 5304 of title 49, United States Code, is
19 amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1) by striking “state-
22 wide transportation improvement program” and
23 inserting “STIP”;

24 (B) in paragraph (2)—

1 (i) by striking “The statewide trans-
2 portation plan and the” and inserting the
3 following:

4 “(A) IN GENERAL.—The statewide trans-
5 portation plan and the”;

6 (ii) by striking “transportation im-
7 provement program” and inserting
8 “STIP”; and

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

11 “(B) CONSIDERATION.—In developing the
12 statewide transportation plans and STIPs,
13 States shall consider direct and indirect emis-
14 sions of greenhouse gases.”; and

15 (C) in paragraph (3) by striking “trans-
16 portation improvement program” and inserting
17 “STIP”;

18 (2) in subsection (d)—

19 (A) in paragraph (1)—

20 (i) in subparagraph (E)—

21 (I) by inserting “reduce green-
22 house gas emissions,” after “promote
23 energy conservation,”;

1 (II) by inserting “and public
2 health” after “improve the quality of
3 life”; and

4 (III) by inserting “, including
5 housing and land use patterns” after
6 “economic development patterns”;

7 (ii) in subparagraph (H) by striking
8 “and”;

9 (iii) in subparagraph (I) by striking
10 the period at the end and inserting “and
11 reduce or mitigate stormwater, sea level
12 rise, extreme weather, and climate change
13 impacts of surface transportation;”; and

14 (iv) by adding at the end the fol-
15 lowing:

16 “(J) facilitate emergency management, re-
17 sponse, and evacuation and hazard mitigation;

18 “(K) improve the level of transportation
19 system access; and

20 “(L) support inclusive zoning policies and
21 land use planning practices that incentivize af-
22 fordable, elastic, and diverse housing supply, fa-
23 cilitate long-term economic growth by improving
24 the accessibility of housing to jobs, and prevent

1 high housing costs from displacing economically
2 disadvantaged households.”;

3 (B) in paragraph (2)—

4 (i) by striking subparagraph (A) and
5 inserting the following:

6 “(A) IN GENERAL.—Through the use of a
7 performance-based approach, transportation in-
8 vestment decisions made as a part of the state-
9 wide transportation planning process shall sup-
10 port—

11 “(i) the national goals described in
12 section 150(b) of title 23;

13 “(ii) the consideration of transpor-
14 tation system access (consistent with sec-
15 tion 150(f) of title 23);

16 “(iii) the achievement of statewide
17 targets established under section 150(d) of
18 title 23; and

19 “(iv) the general purposes described
20 in section 5301 of this title.”; and

21 (ii) in subparagraph (D) by striking
22 “statewide transportation improvement
23 program” and inserting “STIP”; and

1 (C) in paragraph (3) by striking “state-
2 wide transportation improvement program” and
3 inserting “STIP”;

4 (3) in subsection (e)(3) by striking “transpor-
5 tation improvement program” and inserting
6 “STIP”;

7 (4) in subsection (f)—

8 (A) in paragraph (2)(D)—

9 (i) in clause (i) by inserting “air qual-
10 ity, public health, housing, transportation,
11 resilience, hazard mitigation, emergency
12 management,” after “conservation,”; and

13 (ii) by amending clause (ii) to read as
14 follows:

15 “(ii) COMPARISON AND CONSIDER-
16 ATION.—Consultation under clause (i)
17 shall involve the comparison of transpor-
18 tation plans to other relevant plans and in-
19 ventories, including, if available—

20 “(I) State and tribal conservation
21 plans or maps; and

22 “(II) inventories of natural or
23 historic resources.”;

24 (B) in paragraph (3)(B)—

1 (i) by striking “In carrying out” and
2 inserting the following:

3 “(i) IN GENERAL.—In carrying out”;

4 (ii) by redesignating clauses (i)
5 through (iv) as subclauses (I) through
6 (IV), respectively; and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(ii) ADDITIONAL METHODS.—In ad-
10 dition to the methods described in clause
11 (i), in carrying out subparagraph (A), the
12 State shall, to the maximum extent prac-
13 ticable—

14 “(I) use virtual public involve-
15 ment, social media, and other web-
16 based tools to encourage public par-
17 ticipation and solicit public feedback;
18 and

19 “(II) use other methods, as ap-
20 propriate, to further encourage public
21 participation of historically underrep-
22 resented individuals in the transpor-
23 tation planning process.”;

1 (C) in paragraph (4)(A) by inserting “re-
2 duce greenhouse gas emissions and” after “po-
3 tential to”; and

4 (D) in paragraph (8) by inserting “includ-
5 ing consideration of the role that intercity buses
6 may play in reducing congestion, pollution,
7 greenhouse gas emissions, and energy consump-
8 tion in a cost-effective manner and strategies
9 and investments that preserve and enhance
10 intercity bus systems, including systems that
11 are privately owned and operated” after “trans-
12 portation system”;

13 (5) in subsection (g)—

14 (A) in paragraph (1)(A) by striking “state-
15 wide transportation improvement program” and
16 inserting “STIP”;

17 (B) in paragraph (5)—

18 (i) in subparagraph (A) by striking
19 “transportation improvement program”
20 and inserting “STIP”;

21 (ii) in subparagraph (B)(ii) by strik-
22 ing “metropolitan transportation improve-
23 ment program” and inserting “TIP”;

24 (iii) in subparagraph (C) by striking
25 “transportation improvement program”

1 and inserting “STIP” each place it ap-
2 pears;

3 (iv) in subparagraph (E) by striking
4 “transportation improvement program”
5 and inserting “STIP”;

6 (v) in subparagraph (F)(i) by striking
7 “transportation improvement program”
8 and inserting “STIP” each place it ap-
9 pears;

10 (vi) in subparagraph (G)(ii) by strik-
11 ing “transportation improvement program”
12 and inserting “STIP”; and

13 (vii) in subparagraph (H) by striking
14 “transportation improvement program”
15 and inserting “STIP”;

16 (C) in paragraph (6)—

17 (i) in subparagraph (A)—

18 (I) by striking “transportation
19 improvement program” and inserting
20 “STIP”; and

21 (II) by striking “and projects
22 carried out under the bridge program
23 or the Interstate maintenance pro-
24 gram under title 23”; and

25 (ii) in subparagraph (B)—

1 (I) by striking “or under the
2 bridge program or the Interstate
3 maintenance program”; and

4 (II) by striking “statewide trans-
5 portation improvement program” and
6 inserting “STIP”;

7 (D) in paragraph (7)—

8 (i) in the heading by striking “TRANS-
9 PORTATION IMPROVEMENT PROGRAM” and
10 inserting “STIP”; and

11 (ii) by striking “transportation im-
12 provement program” and inserting
13 “STIP”;

14 (E) in paragraph (8) by striking “state-
15 wide transportation plans and programs” and
16 inserting “statewide transportation plans and
17 STIPs”; and

18 (F) in paragraph (9) by striking “trans-
19 portation improvement program” and inserting
20 “STIP”;

21 (6) in subsection (h)(2)(A) by striking “Not
22 later than 5 years after the date of enactment of the
23 Federal Public Transportation Act of 2012,” and in-
24 serting “Not less frequently than once every 4
25 years,”;

1 (7) in subsection (j) by striking “transportation
2 improvement program” and inserting “STIP” each
3 place it appears; and

4 (8) in subsection (l) by striking “transportation
5 improvement programs” and inserting “STIPs”.

6 **SEC. 2109. OBLIGATION LIMITATION.**

7 Notwithstanding any other provision of law, the total
8 of all obligations from amounts made available from the
9 Mass Transit Account of the Highway Trust Fund by sub-
10 section (a) of section 5338 of title 49, United States Code,
11 shall not exceed—

12 (1) \$17,894,460,367 for fiscal year 2023;

13 (2) \$18,201,940,770 for fiscal year 2024;

14 (3) \$18,551,676,708 for fiscal year 2025; and

15 (4) \$18,901,573,693 for fiscal year 2026.

16 **SEC. 2110. PUBLIC TRANSPORTATION EMERGENCY RELIEF**
17 **FUNDS.**

18 Section 5324 of title 49, United States Code, is
19 amended by adding at the end the following:

20 “(f) IMPOSITION OF DEADLINE.—

21 “(1) IN GENERAL.—Notwithstanding any other
22 provision of law, the Secretary may not require any
23 project funded pursuant to this section to advance to
24 the construction obligation stage before the date

1 that is the last day of the sixth fiscal year after the
2 later of—

3 “(A) the date on which the Governor de-
4 clared the emergency, as described in subsection
5 (a)(2); or

6 “(B) the date on which the President de-
7 clared a major disaster, as described in such
8 subsection.

9 “(2) EXTENSION OF DEADLINE.—If the Sec-
10 retary imposes a deadline for advancement to the
11 construction obligation stage pursuant to paragraph
12 (1), the Secretary may, upon the request of the Gov-
13 ernor of the State, issue an extension of not more
14 than 1 year to complete such advancement, and may
15 issue additional extensions after the expiration of
16 any extension, if the Secretary determines the Gov-
17 ernor of the State has provided suitable justification
18 to warrant an extension.”.

19 **SEC. 2111. CERTIFICATION REQUIREMENTS.**

20 The certification requirements described in section
21 661.12 of title 49, Code of Federal Regulations, shall,
22 after the date of enactment of this Act, include a certifi-
23 cation that buses or other rolling stock (including train
24 control, communication and traction power equipment)
25 being procured do not contain or use any covered tele-

1 communications equipment or services, as such term is de-
2 fined by section 889 of the John S. McCain National De-
3 fense Authorization Act for Fiscal Year 2019 (Public Law
4 115–232).

5 **SEC. 2112. HOLD HARMLESS.**

6 Notwithstanding any other provision of law, for fiscal
7 years 2021 and 2022, the Secretary of Transportation
8 shall allow project sponsors, at the request of such spon-
9 sor, to submit ridership and service data and projections
10 collected before January 20, 2020 and projections based
11 on that data to determine project eligibility under section
12 5309 of title 49, United States Code.

13 **SEC. 2113. STUDY ON ACCESSIBILITY OF PUBLIC TRANS-**
14 **PORTATION.**

15 (a) REPORT.—Not later than 1 year after the date
16 of enactment of this Act, the Secretary of Transportation
17 shall submit to Congress a report that includes—

18 (1) a description of the challenges faced by each
19 of the populations described in subsection (b) when
20 riding public transportation; and

21 (2) recommendations to improve the accessi-
22 bility of federally-funded public transportation for
23 the populations described in subsection (b).

24 (b) COVERED POPULATIONS.—The populations de-
25 scribed in subsection (a) shall be—

- 1 (1) pregnant women; and
- 2 (2) individuals living in areas of persistent pov-
- 3 erty, as such term is defined in section 172(l) of title
- 4 23, United States Code, as added by this Act, and
- 5 individuals that are unbanked or underbanked.

6 **SEC. 2114. FORMULA FUNDS FOR RURAL AREAS.**

7 Section 5311(a)(1) of title 49, United States Code,

8 is amended—

9 (1) by striking “means a State” and inserting

10 the following: “means—

11 “(A) a State”;

12 (2) by striking “Government.” and inserting

13 “Government; or”; and

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

15 “(B) a State or local governmental entity

16 that operates a public transportation service

17 and receives and administers Federal transit

18 program grant funds for both rural and urban

19 areas.”.

1 **Subtitle B—Improving Frequency**
2 **and Ridership**

3 **SEC. 2201. MULTI-JURISDICTIONAL BUS FREQUENCY AND**
4 **RIDERSHIP COMPETITIVE GRANTS.**

5 (a) IN GENERAL.—Chapter 53 of title 49, United
6 States Code, is amended by inserting after section 5307
7 the following new section:

8 **“§ 5308. Multi-jurisdictional bus frequency and rider-**
9 **ship competitive grants**

10 “(a) IN GENERAL.—The Secretary shall make grants
11 under this section, on a competitive basis, to eligible re-
12 cipients to increase the frequency of bus service and the
13 ridership of public transit buses.

14 “(b) APPLICATIONS.—To be eligible for a grant
15 under this section, an eligible recipient shall submit to the
16 Secretary an application at such time, in such manner,
17 and containing such information as the Secretary may re-
18 quire.

19 “(c) APPLICATION TIMING.—Not later than 90 days
20 after amounts are made available to carry out this section,
21 the Secretary shall solicit grant applications from eligible
22 recipients for projects described in subsection (d).

23 “(d) USES OF FUNDS.—An eligible recipient of a
24 grant under this section shall use such grant for transpor-
25 tation capital projects that—

1 “(1) increase—

2 “(A) the frequency of bus service;

3 “(B) bus ridership; and

4 “(C) total person throughput; and

5 “(2) are consistent with, and as described in,
6 the design guidance issued by the National Associa-
7 tion of City Transportation Officials and titled
8 ‘Transit Street Design Guide’.

9 “(e) GRANT CRITERIA.—In making grants under this
10 section, the Secretary shall consider the following:

11 “(1) Each eligible recipient’s projected increase
12 in bus frequency.

13 “(2) Each eligible recipient’s projected increase
14 in bus ridership.

15 “(3) Each eligible recipient’s projected increase
16 in total person throughput.

17 “(4) The degree of regional collaboration de-
18 scribed in each eligible recipient’s application, in-
19 cluding collaboration with—

20 “(A) a local government entity that oper-
21 ates a public transportation service;

22 “(B) local government agencies that con-
23 trol street design;

24 “(C) metropolitan planning organizations
25 (as such term is defined in section 5303); and

1 “(D) State departments of transportation.

2 “(f) GRANT TIMING.—The Secretary shall award
3 grants under this section not later than 120 days after
4 the date on which the Secretary completes the solicitation
5 described in subsection (e).

6 “(g) REQUIREMENTS OF THE SECRETARY.—In car-
7 rying out the program under this section, the Secretary
8 shall—

9 “(1) not later than the date described in sub-
10 section (c), publish in the Federal Register a list of
11 all metrics and evaluation procedures to be used in
12 making grants under this section; and

13 “(2) publish in the Federal Register—

14 “(A) a summary of the final metrics and
15 evaluations used in making grants under this
16 section; and

17 “(B) a list of the ratings of eligible recipi-
18 ents receiving a grant under this section based
19 on such metrics and evaluations.

20 “(h) FEDERAL SHARE.—

21 “(1) IN GENERAL.—The Federal share of the
22 cost of a project carried out under this section shall
23 not exceed 80 percent.

24 “(2) RESTRICTION ON GRANT AMOUNTS.—The
25 Secretary may make a grant for a project under this

1 section in an amount up to 150 percent of the
2 amount—

3 “(A) provided for such project under title
4 23; and

5 “(B) provided for such project from non-
6 Federal funds budgeted for roadways.

7 “(i) REQUIREMENTS OF SECTION 5307.—Except as
8 otherwise provided in this section, a grant under this sec-
9 tion shall be subject to the requirements of section 5307.

10 “(j) AVAILABILITY OF FUNDS.—

11 “(1) IN GENERAL.—Amounts made available to
12 carry out this section shall remain available for 4
13 fiscal years after the fiscal year for which the
14 amount was made available.

15 “(2) UNOBLIGATED AMOUNTS.—After the expi-
16 ration of the period described in paragraph (1) for
17 an amount made available to carry out this section,
18 any unobligated amounts made available to carry out
19 this section shall be added to the amounts made
20 available for the following fiscal year.

21 “(k) ELIGIBLE RECIPIENTS.—In this section, the
22 term ‘eligible recipient’ means a recipient of a grant under
23 section 5307 in an urbanized area with a population great-
24 er than 500,000.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 53 of title 49, United States Code, is amended by in-
3 serting after the item relating to section 5307 the fol-
4 lowing new item:

“5308. Multi-jurisdictional bus frequency and ridership competitive grants.”.

5 **SEC. 2202. INCENTIVIZING FREQUENCY IN THE URBAN FOR-**
6 **MULA.**

7 Section 5336 of title 49, United States Code, is
8 amended—

9 (1) in subsection (b)—

10 (A) in paragraph (2)—

11 (i) in subparagraph (A)—

12 (I) in the matter preceding clause

13 (i) by striking “95.61 percent” and
14 inserting “95 percent”;

15 (II) in clause (i) by striking
16 “95.61 percent” and inserting “95
17 percent”; and

18 (III) in clause (ii) by striking
19 “95.61 percent” and inserting “95
20 percent”; and

21 (ii) in subparagraph (B)—

22 (I) in the matter preceding clause

23 (i) by striking “4.39 percent” and in-
24 serting “5 percent”;

25 (II) in clause (i)—

1 (aa) by inserting “in the
2 highest 25 percent of routes by
3 ridership” before “multiplied
4 by”; and

5 (bb) by striking “vehicle
6 passenger miles traveled for each
7 dollar of operating cost in an
8 area” and inserting “vehicles op-
9 erating in peak revenue service
10 per hour in the highest 25 per-
11 cent of routes by ridership”; and
12 (III) in clause (ii)—

13 (aa) by inserting “in the
14 highest 25 percent of routes by
15 ridership” before “multiplied
16 by”; and

17 (bb) by striking “vehicle
18 passenger miles traveled for each
19 dollar of operating cost in all
20 areas” and inserting “vehicles
21 operating in peak revenue service
22 per hour in the highest 25 per-
23 cent of routes by ridership”; and

24 (B) by adding at the end the following:

1 “(3) SPECIAL RULE.—For fiscal years 2023
2 and 2024, the percentage—

3 “(A) in paragraph (2)(A) in the matter
4 preceding clause (i) shall be treated as 100 per-
5 cent; and

6 “(B) in paragraph (2)(B) in the matter
7 preceding clause (i) shall be treated as 0 per-
8 cent.”;

9 (2) in subsection (c)—

10 (A) in paragraph (1) by striking “90.8
11 percent” and inserting “90 percent” each place
12 it appears;

13 (B) in paragraph (2)—

14 (i) by striking “9.2 percent” and in-
15 serting “8 percent”;

16 (ii) by striking “200,000” and insert-
17 ing “500,000”;

18 (iii) by striking subparagraph (A) and
19 inserting the following:

20 “(A) the number of bus passenger miles
21 traveled on the highest 25 percent of routes by
22 ridership multiplied by the number of buses op-
23 erating in peak revenue service per hour on the
24 highest 25 percent of routes by ridership; di-
25 vided by”; and

1 (iv) by striking subparagraph (B) and
2 inserting the following:

3 “(B) the total number of bus passenger
4 miles traveled on the highest 25 percent of
5 routes by ridership multiplied by the total num-
6 ber of buses operating in peak revenue service
7 per hour on the highest 25 percent of routes by
8 ridership in all areas.”; and

9 (C) by adding at the end the following:

10 “(3) Two percent of the total amount appor-
11 tioned under this subsection shall be apportioned so
12 that each urbanized area with a population of at
13 least 200,000 and less than 500,000 is entitled to
14 receive an amount using the formula in paragraph
15 (1).

16 “(4) For fiscal years 2023 and 2024, the per-
17 centage—

18 “(A) in paragraph (1) in the matter pre-
19 ceding subparagraph (A) shall be treated as
20 100 percent;

21 “(B) in paragraph (2) in the matter pre-
22 ceding subparagraph (A) shall be treated as 0
23 percent; and

24 “(C) in paragraph (3) shall be treated as
25 0 percent.”; and

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

2 “(k) PEAK REVENUE SERVICE DEFINED.—In this
3 section, the term ‘peak revenue service’ means the time
4 period between the time in the morning that an agency
5 first exceeds the number of midday vehicles in revenue
6 service and the time in the evening that an agency falls
7 below the number of midday vehicles in revenue service.”.

8 **SEC. 2203. MOBILITY INNOVATION.**

9 (a) IN GENERAL.—Chapter 53 of title 49, United
10 States Code, is amended by inserting after section 5315
11 the following new section:

12 **“§ 5316. Mobility innovation**

13 “(a) IN GENERAL.—Amounts made available to a
14 covered recipient to carry out sections 5307, 5310, and
15 5311 may be used by such covered recipient under this
16 section to assist in the financing of—

17 “(1) mobility as a service; and

18 “(2) mobility on demand services.

19 “(b) FEDERAL SHARE.—

20 “(1) IN GENERAL.—Except as provided in para-
21 graphs (2) and (3), the Federal share of the net cost
22 of a project carried out under this section shall not
23 exceed 70 percent.

24 “(2) INSOURCING INCENTIVE.—Notwith-
25 standing paragraph (1), the Federal share of the net

1 cost of a project described in paragraph (1) shall, at
2 the request of the project sponsor, be increased by
3 up to 10 percent for mobility on demand service op-
4 erated exclusively by personnel employed by the re-
5 cipient.

6 “(3) ZERO EMISSION INCENTIVE.—Notwith-
7 standing paragraph (1), the Federal share of the net
8 cost of a project described in paragraph (1) shall, at
9 the request of the project sponsor, be increased by
10 up to 10 percent if such project involves an eligible
11 use that uses a vehicle that produces zero carbon di-
12 oxide or particulate matter.

13 “(c) ELIGIBLE USES.—

14 “(1) IN GENERAL.—The Secretary shall publish
15 guidance describing eligible activities that are dem-
16 onstrated to—

17 “(A) increase transit ridership;

18 “(B) be complementary to fixed route tran-
19 sit service;

20 “(C) demonstrate meaningful improve-
21 ments in—

22 “(i) environmental metrics, including
23 standards established pursuant to the
24 Clean Air Act (42 U.S.C. 7401 et seq.)
25 and greenhouse gas performance targets

1 established pursuant to section 150(d) of
2 title 23;

3 “(ii) traffic congestion;

4 “(iii) compliance with the require-
5 ments under the Americans with Disabil-
6 ities Act of 1990 (42 U.S.C. 12101 et
7 seq.);

8 “(iv) low-income service to increase
9 access to employment, healthcare, and
10 other essential services;

11 “(v) service during times of the day
12 when regular transit service is not oper-
13 ating, as long as regular transit service
14 hours are not reduced;

15 “(vi) new service that operates in
16 areas of lower density that are unserved or
17 underserved by regular transit service;

18 “(vii) rural service; and

19 “(viii) improvement in paratransit
20 service quality.

21 “(2) FARE COLLECTION MODERNIZATION.—In
22 developing guidance referred to in this section, the
23 Secretary shall ensure that—

24 “(A) all costs associated with installing,
25 modernizing, and managing fare collection, in-

1 including touchless payment systems, shall be
2 considered eligible expenses under this title and
3 subject to the applicable Federal share; and

4 “(B) such guidance includes guidance on
5 how agencies shall provide unbanked and
6 underbanked users with an opportunity to ben-
7 efit from mobility as a service platforms.

8 “(3) PROHIBITION ON USE OF FUNDS.—
9 Amounts used by a covered recipient for projects eli-
10 gible under this section may not be used for—

11 “(A) single passenger vehicle miles (in a
12 passenger motor vehicle, as such term is de-
13 fined in section 32101, that carries less than 9
14 passengers), unless the trip—

15 “(i) meets the definition of public
16 transportation; and

17 “(ii) begins or completes a fixed route
18 public transportation trip;

19 “(B) deadhead vehicle miles; or

20 “(C) any service considered a taxi service
21 that operates under an exemption from testing
22 requirements under section 5331.

23 “(d) FEDERAL REQUIREMENTS.—A project carried
24 out under this section shall be treated as if such project
25 were carried out under the section from which the funds

1 were provided to carry out such project, including the ap-
2 plication of any additional requirements provided for by
3 law that apply to section 5307, 5310, or 5311, as applica-
4 ble.

5 “(e) WAIVER.—

6 “(1) INDIVIDUAL WAIVER.—Except as provided
7 in paragraphs (2) and (3), the Secretary may waive
8 any requirement applied to a project carried out
9 under this section pursuant to subsection (d) if the
10 Secretary determines that the project would—

11 “(A) not undermine labor standards;

12 “(B) increase employment opportunities of
13 the recipient unless the Secretary determines
14 that such a waiver does not affect employment
15 opportunities; and

16 “(C) be consistent with the public interest.

17 “(2) WAIVER UNDER OTHER SECTIONS.—The
18 Secretary may not waive any requirement under
19 paragraph (1) for which a waiver is otherwise avail-
20 able.

21 “(3) PROHIBITION OF WAIVER.—Notwith-
22 standing paragraph (1), the Secretary may not
23 waive any requirement of—

24 “(A) section 5333;

25 “(B) section 5331;

1 “(C) section 5302(14); and

2 “(D) chapter 53 that establishes a maximum Federal share for operating costs.

3 “(4) APPLICATION OF SECTION 5320.—Notwithstanding paragraphs (1) and (2), the Secretary may
4 only waive the requirements of section 5320 with respect to—
5 respect to—

6 “(A) a passenger vehicle owned by an individual;
7 individual;

8 “(B) subsection (q) of such section for any
9 passenger vehicle not owned by an individual
10 for the period beginning on the date of enactment
11 of this section and ending 3 years after
12 such date;

13 “(C) any shared micromobility device for
14 the period beginning on the date of enactment
15 of this section and ending on the date that is
16 3 years after such date; and

17 “(D) rolling stock that is part of a dedicated fleet of vehicles for the provision of micro-
18 transit that is operated by, or exclusively on behalf of, the covered recipient for the period beginning on the date of enactment of this section
19 and ending on the date that is 3 years after
20 such date.
21 such date.
22 such date.
23 such date.
24 such date.
25 such date.

1 “(5) LIMITATION.—A waiver issued under sub-
2 paragraphs (B), (C), or (D) of paragraph (4) may
3 only be issued on an individual project basis at the
4 request of the covered recipient and may not be re-
5 newed or extended beyond the initial 3-year period
6 of the waiver.

7 “(f) OPEN DATA STANDARDS.—

8 “(1) IN GENERAL.—Not later than 90 days
9 after the date of enactment of this section, the Sec-
10 retary shall initiate procedures under subchapter III
11 of chapter 5 of title 5 to develop an open data stand-
12 ard and an application programming interface nec-
13 essary to carry out this section.

14 “(2) REGULATIONS.—The regulations required
15 under paragraph (1) shall require public transpor-
16 tation agencies, mobility on demand providers, mo-
17 bility as a service technology providers, other non-
18 government actors, and local governments the effi-
19 cient means to transfer data to—

20 “(A) foster the efficient use of transpor-
21 tation capacity;

22 “(B) enhance the management of new
23 modes of mobility;

24 “(C) enable the use of innovative planning
25 tools;

1 “(D) enable single payment systems for all
2 mobility on demand services;

3 “(E) establish metropolitan planning orga-
4 nization, State, and local government access to
5 anonymized data for transportation planning,
6 real time operations data, and rules;

7 “(F) prohibit the transfer of personally
8 identifiable information;

9 “(G) protect confidential business informa-
10 tion;

11 “(H) enhance cybersecurity protections;
12 and

13 “(I) allow data governance, including but
14 not limited to licensing and terms of informa-
15 tion sharing, periodic risk assessments, policies
16 regarding data retention and information han-
17 dling policies, and anonymization techniques.

18 “(3) PROHIBITION ON FOR PROFIT ACTIVITY.—
19 Any data received by an entity under this subsection
20 may not be sold, leased, or otherwise used to gen-
21 erate profit, except for the direct provision of the re-
22 lated mobility on demand services and mobility as a
23 service.

24 “(4) COMMITTEE.—A negotiated rulemaking
25 committee established pursuant to section 565 of

1 title 5 to carry out this subsection shall have a max-
2 imum of 17 members limited to representatives of
3 the Department of Transportation, State and local
4 governments, metropolitan planning organizations,
5 urban and rural covered recipients, associations that
6 represent public transit agencies, representatives
7 from at least 3 different organizations engaged in
8 collective bargaining on behalf of transit workers in
9 not fewer than 3 States, mobility on demand pro-
10 viders, and mobility as a service technology pro-
11 viders.

12 “(5) PUBLICATION OF PROPOSED REGULA-
13 TIONS.—Proposed regulations to implement this sec-
14 tion shall be published in the Federal Register by
15 the Secretary not later than 18 months after such
16 date of enactment.

17 “(6) EXTENSION OF DEADLINES.—A deadline
18 set forth in paragraph (4) may be extended up to
19 180 days if the negotiated rulemaking committee re-
20 ferred to in paragraph (5) concludes that the com-
21 mittee cannot meet the deadline and the Secretary
22 so notifies the Committee on Transportation and In-
23 frastructure of the House of Representatives and the
24 Committee on Banking, Housing, and Urban Affairs
25 of the Senate.

1 “(g) APPLICATION OF RECIPIENT VEHICLE REV-
2 ENUE MILES.—With respect to vehicle revenue miles with
3 one passenger of a covered recipient using amounts under
4 this section, such miles—

5 “(1) shall be included in the National Transit
6 Database under section 5335; and

7 “(2) shall be excluded from vehicle revenue
8 miles data used in the calculation described in sec-
9 tion 5336.

10 “(h) SAVINGS CLAUSE.—Subsection (c)(2) and sub-
11 section (g) shall not apply to any eligible activities under
12 this section if such activities are—

13 “(1) being carried out in compliance with the
14 Americans with Disabilities Act of 1990 (42 U.S.C.
15 12101 et seq.); or

16 “(2) projects eligible under section 5310 that
17 exceed the requirements of the Americans with Dis-
18 abilities Act of 1990 (42 U.S.C. 12101 et seq.).

19 “(i) DEFINITIONS.—In this section:

20 “(1) COVERED RECIPIENT.—The term ‘covered
21 recipient’ means a State or local government entity,
22 private nonprofit organization, or Tribe that—

23 “(A) operates a public transportation serv-
24 ice; and

1 “(B) is a recipient or subrecipient of funds
2 under section 5307, 5310, or 5311.

3 “(2) DEADHEAD VEHICLE MILES.—The term
4 ‘deadhead vehicle miles’ means the miles that a vehi-
5 cle travels when out of revenue service, including
6 leaving or returning to the garage or yard facility,
7 changing routes, when there is no expectation of car-
8 rying revenue passengers, and any miles traveled by
9 a private operator without a passenger.

10 “(3) MOBILITY AS A SERVICE.—The term ‘mo-
11 bility as a service’ means services that constitute the
12 integration of mobility on demand services and pub-
13 lic transportation that are available and accessible to
14 all travelers, provide multimodal trip planning, and
15 a unified payment system.

16 “(4) MOBILITY ON DEMAND.—The term ‘mobil-
17 ity on demand’ means an on-demand transportation
18 service shared among individuals, either concurrently
19 or one after another.”.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 53 of title 49, United States Code, is amended by in-
22 serting after the item relating to section 5315 the fol-
23 lowing new item:

 “5316. Mobility innovation.”.

24 (c) EFFECTIVE DATE.—This section and the amend-
25 ments made by this section shall take effect on the date

1 on which the Secretary of Transportation has finalized
2 both—

3 (1) the guidance required under section 5316(c)
4 of title 49, United States Code; and

5 (2) the regulations required under section
6 5316(f) of title 49, United States Code.

7 (d) SAVINGS CLAUSE.—Nothing in this section, or
8 the amendments made by this section, shall prohibit the
9 use of funds for an eligible activity or pilot project of a
10 covered recipient authorized under the law in effect on the
11 day before the date of enactment of this Act before the
12 effective date described in subsection (c).

13 **SEC. 2204. FORMULA GRANTS FOR RURAL AREAS.**

14 Section 5311 of title 49, United States Code, is
15 amended—

16 (1) in subsection (b)—

17 (A) in paragraph (2) by adding at the end
18 the following:

19 “(D) CENSUS DESIGNATION.—The Sec-
20 retary may approve a State program that allo-
21 cates not more than 5 percent of such State’s
22 apportionment to assist rural areas that were
23 redesignated as urban areas not more than 2
24 fiscal years after the last census designation of
25 urbanized area boundaries.”; and

1 (B) in paragraph (3) by striking “section
2 5338(a)(2)(F)” and inserting “section
3 5338(a)(2)(E)”;

4 (2) in subsection (c)—

5 (A) in paragraph (1)—

6 (i) in the matter preceding subpara-
7 graph (A) by striking “section
8 5338(a)(2)(F)” and inserting “section
9 5338(a)(2)(E)”;

10 (ii) in subparagraph (A) by striking
11 “\$5,000,000” and inserting
12 “\$10,000,000”; and

13 (iii) in subparagraph (B) by striking
14 “\$30,000,000” and inserting “the amount
15 remaining under section 5338(a)(2)(E)(i)
16 after the amount under subparagraph (A)
17 is distributed”;

18 (B) in paragraph (2)(C) by striking “sec-
19 tion 5338(a)(2)(F)” and inserting “section
20 5338(a)(2)(E)”;

21 (C) in paragraph (3)—

22 (i) in subparagraph (A) by striking
23 “section 5338(a)(2)(F)” and inserting
24 “section 5338(a)(2)(E)”;

1 (ii) by striking subparagraphs (B) and
2 (C) and inserting the following:

3 “(B) LAND AREA.—

4 “(i) IN GENERAL.—Subject to clause
5 (ii), each State shall receive an amount
6 that is equal to 15 percent of the amount
7 apportioned under this paragraph, multi-
8 plied by the ratio of the land area in rural
9 areas in that State and divided by the land
10 area in all rural areas in the United
11 States, as shown by the most recent decen-
12 nial census of population.

13 “(ii) MAXIMUM APPORTIONMENT.—
14 No State shall receive more than 5 percent
15 of the amount apportioned under clause
16 (i).

17 “(C) POPULATION.—Each State shall re-
18 ceive an amount equal to 50 percent of the
19 amount apportioned under this paragraph, mul-
20 tiplied by the ratio of the population of rural
21 areas in that State and divided by the popu-
22 lation of all rural areas in the United States, as
23 shown by the most recent decennial census of
24 population.

25 “(D) VEHICLE REVENUE MILES.—

1 “(i) IN GENERAL.—Subject to clause
2 (ii), each State shall receive an amount
3 that is equal to 25 percent of the amount
4 apportioned under this paragraph, multi-
5 plied by the ratio of vehicle revenue miles
6 in rural areas in that State and divided by
7 the vehicle revenue miles in all rural areas
8 in the United States, as determined by na-
9 tional transit database reporting.

10 “(ii) MAXIMUM APPORTIONMENT.—
11 No State shall receive more than 5 percent
12 of the amount apportioned under clause
13 (i).

14 “(E) LOW-INCOME INDIVIDUALS.—Each
15 State shall receive an amount that is equal to
16 10 percent of the amount apportioned under
17 this paragraph, multiplied by the ratio of low-
18 income individuals in rural areas in that State
19 and divided by the number of low-income indi-
20 viduals in all rural areas in the United States,
21 as shown by the Bureau of the Census.”;

22 (3) in subsection (f)—

23 (A) in paragraph (1) by inserting “A State
24 may expend funds to continue service into an-

1 other State to extend a route.” before “Eligible
2 activities under”;

3 (B) in paragraph (2) by inserting “and
4 makes the certification and supporting docu-
5 ments publicly available” before the period at
6 the end; and

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

8 “(3) MEANINGFUL CONNECTIONS.—All projects
9 funded under this subsection shall directly serve, or
10 make meaningful scheduled connections to, the na-
11 tional intercity bus network.”; and

12 (4) in subsection (g) by adding at the end the
13 following:

14 “(6) ALLOWANCE FOR VOLUNTEER HOURS.—

15 “(A) APPLICABLE REGULATIONS.—For
16 any funds provided by a department or agency
17 of the Government under paragraph (3)(D) or
18 by a service agreement under paragraph (3)(C),
19 and such department or agency has regulations
20 in place that provide for the valuation of volun-
21 teer hours as allowable in-kind contributions to-
22 ward the non-Federal share of project costs,
23 such regulations shall be used to determine the
24 allowable valuation of volunteer hours as an in-
25 kind contribution toward the non-Federal re-

1 mainder of net project costs for a transit
2 project funded under this section.

3 “(B) LIMITATIONS.—Subparagraph (A)
4 shall not apply to the provision of fixed-route
5 bus services funded under this section.”.

6 **SEC. 2205. ONE-STOP PARATRANSIT PROGRAM.**

7 Section 5310 of title 49, United States Code, is
8 amended by adding at the end the following:

9 “(j) ONE-STOP PARATRANSIT PROGRAM.—

10 “(1) IN GENERAL.—Not later than 6 months
11 after the date of enactment of this subsection, the
12 Secretary shall establish a one-stop paratransit com-
13 petitive grant program to encourage an extra stop in
14 non-fixed route Americans with Disabilities Act of
15 1990 (42 U.S.C. 12101 et seq.) service for a para-
16 transit rider to complete essential tasks.

17 “(2) PREFERENCE.—The Secretary shall give
18 preference to eligible recipients that—

19 “(A) have comparable data for the year
20 prior to implementation of the grant program
21 and made available to the Secretary, academic
22 and nonprofit organizations for research pur-
23 poses; and

24 “(B) plan to use agency personnel to im-
25 plement the pilot program.

1 “(3) APPLICATION CRITERIA.—To be eligible to
2 participate in the grant program, an eligible recipi-
3 ent shall submit to the Secretary an application con-
4 taining such information as the Secretary may re-
5 quire, including information on—

6 “(A) locations the eligible entity intends to
7 allow a stop at, if stops are limited, including—

8 “(i) childcare or education facilities;

9 “(ii) pharmacies;

10 “(iii) grocery stores; and

11 “(iv) bank or ATM locations;

12 “(B) methodology for informing the public
13 of the grant program;

14 “(C) vehicles, personnel, and other re-
15 sources that will be used to implement the
16 grant program;

17 “(D) if the applicant does not intend the
18 grant program to apply to the full area under
19 the jurisdiction of the applicant, a description
20 of the geographic area in which the applicant
21 intends the grant program to apply; and

22 “(E) the anticipated amount of increased
23 operating costs.

24 “(4) SELECTION.—The Secretary shall seek to
25 achieve diversity of participants in the grant pro-

1 gram by selecting a range of eligible entities that in-
2 cludes at least—

3 “(A) 5 eligible recipients that serve an
4 area with a population of 50,000 to 200,000;

5 “(B) 10 eligible recipients that serve an
6 area with a population of over 200,000; and

7 “(C) 5 eligible recipients that provide
8 transportation for rural communities.

9 “(5) DATA-SHARING CRITERIA.—An eligible re-
10 cipient in this subsection shall provide data as the
11 Secretary requires, which may include—

12 “(A) number of ADA paratransit trips
13 conducted each year;

14 “(B) requested time of each paratransit
15 trip;

16 “(C) scheduled time of each paratransit
17 trip;

18 “(D) actual pickup time for each para-
19 transit trip;

20 “(E) average length of a stop in the middle
21 of a ride as allowed by this subsection;

22 “(F) any complaints received by a para-
23 transit rider;

24 “(G) rider satisfaction with paratransit
25 services; and

1 “(H) after the completion of the grant, an
2 assessment by the eligible recipient of its capac-
3 ity to continue a one-stop program independ-
4 ently.

5 “(6) REPORT.—

6 “(A) IN GENERAL.—The Secretary shall
7 make publicly available an annual report on the
8 program carried out under this subsection for
9 each fiscal year, not later than December 31 of
10 the calendar year in which such fiscal year
11 ends.

12 “(B) CONTENTS.—The report required
13 under subparagraph (A) shall include a detailed
14 description of the activities carried out under
15 the program, and an evaluation of the program,
16 including an evaluation of the data shared by
17 eligible recipients under paragraph (5).”.

18 **SEC. 2206. NEW MUNICIPAL TRANSIT SERVICES TO BETTER**
19 **CONNECT COMMUNITIES.**

20 Section 5336 of title 49, United States Code, is fur-
21 ther amended by adding at the end the following:

22 “(l) PASS THROUGH FUNDING.—

23 “(1) PASS THROUGH TO SERVICE PROVIDERS.—
24 Designated recipients, upon request of a provider of
25 new public transportation service, shall enter into a

1 split letter or some other agreement under which not
2 less than 80 percent of the funding apportioned
3 under subparagraphs (A)(i) and (B)(i) of subsection
4 (c)(1) to a service provider that results from the
5 provision of new qualified transit services provided
6 by such provider is passed through to such provider
7 so long as the following conditions are met—

8 “(A) the service being provided as well as
9 the service provider are eligible for assistance
10 and meets or exceeds all Federal Transit Ad-
11 ministration requirements, including the re-
12 quirements of sections 5320 and 5333;

13 “(B) the service provided has submitted
14 the appropriate data to the National Transit
15 Database or has submitted such data to an-
16 other regional entity for submission to the Na-
17 tional Transit Database;

18 “(C) the service provider is eligible to be a
19 recipient of Federal transit funds;

20 “(D) the service provider is able to use the
21 funding for continued service or expansion of el-
22 igible transit services so long as any new service
23 being provided does not duplicate existing serv-
24 ice being provided; and

1 “(E) the regional metropolitan planning
2 organization does not opt out of the pass-
3 through requirement as allowed by paragraph
4 (2).

5 “(2) OPT-OUT.—A metropolitan planning orga-
6 nization may elect to have designated recipients
7 within the metropolitan planning area opt-out if
8 such planning organization certifies with the Sec-
9 retary that 1 of the following conditions are met:

10 “(A) The new service has not met the con-
11 ditions outlined by paragraph (1) of this sub-
12 section.

13 “(B) The new service does not address or
14 align with the policies and goals identified in
15 the region’s transportation plan.

16 “(C) The metropolitan planning organiza-
17 tion or designated recipient has in place a proc-
18 ess or policy that addresses multi-agency or re-
19 gional issues with formula funds and includes
20 an opportunity for new service providers to par-
21 ticipate and receive necessary funding from
22 such policy or program.

23 “(3) DEFINITIONS.—In this subsection:

24 “(A) NEW TRANSIT SERVICES.—The term
25 ‘new transit services’ means public transpor-

1 tation services whereby data from the provision
2 of services has previously not been submitted to
3 the national transit database and is service cre-
4 ated to increase access to public transportation,
5 address areas which are not adequately serviced
6 by high frequency public transportation, create
7 first and last mile connections to existing public
8 transportation services, or provide access to
9 public transportation to long distance commute
10 routes where no or limited service previously ex-
11 isted.

12 “(B) SERVICE PROVIDER.—The term ‘serv-
13 ice provider’—

14 “(i) has the meaning given the term
15 ‘local government authority’ in section
16 5302; and

17 “(ii) means a public transportation
18 agency.”.

19 **Subtitle C—Buy America and** 20 **Other Procurement Reforms**

21 **SEC. 2301. BUY AMERICA.**

22 (a) BUY AMERICA.—

23 (1) IN GENERAL.—Chapter 53 of title 49,
24 United States Code, is amended by inserting before
25 section 5321 the following:

1 **“§ 5320. Buy America**

2 “(a) IN GENERAL.—The Secretary may obligate an
3 amount that may be appropriated to carry out this chapter
4 for a project only if the steel, iron, and manufactured
5 goods used in the project are produced in the United
6 States.

7 “(b) WAIVER.—The Secretary may waive subsection
8 (a) if the Secretary finds that—

9 “(1) applying subsection (a) would be incon-
10 sistent with the public interest;

11 “(2) the steel, iron, and goods produced in the
12 United States are not produced in a sufficient and
13 reasonably available amount or are not of a satisfac-
14 tory quality;

15 “(3) when procuring rolling stock (including
16 train control, communication, traction power equip-
17 ment, and rolling stock prototypes) under this chap-
18 ter—

19 “(A) the cost of components and sub-
20 components produced in the United States is
21 more than 70 percent of the cost of all compo-
22 nents of the rolling stock; and

23 “(B) final assembly of the rolling stock has
24 occurred in the United States; or

1 “(4) including domestic material will increase
2 the cost of the overall project by more than 25 per-
3 cent.

4 “(c) WRITTEN WAIVER DETERMINATION AND AN-
5 NUAL REPORT.—

6 “(1) WAIVER PROCEDURE.—Not later than 120
7 days after the submission of a request for a waiver,
8 the Secretary shall make a determination under sub-
9 section (b)(1), (b)(2), or (b)(4) as to whether to
10 waive subsection (a).

11 “(2) PUBLIC NOTIFICATION AND COMMENT.—

12 “(A) IN GENERAL.—Not later than 30
13 days before making a determination regarding a
14 waiver described in paragraph (1), the Sec-
15 retary shall provide notification and an oppor-
16 tunity for public comment on the request for
17 such waiver.

18 “(B) NOTIFICATION REQUIREMENTS.—The
19 notification required under subparagraph (A)
20 shall—

21 “(i) describe whether the application
22 is being made for a waiver described in
23 subsection (b)(1), (b)(2) or (b)(4); and

1 “(ii) be provided to the public by elec-
2 tronic means, including on a public website
3 of the Department of Transportation.

4 “(3) DETERMINATION.—Before a determination
5 described in paragraph (1) takes effect, the Sec-
6 retary shall publish a detailed justification for such
7 determination that addresses all public comments re-
8 ceived under paragraph (2)—

9 “(A) on the public website of the Depart-
10 ment of Transportation; and

11 “(B) if the Secretary issues a waiver with
12 respect to such determination, in the Federal
13 Register.

14 “(4) ANNUAL REPORT.—Annually, the Sec-
15 retary shall submit to the Committee on Banking,
16 Housing, and Urban Affairs of the Senate and the
17 Committee on Transportation and Infrastructure of
18 the House of Representatives a report listing any
19 waiver issued under paragraph (1) during the pre-
20 ceding year.

21 “(d) ROLLING STOCK WAIVER CONDITIONS.—

22 “(1) LABOR COSTS FOR FINAL ASSEMBLY.—In
23 this section, highly skilled labor costs involved in
24 final assembly shall be included as a separate com-

1 ponent in the cost of components and subcompo-
2 nents under subsection (b)(3)(A).

3 “(2) HIGH DOMESTIC CONTENT COMPONENT
4 BONUS.—In this section, in calculating the domestic
5 content of the rolling stock under subsection
6 (b)(3)(A), the percent, rounded to the nearest whole
7 number, of the domestic content in components of
8 such rolling stock, weighted by cost, shall be used in
9 calculating the domestic content of the rolling stock,
10 except—

11 “(A) with respect to components that ex-
12 ceed—

13 “(i) 70 percent domestic content, the
14 Secretary shall add 10 additional percent
15 to the component’s domestic content when
16 calculating the domestic content of the
17 rolling stock; and

18 “(ii) 75 percent domestic content, the
19 Secretary shall add 15 additional percent
20 to the component’s domestic content when
21 calculating the domestic content of the
22 rolling stock; and

23 “(B) in no case may a component exceed
24 100 percent domestic content when calculating
25 the domestic content of the rolling stock.

1 “(3) ROLLING STOCK FRAMES OR CAR
2 SHELLS.—

3 “(A) INCLUSION OF COSTS.—Subject to
4 the substantiation requirement of subparagraph
5 (B), in calculating the cost of the domestic con-
6 tent of the rolling stock under subsection
7 (b)(3), in the case of a rolling stock procure-
8 ment receiving assistance under this chapter in
9 which the average cost of a rolling stock vehicle
10 in the procurement is more than \$300,000, if
11 rolling stock frames or car shells are not pro-
12 duced in the United States, the Secretary shall
13 include in the calculation of the domestic con-
14 tent of the rolling stock the cost of the steel or
15 iron that is produced in the United States and
16 used in the rolling stock frames or car shells.

17 “(B) SUBSTANTIATION.—If a rolling stock
18 vehicle manufacturer wishes to include in the
19 calculation of the vehicle’s domestic content the
20 cost of steel or iron produced in the United
21 States and used in the rolling stock frames and
22 car shells that are not produced in the United
23 States, the manufacturer shall maintain and
24 provide upon request a mill certification that
25 substantiates the origin of the steel or iron.

1 “(4) TREATMENT OF WAIVED COMPONENTS
2 AND SUBCOMPONENTS.—In this section, a compo-
3 nent or subcomponent waived under subsection (b)
4 shall be excluded from any part of the calculation re-
5 quired under subsection (b)(3)(A).

6 “(5) ZERO-EMISSION VEHICLE DOMESTIC BAT-
7 TERY CELL INCENTIVE.—The Secretary shall add
8 2.5 percent to the total domestic content when calcu-
9 lating the domestic content of the rolling stock for
10 any zero-emission vehicle that uses only battery cells
11 for propulsion that are manufactured domestically.

12 “(6) PROHIBITION ON DOUBLE COUNTING.—

13 “(A) IN GENERAL.—No labor costs in-
14 cluded in the cost of a component or subcompo-
15 nent by the manufacturer of rolling stock may
16 be treated as rolling stock assembly costs for
17 purposes of calculating domestic content.

18 “(B) VIOLATION.—A violation of this para-
19 graph shall be treated as a false claim under
20 subchapter III of chapter 37 of title 31.

21 “(7) DEFINITION OF HIGHLY SKILLED LABOR
22 COSTS.—In this subsection, the term ‘highly skilled
23 labor costs’—

24 “(A) means the apportioned value of direct
25 wage compensation associated with final assem-

1 bly activities of workers directly employed by a
2 rolling stock original equipment manufacturer
3 and directly associated with the final assembly
4 activities of a rolling stock vehicle that advance
5 the value or improve the condition of the end
6 product;

7 “(B) does not include any temporary or in-
8 direct activities or those hired via a third-party
9 contractor or subcontractor;

10 “(C) are limited to metalworking, fabrica-
11 tion, welding, electrical, engineering, and other
12 technical activities requiring training;

13 “(D) are not otherwise associated with ac-
14 tivities required under section 661.11 of title
15 49, Code of Federal Regulations; and

16 “(E) includes only activities performed in
17 the United States and does not include that of
18 foreign nationals providing assistance at a
19 United States manufacturing facility.

20 “(e) CERTIFICATION OF DOMESTIC SUPPLY AND
21 DISCLOSURE.—

22 “(1) CERTIFICATION OF DOMESTIC SUPPLY.—If
23 the Secretary denies an application for a waiver
24 under subsection (b)(2), the Secretary shall provide
25 to the applicant a written certification that—

1 “(A) the steel, iron, or manufactured
2 goods, as applicable, (referred to in this para-
3 graph as the ‘item’) is produced in the United
4 States in a sufficient and reasonably available
5 amount;

6 “(B) the item produced in the United
7 States is of a satisfactory quality; and

8 “(C) includes a list of known manufactur-
9 ers in the United States from which the item
10 can be obtained.

11 “(2) DISCLOSURE.—The Secretary shall dis-
12 close the waiver denial and the written certification
13 to the public in the manner described in subsection
14 (c).

15 “(f) WAIVER PROHIBITED.—The Secretary may not
16 make a waiver under subsection (b) for goods produced
17 in a foreign country if the Secretary, in consultation with
18 the United States Trade Representative, decides that the
19 government of that foreign country—

20 “(1) has an agreement with the United States
21 Government under which the Secretary has waived
22 the requirement of this section; and

23 “(2) has violated the agreement by discrimi-
24 nating against goods to which this section applies

1 that are produced in the United States and to which
2 the agreement applies.

3 “(g) PENALTY FOR MISLABELING AND MISREPRE-
4 SENTATION.—A person is ineligible under subpart 9.4 of
5 the Federal Acquisition Regulation, or any successor
6 thereto, to receive a contract or subcontract made with
7 amounts authorized under title II of division B of the IN-
8 VEST in America Act if a court or department, agency,
9 or instrumentality of the Government decides the person
10 intentionally—

11 “(1) affixed a ‘Made in America’ label, or a
12 label with an inscription having the same meaning,
13 to goods sold in or shipped to the United States that
14 are used in a project to which this section applies
15 but not produced in the United States; or

16 “(2) represented that goods described in para-
17 graph (1) were produced in the United States.

18 “(h) STATE REQUIREMENTS.—The Secretary may
19 not impose any limitation on assistance provided under
20 this chapter that restricts a State from imposing more
21 stringent requirements than this subsection on the use of
22 articles, materials, and supplies mined, produced, or man-
23 ufactured in foreign countries in projects carried out with
24 that assistance or restricts a recipient of that assistance
25 from complying with those State-imposed requirements.

1 “(i) OPPORTUNITY TO CORRECT INADVERTENT
2 ERROR.—The Secretary may allow a manufacturer or
3 supplier of steel, iron, or manufactured goods to correct
4 after bid opening any certification of noncompliance or
5 failure to properly complete the certification (but not in-
6 cluding failure to sign the certification) under this sub-
7 section if such manufacturer or supplier attests under pen-
8 alty of perjury that such manufacturer or supplier sub-
9 mitted an incorrect certification as a result of an inad-
10 vertent or clerical error. The burden of establishing inad-
11 vertent or clerical error is on the manufacturer or supplier.

12 “(j) ADMINISTRATIVE REVIEW.—A party adversely
13 affected by an agency action under this subsection shall
14 have the right to seek review under section 702 of title
15 5.

16 “(k) STEEL AND IRON.—For purposes of this section,
17 steel and iron meeting the requirements of section
18 661.5(b) of title 49, Code of Federal Regulations, may be
19 considered produced in the United States.

20 “(l) DEFINITION OF SMALL PURCHASE.—For pur-
21 poses of determining whether a purchase qualifies for a
22 general public interest waiver under subsection (b)(1), in-
23 cluding under any regulation promulgated under such sub-
24 section, the term ‘small purchase’ means a purchase of
25 not more than \$150,000.

1 “(m) PREAWARD AND POSTDELIVERY REVIEW OF
2 ROLLING STOCK PURCHASES.—

3 “(1) IN GENERAL.—The Secretary shall pre-
4 scribe regulations requiring a preaward and
5 postdelivery certification of a rolling stock vehicle
6 that meets the requirements of this section and Gov-
7 ernment motor vehicle safety requirements to be eli-
8 gible for a grant under this chapter. For compliance
9 with this section—

10 “(A) Federal inspections and review are
11 required;

12 “(B) a manufacturer certification is not
13 sufficient; and

14 “(C) a rolling stock vehicle that has been
15 certified by the Secretary remains certified until
16 the manufacturer makes a material change to
17 the vehicle, or adjusts the cost of all compo-
18 nents of the rolling stock, that reduces, by more
19 than half, the percentage of domestic content
20 above 70 percent.

21 “(2) CERTIFICATION OF PERCENTAGE.—

22 “(A) IN GENERAL.—The Secretary may, at
23 the request of a component or subcomponent
24 manufacturer, certify the percentage of domes-

1 tic content and place of manufacturing for a
2 component or subcomponent.

3 “(B) PERIOD OF CERTIFICATION.—Any
4 component or subcomponent certified by the
5 Secretary shall remain certified until the manu-
6 facturer makes a material change to the domes-
7 tic content or the place of manufacturing of
8 such component or subcomponent.

9 “(3) FREEDOM OF INFORMATION ACT.—In car-
10 rying out this subsection, the Secretary shall apply
11 the provisions of section 552 of title 5, including
12 subsection (b)(4) of such section.

13 “(4) NONCOMPLIANCE.—The Secretary shall
14 prohibit recipients from procuring rolling stock, com-
15 ponents, or subcomponents from a supplier that in-
16 tentionally provides false information to comply with
17 this subsection.

18 “(n) SCOPE.—The requirements of this section apply
19 to all contracts for a public transportation project carried
20 out within the scope of the applicable finding, determina-
21 tion, or decision under the National Environmental Policy
22 Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the
23 funding source of such contracts, if at least one contract
24 for the public transportation project is funded with
25 amounts made available to carry out this chapter.

1 “(o) BUY AMERICA CONFORMITY.—The Secretary
2 shall ensure that all Federal funds for new commuter rail
3 projects shall comply with this section and shall not be
4 subject to section 22905(a).

5 “(p) AUDITS AND REPORTING OF WASTE, FRAUD,
6 AND ABUSE.—

7 “(1) IN GENERAL.—The Inspector General of
8 the Department of Transportation shall conduct an
9 annual audit on certifications under subsection (m)
10 regarding compliance with Buy America.

11 “(2) REPORT FRAUD, WASTE, AND ABUSE.—
12 The Secretary shall display a ‘Report Fraud, Waste,
13 and Abuse’ button and link to Department of Trans-
14 portation’s Office of Inspector General Hotline on
15 the Federal Transit Administration’s Buy America
16 landing page.

17 “(3) CONTRACT REQUIREMENT.—The Secretary
18 shall require all recipients who enter into contracts
19 to purchase rolling stock with funds provided under
20 this chapter to include in such contract information
21 on how to contact the Department of Transpor-
22 tation’s Office of Inspector General Hotline to report
23 suspicions of fraud, waste, and abuse.

24 “(q) PASSENGER MOTOR VEHICLES.—

1 “(1) IN GENERAL.—Any domestically manufac-
2 tured passenger motor vehicle shall be considered to
3 be produced in the United States under this section.

4 “(2) DOMESTICALLY MANUFACTURED PAS-
5 SENGER MOTOR VEHICLE.—In this subsection, the
6 term ‘domestically manufactured passenger motor
7 vehicle’ means any passenger motor vehicle, as such
8 term is defined in section 32304(a) that—

9 “(A) has under section 32304(b)(1)(B) its
10 final assembly place in the United States; and

11 “(B) the percentage (by value) of pas-
12 senger motor equipment under section
13 32304(b)(1)(A) equals or exceeds 60 percent
14 value added.

15 “(r) ROLLING STOCK COMPONENTS AND SUBCOMPO-
16 NENTS.—No bus shell, railcar frame, or other component
17 or subcomponent that is primarily made of steel or iron
18 shall be treated as produced in the United States for pur-
19 poses of subsection (b)(3) or determined to be of domestic
20 origin under section 661.11 of title 49, Code of Federal
21 Regulations, if the material inputs of such component or
22 subcomponent were imported into the United States and
23 the processes performed in the United States on the im-
24 ported articles would not result in a change in the article’s
25 classification to chapter 86 or 87 of the Harmonized Tar-

1 iff Schedule of the United States from another chapter
2 or a new heading of any chapter from the heading under
3 which the article was classified upon entry.

4 “(s) TREATMENT OF STEEL AND IRON COMPONENTS
5 AS PRODUCED IN THE UNITED STATES.—Notwith-
6 standing any other provision of any law or any rule, regu-
7 lation, or policy of the Federal Transit Administration,
8 steel and iron components of a system, as defined in sec-
9 tion 661.3 of title 49, Code of Federal Regulations, and
10 of manufactured end products referred to in Appendix A
11 of such section, may not be considered to be produced in
12 the United States unless such components meet the re-
13 quirements of section 661.5(b) of title 49, Code of Federal
14 Regulations.

15 “(t) REQUIREMENT FOR TRANSIT AGENCIES.—Not-
16 withstanding the provisions of this section, if a transit
17 agency accepts Federal funds, such agency shall adhere
18 to the requirements of this section in procuring rolling
19 stock.”.

20 (2) CLERICAL AMENDMENT.—The analysis for
21 chapter 53 of title 49, United States Code, is
22 amended by inserting before the item relating to sec-
23 tion 5321 the following:

“5320. Buy America.”.

24 (3) CONFORMING AMENDMENTS.—

1 (A) TECHNICAL ASSISTANCE AND WORK-
2 FORCE DEVELOPMENT.—Section 5314(a)(2)(G)
3 of title 49, United States Code, is amended by
4 striking “sections 5323(j) and 5323(m)” and
5 inserting “section 5320”.

6 (B) URBANIZED AREA FORMULA
7 GRANTS.—Section 5307(c)(1)(E) of title 49,
8 United States Code, is amended by inserting “,
9 5320,” after “5323”.

10 (C) INNOVATIVE PROCUREMENT.—Section
11 3019(c)(2)(E)(ii) of the FAST Act (49 U.S.C.
12 5325 note) is amended by striking “5323(j)”
13 and inserting “5320”.

14 (b) BUS ROLLING STOCK.—Not later than 18
15 months after the date of enactment of this Act, the Sec-
16 retary of Transportation shall issue such regulations as
17 are necessary to revise Appendix B and Appendix D of
18 section 661.11 of title 49, Code of Federal Regulations,
19 with respect to bus rolling stock to maximize job creation
20 and align such section with modern manufacturing tech-
21 niques.

22 (c) RAIL ROLLING STOCK.—Not later than 30
23 months after the date of enactment of this Act, the Sec-
24 retary shall issue such regulations as are necessary to re-
25 vise subsections (t), (u), and (v) of section 661.11 of title

1 49, Code of Federal Regulations, with respect to rail roll-
2 ing stock to maximize job creation and align such section
3 with modern manufacturing techniques.

4 (d) RULE OF APPLICABILITY.—

5 (1) IN GENERAL.—Except as otherwise pro-
6 vided in this subsection, the amendments made by
7 this section shall apply to any contract entered into
8 on or after the date of enactment of this Act.

9 (2) DELAYED APPLICABILITY OF CERTAIN PRO-
10 VISIONS.—Contracts described in paragraph (1)
11 shall be subject to the following delayed applicability
12 requirements:

13 (A) Section 5320(m)(2) shall apply to con-
14 tracts entered into on or after the date that is
15 30 days after the date of enactment of this Act.

16 (B) Notwithstanding subparagraph (A),
17 section 5320(m) shall apply to contracts for the
18 procurement of bus rolling stock beginning on
19 the earlier of—

20 (i) 180 days after the date on which
21 final regulations are issued pursuant to
22 subsection (b); or

23 (ii) the date that is 1 year after the
24 date of enactment of this Act.

1 (C) Notwithstanding subparagraph (A),
2 section 5320(m) shall apply to contracts for the
3 procurement of rail rolling stock beginning on
4 the earlier of—

5 (i) 180 days after the date on which
6 final regulations are issued pursuant to
7 subsection (c); or

8 (ii) the date that is 2 years after the
9 date of enactment of this Act.

10 (D) Section 5320(p)(1) shall apply on the
11 date that is 1 year after the latest of the appli-
12 cation dates described in subparagraphs (A)
13 through (C).

14 (3) SPECIAL RULE FOR CERTAIN CONTRACTS.—
15 For any contract described in paragraph (1) for
16 which the delivery for the first production vehicle oc-
17 curs before October 1, 2024, paragraphs (1) and (4)
18 of section 5320(d) shall not apply.

19 (4) SPECIAL RULE FOR BATTERY CELL INCEN-
20 TIVES.—For any contract described in paragraph
21 (1) for which the delivery for the first production ve-
22 hicle occurs before October 1, 2023, section
23 5320(d)(5) shall not apply.

24 (5) APPLICATION OF EXISTING LAW.—During
25 any periods described in this subsection, the Sec-

1 retary shall apply the requirements of sections
2 5323(j) and 5323(m) of title 49, United States
3 Code, as in effect on the day before the date of en-
4 actment of this Act, as applicable.

5 (e) SPECIAL RULE FOR DOMESTIC CONTENT.—

6 (1) IN GENERAL.—For the calculation of the
7 percent of domestic content calculated under section
8 5320(d)(2) for a contract for rolling stock entered
9 into on or after October 1, 2021—

10 (A) if the delivery of the first production
11 vehicle occurs in fiscal year 2023 or fiscal year
12 2024, for components that exceed 70 percent
13 domestic content, the Secretary shall add 20
14 additional percent to the component’s domestic
15 content; and

16 (B) if the delivery of the first production
17 vehicle occurs in fiscal year 2025 or fiscal year
18 2026—

19 (i) for components that exceed 70 per-
20 cent but do not exceed 75 percent domestic
21 content, the Secretary shall add 15 addi-
22 tional percent to the component’s domestic
23 content; or

24 (ii) for components that exceed 75
25 percent domestic content, the Secretary

1 shall add 20 additional percent to the com-
2 ponent’s domestic content.

3 (2) **CONTRACTS AFTER OCTOBER 1, 2021.**—For
4 the calculation of the percent of domestic content
5 calculated under section 5320(d)(2) for a contract
6 for rolling stock entered into on or after October 1,
7 2021 for a vehicle described in section
8 5339(e)(1)(D), and notwithstanding subsection
9 (e)(1), if the delivery of the first production vehicle
10 occurs in fiscal year 2023 or 2024, for components
11 that exceed 70 percent domestic content, the Sec-
12 retary shall add 30 additional percent to the compo-
13 nent’s domestic content.

14 (3) **BATTERY CELLS.**—Paragraph (1) and para-
15 graph (2) of this subsection shall not apply to any
16 contract for rolling stock if the manufacturer of the
17 rolling stock or the manufacturer of the battery cells
18 used for propulsion of the rolling stock is an entity
19 described in 49 USC 5323(u)(1) and (u)(2).

20 **SEC. 2302. BUS PROCUREMENT STREAMLINING.**

21 Section 5323 of title 49, United States Code, is
22 amended by adding at the end the following:

23 “(x) **BUS PROCUREMENT STREAMLINING.**—

24 “(1) **IN GENERAL.**—The Secretary may only ob-
25 ligate amounts for acquisition of buses under this

1 chapter to a recipient that issues a request for pro-
2 posals for an open market procurement that meets
3 the following criteria:

4 “(A) Such request for proposals is limited
5 to performance specifications, except for compo-
6 nents or subcomponents identified in the nego-
7 tiated rulemaking carried out pursuant to this
8 subsection.

9 “(B) Such request for proposals does not
10 seek any alternative design or manufacture
11 specification of a bus offered by a manufac-
12 turer, except to require a component or sub-
13 component identified in the negotiated rule-
14 making carried out pursuant to this subsection.

15 “(2) SPECIFIC BUS COMPONENT NEGOTIATED
16 RULEMAKING.—

17 “(A) INITIATION.—Not later than 120
18 days after the date of enactment of the IN-
19 VEST in America Act, the Secretary shall ini-
20 tiate procedures under subchapter III of chap-
21 ter 5 of title 5 to negotiate and issue such regu-
22 lations as are necessary to establish as limited
23 a list as is practicable of bus components and
24 subcomponents described in subparagraph (B).

1 “(B) LIST OF COMPONENTS.—The regula-
2 tions required under subparagraph (A) shall es-
3 tablish a list of bus components and subcompo-
4 nents that may be specified in a request for
5 proposals described in paragraph (1) by a re-
6 cipient. The Secretary shall ensure the list is
7 limited in scope and limited to only components
8 and subcomponents that cannot be selected with
9 performance specifications to ensure interoper-
10 ability.

11 “(C) PUBLICATION OF PROPOSED REGULA-
12 TIONS.—Proposed regulations to implement this
13 section shall be published in the Federal Reg-
14 ister by the Secretary not later than 18 months
15 after such date of enactment.

16 “(D) COMMITTEE.—A negotiated rule-
17 making committee established pursuant to sec-
18 tion 565 of title 5 to carry out this paragraph
19 shall have a maximum of 11 members limited
20 to representatives of the Department of Trans-
21 portation, urban and rural recipients (including
22 State government recipients), and transit vehi-
23 cle manufacturers.

24 “(E) EXTENSION OF DEADLINES.—A
25 deadline set forth in subparagraph (C) may be

1 extended up to 180 days if the negotiated rule-
2 making committee referred to in subparagraph
3 (D) concludes that the committee cannot meet
4 the deadline and the Secretary so notifies the
5 Committee on Transportation and Infrastruc-
6 ture of the House of Representatives and the
7 Committee on Banking, Housing, and Urban
8 Affairs of the Senate.

9 “(3) SAVINGS CLAUSE.—Nothing in this section
10 shall be construed to provide additional authority for
11 the Secretary to restrict what a bus manufacturer
12 offers to sell to a public transportation agency.”.

13 **SEC. 2303. BUS TESTING FACILITY.**

14 Section 5318 of title 49, United States Code, is
15 amended by adding at the end the following:

16 “(f) TESTING SCHEDULE.—The Secretary shall—

17 “(1) determine eligibility of a bus manufactur-
18 er’s request for testing within 10 business days; and

19 “(2) make publicly available the current backlog
20 (in months) to begin testing a new bus at the bus
21 testing facility.”.

22 **SEC. 2304. REPAYMENT REQUIREMENT.**

23 (a) IN GENERAL.—A transit agency shall repay into
24 the general fund of the Treasury any funds received from
25 the Federal Transit Administration under section 3401 of

1 the American Rescue Plan Act of 2021 (Public Law 117–
2 2) if the funds were used to award a contract or sub-
3 contract to an entity for the procurement of rolling stock
4 for use in public transportation if the manufacturer of the
5 rolling stock—

6 (1) is incorporated in or has manufacturing fa-
7 cilities in the United States; and

8 (2) is owned or controlled by, is a subsidiary of,
9 or is otherwise related legally or financially to a cor-
10 poration based in a country that—

11 (A) is identified as a nonmarket economy
12 country (as defined in section 771(18) of the
13 Tariff Act of 1930 (19 U.S.C. 1677(18))) as of
14 the date of enactment of this subsection;

15 (B) was identified by the United States
16 Trade Representative in the most recent report
17 required by section 182 of the Trade Act of
18 1974 (19 U.S.C. 2242) as a priority foreign
19 country under subsection (a)(2) of that section;
20 and

21 (C) is subject to monitoring by the Trade
22 Representative under section 306 of the Trade
23 Act of 1974 (19 U.S.C. 2416).

24 (b) CERTIFICATION.—Not later than 60 days after
25 the date of enactment of this section, a transit agency that

1 received funds pursuant to the laws specified in subsection
2 (a) shall certify that the agency has not and shall not use
3 such funds to purchase rolling stock described in sub-
4 section (a).

5 **SEC. 2305. DEFINITION OF URBANIZED AREAS FOLLOWING**
6 **A MAJOR DISASTER.**

7 (a) IN GENERAL.—Section 5323 of title 49, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 “(y) URBANIZED AREAS FOLLOWING A MAJOR DIS-
11 ASTER.—

12 “(1) DEFINED TERM.—In this subsection, the
13 term ‘decennial census date’ has the meaning given
14 the term in section 141(a) of title 13.

15 “(2) URBANIZED AREA MAJOR DISASTER POPU-
16 LATION CRITERIA.—Notwithstanding section 5302,
17 for purposes of this chapter, the Secretary shall
18 treat an area as an urbanized area for the period de-
19 scribed in paragraph (3) if—

20 “(A) a major disaster was declared by the
21 President under section 401 of the Robert T.
22 Stafford Disaster Relief and Emergency Assist-
23 ance Act (42 U.S.C. 5170) for the area during
24 the 3-year period preceding the decennial cen-

1 sus date for the 2010 decennial census or for
2 any subsequent decennial census;

3 “(B) the area was defined and designated
4 as an ‘urbanized area’ by the Secretary of Com-
5 merce in the decennial census immediately pre-
6 ceding the major disaster described in subpara-
7 graph (A); and

8 “(C) the population of the area fell below
9 50,000 as a result of the major disaster de-
10 scribed in subparagraph (A).

11 “(3) COVERED PERIOD.—The Secretary shall
12 treat an area as an urbanized area under paragraph
13 (2) during the period—

14 “(A) beginning on—

15 “(i) in the case of a major disaster de-
16 scribed in paragraph (2)(A) that occurred
17 during the 3-year period preceding the de-
18 cennial census date for the 2010 decennial
19 census, October 1 of the first fiscal year
20 that begins after the date of enactment of
21 this subsection; or

22 “(ii) in the case of any other major
23 disaster described in paragraph (2)(A), Oc-
24 tober 1 of the first fiscal year—

1 “(I) that begins after the decen-
2 nial census date for the first decennial
3 census conducted after the major dis-
4 aster; and

5 “(II) for which the Secretary has
6 sufficient data from that census to de-
7 termine that the area qualifies for
8 treatment as an urbanized area under
9 paragraph (2); and

10 “(B) ending on the day before the first fis-
11 cal year—

12 “(i) that begins after the decennial
13 census date for the second decennial cen-
14 sus conducted after the major disaster de-
15 scribed in paragraph (2)(A); and

16 “(ii) for which the Secretary has suffi-
17 cient data from that census to determine
18 which areas are urbanized areas for pur-
19 poses of this chapter.

20 “(4) POPULATION CALCULATION.—An area
21 treated as an urbanized area under this subsection
22 shall be assigned the population and square miles of
23 the urbanized area designated by the Secretary of
24 Commerce in the most recent decennial census con-

1 ducted before the major disaster described in para-
2 graph (2)(A).

3 “(5) SAVINGS PROVISION.—Nothing in this sub-
4 section may be construed to affect apportionments
5 made under this chapter before the date of enact-
6 ment of this subsection.”.

7 (b) AMENDMENT TAKES EFFECT ON ENACTMENT.—
8 Notwithstanding section 1001, the amendment made by
9 subsection (a) shall take effect on the date of enactment
10 of this Act.

11 **SEC. 2306. SPECIAL RULE FOR CERTAIN ROLLING STOCK**
12 **PROCUREMENTS.**

13 (a) CERTIFICATION.—Section 5323(u)(4) of title 49,
14 United States Code, is amended—

15 (1) in subparagraph (A) in the heading by
16 striking “RAIL”; and

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

18 “(C) NONRAIL ROLLING STOCK.—Notwith-
19 standing subparagraph (B) of paragraph (5), as
20 a condition of financial assistance made avail-
21 able in a fiscal year under section 5339, a re-
22 cipient shall certify in that fiscal year that the
23 recipient will not award any contract or sub-
24 contract for the procurement of rolling stock for

1 use in public transportation with a rolling stock
2 manufacturer described in paragraph (1).”.

3 (b) SPECIAL RULE.—Section 5323(u)(5)(A) of title
4 49, United States Code, is amended by striking “made
5 by a public transportation agency with a rail rolling stock
6 manufacturer described in paragraph (1)” and all that fol-
7 lows through the period at the end and inserting “as of
8 December 20, 2019, including options and other require-
9 ments tied to these contracts or subcontracts, made by
10 a public transportation agency with a restricted rail rolling
11 stock manufacturer.”.

12 **SEC. 2307. SPARE RATIO WAIVER.**

13 Section 5323 of title 49, United States Code, is fur-
14 ther amended by adding at the end the following:

15 “(z) SPARE RATIO WAIVER.—The Federal Transit
16 Administration shall waive spare ratio policies for rolling
17 stock found in FTA Grant Management Requirements
18 Circular 5010.1, FTA Circular 9030.1 providing Urban-
19 ized Area Formula Program guidance, and other guidance
20 documents for 2 years from the date of enactment of the
21 INVEST in America Act.”.

22 **Subtitle D—Bus Grant Reforms**

23 **SEC. 2401. FORMULA GRANTS FOR BUSES.**

24 Section 5339(a) of title 49, United States Code, is
25 amended—

1 (1) in paragraph (1)—

2 (A) by inserting “and subsection (d)” after
3 “In this subsection”;

4 (B) in subparagraph (A) by striking “term
5 ‘low or no emission vehicle’ has” and inserting
6 “term ‘zero emission vehicle’ has”;

7 (C) in subparagraph (B) by inserting “and
8 the District of Columbia” after “United
9 States”; and

10 (D) in subparagraph (C) by striking “the
11 District of Columbia,”;

12 (2) in paragraph (2)(A) by striking “low or no
13 emission vehicles” and inserting “zero emission vehi-
14 cles”;

15 (3) in paragraph (4)—

16 (A) in subparagraph (A) by inserting “and
17 subsection (d)” after “this subsection”; and

18 (B) in subparagraph (B) by inserting “and
19 subsection (d)” after “this subsection”;

20 (4) in paragraph (5)(A)—

21 (A) by striking “\$90,500,000” and insert-
22 ing “\$156,750,000”;

23 (B) by striking “2016 through 2020” and
24 inserting “2023 through 2026”;

1 (C) by striking “\$1,750,000” and inserting
2 “\$3,000,000”; and

3 (D) by striking “\$500,000” and inserting
4 “\$750,000”;

5 (5) in paragraph (7) by adding at the end the
6 following:

7 “(C) SPECIAL RULE FOR BUSES AND RE-
8 LATED EQUIPMENT FOR ZERO EMISSION VEHI-
9 CLES.—Notwithstanding subparagraph (A), a
10 grant for a capital project for buses and related
11 equipment for hybrid electric buses that make
12 meaningful reductions in energy consumption
13 and harmful emissions, including direct carbon
14 emissions, and zero emission vehicles under this
15 subsection shall be for 90 percent of the net
16 capital costs of the project. A recipient of a
17 grant under this subsection may provide addi-
18 tional local matching amounts.”;

19 (6) in paragraph (8)—

20 (A) by striking “3 fiscal years” and insert-
21 ing “4 fiscal years”; and

22 (B) by striking “3-fiscal-year period” and
23 inserting “4-fiscal-year period”; and

24 (7) by striking paragraph (9).

1 **SEC. 2402. BUS FACILITIES AND FLEET EXPANSION COM-**
2 **PETITIVE GRANTS.**

3 Section 5339(b) of title 49, United States Code, is
4 amended—

5 (1) in the heading by striking “BUSES AND
6 BUS FACILITIES COMPETITIVE GRANTS” and insert-
7 ing “BUS FACILITIES AND FLEET EXPANSION COM-
8 PETITIVE GRANTS”;

9 (2) in paragraph (1)—

10 (A) by striking “buses and”;

11 (B) by inserting “and certain buses” after
12 “capital projects”;

13 (C) in subparagraph (A) by striking
14 “buses or related equipment” and inserting
15 “bus-related facilities”; and

16 (D) by striking subparagraph (B) and in-
17 serting the following:

18 “(B) purchasing or leasing buses that will
19 not replace buses in the applicant’s fleet at the
20 time of application and will be used to—

21 “(i) increase the frequency of bus
22 service; or

23 “(ii) increase the service area of the
24 applicant.”;

25 (3) by striking paragraph (2) and inserting the
26 following:

1 “(2) GRANT CONSIDERATIONS.—In making
2 grants—

3 “(A) under subparagraph (1)(A), the Sec-
4 retary shall only consider—

5 “(i) the age and condition of bus-re-
6 lated facilities of the applicant compared to
7 all applicants and proposed improvements
8 to the resilience (as such term is defined in
9 section 5302) of such facilities;

10 “(ii) for a facility that, in whole or in
11 part, encroaches within the limits of a
12 flood-prone area, the extent to which the
13 facility is designed and constructed in a
14 way that takes into account, and mitigates
15 where appropriate, flood risk; and

16 “(iii) for a bus station, the degree of
17 multi-modal connections at such station;
18 and

19 “(B) under paragraph (1)(B), the Sec-
20 retary shall consider the improvements to head-
21 way and projected new ridership.”; and

22 (4) in paragraph (6) by striking subparagraph
23 (B) and inserting the following:

24 “(B) GOVERNMENT SHARE OF COSTS.—

1 “(i) IN GENERAL.—The Government
2 share of the cost of an eligible project car-
3 ried out under this subsection shall not ex-
4 ceed 80 percent.

5 “(ii) SPECIAL RULE FOR BUSES AND
6 RELATED EQUIPMENT FOR ZERO EMISSION
7 VEHICLES.—Notwithstanding clause (i),
8 the Government share of the cost of an eli-
9 gible project for the financing of buses and
10 related equipment for hybrid electric buses
11 that make meaningful reductions in energy
12 consumption and harmful emissions, in-
13 cluding direct carbon emissions, and zero
14 emission vehicles shall not exceed 90 per-
15 cent.”.

16 **SEC. 2403. ZERO EMISSION BUS GRANTS.**

17 (a) IN GENERAL.—Section 5339(c) of title 49,
18 United States Code, is amended—

19 (1) in the heading by striking “LOW OR NO
20 EMISSION GRANTS” and inserting “ZERO EMISSION
21 GRANTS”;

22 (2) in paragraph (1)—

23 (A) in subparagraph (B)—

24 (i) in the matter preceding clause (i)
25 by striking “in an eligible area”;

1 (ii) in clause (i) by striking “low or no
2 emission” and inserting “zero emission”;

3 (iii) in clause (ii) by striking “low or
4 no emission” and inserting “zero emis-
5 sion”;

6 (iv) in clause (iii) by striking “low or
7 no emission” and inserting “zero emis-
8 sion”;

9 (v) in clause (iv) by striking “facilities
10 and related equipment for low or no emis-
11 sion” and inserting “related equipment for
12 zero emission”;

13 (vi) in clause (v) by striking “facilities
14 and related equipment for low or no emis-
15 sion vehicles;” and inserting “related
16 equipment for zero emission vehicles; or”;

17 (vii) in clause (vii) by striking “low or
18 no emission” and inserting “zero emis-
19 sion”;

20 (viii) by striking clause (vi); and

21 (ix) by redesignating clause (vii) as
22 clause (vi);

23 (B) by striking subparagraph (D) and in-
24 serting the following:

1 “(D) the term ‘zero emission bus’ means a
2 bus that is a zero emission vehicle;”;

3 (C) by striking subparagraph (E) and in-
4 sserting the following:

5 “(E) the term ‘zero emission vehicle’
6 means a vehicle used to provide public transpor-
7 tation that produces no carbon dioxide or par-
8 ticulate matter;”;

9 (D) in subparagraph (F) by striking “and”
10 at the end;

11 (E) by striking subparagraph (G) and in-
12 sserting the following:

13 “(G) the term ‘priority area’ means an
14 area that is—

15 “(i) designated as a nonattainment
16 area for ozone or particulate matter under
17 section 107(d) of the Clean Air Act (42
18 U.S.C. 7407(d));

19 “(ii) a maintenance area, as such
20 term is defined in section 5303, for ozone
21 or particulate matter; or

22 “(iii) in a State that has enacted a
23 statewide zero emission bus transition re-
24 quirement, as determined by the Secretary;
25 and”;

1 (F) by adding at the end the following:

2 “(H) the term ‘low-income community’

3 means any population census tract if—

4 “(i) the poverty rate for such tract is
5 at least 20 percent; or

6 “(ii) in the case of a tract—

7 “(I) not located within a metro-
8 politan area, the median family in-
9 come for such tract does not exceed
10 80 percent of statewide median family
11 income; or

12 “(II) located within a metropoli-
13 tan area, the median family income
14 for such tract does not exceed 80 per-
15 cent of the greater statewide median
16 family income or the metropolitan
17 area median family income.”;

18 (3) in paragraph (3)—

19 (A) by striking subparagraph (B); and

20 (B) by redesignating subparagraph (C) as
21 subparagraph (B);

22 (4) by striking paragraph (5) and inserting the
23 following:

24 “(5) GRANT ELIGIBILITY.—In awarding grants
25 under this subsection, the Secretary shall make

1 grants to eligible projects relating to the acquisition
2 or leasing of equipment for zero-emission buses or
3 zero-emission buses—

4 “(A) that procure—

5 “(i) at least 10 zero emission buses;

6 “(ii) if the recipient operates less than
7 50 buses in peak service, at least 5 zero
8 emission buses; or

9 “(iii) hydrogen buses;

10 “(B) for which the recipient’s board of di-
11 rectors has approved a long-term integrated
12 fleet management plan that—

13 “(i) establishes—

14 “(I) a goal by a set date to con-
15 vert the entire bus fleet to zero emis-
16 sion buses; or

17 “(II) a goal that within 10 years
18 from the date of approval of such plan
19 the recipient will convert a set per-
20 centage of the total bus fleet of such
21 recipient to zero emission buses; and

22 “(ii) examines the impact of the tran-
23 sition on the applicant’s current workforce,
24 by identifying skills gaps, training needs,
25 and retraining needs of the existing work-

1 ers of such applicant to operate and main-
2 tain zero-emission vehicles and related in-
3 frastructure, and avoids the displacement
4 of the existing workforce; and

5 “(C) for which the recipient has performed
6 a fleet transition study that includes optimal
7 route planning and an analysis of how utility
8 rates may impact the recipient’s operations and
9 maintenance budget.”;

10 (5) in paragraph (7)(A) by striking “80” and
11 inserting “90”; and

12 (6) by adding at the end the following:

13 “(8) LOW AND MODERATE COMMUNITY
14 GRANTS.—Not less than 15 percent of the amounts
15 made available under this subsection in a fiscal year
16 shall be distributed to projects serving predomi-
17 nantly low-income communities.

18 “(9) PRIORITY SET-ASIDE.—Of the amounts
19 made available under this subsection in a fiscal year,
20 not less than—

21 “(A) 20 percent shall be distributed to ap-
22 plicants in priority areas; and

23 “(B) 10 percent shall be distributed to ap-
24 plicants not located in priority areas whose
25 board of directors have approved a long-term

1 integrated fleet management plan that estab-
2 lishes a goal to convert 100 percent of their bus
3 fleet to zero-emission buses within 15 years.”.

4 (b) METROPOLITAN TRANSPORTATION PLANNING.—
5 Section 5303(b) of title 49, United States Code, is amend-
6 ed by adding at the end the following:

7 “(9) MAINTENANCE AREA.—The term ‘mainte-
8 nance area’ has the meaning given the term in sec-
9 tions 171(2) and 175A of the Clean Air Act (42
10 U.S.C. 7501(2); 7505a).”.

11 **SEC. 2404. RESTORATION TO STATE OF GOOD REPAIR FOR-**
12 **MULA SUBGRANT.**

13 Section 5339 of title 49, United States Code, is
14 amended by adding at the end the following:

15 “(d) RESTORATION TO STATE OF GOOD REPAIR
16 FORMULA SUBGRANT.—

17 “(1) GENERAL AUTHORITY.—The Secretary
18 may make grants under this subsection to assist eli-
19 gible recipients and subrecipients described in para-
20 graph (2) in financing capital projects to replace, re-
21 habilitate, and purchase buses and related equip-
22 ment.

23 “(2) ELIGIBLE RECIPIENTS AND SUBRECIPI-
24 ENTS.—Not later than September 1 annually, the
25 Secretary shall make public a list of eligible recipi-

1 ents and subrecipients based on the most recent
2 data available in the National Transit Database to
3 calculate the 20 percent of eligible recipients and
4 subrecipients with the highest percentage of asset
5 vehicle miles for buses beyond the useful life bench-
6 mark established by the Federal Transit Administra-
7 tion.

8 “(3) URBAN APPORTIONMENTS.—Funds allo-
9 cated under section 5338(a)(2)(L)(ii) shall be—

10 “(A) distributed to—

11 “(i) designated recipients in an urban-
12 ized area with a population of at least
13 200,000 made eligible by paragraph (1);
14 and

15 “(ii) States based on subrecipients
16 made eligible by paragraph (1) in an ur-
17 banized area under 200,000; and

18 “(B) allocated pursuant to the formula set
19 forth in section 5336 other than subsection (b),
20 using the data from the 20 percent of eligible
21 recipients and subrecipients.

22 “(4) RURAL ALLOCATION.—The Secretary
23 shall—

1 “(A) calculate the percentage of funds
2 under section 5338(a)(2)(L)(ii) to allocate to
3 rural subrecipients by dividing—

4 “(i) the asset vehicle miles for buses
5 beyond the useful life benchmark (estab-
6 lished by the Federal Transit Administra-
7 tion) of the rural subrecipients described in
8 paragraph (2); by

9 “(ii) the total asset vehicle miles for
10 buses beyond such benchmark of all eligi-
11 ble recipients and subrecipients described
12 in paragraph (2); and

13 “(B) prior to the allocation described in
14 paragraph (3)(B), apportion to each State the
15 amount of the total rural allocation calculated
16 under subparagraph (A) attributable to such
17 State based the proportion that—

18 “(i) the asset vehicle miles for buses
19 beyond the useful life benchmark (estab-
20 lished by the Federal Transit Administra-
21 tion) for rural subrecipients described in
22 paragraph (2) in such State; bears to

23 “(ii) the total asset vehicle miles de-
24 scribed in subparagraph (A)(i).

1 “(5) APPLICATION OF OTHER PROVISIONS.—
2 Paragraphs (3), (7), and (8) of subsection (a) shall
3 apply to eligible recipients and subrecipients de-
4 scribed in paragraph (2) of a grant under this sub-
5 section.

6 “(6) PROHIBITION.—No eligible recipient or
7 subrecipient outside the top 5 percent of asset vehi-
8 cle miles for buses beyond the useful life benchmark
9 established by the Federal Transit Administration
10 may receive a grant in both fiscal year 2023 and fis-
11 cal year 2024.

12 “(7) REQUIREMENT.—The Secretary shall re-
13 quire—

14 “(A) States to expend, to the benefit of the
15 subrecipients eligible under paragraph (2), the
16 apportioned funds attributed to such subrecipi-
17 ents; and

18 “(B) designated recipients to provide the
19 allocated funds to the recipients eligible under
20 paragraph (2) the apportioned funds attributed
21 to such recipients.”.

22 **SEC. 2405. WORKFORCE DEVELOPMENT TRAINING GRANTS.**

23 Section 5339 of title 49, United States Code, is
24 amended by adding at the end the following:

1 “(e) WORKFORCE DEVELOPMENT TRAINING
2 GRANTS.—

3 “(1) IN GENERAL.—Not less than 12.5 percent
4 of funds authorized to be made available for sub-
5 section (c) shall be available to fund workforce devel-
6 opment training eligible under section 5314(b)(2)
7 (including registered apprenticeships and other
8 labor-management training programs), related to op-
9 erations or maintenance of zero emission vehicles.

10 “(2) ELIGIBLE RECIPIENTS.—Recipients eligi-
11 ble under subsection (c) shall be eligible to receive
12 a grant under this subsection.

13 “(3) FEDERAL SHARE.—The Federal share of
14 the cost of an eligible project carried out under this
15 subsection shall be 100 percent.

16 “(4) PRIORITIZATION.—In making grants
17 under this subsection, the Secretary shall prioritize
18 applications that jointly fund training as part of a
19 vehicle procurement application under subsection
20 (c).”.

21 **Subtitle E—Supporting All Riders**

22 **SEC. 2501. LOW-INCOME URBAN FORMULA FUNDS.**

23 Section 5336(j) of title 49, United States Code, is
24 amended—

1 (1) in paragraph (1) by striking “75 percent”
2 and inserting “50 percent”;

3 (2) in paragraph (2) by striking “25 percent”
4 and inserting “12.5 percent”; and

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

6 “(3) 30 percent of the funds shall be appor-
7 tioned among designated recipients for urbanized
8 areas with a population of 200,000 or more in the
9 ratio that—

10 “(A) the number of individuals in each
11 such urbanized area residing in an urban cen-
12 sus tract with a poverty rate of at least 20 per-
13 cent during the 5 years most recently ending;
14 bears to

15 “(B) the number of individuals in all such
16 urbanized areas residing in an urban census
17 tract with a poverty rate of at least 20 percent
18 during the 5 years most recently ending.

19 “(4) 7.5 percent of the funds shall be appor-
20 tioned among designated recipients for urbanized
21 areas with a population less than 200,000 in the
22 ratio that—

23 “(A) the number of individuals in each
24 such urbanized area residing in an urban cen-
25 sus tract with a poverty rate of at least 20 per-

1 cent during the 5 years most recently ending;
2 bears to

3 “(B) the number of individuals in all such
4 areas residing in an urban census tract with a
5 poverty rate of at least 20 percent during the
6 5 years most recently ending.”.

7 **SEC. 2502. RURAL PERSISTENT POVERTY FORMULA.**

8 Section 5311 of title 49, United States Code, as
9 amended in section 2204, is further amended—

10 (1) in subsection (a) by adding at the end the
11 following:

12 “(3) PERSISTENT POVERTY COUNTY.—The
13 term ‘persistent poverty county’ means any county
14 with a poverty rate of at least 20 percent—

15 “(A) as determined in each of the 1990
16 and 2000 decennial censuses;

17 “(B) in the Small Area Income and Pov-
18 erty Estimates of the Bureau of the Census for
19 the most recent year for which the estimates
20 are available; and

21 “(C) has at least 25 percent of its popu-
22 lation in rural areas.”;

23 (2) in subsection (b)(2)(C)(i) by inserting “and
24 persistent poverty counties” before the semicolon;
25 and

1 (3) in subsection (c) by striking paragraph (2)
2 and inserting the following:

3 “(2) PERSISTENT POVERTY PUBLIC TRANSPOR-
4 TATION ASSISTANCE PROGRAM.—

5 “(A) IN GENERAL.—The Secretary shall
6 carry out a public transportation assistance
7 program for areas of persistent poverty.

8 “(B) APPORTIONMENT.—Of amounts
9 made available or appropriated for each fiscal
10 year under section 5338(a)(2)(E)(ii) to carry
11 out this paragraph, the Secretary shall appor-
12 tion funds to recipients for service in, or di-
13 rectly benefitting, persistent poverty counties
14 for any eligible purpose under this section in
15 the ratio that—

16 “(i) the number of individuals in each
17 such rural area residing in a persistent
18 poverty county; bears to

19 “(ii) the number of individuals in all
20 such rural areas residing in a persistent
21 poverty county.”.

22 **SEC. 2503. DEMONSTRATION GRANTS TO SUPPORT RE-**
23 **DUCED FARE TRANSIT.**

24 Section 5312 of title 49, United States Code, is
25 amended by adding at the end the following:

1 “(j) DEMONSTRATION GRANTS TO SUPPORT RE-
2 DUCED FARE TRANSIT.—

3 “(1) IN GENERAL.—Not later than 300 days
4 after the date of enactment of the INVEST in
5 America Act, the Secretary shall award grants
6 (which shall be known as ‘Access to Jobs Grants’)
7 to eligible entities, on a competitive basis, to imple-
8 ment reduced fare transit service.

9 “(2) NOTICE.—Not later than 180 days after
10 the date of enactment of the INVEST in America
11 Act, the Secretary shall provide notice to eligible en-
12 tities of the availability of grants under paragraph
13 (1).

14 “(3) APPLICATION.—To be eligible to receive a
15 grant under this subsection, an eligible recipient
16 shall submit to the Secretary an application con-
17 taining such information as the Secretary may re-
18 quire, including, at a minimum, the following:

19 “(A) A description of how the eligible enti-
20 ty plans to implement reduced fare transit ac-
21 cess with respect to low-income individuals, in-
22 cluding any eligibility requirements for such
23 transit access.

24 “(B) A description of how the eligible enti-
25 ty will consult with local community stake-

1 holders, labor unions, local education agencies
2 and institutions of higher education, public
3 housing agencies, and workforce development
4 boards in the implementation of reduced fares.

5 “(C) A description of the eligible entity’s
6 current fare evasion enforcement policies, in-
7 cluding how the eligible entity plans to use the
8 reduced fare program to reduce fare evasion.

9 “(D) An estimate of additional costs to
10 such eligible entity as a result of reduced tran-
11 sit fares.

12 “(E) A plan for a public awareness cam-
13 paign of the transit agency’s ability to provide
14 reduced fares, including in foreign languages,
15 based on—

16 “(i) data from the Bureau of the Cen-
17 sus, consistent with the local area demo-
18 graphics where the transit agency operates,
19 including the languages that are most
20 prevalent and commonly requested for
21 translation services; or

22 “(ii) qualitative and quantitative ob-
23 servation from community service providers
24 including those that provide health and
25 mental health services, social services,

1 transportation, and other relevant social
2 services.

3 “(F) Projected impacts on ridership.

4 “(G) Projected benefits in closing transit
5 equity gaps.

6 “(H) Projected impact on the ability of
7 students to access education or workforce train-
8 ing programs.

9 “(4) GRANT DURATION.—Grants awarded
10 under this subsection shall be for a 2-year period.

11 “(5) SELECTION OF ELIGIBLE RECIPIENTS.—In
12 carrying out the program under this subsection, the
13 Secretary shall award not more than 20 percent of
14 grants to eligible entities located in rural areas.

15 “(6) USES OF FUNDS.—An eligible entity re-
16 ceiving a grant under this subsection shall use such
17 grant to implement a reduced fare transit program
18 and offset lost fare revenue.

19 “(7) RULE OF CONSTRUCTION.—Nothing in
20 this section shall be construed to limit the eligibility
21 of an applicant if a State, local, or Tribal govern-
22 mental entity provides reduced fare transportation to
23 low-income individuals.

24 “(8) DEFINITIONS.—In this subsection:

1 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
2 ble entity’ means a State, local, or Tribal gov-
3 ernmental entity that operates a public trans-
4 portation service and is a recipient or sub-
5 recipient of funds under this chapter.

6 “(B) LOW-INCOME INDIVIDUAL.—The
7 term ‘low-income individual’ means an indi-
8 vidual—

9 “(i) that has qualified for—

10 “(I) any program of medical as-
11 sistance under a State plan or under
12 a waiver of the plan under title XIX
13 of the Social Security Act (42 U.S.C.
14 1396 et seq.);

15 “(II) supplemental nutrition as-
16 sistance program (SNAP) under the
17 Food and Nutrition Act of 2008 (7
18 U.S.C. 2011 et seq.);

19 “(III) the program of block
20 grants for States for temporary assist-
21 ance for needy families (TANF) es-
22 tablished under part A of title IV of
23 the Social Security Act (42 U.S.C.
24 601 et seq.);

1 “(IV) the free and reduced price
2 school lunch program established
3 under the Richard B. Russell National
4 School Lunch Act (42 U.S.C. 1751 et
5 seq.);

6 “(V) a housing voucher through
7 section 8(o) of the United States
8 Housing Act of 1937 (42 U.S.C.
9 1437f(o));

10 “(VI) benefits under the Low-In-
11 come Home Energy Assistance Act of
12 1981;

13 “(VII) special supplemental food
14 program for women, infants and chil-
15 dren (WIC) under section 17 of the
16 Child Nutrition Act of 1966 (42
17 U.S.C. 1786); or

18 “(VIII) a Federal Pell Grant
19 under section 401 of the Higher Edu-
20 cation Act of 1965 (20 U.S.C.
21 1070a);

22 “(ii) whose family income is at or
23 below a set percent (as determined by the
24 eligible recipient) of the poverty line (as
25 that term is defined in section 673(2) of

1 the Community Service Block Grant Act
2 (42 U.S.C. 9902(2)), including any revi-
3 sion required by that section) for a family
4 of the size involved; or

5 “(iii) that is a low-income veteran or
6 member of the military.

7 “(9) REPORT.—The Secretary shall designate a
8 university transportation center under section 5505
9 to collaborate with the eligible entities receiving a
10 grant under this subsection to collect necessary data
11 to evaluate the effectiveness of meeting the targets
12 described in the application of such recipient, includ-
13 ing increased ridership, impacts on fare evasion, and
14 progress towards significantly closing transit equity
15 gaps.”.

16 **SEC. 2504. EQUITY IN TRANSIT SERVICE PLANNING.**

17 (a) BEST PRACTICES.—

18 (1) IN GENERAL.—

19 (A) ASSISTANCE TO PROVIDERS OF PUBLIC
20 TRANSIT.—Not later than 180 days after the
21 date of enactment of this Act, the Secretary of
22 Transportation shall issue nonbinding best
23 practices to assist providers of public transpor-
24 tation in setting the threshold for a major serv-

1 ice change as described in Circular 4702.1B of
2 the Federal Transit Administration.

3 (B) SPECIFIC PROVIDERS OF PUBLIC
4 TRANSIT.—For the purposes of this section, the
5 term “providers of public transportation”
6 means providers that operate 50 or more fixed
7 route vehicles in peak service and are located in
8 an urbanized area of 200,000 or more in popu-
9 lation.

10 (2) BEST PRACTICES.—In developing the best
11 practices described in paragraph (1), the Sec-
12 retary—

13 (A) shall issue specific recommendations
14 for setting the threshold of a major service
15 change, which shall include, at a minimum, rec-
16 ommendations related to—

17 (i) changes in hours of operations, in-
18 cluding consideration of changes during
19 nonpeak hours;

20 (ii) changes in the frequency of serv-
21 ice;

22 (iii) changes in coverage, including the
23 opening and closing of stations and stops
24 and the changing of routes; and

1 (iv) the use of route-specific analyses
2 in addition to service-area level analyses;

3 (B) shall recommend specific percentage
4 change standards for the elements described in
5 clauses (i), (ii), and (iii) of subparagraph (A) to
6 assist providers of public transportation in set-
7 ting the threshold for a major service change in
8 a manner that ensures meaningful analyses and
9 the provision of equitable service; and

10 (C) may issue different best practices for
11 providers of public transportation of different
12 sizes and service types.

13 (b) TRANSIT COOPERATIVE RESEARCH PROGRAM
14 REPORT.—

15 (1) REVIEW.—Not later than 3 years after the
16 issuance of the best practices described in subsection
17 (a), the Transit Cooperative Research Program of
18 the National Academy of Sciences shall conduct a
19 review of the manner in which providers of public
20 transportation define the threshold for a major serv-
21 ice change for purposes of compliance with Circular
22 4702.1B of the Federal Transit Administration, in-
23 cluding—

1 (A) a survey of the standards used by pro-
2 viders of public transportation to define the
3 threshold for a major service change;

4 (B) a review of the differences in stand-
5 ards used to define the threshold for a major
6 service change for providers of public transpor-
7 tation of different sizes and service types;

8 (C) information on the considerations used
9 by providers of public transportation when de-
10 fining the threshold for a major service change;
11 and

12 (D) the extent to which providers of public
13 transportation are using the best practices de-
14 scribed in subsection (a).

15 (2) REPORT.—After the completion of the re-
16 view described in paragraph (1), the National Acad-
17 emy of Sciences shall issue a report on the findings
18 of the review and submit such report to the Com-
19 mittee on Transportation and Infrastructure of the
20 House of Representatives and the Committee on
21 Banking, Housing, and Urban Affairs of the Senate.

22 **SEC. 2505. GAO STUDY ON FARE-FREE TRANSIT.**

23 (a) STUDY.—The Comptroller General of the United
24 States shall conduct a study on the provision of fare-free

1 transit service in the United States, including an assess-
2 ment of—

3 (1) the extent to which fare-free transit is avail-
4 able in the United States; and

5 (2) the potential impacts of fare-free transit,
6 which may include—

7 (A) increased transit ridership;

8 (B) improved access to transportation for
9 low-income riders and marginalized commu-
10 nities;

11 (C) improved access to jobs and services;

12 (D) enhanced equity of the surface trans-
13 portation system;

14 (E) reductions in disputes or law enforce-
15 ment actions related to transit fares;

16 (F) any expected cost savings for transit
17 agencies and law enforcement agencies respon-
18 sible for enforcing fare evasion policies;

19 (G) environmental impacts;

20 (H) safety considerations; and

21 (I) the challenges of replacing farebox rev-
22 enue.

23 (b) REPORT.—Not later than 1 year after the date
24 of the enactment of this Act, the Comptroller General shall
25 submit to the Committee on Transportation and Infra-

1 structure of the House of Representatives and the Com-
2 mittee on Banking, Housing, and Urban Affairs of the
3 Senate a report containing the results of the study con-
4 ducted under subsection (a).

5 **SEC. 2506. TRANSIT TO TRAILS GRANT PROGRAM.**

6 (a) DEFINITIONS.—In this section:

7 (1) COMMUNITY OF COLOR.—The term “com-
8 munity of color” means a geographically distinct
9 area in which the population of any of the following
10 categories of individuals is higher than the average
11 populations of that category for the State in which
12 the community is located:

13 (A) Black.

14 (B) African American.

15 (C) Asian.

16 (D) Pacific Islander.

17 (E) Other non-white race.

18 (F) Hispanic.

19 (G) Latino.

20 (2) CRITICALLY UNDERSERVED COMMUNITY.—

21 The term “critically underserved community”
22 means—

23 (A) a community that can demonstrate to
24 the Secretary that the community has inad-

1 equate, insufficient, or no park space or recre-
2 ation facilities, including by demonstrating—

3 (i) quality concerns relating to the
4 available park space or recreation facilities;

5 (ii) the presence of recreational facili-
6 ties that do not serve the needs of the com-
7 munity; or

8 (iii) the inequitable distribution of
9 park space for high-need populations,
10 based on income, age, or other measures of
11 vulnerability and need;

12 (B) a community in which at least 50 per-
13 cent of the population is not located within $\frac{1}{2}$
14 mile of park space; or

15 (C) any other community that the Sec-
16 retary determines to be appropriate.

17 (3) DESIGNATED SERVICE AREA.—The term
18 “designated service area” means a geographical area
19 recommended by a designated official planning agen-
20 cy, that defines the community where coordinated
21 transportation services are be provided to the trans-
22 portation disadvantaged.

23 (4) DISPROPORTIONATE BURDEN OF ADVERSE
24 HUMAN HEALTH OR ENVIRONMENTAL EFFECTS.—
25 The term “disproportionate burden of adverse

1 human health or environmental effects” means a sit-
2 uation where there exists higher or more adverse
3 human health or environmental effects on commu-
4 nities of color, low income communities, and Tribal
5 and indigenous communities.

6 (5) ELIGIBLE ENTITY.—The term “eligible enti-
7 ty” means—

8 (A) a State or local government entity;

9 (B) a political subdivision of a State (in-
10 cluding a city or a county);

11 (C) a special purpose district (including a
12 park district);

13 (D) an Indian tribe (as defined in section
14 4 of the Indian Self-Determination and Edu-
15 cation Assistance Act (25 U.S.C. 5304)); or

16 (E) a metropolitan planning organization
17 (as defined in section 134(b) of title 23, United
18 States Code).

19 (6) ENVIRONMENTAL JUSTICE COMMUNITY.—
20 The term “environmental justice community” means
21 a community with significant representation of com-
22 munities of color, low income communities, or Tribal
23 and indigenous communities, that experience, or is
24 at risk of experiencing higher or more adverse
25 human health or environmental effects.

1 (7) LOW INCOME COMMUNITY.—the term “low
2 income community” means any census block group
3 in which 30 percent or more of the population are
4 individuals with an annual household income equal
5 to, or less than, the greater of—

6 (A) an amount equal to 80 percent of the
7 median income of the area in which the house-
8 hold is located, as reported by the Department
9 of Housing and Urban Development; and

10 (B) 200 percent of the Federal poverty
11 line.

12 (8) MICROTRANSIT.—The term “microtransit”
13 means low-capacity transportation service carrying
14 small numbers of people at a time.

15 (9) PROGRAM.—The term “program” means
16 the Transit to Trails Grant Program established
17 under subsection (b)(1).

18 (10) RURAL AREA.—The term “rural area”
19 means a community that is not an urbanized area.

20 (11) SECRETARY.—The term “Secretary”
21 means the Secretary of Transportation.

22 (12) STATE.—The term “State” means each of
23 the several States, the District of Columbia, and
24 each territory or possession of the United States.

25 (13) TRANSPORTATION CONNECTOR.—

1 (A) IN GENERAL.—The term “transportation connector” means a system that—
2

3 (i) connects 2 zip codes or communities within a 175-mile radius of a designated service area; and
4
5

6 (ii) provides public transportation.

7 (B) INCLUSIONS.—The term “transportation connector” includes microtransits, bus
8 lines, light rail, rapid transits, or personal rapid
9 transits.
10

11 (b) GRANT PROGRAM.—

12 (1) ESTABLISHMENT.—The Secretary shall establish a grant program, to be known as the “Transit to Trails Grant Program”, under which the Secretary shall award grants to eligible entities for—
13
14
15

16 (A) projects that develop transportation connectors or routes in or serving, and related
17 culturally and linguistically appropriate education materials for, critically underserved communities to increase access and mobility to Federal or non-Federal public land, inland and
18 costal waters, parkland, or monuments; or
19
20

21 (B) projects that facilitate transportation improvements to enhance access to Federal or
22
23
24

1 non-Federal public land and recreational oppor-
2 tunities in critically underserved communities.

3 (2) ADMINISTRATION.—

4 (A) IN GENERAL.—The Secretary shall ad-
5 minister the program to assist eligible entities
6 in the development of public transportation
7 routes in or serving, and related culturally and
8 linguistically appropriate education materials
9 for, critically underserved communities to in-
10 crease access and mobility to Federal or non-
11 Federal public land, inland and coastal waters,
12 parkland, or monuments.

13 (B) JOINT PARTNERSHIPS.—The Secretary
14 shall encourage joint partnership projects under
15 the program, if available, among multiple agen-
16 cies, including school districts, nonprofit organi-
17 zations, metropolitan planning organizations,
18 regional transportation authorities, transit
19 agencies, and State and local governmental
20 agencies (including park and recreation agen-
21 cies and authorities) to enhance investment of
22 public sources.

23 (C) ANNUAL GRANT PROJECT PROPOSAL
24 SOLICITATION, REVIEW, AND APPROVAL.—

1 (i) IN GENERAL.—The Secretary
2 shall—

3 (I) annually solicit the submis-
4 sion of project proposals for grants
5 from eligible entities under the pro-
6 gram; and

7 (II) review each project proposal
8 submitted under subclause (I) on a
9 timeline established by the Secretary.

10 (ii) REQUIRED ELEMENTS FOR
11 PROJECT PROPOSAL.—A project proposal
12 submitted under clause (i)(I) shall in-
13 clude—

14 (I) a statement of the purposes
15 of the project;

16 (II) the name of the entity or in-
17 dividual with overall responsibility for
18 the project;

19 (III) a description of the quali-
20 fications of the entity or individuals
21 identified under subclause (II);

22 (IV) a description of—

23 (aa) staffing and stake-
24 holder engagement for the
25 project;

1 (bb) the logistics of the
2 project; and

3 (cc) anticipated outcomes of
4 the project;

5 (V) a proposed budget for the
6 funds and time required to complete
7 the project;

8 (VI) information regarding the
9 source and amount of matching fund-
10 ing available for the project;

11 (VII) information that dem-
12 onstrates the clear potential of the
13 project to contribute to increased ac-
14 cess to parkland for critically under-
15 served communities; and

16 (VIII) any other information that
17 the Secretary considers to be nec-
18 essary for evaluating the eligibility of
19 the project for funding under the pro-
20 gram.

21 (D) PRIORITY.—To the extent practicable,
22 in determining whether to approve project pro-
23 posals under the program, the Secretary shall
24 prioritize projects that—

1 (i) are designed to increase access and
2 mobility to local or neighborhood Federal
3 or non-Federal public land, inland and
4 costal waters, parkland, monuments, or
5 recreational opportunities;

6 (ii) utilize low- or no-emission vehi-
7 cles;

8 (iii) provide free or discounted rates
9 for low income riders;

10 (iv) provide opportunities for youth
11 engagement;

12 (v) projects established in commu-
13 nities of color, low-income communities,
14 Tribal or indigenous communities, or rural
15 communities; and

16 (vi) comply with relevant regulations
17 in the Americans with Disabilities Act of
18 1990 (42 U.S.C. 12101 et seq.).

19 (3) TRANSPORTATION PLANNING PROCE-
20 DURES.—

21 (A) PROCEDURES.— In consultation with
22 the head of each appropriate Federal land man-
23 agement agency, the Secretary shall ensure that
24 projects conducted under the program that are

1 consistent with metropolitan and statewide
2 planning processes.

3 (B) REQUIREMENTS.—In carrying out the
4 program, the Secretary shall ensure the fol-
5 lowing:

6 (i) All projects carried out under the
7 program will comply with sections 5303
8 and 5304 of title 49, United States Code.

9 (ii) All new transportation connectors
10 and routes established under a project
11 shall be accessible in accordance with the
12 Americans with Disabilities Act of 1990
13 (42 U.S.C. 12101 et seq.) accessibility
14 specifications for transportation vehicles.

15 (iii) State department of transpor-
16 tation agencies shall engage with relevant
17 stakeholders consistent with sections
18 5304(f)(3) and 5404(g)(3) of title 49,
19 United States Code, and metropolitan
20 planning organizations shall engage with
21 relevant stakeholders consistent with sec-
22 tions 5303(g)(3)(B), 5303(i)(5), and
23 5303(i)(6) of title 49, United States Code,
24 in addition to faith-based and community-
25 based organizations.

1 (iv) Except as otherwise provided
2 under this section, a grant provided under
3 this section shall be subject to the require-
4 ments of section 5307 of title 49, United
5 States Code.

6 (4) FEDERAL SHARE.—

7 (A) IN GENERAL.—The Federal share of
8 the cost of an eligible project carried out under
9 this subsection shall not exceed 80 percent.

10 (B) NON-FEDERAL SHARE.—The non-Fed-
11 eral share of the cost of an eligible project car-
12 ried out under this subsection may be derived
13 from in-kind contributions.

14 (5) ELIGIBLE USES.—Grant funds provided
15 under the program may be used—

16 (A) to develop transportation connectors or
17 routes in or serving, and related culturally and
18 linguistically appropriate education materials
19 for, critically underserved communities to in-
20 crease access and mobility to Federal and non-
21 Federal public land, inland and coastal waters,
22 parkland, and monuments; and

23 (B) to create or significantly enhance ac-
24 cess to Federal or non-Federal public land and

1 recreational opportunities in an urban area or
2 a rural area.

3 (6) GRANT AMOUNT.—A grant provided under
4 the program shall be—

5 (A) not less than \$25,000; and

6 (B) not more than \$500,000.

7 (7) TECHNICAL ASSISTANCE.—It is the intent
8 of Congress that grants provided under the program
9 deliver project funds to areas of greatest need while
10 offering technical assistance to all applicants and po-
11 tential applicants for grant preparation to encourage
12 full participation in the program.

13 (c) REPORTING REQUIREMENT.—

14 (1) REPORTS BY GRANT RECIPIENTS.—The
15 Secretary shall require a recipient of a grant under
16 the program to submit to the Secretary at least 1
17 performance and financial report that—

18 (A) includes—

19 (i) demographic data on communities
20 served by the project; and

21 (ii) a summary of project activities
22 conducted after receiving the grant; and

23 (B) describes the status of each project
24 funded by the grant as of the date of the re-
25 port.

1 (2) ADDITIONAL REPORTS.—In addition to the
2 report required under paragraph (1), the Secretary
3 may require additional reports from a recipient, as
4 the Secretary determines to be appropriate, includ-
5 ing a final report.

6 (3) DEADLINES.—The Secretary shall establish
7 deadlines for the submission of each report required
8 under paragraph (1) or (2).

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$10,000,000 for fiscal years 2023 and 2024 and
12 \$20,000,000 for fiscal years 2025 and 2026.

13 **Subtitle F—Supporting Frontline** 14 **Workers and Passenger Safety**

15 **SEC. 2601. NATIONAL TRANSIT FRONTLINE WORKFORCE** 16 **TRAINING CENTER.**

17 Section 5314(b) of title 49, United States Code, is
18 amended—

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

21 “(2) NATIONAL TRANSIT FRONTLINE WORK-
22 FORCE TRAINING CENTER.—

23 “(A) ESTABLISHMENT.—The Secretary
24 shall establish a national transit frontline work-
25 force training center (hereinafter referred to as

1 the ‘Center’) and enter into a cooperative agree-
2 ment with a nonprofit organization with a dem-
3 onstrated capacity to develop and provide tran-
4 sit career pathway programs through labor-
5 management partnerships and registered ap-
6 prenticeships on a nationwide basis, in order to
7 carry out the duties under subparagraph (B).
8 The Center shall be dedicated to the needs of
9 the frontline transit workforce in both rural and
10 urban transit systems by providing training in
11 the maintenance and operations occupations
12 based on industry best practices.

13 “(B) DUTIES.—

14 “(i) IN GENERAL.—In cooperation
15 with the Administrator of the Federal
16 Transit Administration, public transpor-
17 tation authorities, and national entities,
18 the Center shall develop and conduct train-
19 ing and educational programs for frontline
20 local transportation employees of recipients
21 eligible for funds under this chapter.

22 “(ii) TRAINING AND EDUCATIONAL
23 PROGRAMS.—The training and educational
24 programs developed under clause (i) may

1 include courses in recent developments,
2 techniques, and procedures related to—

3 “(I) developing consensus na-
4 tional training standards, skills, com-
5 petencies, and recognized postsec-
6 ondary credentials in partnership with
7 industry stakeholders for key frontline
8 transit occupations with demonstrated
9 skill gaps;

10 “(II) developing recommenda-
11 tions and best practices for cur-
12 riculum and recognized postsecondary
13 credentials, including related instruc-
14 tion and on-the-job learning for reg-
15 istered apprenticeship programs for
16 transit maintenance and operations
17 occupations;

18 “(III) building local, regional,
19 and statewide transit training part-
20 nerships to identify and address work-
21 force skill gaps and develop skills,
22 competencies, and recognized postsec-
23 ondary credentials needed for deliv-
24 ering quality transit service and sup-
25 porting employee career advancement;

1 “(IV) developing programs for
2 training of transit frontline workers,
3 instructors, mentors, and labor-man-
4 agement partnership representatives,
5 in the form of classroom, hands-on,
6 on-the-job, and web-based training,
7 delivered at a national center, region-
8 ally, or at individual transit agencies;

9 “(V) developing training pro-
10 grams for skills and competencies re-
11 lated to existing and emerging transit
12 technologies, including zero emission
13 buses;

14 “(VI) developing improved capac-
15 ity for safety, security, and emergency
16 preparedness in local transit systems
17 and in the industry as a whole
18 through—

19 “(aa) developing the role of
20 the transit frontline workforce in
21 building and sustaining safety
22 culture and safety systems in the
23 industry and in individual public
24 transportation systems; and

1 “(bb) training to address
2 transit frontline worker roles in
3 promoting health and safety for
4 transit workers and the riding
5 public;

6 “(VII) developing local transit
7 capacity for career pathways pro-
8 grams with schools and other commu-
9 nity organizations for recruiting and
10 training under-represented popu-
11 lations as successful transit employees
12 who can develop careers in the transit
13 industry;

14 “(VIII) in collaboration with the
15 Administrator of the Federal Transit
16 Administration, the Bureau of Labor
17 Statistics, the Employment and
18 Training Administration, and organi-
19 zations representing public transit
20 agencies, conducting and dissemi-
21 nating research to—

22 “(aa) provide transit work-
23 force job projections and identify
24 training needs and gaps;

1 “(bb) determine the most
2 cost-effective methods for transit
3 workforce training and develop-
4 ment, including return on invest-
5 ment analysis;

6 “(cc) identify the most effec-
7 tive methods for implementing
8 successful safety systems and a
9 positive safety culture; and

10 “(dd) promote transit work-
11 force best practices for achieving
12 cost-effective, quality, safe, and
13 reliable public transportation
14 services; and

15 “(IX) providing culturally com-
16 petent training and educational pro-
17 grams to all who participate, regard-
18 less of gender, sexual orientation, or
19 gender identity, including those with
20 limited English proficiency, diverse
21 cultural and ethnic backgrounds, and
22 disabilities.

23 “(C) COORDINATION.—The Secretary shall
24 coordinate activities under this section, to the
25 maximum extent practicable, with the Employ-

1 ment and Training Administration, including
2 the National Office of Apprenticeship of the
3 Department of Labor and the Office of Career,
4 Technical, and Adult Education of the Depart-
5 ment of Education.

6 “(D) AVAILABILITY OF AMOUNTS.—

7 “(i) IN GENERAL.—Not more than 1
8 percent of amounts made available to a re-
9 cipient under sections 5307, 5337, and
10 5339 and not more than 2 percent of
11 amounts made available to a recipient
12 under section 5311 is available for expend-
13 itures by the recipient, with the approval
14 of the Secretary, to pay not more than 80
15 percent of the cost of eligible activities
16 under this subsection.

17 “(ii) EXISTING PROGRAMS.—A recipi-
18 ent may use amounts made available under
19 clause (i) to carry out existing local edu-
20 cation and training programs for public
21 transportation employees supported by the
22 Secretary, the Department of Labor, or
23 the Department of Education.

24 “(iii) LIMITATION.—Any funds made
25 available under this section that are used

1 to fund an apprenticeship or apprentice-
2 ship program shall only be used for, or
3 provided to, a registered apprenticeship
4 program, including any funds awarded for
5 the purposes of grants, contracts, or coop-
6 erative agreements, or the development,
7 implementation, or administration, of an
8 apprenticeship or an apprenticeship pro-
9 gram.

10 “(E) DEFINITIONS.—In this paragraph:

11 “(i) CAREER PATHWAY.—The term
12 ‘career pathway’ has the meaning given
13 such term in section 3 of the Workforce
14 Innovation and Opportunity Act (29
15 U.S.C. 3102).

16 “(ii) RECOGNIZED POSTSECONDARY
17 CREDENTIAL.—The term ‘recognized post-
18 secondary credential’ has the meaning
19 given such term in section 3 of the Work-
20 force Innovation and Opportunity Act (29
21 U.S.C. 3102).

22 “(iii) REGISTERED APPRENTICESHIP
23 PROGRAM.—The term ‘registered appren-
24 ticeship program’ means an apprenticeship
25 program registered with the Department of

1 Labor or a Federally-recognized State Ap-
2 prenticeship Agency and that complies with
3 the requirements under parts 29 and 30 of
4 title 29, Code of Federal Regulations, as in
5 effect on January 1, 2019.”;

6 (2) in paragraph (3) by striking “or (2)”; and
7 (3) by striking paragraph (4).

8 **SEC. 2602. PUBLIC TRANSPORTATION SAFETY PROGRAM.**

9 Section 5329 of title 49, United States Code, is
10 amended—

11 (1) in subsection (b)(2)(C)(ii)—

12 (A) in subclause (I) by striking “and” at
13 the end;

14 (B) in subclause (II) by striking the semi-
15 colon and inserting “; and”; and

16 (C) by adding at the end the following:

17 “(III) innovations in driver as-
18 sistance technologies and driver pro-
19 tection infrastructure where appro-
20 priate, and a reduction in visibility
21 impairments that contribute to pedes-
22 trian fatalities;”;

23 (2) in subsection (b)(2)—

1 (A) by redesignating subparagraphs (D)
2 and (E) as subparagraphs (E) and (F), respec-
3 tively; and

4 (B) by inserting after subparagraph (C)
5 the following:

6 “(D) in consultation with the Secretary of
7 the Department of Health and Human Services,
8 precautionary and reactive actions required to
9 ensure public and personnel safety and health
10 during an emergency as defined in section
11 5324;”;

12 (3) in subsection (d)—

13 (A) in paragraph (1)—

14 (i) in subparagraph (A) by inserting
15 “the safety committee established under
16 paragraph (4), and subsequently,” before
17 “the board of directors”;

18 (ii) in subparagraph (C) by striking
19 “public, personnel, and property” and in-
20 sserting “public and personnel to injuries,
21 assaults, fatalities, and, consistent with
22 guidelines by the Centers for Disease Con-
23 trol and Prevention, infectious diseases,
24 and strategies to minimize the exposure of
25 property”;

1 (iii) in subparagraph (F) by striking
2 “and” at the end; and

3 (iv) by striking subparagraph (G) and
4 inserting the following:

5 “(G) a comprehensive staff training pro-
6 gram for the operations and maintenance per-
7 sonnel and personnel directly responsible for
8 safety of the recipient that includes—

9 “(i) the completion of a safety train-
10 ing program;

11 “(ii) continuing safety education and
12 training; and

13 “(iii) de-escalation training;

14 “(H) a requirement that the safety com-
15 mittee only approve a safety plan under sub-
16 paragraph (A) if such plan stays within such
17 recipient’s fiscal budget; and

18 “(I) a risk reduction program for transit
19 operations to improve safety by reducing the
20 number and rates of accidents, injuries, and as-
21 saults on transit workers using data submitted
22 to the National Transit Database, including—

23 “(i) a reduction of vehicular and pe-
24 destrian accidents involving buses that in-
25 cludes measures to reduce visibility impair-

1 ments for bus operators that contribute to
2 accidents, including retrofits to buses in
3 revenue service and specifications for fu-
4 ture procurements that reduce visibility
5 impairments; and

6 “(ii) transit worker assault mitigation,
7 including the deployment of assault mitiga-
8 tion infrastructure and technology on
9 buses, including barriers to restrict the un-
10 wanted entry of individuals and objects
11 into bus operators’ workstations when a re-
12 cipient’s risk analysis performed by the
13 safety committee established in paragraph
14 (4) determines that such barriers or other
15 measures would reduce assaults on and in-
16 juries to transit workers.”; and

17 (B) by adding at the end the following:

18 “(4) SAFETY COMMITTEE.—For purposes of the
19 approval process of an agency safety plan under
20 paragraph (1), the safety committee shall be con-
21 vened by a joint labor-management process and con-
22 sist of an equal number of—

23 “(A) frontline employee representatives, se-
24 lected by the labor organization representing
25 the plurality of the frontline workforce em-

1 employed by the recipient or if applicable a con-
2 tractor to the recipient; and

3 “(B) employer or State representatives.”;

4 and

5 (4) in subsection (e)(4)(A)(v) by inserting “, in-
6 spection,” after “has investigative”.

7 **SEC. 2603. INNOVATION WORKFORCE STANDARDS.**

8 (a) **PROHIBITION ON USE OF FUNDS.**—No financial
9 assistance under chapter 53 of title 49, United States
10 Code, may be used for—

11 (1) an automated vehicle providing public trans-
12 portation unless—

13 (A) the recipient of such assistance that
14 proposes to deploy an automated vehicle pro-
15 viding public transportation certifies to the Sec-
16 retary of Transportation that the deployment
17 does not eliminate or reduce the frequency of
18 existing public transportation service; and

19 (B) the Secretary receives, approves, and
20 publishes the workforce development plan under
21 subsection (b) submitted by the eligible entity
22 when required by subsection (b)(1); and

23 (2) a mobility on demand service unless—

24 (A) the recipient of such assistance that
25 proposes to deploy a mobility on demand service

1 certifies to the Secretary that the service meets
2 the criteria under section 5307, 5310, 5311,
3 5312, or 5316 of title 49, United States Code;
4 and

5 (B) the Secretary receives, approves, and
6 publishes the workforce development plan under
7 subsection (b) submitted by the eligible entity
8 when required by subsection (b)(1).

9 (b) WORKFORCE DEVELOPMENT PLAN.—

10 (1) IN GENERAL.—A recipient of financial as-
11 sistance under chapter 53 of title 49, United States
12 Code, proposing to deploy an automated vehicle pro-
13 viding public transportation or mobility on demand
14 service shall submit to the Secretary, prior to imple-
15 mentation of such service, a workforce development
16 plan if such service, combined with any other auto-
17 mated vehicle providing public transportation or mo-
18 bility on demand service offered by such recipient,
19 would exceed more than 0.5 percent of the recipi-
20 ent's total annual transit passenger miles traveled.

21 (2) CONTENTS.—The workforce development
22 plan under subsection (a) shall include the following:

23 (A) A description of services offered by ex-
24 isting conventional modes of public transpor-
25 tation in the area served by the recipient that

1 could be affected by the proposed automated ve-
2 hicle providing public transportation or mobility
3 on demand service, including jobs and functions
4 of such jobs.

5 (B) A forecast of the number of jobs pro-
6 vided by existing conventional modes of public
7 transportation that would be eliminated or that
8 would be substantially changed and the number
9 of jobs expected to be created by the proposed
10 automated vehicle providing public transpor-
11 tation or mobility on demand service over a 5-
12 year period from the date of the publication of
13 the workforce development plan.

14 (C) Identified gaps in skills needed to op-
15 erate and maintain the proposed automated ve-
16 hicle providing public transportation or mobility
17 on demand service.

18 (D) A comprehensive plan to transition,
19 train, or retrain employees that could be af-
20 fected by the proposed automated vehicle pro-
21 viding public transportation or mobility on de-
22 mand service.

23 (E) An estimated budget to transition,
24 train, or retrain employees impacted by the pro-
25 posed automated vehicle providing public trans-

1 portation or mobility on demand service over a
2 5-year period from the date of the publication
3 of the workforce development plan.

4 (c) NOTICE REQUIRED.—

5 (1) IN GENERAL.—A recipient of financial as-
6 sistance under chapter 53 of title 49, United States
7 Code, shall issue a notice to employees who, due to
8 the use of an automated vehicle providing public
9 transportation or mobility on demand service, may
10 be subjected to a loss of employment or a change in
11 responsibilities not later than 60 days before signing
12 a contract for such service or procurement. A recipi-
13 ent shall provide employees copies of a request for
14 a proposal related to an automated vehicle providing
15 public transportation or mobility on demand services
16 at the time such request is issued.

17 (2) CONTENT.—The notice required in para-
18 graph (1) shall include the following:

19 (A) A description of the automated vehicle
20 providing public transportation or mobility on
21 demand service.

22 (B) The impact of the automated vehicle
23 providing public transportation or mobility on
24 demand service on employment positions, in-
25 cluding a description of which employment posi-

1 tions will be affected and whether any new posi-
2 tions will be created.

3 (d) DEFINITIONS.—In this section:

4 (1) AUTOMATED VEHICLE.—The term “auto-
5 mated vehicle” means a motor vehicle that—

6 (A) is capable of performing the entire
7 task of driving (including steering, accelerating
8 and decelerating, and reacting to external stim-
9 ulus) without human intervention; and

10 (B) is designed to be operated exclusively
11 by a Level 4 or Level 5 automated driving sys-
12 tem for all trips according to the recommended
13 practice standards published on June 15, 2018,
14 by the Society of Automotive Engineers Inter-
15 national (J3016__201806) or equivalent stand-
16 ards adopted by the Secretary with respect to
17 automated motor vehicles.

18 (2) MOBILITY ON DEMAND.—The term “mobil-
19 ity on demand” has the meaning given such term in
20 section 5316 of title 49, United States Code.

21 (3) PUBLIC TRANSPORTATION.—The term
22 “public transportation” has the meaning given such
23 term in section 5302 of title 49, United States Code.

24 (e) SAVINGS CLAUSE.—Nothing in this section shall
25 prohibit the use of funds for an eligible activity or pilot

1 project of a covered recipient authorized under current law
2 prior to the date of enactment of this Act.

3 **SEC. 2604. SAFETY PERFORMANCE MEASURES AND SET**
4 **ASIDES.**

5 Section 5329(d)(2) of title 49, United States Code,
6 is amended to read as follows:

7 “(2) SAFETY COMMITTEE PERFORMANCE MEAS-
8 URES.—

9 “(A) IN GENERAL.—The safety committee
10 described in paragraph (4) shall establish per-
11 formance measures for the risk reduction pro-
12 gram in paragraph (1)(I) using a 3-year rolling
13 average of the data submitted by the recipient
14 to the National Transit Database.

15 “(B) SAFETY SET ASIDE.—With respect to
16 a recipient serving an urbanized area that re-
17 ceives funds under section 5307, such recipient
18 shall allocate not less than 0.75 percent of such
19 funds to projects eligible under section 5307.

20 “(C) FAILURE TO MEET PERFORMANCE
21 MEASURES.—Any recipient that receives funds
22 under section 5307 that does not meet the per-
23 formance measures established in subparagraph
24 (A) shall allocate the amount made available in

1 subparagraph (B) in the following fiscal year to
2 projects described in subparagraph (D).

3 “(D) ELIGIBLE PROJECTS.—Funds set
4 aside under this paragraph shall be used for
5 projects that are reasonably likely to meet the
6 performance measures established in subpara-
7 graph (A), including modifications to rolling
8 stock and de-escalation training.”.

9 **SEC. 2605. U.S. EMPLOYMENT PLAN.**

10 (a) IN GENERAL.—Chapter 53 of title 49, United
11 States Code, is amended by adding at the end the fol-
12 lowing:

13 **“§ 5341. U.S. Employment Plan**

14 “(a) DEFINITIONS.—In this section:

15 “(1) COMMITMENT TO HIGH-QUALITY CAREER
16 AND BUSINESS OPPORTUNITIES.—The term ‘com-
17 mitment to high-quality career and business oppor-
18 tunities’ means participation in a registered appren-
19 ticeship program.

20 “(2) COVERED INFRASTRUCTURE PROGRAM.—
21 The term ‘covered infrastructure program’ means
22 any activity under a program or project under this
23 chapter for the purchase or acquisition of rolling
24 stock.

1 “(3) U.S. EMPLOYMENT PLAN.—The term ‘U.S.
2 Employment Plan’ means a plan under which an en-
3 tity receiving Federal assistance for a project under
4 a covered infrastructure program shall—

5 “(A) include in a request for proposal an
6 encouragement for bidders to include, with re-
7 spect to the project—

8 “(i) high-quality wage, benefit, and
9 training commitments by the bidder and
10 the supply chain of the bidder for the
11 project; and

12 “(ii) a commitment to recruit and hire
13 individuals described in subsection (e) if
14 the project results in the hiring of employ-
15 ees not currently or previously employed by
16 the bidder and the supply chain of the bid-
17 der for the project;

18 “(B) give preference for the award of the
19 contract to a bidder that includes the commit-
20 ments described in clauses (i) and (ii) of sub-
21 paragraph (A); and

22 “(C) ensure that each bidder that includes
23 the commitments described in clauses (i) and
24 (ii) of subparagraph (A) that is awarded a con-
25 tract complies with those commitments.

1 “(4) REGISTERED APPRENTICESHIP PRO-
2 GRAM.—The term ‘registered apprenticeship pro-
3 gram’ means an apprenticeship program registered
4 under the Act of August 16, 1937 (commonly known
5 as the ‘National Apprenticeship Act’; 50 Stat. 664,
6 chapter 663; 29 U.S.C. 50 et seq.), including any re-
7 quirement, standard, or rule promulgated under
8 such Act, as such requirement, standard, or rule was
9 in effect on December 30, 2019.

10 “(b) BEST-VALUE FRAMEWORK.—To the maximum
11 extent practicable, a recipient of assistance under a cov-
12 ered infrastructure program is encouraged—

13 “(1) to ensure that each dollar invested in in-
14 frastructure uses a best-value contracting framework
15 to maximize the local value of federally funded con-
16 tracts by evaluating bids on price and other tech-
17 nical criteria prioritized in the bid, such as—

18 “(A) equity;

19 “(B) environmental and climate justice;

20 “(C) impact on greenhouse gas emissions;

21 “(D) resilience;

22 “(E) the results of a 40-year life-cycle
23 analysis;

24 “(F) safety;

1 “(G) commitment to creating or sustaining
2 high-quality job opportunities affiliated with
3 registered apprenticeship programs (as defined
4 in subsection (a)(3)) for disadvantaged or
5 underrepresented individuals in infrastructure
6 industries in the United States; and

7 “(H) access to jobs and essential services
8 by all modes of travel for all users, including in-
9 dividuals with disabilities; and

10 “(2) to ensure community engagement, trans-
11 parency, and accountability in carrying out each
12 stage of the project.

13 “(c) PREFERENCE FOR REGISTERED APPRENTICE-
14 SHIP PROGRAMS.—To the maximum extent practicable, a
15 recipient of assistance under a covered infrastructure pro-
16 gram, with respect to the project for which the assistance
17 is received, shall give preference to a bidder that dem-
18 onstrates a commitment to high-quality job opportunities
19 affiliated with registered apprenticeship programs.

20 “(d) USE OF U.S. EMPLOYMENT PLAN.—Notwith-
21 standing any other provision of law, in carrying out a
22 project under a covered infrastructure program that re-
23 ceives assistance under this chapter, the recipient shall use
24 a U.S. Employment Plan for each contract of \$10,000,000

1 or more for the purchase of manufactured goods or of
2 services, based on an independent cost estimate.

3 “(e) PRIORITY.—The Secretary shall ensure that the
4 entity carrying out a project under the covered infrastruc-
5 ture program gives priority to—

6 “(1) individuals with a barrier to employment
7 (as defined in section 3 of the Workforce Innovation
8 and Opportunity Act (29 U.S.C. 3102)), including
9 ex-offenders and disabled individuals;

10 “(2) veterans; and

11 “(3) individuals that represent populations that
12 are traditionally underrepresented in the infrastruc-
13 ture workforce, such as women and racial and ethnic
14 minorities.

15 “(f) REPORT.—Not less frequently than once each
16 fiscal year, the Secretary shall jointly submit to Congress
17 a report describing the implementation of this section.

18 “(g) INTENT OF CONGRESS.—

19 “(1) IN GENERAL.—It is the intent of Con-
20 gress—

21 “(A) to encourage recipients of Federal as-
22 sistance under covered infrastructure programs
23 to use a best-value contracting framework de-
24 scribed in subsection (b) for the purchase of
25 goods and services;

1 “(B) to encourage recipients of Federal as-
2 sistance under covered infrastructure programs
3 to use preferences for registered apprenticeship
4 programs as described in subsection (c) when
5 evaluating bids for projects using that assist-
6 ance;

7 “(C) to require that recipients of Federal
8 assistance under covered infrastructure pro-
9 grams use the U.S. Employment Plan in car-
10 rying out the project for which the assistance
11 was provided; and

12 “(D) that full and open competition under
13 covered infrastructure programs means a proce-
14 dural competition that prevents corruption, fa-
15 voritism, and unfair treatment by recipient
16 agencies.

17 “(2) INCLUSION.—A best-value contracting
18 framework described in subsection (b) is a frame-
19 work that authorizes a recipient of Federal assist-
20 ance under a covered infrastructure program, in
21 awarding contracts, to evaluate a range of factors,
22 including price, the quality of products, the quality
23 of services, and commitments to the creation of good
24 jobs for all people in the United States.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 53 of title 49, United States Code, is amended by add-
3 ing at the end the following:

“5341. U.S. Employment Plan.”.

4 **SEC. 2606. TECHNICAL ASSISTANCE AND WORKFORCE DE-**
5 **VELOPMENT.**

6 Section 5314(a) of title 49, United States Code, is
7 amended—

8 (1) in paragraph (2) by inserting after subpara-
9 graph (H) (as added by section 2104 of this Act)
10 the following:

11 “(I) provide innovation and capacity-build-
12 ing to rural and tribal public transportation re-
13 cipients that do not duplicate the activities of
14 sections 5311(b) or 5312;” and

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

16 “(5) AVAILABILITY OF AMOUNTS.—Of the
17 amounts made available to carry out this section
18 under section 5338(a)(2)(G)(i), \$1,500,000 shall be
19 available to carry out activities described in para-
20 graph (2)(I).”.

21 **SEC. 2607. RESILIENT PUBLIC TRANSPORTATION STUDY.**

22 (a) STUDY.—The Secretary of Transportation shall
23 conduct a study on resilience planning and innovative re-
24 silience strategies for public transportation and shared
25 mobility.

1 (b) CONTENTS.—In carrying out the study under
2 subsection (a), the Secretary shall assess—

3 (1) best practices for making public transpor-
4 tation more resilient to external shocks, such as
5 pandemics and natural hazards; and

6 (2) new materials and technologies that may
7 improve the resilience of public transportation and
8 shared mobility, including innovative transit vehicles,
9 emerging electric vehicle chassis platforms, and
10 smart air quality control systems.

11 (c) PARTNERSHIPS.—In carrying out the study under
12 subsection (a), the Secretary shall consult with institutions
13 of higher education, as such term is defined in section 101
14 of the Higher Education Act of 1965 (20 U.S.C. 1001),
15 academic experts, and nonprofit organizations with exper-
16 tise in engineering, travel behavior, artificial intelligence,
17 policy analysis, planning, public healthy and safety, and
18 social and racial equity.

19 (d) REPORT.—Not later than 1 year after the date
20 of enactment of this Act, the Secretary shall submit to
21 the Committee on Transportation and Infrastructure of
22 the House of Representatives and the Committee on Com-
23 merce, Science, and Transportation of the Senate a report
24 containing the results of the study conducted under sub-
25 section (a).

1 **SEC. 2608. SENSE OF CONGRESS REGARDING ELECTRIC VE-**
2 **HICLE TRANSITION STRATEGY.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) The transition to a modern electric fleet
5 managed by the nation’s transit agencies represents
6 a key opportunity to modernize and green the public
7 transit fleets.

8 (2) The impending fleet transition presents dif-
9 ficult workforce challenges for the transit agencies
10 and their frontline workers as they prepare for the
11 differences in purchasing, maintaining, and man-
12 aging new electric buses and the related mainte-
13 nance systems.

14 (3) The maintenance of electric engines re-
15 quires fewer mechanics than does the maintenance
16 of diesel and natural gas engines, which make up
17 more than 99 percent of bus fleets in the United
18 States.

19 (4) Although approximately 400,000 people
20 work in public transportation, and of that figure, 90
21 percent work in the frontline occupations, because of
22 retirements and a massive transition in the transit
23 workforce, large changes are bound for workers,
24 transit agencies, and the communities that the tran-
25 sit workforce serves.

1 (5) Based on the Department of Transportation
2 and the Department of Labor data from 2014, tran-
3 sit systems needed to hire, train, and retain approxi-
4 mately 126 percent of their workforce over a 10-year
5 period.

6 (6) The Department of Transportation, the
7 Federal Railroad Administration, and sister Federal
8 agencies like the Department of Energy and the De-
9 partment of Labor can offer resources, strategy, and
10 a research and development plan to prepare and as-
11 sist in the upcoming transition to electric and clean
12 vehicle systems.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that the transit industry needs an integrated, coop-
15 erative, and forward-looking workforce development strat-
16 egy in order to help frontline workers and the transit
17 agencies prepare for and mitigate the workforce disruption
18 challenges posed by the transition to electric vehicles and
19 electric buses.

20 **Subtitle G—Transit-Supportive**
21 **Communities**

22 **SEC. 2701. TRANSIT-SUPPORTIVE COMMUNITIES.**

23 (a) IN GENERAL.—Chapter 53 of title 49, United
24 States Code, is amended by inserting after section 5327
25 the following:

1 **“§ 5328. Transit-supportive communities**

2 “(a) ESTABLISHMENT.—The Secretary shall estab-
3 lish within the Federal Transit Administration, an Office
4 of Transit-Supportive Communities to make grants, pro-
5 vide technical assistance, and assist in the coordination
6 of transit and housing policies within the Federal Transit
7 Administration, the Department of Transportation, and
8 across the Federal Government.

9 “(b) TRANSIT ORIENTED DEVELOPMENT PLANNING
10 GRANT PROGRAM.—

11 “(1) DEFINITION.—In this subsection the term
12 ‘eligible project’ means—

13 “(A) a new fixed guideway capital project
14 or a core capacity improvement project as de-
15 fined in section 5309;

16 “(B) an existing fixed guideway system, or
17 an existing station that is served by a fixed
18 guideway system; or

19 “(C) the immediate corridor along the
20 highest 25 percent of routes by ridership as
21 demonstrated in section 5336(b)(2)(B).

22 “(2) GENERAL AUTHORITY.—The Secretary
23 may make grants under this subsection to a State,
24 local governmental authority, or metropolitan plan-
25 ning organization to assist in financing comprehen-

1 sive planning associated with an eligible project that
2 seeks to—

3 “(A) enhance economic development, rider-
4 ship, equity, reduction of greenhouse gas emis-
5 sions, or other goals established during the
6 project development and engineering processes
7 or the grant application;

8 “(B) facilitate multimodal connectivity and
9 accessibility;

10 “(C) increase access to transit hubs for pe-
11 destrian and bicycle traffic;

12 “(D) enable mixed-use development;

13 “(E) identify infrastructure needs associ-
14 ated with the eligible project; and

15 “(F) include private sector participation.

16 “(3) ELIGIBILITY.—A State, local governmental
17 authority, or metropolitan planning organization
18 that desires to participate in the program under this
19 subsection shall submit to the Secretary an applica-
20 tion that contains at a minimum—

21 “(A) an identification of an eligible project;

22 “(B) a schedule and process for the devel-
23 opment of a comprehensive plan;

24 “(C) a description of how the eligible
25 project and the proposed comprehensive plan

1 advance the metropolitan transportation plan of
2 the metropolitan planning organization;

3 “(D) proposed performance criteria for the
4 development and implementation of the com-
5 prehensive plan;

6 “(E) a description of how the project will
7 advance equity and reduce and mitigate social
8 and economic impacts on existing residents and
9 businesses and communities historically ex-
10 cluded from economic opportunities vulnerable
11 to displacement; and

12 “(F) identification of—

13 “(i) partners;

14 “(ii) availability of and authority for
15 funding; and

16 “(iii) potential State, local or other
17 impediments to the implementation of the
18 comprehensive plan.

19 “(4) COST SHARE.—A grant under this sub-
20 section shall not exceed an amount in excess of 80
21 percent of total project costs, except that a grant
22 that includes an affordable housing component shall
23 not exceed an amount in excess of 90 percent of
24 total project costs.

1 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
2 provide technical assistance to States, local governmental
3 authorities, and metropolitan planning organizations in
4 the planning and development of transit-oriented develop-
5 ment projects and transit-supportive corridor policies, in-
6 cluding—

7 “(1) the siting, planning, financing, and inte-
8 gration of transit-oriented development projects;

9 “(2) the integration of transit-oriented develop-
10 ment and transit-supportive corridor policies in the
11 preparation for and development of an application
12 for funding under section 602 of title 23;

13 “(3) the siting, planning, financing, and inte-
14 gration of transit-oriented development and transit-
15 supportive corridor policies associated with projects
16 under section 5309;

17 “(4) the development of housing feasibility as-
18 sessments as allowed under section 5309(g)(3)(B);

19 “(5) the development of transit-supportive cor-
20 ridor policies that promote transit ridership and
21 transit-oriented development;

22 “(6) the development, implementation, and
23 management of land value capture programs; and

24 “(7) the development of model contracts, model
25 codes, and best practices for the implementation of

1 transit-oriented development projects and transit-
2 supportive corridor policies.

3 “(d) VALUE CAPTURE POLICY REQUIREMENTS.—

4 “(1) VALUE CAPTURE POLICY.—Not later than
5 October 1 of the fiscal year that begins 2 years after
6 the date of enactment of this section, the Secretary,
7 in collaboration with State departments of transpor-
8 tation, metropolitan planning organizations, and re-
9 gional council of governments, shall establish vol-
10 untary and consensus-based value capture stand-
11 ards, policies, and best practices for State and local
12 value capture mechanisms that promote greater in-
13 vestments in public transportation and affordable
14 transit-oriented development.

15 “(2) REPORT.—Not later than 15 months after
16 the date of enactment of this section, the Secretary
17 shall make available to the public a report cataloging
18 examples of State and local laws and policies that
19 provide for value capture and value sharing that pro-
20 mote greater investment in public transportation and
21 affordable transit-oriented development.

22 “(e) EQUITY.—In providing technical assistance
23 under subsection (c), the Secretary shall incorporate strat-
24 egies to promote equity for underrepresented and under-
25 served communities, including—

1 “(1) preventing displacement of existing resi-
2 dents and businesses;

3 “(2) mitigating rent and housing price in-
4 creases;

5 “(3) incorporating affordable rental and owner-
6 ship housing in transit-oriented development;

7 “(4) engaging under-served, limited English
8 proficiency, low-income, and minority communities
9 in the planning process;

10 “(5) fostering economic development opportuni-
11 ties for existing residents and businesses; and

12 “(6) targeting affordable housing that help less-
13 en homelessness.

14 “(f) AUTHORITY TO REQUEST STAFFING ASSIST-
15 ANCE.—In fulfilling the duties of this section, the Sec-
16 retary shall, as needed, request staffing and technical as-
17 sistance from other Federal agencies, programs, adminis-
18 trations, boards, or commissions.

19 “(g) REVIEW EXISTING POLICIES AND PROGRAMS.—
20 Not later than 24 months after the date of enactment of
21 this section, the Secretary shall review and evaluate all
22 existing policies and programs within the Federal Transit
23 Administration that support or promote transit-oriented
24 development to ensure their coordination and effectiveness
25 relative to the goals of this section.

1 “(h) REPORTING.—Not later than February 1 of
2 each year beginning the year after the date of enactment
3 of this section, the Secretary shall prepare a report detail-
4 ing the grants and technical assistance provided under this
5 section, the number of affordable housing units con-
6 structed or planned as a result of projects funded in this
7 section, and the number of affordable housing units con-
8 structed or planned as a result of a property transfer
9 under section 5334(h)(1). The report shall be provided to
10 the Committee on Transportation and Infrastructure of
11 the House of Representatives and the Committee on
12 Banking, Housing, and Urban Affairs of the Senate.

13 “(i) SAVINGS CLAUSE.—Nothing in this section au-
14 thorizes the Secretary to provide any financial assistance
15 for the construction of housing.

16 “(j) PRIORITY FOR LOW-INCOME AREAS.—In award-
17 ing grants under this section, the Secretary shall give pri-
18 ority to projects under this section that expand or build
19 transit in low-income areas or that provide access to public
20 transportation to low-income areas that do not have access
21 to public transportation.”.

22 (b) CLERICAL AMENDMENT.—The analysis for chap-
23 ter 53 of title 49, United States Code, is amended by in-
24 serting after the item relating to section 5327 the fol-
25 lowing:

“5328. Transit-supportive communities.”.

1 (c) TECHNICAL AND CONFORMING AMENDMENT.—
2 Section 20005 of the MAP-21 (Public Law 112-141) is
3 amended—

4 (1) by striking “(a) AMENDMENT.—”; and

5 (2) by striking subsection (b).

6 **SEC. 2702. PROPERTY DISPOSITION FOR AFFORDABLE**
7 **HOUSING.**

8 Section 5334(h)(1) of title 49, United States Code,
9 is amended to read as follows:

10 “(1) IN GENERAL.—If a recipient of assistance
11 under this chapter decides an asset acquired under
12 this chapter at least in part with that assistance is
13 no longer needed for the purpose for which such
14 asset was acquired, the Secretary may authorize the
15 recipient to transfer such asset to—

16 “(A) a local governmental authority to be
17 used for a public purpose with no further obli-
18 gation to the Government if the Secretary de-
19 cides—

20 “(i) the asset will remain in public use
21 for at least 5 years after the date the asset
22 is transferred;

23 “(ii) there is no purpose eligible for
24 assistance under this chapter for which the
25 asset should be used;

1 “(iii) the overall benefit of allowing
2 the transfer is greater than the interest of
3 the Government in liquidation and return
4 of the financial interest of the Government
5 in the asset, after considering fair market
6 value and other factors; and

7 “(iv) through an appropriate screen-
8 ing or survey process, that there is no in-
9 terest in acquiring the asset for Govern-
10 ment use if the asset is a facility or land;
11 or

12 “(B) a local governmental authority, non-
13 profit organization, or other third party entity
14 to be used for the purpose of transit-oriented
15 development with no further obligation to the
16 Government if the Secretary decides—

17 “(i) the asset is a necessary compo-
18 nent of a proposed transit-oriented devel-
19 opment project;

20 “(ii) the transit-oriented development
21 project will increase transit ridership;

22 “(iii) at least 40 percent of the hous-
23 ing units offered in the transit-oriented de-
24 velopment, including housing units owned
25 by nongovernmental entities, are legally

1 binding affordability restricted to tenants
2 with incomes at or below 60 percent of the
3 area median income or owners with in-
4 comes at or below 60 percent the area me-
5 dian income;

6 “(iv) the asset will remain in use as
7 described in this section for at least 30
8 years after the date the asset is trans-
9 ferred; and

10 “(v) with respect to a transfer to a
11 third party entity—

12 “(I) a local government authority
13 or nonprofit organization is unable to
14 receive the property;

15 “(II) the overall benefit of allow-
16 ing the transfer is greater than the in-
17 terest of the Government in liquida-
18 tion and return of the financial inter-
19 est of the Government in the asset,
20 after considering fair market value
21 and other factors; and

22 “(III) the third party has dem-
23 onstrated a satisfactory history of
24 construction or operating an afford-
25 able housing development.”.

1 **SEC. 2703. AFFORDABLE HOUSING INCENTIVES IN CAPITAL**
2 **INVESTMENT GRANTS.**

3 Section 5309 of title 49, United States Code, is fur-
4 ther amended—

5 (1) in subsection (g)—

6 (A) in paragraph (2)(B)—

7 (i) in clause (i) by striking “; and”
8 and inserting a semicolon;

9 (ii) in clause (ii) by striking the pe-
10 riod and inserting “; and”; and

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

13 “(iii) in the case of a new fixed guide-
14 way capital project or a core capacity im-
15 provement project, allow a weighting up to
16 5 percentage points greater to the eco-
17 nomic development or land use criterion
18 and up to 5 percentage points lesser to the
19 lowest scoring criterion if the applicant
20 demonstrates substantial efforts to pre-
21 serve or encourage affordable housing near
22 the project by providing documentation of
23 policies that allow by-right multi-family
24 housing, single room occupancy units, or
25 accessory dwelling units, providing local
26 capital sources for transit-oriented develop-

1 ment, or demonstrate other methods as de-
2 termined by the Secretary.”; and

3 (B) in paragraph (3) by adding at the end
4 the following:

5 “(B) establish a warrant that applies to
6 the economic development or land use project
7 justification criteria, provided that the applicant
8 that requests a warrant under this process has
9 completed and submitted a housing feasibility
10 assessment.”; and

11 (2) in subsection (l)(4) by adding at the end the
12 following:

13 “(E) from grant proceeds distributed
14 under section 103 of the Housing and Commu-
15 nity Development Act of 1974 (42 U.S.C.
16 5303) or section 201 of the Public Works and
17 Economic Development Act of 1965 (42 U.S.C.
18 3141) provided that—

19 “(i) such funds are used in conjunc-
20 tion with the planning or development of
21 affordable housing; and

22 “(ii) such affordable housing is lo-
23 cated within one-half of a mile of a new
24 station.”.

1 **Subtitle H—Innovation**

2 **SEC. 2801. MOBILITY INNOVATION SANDBOX PROGRAM.**

3 Section 5312(d) of title 49, United States Code, is
4 amended by adding at the end the following:

5 “(3) MOBILITY INNOVATION SANDBOX PRO-
6 GRAM.—The Secretary may make funding available
7 under this subsection to carry out research on mobil-
8 ity on demand and mobility as a service activities eli-
9 gible under section 5316.”.

10 **SEC. 2802. TRANSIT BUS OPERATOR COMPARTMENT REDE-**
11 **SIGN PROGRAM.**

12 Section 5312(d) of title 49, United States Code, is
13 further amended by adding at the end the following:

14 “(4) TRANSIT BUS OPERATOR COMPARTMENT
15 REDESIGN PROGRAM.—

16 “(A) IN GENERAL.—The Secretary may
17 make funding available under this subsection to
18 carry out research on redesigning transit bus
19 operator compartments to improve safety, oper-
20 ational efficiency, and passenger accessibility.

21 “(B) OBJECTIVES.—Research objectives
22 under this paragraph shall include—

23 “(i) increasing bus operator safety
24 from assaults;

1 “(ii) optimizing operator visibility and
2 reducing operator distractions to improve
3 safety of bus passengers, pedestrians,
4 bicyclists, and other roadway users;

5 “(iii) expanding passenger accessi-
6 bility for positive interactions between op-
7 erators and passengers, including assisting
8 passengers in need of special assistance;

9 “(iv) accommodating passenger board-
10 ing, alighting, and securement consistent
11 with the Americans with Disabilities Act of
12 1990 (42 U.S.C. 12101 et seq.); and

13 “(v) improving ergonomics to reduce
14 bus operator work-related health issues
15 and injuries, as well as locate key instru-
16 ment and control interfaces to improve
17 operational efficiency and convenience.

18 “(C) ACTIVITIES.—Eligible activities under
19 this paragraph shall include—

20 “(i) measures to reduce visibility im-
21 pairments and distractions for bus opera-
22 tors that contribute to accidents, including
23 retrofits to buses in revenue service and
24 specifications for future procurements that

1 reduce visibility impairments and distrac-
2 tions;

3 “(ii) the deployment of assault mitiga-
4 tion infrastructure and technology on
5 buses, including barriers to restrict the un-
6 wanted entry of individuals and objects
7 into bus operators’ workstations;

8 “(iii) technologies to improve pas-
9 senger accessibility, including boarding,
10 alighting, and securement consistent with
11 the Americans with Disabilities Act of
12 1990 (42 U.S.C. 12101 et seq.);

13 “(iv) installation of seating and modi-
14 fication to design specifications of bus op-
15 erator workstations that reduce or prevent
16 injuries from ergonomic risks; or

17 “(v) other measures that align with
18 the objectives under subparagraph (B).

19 “(D) ELIGIBLE ENTITIES.—Entities eligi-
20 ble to receive funding under this paragraph
21 shall include consortia consisting of, at a min-
22 imum:

23 “(i) recipients of funds under this
24 chapter that provide public transportation
25 services;

1 “(ii) transit vehicle manufacturers;

2 “(iii) representatives from organiza-
3 tions engaged in collective bargaining on
4 behalf of transit workers in not fewer than
5 three States; and

6 “(iv) any nonprofit institution of high-
7 er education, as defined in section 101 of
8 the Higher Education Act of 1965 (20
9 U.S.C. 1001).”.

10 **SEC. 2803. FEDERAL TRANSIT ADMINISTRATION EVERY DAY**
11 **COUNTS INITIATIVE.**

12 Section 5312 of title 49, United States Code, as
13 amended by section 2503, is further amended by adding
14 at the end the following:

15 “(k) EVERY DAY COUNTS INITIATIVE.—

16 “(1) IN GENERAL.—It is in the national inter-
17 est for the Department of Transportation and recipi-
18 ents of Federal public transportation funds—

19 “(A) to identify, accelerate, and deploy in-
20 novation aimed at expediting project delivery,
21 enhancing the safety of transit systems of the
22 United States, and protecting the environment;

23 “(B) to ensure that the planning, design,
24 engineering, construction, and financing of

1 transportation projects is done in an efficient
2 and effective manner;

3 “(C) to promote the rapid deployment of
4 proven solutions that provide greater account-
5 ability for public investments; and

6 “(D) to create a culture of innovation
7 within the transit community.

8 “(2) FTA EVERY DAY COUNTS INITIATIVE.—To
9 advance the policies described in paragraph (1), the
10 Administrator of the Federal Transit Administration
11 shall adopt the Every Day Counts initiative to work
12 with recipients to identify and deploy the proven in-
13 novation practices and products that—

14 “(A) accelerate innovation deployment;

15 “(B) expedite the project delivery process;

16 “(C) improve environmental sustainability;

17 “(D) enhance transit safety;

18 “(E) expand mobility; and

19 “(F) reduce greenhouse gas emissions.

20 “(3) CONSIDERATION.—In accordance with the
21 Every Day Counts goals described in paragraphs (1)
22 and (2), the Administrator shall consider research
23 conducted through the university transportation cen-
24 ters program in section 5505.

25 “(4) INNOVATION DEPLOYMENT.—

1 “(A) IN GENERAL.—At least every 2 years,
2 the Administrator shall work collaboratively
3 with recipients to identify a new collection of in-
4 novations, best practices, and data to be de-
5 ployed to recipients through case studies,
6 webinars, and demonstration projects.

7 “(B) REQUIREMENTS.—In identifying a
8 collection described in subparagraph (A), the
9 Secretary shall take into account market readi-
10 ness, impacts, benefits, and ease of adoption of
11 the innovation or practice.

12 “(5) PUBLICATION.—Each collection identified
13 under paragraph (4) shall be published by the Ad-
14 ministrator on a publicly available website.

15 “(6) RULE OF CONSTRUCTION.—Nothing in
16 this subsection may be construed to allow the Sec-
17 retary to waive any requirement under any other
18 provision of Federal law.”.

19 **SEC. 2804. TECHNICAL CORRECTIONS.**

20 Section 5312 of title 49, United States Code, as
21 amended in section 2503 and 2803, is further amended—

22 (1) in subsection (e)—

23 (A) in paragraph (3)(C) by striking “low
24 or no emission vehicles, zero emission vehicles,”
25 and inserting “zero emission vehicles”; and

1 (B) by striking paragraph (6) and insert-
2 ing the following:

3 “(6) ZERO EMISSION VEHICLE DEFINED.—In
4 this subsection, the term ‘zero emission vehicle’
5 means a passenger vehicle used to provide public
6 transportation that produces no carbon or particu-
7 late matter.”;

8 (2) by redesignating the first subsection (g) as
9 subsection (f); and

10 (3) in subsection (h)—

11 (A) in the header by striking “LOW OR NO
12 EMISSION” and inserting “ZERO EMISSION”;

13 (B) in paragraph (1)—

14 (i) by striking subparagraph (B) and
15 inserting the following:

16 “(B) the term ‘zero emission vehicle’ has
17 the meaning given such term in subsection
18 (e)(6);” and

19 (ii) in subparagraph (D) by striking
20 “low or no emission vehicle” and inserting
21 “zero emission vehicle” each place such
22 term appears;

23 (C) in paragraph (2)—

1 (i) in the heading by striking “LOW
2 OR NO EMISSION” and inserting “ZERO
3 EMISSION”; and

4 (ii) by striking “low or no emission”
5 and inserting “zero emission” each place
6 such term appears;

7 (D) in paragraph (3) by striking “low or
8 no emission” and inserting “zero emission”
9 each place such term appears (including in the
10 heading); and

11 (E) in paragraph (5)(A) by striking “low
12 or no emission” and inserting “zero emission”.

13 **SEC. 2805. NATIONAL ADVANCED TECHNOLOGY TRANSIT**
14 **BUS DEVELOPMENT PROGRAM.**

15 (a) **ESTABLISHMENT.**—The Secretary of Transpor-
16 tation shall establish a national advanced technology tran-
17 sit bus development program to facilitate the development
18 and testing of commercially viable advanced technology
19 transit buses that do not exceed a Level 3 automated driv-
20 ing system and related infrastructure.

21 (b) **AUTHORIZATION.**—There shall be available
22 \$20,000,000 for each of fiscal years 2022 through 2026.

23 (c) **GRANTS.**—The Secretary may enter into grants,
24 contracts, and cooperative agreements with no more than
25 three geographically diverse nonprofit organizations and

1 recipients under chapter 53 of title 49, United States
2 Code, to facilitate the development and testing of commer-
3 cially viable advance technology transit buses and related
4 infrastructure.

5 (d) CONSIDERATIONS.—

6 (1) IN GENERAL.—The Secretary shall consider
7 the applicant's—

8 (A) ability to contribute significantly to
9 furthering advanced technologies as it relates to
10 transit bus operations, including advanced driv-
11 er assistance systems, automatic emergency
12 braking, accessibility, and energy efficiency;

13 (B) financing plan and cost share poten-
14 tial;

15 (C) technical experience developing or test-
16 ing advanced technologies in transit buses;

17 (D) commitment to frontline worker in-
18 volvement; and

19 (E) other criteria that the Secretary deter-
20 mines are necessary to carry out the program.

21 (2) RULE OF CONSTRUCTION.—Nothing in this
22 subsection may be construed to allow the Secretary
23 to waive any requirement under any other provision
24 of Federal law.

1 (e) COMPETITIVE GRANT SELECTION.—The Sec-
2 retary shall conduct a national solicitation for applications
3 for grants under the program. Grant recipients shall be
4 selected on a competitive basis. The Secretary shall give
5 priority consideration to applicants that have successfully
6 managed advanced transportation technology projects, in-
7 cluding projects related to public transportation oper-
8 ations for a period of not less than 5 years.

9 (f) CONSORTIA.—As a condition of receiving an
10 award in (c), the Secretary shall ensure—

11 (1) that the selected non-profit recipients subse-
12 quently establish a consortia for each proposal sub-
13 mitted, including representatives from a labor union,
14 transit agency, an FTA-designated university bus
15 and component testing center, a Buy America com-
16 pliant transit bus manufacturer, and others as deter-
17 mined by the Secretary;

18 (2) that no proposal selected would decrease
19 workplace or passenger safety; and

20 (3) that no proposal selected would undermine
21 the creation of high-quality jobs or workforce sup-
22 port and development programs.

23 (g) FEDERAL SHARE.—The Federal share of costs
24 of the program shall be provided from funds made avail-
25 able to carry out this section. The Federal share of the

1 cost of a project carried out under the program shall not
2 exceed 80 percent of such cost.

3 **SEC. 2806. PUBLIC TRANSPORTATION INNOVATION.**

4 Section 5312(h)(2) of title 49, United States Code,
5 is amended by striking subparagraph (G).

6 **SEC. 2807. TRANSIT VEHICLE BATTERY RECYCLING AND**
7 **REUSE.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date of enactment of this Act, the Secretary of Transpor-
10 tation shall issue regulations that, notwithstanding any
11 other provision of law, allow recipients of funds under
12 chapter 53 of title 49, United States Code, at the option
13 of the recipient, to repurpose, recycle, reuse, sell, or lease
14 transit vehicle batteries that are beyond the useful service
15 life of such batteries for the purpose of transit vehicle pro-
16 pulsion and component parts of such batteries.

17 (b) CONSIDERATIONS.—In issuing regulations under
18 subsection (a), the Secretary shall prioritize second life ap-
19 plications that—

20 (1) maximize the full use of transit vehicle bat-
21 teries beyond the useful life of such batteries for
22 transit vehicle propulsion and component parts of
23 such batteries;

1 (2) enhance the reuse and recycling of transit
2 vehicle batteries, components, and component critical
3 minerals of such batteries;

4 (3) reduce costs for recipients;

5 (4) create new streams of revenue for recipi-
6 ents;

7 (5) support the provision of zero emission pub-
8 lic transportation service, which may include the use
9 of wayside charging; and

10 (6) enhance the resilience of public transpor-
11 tation and the electric vehicle supply equipment net-
12 work, which may include the use of batteries for en-
13 ergy storage.

14 (c) SECOND LIFE APPLICATIONS DEFINED.—In this
15 section, the term “second life applications” means the
16 repurposing, recycling, reuse, sale, or leasing of a transit
17 vehicle battery that is beyond the useful service life for
18 the purpose of transit vehicle propulsion and component
19 parts of such battery, but that retains utility for other ap-
20 plications.

1 **Subtitle I—Other Program**
2 **Reauthorizations**

3 **SEC. 2901. REAUTHORIZATION FOR CAPITAL AND PREVEN-**
4 **TIVE MAINTENANCE PROJECTS FOR WASH-**
5 **INGTON METROPOLITAN AREA TRANSIT AU-**
6 **THORITY.**

7 Section 601 of the Passenger Rail Investment and
8 Improvement Act of 2008 (Public Law 110–432) is
9 amended—

10 (1) in subsection (b) by striking “The Federal”
11 and inserting “Except as provided in subsection
12 (e)(2), the Federal”;

13 (2) by striking subsections (d) through (f) and
14 inserting the following:

15 “(d) **REQUIRED BOARD APPROVAL.**—No amounts
16 may be provided to the Transit Authority under this sec-
17 tion until the Transit Authority certifies to the Secretary
18 of Transportation that—

19 “(1) a board resolution has passed on or before
20 July 1, 2022, and is in effect for the period of July
21 1, 2022 through June 30, 2031, that—

22 “(A) establishes an independent budget au-
23 thority for the Office of Inspector General of
24 the Transit Authority;

1 “(B) establishes an independent procure-
2 ment authority for the Office of Inspector Gen-
3 eral of the Transit Authority;

4 “(C) establishes an independent hiring au-
5 thority for the Office of Inspector General of
6 the Transit Authority;

7 “(D) ensures the Inspector General of the
8 Transit Authority can obtain legal advice from
9 a counsel reporting directly to the Inspector
10 General;

11 “(E) requires the Inspector General of the
12 Transit Authority to submit recommendations
13 for corrective action to the General Manager
14 and the Board of Directors of the Transit Au-
15 thority;

16 “(F) requires the Inspector General of the
17 Transit Authority to publish any recommenda-
18 tion described in subparagraph (E) on the
19 website of the Office of Inspector General of the
20 Transit Authority, except that the Inspector
21 General may redact personally identifiable in-
22 formation and information that, in the deter-
23 mination of the Inspector General, would pose
24 a security risk to the systems of the Transit
25 Authority;

1 “(G) requires the Board of Directors of
2 the Transit Authority to provide written notice
3 to the Committee on Transportation and Infra-
4 structure of the House of Representatives and
5 the Committee on Banking, Housing, and
6 Urban Affairs of the Senate not less than 30
7 days before the Board of Directors removes the
8 Inspector General of the Transit Authority,
9 which shall include the reasons for removal and
10 supporting documentation; and

11 “(H) prohibits the Board of Directors from
12 removing the Inspector General of the Transit
13 Authority unless the Board of Directors has
14 provided a 30 day written notification as de-
15 scribed in subparagraph (G) that documents—

16 “(i) a permanent incapacity;

17 “(ii) a neglect of duty;

18 “(iii) malfeasance;

19 “(iv) a conviction of a felony or con-
20 duct involving moral turpitude;

21 “(v) a knowing violation of a law or
22 regulation;

23 “(vi) gross mismanagement;

24 “(vii) a gross waste of funds;

25 “(viii) an abuse of authority; or

1 “(ix) inefficiency; and

2 “(2) the Code of Ethics for Members of the
3 WMATA Board of Directors passed on September
4 26, 2019, remains in effect, or the Inspector General
5 of the Transit Authority has consulted with any
6 modifications to the Code of Ethics by the Board.

7 “(e) AUTHORIZATIONS.—

8 “(1) IN GENERAL.—There are authorized to be
9 appropriated to the Secretary of Transportation for
10 grants under this section—

11 “(A) for fiscal year 2022, \$150,000,000;

12 “(B) for fiscal year 2023, \$155,000,000;

13 “(C) for fiscal year 2024, \$160,000,000;

14 “(D) for fiscal year 2025, \$165,000,000;

15 “(E) for fiscal year 2026, \$170,000,000;

16 “(F) for fiscal year 2027, \$175,000,000;

17 “(G) for fiscal year 2028, \$180,000,000;

18 “(H) for fiscal year 2029, \$185,000,000;

19 “(I) for fiscal year 2030, \$190,000,000;

20 and

21 “(J) for fiscal year 2031, \$200,000,000.

22 “(2) SET ASIDE FOR OFFICE OF INSPECTOR
23 GENERAL OF TRANSIT AUTHORITY.—From the
24 amounts in paragraph (1), the Transit Authority
25 shall provide at least 7 percent for each fiscal year

1 to the Office of Inspector General of the Transit Au-
2 thority to carry out independent and objective au-
3 dits, investigations, and reviews of Transit Authority
4 programs and operations to promote economy, effi-
5 ciency, and effectiveness, and to prevent and detect
6 fraud, waste, and abuse in such programs and oper-
7 ations.”; and

8 (3) by redesignating subsection (g) as sub-
9 section (f).

10 **SEC. 2902. OTHER APPORTIONMENTS.**

11 Section 5336 of title 49, United States Code, is
12 amended—

13 (1) in subsection (h)—

14 (A) in the matter preceding paragraph (1)
15 by striking “section 5338(a)(2)(C)” and insert-
16 ing “section 5338(a)(2)(B)”;

17 (B) by amending paragraph (1) to read as
18 follows:

19 “(1) to carry out section 5307(h)—

20 “(A) \$60,906,000 shall be set aside in fis-
21 cal year 2023;

22 “(B) \$61,856,134 shall be set aside in fis-
23 cal year 2024;

24 “(C) \$62,845,832 shall be set aside in fis-
25 cal year 2025; and

1 “(D) \$63,832,511 shall be set aside in fis-
2 cal year 2026;”;

3 (C) in paragraph (2) by striking “3.07
4 percent” and inserting “6 percent”; and

5 (D) by amending paragraph (3) to read as
6 follows:

7 “(3) of amounts not apportioned under para-
8 graphs (1) and (2), 3 percent shall be apportioned
9 to urbanized areas with populations of less than
10 200,000 in accordance with subsection (i);”;

11 (2) in subsection (i) by adding at the end the
12 following:

13 “(3) CENSUS PHASE-OUT.—Before apportioning
14 funds under subsection (h)(3), for any urbanized
15 area that is no longer an eligible area due to a
16 change in population in the most recent decennial
17 census, the Secretary shall apportion to such urban-
18 ized area, for 3 fiscal years, an amount equal to half
19 of the funds apportioned to such urbanized area pur-
20 suant to this subsection for the previous fiscal
21 year.”.

1 **Subtitle J—Streamlining**

2 **SEC. 2911. FIXED GUIDEWAY CAPITAL INVESTMENT**
3 **GRANTS.**

4 Section 5309 of title 49, United States Code, as
5 amended by section 2703 of this Act, is further amend-
6 ed—

7 (1) in subsection (a)—

8 (A) in paragraph (7)—

9 (i) in subparagraph (A) by striking
10 “\$100,000,000” and inserting
11 “\$320,000,000”; and

12 (ii) in subparagraph (B) by striking
13 “\$300,000,000” and inserting
14 “\$400,000,000”;

15 (B) by striking paragraph (6); and

16 (C) by redesignating paragraph (7), as so
17 amended, as paragraph (6);

18 (2) in subsection (b)(2) by inserting “expanding
19 station capacity,” after “construction of infill sta-
20 tions,”;

21 (3) in subsection (d)(1)—

22 (A) in subparagraph (C)(i) by striking “2
23 years” and inserting “3 years”; and

24 (B) by adding at the end the following:

1 “(D) OPTIONAL PROJECT DEVELOPMENT
2 ACTIVITIES.—An applicant may perform cost
3 and schedule risk assessments with technical
4 assistance provided by the Secretary.

5 “(E) STATUTORY CONSTRUCTION.—Noth-
6 ing in this section shall be construed as author-
7 izing the Secretary to require cost and schedule
8 risk assessments in the project development
9 phase.”;

10 (4) in subsection (e)(1)—

11 (A) in subparagraph (C)(i) by striking “2
12 years” and inserting “3 years”; and

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

14 “(D) OPTIONAL PROJECT DEVELOPMENT
15 ACTIVITIES.—An applicant may perform cost
16 and schedule risk assessments with technical
17 assistance provided by the Secretary.

18 “(E) STATUTORY CONSTRUCTION.—Noth-
19 ing in this section shall be construed as author-
20 izing the Secretary to require cost and schedule
21 risk assessments in the project development
22 phase.”;

23 (5) in subsection (e)(2)(A)(iii)(II) by striking
24 “5 years” and inserting “10 years”;

25 (6) in subsection (f)—

1 (A) in paragraph (1) by striking “sub-
2 section (d)(2)(A)(v)” and inserting “subsection
3 (d)(2)(A)(iv)”;

4 (B) in paragraph (2)—

5 (i) by striking “subsection
6 (d)(2)(A)(v)” and inserting “subsection
7 (d)(2)(A)(iv)”;

8 (ii) in subparagraph (D) by adding
9 “and” at the end;

10 (iii) by striking subparagraph (E);

11 and

12 (iv) by redesignating subparagraph
13 (F) as subparagraph (E); and

14 (C) by adding at the end the following:

15 “(4) COST-SHARE INCENTIVES.—For a project
16 for which a lower CIG cost share is elected by the
17 applicant under subsection (l)(1)(C), the Secretary
18 shall apply the following requirements and consider-
19 ations in lieu of paragraphs (1) and (2):

20 “(A) REQUIREMENTS.—In determining
21 whether a project is supported by local financial
22 commitment and shows evidence of stable and
23 dependable financing sources for purposes of
24 subsection (d)(2)(A)(iv) or (e)(2)(A)(v), the
25 Secretary shall require that—

1 “(i) the proposed project plan pro-
2 vides for the availability of contingency
3 amounts that the applicant determines to
4 be reasonable to cover unanticipated cost
5 increases or funding shortfalls;

6 “(ii) each proposed local source of
7 capital and operating financing is stable,
8 reliable, and available within the proposed
9 project timetable; and

10 “(iii) an applicant certifies that local
11 resources are available to recapitalize,
12 maintain, and operate the overall existing
13 and proposed public transportation system,
14 including essential feeder bus and other
15 services necessary to achieve the projected
16 ridership levels without requiring a reduc-
17 tion in existing public transportation serv-
18 ices or level of service to operate the
19 project, or that the annual operating cost
20 of the proposed project does not exceed 5
21 percent of the annual cost to operate and
22 maintain the overall public transportation
23 system of the applicant.

24 “(B) CONSIDERATIONS.—In assessing the
25 stability, reliability, and availability of proposed

1 sources of local financing for purposes of sub-
2 section (d)(2)(A)(iv) or (e)(2)(A)(v), the Sec-
3 retary shall consider—

4 “(i) the reliability of the forecasting
5 methods used to estimate costs and reve-
6 nues made by the recipient and the con-
7 tractors to the recipient;

8 “(ii) existing grant commitments;

9 “(iii) any debt obligation that exists,
10 or is proposed by the recipient, for the pro-
11 posed project or other public transpor-
12 tation purpose; and

13 “(iv) private contributions to the
14 project, including cost-effective project de-
15 livery, management or transfer of project
16 risks, expedited project schedule, financial
17 partnering, and other public-private part-
18 nership strategies.”.

19 (7) in subsection (g)—

20 (A) in paragraph (2)(A) by striking “de-
21 gree of local financial commitment” and insert-
22 ing “criteria in subsection (f)” each place it ap-
23 pears;

24 (B) in paragraph (3) by striking “The Sec-
25 retary shall,” and all that follows through “to

1 carry out this subsection.” and inserting the
2 following: “The Secretary shall—

3 “(A) to the maximum extent practicable,
4 develop and use special warrants for making a
5 project justification determination under sub-
6 section (d)(2) or (e)(2), as applicable, for a
7 project proposed to be funded using a grant
8 under this section if—

9 “(i) the share of the cost of the
10 project to be provided under this section—

11 “(I) does not exceed
12 \$500,000,000 and the total project
13 cost does not exceed \$1,000,000,000;
14 or

15 “(II) complies with subsection
16 (l)(1)(C);

17 “(ii) the applicant requests the use of
18 the warrants;

19 “(iii) the applicant certifies that its
20 existing public transportation system is in
21 a state of good repair; and

22 “(iv) the applicant meets any other
23 requirements that the Secretary considers
24 appropriate to carry out this subsection;
25 and”;

1 (C) by striking paragraph (5) and insert-
2 ing the following:

3 “(5) POLICY GUIDANCE.—The Secretary shall
4 issue policy guidance on the review and evaluation
5 process and criteria not later than 180 days after
6 the date of enactment of the INVEST in America
7 Act.”;

8 (D) by striking paragraph (6) and insert-
9 ing the following:

10 “(6) TRANSPARENCY.—Not later than 30 days
11 after the Secretary receives a written request from
12 an applicant for all remaining information necessary
13 to obtain 1 or more of the following, the Secretary
14 shall provide such information to the applicant:

15 “(A) Project advancement.

16 “(B) Medium or higher rating.

17 “(C) Warrant.

18 “(D) Letter of intent.

19 “(E) Early systems work agreement.”; and

20 (E) in paragraph (7) by striking “the Fed-
21 eral Public Transportation Act of 2012” and
22 inserting “the INVEST in America Act”;

23 (8) in subsection (h)—

24 (A) in paragraph (5) by inserting “, except
25 that for a project for which a lower local cost

1 share is elected under subsection (l)(1)(C), the
2 Secretary shall enter into a grant agreement
3 under this subsection for any such project that
4 establishes contingency amounts that the appli-
5 cant determines to be reasonable to cover unan-
6 ticipated cost increases or funding shortfalls”
7 before the period at the end; and

8 (B) in paragraph (7)(C) by striking “10
9 days” and inserting “3 days”;

10 (9) by striking subsection (i) and inserting the
11 following:

12 “(i) INTERRELATED PROJECTS.—

13 “(1) RATINGS IMPROVEMENT.—The Secretary
14 shall grant a rating increase of 1 level in mobility
15 improvements to any project being rated under sub-
16 section (d), (e), or (h), if the Secretary certifies that
17 the project has a qualifying interrelated project that
18 meets the requirements of paragraph (2).

19 “(2) INTERRELATED PROJECT.—A qualifying
20 interrelated project is a transit project that—

21 “(A) is adopted into the metropolitan
22 transportation plan required under section
23 5303;

1 “(B) has received a class of action designa-
2 tion under the National Environmental Policy
3 Act of 1969 (42 U.S.C. 4321 et seq.);

4 “(C) will likely increase ridership on the
5 project being rated in subsection (d), (e), or
6 (h), respectively, as determined by the Sec-
7 retary; and

8 “(D) meets one of the following criteria:

9 “(i) Extends the corridor of the
10 project being rated in subsection (d), (e),
11 or (h), respectively.

12 “(ii) Provides a direct passenger
13 transfer to the project being rated in sub-
14 section (d), (e), or (h), respectively.

15 “(3) LOCAL MATCH CREDIT.—For any project
16 that qualifies as an interrelated project under para-
17 graph (2) after the date of enactment of this sub-
18 section, the Secretary shall allow any non-Federal fi-
19 nancial commitment in excess of 20 percent to count
20 towards the non-Federal financial commitment for
21 any other qualifying interrelated project under this
22 subsection.”;

23 (10) in subsection (k)—

24 (A) in paragraph (2)(D) by adding at the
25 end the following:

1 “(v) LOCAL FUNDING COMMIT-
2 MENT.— For a project for which a lower
3 CIG cost share is elected by the applicant
4 under subsection (l)(1)(C), the Secretary
5 shall enter into a full funding grant agree-
6 ment that has at least 75 percent of local
7 financial commitment committed and the
8 remaining percentage budgeted for the pro-
9 posed purposes.”; and

10 (B) in paragraph (5) by striking “30
11 days” and inserting “3 days”;

12 (11) in subsection (l)—

13 (A) in paragraph (1) by striking subpara-
14 graph (B) and inserting the following:

15 “(B) CAP.—Except as provided in sub-
16 paragraph (C), a grant for a project under this
17 section shall not exceed 80 percent of the net
18 capital project cost, except that a grant for a
19 core capacity improvement project shall not ex-
20 ceed 80 percent of the net capital project cost
21 of the incremental cost to increase the capacity
22 in the corridor.

23 “(C) APPLICANT ELECTION OF LOWER
24 LOCAL CIG COST SHARE.—An applicant may
25 elect a lower local CIG cost share for a project

1 under this section for purposes of application of
2 the cost-share incentives under subsection
3 (f)(3). Such cost share shall not exceed 60 per-
4 cent of the net capital project cost, except that
5 for a grant for a core capacity improvement
6 project such cost share shall not exceed 60 per-
7 cent of the net capital project cost of the incre-
8 mental cost to increase the capacity in the cor-
9 ridor.”;

10 (B) by striking paragraph (5) and insert-
11 ing the following:

12 “(5) LIMITATION ON STATUTORY CONSTRUC-
13 TION.—Nothing in this section shall be construed as
14 authorizing the Secretary to require, incentivize (in
15 any manner not specified in this section), or place
16 additional conditions upon a non-Federal financial
17 commitment for a project that is more than 20 per-
18 cent of the net capital project cost or, for a core ca-
19 pacity improvement project, 20 percent of the net
20 capital project cost of the incremental cost to in-
21 crease the capacity in the corridor.”; and

22 (C) by striking paragraph (8) and insert-
23 ing the following:

24 “(8) CONTINGENCY SHARE.—The Secretary
25 shall provide funding for the contingency amount

1 equal to the proportion of the CIG cost share. If the
2 Secretary increases the contingency amount after a
3 project has received a letter of no prejudice or been
4 allocated appropriated funds, the federal share of
5 the additional contingency amount shall be 25 per-
6 cent higher than the original proportion the CIG
7 cost share and in addition to the grant amount set
8 in subsection (k)(2)(C)(ii).”;

9 (12) in subsection (o) by adding at the end the
10 following:

11 “(4) CIG PROGRAM DASHBOARD.—Not later
12 than the fifth day of each month, the Secretary shall
13 make publicly available on a website data on, includ-
14 ing the status of, each project under this section
15 that is in the project development phase, in the engi-
16 neering phase, or has received a grant agreement
17 and remains under construction. Such data shall in-
18 clude, for each project—

19 “(A) the amount and fiscal year of any
20 funding appropriated, allocated, or obligated for
21 the project;

22 “(B) the date on which the project—

23 “(i) entered the project development
24 phase;

1 “(ii) entered the engineering phase, if
2 applicable; and

3 “(iii) received a grant agreement, if
4 applicable; and

5 “(C) the status of review by the Federal
6 Transit Administration and the Secretary, in-
7 cluding dates of request, dates of acceptance of
8 request, and dates of a decision for each of the
9 following, if applicable:

10 “(i) A letter of no prejudice.

11 “(ii) An environmental impact state-
12 ment notice of intent.

13 “(iii) A finding of no significant envi-
14 ronmental impact.

15 “(iv) A draft environmental impact
16 statement.

17 “(v) A final environmental impact
18 statement.

19 “(vi) A record of decision on the final
20 environmental impact statement.

21 “(vii) The status of the applicant in
22 securing the non-Federal match, based on
23 information provided by the applicant, in-
24 cluding the amount committed, budgeted,
25 planned, and undetermined.”; and

1 (13) by striking “an acceptable degree of” and
2 inserting “a” each place it appears.

3 **SEC. 2912. RURAL AND SMALL URBAN APPORTIONMENT**
4 **DEADLINE.**

5 Section 5336(d) of title 49, United States Code, is
6 amended—

7 (1) by redesignating paragraph (2) as para-
8 graph (3);

9 (2) in paragraph (1) by striking “and” at the
10 end; and

11 (3) by inserting after paragraph (1) the fol-
12 lowing:

13 “(2) notwithstanding paragraph (1), apportion
14 amounts to the States appropriated under section
15 5338(a)(2) to carry out sections 5307, 5310, and
16 5311 not later than December 15 for which any
17 amounts are appropriated; and”.

18 **SEC. 2913. DISPOSITION OF ASSETS BEYOND USEFUL LIFE.**

19 Section 5334 of title 49, United States Code, is fur-
20 ther amended by adding at the end the following:

21 “(1) DISPOSITION OF ASSETS BEYOND USEFUL
22 LIFE.—

23 “(1) IN GENERAL.—If a recipient, or sub-
24 recipient, for assistance under this chapter disposes
25 of an asset with a current market value, or proceed

1 from the sale of such asset, acquired under this
2 chapter at least in part with such assistance, after
3 such asset has reached the useful life of such asset,
4 the Secretary shall allow the recipient, or sub-
5 recipient, to use the proceeds attributable to the
6 Federal share of such asset calculated under para-
7 graph (3) for capital projects under section 5307,
8 5310, or 5311.

9 “(2) MINIMUM VALUE.—This subsection shall
10 only apply to assets with a current market value, or
11 proceeds from sale, of at least \$5,000.

12 “(3) CALCULATION OF FEDERAL SHARE AT-
13 TRIBUTABLE.—The proceeds attributable to the
14 Federal share of an asset described in paragraph (1)
15 shall be calculated by multiplying—

16 “(A) the current market value of, or the
17 proceeds from the disposition of, such asset; by

18 “(B) the Federal share percentage for the
19 acquisition of such asset at the time of acquisi-
20 tion of such asset.”.

21 **SEC. 2914. INNOVATIVE COORDINATED ACCESS AND MOBIL-**
22 **ITY.**

23 (a) IN GENERAL.—Section 5310 of title 49, United
24 States Code, as amended by section 2205, is further
25 amended by adding at the end the following:

1 “(k) INNOVATIVE COORDINATED ACCESS AND MO-
2 BILITY.—

3 “(1) START UP GRANTS.—

4 “(A) IN GENERAL.—The Secretary may
5 make grants under this paragraph to eligible
6 recipients to assist in financing innovative
7 projects for the transportation disadvantaged
8 that improve the coordination of transportation
9 services and non-emergency medical transpor-
10 tation services.

11 “(B) APPLICATION.—An eligible recipient
12 shall submit to the Secretary an application
13 that, at a minimum, contains—

14 “(i) a detailed description of the eligi-
15 ble project;

16 “(ii) an identification of all eligible
17 project partners and the specific role of
18 each eligible project partner in the eligible
19 project, including—

20 “(I) private entities engaged in
21 the coordination of nonemergency
22 medical transportation services for the
23 transportation disadvantaged;

24 “(II) nonprofit entities engaged
25 in the coordination of nonemergency

1 medical transportation services for the
2 transportation disadvantaged; or

3 “(III) Federal and State entities
4 engaged in the coordination of non-
5 emergency medical transportation
6 services for the transportation dis-
7 advantaged; and

8 “(iii) a description of how the eligible
9 project shall—

10 “(I) improve local coordination or
11 access to coordinated transportation
12 services;

13 “(II) reduce duplication of serv-
14 ice, if applicable; and

15 “(III) provide innovative solu-
16 tions in the State or community.

17 “(C) PERFORMANCE MEASURES.—An eligi-
18 ble recipient shall specify, in an application for
19 a grant under this paragraph, the performance
20 measures the eligible project, in coordination
21 with project partners, will use to quantify ac-
22 tual outcomes against expected outcomes, in-
23 cluding—

24 “(i) changes to transportation expend-
25 itures as a result of improved coordination;

1 “(ii) changes to healthcare expendi-
2 tures provided by projects partners as a re-
3 sult of improved coordination; and

4 “(iii) changes to health care metrics,
5 including aggregate health outcomes pro-
6 vided by projects partners.

7 “(D) ELIGIBLE USES.—Eligible recipients
8 receiving a grant under this section may use
9 such funds for—

10 “(i) the deployment of coordination
11 technology;

12 “(ii) projects that create or increase
13 access to community One-Call/One-Click
14 Centers;

15 “(iii) projects that coordinate trans-
16 portation for 3 or more of—

17 “(I) public transportation pro-
18 vided under this section;

19 “(II) a State plan approved
20 under title XIX of the Social Security
21 Act (42 U.S.C. 1396 et seq.);

22 “(III) title XVIII of the Social
23 Security Act (42 U.S.C. 1395 et seq.);

24 “(IV) Veterans Health Adminis-
25 tration; or

1 “(V) private health care facilities;

2 and

3 “(iv) such other projects as deter-
4 mined appropriate by the Secretary.

5 “(E) CONSULTATION.—In evaluating the
6 performance metrics described in subparagraph
7 (C), the Secretary shall consult with the Sec-
8 retary of Health and Human Services.

9 “(2) INCENTIVE GRANTS.—

10 “(A) IN GENERAL.—The Secretary may
11 make grants under this paragraph to eligible
12 recipients to incentivize innovative projects for
13 the transportation disadvantaged that improve
14 the coordination of transportation services and
15 non-emergency medical transportation services.

16 “(B) SELECTION OF GRANT RECIPI-
17 ENTS.—The Secretary shall distribute grant
18 funds made available to carry out this para-
19 graph as described in subparagraph (E) to eli-
20 gible recipients that apply and propose to dem-
21 onstrate improvement in the metrics described
22 in subparagraph (F).

23 “(C) ELIGIBILITY.—An eligible recipient
24 shall not be required to have received a grant

1 under paragraph (1) to be eligible to receive a
2 grant under this paragraph.

3 “(D) APPLICATIONS.—Eligible recipients
4 shall submit to the Secretary an application
5 that includes—

6 “(i) which metrics under subpara-
7 graph (F) the eligible recipient intends to
8 improve;

9 “(ii) the performance data eligible re-
10 cipients and the Federal, State, nonprofit,
11 and private partners, as described in para-
12 graph (1)(B)(ii), of the eligible recipient
13 will make available; and

14 “(iii) a proposed incentive formula
15 that makes payments to the eligible recipi-
16 ent based on the proposed data and
17 metrics.

18 “(E) DISTRIBUTION.—The Secretary shall
19 distribute funds made available to carry out
20 this paragraph based upon the number of grant
21 applications approved by the Secretary, number
22 of individuals served by each grant, and the in-
23 centive formulas approved by the Secretary
24 using the following metrics:

1 “(i) The reduced transportation ex-
2 penditures as a result of improved coordi-
3 nation.

4 “(ii) The reduced Federal and State
5 healthcare expenditures using the metrics
6 described in subparagraph (F).

7 “(iii) The reduced private healthcare
8 expenditures using the metrics described in
9 subparagraph (F).

10 “(F) HEALTHCARE METRICS.—Healthcare
11 metrics described in this subparagraph shall
12 be—

13 “(i) reducing missed medical appoint-
14 ments;

15 “(ii) the timely discharge of patients
16 from hospitals;

17 “(iii) preventing hospital admissions
18 and reducing readmissions of patients into
19 hospitals; and

20 “(iv) other measureable healthcare
21 metrics, as determined appropriate by the
22 Secretary, in consultation with the Sec-
23 retary of Health and Human Services.

24 “(G) ELIGIBLE EXPENDITURES.—The Sec-
25 retary shall allow the funds distributed by this

1 grant program to be expended on eligible activi-
2 ties described in paragraph (1)(D) and any eli-
3 gible activity under this section that is likely to
4 improve the metrics described in subparagraph
5 (F).

6 “(H) RECIPIENT CAP.—The Secretary—

7 “(i) may not provide more than 20
8 grants under this paragraph; and

9 “(ii) shall reduce the maximum num-
10 ber of grants under this paragraph to en-
11 sure projects are fully funded, if necessary.

12 “(I) CONSULTATION.—In evaluating the
13 health care metrics described in subparagraph
14 (F), the Secretary shall consult with the Sec-
15 retary of Health and Human Services.

16 “(J) ANNUAL GRANTEE REPORT.—Each
17 grantee shall submit a report, in coordination
18 with the project partners of such grantee, that
19 includes an evaluation of the outcomes of the
20 grant awarded to such grantee, including the
21 performance measures.

22 “(3) REPORT.—The Secretary shall make pub-
23 licly available an annual report on the program car-
24 ried out under this subsection for each fiscal year,
25 not later than December 31 of the calendar year in

1 which that fiscal year ends. The report shall include
2 a detailed description of the activities carried out
3 under the program, and an evaluation of the pro-
4 gram, including an evaluation of the performance
5 measures used by eligible recipients in consultation
6 with the Secretary of Health and Human Services.

7 “(4) FEDERAL SHARE.—

8 “(A) IN GENERAL.—The Federal share of
9 the costs of a project carried out under this
10 subsection shall not exceed 80 percent.

11 “(B) NON-FEDERAL SHARE.—The non-
12 Federal share of the costs of a project carried
13 out under this subsection may be derived from
14 in-kind contributions.

15 “(5) RULE OF CONSTRUCTION.—For purposes
16 of this subsection, nonemergency medical transpor-
17 tation services shall be limited to services eligible
18 under Federal programs other than programs au-
19 thorized under this chapter.”.

20 (b) STUDY.—Not later than 1 year after the date of
21 enactment of this Act, the Comptroller General of the
22 United States shall conduct a study, and submit a report
23 on such study to Congress, on access to non-emergency
24 medical transportation services for individuals in dis-
25 advantaged populations, including—

1 (1) how to make it easier for such individuals
2 to use non-emergency medical transportation serv-
3 ices; and

4 (2) how to make it easier for recipients of
5 grants under section 5310(k) of title 49, United
6 States Code, as added by this section, to coordinate
7 non-emergency medical transportation services for
8 such individuals.

9 **SEC. 2915. PASSENGER FERRY GRANTS.**

10 Section 5307(h) of title 49, United States Code, is
11 amended by adding at the end the following paragraph:

12 “(4) ZERO-EMISSION OR REDUCED-EMISSION
13 GRANTS.—

14 “(A) DEFINITIONS.—In this paragraph—

15 “(i) the term ‘eligible project’ means a
16 project or program of projects in an area
17 eligible for a grant under subsection (a)
18 for—

19 “(I) acquiring zero- or reduced-
20 emission passenger ferries;

21 “(II) leasing zero- or reduced-
22 emission passenger ferries;

23 “(III) constructing facilities and
24 related equipment for zero- or re-
25 duced-emission passenger ferries;

1 “(IV) leasing facilities and re-
2 lated equipment for zero- or reduced-
3 emission passenger ferries;

4 “(V) constructing new public
5 transportation facilities to accommo-
6 date zero- or reduced-emission pas-
7 senger ferries;

8 “(VI) constructing shoreside
9 ferry charging infrastructure for zero-
10 or reduced-emission passenger ferries;
11 or

12 “(VII) rehabilitating or improv-
13 ing existing public transportation fa-
14 cilities to accommodate zero- or re-
15 duced-emission passenger ferries;

16 “(ii) the term ‘zero- or reduced-emis-
17 sion passenger ferry’ means a passenger
18 ferry used to provide public transportation
19 that reduces emissions by utilizing onboard
20 energy storage systems for hybrid-electric
21 or 100 percent electric propulsion, related
22 charging infrastructure, and other tech-
23 nologies deployed to reduce emissions or
24 produce zero onboard emissions under nor-
25 mal operation; and

1 “(iii) the term ‘recipient’ means a des-
2 ignated recipient, a local government au-
3 thority, or a State that receives a grant
4 under subsection (a).

5 “(B) GENERAL AUTHORITY.—The Sec-
6 retary may make grants to recipients to finance
7 eligible projects under this paragraph.

8 “(C) GRANT REQUIREMENTS.—A grant
9 under this paragraph shall be subject to the
10 same terms and conditions as a grant under
11 subsection (a).

12 “(D) COMPETITIVE PROCESS.—The Sec-
13 retary shall solicit grant applications and make
14 grants for eligible projects under this paragraph
15 on a competitive basis.

16 “(E) GOVERNMENT SHARE OF COSTS.—

17 “(i) IN GENERAL.—The Federal share
18 of the cost of an eligible project carried out
19 under this paragraph shall not exceed 80
20 percent.

21 “(ii) NON-FEDERAL SHARE.—The
22 non-Federal share of the cost of an eligible
23 project carried out under this subsection
24 may be derived from in-kind contribu-
25 tions.”.

1 **SEC. 2916. EVALUATION OF BENEFITS AND FEDERAL IN-**
2 **VESTMENT.**

3 Section 5309(h)(4) of title 49, United States Code,
4 is amended by inserting “, the extent to which the project
5 improves transportation options to economically distressed
6 areas,” after “public transportation”.

7 **SEC. 2917. BEST PRACTICES FOR THE APPLICATION OF NA-**
8 **TIONAL ENVIRONMENTAL POLICY ACT OF**
9 **1969 TO FEDERALLY FUNDED BUS SHELTERS.**

10 Not later than 1 year after the date of enactment
11 of this Act, the Secretary of Transportation shall issue
12 best practices on the application of the National Environ-
13 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to
14 federally funded bus shelters to assist recipients of Fed-
15 eral funds in receiving exclusions permitted by law.

16 **SEC. 2918. CAPITAL INVESTMENT GRANT STREAMLINING.**

17 (a) IN GENERAL.—Section 3005(b) of the FAST Act
18 (Public Law 116–94) is repealed.

19 (b) GRANDFATHER CLAUSES.—For any projects that
20 have submitted an application or are being evaluated
21 under the program described in section 3005(b) of such
22 Act prior to the date of enactment of this Act, the Sec-
23 retary shall—

24 (1) continue to administer the project under the
25 terms of such section as it existed on the day prior
26 to the date of enactment of this Act; and

1 (2) for purposes of providing Federal assistance
2 to such project (and notwithstanding any other pro-
3 vision of law), provide such funds as may be nec-
4 essary from the amounts provided in section 5338(b)
5 of title 49, United States Code, and division A of
6 this Act.

7 **SEC. 2919. DISPOSITION OF ROLLING STOCK TO IMPROVE**
8 **AIR QUALITY GOALS.**

9 Section 5334 of title 49, United States Code, is fur-
10 ther amended by adding at the end the following:

11 “(m) DISPOSITION OF ROLLING STOCK TO MEET AIR
12 QUALITY GOALS.—

13 “(1) IN GENERAL.—If a recipient, or sub-
14 recipient, for assistance under this chapter disposes
15 of rolling stock with a current market value, or pro-
16 ceeds from the disposition of such rolling stock, ac-
17 quired under this chapter at least in part with such
18 assistance, before such rolling stock has reached its
19 useful life, the Secretary may allow the recipient, or
20 subrecipient, to use the proceeds attributable to the
21 Federal share of such rolling stock calculated under
22 paragraph (3) for capital projects under section
23 5307, 5310, or 5311 without need for repayment of
24 the Federal financial interest.

1 “(2) COVERED ROLLING STOCK.—This sub-
2 section shall only apply to rolling stock disposed
3 of—

4 “(A) which are replaced by rolling stock
5 that will help improve attainment of air quality
6 goals compared to the rolling stock being re-
7 placed; and

8 “(B) for which the recipient is located in
9 an area that is designated as a nonattainment
10 area for particulate matter under section
11 107(d) of the Clean Air Act (42 U.S.C.
12 7407(d)).

13 “(3) CALCULATION OF FEDERAL SHARE AT-
14 TRIBUTABLE.—The proceeds attributable to the
15 Federal share of rolling stock described in para-
16 graph (1) shall be calculated by multiplying—

17 “(A) the current market value of, or the
18 proceeds from the disposition of, such asset;
19 and

20 “(B) the Federal share percentage for the
21 acquisition of such asset at the time of acquisi-
22 tion of such asset.”.

1 **TITLE III—HIGHWAY TRAFFIC**
2 **SAFETY**

3 **SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—The following sums are author-
5 ized to be appropriated out of the Highway Trust Fund
6 (other than the Mass Transit Account):

7 (1) HIGHWAY SAFETY PROGRAMS.—For car-
8 rying out section 402 of title 23, United States
9 Code—

10 (A) \$378,400,000 for fiscal year 2023;

11 (B) \$382,400,000 for fiscal year 2024;

12 (C) \$386,500,000 for fiscal year 2025; and

13 (D) \$390,400,000 for fiscal year 2026.

14 (2) HIGHWAY SAFETY RESEARCH AND DEVEL-
15 OPMENT.—For carrying out section 403 of title 23,
16 United States Code—

17 (A) \$182,495,000 for fiscal year 2023;

18 (B) \$184,795,000 for fiscal year 2024;

19 (C) \$187,795,000 for fiscal year 2025; and

20 (D) \$190,695,000 for fiscal year 2026.

21 (3) NATIONAL PRIORITY SAFETY PROGRAMS.—
22 For carrying out section 405 of title 23, United
23 States Code—

24 (A) \$384,119,000 for fiscal year 2023;

25 (B) \$393,205,000 for fiscal year 2024;

1 (C) \$402,205,000 for fiscal year 2025; and

2 (D) \$411,388,000 for fiscal year 2026.

3 (4) NATIONAL DRIVER REGISTER.—For the Na-
4 tional Highway Traffic Safety Administration to
5 carry out chapter 303 of title 49, United States
6 Code—

7 (A) \$5,700,000 for fiscal year 2023;

8 (B) \$5,800,000 for fiscal year 2024;

9 (C) \$5,900,000 for fiscal year 2025; and

10 (D) \$6,000,000 for fiscal year 2026.

11 (5) HIGH-VISIBILITY ENFORCEMENT PRO-
12 GRAM.—For carrying out section 404 of title 23,
13 United States Code—

14 (A) \$60,200,000 for fiscal year 2023;

15 (B) \$60,600,000 for fiscal year 2024;

16 (C) \$60,800,000 for fiscal year 2025; and

17 (D) \$61,200,000 for fiscal year 2026.

18 (6) ADMINISTRATIVE EXPENSES.—For adminis-
19 trative and related operating expenses of the Na-
20 tional Highway Traffic Safety Administration in car-
21 rying out chapter 4 of title 23, United States
22 Code—

23 (A) \$30,586,000 for fiscal year 2023;

24 (B) \$31,000,000 for fiscal year 2024;

25 (C) \$31,500,000 for fiscal year 2025; and

1 (D) \$31,917,000 for fiscal year 2026.

2 (7) CENTER FOR FAIR AND EQUITABLE TRAF-
3 FIC SAFETY ENFORCEMENT.—For carrying out sec-
4 tion 3003 of this title, \$35,000,000 for each of fiscal
5 years 2023 through 2026.

6 (b) PROHIBITION ON OTHER USES.—Except as oth-
7 erwise provided in chapter 4 of title 23, United States
8 Code, and chapter 303 of title 49, United States Code,
9 the amounts made available from the Highway Trust
10 Fund (other than the Mass Transit Account) for a pro-
11 gram under such chapters—

12 (1) shall only be used to carry out such pro-
13 gram; and

14 (2) may not be used by States or local govern-
15 ments for construction purposes.

16 (c) APPLICABILITY OF TITLE 23.—Except as other-
17 wise provided in chapter 4 of title 23, United States Code,
18 and chapter 303 of title 49, United States Code, amounts
19 made available under subsection (a) for fiscal years 2023
20 through 2026 shall be available for obligation in the same
21 manner as if such funds were apportioned under chapter
22 1 of title 23, United States Code.

23 (d) REGULATORY AUTHORITY.—Grants awarded
24 under chapter 4 of title 23, United States Code, including
25 any amendments made by this title, shall be carried out

1 in accordance with regulations issued by the Secretary of
2 Transportation.

3 (e) STATE MATCHING REQUIREMENTS.—If a grant
4 awarded under chapter 4 of title 23, United States Code,
5 requires a State to share in the cost, the aggregate of all
6 expenditures for highway safety activities made during a
7 fiscal year by the State and its political subdivisions (ex-
8 clusive of Federal funds) for carrying out the grant (other
9 than planning and administration) shall be available for
10 the purpose of crediting the State during such fiscal year
11 for the non-Federal share of the cost of any other project
12 carried out under chapter 4 of title 23, United States Code
13 (other than planning or administration), without regard
14 to whether such expenditures were made in connection
15 with such project.

16 (f) GRANT APPLICATION AND DEADLINE.—To re-
17 ceive a grant under chapter 4 of title 23, United States
18 Code, a State shall submit an application, and the Sec-
19 retary of Transportation shall establish a single deadline
20 for such applications to enable the award of grants early
21 in the next fiscal year.

22 **SEC. 3002. HIGHWAY SAFETY PROGRAMS.**

23 Section 402 of title 23, United States Code, is
24 amended—

1 (1) in subsection (a) by adding at the end the
2 following:

3 “(3) ADDITIONAL CONSIDERATIONS.—States
4 which have legalized medicinal or recreational mari-
5 juana shall consider programs in addition to the pro-
6 grams described in paragraph (2)(A) to educate
7 drivers on the risks associated with marijuana-im-
8 paired driving and to reduce injuries and deaths re-
9 sulting from individuals driving motor vehicles while
10 impaired by marijuana.”;

11 (2) in subsection (c)—

12 (A) by redesignating paragraphs (2), (3),
13 and (4) as paragraphs (3), (4), and (5), respec-
14 tively;

15 (B) by inserting after paragraph (1) the
16 following:

17 “(2) ADDITIONAL USES.—In addition to uses
18 authorized under paragraph (1) and as approved by
19 the Secretary, States may use funds under this sec-
20 tion to—

21 “(A) educate the public on the dangers of
22 pediatric vehicular hyperthermia;

23 “(B) educate the public about proper and
24 safe usage of light- and medium-duty trailers,

1 including required safety equipment and pre-
2 ventive maintenance for safety;

3 “(C) purchase and distribute child re-
4 straints to low-income families; and

5 “(D) reduce injuries and deaths resulting
6 from drivers of motor vehicles not moving to
7 another traffic lane or reducing the speed of
8 such driver’s vehicle when passing an emer-
9 gency, law enforcement, or other vehicle
10 stopped or parked on or near the roadway.”.

11 (C) in paragraph (5), as so redesign-
12 nated)—

13 (i) by striking subparagraph (C);

14 (ii) by redesignating subparagraph
15 (B) as subparagraph (D); and

16 (iii) by inserting after subparagraph
17 (A) the following:

18 “(B) SPECIAL RULE FOR SCHOOL AND
19 WORK ZONES.—Notwithstanding subparagraph
20 (A), a State may expend funds apportioned to
21 that State under this section to carry out a pro-
22 gram to purchase, operate, or maintain an
23 automated traffic system in a work zone or
24 school zone.

1 “(C) AUTOMATED TRAFFIC ENFORCEMENT
2 SYSTEM GUIDELINES.—Any automated traffic
3 enforcement system installed pursuant to sub-
4 paragraph (B) shall comply with speed enforce-
5 ment camera systems and red light camera sys-
6 tems guidelines established by the Secretary.”;
7 and

8 (3) in subsection (n)—

9 (A) by striking “PUBLIC TRANSPARENCY”
10 and all that follows through “The Secretary”
11 and inserting the following: “PUBLIC TRANS-
12 PARENCY.—

13 “(1) IN GENERAL.—The Secretary”; and

14 (B) by adding at the end the following:

15 “(2) STATE HIGHWAY SAFETY PLAN
16 WEBSITE.—

17 “(A) IN GENERAL.—In carrying out the
18 requirements of paragraph (1), the Secretary
19 shall establish a public website that is easily ac-
20 cessible, navigable, and searchable for the infor-
21 mation required under paragraph (1), in order
22 to foster greater transparency in approved
23 State highway safety programs.

24 “(B) CONTENTS.—The website established
25 under subparagraph (A) shall—

1 “(i) include each State highway safety
2 plan and annual report submitted and ap-
3 proved by the Secretary under subsection
4 (k);

5 “(ii) provide a means for the public to
6 search such website for State highway
7 safety program content required in sub-
8 section (k), including—

9 “(I) performance measures re-
10 quired by the Secretary under para-
11 graph (3)(A);

12 “(II) progress made toward
13 meeting the State’s performance tar-
14 gets for the previous year;

15 “(III) program areas and ex-
16 penditures; and

17 “(IV) a description of any
18 sources of funds other than funds pro-
19 vided under this section that the State
20 proposes to use to carry out the State
21 highway safety plan of such State.”.

22 **SEC. 3003. FAIR AND EQUITABLE TRAFFIC SAFETY EN-**
23 **FORCEMENT.**

24 (a) IN GENERAL.—The Secretary of Transportation
25 shall make grants under this section to an eligible non-

1 profit institution of higher education with demonstrated
2 expertise in promoting fair and equitable traffic safety en-
3 forcement to establish and operate a national center of
4 excellence for fair and equitable traffic safety enforcement
5 (in this section referred to as the “Center”).

6 (b) PURPOSE.—The purpose of the Center shall be
7 to promote fair and equitable traffic safety enforcement
8 with the goal of reducing traffic fatalities and injuries.

9 (c) ROLE OF CENTER.—The role of the Center shall
10 be to establish and operate a national fair and equitable
11 traffic safety enforcement clearinghouse to—

12 (1) develop data collection systems to promote
13 fair and equitable traffic safety enforcement solu-
14 tions, including assisting States participating in the
15 program established under section 403(j) of title 23,
16 United States Code, (as added by this Act) share
17 data collected to a national database;

18 (2) develop recommendations for States to im-
19 prove data collection on law enforcement programs
20 carried out under sections 402 and 405 of this title
21 in order to promote fair and equitable traffic safety
22 enforcement programs;

23 (3) provide technical assistance to States on the
24 implementation of the program established under

1 section 403(j) of title 23, United States Code, as
2 added by this Act;

3 (4) research and disseminate best practices for
4 implementing equitable traffic safety enforcement
5 programs;

6 (5) develop information and educational pro-
7 grams on implementing equitable traffic safety en-
8 forcement best practices; and

9 (6) evaluate the feasibility and benefits of re-
10 quiring States participating in the program estab-
11 lished under section 403(j) of title 23, United States
12 Code, as added by this Act, to collect data on pedes-
13 trian and bicyclist stops by law enforcement when
14 the stop is made for a traffic law violation.

15 (d) CONSULTATION.—In carrying out the activities
16 under paragraphs (4) and (5) of subsection (c), the Center
17 shall consult with relevant stakeholders, including—

18 (1) civil rights organizations;

19 (2) traffic safety advocacy groups;

20 (3) law enforcement representatives;

21 (4) State highway safety offices; and

22 (5) such other surface transportation stake-
23 holders and industry experts as the Center considers
24 appropriate.

1 (e) REPORT TO CONGRESS.—Not later than 2 years
2 after the establishment of the Center under subsection (a),
3 the Secretary shall submit to the Committee on Transpor-
4 tation and Infrastructure of the House of Representatives
5 and the Committee on Environment and Public Works of
6 the Senate a report on progress made toward meeting the
7 goals established under subsection (b).

8 **SEC. 3004. HIGHWAY SAFETY RESEARCH AND DEVELOP-**
9 **MENT.**

10 Section 403 of title 23, United States Code, is
11 amended—

12 (1) in subsection (b) by inserting “, training,”
13 after “demonstration projects”;

14 (2) in subsection (f)(1)—

15 (A) by striking “\$2,500,000” and inserting
16 “\$3,500,000”; and

17 (B) by striking “subsection 402(c) in each
18 fiscal year ending before October 1, 2015, and
19 \$443,989 of the total amount available for ap-
20 portionment to the States for highway safety
21 programs under section 402(c) in the period be-
22 ginning on October 1, 2015, and ending on De-
23 cember 4, 2015,” and inserting “section
24 402(c)(2) in each fiscal year”; and

1 (3) by striking subsection (h) and redesignating
2 subsections (i) and (j) as subsections (h) and (i), re-
3 spectively.

4 **SEC. 3005. GRANT PROGRAM TO PROHIBIT RACIAL**
5 **PROFILING.**

6 Section 403 of title 23, United States Code, as
7 amended by section 3004 of this Act, is further amended
8 by adding at the end the following:

9 “(j) GRANT PROGRAM TO PROHIBIT RACIAL
10 PROFILING.—

11 “(1) GENERAL AUTHORITY.—Subject to the re-
12 quirements of this subsection, the Secretary shall
13 make grants to a State that—

14 “(A) is maintaining and allows public in-
15 spection of statistical information for each
16 motor vehicle stop made by a law enforcement
17 officer on a Federal-aid highway in the State
18 regarding the race and ethnicity mode of trans-
19 portation of the driver; or

20 “(B) provides assurances satisfactory to
21 the Secretary that the State is undertaking ac-
22 tivities to comply with the requirements of sub-
23 paragraph (A).

24 “(2) USE OF GRANT FUNDS.—A grant received
25 by a State under paragraph (1)—

1 “(A) shall be used by the State for the
2 costs of—

3 “(i) collecting and maintaining data
4 on traffic stops;

5 “(ii) evaluating the results of such
6 data; and

7 “(iii) developing and implementing
8 programs to reduce the occurrence of ra-
9 cial profiling; and

10 “(B) may be used by the State for the
11 costs of collecting, maintaining, and evaluating
12 data on the driver’s mode of transportation at
13 traffic stops.

14 “(2) USE OF GRANT FUNDS.—A grant received
15 by a State under paragraph (1)—

16 “(A) shall be used by the State for the
17 costs of—

18 “(i) collecting and maintaining data
19 on traffic stops;

20 “(ii) evaluating the results of such
21 data; and

22 “(iii) developing and implementing
23 programs to reduce the occurrence of ra-
24 cial profiling; and

1 “(B) may be used by the State for the
2 costs of collecting, maintaining, and evaluating
3 data on traffic-related stops of pedestrians,
4 bicyclists, or people traveling via micromobility
5 devices.

6 “(3) LIMITATIONS.—The total amount of
7 grants made to a State under this section in a fiscal
8 year may not exceed—

9 “(A) 10 percent of the amount made avail-
10 able to carry out this section in the fiscal year
11 for States eligible under paragraph (1)(A); and

12 “(B) 5 percent of the amount made avail-
13 able to carry out this section in the fiscal year
14 for States eligible under paragraph (1)(B).

15 “(4) FUNDING.—From funds made available
16 under this section, the Secretary shall set aside
17 \$15,000,000 for each fiscal year to carry out this
18 subsection.”.

19 **SEC. 3006. NATIONAL SAFETY CAMPAIGNS.**

20 (a) IN GENERAL.—Section 404 of title 23, United
21 States Code, is amended to read as follows:

22 **“§ 404. National safety campaigns**

23 “(a) IN GENERAL.—The Secretary shall establish
24 and administer a program under which not less than 3
25 high-visibility enforcement campaigns and not less than 3

1 public awareness campaigns will be carried out in each of
2 fiscal years 2023 through 2026.

3 “(b) HIGH-VISIBILITY ENFORCEMENT.—In carrying
4 out the requirements under paragraph (a), the Secretary
5 shall ensure that in each fiscal year not less than 1 high-
6 visibility enforcement campaign is carried out to—

7 “(1) reduce alcohol-impaired operation of a
8 motor vehicle;

9 “(2) reduce alcohol-impaired and drug-impaired
10 operation of a motor vehicle; and

11 “(3) increase use of seatbelts by occupants of
12 motor vehicles.

13 “(c) PUBLIC AWARENESS.—The purpose of each
14 public awareness campaign carried out under this section
15 shall be to achieve outcomes related to not less than 1
16 of the following objectives:

17 “(1) Increase the proper use of seatbelts and
18 child restraints by occupants of motor vehicles.

19 “(2) Reduce instances of distracted driving.

20 “(3) Reduce instances of speeding by drivers.

21 “(d) ADVERTISING.—The Secretary may use, or au-
22 thorize the use of, funds available to carry out this section
23 to pay for the development, production, and use of broad-
24 cast and print media advertising and Internet-based out-
25 reach in carrying out campaigns under this section. In al-

1 locating such funds, consideration shall be given to adver-
2 tising directed at non-English speaking populations, in-
3 cluding those who listen to, read, or watch nontraditional
4 media.

5 “(e) COORDINATION WITH STATES.—The Secretary
6 shall coordinate with States in carrying out the high-visi-
7 bility enforcement campaigns under this section, including
8 advertising funded under subsection (d), with consider-
9 ation given to—

10 “(1) relying on States to provide law enforce-
11 ment resources for the campaigns out of funding
12 made available under sections 402 and 405; and

13 “(2) providing, out of National Highway Traffic
14 Safety Administration resources, most of the means
15 necessary for national advertising and education ef-
16 forts associated with the campaigns.

17 “(f) COORDINATION OF DYNAMIC HIGHWAY MES-
18 SAGE SIGNS.—During national high-visibility enforcement
19 emphasis periods supported by these funds, the Federal
20 Highway Administration and the National Highway Traf-
21 fic Safety Administration shall coordinate with State de-
22 partments of transportation on the use of dynamic high-
23 way message signs to support high-visibility national em-
24 phasis activities.

1 “(g) USE OF FUNDS.—Funds made available to carry
2 out this section may be used only for activities described
3 in subsections (c) and (d).

4 “(h) DEFINITION.—In this section:

5 “(1) CAMPAIGN.—The term ‘campaign’ means
6 a high-visibility traffic safety law enforcement cam-
7 paign or a traffic safety public awareness campaign.

8 “(2) DYNAMIC HIGHWAY.—The term ‘dynamic
9 highway message sign’ means a traffic control device
10 that is capable of displaying one or more alternative
11 messages which convey information to travelers.

12 “(3) STATE.—The ‘State’ has the meaning
13 given that term in section 401.”.

14 (b) CLERICAL AMENDMENT.—The item relating to
15 section 404 in the analysis for chapter 4 of title 23, United
16 States Code, is amended to read as follows:

“404. National safety campaigns.”.

17 **SEC. 3007. NATIONAL PRIORITY SAFETY PROGRAMS.**

18 (a) IN GENERAL.—Section 405 of title 23, United
19 States Code, is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1) by striking “13 per-
22 cent” and inserting “12.85 percent”;

23 (B) in paragraph (2) by striking “14.5
24 percent” and inserting “14.3 percent”;

1 (C) in paragraph (3) by striking “52.5
2 percent” and inserting “51.75 percent”;

3 (D) in paragraph (4) by striking “8.5 per-
4 cent” and inserting “8.3 percent”;

5 (E) in paragraph (6) by striking “5 per-
6 cent” and inserting “4.9 percent”;

7 (F) in paragraph (7) by striking “5 per-
8 cent” and inserting “4.9 percent”;

9 (G) in paragraph (8)—

10 (i) by striking “paragraphs (1)
11 through (7)” and inserting “paragraphs
12 (1) through (8)”;

13 (ii) by striking “subsections (b)
14 through (h)” and inserting “subsections
15 (b) through (i)”;

16 (iii) by inserting “to carry out any of
17 the other activities described in such sub-
18 sections, or the amount made available”
19 before “under section 402”;

20 (H) in paragraph (9)(A) by striking “date
21 of enactment of the FAST Act” and inserting
22 “date of enactment of the INVEST in America
23 Act”;

1 (I) by redesignating paragraphs (8), (9),
2 and (10) as paragraphs (9), (10), and (11), re-
3 spectively; and

4 (J) by inserting after paragraph (7) the
5 following:

6 “(8) DRIVER AND OFFICER SAFETY EDU-
7 CATION.—In each fiscal year, 1.5 percent of the
8 funds provided under this section shall be allocated
9 among States that meet the requirements with re-
10 spect to driver and officer safety education (as de-
11 scribed in subsection (i)).”;

12 (2) in subsection (c)(3)(E) by striking “5” and
13 inserting “10”;

14 (3) in subsection (b)(4)—

15 (A) in subparagraph (A) by striking clause
16 (v) and inserting the following:

17 “(v) implement programs in low-in-
18 come and underserved populations to—

19 “(I) recruit and train occupant
20 protection safety professionals, nation-
21 ally certified child passenger safety
22 technicians, police officers, fire and
23 emergency medical personnel, and
24 educators serving low-income and un-
25 derserved populations;

1 “(II) educate parents and care-
2 givers in low-income and underserved
3 populations about the proper use and
4 installation of child safety seats; and

5 “(III) purchase and distribute
6 child safety seats to low-income and
7 underserved populations; and”;

8 (B) in subparagraph (B)—

9 (i) by striking “100 percent” and in-
10 serting “90 percent”; and

11 (ii) by inserting “The remaining 10
12 percent of such funds shall be used to
13 carry out subsection (A)(v).” after “section
14 402.”;

15 (4) by striking subsection (c)(4) and inserting
16 the following:

17 “(4) USE OF GRANT AMOUNTS.—Grant funds
18 received by a State under this subsection shall be
19 used for—

20 “(A) making data program improvements
21 to core highway safety databases related to
22 quantifiable, measurable progress in any of the
23 6 significant data program attributes set forth
24 in paragraph (3)(D);

1 “(B) developing or acquiring information
2 technology for programs to identify, collect, and
3 report data to State and local government agen-
4 cies, and enter data, including crash, citation
5 and adjudication, driver, emergency medical
6 services or injury surveillance system, roadway,
7 and vehicle, into the core highway safety data-
8 bases of a State;

9 “(C) purchasing equipment used to iden-
10 tify, collect, and report State safety data to
11 support State efforts to improve State traffic
12 safety information systems;

13 “(D) linking core highway safety databases
14 of a State with such databases of other States;

15 “(E) improving the compatibility and
16 interoperability of the core highway safety data-
17 bases of the State with national data systems
18 and data systems of other States;

19 “(F) costs associated with training State
20 and local personnel on ways to improve State
21 traffic safety information systems;

22 “(G) hiring a Fatality Analysis Reporting
23 System liaison for a State; and

24 “(H) conducting research on State traffic
25 safety information systems, including devel-

1 oping and evaluating programs to improve core
2 highway safety databases of such State and
3 processes by which data is identified, collected,
4 reported to State and local government agen-
5 cies, and entered into such core safety data-
6 bases.”;

7 (5) by striking subsection (d)(6)(A) and insert-
8 ing the following:

9 “(A) GRANTS TO STATES WITH ALCOHOL-
10 IGNITION INTERLOCK LAWS.—The Secretary
11 shall make a separate grant under this sub-
12 section to each State that—

13 “(i) adopts and is enforcing a manda-
14 tory alcohol-ignition interlock law for all
15 individuals at the time of, or prior to, a
16 conviction of driving under the influence of
17 alcohol or of driving while intoxicated;

18 “(ii) does not allow any individual re-
19 quired to have an ignition interlock for
20 driving privileges to drive a motor vehicle
21 unless such individual installs an ignition
22 interlock for a minimum 180-day interlock
23 period; or

24 “(iii) has—

1 “(I) enacted and is enforcing a
2 state law requiring all individuals con-
3 victed of, or whose driving privilege is
4 revoked or denied for, refusing to sub-
5 mit to a chemical or other test for the
6 purpose of determining the presence
7 or concentration of any intoxicating
8 substance to install an ignition inter-
9 lock for a minimum 180-day interlock
10 period unless the driver successfully
11 completes an appeal process; and

12 “(II) a compliance-based removal
13 program in which an individual re-
14 quired to install an ignition interlock
15 for a minimum 180-day interlock pe-
16 riod and have completed a minimum
17 consecutive period of not less than 60
18 days of the required interlock period
19 immediately preceding the date of re-
20 lease, without a confirmed violation,
21 as defined by State law or regulations,
22 of driving under the influence of alco-
23 hol or driving while intoxicated.”;

24 (6) in subsection (e)—

1 (A) in paragraph (1) by striking “para-
2 graphs (2) and (3)” and inserting “paragraph
3 (2)”;

4 (B) in paragraph (4)—

5 (i) by striking “paragraph (2) or (3)”
6 and inserting “paragraph (3) or (4)”;

7 (ii) in subparagraph (A) by striking
8 “communications device to contact emer-
9 gency services” and inserting “communica-
10 tions device during an emergency to con-
11 tact emergency services or to prevent in-
12 jury to persons or property”;

13 (iii) in subparagraph (C) by striking
14 “; and” and inserting a semicolon;

15 (iv) by redesignating subparagraph
16 (D) as subparagraph (E); and

17 (v) by inserting after subparagraph
18 (C) the following:

19 “(D) a driver who uses a personal wireless
20 communication device for navigation; and”;

21 (C) in paragraph (5)(A)(i) by striking
22 “texting or using a cell phone while” and in-
23 serting “distracted”;

24 (D) in paragraph (7) by striking “Of the
25 amounts” and inserting “In addition to the

1 amounts authorized under section 404 and of
2 the amounts”;

3 (E) in paragraph (9)—

4 (i) by striking subparagraph (B) and
5 inserting the following:

6 “(B) PERSONAL WIRELESS COMMUNICA-
7 TIONS DEVICE.—The term ‘personal wireless
8 communications device’ means—

9 “(i) until the date on which the Sec-
10 retary issues a regulation pursuant to
11 paragraph (8)(A), a device through which
12 personal services (as such term is defined
13 in section 332(e)(7)(C)(i) of the Commu-
14 nications Act of 1934 (47 U.S.C.
15 332(e)(7)(C)(i)) are transmitted, but not
16 including the use of such a device as a
17 global navigation system receiver used for
18 positioning, emergency notification, or
19 navigation purposes; and

20 “(ii) on and after the date on which
21 the Secretary issues a regulation pursuant
22 to paragraph (8)(A), the definition de-
23 scribed in such regulation.”; and

24 (ii) by striking subparagraph (E) and
25 inserting the following:

1 “(E) TEXTING.—The term ‘texting’
2 means—

3 “(i) until the date on which the Sec-
4 retary issues a regulation pursuant to
5 paragraph (8)(A), reading from or manu-
6 ally entering data into a personal wireless
7 communications device, including doing so
8 for the purpose of SMS texting, emailing,
9 instant messaging, or engaging in any
10 other form of electronic data retrieval or
11 electronic data communication; and

12 “(ii) on and after the date on which
13 the Secretary issues a regulation pursuant
14 to paragraph (8)(A), the definition de-
15 scribed in such regulation.”;

16 (F) by striking paragraphs (2), (3), (6),
17 and (8);

18 (G) by redesignating paragraphs (4) and
19 (5) as paragraphs (5) and (6), respectively;

20 (H) by inserting after paragraph (1) the
21 following:

22 “(2) ALLOCATION.—

23 “(A) IN GENERAL.—Subject to subpara-
24 graphs (B), (C), and (D), the allocation of
25 grant funds to a State under this subsection for

1 a fiscal year shall be in proportion to the
2 State's apportionment under section 402 for
3 fiscal year 2009.

4 “(B) PRIMARY OFFENSE LAWS.—A State
5 that has enacted and is enforcing a law that
6 meets the requirements set forth in paragraphs
7 (3) and (4) as a primary offense shall be allo-
8 cated 100 percent of the amount calculated
9 under subparagraph (A).

10 “(C) SECONDARY OFFENSE LAWS.—A
11 State that has enacted and is enforcing a law
12 that meets the requirements set forth in para-
13 graphs (3) and (4) as a secondary offense shall
14 be allocated 50 percent of the amount cal-
15 culated under subparagraph (A).

16 “(D) TEXTING WHILE DRIVING.—Notwith-
17 standing subparagraphs (B) and (C), a State
18 shall be allocated 25 percent of the amount cal-
19 culated under subparagraph (A) if such State
20 has enacted and is enforcing a law that pro-
21 hibits a driver from viewing a personal wireless
22 communication device, except for the purpose of
23 navigation.

24 “(3) PROHIBITION ON HANDHELD PERSONAL
25 WIRELESS COMMUNICATION DEVICE USE WHILE

1 DRIVING.—A State law meets the requirements set
2 forth in this paragraph if the law—

3 “(A) prohibits a driver from holding or
4 using, including texting, a personal wireless
5 communications device while driving, except for
6 the use of a personal wireless communications
7 device—

8 “(i) in a hands-free manner or with a
9 hands-free accessory; or

10 “(ii) to activate or deactivate a fea-
11 ture or function of the personal wireless
12 communications device;

13 “(B) establishes a fine for a violation of
14 the law; and

15 “(C) does not provide for an exemption
16 that specifically allows a driver to hold or use
17 a personal wireless communication device while
18 stopped in traffic.

19 “(4) PROHIBITION ON PERSONAL WIRELESS
20 COMMUNICATION DEVICE USE WHILE DRIVING OR
21 STOPPED IN TRAFFIC.—A State law meets the re-
22 quirements set forth in this paragraph if the law—

23 “(A) prohibits a driver from holding or
24 using a personal wireless communications device
25 while driving if the driver is—

1 “(i) younger than 18 years of age; or

2 “(ii) in the learner’s permit or inter-
3 mediate license stage described in subpara-
4 graph (A) or (B) of subsection (g)(2);

5 “(B) establishes a fine for a violation of
6 the law; and

7 “(C) does not provide for an exemption
8 that specifically allows a driver to use a per-
9 sonal wireless communication device while
10 stopped in traffic.”; and

11 (I) by inserting after paragraph (7) the
12 following:

13 “(8) RULEMAKING.—Not later than 1 year
14 after the date of enactment of this paragraph, the
15 Secretary shall issue such regulations as are nec-
16 essary to account for diverse State approaches to
17 combating distracted driving that—

18 “(A) defines the terms personal wireless
19 communications device and texting for the pur-
20 poses of this subsection; and

21 “(B) determines additional permitted ex-
22 ceptions that are appropriate for a State law
23 that meets the requirements under paragraph
24 (3) or (4).”;

25 (7) in subsection (g)—

1 (A) in paragraph (1) by inserting “sub-
2 paragraphs (A) and (B) of” before “paragraph
3 (2)”;

4 (B) by striking paragraph (2) and insert-
5 ing the following:

6 “(2) MINIMUM REQUIREMENTS.—

7 “(A) TIER 1 STATE.—A State shall be eli-
8 gible for a grant under this subsection as a Tier
9 1 State if such State requires novice drivers
10 younger than 18 years of age to comply with a
11 2-stage graduated driver licensing process be-
12 fore receiving an unrestricted driver’s license
13 that includes—

14 “(i) a learner’s permit stage that—

15 “(I) is at least 180 days in dura-
16 tion;

17 “(II) requires that the driver be
18 accompanied and supervised at all
19 times; and

20 “(III) has a requirement that the
21 driver obtain at least 40 hours of be-
22 hind-the-wheel training with a super-
23 visor; and

24 “(ii) an intermediate stage that—

1 “(I) commences immediately
2 after the expiration of the learner’s
3 permit stage;

4 “(II) is at least 180 days in du-
5 ration; and

6 “(III) for the first 180 days of
7 the intermediate stage, restricts the
8 driver from—

9 “(aa) driving at night be-
10 tween the hours of 11:00 p.m.
11 and at least 4:00 a.m. except—

12 “(AA) when a parent,
13 guardian, driving instructor,
14 or licensed driver who is at
15 least 21 years of age is in
16 the motor vehicle; and

17 “(BB) when driving to
18 and from work, school and
19 school-related activities, reli-
20 gious activities, for emer-
21 gencies, or as a member of
22 voluntary emergency service;
23 and

24 “(bb) operating a motor ve-
25 hicle with more than 1 non-

1 familial passenger younger than
2 18 years of age, except when a
3 parent, guardian, driving instruc-
4 tor, or licensed driver who is at
5 least 21 years of age is in the
6 motor vehicle.

7 “(B) TIER 2 STATE.—A State shall be eli-
8 gible for a grant under this subsection as a Tier
9 2 State if such State requires novice drivers
10 younger than 18 years of age to comply with a
11 2-stage graduated driver licensing process be-
12 fore receiving an unrestricted driver’s license
13 that includes—

14 “(i) a learner’s permit stage that—

15 “(I) is at least 180 days in dura-
16 tion;

17 “(II) requires that the driver be
18 accompanied and supervised at all
19 times; and

20 “(III) has a requirement that the
21 driver obtain at least 50 hours of be-
22 hind-the-wheel training, with at least
23 10 hours at night, with a supervisor;
24 and

25 “(ii) an intermediate stage that—

1 “(I) commences immediately
2 after the expiration of the learner’s
3 permit stage;

4 “(II) is at least 180 days in du-
5 ration; and

6 “(III) for the first 180 days of
7 the intermediate stage, restricts the
8 driver from—

9 “(aa) driving at night be-
10 tween the hours of 10:00 p.m.
11 and at least 4:00 a.m. except—

12 “(AA) when a parent,
13 guardian, driving instructor,
14 or licensed driver who is at
15 least 21 years of age is in
16 the motor vehicle; and

17 “(BB) when driving to
18 and from work, school and
19 school-related activities, reli-
20 gious activities, for emer-
21 gencies, or as a member of
22 voluntary emergency service;
23 and

24 “(bb) operating a motor ve-
25 hicle with any nonfamilial pas-

1 senger younger than 18 years of
2 age, except when a parent,
3 guardian, driving instructor, or
4 licensed driver who is at least 21
5 years of age is in the motor vehi-
6 cle.”;

7 (C) in paragraph (3)—

8 (i) in subparagraph (A) by inserting
9 “subparagraphs (A) and (B) of” before
10 “paragraph (2)”; and

11 (ii) in subparagraph (B) by inserting
12 “subparagraphs (A) and (B) of” before
13 “paragraph (2)” each place such term ap-
14 pears;

15 (D) in paragraph (4) by striking “such fis-
16 cal year” and inserting “fiscal year 2009”; and

17 (E) by striking paragraph (5) and insert-
18 ing the following:

19 “(5) USE OF FUNDS.—

20 “(A) TIER 1 STATES.—A Tier 1 State shall
21 use grant funds provided under this subsection
22 for—

23 “(i) enforcing a 2-stage licensing
24 process that complies with paragraph (2);

1 “(ii) training for law enforcement per-
2 sonnel and other relevant State agency
3 personnel relating to the enforcement de-
4 scribed in clause (i);

5 “(iii) publishing relevant educational
6 materials that pertain directly or indirectly
7 to the State graduated driver licensing law;

8 “(iv) carrying out other administrative
9 activities that the Secretary considers rel-
10 evant to the State’s 2-stage licensing proc-
11 ess; or

12 “(v) carrying out a teen traffic safety
13 program described in section 402(m).

14 “(B) TIER 2 STATES.—Of the grant funds
15 made available to a Tier 2 State under this
16 subsection—

17 “(i) 25 percent shall be used for any
18 activity described in subparagraph (A);
19 and

20 “(ii) 75 percent may be used for any
21 project or activity eligible under section
22 402.”;

23 (8) by amending subsection (h)(4) to read as
24 follows:

1 “(4) USE OF GRANT AMOUNTS.—Grant funds
2 received by a State under this subsection may be
3 used for the safety of pedestrians and bicyclists, in-
4 cluding—

5 “(A) training of law enforcement officials
6 on pedestrian and bicycle safety, State laws ap-
7 plicable to pedestrian and bicycle safety, and in-
8 frastructure designed to improve pedestrian and
9 bicycle safety;

10 “(B) carrying out a program to support
11 enforcement mobilizations and campaigns de-
12 signed to enforce State traffic laws applicable to
13 pedestrian and bicycle safety;

14 “(C) public education and awareness pro-
15 grams designed to inform motorists, pedes-
16 trians, and bicyclists about—

17 “(i) pedestrian and bicycle safety, in-
18 cluding information on nonmotorized mo-
19 bility and the important of speed manage-
20 ment to the safety of pedestrians and
21 bicyclists;

22 “(ii) the value of the use of pedestrian
23 and bicycle safety equipment, including
24 lighting, conspicuity equipment, mirrors,
25 helmets and other protective equipment,

1 and compliance with any State or local
2 laws requiring their use;

3 “(iii) State traffic laws applicable to
4 pedestrian and bicycle safety, including
5 motorists’ responsibilities towards pedes-
6 trians and bicyclists; and

7 “(iv) infrastructure designed to im-
8 prove pedestrian and bicycle safety; and

9 “(D) data analysis and research con-
10 cerning pedestrian and bicycle safety.”; and

11 (9) by adding at the end the following:

12 “(i) DRIVER AND OFFICER SAFETY EDUCATION.—

13 “(1) GENERAL AUTHORITY.—Subject to the re-
14 quirements under this subsection, the Secretary shall
15 award grants to—

16 “(A) States that enact a commuter safety
17 education program; and

18 “(B) States qualifying under paragraph
19 (5)(A).

20 “(2) FEDERAL SHARE.—The Federal share of
21 the costs of activities carried out using amounts
22 from a grant awarded under this subsection may not
23 exceed 80 percent.

1 “(3) ELIGIBILITY.—To be eligible for a grant
2 under this subsection, a State shall enact a law or
3 adopt a program that requires the following:

4 “(A) DRIVER EDUCATION AND DRIVING
5 SAFETY COURSES.—Inclusion, in driver edu-
6 cation and driver safety courses provided to in-
7 dividuals by educational and motor vehicle
8 agencies of the State, of instruction and testing
9 concerning law enforcement practices during
10 traffic stops, including information on—

11 “(i) the role of law enforcement and
12 the duties and responsibilities of peace offi-
13 cers;

14 “(ii) an individual’s legal rights con-
15 cerning interactions with peace officers;

16 “(iii) best practices for civilians and
17 peace officers during such interactions;

18 “(iv) the consequences for an individ-
19 ual’s or officer’s failure to comply with
20 those laws and programs; and

21 “(v) how and where to file a com-
22 plaint against or a compliment on behalf of
23 a peace officer.

24 “(B) PEACE OFFICER TRAINING PRO-
25 GRAMS.—Development and implementation of a

1 training program, including instruction and
2 testing materials, for peace officers and reserve
3 law enforcement officers (other than officers
4 who have received training in a civilian course
5 described in subparagraph (A)) with respect to
6 proper interaction with civilians during traffic
7 stops.

8 “(4) GRANT AMOUNT.—The allocation of grant
9 funds to a State under this subsection for a fiscal
10 year shall be in proportion to the State’s apportion-
11 ment under section 402 for fiscal year 2009.

12 “(5) SPECIAL RULE FOR CERTAIN STATES.—

13 “(A) QUALIFYING STATE.—A State quali-
14 fies pursuant to this subparagraph if—

15 “(i) the Secretary determines such
16 State has taken meaningful steps toward
17 the full implementation of a law or pro-
18 gram described in paragraph (3);

19 “(ii) the Secretary determines such
20 State has established a timetable for the
21 implementation of such a law or program;
22 and

23 “(iii) such State has received a grant
24 pursuant to this subsection for a period of
25 not more than 5 years.

1 “(B) WITHHOLDING.—With respect to a
2 State that qualifies pursuant to subparagraph
3 (A), the Secretary shall—

4 “(i) withhold 50 percent of the
5 amount that such State would otherwise
6 receive if such State were a State described
7 in paragraph (1)(A); and

8 “(ii) direct any such amounts for dis-
9 tribution among the States that are enforc-
10 ing and carrying out a law or program de-
11 scribed in paragraph (3).

12 “(6) USE OF GRANT AMOUNTS.—A State re-
13 ceiving a grant under this subsection may use such
14 grant—

15 “(A) for the production of educational ma-
16 terials and training of staff for driver education
17 and driving safety courses and peace officer
18 training described in paragraph (3); and

19 “(B) for the implementation of the law de-
20 scribed in paragraph (3).”.

21 (b) CONFORMING AMENDMENT.—Sections 402, 403,
22 and 405 of title 23, United States Code, are amended—

23 (1) by striking “accidents” and inserting
24 “crashes” each place it appears; and

1 (2) by striking “accident” and inserting
2 “crash” each place it appears.

3 **SEC. 3008. MINIMUM PENALTIES FOR REPEAT OFFENDERS**
4 **FOR DRIVING WHILE INTOXICATED OR DRIV-**
5 **ING UNDER THE INFLUENCE.**

6 Section 164(b)(1) of title 23, United States Code, is
7 amended—

8 (1) in subparagraph (A) by striking “alcohol-
9 impaired” and inserting “alcohol or polysubstance-
10 impaired”; and

11 (2) in subparagraph (B)—

12 (A) by striking “alcohol-impaired” and in-
13 serting “alcohol or polysubstance-impaired”;

14 (B) by striking “or” and inserting a
15 comma; and

16 (C) by inserting “, or driving while
17 polysubstance-impaired” after “driving under
18 the influence”.

19 **SEC. 3009. NATIONAL PRIORITY SAFETY PROGRAM GRANT**
20 **ELIGIBILITY.**

21 Section 4010(2) of the FAST Act (23 U.S.C. 405
22 note) is amended by striking “deficiencies” and inserting
23 “all deficiencies”.

1 **SEC. 3010. IMPLICIT BIAS RESEARCH AND TRAINING**
2 **GRANTS.**

3 (a) IN GENERAL.—The Secretary of Transportation
4 shall make grants to institutions of higher education (as
5 such term is defined in section 101 of the Higher Edu-
6 cation Act of 1965 (20 U.S.C. 1001)) to carry out re-
7 search, development, technology transfer, and training ac-
8 tivities in the operation or establishment of an implicit
9 bias training program as it relates to racial profiling at
10 traffic stops.

11 (b) QUALIFICATIONS.—To be eligible for a grant
12 under this section, an institution of higher education
13 shall—

14 (1) have an active research program or dem-
15 onstrate, to the satisfaction of the Secretary, that
16 the applicant is beginning a research program to
17 study implicit bias as it relates to racial profiling be-
18 fore and during traffic stops; and

19 (2) partner with State and local police depart-
20 ments to conduct the research described in para-
21 graph (1) and carry out the implementation of im-
22 plicit bias training with State and local police de-
23 partments.

24 (c) REPORT.—No later than 1 year after a grant has
25 been awarded under this section, the institution of higher
26 education awarded the grant shall submit to the Com-

1 mittee on Transportation and Infrastructure of the House
2 of Representatives and the Committee on Commerce,
3 Science, and Transportation of the Senate a report sum-
4 marizing the research on implicit bias as it relates to racial
5 profiling before and during traffic stops, and recommenda-
6 tions on effective interventions and trainings.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated \$20,000,000 for each
9 fiscal year to carry out this section.

10 (e) DEFINITIONS.—In this section, the term “implicit
11 bias training program” means a program that looks at the
12 attitudes, stereotypes, and lenses human beings develop
13 through various experiences in life that can unconsciously
14 affect how they interact with one another.

15 **SEC. 3011. STOP MOTORCYCLE CHECKPOINT FUNDING.**

16 Section 4007 of the FAST Act (23 U.S.C. 153 note)
17 is amended—

18 (1) in paragraph (1) by striking “or” at the
19 end;

20 (2) in paragraph (2) by striking the period at
21 the end and inserting “; or”; and

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

23 “(3) otherwise profile and stop motorcycle oper-
24 ators or motorcycle passengers using as a factor the

1 clothing or mode of transportation of such operators
2 or passengers.”.

3 **SEC. 3012. ELECTRONIC DRIVER’S LICENSE.**

4 (a) REAL ID ACT.—Section 202(a)(1) of the REAL
5 ID Act of 2005 (49 U.S.C. 30301 note) is amended by
6 striking “a driver’s license or identification card” and in-
7 serting “a physical or digital driver’s license or identifica-
8 tion card”.

9 (b) TITLE 18.—Section 1028(d)(7)(A) of title 18,
10 United States Code, is amended by striking “government
11 issued driver’s license” and inserting “government issued
12 physical or digital driver’s license”.

13 **SEC. 3013. MOTORCYCLIST ADVISORY COUNCIL.**

14 (a) SHORT TITLE.—This section may be cited as the
15 “Motorcyclist Advisory Council Reauthorization Act”.

16 (b) ESTABLISHMENT.—Not later than 90 days after
17 the date of enactment of this Act, the Secretary of Trans-
18 portation shall establish a Motoreyclist Advisory Council
19 (in this section referred to as the “Council”).

20 (c) DUTIES.—

21 (1) ADVISING.—The Council shall advise the
22 Secretary, the Administrator of the National High-
23 way Traffic Safety Administration, and the Adminis-
24 trator of the Federal Highway Administration on

1 transportation issues of concern to motorcyclists, in-
2 cluding—

3 (A) barrier design;

4 (B) road design, construction, and mainte-
5 nance practices; and

6 (C) the architecture and implementation of
7 intelligent transportation system technologies.

8 (2) BIENNIAL COUNCIL REPORT.—

9 (A) IN GENERAL.—The Council shall sub-
10 mit a report to the Secretary containing the
11 Council’s recommendations regarding the issues
12 described in paragraph (1) on which the Coun-
13 cil provides advice pursuant to such paragraph.

14 (B) TIMING.—Not later than October 31
15 of the calendar year following the calendar year
16 in which the Council is established, and by
17 every 2nd October 31 thereafter, the Council
18 shall submit the report required under this
19 paragraph.

20 (d) MEMBERSHIP.—

21 (1) IN GENERAL.—The Council shall be com-
22 prised of 12 members appointed by the Secretary as
23 follows:

1 (A) Five experts from State or local gov-
2 ernment on highway engineering issues, includ-
3 ing—

4 (i) barrier design;

5 (ii) road design, construction, and
6 maintenance; or

7 (iii) intelligent transportation systems.

8 (B) One State or local traffic and safety
9 engineer, design engineer, or other transpor-
10 tation department official who is a motorcyclist.

11 (C) One representative from a national as-
12 sociation of State transportation officials.

13 (D) One representative from a national
14 motorcyclist association.

15 (E) One representative from a national
16 motorcyclist foundation.

17 (F) One representative from a national
18 motorcycle manufacturing association.

19 (G) One roadway safety data expert on
20 crash testing and analysis.

21 (H) One member of a national safety orga-
22 nization that represents the traffic safety sys-
23 tems industry.

24 (2) DURATION.—

1 (A) TERM.—Subject to subparagraphs (B)
2 and (C), each member shall serve one term of
3 2 years.

4 (B) ADDITIONAL TERMS.—If a successor is
5 not designated for a member before the expira-
6 tion of the term the member is serving, the
7 member may serve another term.

8 (C) APPOINTMENT OF REPLACEMENTS.—If
9 a member resigns before serving a full 2-year
10 term, the Secretary may appoint a replacement
11 for such member to serve the remaining portion
12 such term. A member may continue to serve
13 after resignation until a successor has been ap-
14 pointed. A vacancy in the Council shall be filled
15 in the manner in which the original appoint-
16 ment was made.

17 (3) COMPENSATION.—Members shall serve
18 without compensation.

19 (e) TERMINATION.—The Council shall terminate 6
20 years after the date of its establishment.

21 (f) DUTIES OF THE SECRETARY.—

22 (1) ACCEPT OR REJECT RECOMMENDATION.—

23 (A) SECRETARY DETERMINES.—The Sec-
24 retary shall determine whether to accept or re-

1 ject a recommendation contained in a Council
2 report.

3 (B) TIMING.—

4 (i) MUST ACCEPT OR REJECT.—The
5 Secretary must indicate in each report sub-
6 mitted under this section the Secretary's
7 acceptance or rejection of each rec-
8 ommendation listed in such report.

9 (ii) EXCEPTION.—The Secretary may
10 indicate in a report submitted under this
11 section that a recommendation is under
12 consideration. If the Secretary does so, the
13 Secretary must accept or reject the rec-
14 ommendation in the next report submitted
15 under this section.

16 (2) REPORT.—

17 (A) IN GENERAL.—Not later than 60 days
18 after the Secretary receives a Council report,
19 the Secretary shall submit a report to the fol-
20 lowing committees and subcommittees:

21 (i) The Committee on Transportation
22 and Infrastructure of the House of Rep-
23 resentatives.

24 (ii) The Committee on Environment
25 and Public Works of the Senate.

1 (iii) The Committee on Commerce,
2 Science, and Transportation of the Senate.

3 (iv) The Subcommittee on Transpor-
4 tation, and Housing and Urban Develop-
5 ment, and Related Agencies of the Com-
6 mittee on Appropriations of the House of
7 Representatives.

8 (v) The Subcommittee on Transpor-
9 tation, and Housing and Urban Develop-
10 ment, and Related Agencies of the Com-
11 mittee on Appropriations of the Senate.

12 (B) CONTENTS.—A report submitted
13 under this subsection shall include—

14 (i) a list containing—

15 (I) each recommendation con-
16 tained in the Council report described
17 in paragraph (1); and

18 (II) each recommendation indi-
19 cated as under consideration in the
20 previous report submitted under this
21 subsection; and

22 (ii) for each such recommendation,
23 whether it is accepted, rejected, or under
24 consideration by the Secretary.

1 (3) ADMINISTRATIVE AND TECHNICAL SUP-
2 PORT.—The Secretary shall provide such adminis-
3 trative support, staff, and technical assistance to the
4 Council as the Secretary determines to be necessary
5 for the Council to carry out its duties.

6 (g) DEFINITIONS.—In this section:

7 (1) COUNCIL REPORT.—The term “Council re-
8 port” means the report described in subsection
9 (f)(2).

10 (2) SECRETARY.—The term “Secretary” means
11 the Secretary of Transportation.

12 **SEC. 3014. REPORT ON MARIJUANA RESEARCH.**

13 (a) IN GENERAL.—Not later than 2 years after the
14 date of enactment of this Act, the Secretary of Transpor-
15 tation, in consultation with the Attorney General and the
16 Secretary of Health and Human Services, shall submit to
17 the Committee on Transportation and Infrastructure of
18 the House of Representatives and the Committee on Com-
19 merce, Science, and Transportation of the Senate, and
20 make publicly available on the Department of Transpor-
21 tation website, a report and recommendations on—

22 (1) increasing and improving access, for sci-
23 entific researchers studying impairment while driv-
24 ing under the influence of marijuana, to samples
25 and strains of marijuana and products containing

1 marijuana lawfully being offered to patients or con-
2 sumers in a State on a retail basis;

3 (2) establishing a national clearinghouse to col-
4 lect and distribute samples and strains of marijuana
5 for scientific research that includes marijuana and
6 products containing marijuana lawfully available to
7 patients or consumers in a State on a retail basis;

8 (3) facilitating access, for scientific researchers
9 located in States that have not legalized marijuana
10 for medical or recreational use, to samples and
11 strains of marijuana and products containing mari-
12 juana from such clearinghouse for purposes of re-
13 search on marijuana-impaired driving; and

14 (4) identifying Federal statutory and regulatory
15 barriers to the conduct of scientific research and the
16 establishment of a national clearinghouse for pur-
17 poses of facilitating research on marijuana-impaired
18 driving.

19 (b) DEFINITION OF MARIJUANA.—In this section, the
20 term “marijuana” has the meaning given such term in
21 section 4008 of the FAST Act (Public Law 114–94).

22 **SEC. 3015. COMPTROLLER GENERAL STUDY ON NATIONAL**
23 **DUI REPORTING.**

24 (a) IN GENERAL.—The Comptroller General of the
25 United States shall conduct a study on the reporting of

1 alcohol-impaired driving arrest and citation results into
2 Federal databases to facilitate the widespread identifica-
3 tion of repeat impaired driving offenders.

4 (b) INCLUSIONS.—The study conducted under sub-
5 section (a) shall include a detailed assessment of—

6 (1) the extent to which State and local criminal
7 justice agencies are reporting alcohol-impaired driv-
8 ing arrest and citation results into Federal data-
9 bases;

10 (2) barriers on the Federal, State, and local lev-
11 els to the reporting of alcohol-impaired driving ar-
12 rest and citation results into Federal databases, as
13 well as barriers to the use of those systems by crimi-
14 nal justice agencies;

15 (3) Federal, State, and local resources available
16 to improve the reporting of alcohol-impaired driving
17 arrest and citation results into Federal databases;

18 (4) recommendations for policies and programs
19 to be carried out by the National Highway Traffic
20 Safety Administration; and

21 (5) recommendations for programs and grant
22 funding to be authorized by Congress.

23 (c) REPORT.—Not later than 1 year after the date
24 of enactment of this Act, the Comptroller General of the
25 United States shall submit to the appropriate committees

1 of Congress a report on the results of the study conducted
2 under subsection (a).

3 **SEC. 3016. REPORT ON IMPAIRED DRIVING.**

4 Not later than 2 years after the date of enactment
5 of this Act, the Secretary of Transportation, in consulta-
6 tion with the heads of appropriate Federal agencies, State
7 highway safety offices, State toxicologists, traffic safety
8 advocates, and other interested parties, shall submit to the
9 Committee on Commerce, Science, and Transportation of
10 the Senate and the Committee on Transportation and In-
11 frastructure of the House of Representatives a report that,
12 using the National Safety Council model guidelines for
13 toxicology testing—

14 (1) identifies any barriers that States encounter
15 in submitting the alcohol and drug toxicology results
16 to the Fatality Analysis Reporting System;

17 (2) provides recommendations on how to ad-
18 dress any barriers identified under paragraph (1);

19 (3) provides further steps that the Secretary,
20 acting through the Administrator of the National
21 Highway Traffic Safety Administration, shall take to
22 assist States in improving—

23 (A) toxicology testing in cases of motor ve-
24 hicle crashes; and

1 (B) the reporting of alcohol and drug toxicology results in cases of motor vehicle crashes.

3 **SEC. 3017. IMPAIRED DRIVING COUNTERMEASURE.**

4 (a) SENSE OF CONGRESS.—It is the sense of Congress that—

6 (1) a priority should be placed on creating State systems, programs, and processes that improve impaired driving detection in cases in which alcohol, drugs, and especially multiple substances are involved;

11 (2) States and communities should have access to a broader range of countermeasures, technologies, and resources to address multiple substance impaired driving; and

15 (3) increased Federal funding should be made available for efforts to improve public safety through the approaches described in paragraphs (1) and (2).

18 (b) PURPOSE.—The purpose of this section is to increase national investment in, and maximize the use of, innovative programs and technologies to eliminate multiple substance impaired driving.

22 (c) IMPAIRED DRIVING COUNTERMEASURES.—Section 405(d) of title 23, United States Code, is amended—

24 (1) in paragraph (4)—

25 (A) in subparagraph (B)—

1 (i) by striking clause (iii) and insert-
2 ing the following:

3 “(iii)(I) court support of high-visibility
4 enforcement efforts;

5 “(II) hiring criminal justice profes-
6 sionals, including law enforcement officers,
7 prosecutors, traffic safety resource pros-
8 ecutors, judges, judicial outreach liaisons,
9 and probation officers;

10 “(III) training and education of the
11 criminal justice professionals described in
12 subclause (II) to assist those professionals
13 in preventing impaired driving and han-
14 dling impaired driving cases, including by
15 providing compensation to a law enforce-
16 ment officer to replace a law enforcement
17 officer who is—

18 “(aa) receiving such drug rec-
19 ognition expert training; or

20 “(bb) participating as an instruc-
21 tor in such drug recognition expert
22 training; and

23 “(IV) establishing driving while
24 intoxicated courts;”;

1 (ii) by striking clauses (v) and (vi)
2 and inserting the following:

3 “(v) improving—

4 “(I) blood alcohol concentration
5 screening and testing;

6 “(II) the detection of potentially
7 impairing drugs, including through
8 the use of oral fluid as a specimen;
9 and

10 “(III) reporting relating to the
11 testing and detection described in sub-
12 clauses (I) and (II);

13 “(vi)(I) paid and earned media in sup-
14 port of high-visibility enforcement efforts;

15 “(II) conducting initial and con-
16 tinuing—

17 “(aa) standardized field sobriety
18 training, advanced roadside impaired
19 driving enforcement training, and
20 drug recognition expert training for
21 law enforcement; and

22 “(bb) law enforcement phle-
23 botomy training; and

1 “(III) to purchase equipment to carry
2 out impaired driving enforcement activities
3 authorized by this subsection;”;

4 (iii) in clause (ix), by striking “and”
5 at the end;

6 (iv) in clause (x), by striking the pe-
7 riod at the end and inserting “; and”; and

8 (v) by adding at the end the following:
9 “(xi) testing and implementing pro-
10 grams and purchasing technologies to bet-
11 ter identify, monitor, or treat impaired
12 drivers, including—

13 “(I) oral fluid screening tech-
14 nologies;

15 “(II) electronic warrant pro-
16 grams;

17 “(III) equipment to increase the
18 scope, quantity, quality, and timeli-
19 ness of forensic toxicology chemical
20 testing;

21 “(IV) case management software
22 to support the management of im-
23 paired driving offenders; and

24 “(V) technology to monitor im-
25 paired driving offenders.”; and

1 (B) in subparagraph (C)—

2 (i) in the second sentence, by striking
3 “Medium-range” and inserting the fol-
4 lowing:

5 “(ii) MEDIUM-RANGE AND HIGH-
6 RANGE STATES.—Subject to clause (iii),
7 medium-range”;

8 (ii) in the first sentence, by striking
9 “Low-range” and inserting the following:

10 “(i) LOW-RANGE STATES.—Subject to
11 clause (iii), low-range”; and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(iii) ALL STATES.—

15 “(I) REPORTING OF IMPAIRED
16 DRIVING CRIMINAL JUSTICE INFORMA-
17 TION.—A State may use grant funds
18 for any expenditure designed to in-
19 crease the timely and accurate report-
20 ing of crash information, including
21 electronic crash reporting systems
22 that allow accurate real-time or near
23 real-time uploading of crash informa-
24 tion, and impaired driving criminal

1 justice information to Federal, State,
2 and local databases.

3 “(II) IMPAIRED DRIVING COUN-
4 TERMEASURES.—A State may use
5 grant funds for any expenditure to re-
6 search or evaluate impaired driving
7 countermeasures.”; and

8 (2) in paragraph (7)(A), in the matter pre-
9 ceding clause (i), by inserting “or local” after “au-
10 thorizes a State”.

11 **SEC. 3018. DRUG-IMPAIRED DRIVING EDUCATION GRANT**
12 **PROGRAM.**

13 (a) ESTABLISHMENT.—Not later than 1 year after
14 the date of enactment of this Act, the Secretary of Trans-
15 portation shall establish a program to provide grants on
16 a competitive basis to States and Indian tribes to educate
17 the public on the dangers of drug-impaired driving.

18 (b) APPLICATION FOR GRANT.—To be awarded a
19 grant under this section, State or Indian tribe shall submit
20 to the Secretary an application in such form, at such time,
21 and containing such information as the Secretary may re-
22 quire.

23 (c) SUBALLOCATIONS OF FUNDS.—A State or Indian
24 tribe that receives a grant under this section may suballo-

1 cate funds from the grant to a covered entity that will
2 carry out the requirements of paragraph (a).

3 (d) BEST AVAILABLE EVIDENCE.—An entity that re-
4 ceives funds under this section, including a covered entity
5 using such funds, shall—

6 (1) use evidence and strategies recommended by
7 the Congressional Research Service publication titled
8 “Marijuana Use and Highway Safety”, published in
9 May, 2019;

10 (2) use evidence and strategies recommended by
11 the National Highway Traffic Safety Administration
12 publication titled “Countermeasures That Work: A
13 Highway Safety Countermeasure Guide For State
14 Highway Safety Offices, Ninth Edition, 2017”, pub-
15 lished in April, 2018; or

16 (3) use other evidence-based, peer-reviewed
17 strategies as determined by the Secretary.

18 (e) EVALUATION.—Not later than 2 years after the
19 date on which a State or Indian tribe receives a grant
20 under the program established under paragraph (a), the
21 State or Indian tribe shall submit to the Secretary an eval-
22 uation of progress made toward reducing drug-impaired
23 driving within the State or Indian tribe.

24 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to carry out this Act

1 \$15,000,000 for each of the first 2 fiscal years beginning
2 after the date of enactment of this Act.

3 (g) FEDERAL SHARE.—The Federal share of the
4 costs of activities funded using amounts from grants
5 awarded under this section may not exceed 80 percent for
6 each fiscal year for which a State receives a grant.

7 (h) DEFINITIONS.—In this section:

8 (1) COVERED ENTITY.—The term “covered en-
9 tity” includes the following:

10 (A) A State government agency.

11 (B) A local government agency or political
12 subdivision of a State.

13 (C) A Tribal organization.

14 (D) A nonprofit organization.

15 (E) A State or local prosecution office.

16 (F) A State or local law enforcement agen-
17 cy.

18 (2) DRUG-IMPAIRED DRIVING.—The term
19 “drug-impaired driving” means driving under the in-
20 fluence of marijuana, opioids, cocaine, amphet-
21 amines, fentanyl, or phencyclidine.

22 (3) MARIJUANA.—The term “marijuana” has
23 the meaning given such term in section 4008 of the
24 FAST Act (Public Law 114–94).

1 (4) NONPROFIT ORGANIZATION.—The term
2 “nonprofit organization” means an organization that
3 is described in section 501(c)(3) of the Internal Rev-
4 enue Code of 1986 (26 U.S.C. 501(c)(3)) and is ex-
5 empt from taxation under section 501(a) of such
6 Code.

7 (5) SECRETARY.—The term “Secretary” means
8 the Secretary of Transportation.

9 (6) STATE.—The term “State” means a State
10 of the United States, the District of Columbia, and
11 each territory of the United States.

12 (7) INDIAN TRIBE.—The term “Indian tribe”
13 has the meaning given the term in section 4 of the
14 Indian Self-Determination and Education Assistance
15 Act (25 U.S.C. 5304).

16 (8) TRIBAL ORGANIZATION.—The term “Tribal
17 organization” has the meaning given the term in
18 section 4 of the Indian Self-Determination and Edu-
19 cation Assistance Act (25 U.S.C. 5304).

1 **TITLE IV—MOTOR CARRIER**
2 **SAFETY**
3 **Subtitle A—Motor Carrier Safety**
4 **Grants, Operations, and Programs**

5 **SEC. 4101. MOTOR CARRIER SAFETY GRANTS.**

6 (a) IN GENERAL.—Section 31104 of title 49, United
7 States Code, is amended—

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

10 “(a) FINANCIAL ASSISTANCE PROGRAMS.—The fol-
11 lowing sums are authorized to be appropriated from the
12 Highway Trust Fund (other than the Mass Transit Ac-
13 count):

14 “(1) MOTOR CARRIER SAFETY ASSISTANCE PRO-
15 GRAM.—Subject to paragraph (2) and subsection (c),
16 to carry out section 31102 (except subsection (l))—

17 “(A) \$388,950,000 for fiscal year 2023;

18 “(B) \$398,700,000 for fiscal year 2024;

19 “(C) \$408,900,000 for fiscal year 2025;

20 and

21 “(D) \$418,425,000 for fiscal year 2026.

22 “(2) HIGH-PRIORITY ACTIVITIES PROGRAM.—
23 Subject to subsection (c), to carry out section
24 31102(l)—

25 “(A) \$72,604,000 for fiscal year 2023;

1 “(B) \$74,424,000 for fiscal year 2024;

2 “(C) \$76,328,000 for fiscal year 2025; and

3 “(D) \$78,106,000 for fiscal year 2026.

4 “(3) COMMERCIAL MOTOR VEHICLE OPERATORS
5 GRANT PROGRAM.—To carry out section 31103—

6 “(A) \$1,037,200 for fiscal year 2023;

7 “(B) \$1,063,200 for fiscal year 2024;

8 “(C) \$1,090,400 for fiscal year 2025; and

9 “(D) \$1,115,800 for fiscal year 2026.

10 “(4) COMMERCIAL DRIVER’S LICENSE PROGRAM
11 IMPLEMENTATION PROGRAM.—Subject to subsection
12 (e), to carry out section 31313—

13 “(A) \$56,008,800 for fiscal year 2023;

14 “(B) \$57,412,800 for fiscal year 2024;

15 “(C) \$58,881,600 for fiscal year 2025; and

16 “(D) \$60,253,200 for fiscal year 2026.”;

17 (2) by striking subsection (e) and inserting the
18 following:

19 “(c) PARTNER TRAINING AND PROGRAM SUPPORT.—

20 “(1) IN GENERAL.—On October 1 of each fiscal
21 year, or as soon after that date as practicable, the
22 Secretary may deduct from amounts made available
23 under paragraphs (1), (2), and (4) of subsection (a)
24 for that fiscal year not more than 1.8 percent of

1 those amounts for partner training and program
2 support in that fiscal year.

3 “(2) USE OF FUNDS.—The Secretary shall use
4 at least 50 percent of the amounts deducted under
5 paragraph (1) on training and related training mate-
6 rials for non-Federal Government employees.

7 “(3) PARTNERSHIP.—The Secretary shall carry
8 out the training and development of materials pursu-
9 ant to paragraph (2) in partnership with one or
10 more nonprofit organizations, through a competitive
11 grant, that have—

12 “(A) expertise in conducting a training
13 program for non-Federal Government employ-
14 ees; and

15 “(B) a demonstrated ability to involve in a
16 training program the target population of com-
17 mercial motor vehicle safety enforcement em-
18 ployees.”;

19 (3) in subsection (f)—

20 (A) in paragraph (1) by striking “the next
21 fiscal year” and inserting “the following 2 fiscal
22 years”;

23 (B) in paragraph (2)—

1 (i) by striking “section 31102(l)(2)”
2 and inserting “paragraphs (2) and (4) of
3 section 31102(l)”;

4 (ii) by striking “the next 2 fiscal
5 years” and inserting “the following 3 fiscal
6 years”; and

7 (C) in paragraph (3) by striking “the next
8 4 fiscal years” and inserting “the following 5
9 fiscal years”; and

10 (4) by adding at the end the following:

11 “(j) TREATMENT OF REALLOCATIONS.—Amounts
12 that are obligated and subsequently, after the date of en-
13 actment of this subsection, released back to the Secretary
14 under subsection (i) shall not be subject to limitations on
15 obligations provided under any other provision of law.”.

16 (b) COMMERCIAL DRIVER’S LICENSE PROGRAM IM-
17 PLEMENTATION FINANCIAL ASSISTANCE PROGRAM.—Sec-
18 tion 31313(b) of title 49, United States Code, is amend-
19 ed—

20 (1) by striking the period at the end and insert-
21 ing “; and”;

22 (2) by striking “A recipient” and inserting the
23 following: “In participating in financial assistance
24 program under this section—

25 “(1) a recipient”; and

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

2 “(2) a State may not receive more than
3 \$250,000 in grants under subsection (a)(2)(B) in
4 any fiscal year—

5 “(A) in which the State prohibits private
6 commercial driving schools or independent com-
7 mercial driver’s license testing facilities from of-
8 fering a commercial driver’s license skills test
9 as a third-party tester; or

10 “(B) in which a State fails to report to the
11 Administrator of the Federal Motor Carrier
12 Safety Administration, during the previous fis-
13 cal year, the average number of days of delays
14 for an initial commercial driver’s license skills
15 test or retest within the State.”.

16 **SEC. 4102. MOTOR CARRIER SAFETY OPERATIONS AND**
17 **PROGRAMS.**

18 (a) IN GENERAL.—Section 31110 of title 49, United
19 States Code, is amended by striking subsection (a) and
20 inserting the following:

21 “(a) ADMINISTRATIVE EXPENSES.—There is author-
22 ized to be appropriated from the Highway Trust Fund
23 (other than the Mass Transit Account) for the Secretary
24 of Transportation to pay administrative expenses of the
25 Federal Motor Carrier Safety Administration—

- 1 “(1) \$380,500,000 for fiscal year 2023;
2 “(2) \$381,500,000 for fiscal year 2024;
3 “(3) \$382,500,000 for fiscal year 2025; and
4 “(4) \$384,500,000 for fiscal year 2026.”.

5 (b) ADMINISTRATIVE EXPENSES.—

6 (1) USE OF FUNDS.—The Administrator of the
7 Federal Motor Carrier Safety Administration shall
8 use funds made available in subsection (a) for—

9 (A) acceleration of planned investments to
10 modernize the Administration’s information
11 technology and information management sys-
12 tems;

13 (B) completing outstanding mandates;

14 (C) carrying out a Large Truck Crash
15 Causal Factors Study of the Administration;

16 (D) construction and maintenance of bor-
17 der facilities; and

18 (E) other activities authorized under sec-
19 tion 31110(b) of title 49, United States Code.

20 (2) DEFINITION OF OUTSTANDING MANDATE.—

21 In this subsection, the term “outstanding mandate”
22 means a requirement for the Federal Motor Carrier
23 Safety Administration to issue regulations, under-
24 take a comprehensive review or study, conduct a
25 safety assessment, or collect data—

1 (A) under this Act;

2 (B) under MAP-21 (Public Law 112-
3 141), that has not been published in the Fed-
4 eral Register, if required, or otherwise com-
5 pleted as of the date of enactment of this Act;

6 (C) under the FAST Act (Public Law
7 114-94), that has not been published in the
8 Federal Register, if required, or otherwise com-
9 pleted as of the date of enactment of this Act;
10 and

11 (D) under any other Act enacted before
12 the date of enactment of this Act that has not
13 been published in the Federal Register by the
14 date required in such Act.

15 **SEC. 4103. IMMOBILIZATION GRANT PROGRAM.**

16 Section 31102(l) of title 49, United States Code, is
17 amended—

18 (1) in paragraph (1) by striking “and (3)” and
19 inserting “, (3), and (4)”;

20 (2) in paragraph (2)(F)(ii)(II) by inserting “,
21 specifically including the priority activities described
22 in paragraph (4)” after “required for participation”;
23 and

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

1 “(4) PRIORITIZATION OF IMMOBILIZING UN-
2 SAFE PASSENGER-CARRYING COMMERCIAL MOTOR
3 VEHICLES.—

4 “(A) IN GENERAL.—The Secretary shall
5 prioritize the awarding of discretionary grants
6 to States for activities related to paragraph
7 (2)(F)(II) for the enforcement of out of service
8 orders if such vehicles are found to be unsafe
9 or have violated a Federal out of service order.

10 “(B) ELIGIBILITY.—To be eligible for a
11 grant described under this paragraph, a State
12 shall have the authority to require the immo-
13 bilization or impoundment of a passenger-car-
14 rying commercial motor vehicle if such vehicle is
15 found to be unsafe or fail inspection or to have
16 violated a Federal out of service order.

17 “(C) USE OF FUNDS.—Grant funds re-
18 ceived under this paragraph may be used for—

19 “(i) the immobilization or impound-
20 ment of commercial motor vehicles that are
21 unsafe, fail inspection, or have violated a
22 Federal out of service order;

23 “(ii) safety inspections of vehicles de-
24 scribed in clause (i);

1 “(iii) other activities related to the ac-
2 tivities described in clauses (i) and (ii), as
3 determined by the Secretary.

4 “(D) PASSENGER-CARRYING COMMERCIAL
5 MOTOR VEHICLE DEFINED.—In this paragraph,
6 the term ‘passenger-carrying commercial motor
7 vehicle’ has the meaning given such term in sec-
8 tion 31301.”.

9 **SEC. 4104. OPERATION OF SMALL COMMERCIAL VEHICLES**
10 **STUDY.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of enactment of this Act, the Secretary of Transpor-
13 tation shall initiate a review of the prevalence of, charac-
14 teristics of, and safe operation of commercial vehicles that
15 have a gross vehicle weight rating or gross vehicle weight
16 below 10,000 pounds, and are utilized in package delivery
17 of goods moving in interstate commerce.

18 (b) INDEPENDENT RESEARCH.—If the Secretary de-
19 cides to enter into a contract with a third party to perform
20 the research required under subsection (a), the Secretary
21 shall—

22 (1) solicit applications from research institu-
23 tions that conduct objective, fact-based research to
24 conduct the study; and

1 (2) ensure that such third party does not have
2 any financial or contractual ties with an entity en-
3 gaged in interstate commerce utilizing commercial
4 vehicles or commercial motor vehicles.

5 (c) ENTITIES INCLUDED.—As part of the review, the
6 Secretary shall collect information from a cross-section of
7 companies that use fleets of such vehicles for package de-
8 livery in interstate commerce, including companies that—

9 (1) directly perform deliveries;

10 (2) use contracted entities to perform work; and

11 (3) utilize a combination of direct deliveries and
12 contract entities.

13 (d) EVALUATION FACTORS.—The review shall include
14 an evaluation of the following:

15 (1) Fleet characteristics, including fleet struc-
16 ture, and vehicle miles traveled.

17 (2) Fleet management, including scheduling of
18 deliveries and maintenance practices.

19 (3) Driver employment characteristics, includ-
20 ing the basis of compensation and classification.

21 (4) How training, medical fitness, hours on
22 duty, and safety of drivers is evaluated and overseen
23 by companies, including prevention of occupational
24 injuries and illnesses.

1 (5) Safety performance metrics, based on data
2 associated with the included entities, including crash
3 rates, moving violations, failed inspections, and other
4 related data points.

5 (6) Financial responsibility and liability for
6 safety or maintenance violations among companies,
7 fleet managers, and drivers.

8 (7) Loading and unloading practices, and how
9 package volume and placement in the vehicle is de-
10 termined.

11 (8) Information on the use of driver safety ap-
12 plications, if applicable.

13 (9) Information on work-related injury and ill-
14 ness data of drivers.

15 (10) Other relevant information determined
16 necessary by the Secretary in order to make rec-
17 ommendations under subsection (e).

18 (e) REPORT AND RECOMMENDATIONS.—Upon com-
19 pletion of the review, the Secretary shall submit to the
20 Committee on Transportation and Infrastructure of the
21 House of Representatives and the Committee on Com-
22 merce of the Senate a report containing—

23 (1) the findings of the Secretary on each of the
24 factors in (d);

1 (2) a list of regulations applicable to commer-
2 cial motor vehicles and commercial motor vehicle op-
3 erators that are not applicable to commercial vehicle
4 operations described in this section; and

5 (3) recommendations, based on the findings, on
6 changes to laws or regulations at the Federal, State,
7 or local level to promote safe operations and safe
8 and fair working conditions for commercial vehicle
9 operators.

10 **SEC. 4105. MOTOR CARRIER SAFETY GRANTS MAINTENANCE OF EFFORT.**
11

12 Section 31102(f)(2) of title 49, United States Code,
13 is amended—

14 (1) by striking “after fiscal year 2017”; and

15 (2) by striking “baseline after the year in which
16 the Secretary implements a new allocation formula
17 under section 5106 of the FAST Act, and” and in-
18 serting a period.

19 **Subtitle B—Motor Carrier Safety**
20 **Oversight**

21 **SEC. 4201. MOTOR CARRIER SAFETY ADVISORY COM-**
22 **MITTEE.**

23 Section 4144 of SAFETEA-LU (49 U.S.C. 31100
24 note) is amended—

1 (1) in subsection (b)(1) by inserting “, includ-
2 ing small business motor carriers” after “industry”;
3 and

4 (2) in subsection (d) by striking “September
5 30, 2013” and inserting “September 30, 2026”.

6 **SEC. 4202. COMPLIANCE, SAFETY, ACCOUNTABILITY.**

7 (a) **IN GENERAL.**—Not later than 1 year after the
8 date of enactment of this Act, the Secretary of Transpor-
9 tation shall implement a revised methodology to be used
10 in the Compliance, Safety, Accountability program of the
11 Federal Motor Carrier Safety Administration to identify
12 and prioritize motor carriers for intervention, using the
13 recommendations of the study required by section 5221(a)
14 of the FAST Act (49 U.S.C. 31100 note).

15 (b) **DATA AVAILABILITY.**—The Secretary shall, in
16 working toward implementation of the revised method-
17 ology described in subsection (a) prioritize revisions nec-
18 essary to—

19 (1) restore the public availability of all relevant
20 safety data under a revised methodology; and

21 (2) make such safety data publicly available
22 that was made publicly available on the day before
23 the date of enactment of the FAST Act, as appro-
24 priate under a revised methodology.

25 (c) **IMPLEMENTATION.**—

1 (1) PROGRESS REPORTS.—Not later than 30
2 days after the date of enactment of this Act, and
3 every 90 days thereafter until the date on which the
4 Secretary implements the revised methodology de-
5 scribed in subsection (a), the Secretary shall submit
6 to the Committee on Transportation and Infrastruc-
7 ture of the House of Representatives and the Com-
8 mittee on Commerce, Science, and Transportation of
9 the Senate, and make publicly available on a website
10 of the Department of Transportation, a progress re-
11 port on—

12 (A) the status of the revision of the meth-
13 odology and related data modifications under
14 subsection (a), a timeline for completion of such
15 revision, and an estimated date for implementa-
16 tion of such revised methodology;

17 (B) an explanation for any delays in devel-
18 opment or implementation of the revised meth-
19 odology over the reporting period; and

20 (C) if the Secretary has not resumed mak-
21 ing publicly available the data described in sub-
22 section (b), an updated timeline for the restora-
23 tion of the public availability of data and a de-
24 tailed explanation for why such restoration has
25 not occurred.

1 (2) PUBLICATION AND NOTIFICATION.—Prior
2 to commencing the use of the revised methodology
3 described in subsection (a) to identify and prioritize
4 motor carriers for intervention (other than in a test-
5 ing capacity), the Secretary shall—

6 (A) publish a detailed summary of the
7 methodology in the Federal Register and pro-
8 vide a period for public comment; and

9 (B) notify the Committee on Transpor-
10 tation and Infrastructure of the House of Rep-
11 resentatives and the Committee on Commerce,
12 Science, and Transportation of the Senate, in
13 writing.

14 (d) SAFETY FITNESS RULE.—

15 (1) RULEMAKING.—Not later than 1 year after
16 the date on which the Secretary notifies Congress
17 under subsection (c)(2), the Secretary shall issue
18 final regulations pursuant to section 31144(b) of
19 title 49, United States Code, to revise the method-
20 ology for issuance of motor carrier safety fitness de-
21 terminations.

22 (2) CONSIDERATIONS.—In issuing the regula-
23 tions under paragraph (1), the Secretary shall con-
24 sider the use of all available data to determine the
25 fitness of a motor carrier.

1 (e) REPEAL.—Section 5223 of the FAST Act (49
2 U.S.C. 31100 note), and the item related to such section
3 in the table of contents in section 1(b) of such Act, are
4 repealed.

5 **SEC. 4203. TERMS AND CONDITIONS FOR EXEMPTIONS.**

6 Section 31315 of title 49, United States Code, is
7 amended—

8 (1) in subsection (b)—

9 (A) in paragraph (4)(A) by inserting “, in-
10 cluding data submission requirements,” after
11 “terms and conditions”; and

12 (B) by striking paragraph (8) and insert-
13 ing the following:

14 “(8) TERMS AND CONDITIONS.—

15 “(A) IN GENERAL.—The Secretary shall
16 establish terms and conditions for each exemp-
17 tion to ensure that the exemption will not likely
18 degrade the level of safety achieved by the per-
19 son or class of persons granted the exemption,
20 and allow the Secretary to evaluate whether an
21 equivalent level of safety is maintained while
22 the person or class of persons is operating
23 under such exemption, including—

1 “(i) requiring the regular submission
2 of accident and incident data to the Sec-
3 retary;

4 “(ii) requiring immediate notification
5 to the Secretary in the event of a crash
6 that results in a fatality or serious bodily
7 injury;

8 “(iii) for exemptions granted by the
9 Secretary related to hours of service rules
10 under part 395 of title 49, Code of Federal
11 Regulations, requiring that the exempt
12 person or class of persons submit to the
13 Secretary evidence of participation in a
14 recognized fatigue management plan; and

15 “(iv) providing documentation of the
16 authority to operate under the exemption
17 to each exempt person, to be used to dem-
18 onstrate compliance if requested by a
19 motor carrier safety enforcement officer
20 during a roadside inspection.

21 “(B) IMPLEMENTATION.—The Secretary
22 shall monitor the implementation of the exemp-
23 tion to ensure compliance with its terms and
24 conditions.”; and

1 (2) in subsection (e) by inserting “, based on an
2 analysis of data collected by the Secretary and sub-
3 mitted to the Secretary under subsection (b)(8)”
4 after “safety”.

5 **SEC. 4204. SAFETY FITNESS OF MOTOR CARRIERS OF PAS-**
6 **SENGERS.**

7 Section 31144(i) of title 49, United States Code, is
8 amended—

9 (1) in paragraph (1)—

10 (A) in subparagraph (A) by striking “who
11 the Secretary registers under section 13902 or
12 31134”; and

13 (B) in subparagraph (B) by inserting “to
14 motor carriers of passengers and” after
15 “apply”; and

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

17 “(5) MOTOR CARRIER OF PASSENGERS DE-
18 FINED.—In this subsection, the term ‘motor carrier
19 of passengers’ includes an offeror of motorcoach
20 services that sells scheduled transportation of pas-
21 sengers for compensation at fares and on schedules
22 and routes determined by such offeror, regardless of
23 ownership or control of the vehicles or drivers used
24 to provide the transportation by motorcoach.”.

1 **SEC. 4205. PROVIDERS OF RECREATIONAL ACTIVITIES.**

2 Section 13506(b) of title 49, United States Code, is
3 amended—

4 (1) in paragraph (2) by striking “or” at the
5 end;

6 (2) in paragraph (3) by striking the period at
7 the end and inserting “; or”; and

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

9 “(4) transportation by a motor vehicle designed
10 or used to transport between 9 and 15 passengers
11 (including the driver), whether operated alone or
12 with a trailer attached for the transport of rec-
13 reational equipment, that is operated by a person
14 that provides recreational activities if—

15 “(A) the transportation is provided within
16 a 150 air-mile radius of the location where pas-
17 sengers are boarded; and

18 “(B) the person operating the motor vehi-
19 cle, if transporting passengers over a route be-
20 tween a place in a State and a place in another
21 State, is otherwise lawfully providing transpor-
22 tation of passengers over the entire route in ac-
23 cordance with applicable State law.”.

1 **SEC. 4206. AMENDMENTS TO REGULATIONS RELATING TO**
2 **TRANSPORTATION OF HOUSEHOLD GOODS IN**
3 **INTERSTATE COMMERCE.**

4 (a) DEFINITIONS.—In this section:

5 (1) ADMINISTRATION.—The term “Administra-
6 tion” means the Federal Motor Carrier Safety Ad-
7 ministration.

8 (2) COVERED CARRIER.—The term “covered
9 carrier” means a motor carrier that is—

10 (A) engaged in the interstate transpor-
11 tation of household goods; and

12 (B) subject to the requirements of part
13 375 of title 49, Code of Federal Regulations (as
14 in effect on the effective date of the amend-
15 ments required by subsection (b)).

16 (3) SECRETARY.—The term “Secretary” means
17 the Secretary of Transportation.

18 (b) AMENDMENTS TO REGULATIONS.—Not later
19 than 1 year after the date of enactment of this Act, the
20 Secretary shall issue a notice of proposed rulemaking to
21 amend regulations related to the interstate transportation
22 of household goods.

23 (c) CONSIDERATIONS.—In issuing the notice of pro-
24 posed rulemaking under subsection (b), the Secretary shall
25 consider the following recommended amendments to provi-
26 sions of title 49, Code of Federal Regulations:

1 (1) Section 375.207(b) to require each covered
2 carrier to include on the website of the covered car-
3 rier a link—

4 (A) to the publication of the Administra-
5 tion titled “Ready to Move—Tips for a Success-
6 ful Interstate Move” (ESA 03005) on the
7 website of the Administration; or

8 (B) to a copy of the publication referred to
9 in subparagraph (A) on the website of the cov-
10 ered carrier.

11 (2) Subsections (a) and (b)(1) of section
12 375.213 to require each covered carrier to provide to
13 each individual shipper, with any written estimate
14 provided to the shipper, a copy of the publication de-
15 scribed in appendix A of part 375 of such title, enti-
16 tled “Your Rights and Responsibilities When You
17 Move” (ESA–03–006 (or a successor publication)),
18 in the form of a written copy or a hyperlink on the
19 website of the covered carrier to the location on the
20 website of the Administration containing such publi-
21 cation.

22 (3) Subsection (e) of section 375.213, to repeal
23 such subsection.

24 (4) Section 375.401(a), to require each covered
25 carrier—

1 (A) to conduct a visual survey of the
2 household goods to be transported by the cov-
3 ered carrier—

4 (i) in person; or

5 (ii) virtually, using—

6 (I) a remote camera; or

7 (II) another appropriate tech-
8 nology;

9 (B) to offer a visual survey described in
10 subparagraph (A) for all household goods ship-
11 ments, regardless of the distance between—

12 (i) the location of the household
13 goods; and

14 (ii) the location of the agent of the
15 covered carrier preparing the estimate; and

16 (C) to provide to each shipper a copy of
17 publication of the Administration titled “Ready
18 to Move—Tips for a Successful Interstate Move”
19 (ESA 03005) on receipt from the shipper of a
20 request to schedule, or a waiver of, a visual sur-
21 vey offered under subparagraph (B).

22 (5) Sections 375.401(b)(1), 375.403(a)(6)(ii),
23 and 375.405(b)(7)(ii), and subpart D of appendix A
24 of part 375, to require that, in any case in which a
25 shipper tenders any additional item or requests any

1 additional service prior to loading a shipment, the
2 affected covered carrier shall—

3 (A) prepare a new estimate; and

4 (B) maintain a record of the date, time,
5 and manner in which the new estimate was ac-
6 cepted by the shipper.

7 (6) Section 375.501(a), to establish that a cov-
8 ered carrier is not required to provide to a shipper
9 an order for service if the covered carrier elects to
10 provide the information described in paragraphs (1)
11 through (15) of such section in a bill of lading that
12 is presented to the shipper before the covered carrier
13 receives the shipment.

14 (7) Subpart H of part 375, to replace the re-
15 place the terms “freight bill” and “expense bill”
16 with the term “invoice”.

17 **SEC. 4207. BROKER GUIDANCE.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of enactment of this Act, the Secretary of Transpor-
20 tation shall issue guidance to clarify the definitions of the
21 terms “broker” and “bona fide agents” under part 371
22 of title 49, Code of Federal Regulations.

23 (b) CONSIDERATIONS.—In issuing the guidance
24 under subsection (a), the Secretary shall consider the ex-
25 tent to which technology has changed the nature of freight

1 brokerage, the role of bona fide agents, and other aspects
2 of the freight transportation industry.

3 (c) DISPATCH SERVICES.—In issuing the guidance
4 under subsection (a), the Secretary shall, at a minimum—

5 (1) examine the role of a dispatch service in the
6 transportation industry;

7 (2) examine the extent to which dispatch serv-
8 ices could be considered brokers or bona fide agents;
9 and

10 (3) clarify the level of financial penalties for un-
11 authorized brokerage activities under section 14916
12 of title 49, United States Code, applicable to a dis-
13 patch service.

14 **SEC. 4208. REVIEW OF LABOR LAWS.**

15 (a) REGISTRATION.—Section 13902(a)(1)(A) of title
16 49, United States Code, is amended—

17 (1) in clause (v) by striking “and” at the end;

18 (2) in clause (vi) by striking the semicolon and
19 inserting “; and”; and

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

21 “(vii) applicable labor and employ-
22 ment laws and regulations, including wage
23 and hour and workplace safety laws and
24 regulations, relevant to the safe operation
25 of a motor carrier;”.

1 (b) AGENCY REVIEW.—Not later than 6 months after
2 the date of enactment of this Act, the Secretary of Trans-
3 portation and the Secretary of Labor shall initiate a proc-
4 ess to—

5 (1) review the relationship between labor and
6 employment laws and regulations and motor carrier
7 safety laws and regulations, including hours of serv-
8 ice rules;

9 (2) evaluate labor and employment laws and
10 regulations likely to be relevant to the safe operation
11 of a motor carrier;

12 (3) assess the availability of datasets, gaps in
13 available data, and opportunities to gather and share
14 useful data to better understand the relationship be-
15 tween labor and employment laws and regulations
16 and the safety performance of a motor carrier; and

17 (4) assess the feasibility of utilizing available
18 data, including data on violations of labor and em-
19 ployment laws and regulations, to improve the Sec-
20 retary’s safety oversight of a motor carrier.

21 (c) REPORT.—No later than 18 months after initi-
22 ation of the process under subsection (b), the Secretary
23 of Transportation and Secretary of Labor shall submit to
24 Congress a report containing—

1 (1) the findings of the process undertaken
2 under subsection (b);

3 (2) any proposed actions to be taken by either
4 the Secretary of Transportation or the Secretary of
5 Labor as a result of such findings; and

6 (3) any recommendations to Congress to imple-
7 ment such proposed actions.

8 (d) UPDATES.—Following completion of the agency
9 review under subsection (b), the Secretary of Transpor-
10 tation may initiate a rulemaking addressing the periodic
11 monitoring of information to ensure compliance with sec-
12 tion 13902(a)(1)(A)(vii) of title 49, United States Code,
13 including any required documentation that a motor carrier
14 is required to submit.

15 **Subtitle C—Commercial Motor** 16 **Vehicle Driver Safety**

17 **SEC. 4301. COMMERCIAL DRIVER'S LICENSE FOR PAS-** 18 **SENGER CARRIERS.**

19 Section 31301 of title 49, United States Code, is
20 amended—

21 (1) in paragraph (4)—

22 (A) in subparagraph (B) by striking “or”;

23 (B) by redesignating subparagraph (C) as
24 subparagraph (D); and

1 (C) by inserting after subparagraph (B)
2 the following:

3 “(C) is designed or used as a stretch lim-
4 ousine; or”;

5 (2) by redesignating paragraph (15) as para-
6 graph (16); and

7 (3) by inserting after paragraph (14) the fol-
8 lowing:

9 “(15) ‘stretch limousine’ means any sedan or
10 sports utility vehicle that—

11 “(A) has been modified to add seating ca-
12 pacity to that provided by the vehicle manufac-
13 turer through an extended chassis, lengthened
14 wheelbase, or an elongated seating area;

15 “(B) as modified, has a seating capacity of
16 more than 8 passengers (including the driver);

17 “(C) is used under trip-by-trip contracts
18 for the transportation of passengers for com-
19 pensation on a prearranged basis; and

20 “(D) is not used for public transportation
21 service, as such term is defined in section
22 5302.”.

1 **SEC. 4302. ALCOHOL AND CONTROLLED SUBSTANCES TEST-**
2 **ING.**

3 Section 31306(c)(2) of title 49, United States Code,
4 is amended by striking “, for urine testing,”.

5 **SEC. 4303. ENTRY-LEVEL DRIVER TRAINING.**

6 Not later than 30 days after the date of enactment
7 of this Act, and every 90 days thereafter until the compli-
8 ance date for the final rule published on December 8,
9 2016, titled “Minimum Training Requirements for Entry-
10 Level Commercial Motor Vehicle Operators” (81 Fed.
11 Reg. 88732), the Secretary shall submit to the Committee
12 on Transportation and Infrastructure of the House of
13 Representatives and the Committee on Commerce,
14 Science, and Transportation of the Senate a report on—

15 (1) a schedule, including benchmarks, to com-
16 plete implementation of the requirements under such
17 final rule;

18 (2) any anticipated delays, if applicable, in
19 meeting the benchmarks described in paragraph (1);

20 (3) the progress that the Secretary has made in
21 updating the Department of Transportation’s infor-
22 mation technology infrastructure to support the
23 training provider registry;

24 (4) a list of States that have adopted laws or
25 regulations to implement such final rule; and

1 (5) a list of States, if applicable, that are imple-
2 menting the rule and confirming that an applicant
3 for a commercial driver’s license has complied with
4 the requirements.

5 **SEC. 4304. DRIVER DETENTION TIME.**

6 (a) DATA COLLECTION.—Not later than 30 days
7 after the date of enactment of this Act, the Secretary
8 shall—

9 (1) begin to collect data on delays experienced
10 by operators of commercial motor vehicles, as re-
11 quired under section 5501 of the FAST Act (49
12 U.S.C. 14103 note) and as referenced in the request
13 for information published on June 10, 2019, titled
14 “Request for Information Concerning Commercial
15 Motor Vehicle Driver Detention Times During Load-
16 ing and Unloading” (84 Fed. Reg. 26932); and

17 (2) make such data available on a publicly ac-
18 cessible website of the Department of Transpor-
19 tation.

20 (b) DETENTION TIME LIMITS.—

21 (1) RULEMAKING.—Not later than 1 year after
22 the date of enactment of this Act, the Secretary
23 shall initiate a rulemaking to establish limits on the
24 amount of time that an operator of a commercial
25 motor vehicle may be reasonably detained by a ship-

1 per or receiver before the loading or unloading of the
2 vehicle, if the operator is not compensated for such
3 time detained.

4 (2) CONTENTS.—As part of the rulemaking
5 conducted pursuant to subsection (a), the Secretary
6 shall—

7 (A) consider the diverse nature of oper-
8 ations in the movement of goods by commercial
9 motor vehicle;

10 (B) examine any correlation between time
11 detained and violations of the hours-of-service
12 rules under part 395 of title 49, Code of Fed-
13 eral Regulations;

14 (C) determine whether the effect of deten-
15 tion time on safety differs based on—

16 (i) how an operator is compensated;

17 and

18 (ii) the contractual relationship be-
19 tween the operator and the motor carrier,
20 including whether an operator is an em-
21 ployee, a leased owner-operator, or an
22 owner-operator with independent authority;

23 and

24 (D) establish a process for a motor carrier,
25 shipper, receiver, broker, or commercial motor

1 vehicle operator to report instances of time de-
2 tained beyond the Secretary's established limits.

3 (3) INCORPORATION OF INFORMATION.—The
4 Secretary shall incorporate information received
5 under paragraph (2)(D) into the process established
6 pursuant to subsection (a) once a final rule takes ef-
7 fect.

8 (c) DATA PROTECTION.—Data made available pursu-
9 ant to this section shall be made available in a manner
10 that—

11 (1) precludes the connection of the data to any
12 individual motor carrier or commercial motor vehicle
13 operator; and

14 (2) protects privacy and confidentiality of indi-
15 viduals, operators, and motor carriers submitting the
16 data.

17 (d) COMMERCIAL MOTOR VEHICLE DEFINED.—In
18 this section, the term “commercial motor vehicle” has the
19 meaning given such term in section 31101 of title 49,
20 United States Code.

21 **SEC. 4305. TRUCK LEASING TASK FORCE.**

22 (a) ESTABLISHMENT.—Not later than 6 months after
23 the date of enactment of this Act, the Secretary of Trans-
24 portation, in consultation with the Secretary of Labor,

1 shall establish a Truck Leasing Task Force (hereinafter
2 referred to as the “Task Force”).

3 (b) MEMBERSHIP.—The Secretary of Transportation
4 shall select not more than 15 individuals to serve as mem-
5 bers of the Task Force, including equal representation
6 from each of the following:

7 (1) Labor organizations.

8 (2) The motor carrier industry, including inde-
9 pendent owner-operators.

10 (3) Consumer protection groups.

11 (4) Safety groups.

12 (5) Members of the legal profession who spe-
13 cialize in consumer finance issues.

14 (c) DUTIES.—The Task Force shall examine, at a
15 minimum—

16 (1) common truck leasing arrangements avail-
17 able to property-carrying commercial motor vehicle
18 drivers, including lease-purchase agreements;

19 (2) the terms of such leasing agreements;

20 (3) the prevalence of predatory leasing agree-
21 ments in the motor carrier industry;

22 (4) specific agreements available to drayage
23 drivers at ports related to the Clean Truck Program
24 or similar programs to decrease emissions from port
25 operations;

1 (5) the impact of truck leasing agreements on
2 the net compensation of property-carrying commer-
3 cial motor vehicle drivers, including port drayage
4 drivers;

5 (6) resources to assist property-carrying com-
6 mercial motor vehicle drivers in assessing the im-
7 pacts of leasing agreements; and

8 (7) the classification of property-carrying com-
9 mercial motor vehicle drivers under lease-purchase
10 agreements.

11 (d) COMPENSATION.—A member of the Task Force
12 shall serve without compensation.

13 (e) REPORT.—Upon completion of the examination
14 described in subsection (c), the Task Force shall submit
15 to the Secretary of Transportation, Secretary of Labor,
16 and appropriate congressional committees a report con-
17 taining—

18 (1) the findings of the Task Force on the mat-
19 ters described in subsection (c);

20 (2) best practices related to—

21 (A) assisting a commercial motor vehicle
22 driver in assessing the impacts of leasing agree-
23 ments prior to entering into such agreements;
24 and

1 (B) assisting a commercial motor vehicle
2 driver who has entered into a predatory lease
3 agreement; and

4 (3) recommendations on changes to laws or reg-
5 ulations, as applicable, at the Federal, State, or local
6 level to promote fair leasing agreements under which
7 a commercial motor vehicle driver is able to earn a
8 living wage.

9 (f) TERMINATION.—Not later than 1 month after the
10 date of submission of the report pursuant to subsection
11 (e), the Task Force shall terminate.

12 **SEC. 4306. HOURS OF SERVICE.**

13 (a) COMPREHENSIVE REVIEW.—

14 (1) COMPREHENSIVE REVIEW OF HOURS OF
15 SERVICE RULES.—Not later than 60 days after the
16 date of enactment of this Act, the Secretary shall
17 initiate a comprehensive review of hours of service
18 rules and the impacts of waivers, exemptions, and
19 other allowances that limit the applicability of such
20 rules.

21 (2) CHANGES TO REGULATIONS.—In carrying
22 out the comprehensive review under paragraph (1)
23 and the required analyses under paragraphs (3) and
24 (4), the Secretary shall consider the modifications
25 made in the final rule published on June 1, 2020,

1 titled “Hours of Service of Drivers” (85 Fed. Reg.
2 33396) and evaluate the impacts of the allowance to
3 operate in excess of the limits in effect prior to June
4 1, 2020.

5 (3) LIST OF EXEMPTIONS.—In carrying out the
6 comprehensive review required under paragraph (1),
7 the Secretary shall—

8 (A) compile a list of waivers, exemptions,
9 and other allowances—

10 (i) under which a driver may operate
11 in excess of the otherwise applicable limits
12 on on-duty or driving time in absence of
13 such exemption, waiver, or other allowance;

14 (ii) under which a driver may operate
15 without recording compliance with hours of
16 service rules through the use of an elec-
17 tronic logging device; and

18 (iii) applicable—

19 (I) to specific segments of the
20 motor carrier industry or sectors of
21 the economy;

22 (II) on a periodic or seasonal
23 basis; and

24 (III) to specific types of oper-
25 ations, including the short haul ex-

1 exemption under part 395 of title 49,
2 Code of Federal Regulations;

3 (B) specify whether each such waiver, ex-
4 emption, or other allowance was granted by the
5 Department of Transportation or enacted by
6 Congress, and how long such waiver, exemption,
7 or other allowance has been in effect; and

8 (C) estimate the number of motor carriers,
9 motor private carriers, and drivers that may
10 qualify to use each waiver, exemption, or other
11 allowance.

12 (4) SAFETY IMPACT ANALYSIS.—

13 (A) IN GENERAL.—In carrying out the
14 comprehensive review under paragraph (1), the
15 Secretary, in consultation with State motor car-
16 rier enforcement entities, shall undertake a sta-
17 tistically valid analysis to determine the safety
18 impact, including on enforcement, of the exemp-
19 tions, waivers, or other allowances compiled
20 under paragraph (2) by—

21 (i) using available data, or collecting
22 from motor carriers or motor private car-
23 riers and drivers operating under an ex-
24 emption, waiver, or other allowance if the
25 Secretary does not have sufficient data, to

1 determine the incidence of accidents, fa-
2 tigue-related incidents, and other relevant
3 safety information related to hours of serv-
4 ice among motor carriers, private motor
5 carriers, and drivers permitted to operate
6 under each exemption, waiver, or other al-
7 lowance;

8 (ii) comparing the data described in
9 subparagraph (A) to safety data from
10 motor carriers, motor private carriers, and
11 drivers that are subject to the hours of
12 service rules and not operating under an
13 exemption, waiver, or other allowance; and

14 (iii) based on the comparison under
15 subparagraph (B), determining whether
16 waivers, exemptions, and other allowances
17 in effect provide an equivalent level of safe-
18 ty as would exist in the absence of exemp-
19 tions, waivers, or other allowances.

20 (B) CONSULTATION.—The Secretary shall
21 consult with State motor carrier enforcement
22 entities in carrying out this paragraph.

23 (C) EXCLUSIONS.—The Secretary shall ex-
24 clude data related to exemptions, waivers, or
25 other allowances made pursuant to an emer-

1 agency declaration under section 390.23 of title
2 49, Code of Federal Regulations, or extended
3 under section 390.25 of title 49, Code of Fed-
4 eral Regulations, from the analysis required
5 under this paragraph.

6 (5) DRIVER IMPACT ANALYSIS.—In carrying out
7 the comprehensive review under paragraph (1), the
8 Secretary shall further consider—

9 (A) data on driver detention collected by
10 the Secretary pursuant to section 4304 of this
11 Act and other conditions affecting the move-
12 ment of goods by commercial motor vehicle, and
13 how such conditions interact with the Sec-
14 retary's regulations on hours of service;

15 (B) whether exemptions, waivers, or other
16 allowances that permit additional on-duty time
17 or driving time have a deleterious effect on the
18 physical condition of drivers; and

19 (C) whether differences in the manner in
20 which drivers are compensated result in dif-
21 ferent levels of burden for drivers in complying
22 with hours of service rules.

23 (b) PEER REVIEW.—Prior to the publication of the
24 review required under subsection (d), the analyses per-

1 formed by the Secretary shall undergo an independent
2 peer review.

3 (c) PUBLICATION.—Not later than 18 months after
4 the date that the Secretary initiates the comprehensive re-
5 view under subsection (b)(1), the Secretary shall publish
6 the findings of such review in the Federal Register and
7 provide for a period for public comment.

8 (d) REPORT TO CONGRESS.—Not later than 30 days
9 after the conclusion of the public comment period under
10 subsection (d), the Secretary shall submit to the Com-
11 mittee on Commerce, Science, and Transportation and the
12 Committee on Environment and Public Works of the Sen-
13 ate and the Committee on Transportation and Infrastruc-
14 ture of the House of Representatives and make publicly
15 available on a website of the Department of Transpor-
16 tation a report containing the information and analyses
17 required under subsection (b).

18 (e) REPLACEMENT OF GUIDANCE.—Not later than 1
19 year after the date of enactment of this Act, the Secretary
20 shall initiate a rulemaking to update the Department of
21 Transportation guidance published on June 7, 2018, titled
22 “Hours of Service of Drivers of Commercial Motor Vehi-
23 cles: Regulatory Guidance Concerning the Use of a Com-
24 mercial Motor Vehicle for Personal Conveyance” (83 Fed.

1 Reg. 26377) to prescribe specific mileage or time limits,
2 or both, for the use of personal conveyance.

3 (f) DEFINITIONS.—In this section:

4 (1) MOTOR CARRIER; MOTOR PRIVATE CAR-
5 RIER.—The terms “motor carrier” and “motor pri-
6 vate carrier” have the meanings given such terms in
7 section 31501 of title 49, United States Code.

8 (2) ON-DUTY TIME; DRIVING TIME; ELEC-
9 TRONIC LOGGING DEVICE.—The terms “on-duty
10 time”, “driving time”, and “electronic logging de-
11 vice” have the meanings given such terms in section
12 395.2 of title 49, Code of Federal Regulations (as
13 in effect on June 1, 2020).

14 **SEC. 4307. DRIVER RECRUITMENT.**

15 (a) IN GENERAL.—Not later than 1 year after the
16 date of enactment of this Act, the inspector general of the
17 Department of Transportation shall submit to the Com-
18 mittee on Transportation and Infrastructure of the House
19 of Representatives and the Committee on Commerce,
20 Science, and Transportation of the Senate a report exam-
21 ining the operation of commercial motor vehicles in the
22 United States by drivers admitted to the United States
23 under temporary business visas.

24 (b) CONTENTS.—The report under paragraph (1)
25 shall include—

1 (1) an assessment of—

2 (A) the prevalence of the operation of com-
3 mercial motor vehicles in the United States by
4 drivers admitted to the United States under
5 temporary business visas;

6 (B) the characteristics of motor carriers
7 that recruit and use such drivers, including the
8 country of domicile of the motor carrier or sub-
9 sidiary;

10 (C) the demographics of drivers operating
11 in the United States under such visas, including
12 the country of domicile of such drivers; and

13 (D) the contractual relationship between
14 such motor carriers and such drivers;

15 (2) an analysis of whether such drivers are re-
16 quired to comply with—

17 (A) motor carrier safety regulations under
18 subchapter B of chapter III of title 49, Code of
19 Federal Regulations, including—

20 (i) the English proficiency require-
21 ment under section 391.11(2) of title 49,
22 Code of Federal Regulations;

23 (ii) the requirement for drivers of a
24 motor carrier to report any violations of a
25 regulation to such motor carrier under sec-

1 tion 391.27 of title 49, Code of Federal
2 Regulations; and

3 (iii) driver's licensing requirements
4 under part 383 of title 49, Code of Federal
5 Regulations, including entry-level driver
6 training and drug and alcohol testing
7 under part 382 of such title; and

8 (B) regulations prohibiting point-to-point
9 transportation in the United States, or cabo-
10 tage, under part 365 of title 49, Code of Fed-
11 eral Regulations;

12 (3) an evaluation of the safety record of the op-
13 erations and drivers described in paragraph (1), in-
14 cluding—

15 (A) violations of the motor carrier safety
16 regulations under subchapter B of chapter III
17 of title 49, Code of Federal Regulations, includ-
18 ing applicable requirements described in para-
19 graph (2)(A); and

20 (B) the number of crashes involving such
21 operations and drivers; and

22 (4) the impact of such operations and drivers
23 on—

24 (A) commercial motor vehicle drivers domi-
25 ciled in the United States, including employ-

1 ment levels and driver compensation of such
2 drivers; and

3 (B) the competitiveness of motor carriers
4 domiciled in the United States.

5 (c) DEFINITIONS.—In this section:

6 (1) COMMERCIAL MOTOR VEHICLE.—In this
7 section, the term “commercial motor vehicle” has
8 the meaning given such term in section 31101 of
9 title 49, United States Code.

10 (2) TEMPORARY BUSINESS VISA.—The term
11 “temporary business visa” means any driver who is
12 present in the United States with status under sec-
13 tion 101(a)(15)(H)(i)(b) of the Immigration and
14 Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)).

15 **SEC. 4308. SCREENING FOR OBSTRUCTIVE SLEEP APNEA.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date of enactment of this Act, the Secretary of Transpor-
18 tation shall—

19 (1) assess the risk posed by untreated obstruc-
20 tive sleep apnea in drivers of commercial motor vehi-
21 cles and the feasibility, benefits, and costs associated
22 with establishing screening criteria for obstructive
23 sleep apnea in drivers of commercial motor vehicles;

24 (2) issue a notice in the Federal Register con-
25 taining the independently peer-reviewed findings of

1 the assessment required under paragraph (1) not
2 later than 30 days after completion of the assess-
3 ment and provide an opportunity for public com-
4 ment; and

5 (3) if the Secretary contracts with an inde-
6 pendent third party to conduct the assessment re-
7 quired under paragraph (1), ensure that the inde-
8 pendent third party shall not have any financial or
9 contractual ties or relationship with a motor carrier
10 that transports passengers or property for com-
11 pensation, the motor carrier industry, or driver ad-
12 vocacy organizations.

13 (b) SCREENING CRITERIA.—

14 (1) IN GENERAL.—Not later than 12 months
15 after the date of enactment of this Act, the Sec-
16 retary shall publish in the Federal Register a pro-
17 posed rule to establish screening criteria for obstruc-
18 tive sleep apnea in commercial motor vehicle drivers
19 and provide an opportunity for public comment.

20 (2) FINAL RULE.—Not later than 2 years after
21 the date of enactment of this Act, the Secretary
22 shall issue a final rule to establish screening criteria
23 for obstructive sleep apnea in commercial motor ve-
24 hicle drivers.

1 (c) COMMERCIAL MOTOR VEHICLE DEFINED.—In
2 this section, the term “commercial motor vehicle” has the
3 meaning given such term in section 31132 of title 49,
4 United States Code.

5 **SEC. 4309. WOMEN OF TRUCKING ADVISORY BOARD.**

6 (a) SHORT TITLE.—This section may be cited as the
7 “Promoting Women in Trucking Workforce Act”.

8 (b) FINDINGS.—Congress finds that—

9 (1) women make up 47 percent of the work-
10 force of the United States;

11 (2) women are significantly underrepresented in
12 the trucking industry, holding only 24 percent of all
13 transportation and warehousing jobs and rep-
14 resenting only—

15 (A) 6.6 percent of truck drivers;

16 (B) 12.5 percent of all workers in truck
17 transportation; and

18 (C) 8 percent of freight firm owners;

19 (3) given the total number of women truck driv-
20 ers, women are underrepresented in the truck-driv-
21 ing workforce; and

22 (4) women truck drivers have been shown to be
23 20 percent less likely than male counterparts to be
24 involved in a crash.

1 (c) SENSE OF CONGRESS REGARDING WOMEN IN
2 TRUCKING.—It is the sense of Congress that the trucking
3 industry should explore every opportunity, including driver
4 training and mentorship programs, to encourage and sup-
5 port the pursuit of careers in trucking by women.

6 (d) ESTABLISHMENT.—To encourage women to enter
7 the field of trucking, the Administrator shall establish and
8 facilitate an advisory board, to be known as the “Women
9 of Trucking Advisory Board”, to promote organizations
10 and programs that—

11 (1) provide education, training, mentorship, or
12 outreach to women in the trucking industry; and

13 (2) recruit women into the trucking industry.

14 (e) MEMBERSHIP.—

15 (1) IN GENERAL.—The Board shall be com-
16 posed of not fewer than seven members whose back-
17 grounds allow those members to contribute balanced
18 points of view and diverse ideas regarding the strate-
19 gies and objectives described in subsection (f)(2).

20 (2) APPOINTMENT.—Not later than 270 days
21 after the date of enactment of this Act, the Adminis-
22 trator shall appoint the members of the Board, of
23 whom—

24 (A) not fewer than one shall be a rep-
25 resentative of large trucking companies;

1 (B) not fewer than one shall be a rep-
2 resentative of mid-sized trucking companies;

3 (C) not fewer than one shall be a rep-
4 resentative of small trucking companies;

5 (D) not fewer than one shall be a rep-
6 resentative of nonprofit organizations in the
7 trucking industry;

8 (E) not fewer than one shall be a rep-
9 resentative of trucking business associations;

10 (F) not fewer than one shall be a rep-
11 resentative of independent owner-operators; and

12 (G) not fewer than one shall be a woman
13 who is a professional truck driver.

14 (3) TERMS.—Each member shall be appointed
15 for the life of the Board.

16 (4) COMPENSATION.—A member of the Board
17 shall serve without compensation.

18 (f) DUTIES.—

19 (1) IN GENERAL.—The Board shall identify—

20 (A) industry trends that directly or indi-
21 rectly discourage women from pursuing careers
22 in trucking, including—

23 (i) any differences between women mi-
24 nority groups;

1 (ii) any differences between women
2 who live in rural, suburban, and urban
3 areas; and

4 (iii) any safety risks unique to the
5 trucking industry;

6 (B) ways in which the functions of truck-
7 ing companies, nonprofit organizations, and
8 trucking associations may be coordinated to fa-
9 cilitate support for women pursuing careers in
10 trucking;

11 (C) opportunities to expand existing oppor-
12 tunities for women in the trucking industry;
13 and

14 (D) opportunities to enhance trucking
15 training, mentorship, education, and outreach
16 programs that are exclusive to women.

17 (2) REPORT.—Not later than 18 months after
18 the date of enactment of this Act, the Board shall
19 submit to the Administrator a report describing
20 strategies that the Administrator may adopt—

21 (A) to address any industry trends identi-
22 fied under paragraph (1)(A);

23 (B) to coordinate the functions of trucking
24 companies, nonprofit organizations, and truck-
25 ing associations in a manner that facilitates

1 support for women pursuing careers in truck-
2 ing;

3 (C) to—

4 (i) take advantage of any opportuni-
5 ties identified under paragraph (1)(C); and

6 (ii) create new opportunities to ex-
7 pand existing scholarship opportunities for
8 women in the trucking industry; and

9 (D) to enhance trucking training,
10 mentorship, education, and outreach programs
11 that are exclusive to women.

12 (g) REPORT TO CONGRESS.—

13 (1) IN GENERAL.—Not later than 2 years after
14 the date of enactment of this Act, the Administrator
15 shall submit to the Committee on Commerce,
16 Science, and Transportation of the Senate and the
17 Committee on Transportation and Infrastructure of
18 the House of Representatives a report describing—

19 (A) any strategies recommended by the
20 Board under subsection (f)(2); and

21 (B) any actions taken by the Adminis-
22 trator to adopt the strategies recommended by
23 the Board (or an explanation of the reasons for
24 not adopting the strategies).

1 (2) PUBLIC AVAILABILITY.—The Administrator
2 shall make the report under paragraph (1) publicly
3 available—

4 (A) on the website of the Federal Motor
5 Carrier Safety Administration; and

6 (B) in appropriate offices of the Federal
7 Motor Carrier Safety Administration.

8 (h) TERMINATION.—The Board shall terminate on
9 submission of the report to Congress under subsection (g).

10 (i) DEFINITIONS.—In this section:

11 (1) ADMINISTRATOR.—The term “Adminis-
12 trator” means the Administrator of the Federal
13 Motor Carrier Safety Administration.

14 (2) BOARD.—The term “Board” means the
15 Women of Trucking Advisory Board established
16 under subsection (d).

17 (3) LARGE TRUCKING COMPANY.—The term
18 “large trucking company” means a motor carrier (as
19 defined in section 13102 of title 49, United States
20 Code) with an annual revenue greater than
21 \$1,000,000,000.

22 (4) MID-SIZED TRUCKING COMPANY.—The term
23 “mid-sized trucking company” means a motor car-
24 rier (as defined in section 13102 of title 49, United
25 States Code) with an annual revenue of not less

1 than \$35,000,000 and not greater than
2 \$1,000,000,000.

3 (5) SMALL TRUCKING COMPANY.—The term
4 “small trucking company” means a motor carrier
5 (as defined in section 13102 of title 49, United
6 States Code) with an annual revenue less than
7 \$35,000,000.

8 **SEC. 4310. APPLICATION OF COMMERCIAL MOTOR VEHICLE**
9 **SAFETY.**

10 (a) DEFINITION.—Section 31301(14) of title 49,
11 United States Code, is amended—

12 (1) by striking “and” and inserting a comma;
13 and

14 (2) by inserting “, and Puerto Rico” before the
15 period.

16 (b) IMPLEMENTATION.—The Administrator of the
17 Federal Motor Carrier Safety Administration shall work
18 with the Commonwealth of Puerto Rico on obtaining full
19 compliance with chapter 313 of title 49, United States
20 Code, and regulations adopted under that chapter.

21 (c) GRACE PERIOD.—Notwithstanding section
22 31311(a) of title 49, United States Code, during a 5-year
23 period beginning on the date of enactment of this Act, the
24 Commonwealth of Puerto Rico shall not be subject to a
25 withholding of an apportionment of funds under para-

1 graphs (1) and (2) of section 104(b) of title 23, United
2 States Code, for failure to comply with any requirement
3 under section 31311(a) of title 49, United States Code.

4 **SEC. 4311. USE OF DATA.**

5 Section 31137(e) of title 49, United States Code, is
6 amended—

7 (1) in paragraph (1)—

8 (A) by striking “only”; and

9 (B) by striking “, including record-of-duty
10 status regulations” and inserting “and to con-
11 duct transportation research utilizing such
12 data”;

13 (2) in paragraph (2) by striking “to enforce the
14 regulations referred to in” and inserting “for pur-
15 poses authorized under”; and

16 (3) by amending paragraph (3) to read as fol-
17 lows:

18 “(3) RESEARCH DATA.—The Secretary shall in-
19 stitute appropriate measures to protect the privacy
20 of individuals, operators, and motor carriers when
21 data obtained from an electronic logging device is
22 used for research pursuant to this section and such
23 research is made available to the public.”.

1 **Subtitle D—Commercial Motor**
2 **Vehicle and Schoolbus Safety**

3 **SEC. 4401. SCHOOLBUS SAFETY STANDARDS.**

4 (a) SCHOOLBUS SEATBELTS.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Secretary
7 shall issue a notice of proposed rulemaking to con-
8 sider requiring large schoolbuses to be equipped with
9 safety belts for all seating positions, if the Secretary
10 determines that such standards meet the require-
11 ments and considerations set forth in subsections (a)
12 and (b) of section 30111 of title 49, United States
13 Code.

14 (2) CONSIDERATIONS.—In issuing a notice of
15 proposed rulemaking under paragraph (1), the Sec-
16 retary shall consider—

17 (A) the safety benefits of a lap/shoulder
18 belt system (also known as a Type 2 seatbelt
19 assembly);

20 (B) the investigations and recommenda-
21 tions of the National Transportation Safety
22 Board on seatbelts in schoolbuses;

23 (C) existing experience, including analysis
24 of student injuries and fatalities compared to
25 States without seat belt laws, and seat belt

1 usage rates, from States that require
2 schoolbuses to be equipped with seatbelts, in-
3 cluding Type 2 seatbelt assembly;

4 (D) the impact of lap/shoulder belt systems
5 on emergency evacuations, with a focus on
6 emergency evacuations involving students below
7 the age of 14, and emergency evacuations ne-
8 cessitated by fire or water submersion; and

9 (E) the impact of lap/shoulder belt systems
10 on the overall availability of schoolbus transpor-
11 tation.

12 (3) REPORT.—If the Secretary determines that
13 a standard described in paragraph (1) does not meet
14 the requirements and considerations set forth in sub-
15 sections (a) and (b) of section 30111 of title 49,
16 United States Code, the Secretary shall submit to
17 the Committee on Transportation and Infrastructure
18 of the House of Representatives and the Committee
19 on Commerce, Science, and Transportation of the
20 Senate a report that describes the reasons for not
21 prescribing such a standard.

22 (4) APPLICATION OF REGULATIONS.—Any regu-
23 lation issued based on the notice of proposed rule-
24 making described in paragraph (1) shall apply to

1 schoolbuses manufactured more than 3 years after
2 the date on which the regulation takes effect.

3 (b) AUTOMATIC EMERGENCY BRAKING.—Not later
4 than 3 years after the date of enactment of this Act, the
5 Secretary shall—

6 (1) prescribe a motor vehicle safety standard
7 under section 30111 of title 49, United States Code,
8 that requires all schoolbuses manufactured after the
9 effective date of such standard to be equipped with
10 an automatic emergency braking system; and

11 (2) as part of such standard, establish perform-
12 ance requirements for automatic emergency braking
13 systems, including operation of such systems.

14 (c) ELECTRONIC STABILITY CONTROL.—Not later
15 than 2 years after the date of enactment of this Act, the
16 Secretary shall—

17 (1) prescribe a motor vehicle safety standard
18 under section 30111 of title 49, United States Code,
19 that requires all schoolbuses manufactured after the
20 effective date of such standard to be equipped with
21 an electronic stability control system (as such term
22 is defined in section 571.136 of title 49, Code of
23 Federal Regulations (as in effect on the date of en-
24 actment of this Act)); and

1 (2) as part of such standard, establish perform-
2 ance requirements for electronic stability control sys-
3 tems, including operation of such systems.

4 (d) FIRE PREVENTION AND MITIGATION.—

5 (1) RESEARCH AND TESTING.—The Secretary
6 shall conduct research and testing to determine the
7 most prevalent causes of schoolbus fires and the best
8 methods to prevent such fires and to mitigate the ef-
9 fect of such fires, both inside and outside the school-
10 bus. Such research and testing shall consider—

11 (A) fire suppression systems standards,
12 which at a minimum prevent engine fires;

13 (B) firewall standards to prevent gas or
14 flames from entering into the passenger com-
15 partment in schoolbuses with engines that ex-
16 tend beyond the firewall; and

17 (C) interior flammability and smoke emis-
18 sions characteristics standards.

19 (2) STANDARDS.—The Secretary may issue fire
20 prevention and mitigation standards for schoolbuses,
21 based on the results of the Secretary's research and
22 testing under paragraph (1), if the Secretary deter-
23 mines that such standards meet the requirements
24 and considerations set forth in subsections (a) and
25 (b) of section 30111 of title 49, United States Code.

1 (e) SCHOOL BUS TEMPERATURE SAFETY STUDY AND
2 REPORT.—Not later than 1 year after the date of enact-
3 ment of this Act, the Secretary shall study and issue a
4 report on the safety implications of temperature controls
5 in school buses. The study and report shall include—

6 (1) an analysis of the internal temperature in
7 school buses without air conditioning in weather be-
8 tween 80 and 110 degrees Fahrenheit;

9 (2) the collection and analysis of data on tem-
10 perature-related injuries to students, including heat-
11 stroke and dehydration;

12 (3) the collection of data on how many public
13 school districts currently operate buses without air
14 conditioning; and

15 (4) recommendations for preventing heat re-
16 lated illnesses for children on school buses.

17 (f) DEFINITIONS.—In this section:

18 (1) AUTOMATIC EMERGENCY BRAKING.—The
19 term “automatic emergency braking” means a crash
20 avoidance system installed and operational in a vehi-
21 cle that consists of—

22 (A) a forward warning function—

23 (i) to detect vehicles and vulnerable
24 road users ahead of the vehicle; and

1 (ii) to alert the operator of an im-
2 pending collision; and

3 (B) a crash-imminent braking function to
4 provide automatic braking when forward-look-
5 ing sensors of the vehicle indicate that—

6 (i) a crash is imminent; and

7 (ii) the operator of the vehicle is not
8 applying the brakes.

9 (2) LARGE SCHOOLBUS.—The term “large
10 schoolbus” means a schoolbus with a gross vehicle
11 weight rating of more than 10,000 pounds.

12 (3) SCHOOLBUS.—The term “schoolbus” has
13 the meaning given such term in section 30125(a) of
14 title 49, United States Code.

15 **SEC. 4402. ILLEGAL PASSING OF SCHOOLBUSES.**

16 (a) ILLEGAL PASSING RESEARCH.—

17 (1) IN GENERAL.—The Secretary of Transpor-
18 tation shall conduct research to determine—

19 (A) drivers’ knowledge of and attitudes to-
20 wards laws governing passing of a school bus
21 under the State in which the driver lives;

22 (B) the effectiveness of automated school
23 bus camera enforcement systems in reducing
24 school bus passing violations;

1 (C) whether laws that require automated
2 school bus camera systems to capture images of
3 a driver's face impact the ability of States to
4 enforce such laws;

5 (D) the effectiveness of public education on
6 illegal school bus passing laws in reducing
7 school bus passing violations; and

8 (E) the most-effective countermeasures to
9 address illegal passing of school buses and best
10 practices for States to reduce the number of il-
11 legal passing violations.

12 (2) REPORT TO CONGRESS.—Not later than 2
13 years after the date of enactment of this Act, the
14 Secretary shall submit to the Committee on Trans-
15 portation and Infrastructure of the House of Rep-
16 resentatives and the Committee on Commerce,
17 Science, and Transportation of the Senate a report
18 detailing the research and findings required under
19 paragraph (1).

20 (3) PUBLICATION.—The Secretary shall make
21 publicly available on the website of the Department
22 the report required under paragraph (2) not later
23 than 30 days after the report is submitted under
24 such paragraph.

25 (b) PUBLIC SAFETY MESSAGING CAMPAIGN.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Secretary
3 shall create and disseminate a public safety mes-
4 saging campaign, including public safety media mes-
5 sages, posters, digital, and other media messages for
6 distribution to States, divisions of motor vehicles,
7 schools, and other public outlets to highlight the
8 dangers of illegally passing school buses, including
9 educational materials for students and the public on
10 the safest school bus loading and unloading proce-
11 dures.

12 (2) CONSULTATION.—The Secretary shall con-
13 sult with public and private school bus industry rep-
14 resentatives and States in developing the materials
15 and messages required under paragraph (1).

16 (3) UPDATE.—The Secretary shall periodically
17 update the materials used in the campaign.

18 (c) REVIEW OF ADVANCED SCHOOL BUS SAFETY
19 TECHNOLOGIES.—

20 (1) IN GENERAL.—Not later than 2 years after
21 the date of enactment of this Act, the Secretary
22 shall complete a review of advanced school bus safe-
23 ty technologies to assess their feasibility, benefits,
24 and costs. The review shall include—

1 (A) an evaluation of motion-activated alert
2 systems that are capable of detecting and alert-
3 ing the school bus driver to students, pedes-
4 trians, bicyclists, and other vulnerable road
5 users located near the perimeter of the school
6 bus;

7 (B) an evaluation of advanced school bus
8 flashing lighting systems to improve commu-
9 nication to surrounding drivers;

10 (C) an evaluation of early warning sys-
11 tems, including radar-based warning systems,
12 to alert school bus drivers and students near
13 the school bus that an approaching vehicle is
14 likely to engage in an illegal passing; and

15 (D) other technologies that enhance school
16 bus safety, as determined by the Secretary.

17 (2) PUBLICATION.—The Secretary shall make
18 the findings of the review publicly available on the
19 website of the Department not later than 30 days
20 after its completion.

21 (d) GAO REVIEW OF STATE ILLEGAL PASSING LAWS
22 AND DRIVER EDUCATION.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of this Act, the Comptroller
25 General of the United States shall submit to the

1 Committee on Transportation and Infrastructure of
2 the House of Representatives and the Committee on
3 Commerce, Science, and Transportation of the Sen-
4 ate a report examining State laws and driver edu-
5 cation efforts regarding illegal passing of school
6 buses.

7 (2) CONTENTS.—The report required under
8 paragraph (1) shall include—

9 (A) an overview of each State’s illegal
10 school bus passing laws, including how the laws
11 are enforced and what penalties are imposed on
12 violators;

13 (B) a review of each State’s driver edu-
14 cation efforts regarding illegal passing of school
15 buses to determine how each State educates
16 and evaluates new drivers on laws governing
17 passing of a school bus; and

18 (C) recommendations on how States can
19 improve driver education and awareness of the
20 dangers of illegally passing school buses.

21 **SEC. 4403. STATE INSPECTION OF PASSENGER-CARRYING**
22 **COMMERCIAL MOTOR VEHICLES.**

23 (a) REVIEW OF STATE INSPECTION PRACTICES.—
24 The Secretary of Transportation shall conduct a review
25 of Federal Motor Carrier Safety Regulations related to an-

1 nual inspection of commercial motor vehicles carrying pas-
2 sengers to determine—

3 (1) different inspection models in use for com-
4 mercial motor vehicles carrying passengers to satisfy
5 the Federal inspection requirement;

6 (2) the number of States that have mandatory
7 annual State vehicle inspections and whether such
8 inspections are used to satisfy the Federal inspection
9 requirement for commercial motor vehicles carrying
10 passengers;

11 (3) the extent to which passenger carriers uti-
12 lize self-inspection to satisfy the Federal inspection
13 requirement;

14 (4) the number of States that have the author-
15 ity to require the immobilization of impoundment of
16 a commercial motor vehicle carrying passengers if
17 such a vehicle fails inspection; and

18 (5) the impact on the safety of commercial
19 motor vehicles carrying passengers, based on the in-
20 spection model employed.

21 (b) REPORT TO CONGRESS.—Not later than 1 year
22 after the enactment of this Act, the Secretary shall submit
23 to the Committee on Transportation and Infrastructure
24 of the House of Representatives and the Committee on

1 Commerce, Science, and Transportation of the Senate a
2 report on—

3 (1) the findings of the review conducted under
4 subsection (a); and

5 (2) recommendations on changes to the Sec-
6 retary's inspection program regulations to improve
7 the safety of commercial motor vehicles carrying
8 passengers.

9 **SEC. 4404. AUTOMATIC EMERGENCY BRAKING.**

10 (a) FEDERAL MOTOR VEHICLE SAFETY STAND-
11 ARD.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this Act, the Secretary of
14 Transportation shall—

15 (A) prescribe a motor vehicle safety stand-
16 ard under section 30111 of title 49, United
17 States Code, that requires all commercial motor
18 vehicles subject to Federal motor vehicle safety
19 standard 136 under section 571.136 of title 49,
20 Code of Federal Regulations, (relating to elec-
21 tronic stability control systems for heavy vehi-
22 cles) manufactured after the effective date of
23 such standard to be equipped with an automatic
24 emergency braking system; and

1 (B) as part of such standard, establish
2 performance requirements for automatic emer-
3 gency braking systems, including operation of
4 such systems in a variety of driving conditions.

5 (2) CONSIDERATIONS.—Prior to prescribing the
6 standard required under paragraph (1)(A), the Sec-
7 retary shall—

8 (A) conduct a review of automatic emer-
9 gency braking systems in use in applicable com-
10 mercial motor vehicles and address any identi-
11 fied deficiencies with such systems in the rule-
12 making proceeding to prescribe the standard, if
13 practicable;

14 (B) assess the feasibility of updating the
15 software of emergency braking systems in use
16 in applicable commercial motor vehicles to ad-
17 dress any deficiencies and to enable such sys-
18 tems to meet the new standard; and

19 (C) consult with representatives of com-
20 mercial motor vehicle drivers regarding the ex-
21 periences of drivers with automatic emergency
22 braking systems in use in applicable commercial
23 motor vehicles, including malfunctions or un-
24 warranted activations of such systems.

1 (3) COMPLIANCE DATE.—The Secretary shall
2 ensure that the compliance date of the standard pre-
3 scribed pursuant to paragraph (1) shall be not later
4 than 2 years after the date of publication of the
5 final rule prescribing such standard.

6 (b) FEDERAL MOTOR CARRIER SAFETY REGULA-
7 TION.—Not later than 1 year after the date of enactment
8 of this Act, the Secretary shall issue a regulation under
9 section 31136 of title 49, United States Code, that re-
10 quires that an automatic emergency braking system in-
11 stalled in a commercial motor vehicle subject to Federal
12 motor vehicle safety standard 136 under section 571.136
13 of title 49, Code of Federal Regulations,(relating to elec-
14 tronic stability control systems for heavy vehicles) that is
15 in operation on or after the effective date of the standard
16 prescribed under subsection (a) be used at any time during
17 which such commercial motor vehicle is in operation.

18 (c) REPORT ON AUTOMATIC EMERGENCY BRAKING
19 IN MEDIUM-DUTY COMMERCIAL MOTOR VEHICLES.—

20 (1) IN GENERAL.—Not later than 2 years after
21 the date of enactment of this Act, the Secretary of
22 Transportation shall, with respect to commercial
23 motor vehicles not subject to Federal motor vehicle
24 safety standard 136 under section 571.136 of title
25 49, Code of Federal Regulations—

1 (A) complete research on equipping com-
2 mercial motor vehicles with automatic emer-
3 gency braking systems to better understand the
4 overall effectiveness of such systems on a vari-
5 ety of commercial motor vehicles;

6 (B) assess the feasibility of installing auto-
7 matic emergency braking systems on newly
8 manufactured commercial motor vehicles with a
9 gross vehicle weight rating of 10,001 pounds or
10 more; and

11 (C) if warranted, develop performance
12 standards for such automatic emergency brak-
13 ing systems.

14 (2) INDEPENDENT RESEARCH.—If the Sec-
15 retary enters into a contract with a third party to
16 perform the research required under paragraph
17 (1)(A), the Secretary shall ensure that such third
18 party does not have any financial or contractual ties
19 or relationship with a motor carrier that transports
20 passengers or property for compensation, the motor
21 carrier industry, or an entity producing or supplying
22 automatic emergency braking systems.

23 (3) PUBLICATION OF ASSESSMENT.—Not later
24 than 90 days after completing the assessment re-
25 quired under paragraph (1)(B), the Secretary shall

1 issue a notice in the Federal Register containing the
2 findings of the assessment and provide an oppor-
3 tunity for public comment.

4 (4) REPORT TO CONGRESS.—After the conclu-
5 sion of the public comment period under paragraph
6 (3), the Secretary shall submit to the Committee on
7 Transportation and Infrastructure of the House of
8 Representatives and the Committee on Commerce,
9 Science, and Transportation of the Senate a report
10 that provides—

11 (A) the results of the assessment under
12 paragraph (1)(B);

13 (B) a summary of the public comments re-
14 ceived by the Secretary under paragraph (3);
15 and

16 (C) a determination as to whether the Sec-
17 retary intends to develop performance require-
18 ments for automatic emergency braking systems
19 for applicable commercial motor vehicles, in-
20 cluding any analysis that led to such determina-
21 tion.

22 (d) DEFINITIONS.—In this section:

23 (1) AUTOMATIC EMERGENCY BRAKING SYS-
24 TEM.—The term “automatic emergency braking sys-

1 tem” means a crash avoidance system installed and
2 operational in a vehicle that consists of—

3 (A) a forward collision warning function—

4 (i) to detect vehicles and vulnerable
5 road users ahead of the vehicle; and

6 (ii) to alert the operator of the vehicle
7 of an impending collision; and

8 (B) a crash-imminent braking function to
9 provide automatic braking when forward-look-
10 ing sensors of the vehicle indicate that—

11 (i) a crash is imminent; and

12 (ii) the operator of the vehicle is not
13 applying the brakes.

14 (2) COMMERCIAL MOTOR VEHICLE.—The term
15 “commercial motor vehicle” has the meaning given
16 such term in section 31101 of title 49, United
17 States Code.

18 **SEC. 4405. UNDERRIDE PROTECTION.**

19 (a) REAR UNDERRIDE GUARDS.—

20 (1) REAR GUARDS ON TRAILERS AND
21 SEMITRAILERS.—

22 (A) IN GENERAL.—Not later than 1 year
23 after the date of enactment of this Act, the Sec-
24 retary of Transportation shall issue such regu-
25 lations as are necessary to revise motor vehicle

1 safety standards under sections 571.223 and
2 571.224 of title 49, Code of Federal Regula-
3 tions, to require trailers and semi-trailers man-
4 ufactured after the date on which such regula-
5 tion is issued to be equipped with rear impact
6 guards that are designed to prevent passenger
7 compartment intrusion from a trailer or
8 semitrailer when a passenger vehicle traveling
9 at 35 miles per hour makes—

10 (i) an impact in which the passenger
11 vehicle impacts the center of the rear of
12 the trailer or semitrailer;

13 (ii) an impact in which 50 percent the
14 width of the passenger vehicle overlaps the
15 rear of the trailer or semitrailer; and

16 (iii) an impact in which 30 percent of
17 the width of the passenger vehicle overlaps
18 the rear of the trailer or semitrailer.

19 (B) EFFECTIVE DATE.—The rule issued
20 under subparagraph (A) shall require full com-
21 pliance with the motor carrier safety standard
22 prescribed in such rule not later than 2 years
23 after the date on which a final rule is issued.

24 (2) ADDITIONAL RESEARCH.—The Secretary
25 shall conduct additional research on the design and

1 development of rear impact guards that can prevent
2 underride crashes and protect motor vehicle pas-
3 sengers against severe injury at crash speeds of up
4 to 65 miles per hour.

5 (3) REVIEW OF STANDARDS.—Not later than 5
6 years after any revisions to standards or require-
7 ments related to rear impact guards pursuant to
8 paragraph (1), the Secretary shall review the stand-
9 ards or requirements to evaluate the need for
10 changes in response to advancements in technology
11 and upgrade such standards accordingly.

12 (4) INSPECTIONS.—

13 (A) IN GENERAL.—Not later than 1 year
14 after the date of enactment of this Act, the Sec-
15 retary shall issue such regulations as are nec-
16 essary to amend the regulations on minimum
17 periodic inspection standards under appendix G
18 to subchapter B of chapter III of title 49, Code
19 of Federal Regulations, and driver vehicle in-
20 spection reports under section 396.11 of title
21 49, Code of Federal Regulations, to include
22 rear impact guards and rear end protection (as
23 required by section 393.86 of title 49, Code of
24 Federal Regulations).

1 (B) CONSIDERATIONS.—In updating the
2 regulations described in subparagraph (A), the
3 Secretary shall consider it to be a defect or a
4 deficiency if a rear impact guard is missing or
5 has a corroded or compromised element that af-
6 fects the structural integrity and protective fea-
7 ture of such guard.

8 (b) SIDE UNDERRIDE GUARDS.—

9 (1) IN GENERAL.—Not later than 1 year after
10 the date of enactment of this Act, the Secretary
11 shall—

12 (A) complete additional research on side
13 underride guards to better understand the over-
14 all effectiveness of such guards;

15 (B) assess the feasibility, benefits, and
16 costs associated with installing side underride
17 guards on newly manufactured trailers and
18 semitrailers with a gross vehicle weight rating
19 of 10,000 pounds or more; and

20 (C) if warranted, develop performance
21 standards for such guards.

22 (2) INDEPENDENT RESEARCH.—If the Sec-
23 retary enters into a contract with a third party to
24 perform the research required under paragraph
25 (1)(A), the Secretary shall ensure that such third

1 party does not have any financial or contractual ties
2 or relationship with a motor carrier that transports
3 passengers or property for compensation, the motor
4 carrier industry, or an entity producing or supplying
5 override guards.

6 (3) PUBLICATION OF ASSESSMENT.—Not later
7 than 90 days after completing the assessment re-
8 quired under paragraph (1)(B), the Secretary shall
9 issue a notice in the Federal Register containing the
10 findings of the assessment and provide an oppor-
11 tunity for public comment.

12 (4) REPORT TO CONGRESS.—After the conclu-
13 sion of the public comment period under paragraph
14 (3), the Secretary shall submit to the Committee on
15 Transportation and Infrastructure of the House of
16 Representatives and the Committee on Commerce,
17 Science, and Transportation of the Senate a report
18 that provides—

19 (A) the results of the assessment under
20 this subsection;

21 (B) a summary of the public comments re-
22 ceived by the Secretary under paragraph (3);
23 and

24 (C) a determination as to whether the Sec-
25 retary intends to develop performance require-

1 ments for side underride guards, including any
2 analysis that led to such determination.

3 (c) ADVISORY COMMITTEE ON UNDERRIDE PROTEC-
4 TION.—

5 (1) ESTABLISHMENT.—Not later than 30 days
6 after the date of enactment of this Act, the Sec-
7 retary of Transportation shall establish an Advisory
8 Committee on Underride Protection (in this sub-
9 section referred to as the “Committee”) to provide
10 advice and recommendations to the Secretary on
11 safety regulations to reduce crashes and fatalities in-
12 volving truck underrides.

13 (2) REPRESENTATION.—

14 (A) IN GENERAL.—The Committee shall be
15 composed of not more than 20 members ap-
16 pointed by the Secretary who are not employees
17 of the Department of Transportation and who
18 are qualified to serve because of their expertise,
19 training, or experience.

20 (B) MEMBERSHIP.—Members shall include
21 two representatives of each of the following:

22 (i) Truck and trailer manufacturers.

23 (ii) Motor carriers, including inde-
24 pendent owner-operators.

25 (iii) Law enforcement.

- 1 (iv) Motor vehicle engineers.
- 2 (v) Motor vehicle crash investigators.
- 3 (vi) Truck safety organizations.
- 4 (vii) The insurance industry.
- 5 (viii) Emergency medical service pro-
- 6 viders.
- 7 (ix) Families of underride crash vic-
- 8 tims.
- 9 (x) Labor organizations.

10 (3) COMPENSATION.—Members of the Com-

11 mittee shall serve without compensation.

12 (4) MEETINGS.—The Committee shall meet at

13 least annually.

14 (5) SUPPORT.—On request of the Committee,

15 the Secretary shall provide information, administra-

16 tive services, and supplies necessary for the Com-

17 mittee to carry out the duties described in para-

18 graph (1).

19 (6) REPORT.—The Committee shall submit to

20 the Committee on Transportation and Infrastructure

21 of the House of Representatives and the Committee

22 on Commerce, Science, and Transportation of the

23 Senate a biennial report that shall—

24 (A) describe the advice and recommenda-

25 tions made to the Secretary; and

1 (B) include an assessment of progress
2 made by the Secretary in advancing safety reg-
3 ulations.

4 (d) DATA COLLECTION.—Not later than 1 year after
5 the date of enactment of this Act, the Secretary shall im-
6 plement recommendations 1 and 2 described in the report
7 by the Government Accountability Office published on
8 March 14, 2019, titled “Truck Underride Guards: Im-
9 proved Data Collection, Inspections, and Research Need-
10 ed” (GAO–19–264).

11 **SEC. 4406. TRANSPORTATION OF HORSES.**

12 Section 80502 of title 49, United States Code, is
13 amended—

14 (1) in subsection (c) by striking “This section
15 does not” and inserting “Subsections (a) and (b)
16 shall not”;

17 (2) by redesignating subsection (d) as sub-
18 section (e);

19 (3) by inserting after subsection (c) the fol-
20 lowing:

21 “(d) TRANSPORTATION OF EQUINES.—

22 “(1) PROHIBITION.—No person may transport
23 or cause to be transported, an equine from a place
24 in a State, the District of Columbia, or a territory
25 or possession of the United States through or to a

1 place in another State, the District of Columbia, or
2 a territory or possession of the United States, or any
3 place that is under the sovereignty of a government
4 that is not the United States—

5 “(A) in a motor vehicle containing 2 or
6 more levels stacked on top of each other; or

7 “(B) with reason to believe that the equine
8 may be slaughtered for human consumption.

9 “(2) MOTOR VEHICLE DEFINED.—In this sub-
10 section, the term ‘motor vehicle’ means—

11 “(A) a vehicle driven or drawn by mechan-
12 ical power and manufactured primarily for use
13 on public highways; and

14 “(B) does not include a vehicle operated
15 exclusively on a rail or rails.

16 “(3) EQUINE DEFINED.—In this subsection, the
17 term ‘equine’ means any member of the Equidae
18 family.”.

19 (4) in subsection (e), as redesignated—

20 (A) by striking “A rail carrier” and insert-
21 ing the following:

22 “(1) IN GENERAL.—A rail carrier”;

23 (B) by striking “this section” and insert-
24 ing “subsection (a) or (b)”; and

1 (C) by striking “On learning” and insert-
2 ing the following:

3 “(2) TRANSPORTATION OF EQUINES.—

4 “(A) CIVIL PENALTY.—A person that
5 knowingly violates subsection (d) is liable to the
6 United States Government for a civil penalty of
7 at least \$100, but not more than \$500, for each
8 violation. A separate violation of subsection (d)
9 occurs for each equine that is transported, or
10 caused to be transported, in violation of sub-
11 section (d).

12 “(B) RELATIONSHIP TO OTHER LAWS.—
13 The penalty imposed under subparagraph (A)
14 shall be in addition to any penalty or remedy
15 available under any other law.

16 “(3) CIVIL ACTION.—On learning”.

17 **SEC. 4407. ADDITIONAL STATE AUTHORITY.**

18 (a) ADDITIONAL AUTHORITY.—Notwithstanding the
19 limitation in section 127(d) of title 23, United States
20 Code, if a State had in effect on or before June 1, 1991,
21 a statute or regulation which placed a limitation on the
22 overall length of a longer combination vehicle consisting
23 of 3 trailers, such State may allow the operation of a
24 longer combination vehicle to accommodate a longer en-
25 ergy efficient truck tractor in such longer combination ve-

1 hicle under such limitation, if the additional tractor length
2 is the only added length to such longer combination vehicle
3 and does not result in increased cargo capacity in weight
4 or volume.

5 (b) SAVINGS CLAUSE.—Nothing in this section au-
6 thorizes a State to allow an increase in the length of a
7 trailer, semitrailer, or other cargo-carrying unit of a
8 longer combination vehicle.

9 (c) LONGER COMBINATION VEHICLE DEFINED.—
10 The term “longer combination vehicle” has the meaning
11 given such term in section 127 of title 23, United States
12 Code.

13 **SEC. 4408. UPDATING THE REQUIRED AMOUNT OF INSUR-**
14 **ANCE FOR COMMERCIAL MOTOR VEHICLES.**

15 Section 31139(b) of title 49, United States Code, is
16 amended—

17 (1) in paragraph (2), by striking “\$750,000”
18 and inserting “\$2,000,000”; and

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

20 “(3) ADJUSTMENT.—The Secretary, in con-
21 sultation with the Bureau of Labor Statistics, shall
22 adjust the minimum level of financial responsibility
23 under paragraph (2) quinquennially for inflation.”.

1 **SEC. 4409. UNIVERSAL ELECTRONIC IDENTIFIER.**

2 Not later than 2 years after the date of enactment
3 of this Act, the Secretary of Transportation shall issue a
4 final motor vehicle safety standard that requires a com-
5 mercial motor vehicle manufactured after the effective
6 date of such standard to be equipped with a universal elec-
7 tronic vehicle identifier that provides a single point of
8 data, such as the vehicle identification number, that—

9 (1) identifies the vehicle for compliance, inspec-
10 tion, or enforcement purposes;

11 (2) does not transmit personally identifiable in-
12 formation regarding operators; and

13 (3) does not create an undue cost burden for
14 operators and carriers.

15 **SEC. 4410. LENGTH LIMITATIONS.**

16 Section 31111 of title 49, United States Code, is
17 amended—

18 (1) in subsection (a) by adding at the end the
19 following:

20 “(8) COVERED HEAVY-DUTY TOW AND RECOV-
21 ERY VEHICLE.—The term ‘covered heavy-duty tow
22 and recovery vehicle’ means any vehicle transporting
23 a wrecked or disabled vehicle from the place where
24 the vehicle became wrecked or disabled to the near-
25 est appropriate repair facility or other location, as
26 directed by any agency having jurisdiction.”; and

1 (2) in subsection (b)(1)—

2 (A) in subparagraph (G) by striking “; or”
3 and inserting a semicolon;

4 (B) in subparagraph (H) by striking the
5 period and inserting a semicolon; and

6 (C) by adding at the end the following:

7 “(I) imposes an overall length limit on any
8 combination of vehicles, or the length of any in-
9 dividual vehicle in the combination configura-
10 tion, being transported by a covered heavy-duty
11 tow and recovery vehicle provided that the
12 wrecked or disabled vehicle combination being
13 transported was in compliance with applicable
14 length limits at the time and place of the initial
15 disablement or wreck; or

16 “(J) imposes a limit to the number of vehi-
17 cles that may be transported in combination
18 with a covered heavy-duty tow and recovery ve-
19 hicle provided that the wrecked or disabled ve-
20 hicle combination being transported was in
21 compliance with applicable limits at the time
22 and place of the initial disablement or wreck”.

TITLE V—INNOVATION**2 SEC. 5001. AUTHORIZATION OF APPROPRIATIONS.**

3 (a) IN GENERAL.—The following amounts are au-
4 thorized to be appropriated out of the Highway Trust
5 Fund (other than the Mass Transit Account):

6 (1) HIGHWAY RESEARCH AND DEVELOPMENT
7 PROGRAM.—To carry out section 503(b) of title 23,
8 United States Code, \$144,000,000 for each of fiscal
9 years 2023 through 2026.

10 (2) TECHNOLOGY AND INNOVATION DEPLOY-
11 MENT PROGRAM.—To carry out section 503(c) of
12 title 23, United States Code, \$152,000,000 for each
13 of fiscal years 2023 through 2026.

14 (3) TRAINING AND EDUCATION.—To carry out
15 section 504 of title 23, United States Code,
16 \$26,000,000 for each of fiscal years 2023 through
17 2026.

18 (4) INTELLIGENT TRANSPORTATION SYSTEMS
19 PROGRAM.—To carry out sections 512 through 518
20 of title 23, United States Code, \$100,000,000 for
21 each of fiscal years 2023 through 2026.

22 (5) UNIVERSITY TRANSPORTATION CENTERS
23 PROGRAM.—To carry out section 5505 of title 49,
24 United States Code, \$96,000,000 for each of fiscal
25 years 2023 through 2026.

1 (6) BUREAU OF TRANSPORTATION STATIS-
2 TICS.—To carry out chapter 63 of title 49, United
3 States Code, \$27,000,000 for each of fiscal years
4 2023 through 2026.

5 (b) ADDITIONAL PROGRAMS.—The following
6 amounts are authorized to be appropriated out of the
7 Highway Trust Fund (other than the Mass Transit Ac-
8 count):

9 (1) MOBILITY THROUGH ADVANCED TECH-
10 NOLOGIES.—To carry out section 503(c)(4) of title
11 23, United States Code, \$70,000,000 for each of fis-
12 cal years 2023 through 2026 from funds made avail-
13 able to carry out section 503(c) of such title.

14 (2) MATERIALS TO REDUCE GREENHOUSE GAS
15 EMISSIONS PROGRAM.—To carry out section 503(d)
16 of title 23, United States Code, \$10,000,000 for
17 each of fiscal years 2023 through 2026 from funds
18 made available to carry out section 503(c) of such
19 title.

20 (3) NATIONAL HIGHLY AUTOMATED VEHICLE
21 AND MOBILITY INNOVATION CLEARINGHOUSE.—To
22 carry out section 5509 of title 49, United States
23 Code, \$2,000,000 for each of fiscal years 2023
24 through 2026 from funds made available to carry

1 out sections 512 through 518 of title 23, United
2 States Code.

3 (4) NATIONAL COOPERATIVE MULTIMODAL
4 FREIGHT TRANSPORTATION RESEARCH PROGRAM.—
5 To carry out section 70205 of title 49, United
6 States Code, \$4,000,000 for each of fiscal years
7 2023 through 2026 from funds made available to
8 carry out section 503(b) of title 23, United States
9 Code.

10 (5) STATE SURFACE TRANSPORTATION SYSTEM
11 FUNDING PILOTS.—To carry out section 6020 of the
12 FAST Act (23 U.S.C. 503 note), \$35,000,000 for
13 each of fiscal years 2023 through 2026 from funds
14 made available to carry out section 503(b) of title
15 23, United States Code.

16 (c) ADMINISTRATION.—The Federal Highway Ad-
17 ministration shall—

18 (1) administer the programs described in para-
19 graphs (1), (2), and (3) of subsection (a) and para-
20 graph (1) of subsection (b); and

21 (2) in consultation with relevant modal adminis-
22 trations, administer the programs described in sub-
23 sections (a)(4) and (b)(2).

24 (d) TREATMENT OF FUNDS.—Funds authorized to be
25 appropriated by subsections (a) and (b) shall—

1 (1) be available for obligation in the same man-
2 ner as if those funds were apportioned under chap-
3 ter 1 of title 23, United States Code, except that the
4 Federal share of the cost of a project or activity car-
5 ried out using those funds shall be 80 percent, un-
6 less otherwise expressly provided by this title (in-
7 cluding the amendments by this title) or otherwise
8 determined by the Secretary; and

9 (2) remain available until expended and not be
10 transferable, except as otherwise provided in this
11 title.

12 **Subtitle A—Research and** 13 **Development**

14 **SEC. 5101. HIGHWAY RESEARCH AND DEVELOPMENT PRO-** 15 **GRAM.**

16 (a) IN GENERAL.—Section 503 of title 23, United
17 States Code, is amended—

18 (1) in subsection (a)(2) by striking “section
19 508” and inserting “section 6503 of title 49”; and

20 (2) in subsection (b)—

21 (A) in paragraph (3)—

22 (i) in subparagraph (A)—

23 (I) in clause (ii) by striking “;
24 and” and inserting a semicolon;

1 (II) in clause (iii) by striking the
2 period and inserting “; and”; and

3 (III) by adding at the end the
4 following:

5 “(iv) to reduce greenhouse gas emis-
6 sions and limit the effects of climate
7 change.”; and

8 (ii) by striking subparagraphs (D)
9 and (E);

10 (B) in paragraph (4)—

11 (i) in subparagraph (A)—

12 (I) in clause (ii) by striking “;
13 and” and inserting a semicolon;

14 (II) in clause (iii) by striking the
15 period and inserting “; and”; and

16 (III) by adding at the end the
17 following:

18 “(iv) to reduce greenhouse gas emis-
19 sions and limit the effects of climate
20 change.”; and

21 (ii) in subparagraph (C)—

22 (I) in clause (iv) by striking “;
23 and” and inserting a semicolon;

24 (II) in clause (v) by striking the
25 period and inserting “; and”; and

1 (III) by inserting at the end the
2 following:

3 “(vi) establishing best practices and
4 creating models and tools to support met-
5 ropolitan and statewide planning practices
6 to meet the considerations described in sec-
7 tions 134(i)(2)(I) and 135(f)(10) of this
8 title, including—

9 “(I) strategies to address climate
10 change mitigation and impacts de-
11 scribed in sections 134(i)(2)(I)(ii) and
12 135(f)(10)(B) of this title and the in-
13 corporation of such strategies into
14 long range transportation planning;

15 “(II) preparation of a vulner-
16 ability assessment described in sec-
17 tions 134(i)(2)(I)(iii) and
18 135(f)(10)(C) of this title; and

19 “(III) integration of these prac-
20 tices with the planning practices de-
21 scribed in sections 5303(i)(2)(I) and
22 5304(f)(10) of title 49.”;

23 (C) in paragraph (5)(A)—

24 (i) in clause (iv) by striking “; and”
25 and inserting a semicolon;

1 (ii) in clause (v) by striking the period
2 and inserting “; and”; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(vi) reducing greenhouse gas emis-
6 sions and limiting the effects of climate
7 change.”; and

8 (D) by adding at the end the following:

9 “(9) ANALYSIS TOOLS.—The Secretary may de-
10 velop interactive modeling tools and databases
11 that—

12 “(A) track the condition of highway assets,
13 including interchanges, and the reconstruction
14 history of such assets;

15 “(B) can be used to assess transportation
16 options;

17 “(C) allow for the monitoring and mod-
18 eling of network-level traffic flows on highways;
19 and

20 “(D) further Federal and State under-
21 standing of the importance of national and re-
22 gional connectivity and the need for long-dis-
23 tance and interregional passenger and freight
24 travel by highway and other surface transpor-
25 tation modes.

1 “(10) PERFORMANCE MANAGEMENT DATA SUP-
2 PORT PROGRAM.—

3 “(A) PERFORMANCE MANAGEMENT DATA
4 SUPPORT.—The Administrator of the Federal
5 Highway Administration shall develop, use, and
6 maintain data sets and data analysis tools to
7 assist metropolitan planning organizations,
8 States, and the Federal Highway Administra-
9 tion in carrying out performance management
10 analyses (including the performance manage-
11 ment requirements under section 150).

12 “(B) INCLUSIONS.—The data analysis ac-
13 tivities authorized under subparagraph (A) may
14 include—

15 “(i) collecting and distributing vehicle
16 probe data describing traffic on Federal-
17 aid highways;

18 “(ii) collecting household travel behav-
19 ior data to assess local and cross-jurisdic-
20 tional travel, including to accommodate ex-
21 ternal and through travel;

22 “(iii) enhancing existing data collec-
23 tion and analysis tools to accommodate
24 performance measures, targets, and related

1 data, so as to better understand trip origin
2 and destination, trip time, and mode;

3 “(iv) enhancing existing data analysis
4 tools to improve performance predictions
5 and travel models in reports described in
6 section 150(e);

7 “(v) developing tools—

8 “(I) to improve performance
9 analysis; and

10 “(II) to evaluate the effects of
11 project investments on performance;

12 “(vi) assisting in the development or
13 procurement of the transportation system
14 access data under section 1403(g) of the
15 INVEST in America Act; and

16 “(vii) developing tools and acquiring
17 data described under paragraph (9).

18 “(C) FUNDING.—The Administrator of the
19 Federal Highway Administration may use up to
20 \$15,000,000 for each of fiscal years 2023
21 through 2026 to carry out this paragraph.”.

22 (b) REPEAL.—Section 6028 of the FAST Act (23
23 U.S.C. 150 note), and the item relating to such section
24 in the table of contents in section 1(b) of such Act, are
25 repealed.

1 **SEC. 5102. MATERIALS TO REDUCE GREENHOUSE GAS**
2 **EMISSIONS PROGRAM.**

3 Section 503 of title 23, United States Code, as
4 amended by section 5101, is further amended by adding
5 at the end the following:

6 “(d) MATERIALS TO REDUCE GREENHOUSE GAS
7 EMISSIONS PROGRAM.—

8 “(1) IN GENERAL.—Not later than 6 months
9 after the date of enactment of this subsection, the
10 Secretary shall establish and implement a program
11 under which the Secretary shall award grants to eli-
12 gible entities to research and support the develop-
13 ment and deployment of materials that will capture,
14 absorb, adsorb, reduce, or sequester the amount of
15 greenhouse gas emissions generated during the pro-
16 duction of highway materials and the construction
17 and use of highways.

18 “(2) ACTIVITIES.—Activities under this section
19 may include—

20 “(A) carrying out research to determine
21 the materials proven to most effectively capture,
22 absorb, adsorb, reduce, or sequester greenhouse
23 gas emissions;

24 “(B) evaluating and improves the ability of
25 materials to most effectively capture, absorb,

1 adsorb, reduce, or sequester greenhouse gas
2 emissions;

3 “(C) supporting the development and de-
4 ployment of materials that will capture, absorb,
5 adsorb, reduce, or sequester greenhouse gas
6 emissions; and

7 “(D) in coordination with standards-set-
8 ting organizations, such as the American Asso-
9 ciation of State Highway and Transportation
10 Officials, carrying out research on—

11 “(i) the extent to which existing state
12 materials procurement standards enable
13 the deployment of materials proven to most
14 effectively reduce or sequester greenhouse
15 gas emissions;

16 “(ii) opportunities for States to adapt
17 procurement standards to more frequently
18 procure materials proven to most effec-
19 tively reduce or sequester greenhouse gas
20 emissions; and

21 “(iii) how to support or incentivize
22 States to adapt procurement standards to
23 incorporate more materials proven to most
24 effectively reduce or sequester greenhouse
25 gas emissions.

1 “(3) COMPETITIVE SELECTION PROCESS.—

2 “(A) APPLICATIONS.—To be eligible to re-
3 ceive a grant under this subsection, an eligible
4 entity shall submit to the Secretary an applica-
5 tion in such form and containing such informa-
6 tion as the Secretary may require.

7 “(B) CONSIDERATION.—In making grants
8 under this subsection, the Secretary shall con-
9 sider the degree to which applicants presently
10 carry out research on materials that capture,
11 absorb, adsorb, reduce, or sequester greenhouse
12 gas emissions.

13 “(C) SELECTION CRITERIA.—The Sec-
14 retary may make grants under this subsection
15 to any eligible entity based on the demonstrated
16 ability of the applicant to fulfill the activities
17 described in paragraph (2).

18 “(D) TRANSPARENCY.—The Secretary
19 shall submit to the Committee on Transpor-
20 tation and Infrastructure of the House of Rep-
21 resentatives and the Committee on Environ-
22 ment and Public Works of the Senate a report
23 describing the overall review process for a grant
24 under this subsection, including—

1 “(i) specific criteria of evaluation used
2 in the review;

3 “(ii) descriptions of the review proc-
4 ess; and

5 “(iii) explanations of the grants
6 awarded.

7 “(4) GRANTS.—

8 “(A) RESTRICTIONS.—

9 “(i) IN GENERAL.—For each fiscal
10 year, a grant made available under this
11 subsection shall be not greater than
12 \$4,000,000 and not less than \$2,000,000
13 per recipient.

14 “(ii) LIMITATION.—An eligible entity
15 may only receive one grant in a fiscal year
16 under this subsection.

17 “(B) MATCHING REQUIREMENTS.—As a
18 condition of receiving a grant under this sub-
19 section, a grant recipient shall match 50 per-
20 cent of the amounts made available under the
21 grant.

22 “(5) PROGRAM COORDINATION.—

23 “(A) IN GENERAL.—The Secretary shall—

24 “(i) coordinate the research, edu-
25 cation, and technology transfer activities

1 carried out by grant recipients under this
2 subsection;

3 “(ii) disseminate the results of that
4 research through the establishment and op-
5 eration of a publicly accessible online infor-
6 mation clearinghouse; and

7 “(iii) to the extent practicable, sup-
8 port the deployment and commercial adop-
9 tion of effective materials researched or de-
10 veloped under this subsection to relevant
11 stakeholders.

12 “(B) ANNUAL REVIEW AND EVALUA-
13 TION.—Not later than 2 years after the date of
14 enactment of this subsection, and not less fre-
15 quently than annually thereafter, the Secretary
16 shall, consistent with the activities in paragraph
17 (3)—

18 “(i) review and evaluate the programs
19 carried out under this subsection by grant
20 recipients, describing the effectiveness of
21 the program in identifying materials that
22 capture, absorb, adsorb, reduce, or seques-
23 ter greenhouse gas emissions;

24 “(ii) submit to the Committee on
25 Transportation and Infrastructure of the

1 House of Representatives and the Com-
2 mittee on Environment and Public Works
3 of the Senate a report describing such re-
4 view and evaluation; and

5 “(iii) make the report in clause (ii)
6 available to the public on a website.

7 “(6) LIMITATION ON AVAILABILITY OF
8 AMOUNTS.—Amounts made available to carry out
9 this subsection shall remain available for obligation
10 by the Secretary for a period of 3 years after the
11 last day of the fiscal year for which the amounts are
12 authorized.

13 “(7) INFORMATION COLLECTION.—Any survey,
14 questionnaire, or interview that the Secretary deter-
15 mines to be necessary to carry out reporting require-
16 ments relating to any program assessment or evalua-
17 tion activity under this subsection, including cus-
18 tomer satisfaction assessments, shall not be subject
19 to chapter 35 of title 44 (commonly known as the
20 ‘Paperwork Reduction Act’).

21 “(8) DEFINITION OF ELIGIBLE ENTITY.—In
22 this subsection, the term ‘eligible entity’ means—

23 “(A) a nonprofit institution of higher edu-
24 cation, as such term is defined in section 101

1 of the Higher Education Act of 1965 (20
2 U.S.C. 1001); and

3 “(B) a State department of transpor-
4 tation.”.

5 **SEC. 5103. TRANSPORTATION RESEARCH AND DEVELOP-**
6 **MENT 5-YEAR STRATEGIC PLAN.**

7 Section 6503 of title 49, United States Code, is
8 amended—

9 (1) in subsection (a) by striking “The Sec-
10 retary” and inserting “For the period of fiscal years
11 2017 through 2022, and for each 5-year period
12 thereafter, the Secretary”;

13 (2) in subsection (c)(1)—

14 (A) in subparagraph (C) by inserting “and
15 security in the transportation system” after
16 “safety”;

17 (B) in subparagraph (D) by inserting “and
18 the existing transportation system” after “in-
19 frastructure”;

20 (C) in subparagraph (E) by striking “;
21 and” and inserting a semicolon;

22 (D) by amending subparagraph (F) to
23 read as follows:

24 “(F) reducing greenhouse gas emissions;
25 and”; and

1 (E) by adding at the end the following:

2 “(G) developing and maintaining a diverse
3 workforce in transportation sectors;” and

4 (3) in subsection (d) by striking “not later than
5 December 31, 2016,” and inserting “not later than
6 December 31, 2022,”.

7 **SEC. 5104. UNIVERSITY TRANSPORTATION CENTERS PRO-**
8 **GRAM.**

9 Section 5505 of title 49, United States Code, is
10 amended—

11 (1) in subsection (b)—

12 (A) in paragraph (4)—

13 (i) in subparagraph (A) by striking
14 “research priorities identified in chapter
15 65.” and inserting the following: “following
16 research priorities:

17 “(i) Improving the mobility of people
18 and goods.

19 “(ii) Reducing congestion.

20 “(iii) Promoting safety.

21 “(iv) Improving the durability and ex-
22 tending the life of transportation infra-
23 structure and the existing transportation
24 system.

25 “(v) Preserving the environment.

1 “(vi) Reducing greenhouse gas emis-
2 sions.”; and

3 (ii) in subparagraph (B)—

4 (I) by striking “Technology and”
5 and inserting “Technology,”;

6 (II) by inserting “, the Adminis-
7 trator of the Federal Transit Admin-
8 istration,” after “Federal Highway
9 Administration”; and

10 (III) by striking “and other
11 modal administrations as appropriate”
12 and inserting “and the Administrators
13 of other operating administrations, as
14 appropriate”; and

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

16 “(7) FOCUSED RESEARCH CONSIDERATIONS.—

17 In awarding grants under this section, the Secretary
18 shall consider how the program under this section
19 advances research on the cybersecurity implications
20 of technologies relating to connected vehicles, con-
21 nected infrastructure, and automated vehicles.”;

22 (2) in subsection (c)—

23 (A) in paragraph (1)—

1 (i) by striking “Not later than 1 year
2 after the date of enactment of this sec-
3 tion,” and inserting the following:

4 “(A) SELECTION OF GRANTS.—Not later
5 than 1 year after the date of enactment of the
6 INVEST in America Act,”; and

7 (ii) by adding at the end the fol-
8 lowing:

9 “(B) LIMITATIONS.—A grant under this
10 subsection may not include a cooperative agree-
11 ment described in section 6305 of title 31.”;

12 (B) in paragraph (2)—

13 (i) in subparagraph (A) by striking “5
14 consortia” and inserting “6 consortia”;

15 (ii) in subparagraph (B)—

16 (I) in clause (i) by striking “not
17 greater than \$4,000,000 and not less
18 than \$2,000,000” and inserting “not
19 greater than \$4,250,000 and not less
20 than \$2,250,000”; and

21 (II) in clause (ii) by striking
22 “section 6503(c)” and inserting “sub-
23 section (b)(4)(A)”;

1 (iii) in subparagraph (C) by striking
2 “100 percent” and inserting “50 percent”;
3 and

4 (iv) by adding at the end the fol-
5 lowing:

6 “(D) REQUIREMENT.—In awarding grants
7 under this section, the Secretary shall award 1
8 grant to a national consortia for each focus
9 area described in subsection (b)(4)(A).”;

10 (C) in paragraph (3)—

11 (i) in subparagraph (C) by striking
12 “not greater than \$3,000,000 and not less
13 than \$1,500,000” and inserting “not
14 greater than \$3,250,000 and not less than
15 \$1,750,000”;

16 (ii) in subparagraph (D)(i) by striking
17 “100 percent” and inserting “50 percent”;
18 and

19 (iii) by striking subparagraph (E);
20 and

21 (D) in paragraph (4)—

22 (i) in subparagraph (A) by striking
23 “greater than \$2,000,000 and not less
24 than \$1,000,000” and inserting “greater

1 than \$2,250,000 and not less than
2 \$1,250,000”; and

3 (ii) by striking subparagraph (C) and
4 inserting the following:

5 “(C) CONSIDERATION.—In awarding
6 grants under this section, the Secretary shall
7 consider historically black colleges and univer-
8 sities, as such term is defined in section 371(a)
9 of the Higher Education Act of 1965 (20
10 U.S.C. 1067q), and other minority institutions,
11 as such term is defined by section 365 of the
12 Higher Education Act (20 U.S.C. 1067k), or
13 consortia that include such institutions that
14 have demonstrated an ability in transportation-
15 related research.

16 “(D) FOCUSED RESEARCH.—

17 “(i) IN GENERAL.—In awarding
18 grants under this section, the Secretary
19 shall select not less than one grant recipi-
20 ent with each of the following focus areas:

21 “(I) Transit.

22 “(II) Connected and automated
23 vehicle technology, including cyberse-
24 curity implications of technologies re-
25 lating to connected vehicles, connected

1 infrastructure, and automated vehicle
2 technology.

3 “(III) Non-motorized transpor-
4 tation, including bicycle and pedes-
5 trian safety.

6 “(IV) The surface transportation
7 workforce, including—

8 “(aa) current and future
9 workforce needs and challenges;
10 and

11 “(bb) the impact of tech-
12 nology on the transportation sec-
13 tor.

14 “(V) Climate change mitigation,
15 including—

16 “(aa) researching the types
17 of transportation projects that
18 are expected to provide the most
19 significant greenhouse gas emis-
20 sions reductions from the surface
21 transportation sector; and

22 “(bb) researching the types
23 of transportation projects that
24 are not expected to provide sig-
25 nificant greenhouse gas emissions

1 reductions from the surface
2 transportation sector.

3 “(ii) ADDITIONAL GRANTS.—In
4 awarding grants under this section and
5 after awarding grants pursuant to clause
6 (i), the Secretary may award any remain-
7 ing grants to any grant recipient based on
8 the criteria described in subsection
9 (b)(4)(A).”;

10 (3) in subsection (d)(3) by striking “fiscal years
11 2016 through 2020” and inserting “fiscal years
12 2023 through 2026”;

13 (4) by redesignating subsection (f) as sub-
14 section (g); and

15 (5) by inserting after subsection (e) the fol-
16 lowing:

17 “(f) SURPLUS AMOUNTS.—

18 “(1) IN GENERAL.—Amounts made available to
19 the Secretary to carry out this section that remain
20 unobligated after awarding grants under subsection
21 (e) shall be made available under the unsolicited re-
22 search initiative under section 5506.

23 “(2) LIMITATION ON AMOUNTS.—Amounts
24 under paragraph (1) shall not exceed \$2,000,000 for
25 any given fiscal year.”.

1 **SEC. 5105. UNSOLICITED RESEARCH INITIATIVE.**

2 (a) IN GENERAL.—Subchapter I of chapter 55 of title
3 49, United States Code, is amended by adding at the end
4 the following:

5 **“§ 5506. Unsolicited research initiative**

6 “(a) IN GENERAL.—Not later than 180 days after
7 the date of enactment of this section, the Secretary shall
8 establish a program under which an eligible entity may
9 at any time submit unsolicited research proposals for
10 funding under this section.

11 “(b) CRITERIA.—A research proposal submitted
12 under subsection (a) shall meet the purposes of the Sec-
13 retary’s 5-year transportation research and development
14 strategic plan described in section 6503(c)(1).

15 “(c) APPLICATIONS.—To receive funding under this
16 section, eligible entities shall submit to the Secretary an
17 application that is in such form and contains such infor-
18 mation as the Secretary may require.

19 “(d) REPORT.—Not later than 18 months after the
20 date of enactment of this section, and annually thereafter,
21 the Secretary shall make available to the public on a public
22 website a report on the progress and findings of the pro-
23 gram established under subsection (a).

24 “(e) FEDERAL SHARE.—

1 “(1) IN GENERAL.—The Federal share of the
2 cost of an activity carried out under this section may
3 not exceed 50 percent.

4 “(2) NON-FEDERAL SHARE.—All costs directly
5 incurred by the non-Federal partners, including per-
6 sonnel, travel, facility, and hardware development
7 costs, shall be credited toward the non-Federal share
8 of the cost of an activity carried out under this sec-
9 tion.

10 “(f) FUNDING.—

11 “(1) IN GENERAL.—Of the funds made avail-
12 able to carry out the university transportation cen-
13 ters program under section 5505, \$2,000,000 shall
14 be available for each of fiscal years 2023 through
15 2026 to carry out this section.

16 “(2) FUNDING FLEXIBILITY.—

17 “(A) IN GENERAL.—For fiscal years 2023
18 through 2026, funds made available under
19 paragraph (1) shall remain available until ex-
20 pended.

21 “(B) UNCOMMITTED FUNDS.—If the Sec-
22 retary determines, at the end of a fiscal year,
23 funds under paragraph (1) remain unexpended
24 as a result of a lack of meritorious projects
25 under this section, the Secretary may, for the

1 following fiscal year, make remaining funds
 2 available under either this section or under sec-
 3 tion 5505.

4 “(g) ELIGIBLE ENTITY DEFINED.—In this section,
 5 the term ‘eligible entity’ means—

6 “(1) a State;

7 “(2) a unit of local government;

8 “(3) a transit agency;

9 “(4) any nonprofit institution of higher edu-
 10 cation, including a university transportation center
 11 under section 5505; and

12 “(5) a nonprofit organization.”.

13 (b) CLERICAL AMENDMENT.—The analysis for chap-
 14 ter 55 of title 49, United States Code, is amended by in-
 15 serting after the item relating to section 5505 the fol-
 16 lowing new item:

“5506. Unsolicited research initiative.”.

17 **SEC. 5106. NATIONAL COOPERATIVE MULTIMODAL**
 18 **FREIGHT TRANSPORTATION RESEARCH PRO-**
 19 **GRAM.**

20 (a) IN GENERAL.—Chapter 702 of title 49, United
 21 States Code, is amended by adding at the end the fol-
 22 lowing:

1 **“§ 70205. National cooperative multimodal freight**
2 **transportation research program**

3 “(a) ESTABLISHMENT.—Not later than 1 year after
4 the date of enactment of this section, the Secretary shall
5 establish and support a national cooperative multimodal
6 freight transportation research program.

7 “(b) AGREEMENT.—Not later than 6 months after
8 the date of enactment of this section, the Secretary shall
9 seek to enter into an agreement with the National Acad-
10 emy of Sciences to support and carry out administrative
11 and management activities relating to the governance of
12 the national cooperative multimodal freight transportation
13 research program.

14 “(c) ADVISORY COMMITTEE.—In carrying out the
15 agreement described in subsection (b), the National Acad-
16 emy of Sciences shall select a multimodal freight transpor-
17 tation research advisory committee consisting of
18 multimodal freight stakeholders, including, at a min-
19 imum—

20 “(1) a representative of the Department of
21 Transportation;

22 “(2) representatives of any other Federal agen-
23 cies relevant in supporting the nation’s multimodal
24 freight transportation research needs;

25 “(3) a representative of a State department of
26 transportation;

1 “(4) a representative of a local government
2 (other than a metropolitan planning organization);

3 “(5) a representative of a metropolitan planning
4 organization;

5 “(6) a representative of the trucking industry;

6 “(7) a representative of the railroad industry;

7 “(8) a representative of the port industry;

8 “(9) a representative of logistics industry;

9 “(10) a representative of shipping industry;

10 “(11) a representative of a safety advocacy
11 group with expertise in freight transportation;

12 “(12) an academic expert on multimodal freight
13 transportation;

14 “(13) an academic expert on the contributions
15 of freight movement to greenhouse gas emissions;

16 and

17 “(14) representatives of labor organizations
18 representing workers in freight transportation.

19 “(d) ELEMENTS.—The national cooperative
20 multimodal freight transportation research program estab-
21 lished under this section shall include the following ele-
22 ments:

23 “(1) NATIONAL RESEARCH AGENDA.—The advi-
24 sory committee under subsection (c), in consultation
25 with interested parties, shall recommend a national

1 research agenda for the program established in this
2 section.

3 “(2) INVOLVEMENT.—Interested parties may—

4 “(A) submit research proposals to the advi-
5 sory committee;

6 “(B) participate in merit reviews of re-
7 search proposals and peer reviews of research
8 products; and

9 “(C) receive research results.

10 “(3) OPEN COMPETITION AND PEER REVIEW OF
11 RESEARCH PROPOSALS.—The National Academy of
12 Sciences may award research contracts and grants
13 under the program through open competition and
14 merit review conducted on a regular basis.

15 “(4) EVALUATION OF RESEARCH.—

16 “(A) PEER REVIEW.—Research contracts
17 and grants under the program may allow peer
18 review of the research results.

19 “(B) PROGRAMMATIC EVALUATIONS.—The
20 National Academy of Sciences shall conduct
21 periodic programmatic evaluations on a regular
22 basis of research contracts and grants.

23 “(5) DISSEMINATION OF RESEARCH FIND-
24 INGS.—

1 “(A) IN GENERAL.—The National Acad-
2 emy of Sciences shall disseminate research find-
3 ings to researchers, practitioners, and decision-
4 makers, through conferences and seminars, field
5 demonstrations, workshops, training programs,
6 presentations, testimony to government offi-
7 cials, a public website for the National Academy
8 of Sciences, publications for the general public,
9 and other appropriate means.

10 “(B) REPORT.—Not more than 18 months
11 after the date of enactment of this section, and
12 annually thereafter, the Secretary shall make
13 available on a public website a report that de-
14 scribes the ongoing research and findings of the
15 program.

16 “(e) CONTENTS.—The national research agenda
17 under subsection (d)(1) shall include—

18 “(1) techniques and tools for estimating and
19 identifying both quantitative and qualitative public
20 benefits derived from multimodal freight transpor-
21 tation projects, including—

22 “(A) greenhouse gas emissions reduction;

23 “(B) congestion reduction; and

24 “(C) safety benefits;

1 “(2) the impact of freight delivery vehicles, in-
2 cluding trucks, railcars, and non-motorized vehicles,
3 on congestion in urban and rural areas;

4 “(3) the impact of both centralized and dis-
5 parate origins and destinations on freight movement;

6 “(4) the impacts of increasing freight volumes
7 on transportation planning, including—

8 “(A) first-mile and last-mile challenges to
9 multimodal freight movement;

10 “(B) multimodal freight travel in both
11 urban and rural areas; and

12 “(C) commercial motor vehicle parking and
13 rest areas;

14 “(5) the effects of Internet commerce and accel-
15 erated delivery speeds on freight movement and in-
16 creased commercial motor vehicle volume, including
17 impacts on—

18 “(A) safety on public roads;

19 “(B) congestion in both urban and rural
20 areas;

21 “(C) first-mile and last-mile challenges and
22 opportunities;

23 “(D) the environmental impact of freight
24 transportation, including on air quality and on
25 greenhouse gas emissions; and

1 “(E) vehicle miles-traveled by freight-deliv-
2 ering vehicles;

3 “(6) the impacts of technological advancements
4 in freight movement, including impacts on—

5 “(A) congestion in both urban and rural
6 areas;

7 “(B) first-mile and last-mile challenges
8 and opportunities; and

9 “(C) vehicle miles-traveled;

10 “(7) methods and best practices for aligning
11 multimodal infrastructure improvements with
12 multimodal freight transportation demand, including
13 improvements to the National Multimodal Freight
14 Network under section 70103; and

15 “(8) other research areas to identify and ad-
16 dress current, emerging, and future needs related to
17 multimodal freight transportation.

18 “(f) FUNDING.—

19 “(1) FEDERAL SHARE.—The Federal share of
20 the cost of an activity carried out under this section
21 shall be 100 percent.

22 “(2) PERIOD OF AVAILABILITY.—Amounts
23 made available to carry out this section shall remain
24 available until expended.

1 “(g) DEFINITION OF GREENHOUSE GAS.—In this
2 section, the term ‘greenhouse gas’ has the meaning given
3 such term in section 211(o)(1) of the Clean Air Act (42
4 U.S.C. 7545(o)(1)).”.

5 (b) CLERICAL AMENDMENT.—The analysis for chap-
6 ter 702 of title 49, United States Code, is amended by
7 adding at the end the following new item:

“70205. National cooperative multimodal freight transportation research pro-
gram.”.

8 **SEC. 5107. WILDLIFE-VEHICLE COLLISION REDUCTION AND**
9 **HABITAT CONNECTIVITY IMPROVEMENT.**

10 (a) STUDY.—

11 (1) IN GENERAL.—The Secretary of Transpor-
12 tation shall conduct a study examining methods to
13 reduce collisions between motorists and wildlife (re-
14 ferred to in this section as “wildlife-vehicle colli-
15 sions”).

16 (2) CONTENTS.—

17 (A) AREAS OF STUDY.—The study re-
18 quired under paragraph (1) shall—

19 (i) update and expand on, as appro-
20 priate—

21 (I) the report titled “Wildlife Ve-
22 hicle Collision Reduction Study: 2008
23 Report to Congress”: and

- 1 (II) the document titled “Wildlife
2 Vehicle Collision Reduction Study:
3 Best Practices Manual” and dated
4 October 2008; and
- 5 (ii) include—
- 6 (I) an assessment, as of the date
7 of the study, of—
- 8 (aa) the causes of wildlife-
9 vehicle collisions;
- 10 (bb) the impact of wildlife-
11 vehicle collisions on motorists
12 and wildlife; and
- 13 (cc) the impacts of roads
14 and traffic on habitat
15 connectivity for terrestrial and
16 aquatic species; and
- 17 (II) solutions and best practices
18 for—
- 19 (aa) reducing wildlife-vehicle
20 collisions; and
- 21 (bb) improving habitat
22 connectivity for terrestrial and
23 aquatic species.

1 (B) METHODS.—In carrying out the study
2 required under paragraph (1), the Secretary
3 shall—

4 (i) conduct a thorough review of re-
5 search and data relating to—

6 (I) wildlife-vehicle collisions; and

7 (II) habitat fragmentation that
8 results from transportation infrastruc-
9 ture;

10 (ii) survey current practices of the
11 Department of Transportation and State
12 departments of transportation to reduce
13 wildlife-vehicle collisions; and

14 (iii) consult with—

15 (I) appropriate experts in the
16 field of wildlife-vehicle collisions; and

17 (II) appropriate experts on the
18 effects of roads and traffic on habitat
19 connectivity for terrestrial and aquatic
20 species.

21 (3) REPORT.—

22 (A) IN GENERAL.—Not later than 18
23 months after the date of enactment of this Act,
24 the Secretary shall submit to Congress a report

1 on the results of the study required under para-
2 graph (1).

3 (B) CONTENTS.—The report required
4 under subparagraph (A) shall include—

5 (i) a description of—

6 (I) the causes of wildlife-vehicle
7 collisions;

8 (II) the impacts of wildlife-vehicle
9 collisions; and

10 (III) the impacts of roads and
11 traffic on—

12 (aa) species listed as threat-
13 ened species or endangered spe-
14 cies under the Endangered Spe-
15 cies Act of 1973 (16 U.S.C. 1531
16 et seq.);

17 (bb) species identified by
18 States as species of greatest con-
19 servation need;

20 (cc) species identified in
21 State wildlife plans; and

22 (dd) medium and small ter-
23 restrial and aquatic species;

24 (ii) an economic evaluation of the
25 costs and benefits of installing highway in-

1 frastructure and other measures to miti-
2 gate damage to terrestrial and aquatic spe-
3 cies, including the effect on jobs, property
4 values, and economic growth to society, ad-
5 jacent communities, and landowners;

6 (iii) recommendations for preventing
7 wildlife-vehicle collisions, including rec-
8 ommended best practices, funding re-
9 sources, or other recommendations for ad-
10 dressing wildlife-vehicle collisions; and

11 (iv) guidance to develop, for each
12 State that agrees to participate, a vol-
13 untary joint statewide transportation and
14 wildlife action plan.

15 (C) PURPOSES.—The purpose of the guid-
16 ance described in subparagraph (B)(iv) shall
17 be—

18 (i) to address wildlife-vehicle colli-
19 sions; and

20 (ii) to improve habitat connectivity for
21 terrestrial and aquatic species.

22 (D) CONSULTATION.—The Secretary shall
23 develop the guidance described under subpara-
24 graph (B)(iv) in consultation with—

- 1 (i) Federal land management agen-
2 cies;
3 (ii) State departments of transpor-
4 tation;
5 (iii) State fish and wildlife agencies;
6 and
7 (iv) Tribal governments.

8 (b) STANDARDIZATION OF WILDLIFE COLLISION AND
9 CARCASS DATA.—

10 (1) STANDARDIZATION METHODOLOGY.—

11 (A) IN GENERAL.—The Secretary of
12 Transportation, acting through the Adminis-
13 trator of the Federal Highway Administration,
14 shall develop a quality standardized method-
15 ology for collecting and reporting spatially accu-
16 rate wildlife collision and carcass data for the
17 National Highway System, taking into consider-
18 ation the practicability of the methodology with
19 respect to technology and cost.

20 (B) METHODOLOGY.—In developing the
21 standardized methodology under subparagraph
22 (A), the Secretary shall—

- 23 (i) survey existing methodologies and
24 sources of data collection, including the
25 Fatality Analysis Reporting System, the

1 General Estimates System of the National
2 Automotive Sampling System, and the
3 Highway Safety Information System; and

4 (ii) to the extent practicable, identify
5 and correct limitations of such existing
6 methodologies and sources of data collec-
7 tion.

8 (C) CONSULTATION.—In developing the
9 standardized methodology under subparagraph
10 (A), the Secretary shall consult with—

11 (i) the Secretary of the Interior;

12 (ii) the Secretary of Agriculture, act-
13 ing through the Chief of the Forest Serv-
14 ice;

15 (iii) Tribal, State, and local transpor-
16 tation and wildlife authorities;

17 (iv) metropolitan planning organiza-
18 tions (as such term is defined in section
19 134(b) of title 23, United States Code);

20 (v) members of the American Associa-
21 tion of State Highway and Transportation
22 Officials;

23 (vi) members of the Association of
24 Fish and Wildlife Agencies;

- 1 (vii) experts in the field of wildlife-ve-
2 hicle collisions;
3 (viii) nongovernmental organizations;
4 and
5 (ix) other interested stakeholders, as
6 appropriate.

7 (2) STANDARDIZED NATIONAL DATA SYSTEM
8 WITH VOLUNTARY TEMPLATE IMPLEMENTATION.—
9 The Secretary shall—

10 (A) develop a template for State implemen-
11 tation of a standardized national wildlife colli-
12 sion and carcass data system for the National
13 Highway System that is based on the standard-
14 ized methodology developed under paragraph
15 (1); and

16 (B) encourage the voluntary implementa-
17 tion of the template developed under subpara-
18 graph (A) for States, metropolitan planning or-
19 ganizations, and additional relevant transpor-
20 tation stakeholders.

21 (3) REPORTS.—

22 (A) METHODOLOGY.—The Secretary shall
23 submit to Congress a report describing the de-
24 velopment of the standardized methodology re-
25 quired under paragraph (1) not later than—

1 (i) the date that is 18 months after
2 the date of enactment of this Act; and

3 (ii) the date that is 180 days after the
4 date on which the Secretary completes the
5 development of such standardized method-
6 ology.

7 (B) IMPLEMENTATION.—Not later than 3
8 years after the date of enactment of this Act,
9 the Secretary shall submit to Congress a report
10 describing—

11 (i) the status of the voluntary imple-
12 mentation of the standardized methodology
13 developed under paragraph (1) and the
14 template developed under paragraph
15 (2)(A);

16 (ii) whether the implementation of the
17 standardized methodology developed under
18 paragraph (1) and the template developed
19 under paragraph (2)(A) has impacted ef-
20 forts by States, units of local government,
21 and other entities—

22 (I) to reduce the number of wild-
23 life-vehicle collisions; and

24 (II) to improve habitat
25 connectivity;

1 (iii) the degree of the impact de-
2 scribed in clause (ii); and

3 (iv) the recommendations of the Sec-
4 retary, including recommendations for fur-
5 ther study aimed at reducing motorist col-
6 lisions involving wildlife and improving
7 habitat connectivity for terrestrial and
8 aquatic species on the National Highway
9 System, if any.

10 (c) NATIONAL THRESHOLD GUIDANCE.—The Sec-
11 retary of Transportation shall—

12 (1) establish guidance, to be carried out by
13 States on a voluntary basis, that contains a thresh-
14 old for determining whether a highway shall be eval-
15 uated for potential mitigation measures to reduce
16 wildlife-vehicle collisions and increase habitat
17 connectivity for terrestrial and aquatic species, tak-
18 ing into consideration—

19 (A) the number of wildlife-vehicle collisions
20 on the highway that pose a human safety risk;

21 (B) highway-related mortality and effects
22 of traffic on the highway on—

23 (i) species listed as endangered spe-
24 cies or threatened species under the En-

1 dangered Species Act of 1973 (16 U.S.C.
2 1531 et seq.);

3 (ii) species identified by a State as
4 species of greatest conservation need;

5 (iii) species identified in State wildlife
6 plans; and

7 (iv) medium and small terrestrial and
8 aquatic species; and

9 (C) habitat connectivity values for terres-
10 trial and aquatic species and the barrier effect
11 of the highway on the movements and migra-
12 tions of those species.

13 (d) WORKFORCE DEVELOPMENT AND TECHNICAL
14 TRAINING.—

15 (1) IN GENERAL.—Not later than 3 years after
16 the date of enactment of this Act, the Secretary
17 shall, based on the study conducted under subsection
18 (a), develop a series of in-person and online work-
19 force development and technical training courses—

20 (A) to reduce wildlife-vehicle collisions; and

21 (B) to improve habitat connectivity for ter-
22 restrial and aquatic species.

23 (2) AVAILABILITY.—The Secretary shall—

1 (A) make the series of courses developed
2 under paragraph (1) available for transpor-
3 tation and fish and wildlife professionals; and

4 (B) update the series of courses not less
5 frequently than once every 2 years.

6 (e) WILDLIFE HABITAT CONNECTIVITY AND NA-
7 TIONAL BRIDGE AND TUNNEL INVENTORY AND INSPEC-
8 TION STANDARDS.—Section 144 of title 23, United States
9 Code, is amended in subsection (a)(2)—

10 (1) in subparagraph (B) by inserting “, resil-
11 ience,” after “safety”;

12 (2) in subparagraph (D) by striking “and” at
13 the end;

14 (3) in subparagraph (E) by striking the period
15 at the end and inserting “; and”; and

16 (4) by adding at the end the following:

17 “(F) to ensure adequate passage of aquatic
18 and terrestrial species, where appropriate.”;

19 **SEC. 5108. RESEARCH ACTIVITIES.**

20 Section 330(g) of title 49, United States Code, is
21 amended by striking “each of fiscal years 2016 through
22 2020” and inserting “each of fiscal years 2023 through
23 2026”.

1 **SEC. 5109. TRANSPORTATION EQUITY RESEARCH PRO-**
2 **GRAM.**

3 (a) IN GENERAL.—The Secretary of Transportation
4 shall carry out a transportation equity research program
5 for research and demonstration activities that focus on the
6 impacts that surface transportation planning, investment,
7 and operations have on low-income populations, minority
8 populations, and other underserved populations that may
9 be dependent on public transportation. Such activities
10 shall include research on surface transportation equity
11 issues, the development of strategies to advance economic
12 and community development in public transportation-de-
13 pendent populations, and the development of training pro-
14 grams that promote the employment of low-income popu-
15 lations, minority populations, and other underserved popu-
16 lations on Federal-aid transportation projects constructed
17 in their communities.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section
20 \$8,000,000 for each of fiscal years 2023 through 2026.

21 (c) AVAILABILITY OF AMOUNTS.—Amounts made
22 available to the Secretary to carry out this section shall
23 remain available for a period of 3 years beginning after
24 the last day of the fiscal year for which the amounts are
25 authorized.

1 (d) APPLICATION OF CHAPTER 35 OF TITLE 44.—
2 Any survey, questionnaire, or interview that the Secretary
3 determines to be necessary to carry out the reporting or
4 research requirements relating to this section, including
5 customer satisfaction assessments, shall not be subject to
6 chapter 35 of title 44, United States Code.

7 **SEC. 5110. SURFACE TRANSPORTATION RESEARCH, DEVELOP-**
8 **MENT, AND TECHNOLOGY.**

9 Section 502(b)(3)(C) of title 23, United States Code,
10 is amended by inserting “entities that represent the needs
11 of metropolitan planning organizations,” after “Offi-
12 cials,”.

13 **SEC. 5111. METROPOLITAN PLANNING RESEARCH PILOT**
14 **PROGRAM.**

15 (a) ESTABLISHMENT.—Not later than 6 months after
16 the date of enactment of this Act, the Secretary of Trans-
17 portation shall seek to enter into an agreement with a non-
18 profit nongovernmental entity that exclusively serves the
19 needs and interests of metropolitan planning organizations
20 to establish a pilot program to provide awards to eligible
21 entities to carry out eligible activities to enhance and im-
22 prove metropolitan planning practices in surface transpor-
23 tation.

24 (b) GOALS.—The goals of the pilot program estab-
25 lished under this section include—

1 (1) enhancing metropolitan planning practices
2 in surface transportation;

3 (2) improving the ability of metropolitan plan-
4 ning organizations to meet performance measures
5 and targets under section 150 of title 23, United
6 States Code;

7 (3) preparing for the impact that emerging
8 technologies, such as connected and automated vehi-
9 cles, will have on the metropolitan planning process;

10 (4) improving environmental considerations in
11 the metropolitan planning process;

12 (5) reducing greenhouse gas emissions and lim-
13 iting the effects of climate change;

14 (6) improving access to jobs and services;

15 (7) supporting underserved communities; and

16 (8) expanding the ability of metropolitan plan-
17 ning organizations to collect public input and
18 strengthen community engagement.

19 (c) FORMS OF ASSISTANCE.—An award provided
20 under this section may be in the form of a grant, contract,
21 or cooperative agreement.

22 (d) COMPETITIVE SELECTION PROCESS.—

23 (1) APPLICATIONS.—To be eligible to receive an
24 award under this section, an eligible entity shall sub-
25 mit to the Secretary an application in such form and

1 containing such information as the Secretary may
2 require.

3 (2) SELECTION CRITERIA.—The Secretary may
4 provide awards under this section to any eligible en-
5 tity based on the demonstrated ability of the entity
6 to fulfill the goals described under subsection (b)
7 and carry out eligible activities.

8 (e) TRANSPARENCY.—The Secretary shall submit to
9 the Committee on Transportation and Infrastructure of
10 the House of Representatives and the Committee on Envi-
11 ronment and Public Works of the Senate a report describ-
12 ing the selection process for providing an award under this
13 section and the results of activities carried out under this
14 section.

15 (f) DEFINITIONS.—In this section:

16 (1) ELIGIBLE ACTIVITY.—The term “eligible
17 activity” means—

18 (A) carrying out research to improve met-
19 ropolitan planning practices;

20 (B) developing new metropolitan planning
21 tools;

22 (C) improving existing metropolitan plan-
23 ning tools and practices; or

1 (D) any other research activities the Sec-
2 retary determines to be appropriate, consistent
3 with the goals under subsection (b).

4 (2) ELIGIBLE ENTITY.—The term “eligible enti-
5 ty” means—

6 (A) a metropolitan planning organization
7 designated under section 134(d) of title 23,
8 United States Code;

9 (B) a metropolitan planning organization
10 working in partnership with a nonprofit organi-
11 zation;

12 (C) a metropolitan planning organization
13 working in partnership with a county; or

14 (D) a group of entities described under
15 subparagraphs (A) through (C).

16 (g) FEDERAL SHARE.—The Federal share of the cost
17 of an activity carried out using an award under this sec-
18 tion shall be 100 percent.

19 (h) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) IN GENERAL.—From the amounts made
21 available to carry out section 503(b) of title 23,
22 United States Code, for each of fiscal years 2023
23 through 2026, the Secretary may expend \$1,000,000
24 to carry out this section.

1 (2) ADMINISTRATIVE EXPENSES.—Of the
2 amounts made available under paragraph (1), the
3 Secretary may use up to 5 percent of such funds for
4 administrative expenses.

5 (i) INFORMATION COLLECTION.—Any survey, ques-
6 tionnaire, or interview that the Secretary determines to
7 be necessary to carry out reporting requirements relating
8 to any program assessment or evaluation activity under
9 this section, including customer satisfaction assessments,
10 shall not be subject to chapter 35 of title 44, United
11 States Code (commonly known as the “Paperwork Reduc-
12 tion Act”).

13 **SEC. 5112. INTEGRATED PROJECT DELIVERY.**

14 (a) IN GENERAL.—The Secretary of Transportation
15 shall seek to enter into an agreement with the National
16 Academy of Sciences to support and carry out a study of
17 the effectiveness of integrated project delivery in delivering
18 large infrastructure projects.

19 (b) CONTENTS.—

20 (1) AREAS OF STUDY.—The study shall—

21 (A) identify best practices for surface
22 transportation project delivery with a focus on
23 delivery of large or complex projects;

24 (B) determine whether there are any regu-
25 latory requirements that limit the use of inte-

1 grated project delivery and the purpose of such
2 regulations; and

3 (C) analyze the effectiveness of integrated
4 project delivery compared to traditional project
5 delivery methods, including an analysis of out-
6 comes related to safety, cost effectiveness, envi-
7 ronmental impacts, and on-time project deliv-
8 ery.

9 (2) METHODS.—In carrying out the study, the
10 National Academy of Sciences shall consult with en-
11 tities with experience managing, administering, or
12 implementing integrated project delivery projects.

13 (c) REPORT.—Not later than 1 year after the comple-
14 tion of the study under subsection (a), the Secretary shall
15 publish a report on the results of the study under this
16 section.

17 **SEC. 5113. ACCELERATED IMPLEMENTATION AND DEPLOY-**
18 **MENT OF ADVANCED DIGITAL CONSTRUC-**
19 **TION MANAGEMENT SYSTEMS.**

20 Section 503(e) of title 23, United States Code, is
21 amended by adding at the end the following:

22 “(5) ACCELERATED IMPLEMENTATION AND DE-
23 PLOYMENT OF ADVANCED DIGITAL CONSTRUCTION
24 MANAGEMENT SYSTEMS.—

1 “(A) IN GENERAL.—The Secretary shall,
2 to the extent practicable, under the technology
3 and innovation deployment program goals es-
4 tablished under paragraph (1), promote, sup-
5 port, and document the application of advanced
6 digital construction management systems, prac-
7 tices, performance, and benefits.

8 “(B) GOALS.—The goals of promoting the
9 accelerated implementation and deployment of
10 advanced digital construction management sys-
11 tems established under subparagraph (A) shall
12 include—

13 “(i) accelerated State and local gov-
14 ernment adoption of advanced digital con-
15 struction management systems applied
16 throughout the project delivery process (in-
17 cluding through the design and engineer-
18 ing, construction, and operations phases)
19 that—

20 “(I) maximize interoperability
21 with other systems, products, tools, or
22 applications;

23 “(II) boost productivity;

24 “(III) manage complexity and
25 risk;

1 “(IV) reduce project delays and
2 cost overruns;

3 “(V) enhance safety and quality;
4 and

5 “(VI) support sustainable design
6 and construction;

7 “(ii) more timely and productive infor-
8 mation-sharing among stakeholders
9 through digital collaboration platforms
10 that connect workflows, teams, and data
11 and reduced reliance on paper to manage
12 construction processes and deliverables;

13 “(iii) deployment of digital manage-
14 ment systems that enable and leverage the
15 use of digital technologies on construction
16 sites by contractors;

17 “(iv) the development and deployment
18 of best practices for use in digital con-
19 struction management;

20 “(v) increased technology adoption
21 and deployment by States and units of
22 local government that enables project spon-
23 sors—

1 “(I) to integrate the adoption of
2 digital management systems and tech-
3 nologies in contracts; and

4 “(II) to weigh the cost of
5 digitization and technology in setting
6 project budgets;

7 “(vi) technology training and work-
8 force development to build the capabilities
9 of project managers and sponsors that en-
10 ables States and units of local govern-
11 ment—

12 “(I) to better manage projects
13 using advance digital construction
14 management technologies; and

15 “(II) to properly measure and re-
16 ward technology adoption across
17 projects of the State or unit of local
18 government;

19 “(vii) development of guidance to as-
20 sist States in updating regulations of the
21 State to allow project sponsors and con-
22 tractors—

23 “(I) to report data relating to the
24 project in digital formats; and

1 “(II) to fully capture the effi-
2 ciencies and benefits of advanced dig-
3 ital construction management systems
4 and related technologies;

5 “(viii) reduction in the environmental
6 footprint of construction projects using ad-
7 vanced digital construction management
8 systems resulting from elimination of con-
9 gestion through more efficient projects;

10 “(ix) development of more sustainable
11 infrastructure that is designed to be more
12 resilient to climate impacts, constructed
13 with less material waste and made with
14 more low-emissions construction materials;
15 and

16 “(x) enhanced worker and pedestrian
17 safety resulting from increased trans-
18 parency.”.

19 **SEC. 5114. INNOVATIVE MATERIAL INNOVATION HUBS.**

20 (a) ESTABLISHMENT.—

21 (1) IN GENERAL.—The Secretary of Transpor-
22 tation shall carry out a program to enhance the de-
23 velopment of innovative materials in the United
24 States by making awards to consortia for estab-
25 lishing and operating Hubs (to be known as “Inno-

1 vative Material Innovation Hubs”) to conduct and
2 support multidisciplinary, collaborative research, de-
3 velopment, demonstration, standardized design de-
4 velopment, and commercial application of innovative
5 materials.

6 (2) COORDINATION.—The Secretary shall en-
7 sure the coordination of, and avoid duplication of,
8 the activities of each Hub with the activities of—

9 (A) other research entities of the Depart-
10 ment of Transportation, including the Federal
11 Highway Administration; and

12 (B) research entities of other Federal
13 agencies, as appropriate.

14 (b) COMPETITIVE SELECTION PROCESS.—

15 (1) ELIGIBILITY.—To be eligible to receive an
16 award for the establishment and operation of a Hub
17 under subsection (a)(1), a consortium shall—

18 (A) be composed of not fewer than two
19 qualifying entities;

20 (B) operate subject to a binding agree-
21 ment, entered into by each member of the con-
22 sortium, that documents—

23 (i) the proposed partnership agree-
24 ment, including the governance and man-
25 agement structure of the Hub;

1 (ii) measures the consortium will un-
2 dertake to enable cost-effective implemen-
3 tation of activities under the program de-
4 scribed in subsection (a)(1); and

5 (iii) a proposed budget, including fi-
6 nancial contributions from non-Federal
7 sources; and

8 (C) operate as a nonprofit organization.

9 (2) APPLICATION.—

10 (A) IN GENERAL.—A consortium seeking
11 to establish and operate a Hub under sub-
12 section (a)(1) shall submit to the Secretary an
13 application at such time, in such manner, and
14 containing such information as the Secretary
15 may require, including a detailed description
16 of—

17 (i) each element of the consortium
18 agreement required under paragraph
19 (1)(B); and

20 (ii) any existing facilities the consor-
21 tium intends to use for Hub activities.

22 (B) REQUIREMENT.—If the consortium
23 members will not be located at 1 centralized lo-
24 cation, the application under subparagraph (A)
25 shall include a communications plan that en-

1 sures close coordination and integration of Hub
2 activities.

3 (3) SELECTION.—

4 (A) IN GENERAL.—The Secretary shall se-
5 lect consortia for awards for the establishment
6 and operation of Hubs through a competitive
7 selection process.

8 (B) CONSIDERATIONS.—In selecting con-
9 sortia under subparagraph (A), the Secretary
10 shall consider—

11 (i) any existing facilities a consortium
12 has identified to be used for Hub activities;

13 (ii) maintaining geographic diversity
14 in locations of selected Hubs;

15 (iii) the demonstrated ability of the
16 recipient to conduct and support multi-
17 disciplinary, collaborative research, devel-
18 opment, demonstration, standardized de-
19 sign development, and commercial applica-
20 tion of innovative materials;

21 (iv) the demonstrated research, tech-
22 nology transfer, and education resources
23 available to the recipient to carry out this
24 section;

1 (v) the ability of the recipient to pro-
2 vide leadership in solving immediate and
3 long-range national and regional transpor-
4 tation problems related to innovative mate-
5 rials;

6 (vi) the demonstrated ability of the re-
7 cipient to disseminate results and spur the
8 implementation of transportation research
9 and education programs through national
10 or statewide continuing education pro-
11 grams;

12 (vii) the demonstrated commitment of
13 the recipient to the use of peer review prin-
14 ciples and other research best practices in
15 the selection, management, and dissemina-
16 tion of research projects;

17 (viii) the performance metrics to be
18 used in assessing the performance of the
19 recipient in meeting the stated research,
20 technology transfer, education, and out-
21 reach goals; and

22 (ix) the ability of the recipient to im-
23 plement the proposed program in a cost-ef-
24 ficient manner, including through cost

1 sharing and overall reduced overhead, fa-
2 cilities, and administrative costs.

3 (4) TRANSPARENCY.—

4 (A) IN GENERAL.—The Secretary shall
5 provide to each applicant, upon request, any
6 materials used in the evaluation process of the
7 proposal of the applicant, including copies of re-
8 views (with any information that would identify
9 a reviewer redacted), used in the evaluation
10 process of the proposal of the applicant.

11 (B) REPORTS.—The Secretary shall sub-
12 mit to the Committee on Transportation and
13 Infrastructure of the House of Representatives
14 and the Committee on Environment and Public
15 Works of the Senate a report describing the
16 overall review process under paragraph (2),
17 given the considerations under paragraph (3),
18 that includes—

19 (i) specific criteria of evaluation used
20 in the review;

21 (ii) descriptions of the review process;

22 and

23 (iii) explanations of the selected
24 awards.

25 (c) FUNDS.—

1 (1) AUTHORIZATION.—There is authorized to
2 be appropriated to carry out this section such sums
3 as may be necessary and such sums shall remain
4 available for a period of 3 years after the last day
5 of the fiscal year in which such sums were made
6 available.

7 (2) MATCHING REQUIREMENT.—As a condition
8 of receiving an award under this section, an award
9 recipient shall match 50 percent of the amounts
10 made available under the award.

11 (d) HUB OPERATIONS.—

12 (1) IN GENERAL.—Each Hub shall conduct, or
13 provide for, multidisciplinary, collaborative research,
14 development, demonstration, and commercial appli-
15 cation of innovative materials.

16 (2) ACTIVITIES.—Each Hub shall—

17 (A) encourage collaboration and commu-
18 nication among the member qualifying entities
19 of the consortium, as described in subsection
20 (b)(1), and awardees;

21 (B) develop and publish proposed plans
22 and programs on a publicly accessible website;

23 (C) submit to the Department of Trans-
24 portation an annual report summarizing the ac-
25 tivities of the Hub, including information—

1 (i) detailing organizational expendi-
2 tures; and

3 (ii) describing each project under-
4 taken by the Hub, as it relates to con-
5 ducting and supporting multidisciplinary,
6 collaborative research, development, dem-
7 onstration, standardized design develop-
8 ment, and commercial application of inno-
9 vative materials; and

10 (D) monitor project implementation and
11 coordination.

12 (3) CONFLICTS OF INTEREST.—Each Hub shall
13 maintain conflict of interest procedures, consistent
14 with the conflict of interest procedures of the De-
15 partment of Transportation.

16 (4) PROHIBITION ON CONSTRUCTION AND REN-
17 OVATION.—

18 (A) IN GENERAL.—No funds provided
19 under this section may be used for construction
20 or renovation of new buildings, test beds, or ad-
21 ditional facilities for Hubs.

22 (B) NON-FEDERAL SHARE.—Construction
23 of new buildings or facilities shall not be consid-
24 ered as part of the non-Federal share of a Hub
25 cost-sharing agreement.

1 (e) APPLICABILITY.—The Secretary shall administer
2 this section in accordance with section 330 of title 49,
3 United States Code.

4 (f) DEFINITIONS.—In this section:

5 (1) HUB.—The term “Hub” means an Innova-
6 tive Material Innovation Hub established under this
7 section.

8 (2) QUALIFYING ENTITY.—The term “quali-
9 fying entity” means—

10 (A) an institution of higher education (as
11 such term is defined in section 101(a) of the
12 Higher Education Act of 1965 (20 U.S.C.
13 1001(a));

14 (B) an appropriate Federal or State entity,
15 including a federally funded research and devel-
16 opment center of the Department of Transpor-
17 tation;

18 (C) a university transportation center
19 under section 5505 of title 49, United States
20 Code; and

21 (D) a research and development entity in
22 existence on the date of enactment of this Act
23 focused on innovative materials that the Sec-
24 retary determines to be similar in scope and in-
25 tent to a Hub under this section.

1 (3) INNOVATIVE MATERIAL.—The term “inno-
2 vative material” means materials or combinations
3 and processes for use of materials with respect to a
4 surface transportation infrastructure project that en-
5 hance the overall service life, sustainability, and re-
6 siliency of the project or provide ancillary benefits
7 relative to widely adopted state of practice tech-
8 nologies, as determined by the Secretary.

9 **SEC. 5115. STRATEGIC TRANSPORTATION RESEARCH AGEN-**
10 **DA.**

11 (a) IN GENERAL.—Subchapter I of chapter 55 of title
12 49, United States Code, as amended, is further amended
13 by adding at the end the following:

14 **“§ 5507. Strategic transportation research agenda**

15 “(a) IN GENERAL.—Not later than 1 year after the
16 date of enactment of this section, the Secretary shall enter
17 into an agreement with the National Academies to under-
18 take a study of the research needs of the surface transpor-
19 tation system to fully adapt and integrate advanced tech-
20 nologies and innovation. The focus areas of the study shall
21 include—

22 “(1) connected technologies, autonomous tech-
23 nologies, or both;

24 “(2) incorporating safety-related technologies;

25 “(3) addressing infrastructure resiliency;

1 “(4) the impact of advanced transportation
2 technologies on safety and mobility;

3 “(5) multimodal connectivity;

4 “(6) data gathering methods to understand
5 travel behavior, including the public’s short and
6 long-term responses to transformational tech-
7 nologies;

8 “(7) impacts of private-sector transportation
9 product development on society and the traditional
10 research programs;

11 “(8) support for a public-sector culture of
12 transportation innovation and acceleration of feder-
13 ally funded research into practice, codes, and stand-
14 ards; and

15 “(9) fostering development of transportation
16 educators and transportation professionals.

17 “(b) REPORT.—The agreement entered into under
18 this section shall require the National Academies to sub-
19 mit to Congress a report containing the results of the
20 study not later than 2 years after the date of enactment
21 of this section.

22 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated to carry out this section
24 \$1,500,000 for fiscal year 2023.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 chapter 55 of title 49, United States Code, is further
3 amended by adding at the end the following:

“5507. Strategic transportation research agenda.”.

4 **SEC. 5116. ADVANCED TRANSPORTATION RESEARCH AND**
5 **INNOVATION PROGRAM.**

6 (a) IN GENERAL.—Subchapter I of chapter 55 of title
7 49, United States Code, is further amended by adding at
8 the end the following:

9 **“§ 5508. Advanced transportation research and inno-**
10 **vation program**

11 “(a) ESTABLISHMENT.—The Secretary of Transpor-
12 tation shall establish an advanced transportation research
13 and innovation program, to be administered by the Assist-
14 ant Secretary of Research and Technology, to—

15 “(1) support research that addresses the long-
16 term barriers to development of advanced transpor-
17 tation technologies with the potential to meet the
18 Nation’s long-term safety, competitiveness, and
19 transportation goals;

20 “(2) support high-risk research and develop-
21 ment to accelerate transformational transportation
22 innovations and emerging technology development;

23 “(3) advance research and development that
24 improves the resilience of regions of the United
25 States to natural disasters, extreme weather, and

1 the effects of climate change on modal and
2 multimodal transportation and infrastructure;

3 “(4) leverage Federal interagency research
4 mechanisms and the academic research enterprise;

5 “(5) educate and train students in science,
6 technology, engineering, and mathematics fields to
7 conduct research and standards development rel-
8 evant to transportation technologies, materials, sys-
9 tems, operations, processes, and policies; and

10 “(6) foster collaboration among federal re-
11 searchers and academic researchers.

12 “(b) COLLABORATION.—

13 “(1) INTERAGENCY COLLABORATION.—In car-
14 rying out this section, the Secretary shall collaborate
15 on, identify, and disseminate within the Department,
16 as appropriate, advanced transportation research,
17 development, and other activities of other Federal
18 agencies, including the Office of Science and Tech-
19 nology Policy, the National Science Foundation, the
20 Department of Energy, the National Institute of
21 Standards and Technology, the Department of
22 Homeland Security, the National Aeronautics and
23 Space Administration, the National Oceanic and At-
24 mospheric Administration, and the Department of
25 Defense to ensure the Department’s research invest-

1 ments are making the best possible contribution to
2 the Nation’s long-term safety, competitiveness, and
3 transportation goals.

4 “(2) NON-GOVERNMENTAL COLLABORATION.—
5 In carrying out this section, the Secretary shall col-
6 laborate with labor organizations, as appropriate.

7 “(c) RESEARCH GRANTS.—In carrying out this sec-
8 tion, the Secretary may carry out the activities described
9 under subsection (a) through—

10 “(1) competitive, merit-based basic research
11 grants to individual investigators and teams of in-
12 vestigators; and

13 “(2) centers of excellence selected through a
14 competitive, merit-based process.

15 “(d) APPLICATION.—

16 “(1) IN GENERAL.—An investigator, team of in-
17 vestigators, or an institution of higher education (or
18 consortium thereof) seeking funding under this sec-
19 tion shall submit an application to the Secretary at
20 such time, in such manner, and containing such in-
21 formation as the Secretary may require.

22 “(2) RESEARCH CENTERS.—Each application
23 under paragraph (1) from an institution of higher
24 education (or consortium thereof) shall include a de-
25 scription of how the Center will promote multidisci-

1 plinary transportation research and development col-
2 laboration.

3 “(e) RESEARCH.—At a minimum, the Secretary shall
4 award 75 percent of awards under this program to
5 projects for basic research.

6 “(f) REVIEW.—Not later than September 30, 2025,
7 the Secretary shall enter into an agreement with the Na-
8 tional Academies to conduct a review of the research and
9 activities carried out under this program and assess
10 whether such activities are consistent with subsection (a).
11 Members of the review panel shall represent, at a min-
12 imum, multimodal surface transportation researchers and
13 practitioners.

14 “(g) REPORT.—Not later than 1 year after the date
15 of enactment of the INVEST in America Act, and bienni-
16 ally thereafter, the Secretary shall provide to the Com-
17 mittee on Commerce, Science, and Transportation and
18 Environment and Public Works of the Senate and the
19 Committee on Transportation and Infrastructure and the
20 Committee on Science, Space, and Technology of the
21 House of Representatives a report on implementation of
22 the program under this section and research areas that
23 the program will support.

1 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 \$25,000,000 for each of fiscal years 2023 through 2026.”.

4 (b) CONFORMING AMENDMENT.—The analysis for
5 chapter 55 of title 49, United States Code, is further
6 amended by adding at the end the following:

“5508. Advanced transportation research and innovation program.”.

7 **SEC. 5117. INTERAGENCY INNOVATIVE MATERIALS STAND-**
8 **ARDS TASK FORCE.**

9 (a) PURPOSES.—The purposes of this section shall
10 be—

11 (1) to encourage the research, design, and use
12 of innovative materials, in concert with traditional
13 materials, and associated techniques in the construc-
14 tion and preservation of the domestic infrastructure
15 network;

16 (2) to accelerate the deployment and extend the
17 service life, improve the performance, and reduce the
18 cost of infrastructure projects; and

19 (3) to improve the economy, resilience, main-
20 tainability, sustainability, and safety of the domestic
21 infrastructure network.

22 (b) ESTABLISHMENT.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of enactment of this Act, the Director
25 of the National Institute of Standards and Tech-

1 nology shall establish an Interagency innovative ma-
2 terials standards task force (referred to in this sec-
3 tion as the “Task Force”) composed of the heads of
4 Federal agencies responsible for significant civil in-
5 frastructure projects, including the Administrator of
6 the Federal Highway Administration.

7 (2) CHAIRPERSON.—The Director of the Na-
8 tional Institute of Standards and Technology shall
9 serve as Chairperson of the Task Force.

10 (c) DUTIES.—The Task Force shall coordinate and
11 improve, with respect to infrastructure construction, retro-
12 fitting, rehabilitation, and other improvements—

13 (1) Federal testing standards;

14 (2) Federal design and use guidelines;

15 (3) Federal regulations; and

16 (4) other applicable standards and performance
17 and sustainability metrics.

18 (d) REPORT.—

19 (1) IN GENERAL.—Not later than 18 months
20 after the date of enactment of this Act, the Task
21 Force shall conduct, and submit to the appropriate
22 committees of Congress a report that describes the
23 results of, a study—

1 (A) to assess the standards and perform-
2 ance metrics for the use of innovative materials
3 in infrastructure projects;

4 (B) to identify any barriers, regulatory or
5 otherwise, relating to the standards described in
6 subparagraph (A) that preclude the use of cer-
7 tain products or associated techniques; and

8 (C) to identify opportunities for the devel-
9 opment of standardized designs and materials
10 genome approaches that design and use innova-
11 tive materials to reduce costs, improve perform-
12 ance and sustainability, and extend the service
13 life of infrastructure assets.

14 (2) REPORT.—The report under paragraph (1)
15 shall—

16 (A) identify any non-Federal entities or
17 other organizations, including the American As-
18 sociation of State Highway and Transportation
19 Officials, that develop relevant standards; and

20 (B) outline a strategy to improve coordina-
21 tion and information sharing between the enti-
22 ties described in subparagraph (A) and any rel-
23 evant Federal agencies.

24 (e) IMPROVED COORDINATION.—Not later than 2
25 years after the date of enactment of this Act, the Task

1 Force shall collaborate with any non-Federal entity identi-
2 fied under subsection (d)(2)(A)—

3 (1) to identify and carry out appropriate re-
4 search, testing methods, and processes relating to
5 the development and use of innovative materials;

6 (2) to develop new methods and processes relat-
7 ing to the development and use of innovative mate-
8 rials, as the applicable agency head determines to be
9 necessary;

10 (3) to contribute to the development of stand-
11 ards, performance metrics, and guidelines for the
12 use of innovative materials and approaches in civil
13 infrastructure projects;

14 (4) to develop a plan for addressing potential
15 barriers, regulatory or otherwise, identified in sub-
16 section (d)(1)(B); and

17 (5) to develop a plan for the development of
18 standardized designs that use innovative materials to
19 reduce costs, improve performance and sustain-
20 ability, and extend the service life of infrastructure
21 assets.

22 (f) INNOVATIVE MATERIAL DEFINED.—In this sec-
23 tion, the term “innovative material”, with respect to an
24 infrastructure project, includes those materials or com-
25 binations and processes for use of materials that enhance

1 the overall service life, sustainability, and resiliency of the
2 project or provide ancillary benefits relative to widely
3 adopted state of practice technologies, as determined by
4 the appropriate Secretary or agency head.

5 **SEC. 5118. VEHICULAR DATA ANALYTICS PILOT PROGRAM.**

6 (a) IN GENERAL.—The Secretary of Transportation
7 shall establish a pilot program for the purpose of inte-
8 grating vehicle on-board sensor data with public and pri-
9 vate data sets in existence as of the date of the enactment
10 of this Act to improve safety, operations, cost reduction,
11 and congestion relief strategies for local and State trans-
12 portation authorities and private sector partners.

13 (b) AWARD.—In carrying out the pilot program
14 under subsection (a), the Secretary shall make 1 or more
15 awards to an institution of higher education or a nonprofit
16 research organization (or a consortium thereof).

17 (c) PARTNERSHIP.—The Secretary shall require a re-
18 cipient of an award under subsection (b) to seek to partner
19 with private sector organizations and local and State
20 transportation authorities to facilitate—

21 (1) access to vehicle on-board sensor data; and

22 (2) the sharing of information regarding oper-
23 ational needs and research and development prior-
24 ities from such organizations or authorities to such
25 recipient.

1 (d) ACTIVITIES.—The activities of the pilot program
2 shall include—

3 (1) development of strategies for the acquisi-
4 tion, management, and analysis of large scale vehic-
5 ular on-board sensor data to ensure the privacy and
6 security of such data;

7 (2) research and development to analyze and in-
8 tegrate vehicle on-board sensor data with public and
9 private data sets in existence as of the date of enact-
10 ment of this Act, including development of applica-
11 tions to address safety, operations, cost reduction,
12 congestion mitigation, and other transportation chal-
13 lenges; and

14 (3) research and development to identify solu-
15 tions that use on board sensor data for vehicle safety
16 purposes, such as—

17 (A) identifying when a vehicle has either
18 entered or passed an exit ramp traveling in a
19 direction opposing the legal flow of traffic;

20 (B) employing vehicle-to-infrastructure
21 (VI2) communications in combination with on-
22 board sensor data to enhance roadway safety;
23 and

1 (C) developing applications to notify at-
2 risk drivers and law enforcement agencies of a
3 wrong way driver in the area.

4 (e) REPORT TO CONGRESS.—Not later than 3 years
5 after the date of enactment of this Act, the Secretary shall
6 submit to the Committee on Science, Space, and Tech-
7 nology and the Committee on Transportation and Infra-
8 structure of the House of Representatives and the Com-
9 mittee on Commerce and Transportation of the Senate a
10 report detailing—

11 (1) a summary of the activities of the pilot pro-
12 gram under subsection (a); and

13 (2) recommendations for continuing such pilot
14 program or integrating such pilot program into the
15 activities of the Department of Transportation.

16 (f) PROTECTIONS.—In carrying out this section, the
17 Secretary shall apply all applicable privacy protections of
18 the Department of Transportation.

19 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out the activities
21 of this section \$4,000,000 for each of fiscal years 2023
22 and 2024.

1 **SEC. 5119. RESILIENT TRANSPORTATION INFRASTRUCTURE**
2 **CENTERS OF EXCELLENCE.**

3 (a) **CENTERS OF EXCELLENCE.**—The Secretary of
4 Transportation shall award grants to establish 5 Centers
5 of Excellence to advance research and development that
6 improves the resilience of regions of the United States to
7 natural disasters, extreme weather, and the effects of cli-
8 mate change on surface transportation infrastructure.

9 (b) **ACTIVITIES.**—In carrying out this section, the
10 Secretary shall ensure the Centers promote resilient sur-
11 face transportation infrastructure through—

12 (1) supporting the research and development of
13 design, operations, and maintenance standards rel-
14 evant to surface transportation that consider exist-
15 ing and anticipated impacts of natural disasters, ex-
16 treme weather, and climate change;

17 (2) research, development, and technology
18 transfer of resilient materials and technologies into
19 existing and future surface transportation infra-
20 structure; and

21 (3) development and dissemination of tools,
22 techniques, and information that informs federal,
23 state, and local government decision-making, poli-
24 cies, planning, and investments.

25 (c) **CENTER COORDINATION.**—

26 (1) **IN GENERAL.**—The Secretary shall—

1 (A) coordinate activities of all five Centers
2 to prevent duplication; and

3 (B) promote dissemination of research
4 among awardees.

5 (2) PROGRAM EVALUATION AND OVERSIGHT.—

6 The Secretary may expend not more than 1 and a
7 half percent of the amounts made available to the
8 Secretary to carry out this section for any coordina-
9 tion, evaluation, and oversight activities, of the Sec-
10 retary under this Section.

11 (d) ELIGIBILITY.—An institution of higher education,
12 as defined by section 102 of the Higher Education Act
13 of 1965 (20 U.S.C. 1002), or a consortium of institutions
14 of higher education shall be eligible to receive grants under
15 this program.

16 (e) COMPETITIVE SELECTION PROCESS.—

17 (1) APPLICATIONS.—To receive a grant under
18 this section, an eligible entity shall submit to the
19 Secretary an application that is in such form and
20 contains such information as the Secretary may re-
21 quire.

22 (2) RESTRICTION.—A recipient may only re-
23 ceive 1 grant per fiscal year under this section.

24 (3) SELECTION CRITERIA.—In awarding a
25 grant under this section, the Secretary shall—

1 (A) give preference to the applicant's past
2 performance in the activities under subsection
3 (b);

4 (B) consider the extent to which an appli-
5 cant's proposal would involve participation by
6 local, regional, and national stakeholders; and

7 (C) consider the local, regional, and na-
8 tional impacts of the applicant's proposal.

9 (4) LOCATION.—In awarding a grant under this
10 section, the Secretary shall select centers located in
11 diverse geographic regions that represent a variety
12 of experiences with natural disasters, extreme weath-
13 er patterns, and climate change impacts.

14 (f) FEDERAL SHARE.—As a condition of receiving an
15 award under this section, an award recipient shall match
16 50 percent of the amounts made available under the
17 award.

18 (g) AUTHORIZATION OF APPROPRIATIONS.—

19 (1) IN GENERAL.—There are authorized to be
20 appropriated to the Secretary such sums as nec-
21 essary for grants under this section.

22 (2) LIMITATION ON AVAILABILITY OF
23 AMOUNTS.—Amounts made available to the Sec-
24 retary to carry out this section shall remain avail-
25 able for obligation by the Secretary for a period of

1 3 years after the last day of the fiscal year for which
2 the amounts are authorized.

3 (h) REPORTING.—In general, on a biannual basis, the
4 Secretary shall—

5 (1) review and evaluate the programs carried
6 out under this section by grant recipients; and

7 (2) submit to the Committees on Transpor-
8 tation and Infrastructure and Science, Space, and
9 Technology of the House of Representatives and the
10 Committees on Environment and Public Works and
11 Commerce, Science, and Transportation of the Sen-
12 ate a report describing that review and evaluation.

13 (i) INFORMATION COLLECTION.—Any survey, ques-
14 tionnaire, or interview that the Secretary determines to
15 be necessary to carry out reporting requirements relating
16 to any program assessment or evaluation activity under
17 this section, including customer satisfaction assessments,
18 shall not be subject to chapter 35 of title 44, United
19 States Code.

20 **Subtitle B—Technology**
21 **Deployment**

22 **SEC. 5201. TECHNOLOGY AND INNOVATION DEPLOYMENT**
23 **PROGRAM.**

24 Section 503(c) of title 23, United States Code, is
25 amended—

1 (1) in paragraph (1)—

2 (A) in subparagraph (A) by inserting “,
3 while considering the impacts on jobs” after
4 “transportation community”;

5 (B) in subparagraph (D) by striking “;
6 and” and inserting a semicolon;

7 (C) in subparagraph (E) by striking the
8 period and inserting “; and”; and

9 (D) by adding at the end the following:

10 “(F) reducing greenhouse gas emissions
11 and limiting the effects of climate change.”;
12 and

13 (2) in paragraph (2)(A) by striking the period
14 and inserting “and findings from the materials to
15 reduce greenhouse gas emissions program under
16 subsection (d).”.

17 **SEC. 5202. ACCELERATED IMPLEMENTATION AND DEPLOY-**
18 **MENT OF PAVEMENT TECHNOLOGIES.**

19 Section 503(c)(3) of title 23, United States Code, is
20 amended—

21 (1) in subparagraph (B)—

22 (A) in clause (v) by striking “; and” and
23 inserting a semicolon;

24 (B) in clause (vi) by striking the period
25 and inserting “; and”; and

1 (C) by adding at the end the following:

2 “(vii) the deployment of innovative
3 pavement designs, materials, and practices
4 that reduce or sequester the amount of
5 greenhouse gas emissions generated during
6 the production of highway materials and
7 the construction of highways, with consid-
8 eration for findings from the materials to
9 reduce greenhouse gas emissions program
10 under subsection (d).”;

11 (2) in subparagraph (C) by striking “fiscal
12 years 2016 through 2020” and inserting “fiscal
13 years 2023 through 2026”; and

14 (3) in subparagraph (D)(ii)—

15 (A) in subclause (III) by striking “; and”
16 and inserting a semicolon;

17 (B) in subclause (IV) by striking the pe-
18 riod and inserting a semicolon; and

19 (C) by adding at the end the following:

20 “(V) pavement monitoring and
21 data collection practices;

22 “(VI) pavement durability and
23 resilience;

24 “(VII) stormwater management;

1 “(VIII) impacts on vehicle effi-
2 ciency;

3 “(IX) the energy efficiency of the
4 production of paving materials and
5 the ability of paving materials to en-
6 hance the environment and promote
7 sustainability;

8 “(X) integration of renewable en-
9 ergy in pavement designs; and

10 “(XI) greenhouse gas emissions
11 reduction, including findings from the
12 materials to reduce greenhouse gas
13 emissions program under subsection
14 (d).”.

15 **SEC. 5203. FEDERAL HIGHWAY ADMINISTRATION EVERY**
16 **DAY COUNTS INITIATIVE.**

17 (a) IN GENERAL.—Chapter 5 of title 23, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

20 **“§ 520. Every Day Counts initiative**

21 “(a) IN GENERAL.—It is in the national interest for
22 the Department of Transportation, State departments of
23 transportation, and all other recipients of Federal surface
24 transportation funds—

1 “(1) to identify, accelerate, and deploy innova-
2 tion aimed at expediting project delivery;

3 “(2) enhancing the safety of the roadways of
4 the United States, and protecting the environment;

5 “(3) to ensure that the planning, design, engi-
6 neering, construction, and financing of transpor-
7 tation projects is done in an efficient and effective
8 manner;

9 “(4) to promote the rapid deployment of proven
10 solutions that provide greater accountability for pub-
11 lic investments and encourage greater private sector
12 involvement; and

13 “(5) to create a culture of innovation within the
14 highway community.

15 “(b) EVERY DAY COUNTS INITIATIVE.—To advance
16 the policy described in subsection (a), the Administrator
17 of the Federal Highway Administration shall continue the
18 Every Day Counts initiative to work with States, local
19 transportation agencies, all other recipients of Federal
20 surface transportation funds, and industry stakeholders,
21 including labor representatives, to identify and deploy
22 proven innovative practices and products that—

23 “(1) accelerate innovation deployment;

24 “(2) expedite the project delivery process;

25 “(3) improve environmental sustainability;

1 “(4) enhance roadway safety;

2 “(5) reduce congestion; and

3 “(6) reduce greenhouse gas emissions.

4 “(c) CONSIDERATIONS.—In carrying out the Every
5 Day Counts initiative, the Administrator shall consider
6 any innovative practices and products in accordance with
7 subsections (a) and (b), including—

8 “(1) research results from the university trans-
9 portation centers program under section 5505 of
10 title 49; and

11 “(2) results from the materials to reduce green-
12 house gas emissions program in section 503(d).

13 “(d) INNOVATION DEPLOYMENT.—

14 “(1) IN GENERAL.—At least every 2 years, the
15 Administrator shall work collaboratively with stake-
16 holders to identify a new collection of innovations,
17 best practices, and data to be deployed to highway
18 stakeholders through case studies, outreach, and
19 demonstration projects.

20 “(2) REQUIREMENTS.—In identifying a collec-
21 tion described in paragraph (1), the Secretary shall
22 take into account market readiness, impacts, bene-
23 fits, and ease of adoption of the innovation or prac-
24 tice.

1 “(e) PUBLICATION.—Each collection identified under
2 subsection (d) shall be published by the Administrator on
3 a publicly available website.

4 “(f) FUNDING.—The Secretary may use funds made
5 available to carry out section 503(c) to carry out this sec-
6 tion.

7 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion may be construed to allow the Secretary to waive any
9 requirement under any other provision of Federal law.”.

10 (b) CLERICAL AMENDMENT.—The analysis for chap-
11 ter 5 of title 23, United States Code, is amended by add-
12 ing at the end the following new item:

“520. Every Day Counts initiative.”.

13 (c) REPEAL.—Section 1444 of the FAST Act (23
14 U.S.C. 101 note), and the item related to such section in
15 the table of contents in section 1(b) of such Act, are re-
16 pealed.

17 **Subtitle C—Emerging Technologies**

18 **SEC. 5301. MOBILITY THROUGH ADVANCED TECH-** 19 **NOLOGIES.**

20 Section 503(c)(4) of title 23, United States Code, is
21 amended—

22 (1) in subparagraph (A)—

23 (A) by striking “Not later than 6 months
24 after the date of enactment of this paragraph,
25 the” and inserting “The”;

1 (B) by striking “establish an advanced
2 transportation and congestion management
3 technologies deployment” and inserting “estab-
4 lish a mobility through advanced technologies”;

5 (C) by inserting “mobility,” before “effi-
6 ciency,”; and

7 (D) by inserting “environmental impacts,”
8 after “system performance,”;

9 (2) in subparagraph (B)—

10 (A) by striking clause (i) and inserting the
11 following:

12 “(i) reduce costs, improve return on
13 investments, and improve person through-
14 put and mobility, including through the op-
15 timization of existing transportation capac-
16 ity;”;

17 (B) in clause (iv) by inserting “bicyclist,
18 and” before “pedestrian”;

19 (C) in clause (vii)—

20 (i) by inserting “increasing job oppor-
21 tunities,” after “performance,”; and

22 (ii) by striking “; or” and inserting a
23 semicolon;

24 (D) in clause (viii)—

1 (i) by striking “accelerate the deploy-
2 ment” and inserting “prepare for the safe
3 deployment”; and

4 (ii) by striking the period and insert-
5 ing “; or”; and

6 (E) by adding at the end the following:

7 “(ix) reduce greenhouse gas emissions
8 and limit the effects of climate change.”;

9 (3) in subparagraph (C)—

10 (A) in clause (ii)—

11 (i) in subclause (II)(aa) by striking
12 “congestion” and inserting “congestion
13 and delays, greenhouse gas emissions”;

14 (ii) in subclause (III) by inserting
15 “economic,” after “mobility,”; and

16 (iii) in subclause (IV) by inserting
17 “organizations representing the surface
18 transportation workforce,” after “lead-
19 ers,”; and

20 (B) by adding at the end the following:

21 “(iii) CONSIDERATIONS.—An applica-
22 tion submitted under this paragraph may
23 include a description of how the proposed
24 project would support the national goals
25 described in section 150(b), the achieve-

1 ment of metropolitan and statewide targets
2 established under section 150(d), or the
3 improvement of transportation system ac-
4 cess consistent with section 150(f), includ-
5 ing through—

6 “(I) the congestion and on-road
7 mobile-source emissions performance
8 measures established under section
9 150(c)(5); or

10 “(II) the greenhouse gas emis-
11 sions performance measures estab-
12 lished under section 150(c)(7).”;

13 (4) in subparagraph (D) by adding at the end
14 the following:

15 “(iv) PRIORITIZATION.—In awarding
16 a grant under this paragraph, the Sec-
17 retary shall prioritize projects that, in ac-
18 cordance with the criteria described in sub-
19 paragraph (B)—

20 “(I) improve person throughput
21 and mobility, including through the
22 optimization of existing transportation
23 capacity;

24 “(II) deliver environmental bene-
25 fits;

1 “(III) reduce the number and se-
2 verity of traffic crashes and increase
3 driver, passenger, bicyclist, and pedes-
4 trian safety; or

5 “(IV) reduce greenhouse gas
6 emissions and limit the effects of cli-
7 mate change.

8 “(v) GRANT DISTRIBUTION.—In each
9 fiscal year, the Secretary shall award not
10 fewer than 3 grants under this paragraph
11 based on the potential of the project to re-
12 duce the number and severity of traffic
13 crashes and increase, driver, passenger, bi-
14 cyclist, and pedestrian safety.

15 “(vi) WORKFORCE PARTNERSHIPS.—
16 In awarding a grant under this paragraph,
17 the Secretary shall consider, to the extent
18 practicable, any demonstrated partnership
19 of the applicant with representatives of the
20 surface transportation workforce.”;

21 (5) in subparagraph (E)—

22 (A) in clause (iv) by inserting “consistent
23 with section 5312 of title 49” after “systems”;

24 (B) in clause (vi)—

1 (i) by inserting “, vehicle-to-pedes-
2 trian,” after “vehicle-to-vehicle”; and

3 (ii) by inserting “systems to improve
4 vulnerable road user safety,” before “tech-
5 nologies associated with”;

6 (C) in clause (viii) by striking “; or” and
7 inserting a semicolon;

8 (D) in clause (ix) by striking “disabled in-
9 dividuals.” and inserting “disabled individuals,
10 including activities under section 5316 of title
11 49;”; and

12 (E) by adding at the end the following:

13 “(x) measures to safeguard surface
14 transportation system technologies under
15 this subparagraph from cybersecurity
16 threats; or

17 “(xi) retrofitting dedicated short-
18 range communications technology deployed
19 as part of an existing pilot program to cel-
20 lular vehicle-to-everything technology.”;

21 (6) by striking subparagraph (G) and inserting
22 the following:

23 “(G) REPORTING.—

24 “(i) APPLICABILITY OF LAW.—The
25 program under this paragraph shall be

1 subject to the accountability and oversight
2 requirements in section 106(m).

3 “(ii) REPORT.—Not later than 3
4 years after the date that the first grant is
5 awarded under this paragraph, and each
6 year thereafter, the Secretary shall make
7 available to the public on a website a re-
8 port that describes the effectiveness of
9 grant recipients in meeting their projected
10 deployment plans, including data provided
11 under subparagraph (F) on how the pro-
12 gram has provided benefits, such as how
13 the program has—

14 “(I) reduced traffic-related fatali-
15 ties and injuries;

16 “(II) reduced traffic congestion
17 and improved travel time reliability;

18 “(III) reduced transportation-re-
19 lated emissions;

20 “(IV) optimized multimodal sys-
21 tem performance;

22 “(V) improved access to trans-
23 portation alternatives;

24 “(VI) provided the public with
25 access to real-time integrated traffic,

1 transit, and multimodal transpor-
2 tation information to make informed
3 travel decisions;

4 “(VII) provided cost savings to
5 transportation agencies, businesses,
6 and the traveling public;

7 “(VIII) created or maintained
8 transportation jobs and supported
9 transportation workers; or

10 “(IX) provided other benefits to
11 transportation users, workers, and the
12 general public.

13 “(iii) CONSIDERATIONS.—If applica-
14 ble, the Secretary shall ensure that the ac-
15 tivities described in subclauses (I) and (IV)
16 of clause (ii) reflect—

17 “(I) any information described in
18 subparagraph (C)(iii) that is included
19 by an applicant; or

20 “(II) the project prioritization
21 guidelines under subparagraph
22 (D)(iv).”;

23 (7) in subparagraph (I) by striking “FUNDING”
24 and all that follows through “the Secretary may set
25 aside” and inserting the following: “FUNDING.—Of

1 the amounts made available to carry out this para-
2 graph, the Secretary may set aside”;

3 (8) in subparagraph (J) by striking the period
4 at the end and inserting “, except that the Federal
5 share of the cost of a project for which a grant is
6 awarded under this paragraph shall not exceed 80
7 percent.”;

8 (9) in subparagraph (K) by striking “amount
9 described under subparagraph (I)” and inserting
10 “funds made available to carry out this paragraph”;

11 (10) by striking subparagraph (M) and insert-
12 ing the following:

13 “(M) GRANT FLEXIBILITY.—If, by August
14 1 of each fiscal year, the Secretary determines
15 that there are not enough grant applications
16 that meet the requirements described in sub-
17 paragraph (C) to carry out this paragraph for
18 a fiscal year, the Secretary shall transfer to the
19 technology and innovation deployment pro-
20 gram—

21 “(i) any of the funds made available
22 to carry out this paragraph in a fiscal year
23 that the Secretary has not yet awarded
24 under this paragraph; and

1 “(ii) an amount of obligation limita-
2 tion equal to the amount of funds that the
3 Secretary transfers under clause (i).”; and
4 (11) in subparagraph (N)—
5 (A) in clause (i) by inserting “an urban-
6 ized area with” before “a population of”; and
7 (B) in clause (iii) by striking “a any” and
8 inserting “any”.

9 **SEC. 5302. INTELLIGENT TRANSPORTATION SYSTEMS PRO-**
10 **GRAM.**

11 (a) **USE OF FUNDS FOR ITS ACTIVITIES.**—Section
12 513(e)(1) of title 23, United States Code, is amended by
13 inserting “greenhouse gas emissions reduction,” before
14 “and congestion management”.

15 (b) **GOALS AND PURPOSES.**—Section 514(a) of title
16 23, United States Code, is amended—

17 (1) in paragraph (6) by striking “national
18 freight policy goals” and inserting “national
19 multimodal freight policy goals and activities de-
20 scribed in subtitle IX of title 49”;

21 (2) by redesignating paragraphs (4), (5), and
22 (6) as paragraphs (5), (6), and (7), respectively; and

23 (3) by inserting after paragraph (3) the fol-
24 lowing:

1 “(4) reduction of greenhouse gas emissions and
2 mitigation of the effects of climate change;”.

3 (c) GENERAL AUTHORITIES AND REQUIREMENTS.—
4 Section 515(h) of title 23, United States Code, is amend-
5 ed—

6 (1) in paragraph (2)—

7 (A) by striking “20 members” and insert-
8 ing “25 members”;

9 (B) in subparagraph (A) by striking
10 “State highway department” and inserting
11 “State department of transportation”;

12 (C) in subparagraph (B) by striking “local
13 highway department” and inserting “local de-
14 partment of transportation”;

15 (D) by striking subparagraphs (E), (F),
16 (G), (H), (I), and (J) and inserting the fol-
17 lowing:

18 “(E) a private sector representative of the
19 intelligent transportation systems industry;

20 “(F) a representative from an advocacy
21 group concerned with safety, including bicycle
22 and pedestrian interests;

23 “(G) a representative from academia;

24 “(H) a representative from a labor organi-
25 zation; and”;

1 (E) in subparagraph (K) by striking “;
2 and” and inserting a period;

3 (F) by redesignating subparagraph (K) as
4 subparagraph (I); and

5 (G) by striking subparagraph (L);

6 (2) in paragraph (3)—

7 (A) in subparagraph (A) by striking “sec-
8 tion 508” and inserting “section 6503 of title
9 49”;

10 (B) in subparagraph (B)—

11 (i) in clause (ii)—

12 (I) by inserting “in both urban
13 and rural areas” after “by users”;
14 and

15 (II) by striking “; and” and in-
16 serting a semicolon;

17 (ii) in clause (iii) by striking the pe-
18 riod and inserting “; and”; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(iv) assess how Federal transpor-
22 tation resources, including programs under
23 this title, are being used to advance intel-
24 ligent transportation systems.”; and

25 (C) by adding at the end the following:

1 “(C) Convene not less frequently than
2 twice each year, either in person or remotely.”;

3 (3) in paragraph (4) by striking “May 1” and
4 inserting “April 1”; and

5 (4) in paragraph (5) by inserting “, except that
6 section 14 of such Act shall not apply” before the
7 period at the end.

8 (d) RESEARCH AND DEVELOPMENT.—Section 516(a)
9 of title 23, United States Code, is amended by inserting
10 “including through grants to entities or groups of entities,
11 such as institutions of higher education,” after “research
12 and development,”.

13 (e) RESEARCH AND DEVELOPMENT PRIORITY
14 AREAS.—Section 516(b) of title 23, United States Code,
15 is amended—

16 (1) by redesignating paragraphs (5), (6), and
17 (7) as paragraphs (6), (7), and (8), respectively;

18 (2) by inserting after paragraph (4) the fol-
19 lowing:

20 “(5) demonstrate reductions in greenhouse gas
21 emissions;”;

22 (3) in paragraph (7), as so redesignated, by
23 striking “; or” and inserting a semicolon;

24 (4) in paragraph (8), as so redesignated, by
25 striking the period and inserting a semicolon; and

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

2 “(9) integrate existing observational networks
3 and data management systems for road weather ap-
4 plications; or

5 “(10) facilitate the interconnectivity of data
6 and information technology systems across different
7 observational networks and different users.”.

8 **SEC. 5303. NATIONAL HIGHLY AUTOMATED VEHICLE AND**
9 **MOBILITY INNOVATION CLEARINGHOUSE.**

10 (a) IN GENERAL.—Subchapter I of chapter 55 of title
11 49, United States Code, is further amended by adding at
12 the end the following:

13 **“§ 5509. National highly automated vehicle and mo-**
14 **bility innovation clearinghouse**

15 “(a) IN GENERAL.—The Secretary shall make a
16 grant to an institution of higher education engaged in re-
17 search on the secondary impacts of highly automated vehi-
18 cles and mobility innovation to—

19 “(1) operate a national highly automated vehi-
20 cle and mobility innovation clearinghouse;

21 “(2) collect, conduct, and fund research on the
22 secondary impacts of highly automated vehicles and
23 mobility innovation;

24 “(3) make such research available on a public
25 website; and

1 “(4) conduct outreach and dissemination of the
2 information described in this subsection to assist
3 communities.

4 “(b) DEFINITIONS.—In this section:

5 “(1) HIGHLY AUTOMATED VEHICLE.—The term
6 ‘highly automated vehicle’ means a motor vehicle
7 that is designed to be operated by a level 3 or level
8 4 automated driving system for trips within its oper-
9 ational design domain or a level 5 automated driving
10 system for all trips according to the recommended
11 standards published in April 2021, by the Society of
12 Automotive Engineers International
13 (J3016__202104) or, when adopted, equivalent
14 standards established by the Secretary under chap-
15 ter 301 of title 49, United States Code, with respect
16 to automated motor vehicles.

17 “(2) MOBILITY INNOVATION.—The term ‘mobil-
18 ity innovation’ means an activity described in section
19 5316, including mobility on demand and mobility as
20 a service (as such terms are defined in such section).

21 “(3) INSTITUTION OF HIGHER EDUCATION.—
22 The term ‘institution of higher education’ has the
23 meaning given the term in section 101 of the Higher
24 Education Act of 1965 (20 U.S.C. 1001).

1 “(4) SECONDARY IMPACTS.—The term ‘sec-
2 ondary impacts’ means the impacts on land use,
3 urban design, transportation systems, real estate,
4 accessibility, municipal budgets, social equity, avail-
5 ability and quality of jobs, air quality and climate,
6 energy consumption, and the environment.”.

7 (b) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 55 of title 49, United States Code, is further amended
9 by adding at the end the following:

 “5509. National highly automated vehicle and mobility innovation clearing-
 house.”.

10 (c) DEADLINE FOR CLEARINGHOUSE.—The Sec-
11 retary of Transportation shall ensure that the institution
12 of higher education that receives the grant described in
13 section 5509(a)(1) of title 49, United States Code, as
14 added by subsection (a), shall establish the national highly
15 automated vehicle clearinghouse described in such section
16 not later than 180 days after the date of enactment of
17 this Act.

18 **SEC. 5304. STUDY ON SAFE INTERACTIONS BETWEEN AUTO-**
19 **MATED VEHICLES AND ROAD USERS.**

20 (a) PURPOSE.—The purpose of this section shall be
21 to ensure that the increasing deployment of automated ve-
22 hicles does not jeopardize the safety of road users.

23 (b) STUDY.—

1 (1) ESTABLISHMENT.—Not later than 9
2 months after the date of enactment of this Act, the
3 Secretary of Transportation shall initiate a study on
4 the ability of automated vehicles to safely interact
5 with other road users.

6 (2) CONTENTS.—In carrying out the study
7 under paragraph (1), the Secretary shall—

8 (A) examine the ability of automated vehi-
9 cles to safely interact with general road users,
10 including vulnerable road users;

11 (B) identify barriers to improving the safe-
12 ty of interactions between automated vehicles
13 and general road users; and

14 (C) issue recommendations to improve the
15 safety of interactions between automated vehi-
16 cles and general road users, including, at a
17 minimum—

18 (i) technology advancements with the
19 potential to facilitate safer interactions be-
20 tween automated vehicles and general road
21 users given the safety considerations in
22 paragraph (3);

23 (ii) road user public awareness; and

24 (iii) improvements to transportation
25 planning and road design.

1 (3) CONSIDERATIONS.—In carrying out the
2 study under paragraph (1), the Secretary shall take
3 into consideration whether automated vehicles can
4 safely operate within the surface transportation sys-
5 tem, including—

6 (A) the degree to which ordinary human
7 behaviors make it difficult for an automated ve-
8 hicle to safely, reliably predict human actions;

9 (B) unique challenges for automated vehi-
10 cles in urban and rural areas;

11 (C) the degree to which an automated ve-
12 hicle is capable of uniformly recognizing and re-
13 sponding to individuals with disabilities and in-
14 dividuals of different sizes, ages, races, and
15 other varying characteristics;

16 (D) for bicyclist, motorcycleist, and pedes-
17 trian road users—

18 (i) the varying and non-standardized
19 nature of bicyclist and pedestrian infra-
20 structure in different locations;

21 (ii) the close proximity to motor vehi-
22 cles within which bicyclists often operate,
23 including riding in unprotected bike lanes
24 and crossing lanes to make a left turn, and
25 the risk of such close proximity; and

1 (iii) roadways that lack marked bicy-
2 clist infrastructure, particularly in
3 midsized and rural areas, on which
4 bicyclists often operate;

5 (E) for motorcyclist road users, the close
6 proximity to other motor vehicles within which
7 motorcyclists operate, including operating be-
8 tween lanes of slow or stopped traffic; and

9 (F) depending on the level of automation
10 of the vehicle, the degree to which human inter-
11 vention remains necessary to safely operate an
12 automated vehicle to ensure the safety of gen-
13 eral road users in circumstances including—

14 (i) dangerous weather;

15 (ii) an electronic or system malfunc-
16 tion of the automated vehicle; and

17 (iii) a cybersecurity threat to the op-
18 eration of the vehicle.

19 (4) PUBLIC COMMENT.—Before conducting the
20 study under paragraph (1), the Secretary shall pro-
21 vide an opportunity for public comment on the study
22 proposal.

23 (c) WORKING GROUP.—

24 (1) ESTABLISHMENT.—Not later than 6
25 months after the date of enactment of this Act, the

1 Secretary of Transportation shall establish a work-
2 ing group to assist in the development of the study
3 and recommendations under subsection (b).

4 (2) MEMBERSHIP.—The working group estab-
5 lished under paragraph (1) shall include representa-
6 tion from—

7 (A) the National Highway Traffic Safety
8 Administration;

9 (B) State departments of transportation;

10 (C) local governments (other than metro-
11 politan planning organizations, as such term is
12 defined in section 134(b) of title 23, United
13 States Code);

14 (D) transit agencies;

15 (E) metropolitan planning organizations
16 (as such term is defined in section 134(b) of
17 title 23, United States Code);

18 (F) bicycle and pedestrian safety groups;

19 (G) highway and automobile safety groups;

20 (H) truck safety groups;

21 (I) law enforcement officers and first re-
22 sponders;

23 (J) motor carriers and independent owner-
24 operators;

25 (K) the road construction industry;

1 (L) labor organizations;

2 (M) academic experts on automated vehicle
3 technologies;

4 (N) manufacturers and developers of both
5 passenger and commercial automated vehicles;

6 (O) a motorcycle rights group; and

7 (P) other industries and entities as the
8 Secretary determines appropriate.

9 (3) DUTIES.—The working group established
10 under paragraph (1) shall assist the Secretary by, at
11 a minimum—

12 (A) assisting in the development of the
13 scope of the study under subsection (b);

14 (B) reviewing the data and analysis from
15 such study;

16 (C) provide ongoing recommendations and
17 feedback to ensure that such study reflects the
18 contents described in paragraphs (2) and (3) of
19 subsection (b); and

20 (D) providing input to the Secretary on
21 recommendations required under subsection
22 (b)(2)(C).

23 (4) APPLICABILITY OF THE FEDERAL ADVISORY
24 COMMITTEE ACT.—The working group under this
25 subsection shall be subject to the Federal Advisory

1 Committee Act (5 U.S.C. App.), except that section
2 14 of such Act shall not apply.

3 (d) REPORT.—Not later than 2 years after the date
4 of enactment of this Act, the Secretary of Transportation
5 shall submit to the Committee on Transportation and In-
6 frastructure of the House of Representatives and the Com-
7 mittee on Commerce, Science, and Transportation of the
8 Senate, and make publicly available, the study initiated
9 under subsection (b), including recommendations for en-
10 suring that automated vehicles safely interact with general
11 road users.

12 (e) DEFINITIONS.—In this section:

13 (1) AUTOMATED VEHICLE.—The term “auto-
14 mated vehicle” means a motor vehicle that is de-
15 signed to be operated by a level 3 or level 4 auto-
16 mated driving system for trips within its operational
17 design domain or a level 5 automated driving system
18 for all trips according to the recommended standards
19 published in April 2021, by the Society of Auto-
20 motive Engineers International (J301619 202104)
21 or, when adopted, equivalent standards established
22 by the Secretary under chapter 301 of title 49,
23 United States Code, with respect to automated
24 motor vehicles.

1 (2) GENERAL ROAD USERS.—The term “gen-
2 eral road users” means—

3 (A) motor vehicles driven by individuals;

4 (B) bicyclists and pedestrians;

5 (C) motorecyclists;

6 (D) workers in roadside construction
7 zones;

8 (E) emergency response vehicles, including
9 first responders;

10 (F) vehicles providing local government
11 services, including street sweepers and waste
12 collection vehicles;

13 (G) law enforcement officers;

14 (H) personnel who manually direct traffic,
15 including crossing guards;

16 (I) users of shared micromobility (includ-
17 ing bikesharing and shared scooter systems);
18 and

19 (J) other road users that may interact
20 with automated vehicles, as determined by the
21 Secretary of Transportation.

22 (3) VULNERABLE ROAD USER.—The term “vul-
23 nerable road user” has the meaning given such term
24 in section 148(a) of title 23, United States Code.

1 **SEC. 5305. SURFACE TRANSPORTATION WORKFORCE RE-**
2 **TRAINING GRANT PROGRAM.**

3 (a) **ESTABLISHMENT.**—The Secretary of Transpor-
4 tation shall establish a program to make grants to eligible
5 entities to develop a curriculum for, and establish, trans-
6 portation workforce training programs in urban and rural
7 areas to train, retrain, or upgrade the skills of surface
8 transportation workers—

9 (1) whose employment may be changed or wors-
10 ened by automation;

11 (2) who have been separated from employment;
12 or

13 (3) who have received notice of impending em-
14 ployment loss as a result of being replaced by the
15 use of automated vehicles.

16 (b) **ELIGIBLE ENTITIES.**—The following entities
17 shall be eligible to receive grants under this section:

18 (1) Institutions of higher education.

19 (2) Consortia of institutions of higher edu-
20 cation.

21 (3) Nonprofit organizations with a dem-
22 onstrated capacity to develop and provide career
23 pathway programs through labor-management part-
24 nerships, pre-apprenticeships, or registered appren-
25 ticeships on a nationwide basis.

26 (4) Local governments.

1 (c) LIMITATION ON AWARDS.—An entity may only
2 receive one grant in a fiscal year under this section.

3 (d) USE OF FUNDS.—

4 (1) IN GENERAL.—A recipient of a grant under
5 this section may only use grant amounts for devel-
6 oping and carrying out training programs, includ-
7 ing—

8 (A) identifying and testing new duties for
9 existing jobs impacted by the use of automated
10 vehicles, including mechanical work, diagnostic
11 work, and fleet operations management;

12 (B) educational programs, including—

13 (i) coursework or curricula through
14 which participants may pursue a degree or
15 certification; and

16 (ii) tuition and direct education ex-
17 penses, excluding salaries, in connection
18 with the education and training of surface
19 transportation workers whose jobs have
20 been affected by the use of automated ve-
21 hicles; and

22 (C) employee professional development, in-
23 cluding worker training or retraining, including
24 train-the-trainer programs, to upgrade the skills
25 of surface transportation workers whose jobs

1 have been affected by the use of automated ve-
2 hicles.

3 (2) REPORTING.—A recipient of a grant under
4 this section shall report to the Secretary the fol-
5 lowing information:

6 (A) The sectors of the surface transpor-
7 tation system from which workers are being dis-
8 placed.

9 (B) The skills and professions for which
10 workers are being retrained.

11 (C) How many workers have benefitted
12 from a grant awarded under this section.

13 (D) Relevant demographic information of
14 impacted workers.

15 (3) LIMITATION.—Funds made available under
16 this section may not be used to evaluate the effec-
17 tiveness of automated vehicle technologies.

18 (e) SELECTION CRITERIA.—In selecting grant recipi-
19 ents under this section, the Secretary shall consider the
20 extent to which an applicant—

21 (1) demonstrates the capability to develop cur-
22 ricula and provide training, provide retraining, or
23 upgrade the skills of individuals described in sub-
24 section (a);

1 (2) will provide program participants with prac-
2 tical experience and on-the-job training; and

3 (3) demonstrates a commitment to carry out a
4 surface transportation workforce development pro-
5 gram through degree-granting programs or pro-
6 grams that provide other industry-recognized creden-
7 tials.

8 (f) FEDERAL SHARE.—

9 (1) IN GENERAL.—The Federal share of the
10 cost of a grant under this section shall be 100 per-
11 cent.

12 (2) AVAILABILITY OF FUNDS.—For a recipient
13 of a grant under this section carrying out activities
14 under such grant in partnership with a public trans-
15 portation agency that is receiving funds under sec-
16 tion 5307, 5337, or 5339 of title 49, United States
17 Code, up to 0.5 percent of amounts made available
18 under any such section may qualify as the non-Fed-
19 eral share under paragraph (1).

20 (g) REPORT REQUIREMENTS.—Not later than 60
21 days after grants are awarded in a fiscal year under this
22 section, the Secretary shall submit to the Committee on
23 Transportation and Infrastructure of the House of Rep-
24 resentatives and the Committees on Commerce, Science,
25 and Transportation, Banking, Housing, and Urban Af-

1 fairs, and Environment and Public Works of the Senate,
2 and make publicly available, a report that includes—

3 (1) a list of all grant recipients for such fiscal
4 year;

5 (2) an explanation of why each recipient was
6 chosen in accordance with the selection criteria
7 under subsection (e);

8 (3) a summary of activities planned to be car-
9 ried out by each recipient and how such activities re-
10 late to the goals established under subsection (a);

11 (4) the grant amount awarded to each recipi-
12 ent; and

13 (5) the information required to be provided to
14 the Secretary under subsection (d)(2).

15 (h) DEFINITIONS.—In this section:

16 (1) AUTOMATED VEHICLE.—The term “auto-
17 mated vehicle” means a motor vehicle that is de-
18 signed to be operated by a level 3 or level 4 auto-
19 mated driving system for trips within its operational
20 design domain or a level 5 automated driving system
21 for all trips according to the recommended standards
22 published in April 2021, by the Society of Auto-
23 motive Engineers International (J301619 202104)
24 or, when adopted, equivalent standards established
25 by the Secretary under chapter 301 of title 49,

1 United States Code, with respect to automated
2 motor vehicles.

3 (2) INSTITUTION OF HIGHER EDUCATION.—The
4 term “institution of higher education” has the
5 meaning given the term in section 101 of the Higher
6 Education Act of 1965 (20 U.S.C. 1001).

7 (3) PUBLIC TRANSPORTATION.—The term
8 “public transportation” has the meaning given such
9 term in section 5302 of title 49, United States Code.

10 (4) PRE-APPRENTICESHIP.—The term “pre-ap-
11 prenticeship” means a training model or program
12 that prepares individuals for acceptance into a reg-
13 istered apprenticeship and has a demonstrated part-
14 nership with one or more registered apprenticeships.

15 (5) REGISTERED APPRENTICESHIP.—The term
16 “registered apprenticeship” means an apprenticeship
17 program registered under the Act of August 16,
18 1937 (29 U.S.C. 50 et seq.; commonly known as the
19 “National Apprenticeship Act”), that satisfies the
20 requirements of parts 29 and 30 of title 29, Code
21 of Federal Regulations (as in effect on January 1,
22 2020).

23 (i) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There is authorized to be
2 appropriated \$50,000,000 for each of fiscal years
3 2023 through 2026 to carry out this section.

4 (2) AVAILABILITY OF AMOUNTS.—Amounts
5 made available to the Secretary to carry out this sec-
6 tion shall remain available for a period of 3 years
7 after the last day of the fiscal year for which the
8 amounts are authorized.

9 **SEC. 5306. THIRD-PARTY DATA INTEGRATION PILOT PRO-**
10 **GRAM.**

11 (a) IN GENERAL.—Not later than 180 days after the
12 date of enactment of this Act, the Secretary of Transpor-
13 tation shall establish and implement a pilot program (in
14 this section referred to as the “program”) to leverage
15 anonymous crowdsourced data from third-party entities to
16 improve transportation management capabilities and effi-
17 ciency on Federal-aid highways.

18 (b) GOALS.—The goals of the program include the
19 utilization of anonymous crowdsourced data from third
20 parties to implement integrated traffic management sys-
21 tems which leverage real-time data to provide dynamic and
22 efficient traffic-flow management for purposes of—

23 (1) adjusting traffic light cycle times to opti-
24 mize traffic management and decrease congestion;

1 (2) expanding or contracting lane capacity to
2 meet traffic demand;

3 (3) enhancing traveler notification of service
4 conditions;

5 (4) prioritizing high-priority vehicles such as
6 emergency response and law enforcement within the
7 transportation system; and

8 (5) any other purposes which the Secretary
9 deems an appropriate use of anonymous user data.

10 (c) PARTNERSHIP.—In carrying out the program, the
11 Secretary is authorized to enter into agreements with pub-
12 lic and private sector entities to accomplish the goals listed
13 in subsection (b).

14 (d) DATA PRIVACY AND SECURITY.—The Secretary
15 shall ensure the protection of privacy for all sources of
16 data utilized in the program, promoting cybersecurity to
17 prevent hacking, spoofing, and disruption of connected
18 and automated transportation systems.

19 (e) PROGRAM LOCATIONS.—In carrying out the pro-
20 gram, the Secretary shall initiate programs in a variety
21 of areas, including urban, suburban, rural, tribal, or any
22 other appropriate settings.

23 (f) BEST PRACTICES.—Not later than 3 years after
24 date of enactment of this Act, the Secretary shall publicly
25 make available best practices to leverage private user data

1 to support improved transportation management capabili-
2 ties and efficiency, including—

3 (1) legal considerations when acquiring private
4 user data for public purposes; and

5 (2) protecting privacy and security of individual
6 user data.

7 (g) REPORT.—The Secretary shall annually submit
8 a report to the Committee on Transportation and Infra-
9 structure of the House of Representatives and the Com-
10 mittee on Environment and Public Works of the Senate
11 a report detailing—

12 (1) a description of the activities carried out
13 under the pilot program;

14 (2) an evaluation of the effectiveness of the
15 pilot program in meeting goals described in sub-
16 section (b);

17 (3) policy recommendations to improve integra-
18 tion of systems between public and private entities;
19 and

20 (4) a description of costs associated with equip-
21 ping and maintaining systems.

22 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated such sums as are necessary
24 to carry out the program.

1 (i) SUNSET.—On a date that is 5 years after the en-
2 actment of this Act, this program shall cease to be effec-
3 tive.

4 **SEC. 5307. THIRD-PARTY DATA PLANNING INTEGRATION**
5 **PILOT PROGRAM.**

6 (a) IN GENERAL.—Not later than 180 days after en-
7 actment of this Act, the Secretary of Transportation shall
8 establish and implement a pilot program (in this section
9 referred to as the “program”) to leverage anonymous
10 crowdsourced data from third-party entities to improve
11 transportation management capabilities and efficiency on
12 Federal-aid highways.

13 (b) GOALS.—The goals of the program include the
14 utilization of anonymous crowdsourced data from third
15 parties to—

16 (1) utilize private-user data to inform infra-
17 structure planning decisions for the purposes of—

18 (A) reducing congestion;

19 (B) decreasing miles traveled;

20 (C) increasing safety;

21 (D) improving freight efficiency;

22 (E) enhancing environmental conditions;

23 and

24 (F) other purposes as the Secretary deems
25 necessary.

1 (c) PARTNERSHIP.—In carrying out the program, the
2 Secretary is authorized to enter into agreements with pub-
3 lic and private sector entities to accomplish the goals listed
4 in subsection (b).

5 (d) DATA PRIVACY AND SECURITY.—The Secretary
6 shall ensure the protection of privacy for all sources of
7 data utilized in the program, promoting cybersecurity to
8 prevent hacking, spoofing, and disruption of connected
9 and automated transportation systems.

10 (e) PROGRAM LOCATIONS.—In carrying out the pro-
11 gram, the Secretary shall initiate programs in a variety
12 of areas, including urban, suburban, rural, tribal, or any
13 other appropriate settings.

14 (f) BEST PRACTICES.—Not later than 3 years after
15 date of enactment of this Act, the Secretary shall publicly
16 make available best practices to leverage private user data
17 to support improved transportation management capabili-
18 ties and efficiency, including—

19 (1) legal considerations when acquiring private
20 user data for public purposes; and

21 (2) protecting privacy and security of individual
22 user data.

23 (g) REPORT.—The Secretary shall annually submit
24 a report to the Committee on Transportation and Infra-
25 structure of the House of Representatives and the Com-

1 mittee on Environment and Public Works of the Senate
2 a report detailing—

3 (1) a description of the activities carried out
4 under the pilot program;

5 (2) an evaluation of the effectiveness of the
6 pilot program in meeting goals described in sub-
7 section (b); and

8 (3) policy recommendations to improve the im-
9 plementation of anonymous crowdsourced data into
10 planning decisions.

11 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated such sums as are necessary
13 to carry out the program.

14 (i) SUNSET.—On a date that is 5 years after the en-
15 actment of this Act, this program shall cease to be effec-
16 tive.

17 **SEC. 5308. AUTOMATED COMMERCIAL VEHICLE REPORT-**
18 **ING.**

19 (a) ESTABLISHMENT.—Not later than 1 year after
20 the date of enactment of this Act, the Secretary of Trans-
21 portation shall establish a repository for submitting enti-
22 ties to submit information to the Secretary on operations
23 of automated commercial motor vehicles in interstate com-
24 merce.

1 (b) PURPOSES.—The purpose of this section shall be
2 to ensure automated commercial motor vehicle safety and
3 transparency in developing and maintaining the repository
4 under this section.

5 (c) INFORMATION REQUIRED.—

6 (1) SUBMISSIONS.—Not later than 1 year after
7 the date of enactment of this Act, the Secretary
8 shall develop a process for submitting entities oper-
9 ating automated commercial motor vehicles in inter-
10 state commerce to provide the following information
11 in accordance with paragraph (2):

12 (A) The name of the submitting entity re-
13 sponsible for the operation of an automated
14 commercial motor vehicle or vehicles.

15 (B) The make, model, and weight class of
16 such vehicle or vehicles.

17 (C) The intended level of automation of
18 such vehicle or vehicles, according to the tax-
19 onomy described in subsection (f)(1).

20 (D) The Department of Transportation
21 number or operating authority assigned to the
22 submitting entity described in subparagraph
23 (A), if applicable.

24 (E) A list of States in which the operation
25 of such vehicle or vehicles will occur and a list

1 of Federal-aid highways (as defined in section
2 101(a) of title 23, United States Code) on
3 which the operation will occur, as well as total
4 miles traveled in the previous year on a bian-
5 nual basis.

6 (F) Any cargo classifications or passengers
7 to be transported in such vehicle or vehicles, in-
8 cluding whether the submitting entity is trans-
9 porting such cargo or passengers under con-
10 tract with another entity.

11 (G) Documentation of training or certifi-
12 cations provided to any drivers, or other indi-
13 viduals directly involved in the performance of
14 the dynamic driving task or fallback during op-
15 eration of the vehicle, if any.

16 (H) Any fatigue management plans or
17 work hour limitations applicable to drivers, if
18 any, consistent with such standards of the De-
19 partment regarding automated commercial
20 motor vehicle drivers.

21 (I) Law enforcement interaction plans for
22 automated commercial motor vehicles submitted
23 to State transportation agencies or State and
24 local law enforcement agencies.

25 (J) Proof of insurance coverage.

1 (2) SUBMISSION AND UPDATES.—

2 (A) IN GENERAL.—A submitting entity re-
3 sponsible for the operation of an automated
4 commercial motor vehicle shall provide the in-
5 formation required under this subsection not
6 later than 60 days after the Secretary has pub-
7 lished the notice establishing the process de-
8 scribed in paragraph (1).

9 (B) MATERIAL CHANGE OF INFORMA-
10 TION.—The submitting entity responsible for
11 the operation of an automated commercial
12 motor vehicle shall notify the Secretary of any
13 material changes to the information previously
14 provided pursuant to this subsection on an an-
15 nual basis, or on a more frequent basis speci-
16 fied by the Secretary.

17 (C) AMENDMENT AND CORRECTION.—If a
18 submitting entity responsible for the operation
19 of an automated commercial motor vehicle sub-
20 mits incomplete or inaccurate information pur-
21 suant to subsection (c), the submitting entity
22 shall be given an opportunity to amend or cor-
23 rect the submission within a reasonable time-
24 frame to be established by the Secretary.

25 (d) PUBLIC AVAILABILITY OF INFORMATION.—

1 (1) IN GENERAL.—The Secretary shall make
2 available on a publicly accessible website of the De-
3 partment of Transportation the following informa-
4 tion on automated commercial motor vehicles:

5 (A) The prevalence of planned operations
6 of such vehicles.

7 (B) The characteristics of such operations.

8 (C) The geographic location of such oper-
9 ations in a safe manner that reflects only the
10 most significant public road or roads on which
11 the majority of the route takes place, as deter-
12 mined appropriate by the Secretary.

13 (2) PROTECTION OF INFORMATION.—Any data
14 collected under subsection (c) and made publicly
15 available pursuant to this subsection shall be made
16 available in a manner that—

17 (A) precludes the connection of the data to
18 any individual motor carrier, shipper, company,
19 vehicle manufacturer, or other submitting entity
20 submitting data;

21 (B) protects the safety, privacy, and con-
22 fidentiality of individuals, operators, and sub-
23 mitting entities submitting the data; and

24 (C) protects from disclosing—

25 (i) trade secrets; and

1 (ii) information obtained from a sub-
2 mitting entity that is commercial or finan-
3 cial and privileged or confidential, in ac-
4 cordance with section 552(b)(4) of title 5,
5 United States Code.

6 (e) CRASH DATA.—

7 (1) IN GENERAL.—Not later than 1 year after
8 the date of enactment of this Act, the Secretary
9 shall require submitting entities to submit informa-
10 tion regarding collisions which occur during the op-
11 eration of an automated commercial motor vehicle
12 on public roads while the vehicle’s automated driving
13 system is engaged, including—

14 (A) fatalities or bodily injury to persons
15 who, as a result of the injury, immediately re-
16 ceive medical treatment away from the scene of
17 a collision involving the automated commercial
18 motor vehicle;

19 (B) collisions or damage to property in-
20 volving an automated commercial motor vehicle
21 that results in an automated commercial motor
22 vehicle or a motor vehicle being transported
23 away from the scene by a tow truck or other
24 motor vehicle;

1 (C) a full description of how the collision
2 or damage to property occurred, including, if
3 applicable, the role of the automated driving
4 system; and

5 (D) the mode of transportation used by
6 any road users involved in the collision, includ-
7 ing general road users, as such term is defined
8 under section 5304 of this Act.

9 (2) DATA AVAILABILITY.—The Secretary shall
10 ensure that any submitting entity submitting infor-
11 mation under this subsection that has a Department
12 of Transportation number or operating authority
13 from the Federal Motor Carrier Safety Administra-
14 tion—

15 (A) shall be subject to safety monitoring
16 and oversight under the Compliance, Safety,
17 and Accountability program of the Federal
18 Motor Carrier Safety Administration; and

19 (B) shall be included when the Secretary
20 restores the public availability of relevant safety
21 data under such program under section 4202(b)
22 of this Act.

23 (3) RULEMAKING.—

24 (A) IN GENERAL.—Not later than 1 year
25 after the date of enactment of this Act, the Sec-

1 retary shall initiate a rulemaking to define the
2 term “safety incident”, including collisions, with
3 respect to automated commercial motor vehicle
4 safety.

5 (B) UPDATE.—Notwithstanding paragraph
6 (1), the Secretary shall carry out this sub-
7 section to require submitting entities to submit
8 information regarding safety incidents instead
9 of collisions upon issuing a final rule under sub-
10 paragraph (A).

11 (C) VOLUNTARY REPORTING.—

12 (i) IN GENERAL.—To support the
13 rulemaking under this paragraph, the Sec-
14 retary shall establish a mechanism through
15 which entities may voluntarily report safety
16 data or other information regarding auto-
17 mated commercial motor vehicles.

18 (ii) USE OF DATA.—The data col-
19 lected under this subparagraph may only
20 be used to support the rulemaking under
21 this paragraph.

22 (iii) PROTECTION FROM DISCLO-
23 SURE.—Data or other information sub-
24 mitted under this subparagraph—

1 (I) shall not be made publicly
2 available; and

3 (II) shall not be disclosed to the
4 public by the Secretary pursuant to
5 section 552(b)(4) of title 5, United
6 States Code, if the data or other in-
7 formation is submitted to the Sec-
8 retary voluntarily and is not required
9 to be submitted to the Secretary
10 under any other provision of law.

11 (f) DEFINITIONS.—In this section:

12 (1) AUTOMATED COMMERCIAL MOTOR VEHI-
13 CLE.—The term “Automated commercial motor ve-
14 hicle” means a commercial motor vehicle (as such
15 term is defined in section 31132 of title 49, United
16 States Code) that is designed to be operated by a
17 level 3 or level 4 automated driving system for trips
18 within its operational design domain or a level 5
19 automated driving system for all trips according to
20 the recommended taxonomy published in April 2021,
21 by the Society of Automotive Engineers Inter-
22 national (J3016__202104) or, when adopted, equiv-
23 alent standards established by the Secretary under
24 chapter 301 of title 49, United States Code, with re-
25 spect to automated motor vehicles.

1 (2) **BROKER.**—The term “broker” has the
2 meaning given such term under section 13102 of
3 title 49, United States Code.

4 (3) **EMPLOYER.**—The term “employer” has the
5 meaning given such term under section 31132 of
6 title 49, United States Code.

7 (4) **FREIGHT FORWARDER.**—The term “freight
8 forwarder” has the meaning given such term in sec-
9 tion 13102 of title 49, United States Code.

10 (5) **MOTOR CARRIER.**—The term “motor car-
11 rier” has the meaning given such term in section
12 13102 of title 49, United States Code.

13 (6) **SUBMITTING ENTITY.**—The term “submit-
14 ting entity” means either—

15 (A) a motor carrier; or

16 (B) a company that is carrying out motor
17 carrier-related operations in interstate com-
18 merce on public roads or an employer thereof,
19 such as a motor carrier, freight forwarder, or
20 broker.

21 (7) **TRUCK PLATOONING.**—The term “truck
22 platooning” means a series of commercial motor ve-
23 hicles traveling in a unified manner with electroni-
24 cally coordinated braking, acceleration, and steering
25 with a driver in the lead commercial motor vehicle.

1 (g) DUPLICATIVE REPORTING.—

2 (1) IN GENERAL.—The Secretary may not re-
3 quire duplicative reporting.

4 (2) JOINT SUBMISSIONS.—Submitting entities
5 working in partnership on the same automated com-
6 mercial motor vehicle operational trips shall make 1
7 submission of the information required under this
8 section for each general route, as determined appro-
9 priate by the Secretary.

10 (3) INFORMATION.—In developing the reporting
11 process required under subsection (c), the Secretary
12 shall ensure, to the extent practicable, that submit-
13 ting entities are not required to submit information
14 previously reported to the Secretary under chapters
15 139 or 311 of title 49, United States Code.

16 (h) SAVINGS PROVISION.—Nothing in this section
17 shall add to or detract from any existing—

18 (1) enforcement authority of the Department of
19 Transportation; or

20 (2) authority to operate automated commercial
21 motor vehicles in interstate commerce on public
22 roads.

23 (i) PENALTIES.—An entity that violates any provi-
24 sion of this section shall be subject to civil penalties under
25 section 521(b)(2)(B), of title 49, United States Code, and

1 criminal penalties under section 521(b)(6)(A) of such title,
 2 and any other applicable civil and criminal penalties, as
 3 determined by the Secretary.

4 (j) TREATMENT.—In carrying out this section, the
 5 Secretary shall treat truck platooning operations the same
 6 as automated commercial motor vehicles.

7 **SEC. 5309. TASK FORCE TO PROMOTE AMERICAN VEHICLE**
 8 **COMPETITIVENESS.**

9 (a) IN GENERAL.—Subtitle III of title 49, United
 10 States Code, is amended by adding at the end the fol-
 11 lowing:

12 **“CHAPTER 66—DOMESTIC PRODUCTION**
 13 **OF ELECTRIC VEHICLES**

“Sec.

“6601. Task force.

“6602. Critical mineral sourcing.

14 **“§ 6601. Task force**

15 “(a) ESTABLISHMENT.—The Secretary of Transpor-
 16 tation shall establish a Task Force to Promote American
 17 Vehicle Competitiveness (hereinafter referred to as the
 18 ‘Task Force’) in accordance with this section.

19 “(b) MEMBERSHIP.—

20 “(1) IN GENERAL.—The Task Force shall be
 21 composed of the following officers:

22 “(A) The Secretary of Transportation.

23 “(B) The Secretary of the Interior.

24 “(C) The Secretary of Commerce.

1 “(D) The Secretary of Energy.

2 “(E) The Administrator of the Environ-
3 mental Protection Agency.

4 “(2) ADDITIONAL MEMBERS.—The Secretary
5 may designate additional members to serve on the
6 Task Force.

7 “(3) OFFICERS.—The Secretary of Transpor-
8 tation shall serve as Chair and may designate offi-
9 cials to serve as the Vice Chair, and on any working
10 groups of the task force.

11 “(c) DUTIES.—The Task Force shall—

12 “(1) identify and resolve any jurisdictional or
13 regulatory gaps or inconsistencies associated with
14 domestic sourcing and production of electric vehicle
15 batteries to eliminate, so far as practicable, impedi-
16 ments to the prompt and safe deployment of domes-
17 tically produced electric vehicle batteries, including
18 with respect to safety regulation and oversight, envi-
19 ronmental review, and funding issues;

20 “(2) coordinate agency oversight of nonradi-
21 tional and emerging electric vehicle battery sourcing
22 and production technologies, projects, and engage-
23 ment with external stakeholders;

24 “(3) within applicable statutory authority other
25 than this subsection, develop, recommend, and estab-

1 lish processes, solutions, and best practices for iden-
2 tifying, managing, and resolving issues regarding do-
3 mestic sourcing and production of electric vehicle
4 batteries; and

5 “(4) carry out such additional duties as the
6 Secretary of Transportation may prescribe, to the
7 extend consistent with this title.

8 “(d) REPORT.—Not later than 12 months after the
9 date of enactment of this section, and annually thereafter,
10 the Task Force shall submit to the Committee on Trans-
11 portation and Infrastructure of the House of Representa-
12 tives and the Committee on the Environment and Public
13 Works of the Senate a report containing findings on elec-
14 tric vehicle battery sourcing and production issues in the
15 United States, recommended strategies or measures to
16 streamline sourcing and production and promote Amer-
17 ican competitiveness, and any recommended legislative so-
18 lutions.

19 **“§ 6602. Critical mineral sourcing**

20 “(a) IN GENERAL.—The Secretary of Transpor-
21 tation, in conjunction with the Task Force to Promote
22 American Vehicle Competitiveness, shall coordinate with
23 the appropriate agencies to increase domestic sourcing of
24 critical minerals and domestic production of electric vehi-
25 cle batteries.

1 “(b) DEPARTMENT COORDINATION.—The Depart-
2 ment of Transportation shall coordinate with the Task
3 Force in implementing section 5339(c) and sections 151
4 and 155 of title 23.”.

5 (b) CLERICAL AMENDMENT.—The table of chapters
6 for subtitle III of title 49, United States Code, is amended
7 by adding at the end the following new item:

“66. Domestic Production of Electric Vehicles 6601”.

8 **SEC. 5310. MULTIMODAL TRANSPORTATION DEMONSTRATION**
9 **PROGRAM.**

10 (a) IN GENERAL.—Subchapter 1 of chapter 55 of
11 title 49, United States Code, is further amended by adding
12 at the end the following:

13 **“§ 5510. Multimodal transportation demonstration**
14 **program**

15 “(a) ESTABLISHMENT.—The Secretary of Transpor-
16 tation may establish a pilot program for the demonstration
17 of advanced transportation passenger surface transpor-
18 tation modes in small- and mid-sized communities by pro-
19 viding grants to entities to achieve the purposes of the
20 national transportation research and development plan de-
21 scribed in section 6503.

22 “(b) ELIGIBLE ACTIVITIES.—Activities eligible for
23 funding under this section include data availability and
24 interoperability, traveler support tools and services, active
25 demand management, micro-transit, mobility-on-demand,

1 and micro-mobility projects to demonstrate first-mile and
2 last-mile transportation connections to the broader trans-
3 portation system, and any other activity as determined ap-
4 propriate by the Secretary.

5 “(c) ELIGIBILITY.—Entities eligible to receive grants
6 under this program include State departments of trans-
7 portation, local governments, metropolitan planning orga-
8 nizations, and transit agencies serving a population of not
9 more than 200,000 individuals, including communities of
10 economic hardship and communities that experience trans-
11 portation equity and accessibility issues.

12 “(d) APPLICATION.—

13 “(1) IN GENERAL.—An entity seeking funding
14 under this section shall submit an application to the
15 Secretary at such time, in such manner, and con-
16 taining such information as the Secretary may re-
17 quire.

18 “(2) COLLABORATION.—Each application sub-
19 mitted under this section shall describe how the ap-
20 plying entity will collaborate, as appropriate, with
21 other entities, including institutions of higher edu-
22 cation, State and local governments, regional trans-
23 portation planning organizations, nonprofit organiza-
24 tions, labor organizations, or private sector entities.

25 “(e) FUNDS.—

1 “(1) AUTHORIZATION.—There is authorized to
2 be appropriated to carry out activities under this
3 section \$30,000,000 for each of fiscal years 2023
4 through 2026.

5 “(2) FEDERAL SHARE.—The Federal share of
6 the cost of a project for which a grant is awarded
7 under this section shall not exceed 80 percent.

8 “(3) SOURCES.—The local share of the cost of
9 a project under this section may include amounts
10 made available to the recipient under—

11 “(A) section 504(b) of title 23; or

12 “(B) section 505 of title 23.

13 “(4) ADMINISTRATION.—The Secretary may
14 use funds made available to carry out this section
15 for administrative costs under this section.

16 “(f) DEFINITIONS.—In this section:

17 “(1) MICROMOBILITY.—The term ‘micro-
18 mobility’ has the meaning given such term in section
19 217 of title 23.

20 “(2) MOBILITY ON DEMAND.—The term ‘mobil-
21 ity on demand’ has the meaning given such term in
22 section 5316 of this title.”.

23 (b) CONFORMING AMENDMENT.—The analysis for
24 chapter 55 of title 49, United States Code, is further
25 amended by adding at the end the following:

“5510. Multimodal transportation demonstration program.”.

1 **SEC. 5311. HEAVY FREIGHT AUTOMATED TRUCKING RE-**
2 **SEARCH CORRIDOR.**

3 (a) IN GENERAL.—Subchapter I of chapter 55 of title
4 49, United States Code, is further amended by adding at
5 the end the following:

6 **“§ 5511. Heavy freight automated trucking research**
7 **corridor**

8 “(a) IN GENERAL.—Not later than 1 year after the
9 date of enactment of the INVEST in America Act, the
10 Secretary of Transportation shall establish a heavy freight
11 automated trucking research initiative to explore the po-
12 tential benefits and risks of the broad scale adoption of
13 heavy freight automated commercial motor vehicles.

14 “(b) RESPONSIBILITIES.—In carrying out the initia-
15 tive established under subsection (a), the Secretary shall—

16 “(1) support and conduct research and develop-
17 ment on automated and connected freight trucking
18 with private industry, driver associations, other Fed-
19 eral agencies, State and local transportation agen-
20 cies, and institutions of higher education; and

21 “(2) support or establish a heavy freight auto-
22 mated trucking testing and demonstration corridor
23 and related programs.

24 “(c) RESEARCH AND DEVELOPMENT AGENDA.—The
25 Secretary shall establish an agenda for research and devel-

1 opment conducted under subsection (b)(1) and the pro-
2 grams described in subsection (b)(2) that may include—

3 “(1) analyzing, modeling, and piloting the feasi-
4 bility, benefits, and risks of dedicated automated
5 trucking corridors, including any impact on—

6 “(A) long distance freight movement;

7 “(B) supply chains;

8 “(C) fuel economy and emissions;

9 “(D) transportation infrastructure;

10 “(E) vehicle miles traveled;

11 “(F) small business concerns (as defined in
12 section 3 of the Small Business Act (15 U.S.C.
13 632);

14 “(G) the trucking industry workforce, such
15 as any impact on pay, benefits, and working
16 conditions in both long-haul trucking and any
17 related driving jobs;

18 “(H) safety, including interactions with
19 non-automated motor vehicles and other road
20 users; and

21 “(I) surrounding communities; and

22 “(2) providing deployment guidance, including
23 for—

24 “(A) cyber-physical security; and

25 “(B) human factors, such as—

1 “(i) human-machine interfaces;
2 “(ii) psychological impacts;
3 “(iii) driver training; and
4 “(iv) strategies to address any im-
5 pacts on the workforce, such as impacts on
6 driver retention, wages, benefits, and work-
7 ing conditions within the trucking indus-
8 try.

9 “(d) OUTREACH AND CONSULTATION.—In devel-
10 oping the research agenda under subsection (b), the Sec-
11 retary shall conduct outreach to, and solicit input from,
12 public, private, and academic stakeholders, including indi-
13 vidual workers and labor organizations (as such terms are
14 defined in section 2 of the National Labor Relations Act
15 (29 U.S.C. 152)).

16 “(e) ELIGIBILITY.—An institution of higher edu-
17 cation (as defined in section 102 of the Higher Education
18 Act of 1965 (20 U.S.C. 1002)) or a consortium composed
19 of nonprofit research organizations and institutions of
20 higher education shall be eligible to receive grants under
21 this section.

22 “(f) AUTHORIZATION.—The Secretary may award
23 grants to eligible entities described in subsection (e) to
24 carry out this section.

1 “(g) SELECTION CRITERIA.—In awarding a grant
2 under this section, the Secretary shall—

3 “(1) give preference to the recipient’s past and
4 current collaboration with local and State transpor-
5 tation agencies, other Federal agencies, private in-
6 dustry, and driver associations in activities related to
7 this section;

8 “(2) give preference to a recipient whose geo-
9 graphic location offers access to long-haul trucking
10 corridors;

11 “(3) consider the extent to which an applicant’s
12 proposal would involve participation by local, re-
13 gional, and national stakeholders; and

14 “(4) consider the local, regional, and national
15 impacts of the applicant’s proposal.

16 “(h) MATCHING REQUIREMENT.—

17 “(1) IN GENERAL.—As a condition of receiving
18 a grant under this section, a grant recipient shall
19 match 50 percent of the costs of establishing and
20 operating the test corridor and related activities car-
21 ried out by the grant recipient.

22 “(2) SOURCES.—The matching amounts re-
23 ferred to in paragraph (1) may include amounts
24 made available to the recipient under—

25 “(A) section 504(b) of title 23; or

1 “(B) section 505 of title 23.

2 “(i) TRANSPARENCY.—The results of testing and re-
3 search funded under this section shall be made available
4 on a publicly accessible website of the Department of
5 Transportation.

6 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
7 is authorized to be appropriated to the Secretary
8 \$6,000,000 for each of the fiscal years 2023 through 2026
9 for activities carried out under this section.

10 “(k) HEAVY FREIGHT AUTOMATED COMMERCIAL
11 MOTOR VEHICLE DEFINED.—In this section, the term
12 ‘heavy freight automated commercial motor vehicle’ means
13 a property-carrying commercial motor vehicle (as such
14 term is defined in section 31101) that—

15 “(1) has a gross vehicle weight rating or gross
16 vehicle weight of at least 26,001 pounds, whichever
17 is greater; and

18 “(2) is designed to be operated exclusively by a
19 Level 4 automated driving system for trips within
20 the vehicle’s operational design domain or a Level 5
21 automated driving system for all trips according to
22 the recommended standards published in April 2021,
23 by the Society of Automotive Engineers Inter-
24 national (J3016__202104) or, when adopted, equiv-

1 alent standards established by the Secretary with re-
2 spect to automated motor vehicles.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 55 of title 49, United States Code, is further amended
5 by adding at the end the following:

“5511. Heavy freight automated trucking research corridor.”.

6 **Subtitle D—Surface Transportation**
7 **Funding Pilot Programs**

8 **SEC. 5401. STATE SURFACE TRANSPORTATION SYSTEM**
9 **FUNDING PILOT.**

10 Section 6020 of the FAST Act (23 U.S.C. 503 note)
11 is amended—

12 (1) by striking subsection (b) and inserting the
13 following:

14 “(b) ELIGIBILITY.—

15 “(1) APPLICATION.—To be eligible for a grant
16 under this section, a State or group of States shall
17 submit to the Secretary an application in such form
18 and containing such information as the Secretary
19 may require.

20 “(2) ELIGIBLE PROJECTS.—The Secretary may
21 provide grants to States or a group of States under
22 this section for the following projects:

23 “(A) STATE PILOT PROJECTS.—

1 “(i) IN GENERAL.—A pilot project to
2 demonstrate a user-based alternative rev-
3 enue mechanism in a State.

4 “(ii) LIMITATION.—If an applicant
5 has previously been awarded a grant under
6 this section, such applicant’s proposed pilot
7 project must be comprised of core activities
8 or iterations not substantially similar in
9 manner or scope to activities previously
10 carried out by the applicant with a grant
11 for a project under this section.

12 “(B) STATE IMPLEMENTATION
13 PROJECTS.—A project—

14 “(i) to implement a user-based alter-
15 native revenue mechanism that collects rev-
16 enue to be expended on projects for the
17 surface transportation system of the State;
18 or

19 “(ii) that demonstrates progress to-
20 wards implementation of a user-based al-
21 ternative revenue mechanism, with consid-
22 eration for previous grants awarded to the
23 applicant under this section.”;

24 (2) in subsection (c)—

1 (A) in paragraph (1) by striking “2 or
2 more future”; and

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

4 “(6) To test solutions to ensure the privacy and
5 security of data collected for the purpose of imple-
6 menting a user-based alternative revenue mecha-
7 nism.”;

8 (3) in subsection (d) by striking “to test the de-
9 sign, acceptance, and implementation of a user-
10 based alternative revenue mechanism” and inserting
11 “to test the design and acceptance of, or implement,
12 a user-based alternative revenue mechanism”;

13 (4) in subsection (g) by striking “50 percent”
14 and inserting “80 percent”;

15 (5) in subsection (i) by inserting “and con-
16 taining a determination of the characteristics of the
17 most successful mechanisms with the highest poten-
18 tial for future widespread deployment” before the
19 period at the end; and

20 (6) by striking subsection (j) and inserting the
21 following:

22 “(j) FUNDING.—Of amounts made available to carry
23 out this section—

24 “(1) for fiscal year 2023, \$17,500,000 shall be
25 used to carry out projects under subsection

1 (b)(2)(A) and \$17,500,000 shall be used to carry
2 out projects under subsection (b)(2)(B);

3 “(2) for fiscal year 2024, \$15,000,000 shall be
4 used to carry out projects under subsection
5 (b)(2)(A) and \$20,000,000 shall be used to carry
6 out projects under subsection (b)(2)(B);

7 “(3) for fiscal year 2025, \$12,500,000 shall be
8 used to carry out projects under subsection
9 (b)(2)(A) and \$22,500,000 shall be used to carry
10 out projects under subsection (b)(2)(B); and

11 “(4) for fiscal year 2026, \$10,000,000 shall be
12 used to carry out projects under subsection
13 (b)(2)(A) and \$25,000,000 shall be used to carry
14 out projects under subsection (b)(2)(B).”.

15 **Subtitle E—Miscellaneous**

16 **SEC. 5501. ERGONOMIC SEATING WORKING GROUP.**

17 (a) IN GENERAL.—

18 (1) ESTABLISHMENT.—Not later than 180 days
19 after the date of enactment of this Act, the Sec-
20 retary of Transportation shall convene a working
21 group to examine the seating standards for commer-
22 cial drivers.

23 (2) MEMBERS.—At a minimum, the working
24 group shall include—

25 (A) seat manufacturers;

- 1 (B) commercial vehicle manufacturers;
2 (C) transit vehicle manufacturers;
3 (D) labor representatives for the trucking
4 industry;
5 (E) representatives from organizations en-
6 gaged in collective bargaining on behalf of tran-
7 sit workers in not fewer than three States; and
8 (F) musculoskeletal health experts.

9 (b) OBJECTIVES.—The Secretary shall pursue the
10 following objectives through the working group:

11 (1) To identify health issues, including mus-
12 culoskeletal health issues, that afflict commercial
13 drivers due to sitting for long periods of time while
14 on duty.

15 (2) To identify the impact that commercial ve-
16 hicle sizing, design, and safety measures have on
17 women in comparison to men, and to identify de-
18 signs that may improve the health and safety of
19 women drivers.

20 (3) To identify research topics for further devel-
21 opment and best practices to improve seating.

22 (4) To determine ways to incorporate improved
23 seating into manufacturing standards for public
24 transit vehicles and commercial vehicles.

25 (c) REPORT.—

1 (1) SUBMISSION.—Not later than 18 months
2 after the date of enactment of this Act, the working
3 group shall submit to the Secretary, the Committee
4 on Transportation and Infrastructure of the House
5 of Representatives, and the Committee on Banking,
6 Housing, and Urban Affairs and the Committee on
7 Commerce, Science, and Transportation of the Sen-
8 ate a report on the findings of the working group
9 under this section and any recommendations for the
10 adoption of better ergonomic seating for commercial
11 drivers.

12 (2) PUBLICATION.—Upon receipt of the report
13 in paragraph (1), the Secretary shall publish the re-
14 port on a publicly accessible website of the Depart-
15 ment.

16 (d) APPLICABILITY OF FEDERAL ADVISORY COM-
17 MITTEE ACT.—The Advisory Committee shall be subject
18 to the Federal Advisory Committee Act (5 U.S.C. App.).

19 **SEC. 5502. REPEAL OF SECTION 6314 OF TITLE 49, UNITED**
20 **STATES CODE.**

21 (a) IN GENERAL.—Section 6314 of title 49, United
22 States Code, is repealed.

23 (b) CONFORMING AMENDMENTS.—

1 (1) TITLE ANALYSIS.—The analysis for chapter
2 63 of title 49, United States Code, is amended by
3 striking the item relating to section 6314.

4 (2) SECTION 6307.—Section 6307(b) of title 49,
5 United States Code, is amended—

6 (A) in paragraph (1)—

7 (i) in subparagraph (A) by striking
8 “or section 6314(b)”;

9 (ii) in subparagraph (B) by striking
10 “or section 6314(b)”;

11 (iii) in subparagraph (C) by striking
12 “or section 6314(b)”;

13 (B) in paragraph (2)(A) by striking “or
14 section 6314(b)”.

15 **SEC. 5503. TRANSPORTATION WORKFORCE OUTREACH**
16 **PROGRAM.**

17 (a) IN GENERAL.—Subchapter I of chapter 55 of title
18 49, United States Code, is further amended by adding at
19 the end the following:

20 **“§ 5512. Transportation workforce outreach program**

21 “(a) IN GENERAL.—The Secretary shall establish
22 and administer a transportation workforce outreach pro-
23 gram that carries out a series of public service announce-
24 ment campaigns during fiscal years 2023 through 2026.

1 “(b) PURPOSE.—The purpose of each campaign car-
2 ried out under the program shall be to achieve the fol-
3 lowing objectives:

4 “(1) Increase awareness of career opportunities
5 in the transportation sector, including aviation pi-
6 lots, safety inspectors, mechanics and technicians,
7 maritime transportation workers, air traffic control-
8 lers, flight attendants, truck drivers, engineers, tran-
9 sit workers, railroad workers, and other transpor-
10 tation professionals.

11 “(2) Increase diversity, including race, gender,
12 ethnicity, veteran status, and socioeconomic status,
13 of professionals in the transportation sector.

14 “(c) ADVERTISING.—The Secretary may use, or au-
15 thorize the use of, funds available to carry out the pro-
16 gram for the development, production, and use of broad-
17 cast, digital, and print media advertising and outreach in
18 carrying out campaigns under this section.

19 “(d) AUTHORIZATION OF APPROPRIATIONS.—To
20 carry out this section, there are authorized to be appro-
21 priated \$5,000,000 for each fiscal years 2023 through
22 2026.”.

23 (b) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 55 of title 49, United States Code, is further amended
25 by adding at the end the following:

“5512. Transportation workforce outreach program.”.

1 **SEC. 5504. ADVISORY COUNCIL ON TRANSPORTATION STA-**
2 **TISTICS.**

3 Section 6305 of title 49, United States Code, is
4 amended—

5 (1) in subsection (a), by striking “The Direc-
6 tor” and all that follows to the period and inserting
7 “Notwithstanding section 418 of the FAA Reauthor-
8 ization Act of 2018 (Public Law 115–254), not later
9 than 6 months after the date of enactment of the
10 INVEST in America Act, the Director shall estab-
11 lish and consult with an advisory council on trans-
12 portation statistics.”; and

13 (2) by striking subsection (d)(3).

14 **SEC. 5505. GAO REVIEW OF DISCRETIONARY GRANT PRO-**
15 **GRAMS.**

16 (a) IN GENERAL.—Not later than 2 years after the
17 date of enactment of this Act, the Comptroller General
18 of the United States shall submit to the Committee on
19 Transportation and Infrastructure of the House of Rep-
20 resentatives and the Committee on Environment and Pub-
21 lic Works, the Committee on Banking, Housing, and
22 Urban Affairs, and the Committee on Commerce, Science,
23 and Transportation of the Senate a review of the extent
24 to which the Secretary is considering the needs of and
25 awarding funding through covered discretionary grant
26 programs to projects that serve—

- 1 (1) low-income communities;
- 2 (2) minority communities; and
- 3 (3) populations that are underserved or have
- 4 limited transportation choices.

5 (b) RECOMMENDATIONS.—The Comptroller General
6 shall include as part of the review under subsection (a)
7 recommendations to the Secretary on possible means to
8 improve consideration of projects that serve the unique
9 needs of communities described in subsection (a)(1).

10 (c) DEFINITION OF COVERED DISCRETIONARY
11 GRANT PROGRAM.—For purposes of this section, the term
12 “covered discretionary grant programs” means the
13 Projects of National and Regional Significance program
14 under section 117 of title 23, the Community Transpor-
15 tation Investment Grant program under section 173 of
16 such title, and the Community Climate Innovation Grant
17 program under section 172 of such title.

18 **TITLE VI—MULTIMODAL**

19 **TRANSPORTATION**

20 **SEC. 6001. NATIONAL MULTIMODAL FREIGHT POLICY.**

21 Section 70101(b) of title 49, United States Code, is
22 amended—

23 (1) in paragraph (2) by inserting “in rural and
24 urban areas” after “freight transportation”;

25 (2) in paragraph (7)—

1 (A) in subparagraph (B) by striking “;
2 and” and inserting a semicolon;

3 (B) by redesignating subparagraph (C) as
4 subparagraph (D); and

5 (C) by inserting after subparagraph (B)
6 the following:

7 “(C) travel within population centers;
8 and”;

9 (3) in paragraph (9) by striking “; and” and in-
10 serting the following: “including—

11 “(A) greenhouse gas emissions;

12 “(B) local air pollution;

13 “(C) minimizing, capturing, or treating
14 stormwater runoff or other adverse impacts to
15 water quality; and

16 “(D) wildlife habitat loss;”;

17 (4) by redesignating paragraph (10) as para-
18 graph (11); and

19 (5) by inserting after paragraph (9) the fol-
20 lowing:

21 “(10) to decrease any adverse impact of freight
22 transportation on communities located near freight
23 facilities or freight corridors; and”.

1 **SEC. 6002. NATIONAL FREIGHT STRATEGIC PLAN.**

2 Section 70102(c) of title 49, United States Code, is
3 amended by striking “shall” and all that follows through
4 the end and inserting the following: “shall—

5 “(1) update the plan and publish the updated
6 plan on the public website of the Department of
7 Transportation; and

8 “(2) include in the update described in para-
9 graph (1)—

10 “(A) each item described in subsection (b);

11 and

12 “(B) best practices to reduce the adverse
13 environmental impacts of freight-related—

14 “(i) greenhouse gas emissions;

15 “(ii) local air pollution;

16 “(iii) stormwater runoff or other ad-
17 verse impacts to water quality; and

18 “(iv) wildlife habitat loss.”.

19 **SEC. 6003. NATIONAL MULTIMODAL FREIGHT NETWORK.**

20 Section 70103 of title 49, United States Code, is
21 amended—

22 (1) in subsection (b)(2)(C) by striking “of the
23 United States that have” and inserting the fol-
24 lowing: “of the United States that—

25 “(i) have a total annual value of cargo
26 of at least \$1,000,000,000, as identified by

1 United States Customs and Border Protec-
2 tion and reported by the Bureau of the
3 Census; or

4 “(ii) have”; and

5 (2) in subsection (c)—

6 (A) in paragraph (1)—

7 (i) by redesignating subparagraphs
8 (A) and (B) as clauses (i) and (ii), respec-
9 tively (and adjust the margins accord-
10 ingly); and

11 (ii) by striking “Not later than 1 year
12 after the date of enactment of this sec-
13 tion,” and inserting the following:

14 “(A) REPORT TO CONGRESS.—Not later
15 than 30 days after the date of enactment of the
16 INVEST in America Act, the Secretary shall
17 submit to the Committee on Transportation and
18 Infrastructure of the House of Representatives
19 and the Committee on Commerce, Science, and
20 Transportation of the Senate a report detailing
21 a plan to designate a final National Multimodal
22 Freight Network, including a detailed summary
23 of the resources within the Office of the Sec-
24 retary that will be dedicated to carrying out
25 such plan.

1 “(B) DESIGNATION OF NATIONAL
2 MULTIMODAL FREIGHT NETWORK.—Not later
3 than 60 days after the submission of the report
4 described in subparagraph (A),”;

5 (B) in paragraph (3)(C)—

6 (i) by inserting “and metropolitan
7 planning organizations” after “States”;
8 and

9 (ii) by striking “paragraph (4)” and
10 inserting “paragraphs (4) and (5)”;

11 (C) in paragraph (4)—

12 (i) in the header by inserting “AND
13 METROPOLITAN PLANNING ORGANIZATION”
14 after “STATE”;

15 (ii) by redesignating subparagraph
16 (D) as subparagraph (E); and

17 (iii) by striking subparagraph (C) and
18 inserting the following:

19 “(C) CRITICAL URBAN FREIGHT FACILI-
20 TIES AND CORRIDORS.—

21 “(i) AREA WITH A POPULATION OF
22 OVER 500,000.—In an urbanized area with
23 a population of 500,000 or more individ-
24 uals, the representative metropolitan plan-
25 ning organization, in consultation with the

1 State, may designate a freight facility or
2 corridor within the borders of the State as
3 a critical urban freight facility or corridor.

4 “(ii) AREA WITH A POPULATION OF
5 LESS THAN 500,000.—In an urbanized area
6 with a population of less than 500,000 in-
7 dividuals, the State, in consultation with
8 the representative metropolitan planning
9 organization, may designate a freight facil-
10 ity or corridor within the borders of the
11 State as a critical urban freight corridor.

12 “(iii) DESIGNATION.—A designation
13 may be made under subparagraph (i) or
14 (ii) if the facility or corridor is in an ur-
15 banized area, regardless of population, and
16 such facility or corridor—

17 “(I) provides access to the pri-
18 mary highway freight system, the
19 Interstate system, or an intermodal
20 freight facility;

21 “(II) is located within a corridor
22 of a route on the primary highway
23 freight system and provides an alter-
24 native option important to goods
25 movement;

1 “(III) serves a major freight gen-
2 erator, logistics center, or manufac-
3 turing and warehouse industrial land;

4 “(IV) connects to an inter-
5 national port of entry;

6 “(V) provides access to a signifi-
7 cant air, rail, water, or other freight
8 facility in the State; or

9 “(VI) is important to the move-
10 ment of freight within the region, as
11 determined by the metropolitan plan-
12 ning organization or the State.

13 “(D) LIMITATION.—A State may propose
14 additional designations to the National
15 Multimodal Freight Network in the State in an
16 amount that is—

17 “(i) for a highway project, not more
18 than 20 percent of the total mileage des-
19 ignated by the Under Secretary in the
20 State; and

21 “(ii) for a non-highway project, using
22 a limitation determined by the Under Sec-
23 retary.”; and

24 (D) by adding at the end the following:

1 “(5) REQUIRED NETWORK COMPONENTS.—In
2 designating or redesignating the National
3 Multimodal Freight Network, the Under Secretary
4 shall ensure that the National Multimodal Freight
5 Network includes the components described in sub-
6 section (b)(2).”.

7 **SEC. 6004. STATE FREIGHT ADVISORY COMMITTEES.**

8 Section 70201(a) of title 49, United States Code, is
9 amended by striking “and local governments” and insert-
10 ing “local governments, metropolitan planning organiza-
11 tions, and the departments with responsibility for environ-
12 mental protection and air quality of the State”.

13 **SEC. 6005. STATE FREIGHT PLANS.**

14 Section 70202(b) of title 49, United States Code, is
15 amended—

16 (1) in paragraph (3)(A) by inserting “and
17 urban” after “rural”;

18 (2) in paragraph (9) by striking “; and” and in-
19 serting a semicolon;

20 (3) by redesignating paragraph (10) as para-
21 graph (12); and

22 (4) by inserting after paragraph (9) the fol-
23 lowing:

24 “(10) strategies and goals to decrease freight-
25 related—

- 1 “(A) greenhouse gas emissions;
- 2 “(B) local air pollution;
- 3 “(C) stormwater runoff or other adverse
- 4 impacts to water quality; and
- 5 “(D) wildlife habitat loss;
- 6 “(11) strategies and goals to decrease any ad-
- 7 verse impact of freight transportation on commu-
- 8 nities located near freight facilities or freight cor-
- 9 ridors; and”.

10 **SEC. 6006. STUDY OF FREIGHT TRANSPORTATION FEE.**

11 (a) **STUDY.**—Not later than 90 days after the date

12 of enactment of this Act, the Secretary of Transportation,

13 in consultation with the Secretary of the Treasury and the

14 Commissioner of the Internal Revenue Service, shall es-

15 tablish a joint task force to study the establishment and

16 administration of a fee on multimodal freight surface

17 transportation services.

18 (b) **CONTENTS.**—The study required under sub-

19 section (a) shall include the following:

20 (1) An estimation of the revenue that a fee of

21 up to 1 percent on freight transportation services

22 would raise.

23 (2) An identification of the entities that would

24 be subject to such a fee paid by the owners or sup-

25 pliers of cargo.

1 (3) An analysis of the administrative capacity
2 of Federal agencies and freight industry participants
3 to collect such a fee and ensure compliance with fee
4 requirements.

5 (4) Policy options to prevent avoidance of such
6 a fee, including diversion of freight services to for-
7 eign countries.

8 (c) REPORT.—Not later than 1 year after the date
9 of enactment of this Act, the Secretary of Transportation
10 shall submit to the Committee on Transportation and In-
11 frastructure and the Committee on Ways and Means of
12 the House of Representatives and the Committee on Envi-
13 ronment and Public Works and the Committee on Finance
14 of the Senate the study required under subsection (a).

15 **SEC. 6007. NATIONAL SURFACE TRANSPORTATION AND IN-**
16 **NOVATIVE FINANCE BUREAU.**

17 Section 116 of title 49, United States Code, is
18 amended—

19 (1) in subsection (b) by striking paragraph (1)
20 and inserting the following:

21 “(1) to provide assistance and communicate
22 best practices and financing and funding opportuni-
23 ties to eligible entities for the programs referred to
24 in subsection (d)(1), including by—

1 “(A) conducting proactive outreach to com-
2 munities located outside of metropolitan or
3 micropolitan statistical areas (as such areas are
4 defined by the Office of Management and
5 Budget) using data from the most recent decen-
6 nial Census; and

7 “(B) coordinating with the Office of Rural
8 Development of the Department of Agriculture,
9 the Office of Community Revitalization of the
10 Environmental Protection Agency, and any
11 other agencies that provide technical assistance
12 for rural communities, as determined by the
13 Executive Director;”;

14 (2) by redesignating subsection (j) as sub-
15 section (k); and

16 (3) by inserting after subsection (i) the fol-
17 lowing:

18 “(j) ANNUAL PROGRESS REPORT.—Not later than 1
19 year after the date of enactment of this subsection, and
20 annually thereafter, the Executive Director shall submit
21 to the Committee on Transportation and Infrastructure
22 of the House of Representatives and the Committee on
23 Environment and Public Works of the Senate a report de-
24 tailing—

1 “(1) the use of funds authorized under section
2 605(f) of title 23; and

3 “(2) the progress of the Bureau in carrying out
4 the purposes described in subsection (b).”.

5 **SEC. 6008. TRANSPORTATION EQUITY ADVISORY COM-**
6 **MITTEE.**

7 (a) ESTABLISHMENT.—

8 (1) IN GENERAL.—Not later than 120 days
9 after the date of enactment of this Act, the Sec-
10 retary of Transportation shall establish an advisory
11 committee, to be known as the Transportation Eq-
12 uity Committee (referred to in this section as the
13 “Committee”), regarding comprehensive and inter-
14 disciplinary issues related to transportation equity
15 from a variety of stakeholders in transportation
16 planning, design, research, policy, and advocacy.

17 (2) PURPOSE OF THE ADVISORY COMMITTEE.—

18 The Committee established under paragraph (1)
19 shall provide independent advice and recommenda-
20 tions to the Secretary on transportation equity, in-
21 cluding developing a strategic plan with rec-
22 ommendations to the Secretary on national transpor-
23 tation metrics and the effect on such factors as eco-
24 nomic development, connectivity, and public engage-
25 ment.

1 (b) DUTIES.—The Committee shall evaluate the work
2 of the Department of Transportation in connecting people
3 to economic and related forms of opportunity and re-
4 talize communities in carrying out its strategic, research,
5 technological, regulatory, community engagement, and
6 economic policy activities related to transportation and op-
7 portunity. Decisions directly affecting implementation of
8 transportation policy remain with the Secretary.

9 (c) MEMBERSHIP.—

10 (1) IN GENERAL.—The Secretary shall appoint
11 an odd number of members of not less than 9 but
12 not more than 15 members (with a quorum con-
13 sisting of a majority of members rounded up to the
14 nearest odd number), to include balanced represen-
15 tation from academia, community groups, industry
16 and business, non-governmental organizations, State
17 and local governments, federally recognized Tribal
18 Governments, advocacy organizations, and indige-
19 nous groups with varying points of view.

20 (2) BROAD REPRESENTATION.—To the extent
21 practicable, members of the Committee shall reflect
22 a variety of backgrounds and experiences, geo-
23 graphic diversity, including urban, rural, tribal, ter-
24 ritories, and underserved and marginalized commu-
25 nities throughout the country, and individuals with

1 expertise in related areas such as housing, health
2 care, and the environment.

3 (3) REPLACEMENT FOR NON-ACTIVE MEMBERS

4 .—The Secretary may remove a non-active member
5 who misses 3 consecutive meetings and appoint a re-
6 placement to service for the period of time set forth
7 in paragraph (5).

8 (4) MEETINGS.—The Committee shall meet not
9 less than 2 times each year with not more than 9
10 months between meetings at a reasonable time, in a
11 place accessible to the public, and in a room large
12 enough to accommodate the Committee members,
13 staff, and reasonable number of interested members
14 of the public. The room in which the Committee
15 meets shall be large enough to accommodate at least
16 100 and shall be compliant with the Americans with
17 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

18 (5) TERM.—Each member of the Committee
19 shall serve a 2-year term with not more than 2 con-
20 secutive term reappointments, but may continue
21 service until a replacement is appointed.

22 (6) SUPPORT.—The Office of the Under Sec-
23 retary for Policy of the Department of the Depart-
24 ment of Transportation shall provide necessary

1 funding, logistics, and administrative support for the
2 Committee.

3 (d) APPLICATION OF FACA.—The Federal Advisory
4 Committee Act (5 U.S.C. App.) shall apply to the Com-
5 mittee established under this section, with the exception
6 of section 14 of such Act.

7 **SEC. 6009. SENSE OF CONGRESS.**

8 It is the sense of the Congress that walking, bicycling,
9 and public transportation are complementary modes of
10 transportation, and that pedestrian and bicycle pathways
11 and related improvements within the right-of-way of public
12 transportation are an appropriate use of the right-of-way
13 for the benefit of the public, do not exceed the reasonable
14 use of the right-of-way, and every effort should be made
15 to support the development and safe operation of such pe-
16 destrian and bicycle pathways.

17 **TITLE VII—TRANSPORTATION**
18 **INFRASTRUCTURE FINANCE**
19 **AND INNOVATION ACT**

20 **SEC. 7001. TRANSPORTATION INFRASTRUCTURE FINANCE**
21 **AND INNOVATION ACT.**

22 (a) CREDITWORTHINESS.—Section 602(a)(2) of title
23 23, United States Code, is amended—

24 (1) in subparagraph (A)(iv)—

1 (A) by striking “a rating” and inserting
2 “an investment grade rating”; and

3 (B) by striking “\$75,000,000” and insert-
4 ing “\$150,000,000”; and

5 (2) in subparagraph (B)—

6 (A) by striking “the senior debt” and in-
7 serting “senior debt”; and

8 (B) by striking “credit instrument is for
9 an amount less than \$75,000,000” and insert-
10 ing “total amount of other senior debt and the
11 Federal credit instrument is less than
12 \$150,000,000”.

13 (b) BUY AMERICA APPLICATION.—Section 602(c)(1)
14 of title 23, United States Code, is amended by striking
15 “of title 49” inserting “and section 22905(a) of title 49,
16 subject to the requirements of section 5320(o) of title
17 49,”.

18 (c) NON-FEDERAL SHARE.—Section 603(b) of title
19 23, United States Code, is amended by striking paragraph
20 (8) and inserting the following:

21 “(8) NON-FEDERAL SHARE.—Notwithstanding
22 paragraph (9) and section 117(j)(2), the proceeds of
23 a secured loan under the TIFIA program shall be
24 considered to be part of the non-Federal share of
25 project costs required under this title or chapter 53

1 of title 49, if the loan is repayable from non-Federal
2 funds.”.

3 (d) EXEMPTION OF FUNDS FROM TIFIA FEDERAL
4 SHARE REQUIREMENT.—Section 603(b)(9) of title 23,
5 United States Code, is amended by adding at the end the
6 following:

7 “(C) TERRITORIES.—Funds provided for a
8 territory under section 165(c) shall not be con-
9 sidered Federal assistance for purposes of sub-
10 paragraph (A).”.

11 (e) STREAMLINED APPLICATION PROCESS.—Section
12 603(f) of title 23, United States Code, is amended by add-
13 ing at the end the following:

14 “(3) ADDITIONAL TERMS FOR EXPEDITED DE-
15 CISIONS.—

16 “(A) IN GENERAL.—Not later than 120
17 days after the date of enactment of this para-
18 graph, the Secretary shall implement an expe-
19 dited decision timeline for public agency bor-
20 rowers seeking secured loans that meet—

21 “(i) the terms under paragraph (2);

22 and

23 “(ii) the additional criteria described
24 in subparagraph (B).

1 “(B) ADDITIONAL CRITERIA.—The addi-
2 tional criteria referred to in subparagraph
3 (A)(ii) are the following:

4 “(i) The secured loan is made on
5 terms and conditions that substantially
6 conform to the conventional terms and
7 conditions established by the National Sur-
8 face Transportation Innovative Finance
9 Bureau.

10 “(ii) The secured loan is rated in the
11 A category or higher.

12 “(iii) The TIFIA program share of el-
13 igible project costs is 33 percent or less.

14 “(iv) The applicant demonstrates a
15 reasonable expectation that the contracting
16 process for the project can commence by
17 not later than 90 days after the date on
18 which a Federal credit instrument is obli-
19 gated for the project under the TIFIA pro-
20 gram.

21 “(v) The project has received a cat-
22 egorical exclusion, a finding of no signifi-
23 cant impact, or a record of decision under
24 the National Environmental Policy Act of
25 1969 (42 U.S.C. 4321 et seq.).

1 “(C) WRITTEN NOTICE.—The Secretary
2 shall provide to an applicant seeking a secured
3 loan under the expedited decision process under
4 this paragraph a written notice informing the
5 applicant whether the Secretary has approved
6 or disapproved the application by not later than
7 180 days after the date on which the Secretary
8 submits to the applicant a letter indicating that
9 the National Surface Transportation Innovative
10 Finance Bureau has commenced the credit-
11 worthiness review of the project.”.

12 (f) ASSISTANCE TO SMALL PROJECTS.—Section
13 605(f)(1) of title 23, United States Code, is amended by
14 striking “\$2,000,000” and inserting “\$3,000,000”.

15 (g) ADMINISTRATIVE FUNDS.—Section 608(a)(5) of
16 title 23, United States Code, is amended by striking
17 “\$6,875,000” and all that follows through the period and
18 inserting “2.5 percent for the administration of the TIFIA
19 program.”.

20 (h) APPLICATION PROCESS REPORT.—Section
21 609(b)(2)(A) of title 23, United States Code, is amend-
22 ed—

23 (1) in clause (iv) by striking “and”;

24 (2) in clause (v) by striking the period at the
25 end and inserting “; and”; and

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

2 “(vi) whether the project is located in
3 a metropolitan statistical area,
4 micropolitan statistical area, or neither (as
5 such areas are defined by the Office of
6 Management and Budget).”.

7 (i) STATUS REPORTS.—Section 609 of title 23,
8 United States Code, is amended by adding at the end the
9 following:

10 “(c) STATUS REPORTS.—

11 “(1) IN GENERAL.—The Secretary shall publish
12 on the website for the TIFIA program—

13 “(A) on a monthly basis, a current status
14 report on all submitted letters of interest and
15 applications received for assistance under the
16 TIFIA program; and

17 “(B) on a quarterly basis, a current status
18 report on all approved applications for assist-
19 ance under the TIFIA program.

20 “(2) INCLUSIONS.—Each monthly and quar-
21 terly status report under paragraph (1) shall in-
22 clude, at a minimum, with respect to each project in-
23 cluded in the status report—

24 “(A) the name of the party submitting the
25 letter of interest or application;

1 “(B) the name of the project;

2 “(C) the date on which the letter of inter-
3 est or application was received;

4 “(D) the estimated project eligible costs;

5 “(E) the type of credit assistance sought;

6 and

7 “(F) the anticipated fiscal year and quar-
8 ter for closing of the credit assistance.”.

9 **SEC. 7002. TRANSPORTATION INFRASTRUCTURE FINANCE**
10 **AND INNOVATION ACT OF 1998 TEMPORARY**
11 **LOAN RELIEF DUE TO COVID-19.**

12 (a) DEFINITIONS.—In this section:

13 (1) ELIGIBLE BORROWER.—The term “eligible
14 borrower” means a recipient of an eligible loan ad-
15 ministered by the National Surface Transportation
16 and Innovative Finance Bureau.

17 (2) ELIGIBLE LOAN.—The term “eligible loan”
18 means a loan provided on or before the date of en-
19 actment of this Act under a program described in
20 subparagraph (A) or (B) of 116(d)(1) of title 49,
21 United States Code.

22 (3) SECRETARY.—The term “Secretary” means
23 the Secretary of Transportation.

24 (b) INTEREST RATE RESET.—

1 (1) IN GENERAL.—If, at any time after the
2 date of execution of an eligible loan, the eligible bor-
3 rower of such eligible loan is impacted by COVID–
4 19 and unable to generate sufficient revenues from
5 the dedicated revenue source to pay the scheduled
6 repayments of principal and interest on such eligible
7 loan—

8 (A) the eligible borrower may submit to
9 the Secretary a request to reset the interest
10 rate of the eligible loan in such manner and
11 containing such information as the Secretary
12 may require; and

13 (B) the Secretary—

14 (i) in accordance with such criteria as
15 the Secretary may establish under sub-
16 section (d), shall determine whether the el-
17 igible borrower is impacted by COVID–19;
18 and

19 (ii) if a positive determination is made
20 under clause (i), may reset the interest
21 rate of such eligible loan (including
22 through amendment of such eligible loan)
23 to a lower interest rate equal to not less
24 than the yield on United States Treasury
25 securities of a similar maturity to the ma-

1 turity of the eligible loan on the date of the
2 reset, in accordance with this section.

3 (2) APPLICABILITY.—A lower interest rate pro-
4 vided for an eligible loan pursuant to paragraph
5 (1)(B)(ii) shall apply until the final maturity date of
6 the eligible loan.

7 (c) OTHER LOAN MODIFICATIONS.—With respect to
8 an eligible borrower impacted by COVID–19, the Sec-
9 retary, on determining that the eligible borrower has been
10 impacted by COVID–19, may—

11 (1) allow, for a maximum aggregate period of
12 not more than 5 years, an obligor to add unpaid
13 principal and interest to the outstanding balance of
14 the loan, subject to the requirements under section
15 502(j)(3)(B) of the Railroad Revitalization and Reg-
16 ulatory Reform Act of 1976 (45 U.S.C.
17 822(j)(3)(B)) or section 603(c)(3)(B) of title 23,
18 United States Code, as applicable; and

19 (2) extend any applicable disbursement period
20 established under an agreement for credit assistance
21 made pursuant to section 502 of the Railroad Revi-
22 talization and Regulatory Reform Act of 1976 (45
23 U.S.C. 822) or section 603 of title 23, United States
24 Code, as applicable.

25 (d) CRITERIA.—

1 (1) IN GENERAL.—To be eligible to receive a
2 lower interest rate or other loan modification under
3 this section, an eligible borrower shall achieve com-
4 pliance with such criteria as the Secretary may es-
5 tablish, in accordance with paragraph (2).

6 (2) FACTORS FOR CONSIDERATION.—In estab-
7 lishing criteria for purposes of paragraph (1), the
8 Secretary may take into consideration such factors
9 as the Secretary determines to be relevant, including
10 achieving the objectives of—

11 (A) maintaining the operation of a project
12 carried out by an eligible borrower in a disaster,
13 emergency, or other extenuating circumstance;

14 (B) mitigating the financial impact on an
15 eligible borrower of a disaster, emergency, or
16 other extenuating circumstance; and

17 (C) protecting the interests of the Federal
18 Government in critical infrastructure.

19 (e) EFFECTIVE PERIOD.—

20 (1) IN GENERAL.—The authority of the Sec-
21 retary to reset interest rates pursuant to this section
22 shall terminate on September 30, 2022.

23 (2) EFFECT OF SUBSECTION.—Nothing in this
24 subsection affects any eligible loan that is modified

1 pursuant to this section on or before September 30,
2 2022.

3 **SEC. 7003. FEDERAL REQUIREMENTS FOR TIFIA ELIGI-**
4 **BILITY AND PROJECT SELECTION.**

5 (a) IN GENERAL.—Section 602(c) of title 23, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 “(3) PAYMENT AND PERFORMANCE SECU-
9 RITY.—

10 “(A) IN GENERAL.—The Secretary shall
11 ensure that the design and construction of a
12 project carried out with assistance under the
13 TIFIA program shall have appropriate payment
14 and performance security, regardless of whether
15 the obligor is a State, local government, agency
16 or instrumentality of a State or local govern-
17 ment, public authority, or private party.

18 “(B) WRITTEN DETERMINATION.—If pay-
19 ment and performance security is required to be
20 furnished by applicable State or local statute or
21 regulation, the Secretary may accept such pay-
22 ment and performance security requirements
23 applicable to the obligor if the Federal interest
24 with respect to Federal funds and other project

1 risk related to design and construction is ade-
2 quately protected.

3 “(C) NO DETERMINATION OR APPLICABLE
4 REQUIREMENTS.—If there are no payment and
5 performance security requirements applicable to
6 the obligor, the security under section 3131(b)
7 of title 40 or an equivalent State or local re-
8 quirement, as determined by the Secretary,
9 shall be required.”.

10 (b) APPLICABILITY.—The amendments made by this
11 section shall apply with respect to any agreement for cred-
12 it assistance entered into on or after the date of enactment
13 of this Act.

14 **DIVISION C—HAZARDOUS** 15 **MATERIALS TRANSPORTATION**

16 **SEC. 8001. SHORT TITLE.**

17 This division may be cited as the “Improving Haz-
18 ardous Materials Safety Act of 2021”.

19 **TITLE I—AUTHORIZATIONS**

20 **SEC. 8101. AUTHORIZATION OF APPROPRIATIONS.**

21 Section 5128 of title 49, United States Code, is
22 amended—

23 (1) in subsection (a) by striking paragraphs (1)
24 through (5) and inserting the following:

25 “(1) \$75,000,000 for fiscal year 2022;

1 “(2) \$70,000,000 for fiscal year 2023;

2 “(3) \$71,000,000 for fiscal year 2024;

3 “(4) \$73,000,000 for fiscal year 2025; and

4 “(5) \$74,000,000 for fiscal year 2026.”;

5 (2) in subsection (b)—

6 (A) by striking “fiscal years 2016 through
7 2020” and inserting “fiscal years 2022 through
8 2026”;

9 (B) in paragraph (1) by striking
10 “\$21,988,000” and inserting “\$24,025,000”;
11 and

12 (C) in paragraph (4) by striking
13 “\$1,000,000” and inserting “\$2,000,000”;

14 (3) in subsection (c) by striking “\$4,000,000
15 for each of fiscal years 2016 through 2020” and in-
16 serting “\$5,000,000 for each of fiscal years 2022
17 through 2026”;

18 (4) in subsection (d) by striking “\$1,000,000
19 for each of fiscal years 2016 through 2020” and in-
20 serting “\$4,000,000 for each of fiscal years 2022
21 through 2026”;

22 (5) by redesignating subsection (e) as sub-
23 section (f); and

24 (6) by inserting after subsection (d) the fol-
25 lowing:

1 “(e) ASSISTANCE WITH LOCAL EMERGENCY RE-
2 SPONDER TRAINING GRANTS.—From the Hazardous Ma-
3 terials Emergency Preparedness Fund established under
4 section 5116(h), the Secretary may expend \$1,800,000 for
5 each of fiscal years 2022 through 2026 to carry out the
6 grant program under section 5107(j).”.

7 **TITLE II—HAZARDOUS MATE-**
8 **RIALS SAFETY AND IMPROVE-**
9 **MENT**

10 **SEC. 8201. REPEAL OF CERTAIN REQUIREMENTS RELATED**
11 **TO LITHIUM CELLS AND BATTERIES.**

12 (a) REPEAL.—Section 828 of the FAA Modernization
13 and Reform Act of 2012 (49 U.S.C. 44701 note), and the
14 item relating to such section in the table of contents in
15 section 1(b) of such Act, are repealed.

16 (b) CONFORMING AMENDMENTS.—Section 333 of the
17 FAA Reauthorization Act of 2018 (49 U.S.C. 44701 note)
18 is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1)—

21 (i) by striking “(A) IN GENERAL.—”

22 and all that follows through “the Sec-
23 retary” and inserting “The Secretary”;

24 and

25 (ii) by striking subparagraph (B); and

1 (B) in paragraph (2) by striking “Pursu-
2 ant to section 828 of the FAA Modernization
3 and Reform Act of 2012 (49 U.S.C. 44701
4 note), the Secretary” and inserting “The Sec-
5 retary”;

6 (2) by striking paragraph (4) of subsection (b);
7 and

8 (3) by striking paragraph (1) of subsection (h)
9 and inserting the following:

10 “(1) ICAO TECHNICAL INSTRUCTIONS.—The
11 term ‘ICAO Technical Instructions’ means the Inter-
12 national Civil Aviation Organization Technical In-
13 structions for the Safe Transport of Dangerous
14 Goods by Air.”.

15 (c) LITHIUM BATTERY SAFETY EVALUATION AND
16 REPORT.—

17 (1) IN GENERAL.—Not later than 120 days
18 after the date of enactment of this Act, the Adminis-
19 trator of the Pipeline and Hazardous Materials Safe-
20 ty Administration, in coordination with the Adminis-
21 trator of the Federal Aviation Administration, shall
22 evaluate outstanding recommendations of the Na-
23 tional Transportation Safety Board regarding trans-
24 portation of lithium batteries by air.

1 (2) REPORT.—Not later than 180 days after
2 the date of enactment of this Act, the Secretary of
3 Transportation shall submit to the Committee on
4 Transportation and Infrastructure of the House of
5 Representatives and the Committee on Commerce,
6 Science, and Transportation of the Senate, a report
7 on the evaluation described in paragraph (1).

8 **SEC. 8202. TRANSPORTATION OF LIQUEFIED NATURAL GAS**
9 **BY RAIL TANK CAR.**

10 (a) STAY OF AUTHORIZATION FOR TRANSPORTATION
11 OF LIQUEFIED NATURAL GAS BY TANK CAR.—

12 (1) IN GENERAL.—Any regulation authorizing
13 the transportation of liquefied natural gas by rail
14 tank car issued before the date of enactment of this
15 Act shall have no force or effect until—

16 (A) the Secretary of Transportation con-
17 ducts the evaluation, testing, and analysis re-
18 quired in subsections (b), (c), and (d);

19 (B) the Secretary issues the report re-
20 quired by subsection (e);

21 (C) the Comptroller General of the United
22 States completes the evaluation and report re-
23 quired under subsection (g); and

24 (D) the Secretary issues a final rule updat-
25 ing the regulation described in this paragraph

1 that incorporates the additional data, research,
2 and analysis required under this section.

3 (2) PERMIT OR APPROVAL.—The Secretary
4 shall rescind any special permit or approval for the
5 transportation of liquefied natural gas by rail tank
6 car issued before the date of enactment of this Act.

7 (b) EVALUATION.—Not later than 120 days after the
8 date of enactment of this Act, the Administrator of the
9 Pipeline and Hazardous Materials Safety Administration,
10 in coordination with the Administrator of the Federal
11 Railroad Administration, shall initiate an evaluation of the
12 safety, security, and environmental risks of transporting
13 liquefied natural gas by rail.

14 (c) TESTING.—In conducting the evaluation under
15 subsection (a), the Administrator of the Pipeline and Haz-
16 ardous Materials Safety Administration shall—

17 (1) perform physical testing of rail tank cars,
18 including, at a minimum, the DOT-113C120-W9
19 specification, to evaluate the performance of such
20 rail tank cars in the event of an accident or derail-
21 ment, including evaluation of the extent to which de-
22 sign and construction features such as steel thick-
23 ness and valve protections prevent or mitigate the
24 release of liquefied natural gas;

1 (2) analyze multiple release scenarios, including
2 derailments, front-end collisions, rear-end collisions,
3 side-impact collisions, grade-crossing collisions,
4 punctures, and impact of an incendiary device, at a
5 minimum of three speeds of travel with a sufficient
6 range of speeds to evaluate the safety, security, and
7 environmental risks posed under real-world oper-
8 ating conditions; and

9 (3) examine the effects of exposure to climate
10 conditions across rail networks, including tempera-
11 ture, humidity, and any other factors that the Ad-
12 ministrator of the Federal Railroad Administration
13 determines could influence performance of rail tank
14 cars and components of such rail tank cars.

15 (d) OTHER FACTORS TO CONSIDER.—In conducting
16 the evaluation under subsection (b), the Administrator of
17 the Pipeline and Hazardous Materials Safety shall evalu-
18 ate the impact of a discharge of liquefied natural gas from
19 a rail tank car on public safety and the environment, and
20 consider—

21 (1) the safety benefits of route restrictions,
22 speed restrictions, enhanced brake requirements,
23 personnel requirements, rail tank car technological
24 requirements, and other operating controls;

1 (2) the inclusion of consist restrictions, includ-
2 ing limitations on the arrangement and quantity of
3 rail tank cars carrying liquefied natural gas in any
4 given consist;

5 (3) the identification of potential impact areas,
6 and the number of homes and structures potentially
7 endangered by a discharge in rural, suburban, and
8 urban environments;

9 (4) the impact of discharge on the environment,
10 including air quality impacts;

11 (5) the benefits of advanced notification to the
12 Department of Transportation, State Emergency
13 Response Commissions, and Tribal Emergency Re-
14 sponse Commissions of routes for moving liquefied
15 natural gas by rail tank car;

16 (6) how first responders respond to an incident,
17 including the extent to which specialized equipment
18 or training would be required and the cost to com-
19 munities for acquiring any necessary equipment or
20 training;

21 (7) whether thermal radiation could occur from
22 a discharge;

23 (8) an evaluation of the rail tank car authorized
24 by the Secretary of Transportation for liquefied nat-
25 ural gas or similar cryogenic liquids, and a deter-

1 mination of whether specific safety enhancements or
2 new standards are necessary to ensure the safety of
3 rail transport of liquefied natural gas; and

4 (9) the risks posed by the transportation of liq-
5 uefied natural gas by International Organization for
6 Standardization containers authorized by the Fed-
7 eral Railroad Administration.

8 (e) REPORT.—Not later than 2 years after the date
9 of enactment of this Act, the Secretary of Transportation
10 shall submit to the Committee on Transportation and In-
11 frastructure of the House of Representatives and the Com-
12 mittee on Commerce, Science, and Transportation of the
13 Senate, and make available to the public—

14 (1) a report based on the evaluation and testing
15 conducted under subsections (b) and (c), which shall
16 include the results of the evaluation and testing and
17 recommendations for mitigating or eliminating the
18 safety, security, environmental, and other risks of an
19 accident or incident involving the transportation of
20 liquefied natural gas by rail; and

21 (2) a complete list of all research related to the
22 transportation of liquefied natural gas by rail con-
23 ducted by the Federal Railroad Administration, the
24 Pipeline and Hazardous Materials Safety Adminis-
25 tration, or any other entity of the Federal Govern-

1 ment since 2010 that includes, for each research
2 item—

3 (A) the title of any reports or studies pro-
4 duced with respect to the research;

5 (B) the agency, entity, or organization per-
6 forming the research;

7 (C) the names of all authors and co-au-
8 thors of any report or study produced with re-
9 spect to the research; and

10 (D) the date any related report was pub-
11 lished or is expected to publish.

12 (f) DATA COLLECTION.—The Administrator of the
13 Federal Railroad Administration and the Administrator of
14 the Pipeline and Hazardous Materials Safety Administra-
15 tion shall collect any relevant data or records necessary
16 to complete the evaluation required by subsection (b).

17 (g) GAO REPORT.—After the evaluation required by
18 subsection (b) has been completed, the Comptroller Gen-
19 eral shall conduct an independent evaluation to verify that
20 the Federal Railroad Administration and the Pipeline and
21 Hazardous Materials Safety Administration complied with
22 the requirements of this Act, and transmit to the Com-
23 mittee on Transportation and Infrastructure of the House
24 of Representatives and the Committee on Commerce,

1 Science, and Transportation of the Senate a report on the
2 findings of such independent evaluation.

3 (h) FUNDING.—From the amounts made available
4 for fiscal year 2022 under section 5128(a) of title 49,
5 United States Code, the Secretary shall expend not less
6 than \$4,000,000 and not more than \$6,000,000 to carry
7 out the evaluation under subsection (a).

8 **SEC. 8203. HAZARDOUS MATERIALS TRAINING REQUIRE-**
9 **MENTS AND GRANTS.**

10 Section 5107 of title 49, United States Code, is
11 amended by adding at the end the following:

12 “(j) ASSISTANCE WITH LOCAL EMERGENCY RE-
13 SPONDER TRAINING.—The Secretary shall establish a pro-
14 gram to make grants, on a competitive basis, to nonprofit
15 organizations to develop hazardous materials response
16 training for emergency responders and make such training
17 available electronically or in person.”.

18 **SEC. 8204. LITHIUM BATTERY APPROVAL.**

19 (a) IN GENERAL.—Chapter 51 of title 49, United
20 States Code, is amended by adding at the end the fol-
21 lowing:

22 **“§ 5129. Lithium battery approval**

23 “(a) APPROVAL TO TRANSPORT CERTAIN BATTERIES
24 IN COMMERCE.—A person may not transport in commerce

1 a specified lithium battery that is determined by the Sec-
2 retary to be a high safety or security risk unless—

3 “(1) the manufacturer of such battery receives
4 an approval from the Secretary; and

5 “(2) the manufacture of such battery meets the
6 requirements of this section and the regulations
7 issued under subsection (d).

8 “(b) TERM OF APPROVAL.—An approval granted to
9 a manufacturer under this section shall not exceed 5
10 years.

11 “(c) APPROVAL PROCESS.—To receive an approval
12 for a specified lithium battery under this section, a manu-
13 facturer shall—

14 “(1) allow the Secretary, or an entity des-
15 ignated by the Secretary, to inspect the applicant’s
16 manufacturing process and procedures;

17 “(2) bear the cost of any inspection carried out
18 under paragraph (1); and

19 “(3) develop and implement, with respect to the
20 manufacture of such battery—

21 “(A) a comprehensive quality management
22 program; and

23 “(B) appropriate product identification,
24 marking, documentation, lifespan, and tracking
25 measures.

1 “(d) REGULATIONS REQUIRED.—Not later than 2
2 years after the date of enactment of this section, the Sec-
3 retary shall issue regulations to carry out this section.

4 Such regulations shall include—

5 “(1) parameters for, and a process for receiv-
6 ing, an approval under this section; and

7 “(2) a determination of the types of specified
8 lithium batteries that pose a high safety or security
9 risk in transport, including battery or cell type, size,
10 and energy storage capacity.

11 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion shall be construed—

13 “(1) to affect any provision, limitation, or pro-
14 hibition with respect to the transportation of a speci-
15 fied lithium battery in effect as of the date of enact-
16 ment of this section; or

17 “(2) to authorize transportation of any such
18 battery if such transportation is not already author-
19 ized as of the date of enactment of this section.

20 “(f) SPECIFIED LITHIUM BATTERY DEFINED.—In
21 this section, the term ‘specified lithium battery’ means—

22 “(1) a lithium ion cell or battery; or

23 “(2) a lithium metal cell or battery.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 51 of title 49, United States Code, is amended by add-
3 ing at the end the following:

“5129. Lithium battery approval.”.

4 **SEC. 8205. TRANSPORTATION OF CARBON DIOXIDE.**

5 The Secretary of Transportation may not propose,
6 issue, or enforce any rule, regulation, or guidance that
7 prohibits the bulk transportation of captured carbon diox-
8 ide, in solid, liquid, or gaseous form, by pipeline, rail, or
9 ship.

10 **SEC. 8206. SEISMICITY.**

11 (a) IN GENERAL.—Not later than 90 days after the
12 date of enactment of this section, the Secretary of Trans-
13 portation, in consultation with the Federal Energy Regu-
14 latory Commission, shall enter into an agreement with the
15 National Academy of Sciences under which the National
16 Academy of Sciences shall prepare a report containing—

17 (1) the results of a study that—

18 (A) evaluates the current Federal require-
19 ments for pipeline facility design, siting, con-
20 struction, operation and maintenance, and in-
21 tegrity management, relating to seismicity, land
22 subsidence, landslides, slope instability, frost
23 heave, soil settlement, erosion, and other dy-
24 namic geologic conditions that may pose a safe-
25 ty risk;

1 (B) identifies any discrepancy in such re-
2 quirements that apply to operators of gas pipe-
3 line facilities and hazardous liquid pipeline fa-
4 cilities; and

5 (C) identifies any deficiencies in industry
6 practices related to such requirements; and

7 (2) any recommendations of the National Acad-
8 emy of Sciences based on such results.

9 (b) REPORT TO CONGRESS.—Upon completion of the
10 report prepared pursuant to subsection (a), the National
11 Academy of Sciences shall submit to the Secretary of
12 Transportation, the Committee on Transportation and In-
13 frastructure of the House of Representatives, the Com-
14 mittee on Energy and Commerce of the House of Rep-
15 resentatives, and the Committee on Commerce, Science,
16 and Transportation of the Senate the report.

17 (c) PIPELINE FACILITIES.—In this section, the term
18 “pipeline facility” has the meaning given that term in sec-
19 tion 60101 of title 49, United States Code.

20 **DIVISION D—RAIL**

21 **SEC. 9001. SHORT TITLE.**

22 This division may be cited as the “Transforming Rail
23 by Accelerating Investment Nationwide Act” or the
24 “TRAIN Act”.

1 **TITLE I—AUTHORIZATIONS**

2 **SEC. 9101. AUTHORIZATION OF APPROPRIATIONS.**

3 (a) AUTHORIZATION OF GRANTS TO AMTRAK.—

4 (1) NORTHEAST CORRIDOR.—There are author-
5 ized to be appropriated to the Secretary of Trans-
6 portation for the use of Amtrak for activities associ-
7 ated with the Northeast Corridor the following
8 amounts:

9 (A) For fiscal year 2022, \$2,500,000,000.

10 (B) For fiscal year 2023, \$2,600,000,000.

11 (C) For fiscal year 2024, \$2,700,000,000.

12 (D) For fiscal year 2025, \$2,800,000,000.

13 (E) For fiscal year 2026, \$2,900,000,000.

14 (2) NATIONAL NETWORK.—There are author-
15 ized to be appropriated to the Secretary for the use
16 of Amtrak for activities associated with the National
17 Network the following amounts:

18 (A) For fiscal year 2022, \$3,500,000,000.

19 (B) For fiscal year 2023, \$3,600,000,000.

20 (C) For fiscal year 2024, \$3,700,000,000.

21 (D) For fiscal year 2025, \$3,800,000,000.

22 (E) For fiscal year 2026, \$3,900,000,000.

23 (b) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
24 retary may withhold up to one-half of one percent annually

1 from the amounts made available under subsection (a) for
2 oversight.

3 (c) AMTRAK COMMON BENEFIT COSTS FOR STATE-
4 SUPPORTED ROUTES.— For fiscal year 2022, if funds are
5 made available under subsection (a)(2) in excess of the
6 amounts authorized for fiscal year 2020 under section
7 11101(b) of the FAST Act (Public Law 114–94), Amtrak
8 shall use up to \$250,000,000 of the excess funds to defray
9 the share of operating costs of Amtrak’s national assets
10 (as such term is defined in section 24320(c)(5) of title
11 49, United States Code) and corporate services (as such
12 term is defined pursuant to section 24317(b) of title 49,
13 United States Code) that is allocated to the State-sup-
14 ported services. After the update of the cost methodology
15 policy required under section 24712(a)(7)(B) of title 49,
16 United States Code, is implemented, there are authorized
17 to be appropriated to the Secretary for the use of Amtrak
18 such sums as may be necessary for each of the fiscal years
19 2023 through 2026 for the implementation of the updated
20 policy.

21 (d) STATE-SUPPORTED ROUTE COMMITTEE.—Of the
22 funds made available under subsection (a)(2), the Sec-
23 retary may make available up to \$4,000,000 for each fis-
24 cal year for the State-Supported Route Committee estab-
25 lished under section 24712 of title 49, United States Code.

1 (e) NORTHEAST CORRIDOR COMMISSION.—Of the
2 funds made available under subsection (a)(1), the Sec-
3 retary may make available up to \$6,000,000 for each fis-
4 cal year for the Northeast Corridor Commission estab-
5 lished under section 24905 of title 49, United States Code.

6 (f) AUTHORIZATION OF APPROPRIATIONS FOR AM-
7 TRAK OFFICE OF INSPECTOR GENERAL.—There are au-
8 thorized to be appropriated to the Office of Inspector Gen-
9 eral of Amtrak the following amounts:

10 (1) For fiscal year 2022, \$26,500,000.

11 (2) For fiscal year 2023, \$27,000,000.

12 (3) For fiscal year 2024, \$27,500,000.

13 (4) For fiscal year 2025, \$28,000,000.

14 (5) For fiscal year 2026, \$28,500,000.

15 (g) PASSENGER RAIL IMPROVEMENT, MODERNIZA-
16 TION, AND EXPANSION GRANTS.—

17 (1) There are authorized to be appropriated to
18 the Secretary to carry out section 22906 of title 49,
19 United States Code, the following amounts:

20 (A) For fiscal year 2022, \$5,800,000,000.

21 (B) For fiscal year 2023, \$5,900,000,000.

22 (C) For fiscal year 2024, \$6,000,000,000.

23 (D) For fiscal year 2025, \$6,100,000,000.

24 (E) For fiscal year 2026, \$6,200,000,000.

1 (2) PROJECT MANAGEMENT OVERSIGHT.—The
2 Secretary may withhold up to 1 percent of the total
3 amount appropriated under paragraph (1) for the
4 costs of program management oversight, including
5 providing technical assistance and project planning
6 guidance, of grants carried out under section 22906
7 of title 49, United States Code.

8 (3) HIGH-SPEED RAIL CORRIDOR PLANNING.—
9 The Secretary shall withhold at least 4 percent of
10 funding in paragraph (1) for the purposes described
11 in section 22906(a)(1)(B) of title 49, United States
12 Code. Any funds withheld by this paragraph that re-
13 main unobligated at the end of the fiscal year fol-
14 lowing the fiscal year in which such funds are made
15 available may be used for any eligible project under
16 section 22906 of such title.

17 (h) CONSOLIDATED RAIL INFRASTRUCTURE AND
18 SAFETY IMPROVEMENTS.—

19 (1) IN GENERAL.—There are authorized to be
20 appropriated to the Secretary to carry out section
21 22907 of title 49, United States Code, the following
22 amounts:

23 (A) For fiscal year 2022, \$1,200,000,000.

24 (B) For fiscal year 2023, \$1,300,000,000.

25 (C) For fiscal year 2024, \$1,400,000,000.

1 (D) For fiscal year 2025, \$1,500,000,000.

2 (E) For fiscal year 2026, \$1,600,000,000.

3 (2) PROJECT MANAGEMENT OVERSIGHT.—The
4 Secretary may withhold up to 2 percent of the total
5 amount appropriated under paragraph (1) for the
6 costs of program management oversight, including
7 providing technical assistance and project planning
8 guidance, of grants carried out under section 22907
9 of title 49, United States Code.

10 (3) RAIL SAFETY PUBLIC AWARENESS.—Of the
11 amounts made available under paragraph (1), the
12 Secretary may make available up to \$5,000,000 for
13 each of fiscal years 2022 through 2026 to make
14 grants under section 22907(o) of title 49, United
15 States Code.

16 (4) RAILROAD TRESPASSING ENFORCEMENT.—
17 Of the amounts made available under paragraph (1),
18 the Secretary may make available up to \$250,000
19 for each of fiscal years 2022 through 2026 to make
20 grants under section 22907(p) of title 49, United
21 States Code.

22 (5) RAILROAD TRESPASSING SUICIDE PREVEN-
23 TION.—Of the amounts made available under para-
24 graph (1), the Secretary may make available up to
25 \$1,000,000 for each of fiscal years 2022 through

1 2026 to make grants under section 22907(q) of title
2 49, United States Code.

3 (i) BRIDGES, STATIONS, AND TUNNELS GRANTS.—

4 (1) IN GENERAL.—There are authorized to be
5 appropriated to the Secretary to carry out section
6 22909 of title 49, United States Code, the following
7 amounts:

8 (A) For fiscal year 2022, \$4,800,000,000.

9 (B) For fiscal year 2023, \$4,900,000,000.

10 (C) For fiscal year 2024, \$5,000,000,000.

11 (D) For fiscal year 2025, \$5,100,000,000.

12 (E) For fiscal year 2026, \$5,200,000,000.

13 (2) PROJECT MANAGEMENT OVERSIGHT.—The
14 Secretary may withhold up to one half of 1 percent
15 of the total amount appropriated under paragraph
16 (1) for the costs of program management oversight,
17 including providing technical assistance and project
18 planning guidance, of grants carried out under sec-
19 tion 22909 of title 49, United States Code.

20 (j) RAILROAD REHABILITATION AND IMPROVEMENT
21 FINANCING.—

22 (1) IN GENERAL.—There are authorized to be
23 appropriated to the Secretary for payment of credit
24 risk premiums in accordance with section 502(f)(1)
25 of the Railroad Revitalization and Regulatory Re-

1 form Act of 1976 (45 U.S.C. 822(f)(1)) the fol-
2 lowing amounts, to remain available until expended:

3 (A) For fiscal year 2022, \$160,000,000.

4 (B) For fiscal year 2023, \$170,000,000.

5 (C) For fiscal year 2024, \$180,000,000.

6 (D) For fiscal year 2025, \$190,000,000.

7 (E) For fiscal year 2026, \$200,000,000.

8 (2) REFUND OF PREMIUM.—There are author-
9 ized to be appropriated to the Secretary
10 \$70,000,000 to repay the credit risk premium under
11 section 502 of the Railroad Revitalization and Regu-
12 latory Reform Act of 1976 (45 U.S.C. 822) for each
13 loan in cohort 3, as defined by the memorandum to
14 the Office of Management and Budget of the De-
15 partment of Transportation dated November 5,
16 2018, with interest accrued thereon, not later than
17 60 days after the date on which all obligations at-
18 tached to each such loan have been satisfied. For
19 each such loan for which obligations have been satis-
20 fied as of the date of enactment of this Act, the Sec-
21 retary shall repay the credit risk premium of each
22 such loan, with interest accrued thereon, not later
23 than 60 days after the date of the enactment of this
24 Act.

25 (k) RESTORATION AND ENHANCEMENT GRANTS.—

1 (1) IN GENERAL.—There are authorized to be
2 appropriated to the Secretary to carry out section
3 22908 of title 49, United States Code, \$20,000,000
4 for each of fiscal years 2022 through 2026.

5 (2) PROJECT MANAGEMENT OVERSIGHT.—The
6 Secretary may withhold up to 1 percent from the
7 total amounts appropriated under paragraph (1) for
8 the costs of project management oversight of grants
9 carried out under section 22908 of title 49, United
10 States Code.

11 (1) GRADE CROSSING SEPARATION GRANTS.—

12 (1) IN GENERAL.—There are authorized to be
13 appropriated to the Secretary to carry out section
14 22912 of title 49, United States Code, (as added by
15 section 9551 of this Act) the following amounts:

16 (A) For fiscal year 2022, \$450,000,000.

17 (B) For fiscal year 2023, \$475,000,000.

18 (C) For fiscal year 2024, \$500,000,000.

19 (D) For fiscal year 2025, \$525,000,000.

20 (E) For fiscal year 2026, \$550,000,000.

21 (2) PROJECT MANAGEMENT OVERSIGHT.—The
22 Secretary may withhold up to 2 percent from the
23 total amounts appropriated under paragraph (1) for
24 the costs of project management oversight, including
25 providing technical assistance and project planning

1 guidance, of grants carried out under section 22912
2 of title 49, United States Code.

3 (m) AUTHORIZATION OF APPROPRIATIONS TO THE
4 FEDERAL RAILROAD ADMINISTRATION.—Section 20117
5 of title 49, United States Code, is amended to read as
6 follows:

7 **“§ 20117. Authorization of appropriations**

8 “(a) SAFETY AND OPERATIONS.—

9 “(1) IN GENERAL.—There are authorized to be
10 appropriated to the Secretary of Transportation for
11 the operations of the Federal Railroad Administra-
12 tion and to carry out railroad safety activities au-
13 thORIZED or delegated to the Administrator—

14 “(A) \$290,500,000 for fiscal year 2022;

15 “(B) \$303,300,000 for fiscal year 2023;

16 “(C) \$316,100,000 for fiscal year 2024;

17 “(D) \$324,400,000 for fiscal year 2025;

18 and

19 “(E) \$332,900,000 for fiscal year 2026.

20 “(2) AUTOMATED TRACK INSPECTION PROGRAM
21 AND DATA ANALYSIS.—From the funds made avail-
22 able under paragraph (1) for each of fiscal years
23 2022 through 2026, not more than \$17,000,000
24 may be expended for the Automated Track Inspec-
25 tion Program and data analysis related to track in-

1 specification. Such funds shall remain available until ex-
2 pended.

3 “(3) STATE PARTICIPATION GRANTS.—Amounts
4 made available under paragraph (1) for grants
5 under section 20105(e) shall remain available until
6 expended.

7 “(4) REGIONAL PLANNING GUIDANCE.—The
8 Secretary may withhold up to \$20,000,000 from the
9 amounts made available for each fiscal year under
10 paragraph (1) to facilitate and provide guidance for
11 regional planning processes, including not more than
12 \$500,000 annually for each interstate rail compact.

13 “(5) RAILROAD SAFETY INSPECTORS.—

14 “(A) IN GENERAL.—The Secretary shall
15 ensure that the number of full-time equivalent
16 railroad safety inspection personnel employed
17 by the Office of Railroad Safety of the Federal
18 Railroad Administration does not fall below the
19 following:

20 “(i) 379 for fiscal year 2022;

21 “(ii) 403 for fiscal year 2023;

22 “(iii) 422 for fiscal year 2024;

23 “(iv) 424 for fiscal year 2025; and

24 “(v) 426 for fiscal year 2026.

1 “(B) CONSIDERATION.—In meeting the
2 minimum railroad safety inspector levels under
3 subparagraph (A), the Secretary shall consider
4 the ability of railroad safety inspectors to ana-
5 lyze railroad safety data.

6 “(C) FUNDING.—From the amounts made
7 available to the Secretary under subsection
8 (a)(1), the Secretary shall use the following
9 amounts to carry out subparagraph (A):

10 “(i) \$3,244,104 for fiscal year 2022.

11 “(ii) \$6,488,208 for fiscal year 2023.

12 “(iii) \$9,056,457 for fiscal year 2024.

13 “(iv) \$9,326,799 for fiscal year 2025.

14 “(v) \$9,597,141 for fiscal year 2026.

15 “(6) OTHER SAFETY PERSONNEL.—

16 “(A) INCREASE IN NUMBER OF SUPPORT
17 EMPLOYEES.—The Secretary shall, for each of
18 fiscal years 2022 and 2023, increase by 10 the
19 total number of full-time equivalent employees
20 working as specialists, engineers, or analysts in
21 the field supporting inspectors compared to the
22 number of such employees employed in the pre-
23 vious fiscal year.

24 “(B) FUNDING.—From the amounts made
25 available to the Secretary under subsection

1 (a)(1), the Secretary shall use the following
2 amounts to carry out subparagraph (A):

3 “(i) \$1,631,380 for fiscal year 2022.

4 “(ii) \$3,262,760 for fiscal year 2023.

5 “(iii) \$3,262,760 for fiscal year 2024.

6 “(iv) \$3,262,760 for fiscal year 2025.

7 “(v) \$3,262,760 for fiscal year 2026.

8 “(b) RAILROAD RESEARCH AND DEVELOPMENT.—

9 “(1) AUTHORIZATION OF APPROPRIATIONS.—

10 There are authorized to be appropriated to the Sec-
11 retary of Transportation for necessary expenses for
12 carrying out railroad research and development ac-
13 tivities the following amounts which shall remain
14 available until expended:

15 “(A) \$67,000,000 for fiscal year 2022.

16 “(B) \$69,000,000 for fiscal year 2023.

17 “(C) \$71,000,000 for fiscal year 2024.

18 “(D) \$73,000,000 for fiscal year 2025.

19 “(E) \$75,000,000 for fiscal year 2026.

20 “(2) SHORT LINE SAFETY.—From funds made
21 available under paragraph (1) for each of fiscal
22 years 2022 through 2026, the Secretary may expend
23 not more than \$4,000,000—

24 “(A) for grants to improve safety practices
25 and training for Class II and Class III freight,

1 commuter, and intercity passenger railroads;
2 and

3 “(B) to develop safety management sys-
4 tems for Class II and Class III freight, com-
5 muter, and intercity passenger railroads
6 through the continued development of safety
7 culture assessments, transportation emergency
8 response plans, training and education, out-
9 reach activities, best practices for trespassing
10 prevention and employee trauma response, and
11 technical assistance.

12 “(3) UNIVERSITY RAIL CLIMATE INNOVATION
13 INSTITUTE.—

14 “(A) IN GENERAL.—Of the amounts made
15 available under paragraph (1), the Secretary
16 may make available up to \$20,000,000 for each
17 of fiscal years 2022 through 2026 to establish
18 the University Rail Climate Innovation Institute
19 under section 22913.

20 “(B) PROJECT MANAGEMENT OVER-
21 SIGHT.—The Secretary may withhold up to 1
22 percent from the total amounts appropriated
23 under subparagraph (A) for the costs of project
24 management oversight of the grant carried out
25 under section 22913.

1 “(4) SUICIDE PREVENTION RESEARCH FUND-
2 ING.—From funds made available under paragraph
3 (1) for each of fiscal years 2022 through 2026, the
4 Secretary may make available not less than
5 \$1,000,000 for human factors research undertaken
6 by the Federal Railroad Administration, including
7 suicide countermeasure evaluation, data exploration
8 and quality improvement, and other initiatives as ap-
9 propriate.”.

10 (n) LIMITATION ON FINANCIAL ASSISTANCE FOR
11 STATE-OWNED ENTERPRISES.—

12 (1) IN GENERAL.—Funds provided under this
13 section and the amendments made by this section
14 may not be used in awarding a contract, sub-
15 contract, grant, or loan to an entity that is owned
16 or controlled by, is a subsidiary of, or is otherwise
17 related legally or financially to a corporation based
18 in a country that—

19 (A) is identified as a nonmarket economy
20 country (as defined in section 771(18) of the
21 Tariff Act of 1930 (19 U.S.C. 1677(18))) as of
22 the date of enactment of this Act;

23 (B) was identified by the United States
24 Trade Representative in the most recent report
25 required by section 182 of the Trade Act of

1 1974 (19 U.S.C. 2242) as a priority foreign
2 country under subsection (a)(2) of that section;
3 and

4 (C) is subject to monitoring by the Trade
5 Representative under section 306 of the Trade
6 Act of 1974 (19 U.S.C. 2416).

7 (2) EXCEPTION.—For purposes of paragraph
8 (1), the term “otherwise related legally or finan-
9 cially” does not include a minority relationship or in-
10 vestment.

11 (3) INTERNATIONAL AGREEMENTS.—This sub-
12 section shall be applied in a manner consistent with
13 the obligations of the United States under inter-
14 national agreements.

15 (o) RAIL TRUST FUND.—

16 (1) IN GENERAL.—

17 (A) FUNDING.—Beginning on the date on
18 which a rail trust fund is established, any
19 amounts made available under subsections (a),
20 (g), (h), (i), (j)(1), (k), and (l) shall be derived
21 from such fund.

22 (B) RAIL TRUST FUND DEFINED.—In this
23 subsection, the term “rail trust fund” means a
24 trust fund established under the Internal Rev-
25 enue Code of 1986 for making certain expendi-

1 tures for the benefit of rail and for crediting
2 certain taxes and penalties collected relating to
3 rail.

4 (2) SENSE OF COMMITTEE ON NEED FOR RAIL
5 TRUST FUND.—The following is the sense of the
6 Committee on Transportation and Infrastructure of
7 the House of Representatives:

8 (A) There is a discrepancy in historical
9 Federal investment between highways, aviation,
10 and intercity passenger rail. Between 1949 and
11 2017, the Federal Government invested more
12 than \$2 trillion in our nation’s highways and
13 over \$777 billion in aviation. The Federal Gov-
14 ernment has invested \$96 billion in intercity
15 passenger rail, beginning in 1971 with the cre-
16 ation of the National Railroad Passenger Cor-
17 poration. Intercity passenger rail Federal in-
18 vestment is only 12 percent of Federal aviation
19 investment and less than 5 percent of Federal
20 highway investment.

21 (B) Congress has recognized the value and
22 importance of a predictable, dedicated funding
23 source through a trust fund for all other modes
24 of transportation including for aviation, high-
25 ways, transit, and waterways. The Highway

1 Trust Fund was created in 1956. The Airport
2 and Aviation Trust Fund was created in 1970.
3 The Inland Waterways Trust Fund was created
4 in 1978. Mass transit was added to the High-
5 way Trust Fund in 1983. The Harbor Mainte-
6 nance Trust Fund was created in 1986. With
7 regard to Federal transportation investment,
8 only intercity passenger and freight rail do not
9 have a predictable, dedicated funding source
10 through a trust fund.

11 (C) The Federal Railroad Administration
12 has identified more than \$300 billion worth of
13 investment needed to develop both high-speed
14 and higher speed intercity passenger rail cor-
15 ridors around the United States. In addition, a
16 Federal Railroad Administration report from
17 2014 found that shortline and regional rail-
18 roads need \$7 billion of investment. The North-
19 east Corridor has a \$40 billion state of good re-
20 pair backlog.

21 (D) A rail trust fund would provide a pre-
22 dictable, dedicated funding source to high-speed
23 and intercity passenger rail projects and for the
24 public benefits of shortline and regional railroad
25 freight rail projects. A trust fund provides es-

1 sential longer term funding certainty to allow
 2 the United States to develop quality intercity
 3 passenger rail service in corridors across the
 4 country, eliminate the state of good repair
 5 backlog on the Northeast Corridor, allow for ac-
 6 cessible equipment and stations for passengers
 7 with disabilities, move more freight on rail, re-
 8 develop an American passenger rail car manu-
 9 facturing base, create good paying, middle class
 10 jobs, and reduce our nation’s transportation
 11 carbon emissions.

12 **SEC. 9102. PASSENGER RAIL IMPROVEMENT, MODERNIZA-**
 13 **TION, AND EXPANSION GRANTS.**

14 (a) IN GENERAL.—Section 22906 of title 49, United
 15 States Code, is amended to read as follows:

16 **“§ 22906. Passenger rail improvement, modernization,**
 17 **and expansion grants**

18 “(a) IN GENERAL.—

19 “(1) ESTABLISHMENT.—The Secretary of
 20 Transportation shall establish a program to make
 21 grants to eligible applicants for—

22 “(A) capital projects that—

23 “(i) provide high-speed rail or inter-
 24 city rail passenger transportation;

1 “(ii) improve high-speed rail or inter-
2 city rail passenger performance, including
3 congestion mitigation, reliability improve-
4 ments, achievement of on-time perform-
5 ance standards established under section
6 207 of the Rail Safety Improvement Act of
7 2008 (49 U.S.C. 24101 note), reduced trip
8 times, increased train frequencies, higher
9 operating speeds, electrification, and other
10 improvements, as determined by the Sec-
11 retary; and

12 “(iii) expand or establish high-speed
13 rail or intercity rail passenger transpor-
14 tation and facilities; or

15 “(B) corridor planning activities for high-
16 speed rail described in section 26101(b).

17 “(2) PURPOSES.—Grants under this section
18 shall be for projects that improve mobility, oper-
19 ational performance, or growth of high-speed rail or
20 intercity rail passenger transportation.

21 “(b) DEFINITIONS.—In this section:

22 “(1) ELIGIBLE APPLICANT.—The term ‘eligible
23 applicant’ means—

24 “(A) a State;

25 “(B) a group of States;

1 “(C) an Interstate Compact;

2 “(D) a public agency or publicly chartered
3 authority established by 1 or more States;

4 “(E) a political subdivision of a State;

5 “(F) Amtrak, acting on its own behalf or
6 under a cooperative agreement with 1 or more
7 States; or

8 “(G) an Indian Tribe.

9 “(2) CAPITAL PROJECT.—The term ‘capital
10 project’ means—

11 “(A) a project or program for acquiring,
12 constructing, or improving—

13 “(i) passenger rolling stock;

14 “(ii) infrastructure assets, including
15 tunnels, bridges, stations, track and track
16 structures, communication and signaliza-
17 tion improvements; and

18 “(iii) a facility of use in or for the pri-
19 mary benefit of high-speed or intercity rail
20 passenger transportation;

21 “(B) project planning, development, de-
22 sign, engineering, location surveying, mapping,
23 environmental analysis or studies;

24 “(C) acquiring right-of-way or payments
25 for rail trackage rights agreements;

1 “(D) making highway-rail grade crossing
2 improvements related to high-speed rail or
3 intercity rail passenger transportation service;

4 “(E) electrification;

5 “(F) mitigating environmental impacts, in-
6 cluding through advance mitigation; or

7 “(G) a project relating to other assets de-
8 termined appropriate by the Secretary.

9 “(3) INTERCITY RAIL PASSENGER TRANSPOR-
10 TATION.—The term ‘intercity rail passenger trans-
11 portation’ has the meaning given such term in sec-
12 tion 24102.

13 “(4) HIGH-SPEED RAIL.—The term ‘high-speed
14 rail’ has the meaning given such term in section
15 26105.

16 “(5) STATE.—The term ‘State’ means each of
17 the 50 States and the District of Columbia.

18 “(6) SOCIALLY DISADVANTAGED INDIVID-
19 UALS.—The term ‘socially disadvantaged individuals’
20 has the meaning given the term ‘socially and eco-
21 nomically disadvantaged individuals’ in section 8(d)
22 of the Small Business Act (15 U.S.C. 637(d)).

23 “(c) PROJECT REQUIREMENTS.—

1 “(1) REQUIREMENTS.—To be eligible for a
2 grant under this section, an eligible applicant shall
3 demonstrate that such applicant has or will have—

4 “(A) the legal, financial, and technical ca-
5 pacity to carry out the project;

6 “(B) satisfactory continuing control over
7 the use of the equipment or facilities that are
8 the subject of the project; and

9 “(C) an agreement in place for mainte-
10 nance of such equipment or facilities.

11 “(2) HIGH-SPEED RAIL REQUIREMENTS.—

12 “(A) CORRIDOR PLANNING ACTIVITIES.—
13 Notwithstanding paragraph (1), the Secretary
14 shall evaluate projects described in subsection
15 (a)(1)(B) based on the criteria under section
16 26101(c).

17 “(B) HIGH-SPEED RAIL PROJECT RE-
18 QUIREMENTS.—To be eligible for a grant for a
19 high-speed rail project, an eligible applicant
20 shall demonstrate compliance with section
21 26106(e)(2)(A).

22 “(d) PROJECT SELECTION CRITERIA.—

23 “(1) PRIORITY.—In selecting a project for a
24 grant under this section, the Secretary shall give
25 preference to projects that—

1 “(A) are supported by multiple States or
2 are included in a multi-state regional plan or
3 planning process;

4 “(B) achieve environmental benefits such
5 as a reduction in greenhouse gas emissions or
6 an improvement in local air quality; or

7 “(C) improve service to and investment in
8 socially disadvantaged individuals.

9 “(2) ADDITIONAL CONSIDERATIONS.—In select-
10 ing an applicant for a grant under this section, the
11 Secretary shall consider—

12 “(A) the proposed project’s anticipated im-
13 provements to high-speed rail or intercity rail
14 passenger transportation, including anticipated
15 public benefits on the—

16 “(i) effects on system and service per-
17 formance;

18 “(ii) effects on safety, competitive-
19 ness, reliability, trip or transit time, and
20 resilience;

21 “(iii) overall transportation system,
22 including efficiencies from improved inte-
23 gration with other modes of transportation
24 or benefits associated with achieving modal
25 shifts;

1 “(iv) ability to meet existing, antici-
2 pated, or induced passenger or service de-
3 mand; and

4 “(v) projected effects on regional and
5 local economies along the corridor, includ-
6 ing increased competitiveness, productivity,
7 efficiency, and economic development;

8 “(B) the eligible applicant’s past perform-
9 ance in developing and delivering similar
10 projects;

11 “(C) if applicable, the consistency of the
12 project with planning guidance and documents
13 set forth by the Secretary or required by law;
14 and

15 “(D) if applicable, agreements between all
16 stakeholders necessary for the successful deliv-
17 ery of the project.

18 “(3) ADDITIONAL SCREENING FOR HIGH-SPEED
19 RAIL.—In selecting an applicant for a grant under
20 this section, for high-speed rail projects, the Sec-
21 retary shall, in addition to the application of para-
22 graphs (1) and (2), apply the selection and consider-
23 ation criteria described in subparagraphs (B) and
24 (C) of section 26106(e)(2).

25 “(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

1 “(1) TOTAL PROJECT COST ESTIMATE.—The
2 Secretary shall estimate the total cost of a project
3 under this section based on the best available infor-
4 mation, including engineering studies, studies of eco-
5 nomic feasibility, environmental analyses, and infor-
6 mation on the expected use of equipment or facili-
7 ties.

8 “(2) FEDERAL SHARE.—The Federal share of
9 total project costs under this section shall not exceed
10 90 percent.

11 “(3) TREATMENT OF REVENUE.—Applicants
12 may use ticket and other revenues generated from
13 operations and other sources to satisfy the non-Fed-
14 eral share requirements.

15 “(f) LETTERS OF INTENT.—

16 “(1) IN GENERAL.—The Secretary shall, to the
17 maximum extent practicable, issue a letter of intent
18 to a recipient of a grant under this section that—

19 “(A) announces an intention to obligate,
20 for a project under this section, an amount that
21 is not more than the amount stipulated as the
22 financial participation of the Secretary in the
23 project, regardless of authorized amounts; and

24 “(B) states that the contingent commit-
25 ment—

1 “(i) is not an obligation of the Fed-
2 eral Government; and

3 “(ii) is subject to the availability of
4 appropriations for grants under this sec-
5 tion and subject to Federal laws in force or
6 enacted after the date of the contingent
7 commitment.

8 “(2) CONGRESSIONAL NOTIFICATION.—

9 “(A) IN GENERAL.—Not later than 3 days
10 before issuing a letter of intent under para-
11 graph (1), the Secretary shall submit written
12 notification to—

13 “(i) the Committee on Transportation
14 and Infrastructure of the House of Rep-
15 resentatives;

16 “(ii) the Committee on Appropriations
17 of the House of Representatives;

18 “(iii) the Committee on Appropria-
19 tions of the Senate; and

20 “(iv) the Committee on Commerce,
21 Science, and Transportation of the Senate.

22 “(B) CONTENTS.—The notification sub-
23 mitted under subparagraph (A) shall include—

24 “(i) a copy of the letter of intent;

1 “(ii) the criteria used under sub-
2 section (d) for selecting the project for a
3 grant; and

4 “(iii) a description of how the project
5 meets such criteria.

6 “(g) APPROPRIATIONS REQUIRED.—An obligation
7 may be made under this section only when amounts are
8 appropriated for such purpose.

9 “(h) AVAILABILITY.—Amounts made available to
10 carry out this section shall remain available until ex-
11 pended.

12 “(i) GRANT CONDITIONS.—Except as specifically pro-
13 vided in this section, the use of any amounts appropriated
14 for grants under this section shall be subject to the grant
15 conditions under section 22905, except that the domestic
16 buying preferences of section 24305(f) shall apply to Am-
17 trak in lieu of the requirements of section 22905(a).”.

18 (b) CLERICAL AMENDMENT.—The item relating to
19 section 22906 in the analysis for chapter 229 of title 49,
20 United States Code, is amended to read as follows:

 “22906. Passenger rail improvement, modernization, and expansion grants.”.

21 (c) DEFINITION OF SATISFACTORY CONTINUING
22 CONTROL.—Section 22901 of title 49, United States
23 Code, is amended by adding at the end the following:

24 “(4) SATISFACTORY CONTINUING CONTROL.—
25 The term ‘satisfactory continuing control’ means the

1 continuing ability to utilize and ensure maintenance
2 of an asset as a result of full or partial ownership,
3 lease, operating or other enforceable contractual
4 agreements, or statutory access rights.”.

5 **SEC. 9103. CONSOLIDATED RAIL INFRASTRUCTURE AND**
6 **SAFETY IMPROVEMENT GRANTS.**

7 Section 22907 of title 49, United States Code, is
8 amended—

9 (1) in subsection (b)—

10 (A) in the matter preceding paragraph (1)
11 by striking “The following” and inserting “Ex-
12 cept as provided in subsections (o), (p), and (q),
13 the following”;

14 (B) in paragraph (1) by inserting “or the
15 District of Columbia” before the period;

16 (C) in paragraph (10) by striking “trans-
17 portation center”; and

18 (D) by adding at the end the following:

19 “(12) A commuter authority (as such term is
20 defined in section 24102).

21 “(13) An Indian Tribe.”;

22 (2) in subsection (c)—

23 (A) in paragraph (1) by inserting “and up-
24 grades” after “Deployment”;

25 (B) by striking paragraph (2);

1 (C) by redesignating paragraphs (3)
2 through (12) as paragraphs (2) through (11),
3 respectively;

4 (D) in paragraph (2), as so redesignated,
5 by inserting “or safety” after “address congest-
6 tion”;

7 (E) in paragraph (3), as so redesignated,
8 by striking “identified by the Secretary” and all
9 that follows through “rail transportation” and
10 inserting “to improve service or facilitate rider-
11 ship growth in intercity rail passenger transpor-
12 tation or commuter rail passenger transpor-
13 tation (as such term is defined in section
14 24102)”;

15 (F) in paragraph (4), as so redesignated,
16 by inserting “to establish new quiet zones or”
17 after “engineering improvements”;

18 (G) in paragraph (9), as so redesignated,
19 by inserting “, including for suicide prevention
20 and other rail trespassing prevention” before
21 the period;

22 (3) in subsection (e)—

23 (A) by striking paragraph (1) and insert-
24 ing the following:

1 “(1) IN GENERAL.—In selecting a recipient of
2 a grant for an eligible project, the Secretary shall
3 give preference to—

4 “(A) projects that will maximize the net
5 benefits of the funds made available for use
6 under this section, considering the cost-benefit
7 analysis of the proposed project, including an-
8 ticipated private and public benefits relative to
9 the costs of the proposed project and factoring
10 in the other considerations described in para-
11 graph (2); and

12 “(B) projects that improve service to, or
13 provide direct benefits to, socially disadvantaged
14 individuals (as defined in section 22906(b)), in-
15 cluding relocating or mitigating infrastructure
16 that limits community connectivity, including
17 mobility, access, or economic development of
18 such individuals.”; and

19 (B) in paragraph (3) by striking “para-
20 graph (1)(B)” and inserting “paragraph
21 (1)(A)”;

22 (4) in subsection (h)(2) by inserting “, except
23 that a grant for a capital project involving zero-
24 emission locomotive technologies shall not exceed an

1 amount in excess of 90 percent of the total project
2 costs” before the period.

3 (5) by redesignating subsections (i), (j), and (k)
4 as subsections (l), (m), and (n) respectively; and

5 (6) by inserting after subsection (h) the fol-
6 lowing:

7 “(i) LARGE PROJECTS.—Of the amounts made avail-
8 able under this section, at least 25 percent shall be for
9 projects that have total project costs of greater than
10 \$100,000,000.

11 “(j) COMMUTER RAIL.—

12 “(1) ADMINISTRATION OF FUNDS.—The
13 amounts awarded under this section for commuter
14 rail passenger transportation projects shall be trans-
15 ferred by the Secretary, after selection, to the Fed-
16 eral Transit Administration for administration of
17 funds in accordance with chapter 53.

18 “(2) GRANT CONDITION.—

19 “(A) IN GENERAL.—Notwithstanding sec-
20 tion 22905(f)(1) and 22907(j)(1), as a condi-
21 tion of receiving a grant under this section that
22 is used to acquire, construct, or improve rail-
23 road right-of-way or facilities, any employee
24 covered by the Railway Labor Act (45 U.S.C.
25 151 et seq.) and the Railroad Retirement Act

1 of 1974 (45 U.S.C. 231 et seq.) who is ad-
2 versely affected by actions taken in connection
3 with the project financed in whole or in part by
4 such grant shall be covered by employee protec-
5 tive arrangements established under section
6 22905(e).

7 “(B) APPLICATION OF PROTECTIVE AR-
8 RANGEMENT.—The grant recipient and the suc-
9 cessors, assigns, and contractors of such recipi-
10 ent shall be bound by the protective arrange-
11 ments required under subparagraph (A). Such
12 recipient shall be responsible for the implemen-
13 tation of such arrangement and for the obliga-
14 tions under such arrangement, but may arrange
15 for another entity to take initial responsibility
16 for compliance with the conditions of such ar-
17 rangement.

18 “(3) APPLICATION OF LAW.—Subsection (g) of
19 section 22905 shall not apply to grants awarded
20 under this section for commuter rail passenger
21 transportation projects.

22 “(k) DEFINITION OF CAPITAL PROJECT.—In this
23 section, the term ‘capital project’ means a project or pro-
24 gram for—

1 “(1) acquiring, constructing, improving, or in-
2 specting equipment, track and track structures, or a
3 facility, expenses incidental to acquisition or con-
4 struction (including project-level planning, designing,
5 engineering, location surveying, mapping, environ-
6 mental studies, and acquiring right-of-way), pay-
7 ments for rail trackage rights agreements, highway-
8 rail grade crossing improvements, mitigating envi-
9 ronmental impacts, communication and signalization
10 improvements, relocation assistance, acquiring re-
11 placement housing sites, and acquiring, constructing,
12 relocating, and rehabilitating replacement housing;

13 “(2) rehabilitating, remanufacturing, or over-
14 hauling rail rolling stock and facilities;

15 “(3) costs associated with developing State or
16 multi-State regional rail plans; and

17 “(4) the first-dollar liability costs for insurance
18 related to the provision of intercity passenger rail
19 service under section 22904.”; and

20 (7) by striking subsection (l).

21 **SEC. 9104. RAILROAD REHABILITATION AND IMPROVE-**
22 **MENT FINANCING.**

23 (a) IN GENERAL.—Section 502 of the Railroad Revi-
24 talization and Regulatory Reform Act of 1976 (45 U.S.C.
25 822) is amended—

1 (1) in subsection (b)—

2 (A) in paragraph (1)—

3 (i) in subparagraph (A) by inserting
4 “civil works such as cuts and fills, stations,
5 tunnels,” after “components of track,”;
6 and

7 (ii) in subparagraph (D) by inserting
8 “, permitting,” after “reimburse plan-
9 ning”; and

10 (B) by striking paragraph (3);

11 (2) by striking subsection (e)(1) and inserting
12 the following:

13 “(1) DIRECT LOANS.—The interest rate on a
14 direct loan under this section shall be not less than
15 the yield on United States Treasury securities of a
16 similar maturity to the maturity of the direct loan
17 on the date of execution of the loan agreement.”;

18 (3) in subsection (f)—

19 (A) in paragraph (1) by adding “The Sec-
20 retary shall only apply appropriations of budget
21 authority to cover the costs of direct loans and
22 loan guarantees as required under section
23 504(b)(1) of the Federal Credit Reform Act of
24 1990 (2 U.S.C. 661c(b)(1)), including the cost
25 of a modification thereof, in whole or in part,

1 for entities described in paragraphs (1) through
2 (3) of subsection (a), or a rail carrier (as such
3 term is defined in section 10102(5) of title 49,
4 United States Code) with demonstrated support
5 from at least one of such entities for high-speed
6 rail activities described in section 26101 or
7 26106 of title 49, United States Code.” at the
8 end;

9 (B) in paragraph (3) by striking subpara-
10 graph (C) and inserting the following:

11 “(C) An investment-grade rating on the di-
12 rect loan or loan guarantee, as applicable, if the
13 total amount of the direct loan or loan guar-
14 antee is less than \$100,000,000.

15 “(D) In the case of a total amount of a di-
16 rect loan or loan guarantee greater than
17 \$100,000,000, an investment-grade rating from
18 at least 2 rating agencies on the direct loan or
19 loan guarantee, or an investment-grade rating
20 on the direct loan or loan guarantee and a pro-
21 jection of freight or passenger demand for the
22 project based on regionally developed economic
23 forecasts, including projections of any modal di-
24 version resulting from the project.”; and

25 (C) by adding at the end the following:

1 “(5) REPAYMENT OF CREDIT RISK PRE-
2 MIUMS.—The Secretary shall return credit risk pre-
3 miums paid, and interest accrued thereon, to the
4 original source when all obligations of a loan or loan
5 guarantee have been satisfied. This paragraph ap-
6 plies to any project that has been granted assistance
7 under this section after the date of enactment of the
8 TRAIN Act.”; and

9 (4) by adding at the end the following:

10 “(n) NON-FEDERAL SHARE.—The proceeds of a loan
11 provided under this section shall be used as the non-Fed-
12 eral share of project costs under this title and title 49 if
13 such loan is repayable from non-Federal funds.

14 “(o) BUY AMERICA.—

15 “(1) IN GENERAL.—In awarding direct loans or
16 loan guarantees under this section, the Secretary
17 shall require each recipient to comply with section
18 22905(a) of title 49, United States Code.

19 “(2) SPECIFIC COMPLIANCE.—Notwithstanding
20 paragraph (1), the Secretary shall require—

21 “(A) Amtrak to comply with section
22 24305(f) of title 49, United States Code; and

23 “(B) a commuter authority (as defined in
24 section 24102 of title 49, United States Code)

1 to comply with section 5320 of title 49, United
2 States Code.”.

3 (b) GUIDANCE.—Not later than 9 months after the
4 date of enactment of this Act, the Secretary shall publish
5 guidance that provides applicants for assistance under sec-
6 tion 502 of the Railroad Revitalization and Regulatory Re-
7 form Act of 1976 (45 U.S.C. 822) information regarding
8 the types of data, assumptions, and other factors typically
9 used to calculate credit risk premiums required under sub-
10 section (f) of such section. Such guidance shall include in-
11 formation to help applicants understand how different fac-
12 tors may increase or decrease such credit risk premiums.

13 **SEC. 9105. BRIDGES, STATIONS, AND TUNNELS (BEST)**
14 **GRANT PROGRAM.**

15 (a) IN GENERAL.—Chapter 229 of title 49, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 **“§ 22909. Bridges, stations, and tunnels (BeST) grant**
19 **program**

20 “(a) IN GENERAL.—The Secretary of Transportation
21 shall establish a program (in this section referred to as
22 the ‘BeST Program’) to provide grants to eligible entities
23 for major capital projects included in the BeST Inventory
24 established under subsection (b) for rail bridges, stations,

1 and tunnels that are publicly owned or owned by Amtrak
2 to make safety, capacity, and mobility improvements.

3 “(b) BEST INVENTORY.—

4 “(1) ESTABLISHMENT.—Not later than 120
5 days after the date of enactment of the TRAIN Act,
6 the Secretary shall establish, and publish on the
7 website of the Department of Transportation an in-
8 ventory (in this section referred to as the ‘BeST In-
9 ventory’) for publicly owned and Amtrak owned
10 major capital projects designated by the Secretary to
11 be eligible for funding under this section. The BeST
12 Inventory shall include major capital projects to ac-
13 quire, refurbish, rehabilitate, or replace rail bridges,
14 stations, or tunnels and any associated and co-lo-
15 cated projects.

16 “(2) CONSIDERATIONS.—In selecting projects
17 for inclusion in the BeST Inventory, the Secretary
18 shall give priority to projects that provide the most
19 benefit for intercity passenger rail service in relation
20 to estimated costs and that are less likely to secure
21 all of the funding required from other sources.

22 “(3) UPDATES TO BEST INVENTORY.—Every 2
23 years after the establishment of the BeST Inventory
24 under paragraph (1), the Secretary shall update the

1 BeST Inventory and include it in its annual budget
2 justification.

3 “(4) ELIGIBILITY FOR BEST INVENTORY.—

4 Projects included in the BeST Inventory—

5 “(A) shall be—

6 “(i) consistent with the record of deci-
7 sion issued by the Federal Railroad Ad-
8 ministration in July 2017 titled ‘NEC FU-
9 TURE: A Rail Investment Plan for the
10 Northeast Corridor’ (known as the ‘Se-
11 lected Alternative’);

12 “(ii) consistent with the most recent
13 service development plan under section
14 24904(a) (hereinafter in this section re-
15 ferred to as the ‘Service Development
16 Plan’); and

17 “(iii) located in a territory for which
18 a cost allocation policy is maintained pur-
19 suant to section 24905(c); or

20 “(B) shall be consistent with a multi-state
21 regional planning document equivalent to the
22 document referred to in subparagraph (A)(ii)
23 with a completed Tier I environmental review of
24 such document pursuant to the National Envi-

1 ronmental Policy Act of 1969 (42 U.S.C. 4321
2 et seq.).

3 “(5) PROJECT FUNDING SEQUENCING.—The
4 Secretary shall determine the order of priority for
5 projects in the BeST Inventory based on projects
6 identified in paragraph (4) and project management
7 plans as described in subsection (d). The Secretary
8 may alter the BeST Inventory as necessary if eligi-
9 ble entities are not carrying out the schedule identi-
10 fied in the Inventory.

11 “(6) TERMS.—The Secretary shall ensure the
12 BeST Inventory establishes, for each project in-
13 cluded in such Inventory—

14 “(A) the roles and terms of participation
15 by any railroad bridge, station, or tunnel own-
16 ers and railroad carriers in the project; and

17 “(B) the schedule for such project that en-
18 sures efficient completion of the project.

19 “(7) SPECIAL FINANCIAL RULES.—

20 “(A) IN GENERAL.—Projects listed in the
21 BeST Inventory may include an agreement with
22 a commitment, contingent on future amounts to
23 be specified in law for commitments under this
24 paragraph, to obligate an additional amount

1 from future available budget authority specified
2 in law.

3 “(B) STATEMENT OF CONTINGENT COM-
4 MITMENT.—An obligation or administrative
5 commitment under this paragraph may be made
6 only when amounts are appropriated. An agree-
7 ment shall state that any contingent commit-
8 ment is not an obligation of the Federal Gov-
9 ernment, and is subject to the availability of ap-
10 propriations under Federal law and to Federal
11 laws in force or enacted after the date of the
12 contingent commitment.

13 “(C) FINANCING COSTS.—Financing costs
14 of carrying out the project may be considered a
15 cost of carrying out the project under the BeST
16 Inventory.

17 “(c) EXPENDITURE OF FUNDS.—

18 “(1) FEDERAL SHARE OF TOTAL PROJECT
19 COSTS.—The Federal share for the total cost of a
20 project under this section shall not exceed 90 per-
21 cent.

22 “(2) NON-FEDERAL SHARE.—A recipient of
23 funds under this section may use any source of
24 funds, including other Federal financial assistance,
25 to satisfy the non-Federal funds requirement. The

1 non-Federal share for a grant provided under this
2 section shall be consistent with section 24905(c) or
3 section 24712(a)(7) if either such section are appli-
4 cable to the railroad territory at the project location.

5 “(3) AVAILABILITY OF FUNDS.—Funds made
6 available under this section shall remain available
7 for obligation by the Secretary for a period of 10
8 years after the last day of the fiscal year for which
9 the funds are appropriated, and remain available for
10 expenditure by the recipient of grant funds without
11 fiscal year limitation.

12 “(4) ELIGIBLE USES.—Funds made available
13 under this section may be used for projects con-
14 tained in the most recent BeST Inventory, including
15 pre-construction expenses and the acquisition of real
16 property interests.

17 “(5) FUNDS AWARDED TO AMTRAK.—Grants
18 made to Amtrak shall be provided in accordance
19 with the requirements of chapter 243.

20 “(6) GRANT CONDITIONS.—Except as provided
21 in this section, the use of any amounts made avail-
22 able for grants under this section shall be subject to
23 the grant requirements in section 22905.

24 “(d) PROJECT MANAGEMENT.—

1 “(1) SUBMISSION OF PROJECT MANAGEMENT
2 PLANS.—The Secretary shall establish a process, in-
3 cluding specifying formats, methods, and procedures,
4 for applicants to submit a project management plan
5 to the Secretary for a project in the BeST Inven-
6 tory. Consistent with requirements in section 22903,
7 project management plans shall—

8 “(A) describe the schedules, management
9 actions, workforce availability, interagency
10 agreements, permitting, track outage avail-
11 ability, and other factors that will determine the
12 entity’s ability to carry out a project included in
13 the BeST Inventory; and

14 “(B) be updated and resubmitted in ac-
15 cordance with this subsection every 2 years ac-
16 cording to the schedule in the most recent Serv-
17 ice Development Plan, or equivalent multi-state
18 regional planning document with a completed
19 Tier I environmental review conducted pursuant
20 to the National Environmental Policy Act of
21 1969 (42 U.S.C. 4321 et seq.).

22 “(2) NORTHEAST CORRIDOR PROJECTS.—For
23 projects on the Northeast Corridor, an applicant
24 shall submit such project management plan to the
25 Northeast Corridor Commission. Upon receipt of

1 such plan, the Northeast Corridor Commission shall
2 submit to the Secretary an updated Service Develop-
3 ment Plan that describes the schedule and sequenc-
4 ing of all capital projects on the Northeast Corridor,
5 including estimates of the amount each sponsor enti-
6 ty will need in program funding for each of the next
7 2 fiscal years to carry out the entity's projects ac-
8 cording to the Service Development Plan.

9 “(e) COST METHODOLOGY POLICY REQUIRE-
10 MENTS.—

11 “(1) IN GENERAL.—The Secretary shall ensure,
12 as a condition of a grant agreement under this sec-
13 tion for any project located in a railroad territory
14 where a policy established pursuant to section
15 24905(c) or section 209 of the Passenger Rail In-
16 vestment and Improvement Act of 2008 (49 U.S.C.
17 24101 note) applies, that a recipient of funds under
18 either such section maintain compliance with the
19 policies, or any updates to any applicable cost meth-
20 odology policy, for the railroad territory encom-
21 passing the project location.

22 “(2) PENALTY FOR NONCOMPLIANCE.—If such
23 recipient does not maintain compliance with the poli-
24 cies described in paragraph (1), the Secretary
25 may—

1 “(A) withhold funds under this subsection
2 from such recipient up to the amount the re-
3 cipient owes, but has not paid; and

4 “(B) permanently reallocate such funds to
5 other recipients after a reasonable period.

6 “(f) DEFINITIONS.—In this section:

7 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
8 tity’ means—

9 “(A) a State, including the District of Co-
10 lumbia;

11 “(B) a group of States;

12 “(C) an Interstate Compact;

13 “(D) a public agency or publicly chartered
14 authority established by one or more States;

15 “(E) a political subdivision of a State;

16 “(F) Amtrak;

17 “(G) An Indian Tribe; or

18 “(H) any combination of the entities listed
19 in subparagraphs (A) through (G).

20 “(2) MAJOR CAPITAL PROJECT.—The term
21 ‘major capital project’ means a rail bridge, station,
22 or tunnel project used for intercity passenger rail
23 service that has a total project cost of at least
24 \$500,000,000.

1 “(3) NORTHEAST CORRIDOR.—The term
2 ‘Northeast Corridor’ has the meaning given the term
3 in section 24904(e).

4 “(4) PUBLICLY OWNED.—The term ‘publicly
5 owned’ means major capital projects that are at
6 least partially owned or planned to be owned by the
7 Federal Government or an eligible entity.

8 “(5) CO-LOCATED PROJECT.—The term ‘co-lo-
9 cated project’ means a capital project that is adja-
10 cent to a major capital project and can be carried
11 out during the same period.”.

12 (b) CLERICAL AMENDMENT.—The analysis for chap-
13 ter 229 of title 49, United States Code, is amended by
14 adding at the end the following:

 “22909. Bridges, stations, and tunnels (BeST) grant program.”.

15 **SEC. 9106. BUY AMERICA.**

16 Section 22905(a) of title 49, United States Code, is
17 amended—

18 (1) in paragraph (2)—

19 (A) in subparagraph (B) by adding “or” at
20 the end;

21 (B) by striking subparagraph (C); and

22 (C) by redesignating subparagraph (D) as
23 subparagraph (C);

24 (2) by striking paragraph (4) and inserting the
25 following:

1 “(4)(A) If the Secretary receives a request for
2 a waiver under paragraph (2), the Secretary shall
3 provide notice of and an opportunity for public com-
4 ment on the request at least 30 days before making
5 a finding based on the request.

6 “(B) A notice provided under subparagraph (A)
7 shall—

8 “(i) include the information available to
9 the Secretary concerning the request, including
10 whether the request is being made under sub-
11 paragraph (A), (B), or (C) of paragraph (2);
12 and

13 “(ii) be provided by electronic means, in-
14 cluding on the official public website of the De-
15 partment of Transportation.”;

16 (3) in paragraph (5)—

17 (A) by striking “2012” and inserting
18 “2020, and each year thereafter”; and

19 (B) by inserting “during the preceding fis-
20 cal year” before the period; and

21 (4) by adding at the end the following:

22 “(12) The requirements of this subsection apply to
23 all contracts for a project carried out within the scope of
24 the applicable finding, determination, or decisions under
25 the National Environmental Policy Act of 1969 (42 U.S.C.

1 4321 et seq.), regardless of the funding source for activi-
2 ties carried out pursuant to such contracts, if at least 1
3 contract for the project is funded with amounts made
4 available to carry out a provision specified in paragraph
5 (1).”.

6 **TITLE II—AMTRAK REFORMS**

7 **SEC. 9201. AMTRAK FINDINGS, MISSION, AND GOALS.**

8 Section 24101 of title 49, United States Code, is
9 amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1)—

12 (i) by striking “, to the extent its
13 budget allows,”; and

14 (ii) by striking “between crowded
15 urban areas and in other areas of” and in-
16 serting “throughout”;

17 (B) in paragraph (2) by striking the period
18 and inserting “, thereby providing additional
19 capacity for the traveling public and widespread
20 air quality benefits.”;

21 (C) in paragraph (4)—

22 (i) by striking “greater” and inserting
23 “high”; and

24 (ii) by striking “to Amtrak to achieve
25 a performance level sufficient to justify ex-

1 pending public money” and inserting “in
2 order to meet the intercity passenger rail
3 needs of the United States”;

4 (D) in paragraph (5)—

5 (i) by inserting “intercity and” after
6 “efficient”; and

7 (ii) by striking “the energy conserva-
8 tion and self-sufficiency” and inserting
9 “addressing climate change, energy con-
10 servation, and self-sufficiency”;

11 (E) in paragraph (6) by striking “through
12 its subsidiary, Amtrak Commuter,”; and

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

14 “(9) Long-distance intercity passenger rail provides
15 economic benefits to rural communities and offers inter-
16 city travel opportunities where such options are often lim-
17 ited, making long-distance intercity passenger rail an im-
18 portant part of the national transportation system.

19 “(10) The Northeast Corridor, long-distance routes,
20 and State-supported routes are interconnected and collec-
21 tively provide national rail passenger transportation.

22 “(11) Investments in intercity and commuter rail
23 passenger transportation support jobs that provide a path-
24 way to the middle class.”;

1 (2) in subsection (b) by striking “The” and all
2 that follows through “consistent” and inserting
3 “The mission of Amtrak is to provide a safe, effi-
4 cient, and high-quality national intercity passenger
5 rail system that is trip-time competitive with other
6 intercity travel options, consistent”;

7 (3) in subsection (c)—

8 (A) by striking paragraph (1) and insert-
9 ing the following:

10 “(1) use its best business judgment in acting to
11 maximize the benefits of public funding;”;

12 (B) in paragraph (2)—

13 (i) by striking “minimize Government
14 subsidies by encouraging” and inserting
15 “work with”; and

16 (ii) by striking the semicolon and in-
17 serting “and improvements to service;”;

18 (C) by striking paragraph (3) and insert-
19 ing the following:

20 “(3) manage the passenger rail network in the
21 interest of public transportation needs, including
22 current and future Amtrak passengers;”;

23 (D) in paragraph (7) by striking “encour-
24 age” and inserting “work with”;

1 (E) in paragraph (11) by striking “and”
2 the last place it appears; and

3 (F) by striking paragraph (12) and insert-
4 ing the following:

5 “(12) utilize and manage resources with a long-
6 term perspective, including sound investments that
7 take into account the overall lifecycle costs of an
8 asset;

9 “(13) ensure that service is accessible, equi-
10 table, and accommodating to passengers with dis-
11 abilities and members of underserved communities;
12 and

13 “(14) maximize the benefits Amtrak generates
14 for the United States by creating quality jobs and
15 supporting the domestic workforce.”; and

16 (4) by striking subsection (d).

17 **SEC. 9202. AMTRAK STATUS.**

18 Section 24301(a) of title 49, United States Code, is
19 amended—

20 (1) in paragraph (1) by striking “20102(2)”
21 and inserting “20102”; and

22 (2) in paragraph (2) by inserting “serving the
23 public interest in reliable passenger rail service”
24 after “for-profit corporation”.

1 **SEC. 9203. BOARD OF DIRECTORS.**

2 (a) IN GENERAL.—Section 24302 of title 49, United
3 States Code, is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1)—

6 (i) in subparagraph (B) by striking
7 “President of Amtrak” and inserting
8 “Chief Executive Officer of Amtrak”; and

9 (ii) by striking subparagraph (C) and
10 inserting the following:

11 “(C) 8 individuals appointed by the Presi-
12 dent of the United States, by and with the ad-
13 vice and consent of the Senate, with a record of
14 support for national intercity passenger rail
15 service. Of the individuals appointed—

16 “(i) 1 shall be a Mayor or Governor of
17 a location served by a regularly scheduled
18 Amtrak service on the Northeast Corridor;

19 “(ii) 1 shall be a Mayor or Governor
20 of a location served by a regularly sched-
21 uled Amtrak service that is not on the
22 Northeast Corridor;

23 “(iii) 1 shall be a representative of
24 Amtrak employees;

25 “(iv) 1 shall be an individual with a
26 history of regular Amtrak ridership and an

1 understanding of the concerns of intercity
2 rail passengers;

3 “(v) 1 shall be an individual with—

4 “(I) demonstrated experience or
5 demonstrated interest in the North-
6 east Corridor and the National Net-
7 work; and

8 “(II) industry experience or
9 qualifications in transportation,
10 freight and passenger rail transpor-
11 tation, travel, or passenger air trans-
12 portation; and

13 “(vi) 1 shall be an individual with
14 general business and financial experience
15 who has demonstrated experience or dem-
16 onstrated interest in the Northeast Cor-
17 ridor and the National Network.”;

18 (B) in paragraph (2) by inserting “users of
19 Amtrak, including the elderly and individuals
20 with disabilities, and” after “and balanced rep-
21 resentation of”;

22 (C) in paragraph (3)—

23 (i) by striking “Not more than 5” and
24 inserting “Not more than 4”; and

1 (ii) by adding at the end the fol-
2 lowing: “A member of the Board appointed
3 under clause (i) or (ii) of paragraph (1)(C)
4 shall serve for a term of 5 years or until
5 such member leaves the elected office such
6 member occupied at the time such member
7 was appointed, whichever is first.”;

8 (D) in paragraph (4) by striking “Presi-
9 dent” and inserting “Chief Executive Officer”;
10 and

11 (E) by striking paragraph (5) and insert-
12 ing the following:

13 “(5) The Secretary and any Governor of a
14 State may be represented at a Board meeting by a
15 designee.”;

16 (2) in subsection (b)—

17 (A) by striking “PAY AND EXPENSES” and
18 inserting “DUTIES, PAY, AND EXPENSES”; and

19 (B) by inserting “Each director must con-
20 sider the well-being of current and future Am-
21 trak passengers, the public interest in sustain-
22 able national passenger rail service, and balance
23 the preceding considerations with the fiduciary
24 responsibilities of the director and the mission
25 and goals of Amtrak.” before “Each director

1 not employed by the United States Government
2 or Amtrak”; and

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

4 “(g) GOVERNOR DEFINED.—In this section, the term
5 ‘Governor’ means the Governor of a State or the Mayor
6 of the District of Columbia and includes a designee of the
7 Governor.”.

8 (b) TIMING OF NEW BOARD REQUIREMENTS.—The
9 appointment and membership requirements under section
10 24302 of title 49, United States Code (as amended by this
11 Act), shall apply to any member of the Board appointed
12 pursuant to subsection (a)(1)(C) of such section who is
13 appointed on or after the date of enactment of this Act.

14 **SEC. 9204. AMTRAK PREFERENCE ENFORCEMENT.**

15 (a) IN GENERAL.—Section 24308(c) of title 49,
16 United States Code, is amended by adding at the end the
17 following: “Notwithstanding section 24103(a) and section
18 24308(f), Amtrak shall have the right to bring an action
19 for equitable or other relief in the United States District
20 Court for the District of Columbia to enforce the pref-
21 erence rights granted under this subsection.”.

22 (b) CONFORMING AMENDMENT.—Section 24103 of
23 title 49, United States Code, is amended by inserting “and
24 section 24308(c)” before “, only the Attorney General”.

1 **SEC. 9205. USE OF FACILITIES AND PROVIDING SERVICES**
2 **TO AMTRAK.**

3 Section 24308(e) of title 49, United States Code, is
4 amended—

5 (1) by striking paragraph (1) and inserting the
6 following:(1)(A) When a rail carrier does not agree
7 to allow Amtrak to operate additional trains in ac-
8 cordance with proposed schedules over any rail line
9 of the carrier on which Amtrak is operating or seeks
10 to operate, Amtrak may submit an application to the
11 Board for an order requiring the carrier to allow for
12 the operation of the requested trains. Not later than
13 90 days after receipt of such application, the Board
14 shall determine whether the additional trains would
15 unreasonably impair freight transportation and—

16 “(i) upon a determination that such trains
17 do not unreasonably impair freight transpor-
18 tation, order the rail carrier to allow for the op-
19 eration of such trains on a schedule established
20 by the Board; or

21 “(ii) upon a determination that such trains
22 do unreasonably impair freight transportation,
23 initiate a proceeding to determine any addi-
24 tional infrastructure investments required by,
25 or on behalf of, Amtrak.

1 “(B) If Amtrak seeks to resume operation of a
2 train that Amtrak operated during the 5-year period
3 preceding an application described in subparagraph
4 (A), the Board shall apply a presumption that the
5 resumed operation of such train will not unreason-
6 ably impair freight transportation unless the Board
7 finds that there are substantially changed cir-
8 cumstances.”;

9 (2) in paragraph (2)—

10 (A) by striking “The Board shall consider”
11 and inserting “The Board shall”;

12 (B) by striking subparagraph (A) and in-
13 serting the following:

14 “(A) in making the determination under para-
15 graph (1), take into account any infrastructure in-
16 vestments previously made by, or on behalf of, Am-
17 trak, or proposed in Amtrak’s application, with the
18 rail carrier having the burden of demonstrating that
19 the additional trains will unreasonably impair the
20 freight transportation; and”;

21 (C) in subparagraph (B) by inserting “con-
22 sider investments described in subparagraph
23 (A) and” after “times,”; and

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

1 “(4) In a proceeding initiated by the Board under
2 paragraph (1)(A)(ii), the Board shall solicit the views of
3 the parties and require the parties to provide any nec-
4 essary data or information. Not later than 180 days after
5 the date on which the Board makes a determination under
6 paragraph (1)(A)(ii), the Board shall issue an order re-
7 quiring the rail carrier to allow for the operation of the
8 requested trains provided that any conditions enumerated
9 by the Board are met. In determining the necessary level
10 of additional infrastructure or other investments needed
11 to mitigate unreasonable impairment of freight transpor-
12 tation, the Board shall use any criteria, assumptions, and
13 processes it considers appropriate.

14 “(5) The provisions of this subsection shall be in ad-
15 dition to any other statutory or contractual remedies Am-
16 trak may have with respect to operating the additional
17 trains.”.

18 **SEC. 9206. PROHIBITION ON MANDATORY ARBITRATION.**

19 (a) IN GENERAL.—Section 28103 of title 49, United
20 States Code, is amended—

21 (1) by redesignating subsection (e) as sub-
22 section (f); and

23 (2) by inserting after subsection (d) the fol-
24 lowing:

25 “(e) PROHIBITION ON CHOICE-OF-FORUM CLAUSE.—

1 “(1) IN GENERAL.—Amtrak may not impose a
2 choice-of-forum clause that attempts to preclude a
3 passenger, or a person who purchases a ticket for
4 rail transportation on behalf of a passenger, from
5 bringing a claim against Amtrak in any court of
6 competent jurisdiction, including a court within the
7 jurisdiction of the residence of such passenger in the
8 United States (provided that Amtrak does business
9 within that jurisdiction).

10 “(2) COURT OF COMPETENT JURISDICTION.—
11 Under this subsection, a court of competent jurisdic-
12 tion may not include an arbitration forum.”.

13 (b) EFFECTIVE DATE.—This section, and the amend-
14 ments made by this section, shall apply to any claim that
15 arises on or after the date of enactment of this Act.

16 **SEC. 9207. AMTRAK ADA ASSESSMENT.**

17 (a) ASSESSMENT.—Amtrak shall conduct an assess-
18 ment and review of all Amtrak policies, procedures, proto-
19 cols, and guidelines for compliance with the requirements
20 of the Americans With Disabilities Act of 1990 (42 U.S.C.
21 12101 et seq.).

22 (b) REPORT.—Not later than 180 days after the date
23 of enactment of this Act, Amtrak shall submit to the Com-
24 mittee on Transportation and Infrastructure of the House
25 of Representatives and the Committee on Commerce,

1 Science, and Transportation of the Senate a report on the
2 results of the assessment conducted under subsection (a).

3 (c) CONTENTS.—The report required under sub-
4 section (b) shall include—

5 (1) a summary of the policies, procedures, pro-
6 tocols, and guidelines reviewed;

7 (2) any necessary changes to such policies, pro-
8 cedures, protocols, and guidelines to ensure compli-
9 ance with the Americans With Disabilities Act of
10 1990 (42 U.S.C. 12101 et seq.), including full com-
11 pliance under such Act for stations and facilities for
12 which Amtrak has responsibility under such Act and
13 consideration of the needs of individuals with disabil-
14 ities when procuring rolling stock and setting ticket
15 fares; and

16 (3) an implementation plan and timeline for
17 making any such necessary changes.

18 (d) ENGAGEMENT.—Amtrak shall engage with a
19 range of advocates for individuals with disabilities during
20 the assessment conducted under subsection (a), and de-
21 velop an ongoing and standardized process for engagement
22 with advocates for individuals with disabilities.

23 (e) PERIODIC EVALUATION.—At least once every 2
24 years, Amtrak shall review and update, as necessary, Am-
25 trak policies, procedures, protocols, and guidelines to en-

1 sure compliance with the Americans With Disabilities Act
2 of 1990 (42 U.S.C. 12101 et seq.).

3 **SEC. 9208. PROHIBITION ON SMOKING ON AMTRAK TRAINS.**

4 (a) IN GENERAL.—Chapter 243 of title 49, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 24323. Prohibition on smoking on Amtrak trains**

8 “(a) PROHIBITION.—Beginning on the date of enact-
9 ment of the TRAIN Act, Amtrak shall prohibit smoking
10 on board Amtrak trains.

11 “(b) ELECTRONIC CIGARETTES.—

12 “(1) INCLUSION.—The use of an electronic cig-
13 arette shall be treated as smoking for purposes of
14 this section.

15 “(2) ELECTRONIC CIGARETTE DEFINED.—In
16 this section, the term ‘electronic cigarette’ means a
17 device that delivers nicotine or other substances to
18 a user of the device in the form of a vapor that is
19 inhaled to simulate the experience of smoking.”.

20 (b) CONFORMING AMENDMENT.—The analysis for
21 chapter 243 of title 49, United States Code, is amended
22 by adding at the end the following:

“24323. Prohibition on smoking on Amtrak trains.”.

1 **SEC. 9209. STATE-SUPPORTED ROUTES OPERATED BY AM-**
2 **TRAK.**

3 Section 24712 of title 49, United States Code, is
4 amended to read as follows:

5 **“§ 24712. State-supported routes operated by Amtrak**

6 **“(a) STATE-SUPPORTED ROUTE COMMITTEE.—**

7 **“(1) ESTABLISHMENT.—**There is established a
8 State-Supported Route Committee (referred to in
9 this section as the ‘Committee’) to promote mutual
10 cooperation and planning pertaining to the current
11 and future rail operations of Amtrak and related ac-
12 tivities of trains operated by Amtrak on State-sup-
13 ported routes and to further implement section 209
14 of the Passenger Rail Investment and Improvement
15 Act of 2008 (49 U.S.C. 24101 note).

16 **“(2) MEMBERSHIP.—**

17 **“(A) IN GENERAL.—**The Committee shall
18 consist of—

19 **“(i) members representing Amtrak;**

20 **“(ii) members representing the De-**
21 **partment of Transportation, including the**
22 **Federal Railroad Administration; and**

23 **“(iii) members representing States.**

24 **“(B) NON-VOTING MEMBERS.—**The Com-
25 mittee may invite and accept other non-voting

1 members to participate in Committee activities,
2 as appropriate.

3 “(3) DECISIONMAKING.—The Committee shall
4 establish a bloc voting system under which, at a
5 minimum—

6 “(A) there are 3 separate voting blocs to
7 represent the Committee’s voting members, in-
8 cluding—

9 “(i) 1 voting bloc to represent the
10 members described in paragraph (2)(A)(i);

11 “(ii) 1 voting bloc to represent the
12 members described in paragraph (2)(A)(ii);

13 and

14 “(iii) 1 voting bloc to represent the
15 members described in paragraph
16 (2)(A)(iii);

17 “(B) each voting bloc has 1 vote;

18 “(C) the votes of the voting bloc rep-
19 resenting the members described in paragraph
20 (2)(A)(iii) requires the support of at least two-
21 thirds of that voting bloc’s members; and

22 “(D) the Committee makes decisions by
23 unanimous consent of the 3 voting blocs.

24 “(4) ABILITY TO CONDUCT CERTAIN BUSI-
25 NESS.—If all members of a voting bloc described in

1 paragraph (3) abstain from a Committee decision,
2 agreement between the other voting blocs consistent
3 with the procedures set forth in paragraph (3) shall
4 be deemed unanimous consent.

5 “(5) MEETINGS; RULES AND PROCEDURES.—

6 The Committee shall define and periodically update
7 the rules and procedures governing the Committee’s
8 proceedings. The rules and procedures shall—

9 “(A) incorporate and further describe the
10 decisionmaking procedures to be used in accord-
11 ance with paragraph (3); and

12 “(B) be adopted in accordance with such
13 decisionmaking procedures.

14 “(6) COMMITTEE DECISIONS.—Decisions made
15 by the Committee in accordance with the Commit-
16 tee’s rules and procedures, once established, are
17 binding on all Committee members.

18 “(7) COST METHODOLOGY POLICY.—

19 “(A) IN GENERAL.—Subject to subpara-
20 graph (B), the Committee may amend the cost
21 methodology policy required and previously ap-
22 proved under section 209 of the Passenger Rail
23 Investment and Improvement Act of 2008 (49
24 U.S.C. 24101 note).

1 “(B) REVISIONS TO COST METHODOLOGY
2 POLICY.—

3 “(i) REQUIREMENT TO REVISE AND
4 UPDATE.—Subject to the requirements of
5 clause (iii), the Committee shall, not later
6 than March 31, 2022, update the cost
7 methodology policy required and previously
8 approved under section 209 of the Pas-
9 senger Rail Investment and Improvement
10 Act of 2008 (49 U.S.C. 24101 note). Such
11 update shall be consistent with the prin-
12 ciples for revision of the Committee pursu-
13 ant to such section and consistent with any
14 subsequent changes to such principles ap-
15 proved by the Committee. The Committee
16 shall implement the updated policy begin-
17 ning in fiscal year 2023 and shall submit
18 to the Committee on Transportation and
19 Infrastructure of the House of Representa-
20 tives and the Committee on Commerce,
21 Science, and Transportation of the Senate
22 a report documenting and explaining any
23 changes to the policy and plans for imple-
24 mentation not later than 30 days after the
25 adoption of the updated policy.

1 “(ii) IMPLEMENTATION IMPACTS ON
2 FEDERAL FUNDING.—To the extent that a
3 policy implemented pursuant to clause (i)
4 assigns to Amtrak costs that were pre-
5 viously allocated to States, Amtrak shall
6 request such costs in the general and legis-
7 lative annual report required by section
8 24315 or in any appropriate subsequent
9 Federal funding request for the fiscal year
10 in which the revised policy is implemented.

11 “(iii) PROCEDURES FOR CHANGING
12 METHODOLOGY.—The rules and proce-
13 dures implemented under paragraph (5)
14 shall include procedures for changing the
15 cost methodology policy under this sub-
16 paragraph, notwithstanding section 209(b)
17 of the Passenger Rail Investment and Im-
18 provement Act (49 U.S.C. 22 24101 note),
19 and procedures or broad guidelines for
20 conducting financial planning, including
21 operating and capital forecasting, report-
22 ing, and data sharing and governance.

23 “(C) REQUIREMENTS.—The cost method-
24 ology policy shall—

1 “(i) ensure equal treatment in the
2 provision of like services of all States and
3 groups of States;

4 “(ii) assign to each route the costs in-
5 curred only for the benefit of that route
6 and a proportionate share, based upon fac-
7 tors that reasonably reflect relative use, of
8 costs incurred for the common benefit of
9 more than 1 route; and

10 “(iii) promote increased efficiency in
11 Amtrak’s operating and capital activities.

12 “(b) INVOICES AND REPORTS.—

13 “(1) MONTHLY INVOICE.—Amtrak shall provide
14 to each State that sponsors a State-supported route
15 a monthly invoice of the cost of operating such
16 route, including fixed costs and third-party costs.

17 “(2) PLANNING AND DEMAND REPORTS.—A
18 State shall provide to the Committee and Amtrak
19 planning and demand reports with respect to a
20 planned or existing State-supported route.

21 “(3) FINANCIAL AND PERFORMANCE RE-
22 PORTS.—The Committee shall require Amtrak to
23 provide to the States and the Committee financial
24 and performance reports at a frequency, and con-

1 taining such information, as determined appropriate
2 by the Committee.

3 “(c) DISPUTE RESOLUTION.—

4 “(1) REQUEST FOR DISPUTE RESOLUTION.—If
5 a dispute arises with respect to the rules and proce-
6 dures implemented under subsection (a)(5), an in-
7 voice or a report provided under subsection (b), im-
8 plementation or compliance with the cost method-
9 ology policy developed under section 209 of the Pas-
10 senger Rail Investment and Improvement Act of
11 2008 (49 U.S.C. 24101 note) or amended under
12 subsection (a)(7) of this section, either Amtrak or
13 the State may request that the Surface Transpor-
14 tation Board conduct dispute resolution under this
15 subsection.

16 “(2) PROCEDURES.—The Surface Transpor-
17 tation Board shall establish procedures for resolu-
18 tion of disputes brought before it under this sub-
19 section, which may include provision of professional
20 mediation services.

21 “(3) BINDING EFFECT.—A decision of the Sur-
22 face Transportation Board under this subsection
23 shall be binding on the parties to the dispute.

24 “(4) OBLIGATION.—Nothing in this subsection
25 shall affect the obligation of a State to pay an

1 amount related to a State-supported route that a
2 State sponsors that is not in dispute.

3 “(d) ASSISTANCE.—

4 “(1) IN GENERAL.—The Secretary may provide
5 assistance to the parties in the course of negotia-
6 tions for a contract for operation of a State-sup-
7 ported route.

8 “(2) FINANCIAL ASSISTANCE.—From among
9 available funds, the Secretary shall provide—

10 “(A) financial assistance to Amtrak or 1 or
11 more States to perform requested independent
12 technical analysis of issues before the Com-
13 mittee; and

14 “(B) administrative expenses that the Sec-
15 retary determines necessary.

16 “(e) PERFORMANCE METRICS.—In negotiating a con-
17 tract for operation of a State-supported route, Amtrak
18 and the State or States that sponsor the route shall con-
19 sider including provisions that provide penalties and incen-
20 tives for performance, including incentives to—

21 “(1) increase revenue;

22 “(2) reduce costs;

23 “(3) finalize contracts by the beginning of the
24 Federal fiscal year; and

1 “(4) require States to promptly make payments
2 for services delivered.

3 “(f) STATEMENT OF GOALS AND OBJECTIVES.—

4 “(1) IN GENERAL.—The Committee shall de-
5 velop and annually review and update, as necessary,
6 a statement of goals, objectives, and associated rec-
7 ommendations concerning the future of State-sup-
8 ported routes operated by Amtrak. The statement
9 shall identify the roles and responsibilities of Com-
10 mittee members and any other relevant entities, such
11 as host railroads, in meeting the identified goals and
12 objectives, or carrying out the recommendations.
13 The statement shall include a list of capital projects,
14 including infrastructure, fleet, station, and facility
15 initiatives, needed to support the growth of State-
16 supported routes. The Committee may consult with
17 such relevant entities, as the Committee considers
18 appropriate, when developing the statement.

19 “(2) TRANSMISSION OF STATEMENT OF GOALS
20 AND OBJECTIVES.—Not later than March 31 of each
21 year, the Committee shall submit to the Committee
22 on Commerce, Science, and Transportation of the
23 Senate and the Committee on Transportation and
24 Infrastructure of the House of Representatives the

1 most recent annual update to the statement devel-
2 oped under paragraph (1).

3 “(g) NEW OR EXPANDED STATE-SUPPORTED
4 ROUTES.—

5 “(1) COORDINATION AND CONSULTATION.—In
6 developing a new State-supported route or expand-
7 ing an existing State-supported route, Amtrak shall
8 closely coordinate with all States in which such route
9 operates, and shall consult with the following:

10 “(A) The local municipalities in which the
11 proposed route operates.

12 “(B) Commuter authorities and regional
13 transportation authorities (as such terms are
14 defined in section 24102) in the areas proposed
15 to be served by such route.

16 “(C) The owner of any rail infrastructure
17 over which the proposed route operates.

18 “(D) Administrator of the Federal Rail-
19 road Administration.

20 “(E) Other stakeholders, as appropriate.

21 “(2) STATE COMMITMENTS.—Notwithstanding
22 any other provision of law, before beginning con-
23 struction necessary for, or beginning operation of, a
24 State-supported route that is initiated or expanded
25 on or after the date of enactment of the TRAIN

1 Act, Amtrak shall enter into an agreement with the
2 State in which the proposed route operates for shar-
3 ing ongoing operating costs and capital costs in ac-
4 cordance with—

5 “(A) the cost methodology policy described
6 under subsection (a)(7); or

7 “(B) the alternative cost methodology
8 schedule described in paragraph (3).

9 “(3) ALTERNATIVE COST METHODOLOGY.—

10 Under the cost methodology schedule described in
11 this paragraph, with respect to costs not covered by
12 revenues for the operation of a State-supported
13 route, Amtrak shall pay—

14 “(A) the share Amtrak otherwise would
15 have paid under the cost methodology under
16 subsection (a); and

17 “(B) a percentage of the share that the
18 State otherwise would have paid under the cost
19 methodology policy under subsection (a) accord-
20 ing to the following:

21 “(i) Amtrak shall pay up to 100 per-
22 cent of the capital costs and planning costs
23 necessary to initiate a new State-supported
24 route or expand an existing State-sup-
25 ported route, including planning and devel-

1 opment, design, and environmental anal-
2 ysis costs, prior to beginning operations on
3 the new route.

4 “(ii) For the first 2 years of oper-
5 ation, Amtrak shall pay for 100 percent of
6 operating costs and capital costs.

7 “(iii) For the third year of operation,
8 Amtrak shall pay 90 percent of operating
9 costs and capital costs and the State shall
10 pay the remainder.

11 “(iv) For the fourth year of operation,
12 Amtrak shall pay 80 percent of operating
13 costs and capital costs and the State shall
14 pay the remainder

15 “(v) For the fifth year of operation,
16 Amtrak shall pay 50 percent of operating
17 costs and capital costs and the State shall
18 pay the remainder.

19 “(vi) For the sixth year of operation
20 and thereafter, operating costs and capital
21 costs shall be allocated in accordance with
22 the cost methodology policy described
23 under subsection (a) as applicable.

24 “(4) DEFINITIONS.—In this subsection, the
25 terms ‘capital cost’ and ‘operating cost’ shall apply

1 in the same manner as such terms apply under the
2 cost methodology policy developed under subsection
3 (a).

4 “(h) COST METHODOLOGY UPDATE AND IMPLEMEN-
5 TATION REPORT.—Not later than 18 months after an up-
6 dated cost methodology policy required under subsection
7 (a)(7)(B) is implemented, the Committee shall submit to
8 the Committee on Transportation and Infrastructure of
9 the House of Representatives and the Committee on Com-
10 merce, Science, and Transportation of the Senate a report
11 assessing the implementation of the updated policy.

12 “(i) IDENTIFICATION OF STATE-SUPPORTED ROUTE
13 CHANGES.—Amtrak shall provide an update in the general
14 and legislative annual report required by 24315(b) of
15 planned or proposed changes to State-supported routes,
16 including the introduction of new State-supported routes.
17 In identifying routes to be considered planned or proposed
18 under this subsection, Amtrak shall—

19 “(1) identify the timeframe in which such
20 changes could take effect and whether Amtrak has
21 entered into a commitment with a State under sub-
22 section (g)(2); and

23 “(2) consult with the Committee and any addi-
24 tional States in which a planned or proposed route

1 may operate, not less than 120 days before an an-
2 nual grant request is transmitted to the Secretary.

3 “(j) **RULE OF CONSTRUCTION.**—The decisions of the
4 Committee—

5 “(1) shall pertain to the rail operations of Am-
6 trak and related activities of trains operated by Am-
7 trak on State-sponsored routes; and

8 “(2) shall not pertain to the rail operations or
9 related activities of services operated by other rail
10 carriers on State-supported routes.

11 “(k) **DEFINITION OF STATE.**—In this section, the
12 term ‘State’ means any of the 50 States, including the
13 District of Columbia, that sponsor or propose to sponsor
14 the operation of trains by Amtrak on a State-supported
15 route, or a public entity that sponsors or proposes to spon-
16 sor such operation on such a route.”

17 **SEC. 9210. AMTRAK POLICE DEPARTMENT.**

18 (a) **DEPARTMENT MISSION.**—Not later than 180
19 days after the date of enactment of this Act, Amtrak shall
20 identify the mission of the Amtrak Police Department (in
21 this section referred to as the “Department”), including
22 the scope of the role and priorities of the Department, in
23 mitigating risks to and ensuring the safety and security
24 of Amtrak passengers, employees, trains, stations, facili-

1 ties, and other infrastructure. In identifying such mission,
2 Amtrak shall consider—

3 (1) the unique needs of maintaining the safety
4 and security of Amtrak’s network; and

5 (2) comparable passenger rail systems and the
6 mission of the police departments of such rail sys-
7 tems.

8 (b) WORKFORCE PLANNING PROCESS.—Not later
9 than 120 days after identifying the mission of the Depart-
10 ment under subsection (a), Amtrak shall develop a work-
11 force planning process that—

12 (1) ensures adequate employment levels and al-
13 location of sworn and civilian personnel, including
14 patrol officers, necessary for fulfilling the Depart-
15 ment’s mission; and

16 (2) sets performance goals and metrics for the
17 Department that align with the mission of the De-
18 partment and monitors and evaluates the Depart-
19 ment’s progress toward such goals and metrics.

20 (c) CONSIDERATIONS.—In developing the workforce
21 planning process under subsection (b), Amtrak shall—

22 (1) identify critical positions, skills, and com-
23 petencies necessary for fulfilling the Department’s
24 mission;

1 (2) analyze employment levels and ensure
2 that—

3 (A) an adequate number of civilian and
4 sworn personnel are allocated across the De-
5 partment's 6 geographic divisions, including pa-
6 trol officers, detectives, canine units, special op-
7 erations unit, strategic operations, intelligence,
8 corporate security, the Office of Professional
9 Responsibilities, and the Office of Chief of Po-
10 lices; and

11 (B) patrol officers have an adequate pres-
12 ence on trains and route segments, and in sta-
13 tions, facilities, and other infrastructure;

14 (3) analyze workforce gaps and develop strate-
15 gies to address any such gaps;

16 (4) consider risks, including those identified by
17 Amtrak's triannual risk assessments;

18 (5) consider variables, including ridership levels,
19 miles of right-of-way, crime data, call frequencies,
20 interactions with vulnerable populations, and work-
21 load, that comparable passenger rail systems with
22 similar police departments consider in the develop-
23 ment of the workforce plans of such systems; and

24 (6) consider collaboration or coordination with
25 local, State, Tribal, and Federal agencies, and public

1 transportation agencies to support the safety and se-
2 curity of the Amtrak network.

3 (d) CONSULTATION.—In carrying out this section,
4 Amtrak shall consult with the Amtrak Police Labor Com-
5 mittee, public safety experts, foreign or domestic entities
6 providing passenger rail service comparable to Amtrak,
7 and any other relevant entities, as determined by Amtrak.

8 (e) REPORTS.—

9 (1) REPORT ON MISSION OF DEPARTMENT.—

10 Not later than 10 days after Amtrak identifies the
11 mission of the Department under subsection (a),
12 Amtrak shall submit to the Committee on Transpor-
13 tation and Infrastructure of the House of Represent-
14 atives and the Committee on Commerce, Science,
15 and Transportation of the Senate a report con-
16 taining a description of the mission of the Depart-
17 ment and the reasons for the content of such mis-
18 sion.

19 (2) REPORT ON WORKFORCE PLANNING PROC-

20 ESS.—Not later than 10 days after Amtrak com-
21 pletes the workforce planning process under sub-
22 section (b), Amtrak shall submit to the Committee
23 on Transportation and Infrastructure of the House
24 of Representatives and the Committee on Commerce,
25 Science, and Transportation of the Senate a report

1 containing the workforce planning process, the un-
2 derlying data used to develop such process, and how
3 such process will achieve the Department’s mission.

4 **SEC. 9211. AMTRAK FOOD AND BEVERAGE.**

5 (a) AMTRAK FOOD AND BEVERAGE.—Section 24321
6 of title 49, United States Code, is amended to read as
7 follows:

8 **“§ 24321. Amtrak food and beverage**

9 “(a) ENSURING ACCESS TO FOOD AND BEVERAGE
10 SERVICES.—On all long-distance routes, Amtrak shall en-
11 sure that all passengers who travel overnight on such
12 route shall have access to purchasing the food and bev-
13 erages that are provided to sleeping car passengers on
14 such route.

15 “(b) FOOD AND BEVERAGE WORKFORCE.—

16 “(1) WORKFORCE REQUIREMENT.—Amtrak
17 shall ensure that any individual onboard a train who
18 prepares or provides food and beverages is an Am-
19 trak employee.

20 “(2) SAVINGS CLAUSE.—No Amtrak employee
21 holding a position as of the date of enactment of the
22 TRAIN Act may be involuntarily separated because
23 of any action taken by Amtrak to implement this
24 section, including any employees who are furloughed
25 as a result of the COVID–19 pandemic.

1 “(c) SAVINGS CLAUSE.—Amtrak shall ensure that no
2 Amtrak employee holding a position as of the date of en-
3 actment of the Passenger Rail Reform and Investment Act
4 of 2015 is involuntarily separated because of the develop-
5 ment and implementation of the plan required by the
6 amendments made by section 11207 of such Act.”.

7 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

8 (1) ANALYSIS.—The item relating to section
9 24321 in the analysis for chapter 243 of title 49,
10 United States Code, is amended to read as follows:

“24321. Amtrak food and beverage.”.

11 (2) AMTRAK AUTHORITY.—Section 24305(c)(4)
12 of title 49, United States Code, is amended by strik-
13 ing “only if revenues from the services each year at
14 least equal the cost of providing the services”.

15 (3) CONTRACTING OUT.—Section 121(e) of the
16 Amtrak Reform and Accountability Act of 1997 (49
17 U.S.C. 24312 note; 111 Stat. 2574) is amended by
18 striking “, other than work related to food and bev-
19 erage service,”.

20 (c) AMTRAK FOOD AND BEVERAGE WORKING
21 GROUP.—

22 (1) ESTABLISHMENT.—Not later than 90 days
23 after the date of enactment of this Act, Amtrak shall
24 establish a working group (in this subsection re-
25 ferred to as the “Working Group”) to provide rec-

1 ommendations on Amtrak onboard food and bev-
2 erage services.

3 (2) MEMBERSHIP.—The Working Group shall
4 consist of—

5 (A) an equal number of individuals rep-
6 resenting—

7 (i) Amtrak;

8 (ii) the labor organizations rep-
9 resenting Amtrak employees who prepare
10 or provide onboard food and beverage serv-
11 ices;

12 (iii) the State-Supported Route Com-
13 mittee established by section 24712; and

14 (iv) nonprofit organizations rep-
15 resenting Amtrak passengers; and

16 (B) an individual with culinary or hospi-
17 tality expertise agreed to by the members under
18 clauses (i) through (iv) of subparagraph (A).

19 (3) RECOMMENDATIONS.—

20 (A) IN GENERAL.—The Working Group
21 shall develop recommendations to increase rid-
22 ership and improve customer satisfaction by—

23 (i) promoting collaboration and en-
24 gagement between Amtrak, Amtrak pas-
25 sengers, and Amtrak employees preparing

1 or providing onboard food and beverage
2 services, prior to Amtrak implementing
3 changes to onboard food and beverage
4 services;

5 (ii) improving onboard food and bev-
6 erage services; and

7 (iii) improving solicitation, reception,
8 and consideration of passenger feedback
9 regarding onboard food and beverage serv-
10 ices.

11 (B) CONSIDERATIONS.—In developing the
12 recommendations under subparagraph (A), the
13 Working Group shall consider—

14 (i) the healthfulness of onboard food
15 and beverages offered, including the ability
16 of passengers to address dietary restric-
17 tions;

18 (ii) the preparation and delivery of on-
19 board food and beverages;

20 (iii) the differing needs of passengers
21 traveling on long-distance routes, State-
22 supported routes, and the Northeast Cor-
23 ridor;

24 (iv) the reinstatement of the dining
25 car service on long-distance routes;

1 (v) Amtrak passenger survey data
2 about the food and beverages offered on
3 Amtrak trains; and

4 (vi) any other issue the Working
5 Group determines appropriate.

6 (4) REPORTS.—

7 (A) INITIAL REPORT.—Not later than 1
8 year after the date on which the Working
9 Group is established, the Working Group shall
10 submit to the Board of Directors of Amtrak,
11 the Committee on Transportation and Infra-
12 structure of the House of Representatives, and
13 the Committee on Commerce, Science, and
14 Transportation of the Senate a report con-
15 taining the recommendations developed under
16 paragraph (3).

17 (B) SUBSEQUENT REPORT.—Not later
18 than 30 days after the date on which the Work-
19 ing Group submits the report required under
20 subparagraph (A), Amtrak shall submit to the
21 Committee on Transportation and Infrastruc-
22 ture of the House of Representatives and the
23 Committee on Commerce, Science, and Trans-
24 portation of the Senate a report on whether
25 Amtrak agrees with the recommendations of the

1 Working Group and describing any plans to im-
2 plement such recommendations.

3 (5) PROHIBITION ON FOOD AND BEVERAGE
4 SERVICE CHANGES.—During the period beginning on
5 the date of enactment of this Act and ending 30
6 days after the date on which Amtrak submits the re-
7 port required under paragraph (4)(B), Amtrak may
8 not make large-scale, structural changes to existing
9 onboard food and beverage services, except that Am-
10 trak shall reverse any changes to onboard food and
11 beverage service made in response to the COVID–19
12 pandemic as Amtrak service is restored.

13 (6) TERMINATION.—The Working Group shall
14 terminate on the date on which Amtrak submits the
15 report required under paragraph (4)(B), except that
16 Amtrak may extend such date by up to 1 year if
17 Amtrak determines that the Working Group is bene-
18 ficial to Amtrak in making decisions related to on-
19 board food and beverage services. If Amtrak extends
20 such date, Amtrak shall include notification of the
21 extension in the report required under paragraph
22 (4)(B).

23 (7) NONAPPLICABILITY OF FEDERAL ADVISORY
24 COMMITTEE ACT.—The Federal Advisory Committee

1 Act (5 U.S.C. App.) does not apply to the Working
2 Group established under this section.

3 (8) LONG-DISTANCE ROUTE; NORTHEAST COR-
4 RIDOR; AND STATE-SUPPORTED ROUTE DEFINED.—
5 In this subsection, the terms “long-distance route”,
6 “Northeast Corridor”, and “State-supported route”
7 have the meaning given those terms in section
8 24102 of title 49, United States Code.

9 **SEC. 9212. CLARIFICATION ON AMTRAK CONTRACTING**
10 **OUT.**

11 (a) FURLOUGHED WORK.—Section 121 of the Am-
12 trak Reform and Accountability Act of 1997 (49 U.S.C.
13 24312 note; 111 Stat. 2574) is amended by striking sub-
14 section (d) and inserting the following:

15 “(d) FURLOUGHED WORK.—Amtrak may not con-
16 tract out work within the scope of work performed by an
17 employee in a bargaining unit covered by a collective bar-
18 gaining agreement entered into between Amtrak and an
19 organization representing Amtrak employees during the
20 period of time such employee has been laid off involun-
21 tarily if such employee—

22 “(1) is eligible and qualified under the agree-
23 ment to perform such work in accordance with the
24 seniority of such employee; and

1 “(2) has not been provided an opportunity to be
2 recalled to perform such work.

3 “(e) AGREEMENT PROHIBITIONS ON CONTRACTING
4 OUT.—This section does not—

5 “(1) supersede a prohibition or limitation on
6 contracting out work covered by an agreement en-
7 tered into between Amtrak and an organization rep-
8 resenting Amtrak employees; or

9 “(2) prohibit Amtrak and an organization rep-
10 resenting Amtrak employees from entering into an
11 agreement that allows for contracting out the work
12 of a furloughed employee that would otherwise be
13 prohibited under subsection (d).”.

14 (b) WORKFORCE PLAN.—Section 24320(c)(2) of title
15 49, United State Code, is amended—

16 (1) in subparagraph (C)(iii)(III) by striking
17 “and” at the end;

18 (2) by redesignating subparagraph (D) as sub-
19 paragraph (E); and

20 (3) by inserting after subparagraph (C) the fol-
21 lowing:

22 “(D) a summary of Amtrak’s plan to meet
23 the workforce needs of each asset category,
24 which shall—

1 “(i) identify any gaps in Amtrak’s
2 workforce, including any vacancy, skill gap,
3 or shortage of qualified personnel;

4 “(ii) summarize any action Amtrak is
5 taking to address any such gaps; and

6 “(iii) summarize any anticipated
7 change to the size of the Amtrak workforce
8 and any cause for such change; and”.

9 **SEC. 9213. AMTRAK STAFFING.**

10 Section 24312 of title 49, United States Code, is
11 amended by adding at the end the following:

12 “(c) CALL CENTER STAFFING.—

13 “(1) OUTSOURCING.—Amtrak may not renew
14 or enter into a contract to outsource call center cus-
15 tomer service work on behalf of Amtrak, including
16 through a business process outsourcing group.

17 “(2) TRAINING.—Amtrak shall make available
18 appropriate training programs to any Amtrak call
19 center employee carrying out customer service activi-
20 ties using telephone or internet platforms.

21 “(d) STATION AGENT STAFFING.—

22 “(1) IN GENERAL.—Amtrak shall ensure that
23 at least one Amtrak ticket agent is employed at each
24 station building where at least one Amtrak ticket
25 agent was employed on or after October 1, 2017.

1 “(2) LOCATIONS.—Amtrak shall ensure that at
2 least one Amtrak ticket agent is employed at each
3 station building—

4 “(A) that Amtrak owns, or operates service
5 through, as part of a passenger service route;
6 and

7 “(B) for which the number of passengers
8 boarding or disembarking an Amtrak long-dis-
9 tance train in the previous fiscal year exceeds
10 the average of at least 40 passengers per day
11 over all days in which the station was serviced
12 by Amtrak, regardless of the number of Amtrak
13 vehicles servicing the station per day. For fiscal
14 year 2021, ridership from fiscal year 2019 shall
15 be used to determine qualifying stations.

16 “(3) EXCEPTION.—This subsection does not
17 apply to any station building in which a commuter
18 rail ticket agent has the authority to sell Amtrak
19 tickets.

20 “(4) AMTRAK TICKET AGENT.—For purposes of
21 this section, the term ‘Amtrak ticket agent’ means
22 an Amtrak employee with authority to sell Amtrak
23 tickets onsite and assist in the checking of Amtrak
24 passenger baggage.

1 “(5) EFFECTIVE DATE.—This subsection shall
2 take effect on the earlier of—

3 “(A) the date of the expiration of the
4 emergency declaration issued by the President
5 on March 13, 2020, pursuant to section 501(b)
6 of the Robert T. Stafford Disaster Relief and
7 Emergency Assistance Act (42 U.S.C. 5191(b));
8 or

9 “(B) the day after the period that is the
10 first 6 consecutive months within a calendar
11 year for which Amtrak ridership exceeds the
12 Amtrak ridership for the same 6 consecutive
13 calendar months in 2019.”.

14 **SEC. 9214. SPECIAL TRANSPORTATION.**

15 Section 24307(a) of title 49, United States Code, is
16 amended—

17 (1) in the matter preceding paragraph (1) by
18 striking “for the following:” and inserting “of at
19 least a 10 percent discount on full-price coach class
20 rail fares for, at a minimum—”;

21 (2) in paragraph (1) by striking the period at
22 the end and inserting a semicolon; and

23 (3) by striking paragraph (2) and inserting the
24 following:

25 “(2) individuals of 12 years of age or younger;

1 “(3) individuals with a disability, as such term
2 is defined in section 3 of the Americans with Dis-
3 abilities Act of 1990 (42 U.S.C. 12102);

4 “(4) members of the Armed Forces on active
5 duty (as those terms are defined in section 101 of
6 title 10) and their spouses and dependents with valid
7 identification;

8 “(5) veterans (as that term is defined in section
9 101 of title 38) with valid identification; and

10 “(6) individuals attending federally accredited
11 postsecondary education institutions with valid stu-
12 dent identification cards.”.

13 **SEC. 9215. DISASTER AND EMERGENCY RELIEF PROGRAM.**

14 (a) IN GENERAL.—Chapter 243 of title 49, United
15 States Code, is further amended by adding at the end the
16 following:

17 **“§ 24324. Disaster and emergency relief program**

18 “(a) IN GENERAL.—The Secretary of Transportation
19 may make grants to Amtrak for—

20 “(1) capital projects to repair, reconstruct, or
21 replace equipment, infrastructure, stations, and
22 other facilities that the Secretary determines are in
23 danger of suffering serious damage, or have suffered
24 serious damage, as a result of an emergency event;

1 “(2) offset revenue lost as a result of such an
2 event; and

3 “(3) support continued operations following
4 emergency events.

5 “(b) COORDINATION OF EMERGENCY FUNDS.—
6 Funds made available to carry out this section shall be
7 in addition to any other funds available and shall not af-
8 fect the ability of Amtrak to use any other funds otherwise
9 authorized by law.

10 “(c) GRANT CONDITIONS.—Grants made under this
11 subsection (a) shall be subject to section 22905(c)(2)(A)
12 and other such terms and conditions as the Secretary de-
13 termines necessary.

14 “(d) DEFINITION OF EMERGENCY EVENT.—In this
15 section, the term ‘emergency event’ has the meaning given
16 such term in section 20103.”.

17 (b) CLERICAL AMENDMENT.—The analysis for chap-
18 ter 243 of title 49, United States Code, is further amend-
19 ed by adding at the end the following:

“24324. Disaster and emergency relief program.”.

20 **SEC. 9216. ACCESS TO RECREATIONAL TRAILS.**

21 Section 24315 of title 49, United States Code, is
22 amended by adding at the end the following:

23 “(i) ACCESS TO RECREATIONAL TRAILS.—At least
24 30 days before implementing a new policy, structure, or
25 operation that impedes access to recreational trails, Am-

1 trak shall work with potentially affected communities,
2 making a good-faith effort to address local concerns about
3 such access. Not later than February 15 of each year, Am-
4 trak shall submit to the Committee on Transportation and
5 Infrastructure of the House of Representatives and the
6 Committee on Environment and Public Works of the Sen-
7 ate a report on any such engagement in the preceding cal-
8 endar year, and any changes to policies, structures, or op-
9 erations affecting access to recreational trails that were
10 considered or made as a result. The report shall include
11 Amtrak’s plans to mitigate the impact to such access.”.

12 **SEC. 9217. AMTRAK CYBERSECURITY ENHANCEMENT AND**
13 **RESILIENCY GRANT PROGRAM.**

14 (a) IN GENERAL.—Chapter 243 of title 49, United
15 States Code, is further amended by adding at the end the
16 following:

17 **“§ 24325. Amtrak cybersecurity enhancement and re-**
18 **siliency grant program**

19 “(a) IN GENERAL.—The Secretary of Transportation
20 shall make grants to Amtrak for improvements in infor-
21 mation technology systems, including cyber resiliency im-
22 provements for Amtrak information technology assets.

23 “(b) APPLICATION OF BEST PRACTICES.—Any cyber
24 resiliency improvements carried out with a grant under
25 this section shall be consistent with cybersecurity industry

1 best practices and publications issued by the National In-
2 stitute of Standards and Technology.

3 “(c) COORDINATION OF CYBERSECURITY FUNDS.—
4 Funds made available to carry out this section shall be
5 in addition to any other Federal funds and shall not affect
6 the ability of Amtrak to use any other funds otherwise
7 authorized by law for purposes of enhancing the cyberse-
8 curity architecture of Amtrak.

9 “(d) GRANT CONDITIONS.—In carrying out this sec-
10 tion—

11 “(1) to the extent practicable, the Secretary
12 shall provide grants consistent with the process es-
13 tablished under section 24319;

14 “(2) the Secretary shall ensure that a grant
15 made available under this section shall be adminis-
16 tered and disbursed as part of Amtrak’s annual
17 grant agreement as authorized by section
18 24319(d)(1)(B); and

19 “(3) a grant made under this section shall be
20 subject to such terms and conditions as the Sec-
21 retary determines necessary.”.

22 (b) CLERICAL AMENDMENT.—The analysis for chap-
23 ter 243 of title 49, United States Code, is further amend-
24 ed by adding at the end the following:

“24325. Amtrak cybersecurity enhancement and resiliency grant program.”.

1 **SEC. 9218. AMTRAK AND PRIVATE CARS.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that private cars and charter trains can—

4 (1) improve Amtrak’s financial performance,
5 particularly on the long-distance routes;

6 (2) have promotional value for Amtrak that re-
7 sults in future travel on Amtrak trains by pas-
8 sengers made aware of Amtrak as a result;

9 (3) support private-sector jobs, including for
10 mechanical work and on-board services; and

11 (4) provide good-will benefits to Amtrak.

12 (b) POLICY REVIEW.—Amtrak shall review the policy
13 changes since January 1, 2018, that have caused signifi-
14 cant changes to the relationship between Amtrak and pri-
15 vate car owners and charter train services and evaluate
16 opportunities to strengthen these services, including by re-
17 instating some access points and restoring flexibility to
18 charter-train policies. For charter trains, private cars, and
19 package express carried on regular Amtrak trains, con-
20 sistent with sound business practice, Amtrak should re-
21 cover direct costs plus a reasonable profit margin.

22 **SEC. 9219. AMTRAK OFFICE OF COMMUNITY OUTREACH.**

23 (a) IN GENERAL.—Chapter 243 of title 49, United
24 States Code, is further amended by adding at the end the
25 following new section:

1 **“§ 24326. Amtrak Office of Community Outreach**

2 “(a) IN GENERAL.—Not later than 180 days after
3 the date of enactment of the TRAIN Act, Amtrak shall
4 establish an Office of Community Outreach to engage with
5 communities impacted by Amtrak operations.

6 “(b) RESPONSIBILITIES.—The Office of Community
7 Outreach shall be responsible for—

8 “(1) outreach and engagement with—

9 “(A) local officials before capital improve-
10 ment project plans are finalized; and

11 “(B) local stakeholders and relevant orga-
12 nizations on projects of community significance;

13 “(2) clear explanation and publication of how
14 community members can communicate with Amtrak;

15 “(3) the use of virtual public involvement, social
16 media, and other web-based tools to encourage pub-
17 lic participation and solicit public feedback; and

18 “(4) making publicly available on the website of
19 Amtrak, planning documents for proposed and im-
20 plemented capital improvement projects.

21 “(c) REPORT TO CONGRESS.—Not later than 1 year
22 after the establishment of the Office of Community Out-
23 reach, and annually thereafter, Amtrak shall submit to the
24 Committee on Transportation and Infrastructure in the
25 House of Representatives and the Committee on Com-

1 merce, Science, and Transportation of the Senate a report
2 that—

3 “(1) describes the community outreach efforts
4 undertaken by the Amtrak Office of Community
5 Outreach for the previous year; and

6 “(2) identifies changes Amtrak made to capital
7 improvement project plans after engagement with af-
8 fected communities.”.

9 (b) CLERICAL AMENDMENT.—The analysis for chap-
10 ter 243 of title 49, United States Code, is further amend-
11 ed by adding at the end the following:

“24326. Amtrak Office of Community Outreach.”.

12 **SEC. 9220. LONG-DISTANCE CUSTOMER ENHANCEMENT**
13 **PROGRAM.**

14 (a) AUTHORIZATION.—Amtrak shall expend not less
15 than 2.5 percent of the amounts appropriated in each fis-
16 cal year pursuant to section 9101(a)(2) to enhance the
17 customer experience on Amtrak long-distance routes.

18 (b) ELIGIBILITY.—Projects and initiatives to serve
19 the following purposes, including planning and develop-
20 ment, are eligible to be implemented by Amtrak under this
21 section:

22 (1) Rolling stock interior refreshes and rede-
23 signs.

1 (2) Food and beverage service improvements
2 consistent with section 24321 of title 49, United
3 States Code.

4 (3) Wi-Fi service expansion and improvement.

5 (4) Enhanced customer experience at stations.

6 (5) Other customer enhancement initiatives de-
7 veloped by Amtrak, including initiatives developed in
8 accordance with subsection (c).

9 (c) CONSULTATION.—Not later than 90 days after
10 the date of enactment of this Act, and subsequently on
11 a periodic basis, Amtrak shall consult with appropriate
12 States, local governments, labor organizations rep-
13 resenting railroad employees, and national associations
14 that represent rail passengers on ways to enhance the cus-
15 tomer experience on long-distance routes.

16 (d) USE OF FUNDS FOR OTHER PURPOSES.—Am-
17 trak may use funds provided under this section for pur-
18 poses related to long-distance route service other than
19 those listed in subsection (b) if—

20 (1) Amtrak determines the use of funds is nec-
21 essary to—

22 (A) improve the safety of long-distance
23 route operations; or

24 (B) maintain continued operation or serv-
25 ice levels of any such route; and

1 (2) not later than 10 days of the repurposing
2 of such funds, Amtrak submits to the Secretary, the
3 Committee on Transportation and Infrastructure
4 and the Committee on Appropriations of the House
5 of Representatives, and the Committee on Com-
6 merce, Science, and Transportation, and the Com-
7 mittee on Appropriations of the Senate, a report
8 that includes—

9 (A) the amount of funds repurposed for a
10 use described in this subsection, and

11 (B) the reason for the repurposing of such
12 funds.

13 (e) LONG-DISTANCE ROUTE DEFINED.—In this sec-
14 tion, the term “long-distance route” has the meaning
15 given the term in section 24102 of title 49, United States
16 Code.

17 **SEC. 9221. AMTRAK CARBON-FREE AND RENEWABLE EN-**
18 **ERGY INITIATIVES.**

19 (a) IN GENERAL.—Chapter 243 of title 49, United
20 States Code, is further amended by adding at the end the
21 following new section:

22 **“§ 24327. Amtrak carbon-free and renewable energy**
23 **initiatives**

24 “(a) EMISSIONS REDUCTION AND ENERGY PLAN.—

1 “(1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of the TRAIN Act, Amtrak
3 shall—

4 “(A) develop a greenhouse gas emissions
5 reduction and energy plan that sets forth a goal
6 of, a strategy for achieving, and potential
7 timelines and funding requirements for—

8 “(i) becoming a net-zero carbon emis-
9 sions transportation provider; and

10 “(ii) achieving net-zero carbon emis-
11 sions with respect to Amtrak operations
12 within the Northeast Corridor;

13 “(B) submit the plan to the Secretary of
14 Transportation, the Committee on Transpor-
15 tation and Infrastructure of the House of Rep-
16 resentatives, and the Committee on Commerce,
17 Science, and Transportation of the Senate; and

18 “(C) publish the plan on Amtrak’s website.

19 “(2) ADDITIONAL REQUIREMENTS.—The plan
20 developed under paragraph (1) shall contain—

21 “(A) at least 1 option for becoming a net-
22 zero carbon emissions transportation provider
23 not later than January 1, 2035; and

24 “(B) at least 1 option for achieving net-
25 zero carbon emissions with respect to Amtrak

1 operations within the Northeast Corridor not
2 later than January 1, 2030.

3 “(3) ANNUAL PROGRESS REPORTS.—

4 “(A) IN GENERAL.—After submission and
5 publication of the plan developed under para-
6 graph (1), Amtrak shall include in each general
7 and legislative annual report required under
8 section 24315(b), an update on Amtrak’s
9 progress towards—

10 “(i) becoming a net-zero carbon emis-
11 sions transportation provider; and

12 “(ii) achieving net-zero carbon emis-
13 sions with respect to Amtrak operations
14 within the Northeast Corridor.

15 “(B) LEGISLATIVE RECOMMENDATIONS.—

16 The update required under subparagraph (A)
17 may include recommendations for legislative
18 changes or changes to funding levels likely to
19 increase the rate of Amtrak’s progress.

20 “(b) CARBON-FREE AND RENEWABLE ENERGY
21 USE.—

22 “(1) ENERGY SOURCE REQUIREMENT.—Not
23 later than 180 days after the date of enactment of
24 the TRAIN Act, Amtrak shall ensure that any new
25 or renewed contract between Amtrak and a provider

1 of electricity that is used to meet the needs of train
2 traction power or rail facility power requires that an
3 amount equal to or greater than 25 percent of such
4 electricity is derived from carbon-free or renewable
5 energy sources.

6 “(2) INCREASED ENERGY SOURCE GOALS.—
7 Amtrak shall establish goals for increasing the en-
8 ergy source requirements described in paragraph
9 (1), including a goal of requiring—

10 “(A) at least 50 percent of electricity de-
11 rived from such sources for new or renewed
12 contracts entered into beginning 5 years after
13 the date of enactment of the TRAIN Act; and

14 “(B) 100 percent of electricity derived
15 from such sources for new or renewed contracts
16 entered into on or after January 1, 2030.

17 “(3) EXCEPTIONS.—The requirements of para-
18 graph (1) shall not apply in any case in which—

19 “(A) no provider of electricity is able to
20 provide the necessary levels of carbon-free or
21 renewable energy;

22 “(B) compliance with such requirements
23 would adversely affect Amtrak’s operations or
24 quality of service to an unreasonable degree; or

1 “(C) compliance with such requirements
2 would cause an increase of at least 50 percent
3 in total cost of electricity, as compared to the
4 total cost of electricity Amtrak would otherwise
5 have acquired.

6 “(4) REPORT.—Not later than 1 year after the
7 date of enactment of the TRAIN Act, Amtrak shall
8 submit to the Committee on Transportation and In-
9 frastructure of the House of Representatives and the
10 Committee on Commerce, Science, and Transpor-
11 tation of the Senate a report that identifies opportu-
12 nities to further increase Amtrak’s use of carbon-
13 free and renewable energy for train traction power
14 needs and facility power needs.”.

15 (b) CLERICAL AMENDMENT.—The analysis for chap-
16 ter 243 of title 49, United States Code, is further amend-
17 ed by adding at the end the following:

“24327. Amtrak carbon-free and renewable energy initiatives.”.

18 **TITLE III—INTERCITY**
19 **PASSENGER RAIL POLICY**

20 **SEC. 9301. NORTHEAST CORRIDOR COMMISSION.**

21 Section 24905 of title 49, United States Code, is
22 amended—

23 (1) in subsection (a)(1)—

24 (A) in subparagraph (A) by striking
25 “members” and inserting “4 members”;

1 (B) in subparagraph (B) by striking
2 “members” and inserting “5 members”; and

3 (C) in subparagraph (D) by striking “and
4 commuter railroad carriers using the Northeast
5 Corridor selected by the Secretary” and insert-
6 ing “railroad carriers and commuter authorities
7 using the Northeast Corridor, as determined by
8 the Commission”;

9 (2) by striking paragraph (2) of subsection (a)
10 and inserting the following:

11 “(2) At least two of the members described in
12 paragraph (1)(B) shall be career appointees, as such
13 term is defined in section 3132(a) of title 5.”;

14 (3) in subsection (b)(3)(B)—

15 (A) in clause (i) by inserting “, including
16 ridership trends,” before “along the Northeast
17 Corridor”;

18 (B) in clause (ii) by striking “capital in-
19 vestment plan described in section 24904.” and
20 inserting “first year of the capital investment
21 plan described in section 24904; and”; and

22 (C) by adding at the end the following:

23 “(iii) progress in assessing and elimi-
24 nating the state-of-good-repair backlog.”;

25 (4) in subsection (c)—

1 (A) by striking “(1) DEVELOPMENT” and
2 all that follows through “standardized policy”
3 and inserting the following:

4 “(1) POLICY.—The Commission shall—

5 “(A) maintain and update, as appropriate,
6 the ‘Northeast Corridor Commuter and Inter-
7 city Rail Cost Allocation Policy’ approved on
8 September 17, 2015,”;

9 (B) in paragraph (1)—

10 (i) in subparagraph (B) by striking “a
11 proposed timetable for implementing” and
12 inserting “timetables for implementing and
13 maintaining”;

14 (ii) in subparagraph (C) by striking
15 “the policy and the timetable” and insert-
16 ing “updates to the policy and the time-
17 tables”; and

18 (iii) by striking subparagraph (D) and
19 inserting the following:

20 “(D) support the efforts of the members of
21 the Commission to implement the policy in ac-
22 cordance with such timetables; and”;

23 (C) in paragraph (2)—

24 (i) by striking the first sentence and
25 inserting “In accordance with the time-

1 table developed in paragraph (1), Amtrak
2 and commuter authorities on the North-
3 east Corridor shall implement the policy
4 developed under paragraph (1) in agree-
5 ments for usage of facilities or services.”;

6 (ii) by striking “fail to implement
7 such new agreements” and inserting “fail
8 to implement the policy”; and

9 (iii) by striking “paragraph (1)(A), as
10 applicable” and inserting “paragraph (1)”;

11 and

12 (D) in paragraph (4) by striking “public
13 authorities providing commuter rail passenger
14 transportation” and inserting “commuter au-
15 thorities”;

16 (5) by striking subsection (d);

17 (6) by redesignating subsection (e) as sub-
18 section (d); and

19 (7) in paragraph (1)(D) of subsection (d) (as
20 redesignated by paragraph (6)) by striking “com-
21 muter rail agencies” and inserting “commuter au-
22 thorities”.

23 **SEC. 9302. NORTHEAST CORRIDOR PLANNING.**

24 (a) IN GENERAL.—Section 24904 of title 49, United
25 States Code, is amended—

1 (1) by redesignating subsection (e) as sub-
2 section (f);

3 (2) by striking subsection (c);

4 (3) by redesignating subsections (a) and (b) as
5 subsections (b) and (c), respectively;

6 (4) by inserting before subsection (b), as so re-
7 designated, the following:

8 “(a) SERVICE DEVELOPMENT PLAN.—

9 “(1) REQUIREMENT.—Not later than December
10 31, 2021, the Northeast Corridor Commission estab-
11 lished under section 24905 (referred to in this sec-
12 tion as the ‘Commission’) shall submit to Congress
13 a service development plan that identifies key state-
14 of-good-repair, capacity expansion, and capital im-
15 provement projects planned for the Northeast Cor-
16 ridor, to upgrade aging infrastructure and improve
17 the reliability, capacity, connectivity, performance,
18 and resiliency of passenger rail service on the North-
19 east Corridor.

20 “(2) CONTENTS.—The service development plan
21 required under paragraph (1) shall—

22 “(A) provide a coordinated and consensus-
23 based plan covering a period of 15 years;

24 “(B) identify service objectives and capital
25 investments needs;

1 “(C) provide a delivery-constrained strat-
2 egy that identifies capital investment phasing,
3 an evaluation of workforce needs, and strategies
4 for managing resources and mitigating con-
5 struction impacts on operations;

6 “(D) describe the anticipated outcomes of
7 each project or program, including an assess-
8 ment of improved capacity, travel time, and
9 other benefits and costs of proposed invest-
10 ments;

11 “(E) include a financial strategy that in-
12 corporates available funding and identifies
13 funding needs and potential sources of such
14 funding; and

15 “(F) be updated at least every 5 years.”;

16 (5) in subsection (b) (as redesignated by para-
17 graph (3))—

18 (A) in paragraph (1)—

19 (i) in the matter preceding subpara-
20 graph (A) by striking “Not later than”
21 and all that follows through “shall” and
22 inserting “Not later than November 1 of
23 each year, the Commission shall”;

1 (ii) in subparagraph (A) by striking
2 “a capital investment plan” and inserting
3 “an annual capital investment plan”; and

4 (iii) in subparagraph (B) by inserting
5 “for the Northeast Corridor” after “capital
6 investment plan”;

7 (B) in paragraph (2)—

8 (i) in subparagraph (A) by striking
9 “and network optimization”;

10 (ii) in subparagraph (B) by striking
11 “and service”;

12 (iii) in subparagraph (C) by striking
13 “first fiscal year after the date on which”
14 and inserting “fiscal year during which”;

15 (iv) in subparagraph (D)—

16 (I) by striking “identify,
17 prioritize,” and all that follows
18 through “and consider” and inserting
19 “document the projects and programs
20 being undertaken to achieve the serv-
21 ice outcomes identified in the North-
22 east Corridor service development
23 plan, once available, and the asset
24 condition needs identified in the
25 Northeast Corridor asset management

1 system described in subsection (e) and
2 consider”; and

3 (II) in clause (i) by inserting
4 “overall estimated” before “benefits”;
5 (v) in subparagraph (E)(i) by striking
6 “normalized capital replacement and”;
7 (vi) in subparagraph (F) by adding
8 “and” at the end;
9 (vii) by striking subparagraph (G);
10 and
11 (viii) by redesignating subparagraph
12 (H) as subparagraph (G); and
13 (C) in paragraph (3)—
14 (i) by striking “paragraph (2)(H)”
15 and inserting “paragraph (2)(G)”;
16 (ii) in subparagraph (A)—
17 (I) by inserting “anticipated” be-
18 fore “funding sources”; and
19 (II) by inserting “and, in the ab-
20 sence of an authorization or appro-
21 priation of funds for a fiscal year, be
22 based on the amount of funding avail-
23 able in the previous fiscal year, plus
24 inflation” after “methods”;

1 (iii) in subparagraph (B) by striking
2 “expected allocated shares of costs” and
3 inserting “status of cost sharing agree-
4 ments”;

5 (iv) in subparagraph (C) by striking
6 “and” at the end;

7 (v) by redesignating subparagraph
8 (D) as subparagraph (E); and

9 (vi) by inserting after subparagraph
10 (C) the following:

11 “(D) include any funding needs in excess
12 of amounts authorized or otherwise available in
13 a fiscal year; and”;

14 (6) in subsection (c) (as redesignated by para-
15 graph (3)) by striking “may be spent only on” and
16 all that follows through the end and inserting “may
17 be spent only on capital projects and programs con-
18 tained in the Commission’s capital investment plan
19 from the previous year.”; and

20 (7) by striking subsection (d) and inserting the
21 following:

22 “(d) REVIEW AND COORDINATION.—The Commis-
23 sion shall gather information from Amtrak, the States in
24 which the Northeast Corridor is located, and commuter
25 rail authorities to support development of the capital in-

1 vestment plan. The Commission may specify a format and
2 other criteria for the information submitted. Submissions
3 to the plan from Amtrak, States in which the Northeast
4 Corridor are located, and commuter rail authorities shall
5 be provided to the Commission in a manner that allows
6 for a reasonable period of review by, and coordination
7 with, affected agencies.

8 “(e) NORTHEAST CORRIDOR ASSET MANAGE-
9 MENT.—With regard to existing infrastructure, Amtrak
10 and other infrastructure owners that provide or support
11 intercity rail passenger transportation on the Northeast
12 Corridor shall develop an asset management system, and
13 use and update such system as necessary, to develop sub-
14 missions to the Northeast Corridor capital investment
15 plan described in subsection (b). Such system shall—

16 “(1) be timed consistent with the Federal Tran-
17 sit Administration process, as authorized under sec-
18 tion 5326, when implemented; and

19 “(2) include, at a minimum—

20 “(A) an inventory of all capital assets
21 owned by the developer of the plan;

22 “(B) an assessment of asset condition;

23 “(C) a description of the resources and
24 processes necessary to bring or maintain those
25 assets in a state of good repair; and

1 “(D) a description of changes in asset con-
2 dition since the previous version of the plan.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) ACCOUNTS.—Section 24317(d)(1) of title
5 49, United States Code, is amended—

6 (A) in subparagraph (B) by striking
7 “24904(a)(2)(E)” and inserting
8 “24904(b)(2)(E)”; and

9 (B) in subparagraph (F) by striking
10 “24904(b)” and inserting “24904(c)”.

11 (2) FEDERAL-STATE PARTNERSHIP FOR STATE
12 OF GOOD REPAIR.—Section 24911(e)(2) of title 49,
13 United States Code, is amended by striking
14 “24904(a)” and inserting “24904(b)”.

15 **SEC. 9303. PROTECTIVE ARRANGEMENTS.**

16 Section 22905 of title 49, United States Code, is
17 amended—

18 (1) in subsection (c)(2)(B) by striking “that are
19 equivalent to the protective arrangements established
20 under section 504 of the Railroad Revitalization and
21 Regulatory Reform Act of 1976 (45 U.S.C. 836)”
22 and inserting “established by the Secretary under
23 subsection (e)(1)”;

24 (2) by redesignating subsections (e) and (f) as
25 subsections (f) and (g), respectively; and

1 (3) by inserting after subsection (d) the fol-
2 lowing:

3 “(e) EQUIVALENT EMPLOYEE PROTECTIONS.—

4 “(1) ESTABLISHMENT.—Not later than 90 days
5 after the date of enactment of this subsection, the
6 Administrator of the Federal Railroad Administra-
7 tion shall establish protective arrangements equiva-
8 lent to those established under section 504 of the
9 Railroad Revitalization and Regulatory Reform Act
10 of 1976 (45 U.S.C. 836), and require such protec-
11 tive arrangements to apply to employees described
12 under subsection (c)(2)(B) and as required under
13 subsection (j) of section 22907.

14 “(2) PUBLICATION.—The Administrator shall
15 make available on a publicly available website the
16 protective arrangements established under para-
17 graph (1).”.

18 **SEC. 9304. INTERSTATE RAIL COMPACTS.**

19 (a) IDENTIFICATION.—Section 410 of the Amtrak
20 Reform and Accountability Act of 1997 (Public Law 105–
21 134; 49 U.S.C. 24101 note) is amended—

22 (1) in subsection (b)(2) by striking “(except
23 funds made available for Amtrak)”; and

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

1 “(c) INTERSTATE RAIL COMPACTS PROGRAM.—The
2 Secretary of Transportation shall—

3 “(1) make available on a publicly accessible
4 website a list of interstate rail compacts established
5 in accordance with subsection (a);

6 “(2) provide information to the public regarding
7 interstate rail compacts, including how States may
8 establish interstate rail compacts under subsection
9 (a); and

10 “(3) annually update the information provided
11 under paragraph (2).”.

12 (b) GRANTS AUTHORIZED.—Chapter 229 of title 49,
13 United States Code, is further amended by adding at the
14 end the following:

15 **“§ 22910. Interstate rail compacts support program**

16 “(a) IN GENERAL.—The Secretary shall develop and
17 implement a competitive grant program for providing ad-
18 ministrative assistance, including salaries, benefits, travel,
19 and other administrative expenses, to eligible applicants
20 to support interstate and regional efforts—

21 “(1) to improve the safety, efficiency, or reli-
22 ability of intercity passenger rail; and

23 “(2) to promote and develop intercity passenger
24 rail service, including through initiating, restoring,
25 or enhancing intercity passenger rail service.

1 “(b) APPLICANT SELECTION CRITERIA.—

2 “(1) IN GENERAL.—In awarding grants under
3 this section, the Secretary shall consider—

4 “(A) the amount of other funding received
5 by an applicant (including funding from rail-
6 roads) or other significant participation by
7 State, local, and regional governmental and pri-
8 vate entities;

9 “(B) the applicant’s work to facilitate and
10 encourage regional planning for passenger rail
11 improvement, enhancement, and development;

12 “(C) the applicant’s work to foster,
13 through rail transportation systems, economic
14 development, particularly in rural communities,
15 for socially disadvantaged individuals, and for
16 disadvantaged populations;

17 “(D) the applicant’s efforts to provide
18 guidance to local communities on public and
19 private resources relate to community concerns,
20 such as congestion, rail and grade crossing
21 safety, trespasser prevention, quiet zones,
22 idling, and rail line relocations;

23 “(E) whether the applicant seeks to restore
24 service over routes formerly operated by Am-
25 trak, including routes described in section

1 11304(a) of the Passenger Rail Reform and In-
2 vestment Act of 2015 (title XI of division A of
3 Public Law 114–94);

4 “(F) the applicant’s intent to provide
5 intercity passenger rail service to regions and
6 communities that are underserved or not served
7 by other intercity public transportation;

8 “(G) whether the applicant is enhancing
9 connectivity and geographic coverage of the ex-
10 isting national network of intercity rail pas-
11 senger service;

12 “(H) the applicant’s efforts to engage with
13 entities to deploy railroad safety technology or
14 programs, including trespassing prevention, rail
15 integrity inspection systems, or grade crossing
16 safety;

17 “(I) whether the applicant prepares re-
18 gional rail and corridor service development
19 plans and corresponding environmental anal-
20 ysis; and

21 “(J) whether the applicant has engaged
22 with the Federal, local, or State government
23 and transportation planning agencies to identify
24 projects necessary to enhance multimodal con-
25 nections or facilitate service integration between

1 rail service and other modes, including between
2 intercity rail passenger transportation and
3 intercity bus service, commercial air service, or
4 commuter rail service.

5 “(2) PREFERENCE.—In selecting grant recipi-
6 ents, the Secretary shall give preference to appli-
7 cants that are initiating, restoring, or enhancing
8 intercity rail passenger transportation.

9 “(c) APPLICATION PROCESS.—The Secretary shall
10 prescribe the form and manner of submitting applications
11 under this section.

12 “(d) PERFORMANCE MEASURES.—

13 “(1) IN GENERAL.—The Secretary shall estab-
14 lish performance measures for each grant recipient
15 to assess progress in achieving strategic goals and
16 objectives.

17 “(2) ANNUAL REPORT.— The Secretary shall
18 require grant recipients to submit an annual report
19 of the activities of such recipient and information re-
20 lated to applicable performance measures, which
21 may include—

22 “(A) a demonstration of progress to
23 achieve or advance the relevant criteria de-
24 scribed in subsection (b); and

1 “(B) the amount of non-Federal matching
2 funds provided from each member State.

3 “(e) FEDERAL SHARE OF TOTAL PROJECT COST.—
4 The Secretary shall require each recipient of a grant under
5 this subsection to provide a non-Federal match of not less
6 than 50 percent of the administrative assistance to the
7 interstate rail compact.

8 “(f) APPLICABLE REQUIREMENTS.—The use of any
9 amounts appropriated for grants under this section shall
10 be subject to the applicable requirements under this chap-
11 ter.

12 “(g) APPLICABILITY.—Amounts appropriated to
13 carry out this section shall remain available until ex-
14 pended.

15 “(h) LIMITATIONS.—

16 “(1) MAXIMUM FUNDING PER APPLICANT.—
17 The Secretary may not award grants under this sec-
18 tion in an amount exceeding \$500,000 annually for
19 each applicant.

20 “(2) NUMERIC LIMITATION.—The Secretary
21 may not provide grants under this section to more
22 than 10 interstate rail compacts in any fiscal year.

23 “(i) DEFINITIONS.—In this section:

24 “(1) APPLICANT.—The term ‘applicant’ means
25 an interstate rail compact or an interstate commis-

1 sion composed of 2 or more States that has been es-
2 tablished to promote, develop, or operate intercity
3 passenger rail transportation systems.

4 “(2) INTERCITY PASSENGER RAIL SERVICE.—
5 The term ‘intercity passenger rail service’ has the
6 meaning given the term ‘intercity rail passenger
7 transportation’ in section 24102.”.

8 (c) CLERICAL AMENDMENT.—The analysis for chap-
9 ter 229 of title 49, United States Code, is further amend-
10 ed by adding at the end the following:

“22910. Interstate rail compacts support program.”.

11 **SEC. 9305. HIGH-SPEED RAIL UPDATES.**

12 (a) HIGH-SPEED RAIL CORRIDOR PLANNING.—Sec-
13 tion 26101 of title 49, United States Code, is amended—

14 (1) in subsection (b)(1)—

15 (A) in the matter preceding subparagraph
16 (A) by striking “, or if it is an activity de-
17 scribed in subparagraph (M)”;

18 (B) in subparagraph (J) by striking
19 “right-of-way improvements” and inserting
20 “right-of-way acquisition or improvement
21 needs”;

22 (C) in subparagraph (K) by inserting
23 “and” at the end; and

24 (D) by striking subparagraphs (L) and
25 (M) and inserting the following:

1 “(L) public costs in the creation of public pri-
2 vate partnerships.”; and

3 (2) in subsection (c)—

4 (A) by striking paragraphs (1) through (3)
5 and inserting the following:

6 “(1) the extent to which the proposed planning
7 focuses on systems which will provide for high-speed
8 rail;

9 “(2) the integration of the corridor into metro-
10 politan area and statewide transportation planning,
11 including State rail plans;

12 “(3) the use of rail stations within urbanized
13 areas that are located in a geographic area with a
14 greater density population than the urbanized area
15 as a whole;”;

16 (B) in paragraph (4) by inserting before
17 the semicolon “, passenger rail, transit, and
18 other multimodal options”;

19 (C) in paragraph (6) by inserting “and re-
20 duce greenhouse gas emissions” before the
21 semicolon; and

22 (D) in paragraph (11) by inserting “, in-
23 cluding access to affordable housing” before the
24 semicolon.

1 (b) DEFINITIONS.—Section 26105(2) of title 49,
2 United States Code, is amended—

3 (1) by inserting “made available to members of
4 the general public as passengers and reasonably ex-
5 pected to reach speeds of” after “service which is”;

6 (2) in subparagraph (A) by striking “reason-
7 ably expected to reach sustained speeds of more
8 than 125 miles per hour; and” and inserting “160
9 miles per hour or more on shared-use right-of-way;
10 or”;

11 (3) in subparagraph (B) by striking “made
12 available to members of the general public as pas-
13 sengers” and inserting “186 miles per hour or more
14 on dedicated right-of-way”.

15 (c) HIGH-SPEED RAIL CORRIDOR DEVELOPMENT.—
16 Section 26106(e)(2) of title 49, United States Code, is
17 amended—

18 (1) in subparagraph (A)(i) by striking “section
19 211 of the Passenger Rail Investment and Improve-
20 ment Act of 2008” and inserting “section
21 24904(a)”;

22 (2) in subparagraph (C)(i)—

23 (A) by striking subclause (III);

24 (B) by redesignating subclause (II) as sub-
25 clause (III);

1 (C) by inserting after subclause (I) the fol-
2 lowing:

3 “(II) connectivity to rail stations
4 within urbanized areas that are lo-
5 cated in a geographic area with a
6 greater density population than the
7 urbanized area as a whole;” and

8 (D) by striking subclause (IV) and insert-
9 ing the following:

10 “(IV) environmental benefits, in-
11 cluding projects that—

12 “(aa) reduce greenhouse gas
13 emissions; and

14 “(bb) involve electrification
15 or the purchase of environ-
16 mentally sensitive, fuel-efficient,
17 and cost-effective passenger rail
18 equipment;”.

19 **SEC. 9306. STATE RAIL PLANNING FORMULA FUNDS.**

20 (a) IN GENERAL.—Chapter 229 of title 49, United
21 States Code, is further amended by adding at the end the
22 following:

23 **“§ 22911. State rail planning formula funds**

24 “(a) IN GENERAL.—In carrying out this chapter, the
25 Secretary shall allocate an appropriate portion of 1.5 per-

1 cent of the amounts made available for programs under
2 this chapter to provide grants to States—

3 “(1) for State or multi-State regional intercity
4 passenger rail corridor planning or project-specific,
5 intercity passenger rail planning purposes; or

6 “(2) for funding rail projects otherwise eligible
7 under section 22907 if no intercity passenger rail
8 planning is feasible.

9 “(b) LIMITATION OF FUNDS.—Any unobligated bal-
10 ances of a grant under this section remaining after 3 years
11 from the fiscal year in which the grant was made shall
12 be redistributed in an appropriate portion.

13 “(c) DEFINITIONS.—In this section:

14 “(1) APPROPRIATE PORTION.—The term ‘ap-
15 propriate portion’ means a share, for each State—

16 “(A) one quarter of which is comprised of
17 the ratio that the total railroad route miles in
18 such State bears to the total railroad route
19 miles in the United States, excluding from each
20 such total the route miles used exclusively for
21 tourist excursions;

22 “(B) one quarter of which is comprised of
23 the ratio that the population in such State
24 bears to the total population of the United

1 States, as determined by the Bureau of the
2 Census; and

3 “(C) half of which is comprised of the ratio
4 that the Amtrak ridership for fiscal year 2019
5 in each State bears to the total Amtrak rider-
6 ship for fiscal year 2019.

7 “(2) STATE.—The term ‘State’ means each of
8 the 50 States and the District of Columbia.”.

9 (b) CLERICAL AMENDMENT.—The analysis for chap-
10 ter 229 of title 49, United States Code, is further amend-
11 ed by adding at the end the end the following:

“22911. State rail planning formula funds.”.

12 **SEC. 9307. NORTH ATLANTIC RAIL INTERSTATE COMPACT.**

13 (a) IN GENERAL.—Chapter 249 of title 49, United
14 States Code, is amended by inserting after section 24905
15 the following:

16 **“§ 24905A. North Atlantic Rail Interstate Compact;**
17 **North Atlantic Rail Network**

18 “(a) NORTH ATLANTIC RAIL INTERSTATE COM-
19 PACT.—

20 “(1) ESTABLISHMENT.—Not later than 180
21 days after the date of the enactment of this section,
22 the Secretary of Transportation shall appoint a di-
23 rector for the North Atlantic Rail Interstate Com-
24 pact (referred to in this section as the ‘Compact’) in

1 collaboration with states identified in paragraph
2 (2)(A).

3 “(2) BOARD OF DIRECTORS.—

4 “(A) COMPOSITION.—The Compact shall
5 be governed by a board of directors, which shall
6 be composed of directors, of whom—

7 “(i) 2 directors shall be appointed by
8 the Secretary of Transportation;

9 “(ii) 1 director shall be appointed by
10 the Chief Executive Officer of Amtrak;

11 “(iii) 2 directors shall be appointed by
12 the Governor of Connecticut;

13 “(iv) 2 directors shall be appointed by
14 the Governor of Maine;

15 “(v) 2 directors shall be appointed by
16 the Governor of Massachusetts;

17 “(vi) 2 directors shall be appointed by
18 the Governor of New Hampshire;

19 “(vii) 2 directors shall be appointed
20 by the Governor of New York;

21 “(viii) 2 directors shall be appointed
22 by the Governor of Rhode Island; and

23 “(ix) 2 directors shall be appointed by
24 the Governor of Vermont.

1 “(B) TERM; QUALIFICATIONS.—Of the in-
2 dividuals appointed pursuant to each of the
3 clauses (iii) through (ix) of paragraph (1)—

4 “(i) 1 shall be the head of the respec-
5 tive State department of transportation;
6 and

7 “(ii) the other director appointed by
8 the respective governor—

9 “(I) shall serve for a 5-year term;

10 “(II) shall be a resident of the
11 appointing governor’s State;

12 “(III) may not be an employee of
13 the government of such State; and

14 “(IV) shall be an expert in trans-
15 portation policy, finance, public policy,
16 planning or a related discipline associ-
17 ated with the purpose and mission of
18 the Compact.

19 “(C) NO COMPENSATION.—Directors shall
20 serve without pay, but shall receive travel ex-
21 penses, including per diem in lieu of subsist-
22 ence, in accordance with applicable provisions of
23 subchapter I of chapter 57 of title 5, United
24 States Code.

1 “(3) PURPOSE.—The purpose of the Compact
2 shall be to construct, on an accelerated basis, a
3 North Atlantic Rail Network in order—

4 “(A) to provide clean, safe, coordinated
5 and efficient high-speed and high-performance
6 passenger rail transportation in the 7-State
7 North Atlantic Rail Network region; including
8 the improvement of existing intercity passenger
9 rail services;

10 “(B) to reduce carbon emissions from auto
11 and air transportation in such region in order
12 to meet the greenhouse gas performance targets
13 established under section 150(d) of title 23; and

14 “(C) to provide employment opportunities
15 and economic development in the cities and re-
16 gions served by a North Atlantic Rail Network.

17 “(4) STAFFING.—The directors and officers of
18 the Compact may appoint and fix the pay of such
19 personnel, as they consider necessary and appro-
20 priate, to advance the design and construction of a
21 North Atlantic Rail Network.

22 “(5) COORDINATION.—The Compact, in design-
23 ing and constructing a North Atlantic Rail Network,
24 shall coordinate and cooperate with—

25 “(A) the Secretary of Transportation;

1 “(B) the Northeast Corridor Commission;

2 “(C) Amtrak;

3 “(D) State departments of transportation,
4 regional transportation authorities, and other
5 State-established entities, responsible for the
6 provision of passenger rail in the North Atlantic
7 Rail Network region; and

8 “(E) freight railroads that host passenger
9 trains or operate freight trains over passenger
10 rail lines within the territory.

11 “(b) NORTH ATLANTIC RAIL NETWORK.—

12 “(1) CREATION.—Notwithstanding the existing
13 service along the Northeast Corridor, the Compact
14 shall construct a North Atlantic Rail Network,
15 which may include—

16 “(A) additional high-speed rail service be-
17 tween Boston and New York;

18 “(B) a high-performance network of inter-
19 city passenger rail transportation throughout
20 the 7-State region; and

21 “(C) an integrated network of metropolitan
22 passenger rail transportation coordinated with
23 the high-speed rail service referred to in sub-
24 paragraph (A).

1 “(2) AUTHORIZATIONS.—The Compact shall
2 have the same authorities provided to interstate
3 compacts in section 410 of the Amtrak Reform and
4 Accountability Act of 1997 (49 U.S.C. 24101 note),
5 including—

6 “(A) receiving appropriations—

7 “(i) to plan, design, engineer, and ac-
8 quire property (including railroad rights-
9 of-way);

10 “(ii) to conduct competitive procure-
11 ments;

12 “(iii) to enter into construction con-
13 tracts;

14 “(iv) to form project labor agree-
15 ments; and

16 “(v) to construct a North Atlantic
17 Rail Network;

18 “(B) utilizing all design-build and other al-
19 ternative procurement policies and practices ap-
20 proved by the Department of Transportation;

21 “(C) utilizing existing authorities to expedite
22 reviews for infrastructure investment with-
23 in existing rights of way under the National
24 Environmental Policy Act of 1969 (42 U.S.C.
25 4321 et seq.); and

1 “(D) contracting with Amtrak, State de-
2 partments of transportation, or related oper-
3 ating entities within the 7-State North Atlantic
4 Rail Network region to design or construct ele-
5 ments of a North Atlantic Rail Network.

6 “(3) COMMENCEMENT OF OPERATIONS.—The
7 Compact shall commence operations and be eligible
8 for appropriated funding in any State that has rati-
9 fied the Compact, upon the ratification of a min-
10 imum of 2 states of the Compact.

11 “(4) RESPONSIBILITIES.—If a State depart-
12 ment of transportation or its related operating entity
13 owns the right-of-way for a rail line segment within
14 a North Atlantic Rail Network, such department or
15 entity shall be responsible for the design and con-
16 struction of improvements on such segment of a
17 North Atlantic Rail Network.

18 “(5) WORK PERFORMED ON RIGHT-OF-WAY.—
19 Notwithstanding paragraph (2)(D), all work done in
20 existing rail right-of-way shall be performed only in
21 accordance with the rail collective bargaining agree-
22 ments applicable to work performed on such right-
23 of-way.”.

24 (b) CLERICAL AMENDMENT.—The analysis for chap-
25 ter 249 of title 49, United States Code, is amended by

1 inserting after the item relating to section 24905 the fol-
2 lowing:

“24905A. North Atlantic Rail Interstate Compact; North Atlantic Rail Net-
work.”.

3 (c) SUNSET.—Upon the earlier of the completion of
4 the construction of all of the elements of a North Atlantic
5 Rail Network created pursuant to subsection (b)(1) of sec-
6 tion 24905A of title 49, United States Code, as added by
7 this Act, or the date that is 20 years after the date of
8 the enactment of this Act—

9 (1) the North Atlantic Rail Interstate Compact
10 established pursuant to subsection (a)(1) of such
11 section shall be dissolved; and

12 (2) the assets of the North Atlantic Rail Inter-
13 state Compact shall be transferred to Amtrak.

14 **TITLE IV—COMMUTER RAIL** 15 **POLICY**

16 **SEC. 9401. SENSE OF CONGRESS REGARDING COMMUTER**
17 **RAIL LIABILITY INSURANCE.**

18 (a) FINDINGS.—Congress finds the following:

19 (1) Prior to the COVID–19 pandemic, 32 com-
20 muter railroads across the United States safely car-
21 ried passengers on more than 500,000,000 trips
22 each year.

1 (2) Commuter rail is a \$9,900,000,000 industry
2 that creates and supports more than 200,000 public-
3 and private-sector jobs, and continues to grow.

4 (3) Most commuter rail agencies are required to
5 maintain liability insurance up to statutory liability
6 limits.

7 (4) Commuter rail agencies face significant ob-
8 stacles to finding and obtaining liability insurance.

9 (5) Only a handful of insurers offer this cov-
10 erage, and a significant percentage of the railroad li-
11 ability insurance marketplace is provided by foreign
12 companies.

13 (6) The number of insurers in the American
14 and foreign markets willing to even offer potential
15 capacity for this coverage has drastically decreased
16 over the past several years, and, regardless of cost,
17 it is becoming extremely difficult for commuter rail-
18 roads to obtain the needed coverage.

19 (7) Despite the exceptional safety record of
20 commuter railroads and recent full compliance with
21 positive train control, a 2021 survey of the American
22 Public Transportation Association's commuter rail
23 agencies revealed that there has been a 60 percent
24 increase in premium costs over the last 3 years.

1 (8) The increase in premiums is largely due to
2 factors outside the control of the commuter rail in-
3 dustry, including major forest fires, hurricanes, and
4 insurers exiting the market.

5 (9) The cost of liability insurance severely im-
6 pacts the operating budgets of many commuter rail
7 agencies and potentially affects their ability to offer
8 these critical public transportation services.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that Congress should address the capacity and cost
11 issues associated with the commuter rail liability insurance
12 market and consider establishing a commuter rail insur-
13 ance program within the Department of Transportation.

14 **SEC. 9402. SURFACE TRANSPORTATION BOARD MEDIATION**
15 **OF TRACKAGE USE REQUESTS.**

16 Section 28502 of title 49, United States Code, is
17 amended to read as follows:

18 **“§ 28502. Surface Transportation Board mediation of**
19 **trackage use requests**

20 “A rail carrier shall provide good faith consideration
21 to a reasonable request from a provider of commuter rail
22 passenger transportation for access to trackage and provi-
23 sion of related services. If, after a reasonable period of
24 negotiation, a public transportation authority cannot
25 reach agreement with a rail carrier to use trackage of, and

1 have related services provided by, the rail carrier for pur-
2 poses of commuter rail passenger transportation, the pub-
3 lic transportation authority or the rail carrier may apply
4 to the Board for nonbinding mediation. In any case in
5 which dispatching for the relevant trackage is controlled
6 by a rail carrier other than the trackage owner, both shall
7 be subject to the requirements of this section and included
8 in the Board's mediation process. The Board shall conduct
9 the nonbinding mediation in accordance with the medi-
10 ation process of section 1109.4 of title 49, Code of Federal
11 Regulations, as in effect on the date of enactment of the
12 TRAIN Act. During such mediation process, the Board
13 shall determine whether the consideration a rail carrier
14 provided to a request was in good faith and whether the
15 request from a provider of commuter rail passenger trans-
16 portation was reasonable. The determinations made in the
17 preceding sentence shall have no effect on the nonbinding
18 nature of the mediation.”.

19 **SEC. 9403. SURFACE TRANSPORTATION BOARD MEDIATION**
20 **OF RIGHTS-OF-WAY USE REQUESTS.**

21 Section 28503 of title 49, United States Code, is
22 amended to read as follows:

1 **“§ 28503. Surface Transportation Board mediation of**
2 **rights-of-way use requests**

3 “A rail carrier shall provide good faith consideration
4 to a reasonable request from a provider of commuter rail
5 passenger transportation for access to rail right-of-way for
6 the construction and operation of a segregated fixed guide-
7 way facility. If, after a reasonable period of negotiation,
8 a public transportation authority cannot reach agreement
9 with a rail carrier to acquire an interest in a railroad
10 right-of-way for the construction and operation of a seg-
11 regated fixed guideway facility to provide commuter rail
12 passenger transportation, the public transportation au-
13 thority or the rail carrier may apply to the Board for non-
14 binding mediation. In any case in which dispatching for
15 the relevant trackage is controlled by a rail carrier other
16 than the right-of-way owner, both shall be subject to the
17 requirements of this section and included in the Board’s
18 mediation process. The Board shall conduct the non-
19 binding mediation in accordance with the mediation proc-
20 ess of section 1109.4 of title 49, Code of Federal Regula-
21 tions, as in effect on the date of enactment of the TRAIN
22 Act. During such mediation process, the Board shall de-
23 termine whether the consideration a rail carrier provided
24 to a request was in good faith and whether the request
25 from a provider of commuter rail passenger transportation
26 was reasonable. The determinations made in the preceding

1 sentence shall have no effect on the nonbinding nature of
2 the mediation.”.

3 **TITLE V—RAIL SAFETY**
4 **Subtitle A—Passenger and Freight**
5 **Safety**

6 **SEC. 9501. STUDY ON SAFETY IMPACT OF LONG TRAINS.**

7 (a) STUDY.—The Secretary of Transportation shall
8 conduct a study on the safety impacts of the operation
9 of long trains.

10 (b) CONTENTS.—The study conducted under sub-
11 section (a) shall include—

12 (1) an examination of any potential risks of the
13 operation of long trains and recommendations on
14 mitigation of any such risks;

15 (2) among other safety factors with respect to
16 the operation of such trains, an evaluation of any—

17 (A) potential risk of loss of communica-
18 tions between an end-of-train device, or a dis-
19 tributed power unit, and the locomotive cab, in-
20 cluding communications over differing terrains
21 and conditions;

22 (B) potential risk of loss of radio commu-
23 nications between crewmembers after a crew-
24 member alights from a train, including commu-
25 nications over differing terrains and conditions;

1 (C) potential risk of derailments, including
2 any risks associated with in-train compressive
3 forces and slack action, or other safety risks in
4 differing terrains and conditions;

5 (D) changes in risks or benefits to safety
6 associated with the deployment of multiple dis-
7 tributed power units in the consists of such
8 trains; and

9 (E) impacts of the length of trains on
10 braking and locomotive performance and track
11 wear and tear; and

12 (3) an evaluation of whether additional engineer
13 and conductor training is required for safely oper-
14 ating such trains.

15 (c) COLLABORATION.—In conducting the study re-
16 quired under subsection (a), the Secretary shall collabo-
17 rate with railroad carriers, labor organizations rep-
18 resenting railroad employees, and railroad safety tech-
19 nology manufacturers.

20 (d) RESULTS OF STUDY.—

21 (1) REPORT.—Not later than 24 months after
22 the date of enactment of this Act, the Secretary
23 shall submit to the Committee on Transportation
24 and Infrastructure of the House of Representatives
25 and the Committee on Commerce, Science, and

1 Transportation of the Senate a report that con-
2 tains—

3 (A) the results of the study required by
4 subsection (a);

5 (B) any recommendations for mitigating
6 safety risks caused by long trains; and

7 (C) a description of any action the Sec-
8 retary intends to take to address any safety risk
9 identified in the study.

10 (2) SHARING STUDY RESULTS.—After submit-
11 ting the report required by paragraph (1), the Sec-
12 retary shall share the results of the study with rail-
13 road carriers, labor organizations representing rail-
14 road employees, and safety technology organizations.

15 (e) SECRETARY ACTION.—Not later than 180 days
16 after the date on which the report required by subsection
17 (d)(1) is submitted, the Secretary shall implement any
18 proposed actions described in such report.

19 (f) DEFINITION.—In this section, the term “long
20 train” means a freight train composed of more than 150
21 rail cars.

22 (g) FUNDING.—From the amounts made available
23 for fiscal year 2021 to carry out section 20117(a) of title
24 49, United States Code, the Secretary shall expend not

1 less than \$1,000,000 and not more than \$2,000,000 to
2 carry out this section.

3 **SEC. 9502. FRA SAFETY REPORTING.**

4 (a) IN GENERAL.—Section 20901 of title 49, United
5 States Code, is amended by inserting “(including the train
6 length, the number of crew members in the controlling lo-
7 comotive cab, and the duties of such crew members)” after
8 “reported accident or incident”.

9 (b) REGULATIONS.—Not later than 1 year after the
10 date of enactment of this Act, the Secretary of Transpor-
11 tation shall issue such regulations as are necessary to
12 carry out the amendment made by subsection (a).

13 (c) TREND ANALYSIS.—

14 (1) IN GENERAL.—Chapter 209 of title 49,
15 United States Code, is amended by adding at the
16 end the following:

17 **“§ 20904. Trend analysis**

18 “(a) ANNUAL REVIEW AND ANALYSIS.—Not later
19 than 1 year after the date of enactment of the TRAIN
20 Act, and not less frequently than annually thereafter, the
21 Secretary shall review the reports filed by a railroad car-
22 rier subject to section 20901(a) and analyze the data con-
23 tained in such reports for trends or patterns of potential
24 safety risks.

1 “(b) SECRETARY ACTION.—If the Secretary identi-
2 fies any such trends or patterns, the Secretary shall—

3 “(1) take such actions as are necessary to ad-
4 dress the potential safety risk; and

5 “(2) if appropriate, communicate any such
6 trends or patterns to a representative of any rel-
7 evant railroad carrier and a representative of the
8 employees of such railroad carrier, including any
9 nonprofit employee labor organization representing a
10 craft or class of employees subject to the potential
11 safety risk.”.

12 (2) CLERICAL AMENDMENT.—The analysis for
13 chapter 209 of title 49, United States Code, is
14 amended by adding at the end the following:

“20904. Trend analysis.”.

15 (d) ACCIDENT AND INCIDENT REPORTING.—Section
16 209 of the Rail Safety Improvement Act of 2008 (49
17 U.S.C. 20901 note) is amended by inserting “, and other
18 events required to be reported under part 225 of title 49,
19 Code of Federal Regulations,” after “collisions and fatali-
20 ties”.

21 **SEC. 9503. WAIVER NOTICE REQUIREMENTS.**

22 Section 20103(d) of title 49, United States Code, is
23 amended to read as follows:

24 “(d) NONEMERGENCY WAIVERS.—

1 “(1) IN GENERAL.—The Secretary may waive
2 or suspend compliance with any part of a regulation
3 prescribed or order issued under this chapter if the
4 waiver or suspension is in the public interest and
5 consistent with railroad safety.

6 “(2) NOTICE REQUIRED.—The Secretary
7 shall—

8 “(A) provide timely public notice of any re-
9 quest for a waiver or suspension under this sub-
10 section;

11 “(B) make the application for such waiver
12 or suspension and any related underlying data
13 available to interested parties;

14 “(C) provide the public with notice and a
15 reasonable opportunity to comment on a pro-
16 posed waiver or suspension under this sub-
17 section before making a final decision; and

18 “(D) make public the reasons for granting
19 a waiver or suspension under this subsection.

20 “(3) INFORMATION PROTECTION.—Nothing in
21 this subsection shall be construed to require the re-
22 lease of information protected by law from public
23 disclosure.”.

1 **SEC. 9504. NOTICE OF FRA COMPREHENSIVE SAFETY COM-**
2 **PLIANCE ASSESSMENTS.**

3 (a) INITIAL NOTICE.—If the Federal Railroad Ad-
4 ministration initiates a comprehensive safety compliance
5 assessment of an entity providing regularly scheduled
6 intercity or commuter rail passenger transportation, the
7 Administration shall notify in electronic format the Com-
8 mittee on Transportation and Infrastructure of the House
9 of Representatives and the Committee on Commerce,
10 Science, and Transportation of the Senate of such com-
11 prehensive safety compliance assessment not later than 10
12 business days after the date on which commencement of
13 any field investigation activity that is part of such assess-
14 ment occurs.

15 (b) FINDINGS.—Not later than 180 days after com-
16 pletion of a comprehensive safety compliance assessment
17 described in subsection (a), the Federal Railroad Adminis-
18 tration shall transmit in electronic format to the Com-
19 mittee on Transportation and Infrastructure of the House
20 of Representatives and the Committee on Commerce,
21 Science, and Transportation of the Senate a summary re-
22 port of the findings of such assessment.

23 (c) DEFINITION OF COMPREHENSIVE SAFETY COM-
24 PLIANCE ASSESSMENT.—In this section, the term “com-
25 prehensive safety compliance assessment” means a fo-
26 cused review initiated and managed by the Federal Rail-

1 road Administration based on findings from an accident
2 investigation and involving at least 2 technical disciplines,
3 with the purpose of examining the compliance of an entity
4 providing regularly scheduled intercity or commuter rail
5 passenger transportation with safety standards.

6 **SEC. 9505. FRA ACCIDENT AND INCIDENT INVESTIGATIONS.**

7 Section 20902 of title 49, United States Code, is
8 amended—

9 (1) in subsection (b) by striking “subpena” and
10 inserting “subpoena”;

11 (2) in subsection (c) by inserting “The Sec-
12 retary shall develop a process to make available to
13 a representative of the railroad carrier that is the
14 subject of an accident or incident investigation, and
15 to a representative of the employees of such railroad
16 carrier, including a nonprofit employee labor organi-
17 zation representing railroad workers, a draft inves-
18 tigation report for timely review and comment.”
19 after the period at the end; and

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

21 “(d) GATHERING INFORMATION AND TECHNICAL
22 EXPERTISE.—

23 “(1) IN GENERAL.—The Secretary shall create
24 a standard process for investigators to use during

1 accident and incident investigations conducted under
2 this section to—

3 “(A) gather information about an accident
4 or incident under investigation from railroad
5 carriers, contractors or employees of railroad
6 carriers or representatives of employees of rail-
7 road carriers, and others determined relevant
8 by the Secretary; and

9 “(B) consult with railroad carriers, con-
10 tractors or employees of railroad carriers or
11 representatives of employees of railroad car-
12 riers, and others determined relevant by the
13 Secretary, for technical expertise on the facts of
14 the accident or incident under investigation.

15 “(2) CONFIDENTIALITY.—In developing the
16 process under paragraph (1), the Secretary shall fac-
17 tor in ways to maintain the confidentiality of any en-
18 tity identified under paragraph (1) if—

19 “(A) such entity requests confidentiality;

20 “(B) such entity was not involved in the
21 accident or incident; and

22 “(C) maintaining such entity’s confiden-
23 tiality does not adversely affect an investigation
24 of the Federal Railroad Administration.

1 “(3) APPLICATION OF LAW.—This subsection
2 shall not apply to any investigation carried out by
3 the National Transportation Safety Board.”.

4 **SEC. 9506. FREIGHT TRAIN CREW SIZE SAFETY STANDARDS.**

5 (a) IN GENERAL.—Subchapter II of chapter 201 of
6 title 49, United States Code, is amended by adding at the
7 end the following:

8 **“§ 20169. Freight train crew size safety standards**

9 “(a) MINIMUM CREW SIZE.—No freight train may be
10 operated unless such train has a 2-person crew comprised
11 of at least 1 appropriately qualified and certified con-
12 ductor and 1 appropriately qualified and certified loco-
13 motive engineer.

14 “(b) EXCEPTIONS.—Except as provided in subsection
15 (d), the prohibition in subsection (a) shall not apply in
16 any of the following circumstances:

17 “(1) Train operations on track that is not a
18 main track.

19 “(2) A train operated—

20 “(A) by a railroad carrier that has fewer
21 than 400,000 total employee work hours annu-
22 ally and less than \$40,000,000 annual revenue
23 (adjusted for inflation as measured by the Sur-
24 face Transportation Board Railroad Inflation-
25 Adjusted Index);

1 “(B) at a speed of not more than 25 miles
2 per hour; and

3 “(C) on a track with an average track
4 grade of less than 2 percent for any segment of
5 track that is at least 2 continuous miles.

6 “(3) Locomotives performing assistance to a
7 train that has incurred mechanical failure or lacks
8 the power to traverse difficult terrain, including
9 traveling to or from the location where assistance is
10 provided.

11 “(4) Locomotives that—

12 “(A) are not attached to any equipment or
13 attached only to a caboose; and

14 “(B) do not travel farther than 30 miles
15 from the point of origin of such locomotive.

16 “(5) Train operations staffed with fewer than a
17 two-person crew at least 1 year prior to the date of
18 enactment of this section, if the Secretary deter-
19 mines that the operation achieves an equivalent level
20 of safety.

21 “(c) TRAINS INELIGIBLE FOR EXCEPTION.—The ex-
22 ceptions under subsection (b) may not be applied to—

23 “(1) a train transporting 1 or more loaded cars
24 carrying high-level radioactive waste, spent nuclear
25 fuel, or material toxic by inhalation;

1 “(2) a train carrying 20 or more loaded tank
2 cars of a Class 2 material or a Class 3 flammable
3 liquid in a continuous block or a single train car-
4 rying 35 or more loaded tank cars of a Class 2 ma-
5 terial or a Class 3 flammable liquid throughout the
6 train consist; or

7 “(3) a train with a total length of 7,500 feet or
8 greater.

9 “(d) WAIVER.—A railroad carrier may seek a waiver
10 of the requirements of this section pursuant to section
11 20103(d).”.

12 (b) CLERICAL AMENDMENT.—The analysis for sub-
13 chapter II of chapter 201 of title 49, United States Code,
14 is amended by adding at the end the following:

 “20169. Freight train crew size safety standards.”.

15 **SEC. 9507. BORDER CROSSINGS.**

16 (a) BORDER CROSSINGS.—The Secretary of Trans-
17 portation shall require that—

18 (1) any railroad carrier that is operating a
19 freight train across the southern border into the
20 United States operates the train continually until
21 the last car of the train passes through the scanning
22 facility used for nonintrusive inspection by U.S. Cus-
23 toms and Border Protection located at such border;

24 (2) when the last car of such train passes
25 through such facility, the railroad carrier shall stop

1 such train to conduct a crew interchange and any
2 federally-mandated safety testing; and

3 (3) the railroad carrier ensures that the only in-
4 dividuals that operate such trains after carrying out
5 the activities described in paragraph (2) are individ-
6 uals—

7 (A) who are United States nationals or
8 aliens lawfully admitted for permanent resi-
9 dence in the United States; and

10 (B) whose primary reporting point is in
11 the United States.

12 (b) FUNDING.—

13 (1) SET-ASIDE.—From the amounts made
14 available to carry out section 22907 of title 49,
15 United States Code, the Secretary shall set aside,
16 for each of fiscal years 2022 through 2026,
17 \$60,000,000 for projects to prevent blocked crossing
18 incidents as a result of operations made necessary
19 by subsection (a). Projects eligible for funding under
20 this paragraph are—

21 (A) highway-rail grade crossing separation
22 projects eligible under such section that are lo-
23 cated not further than 1.5 miles from a scan-
24 ning facility described in subsection (a)(1); and

1 (B) projects eligible under such section to
2 relocate a rail line to prevent blocked crossing
3 incidents resulting from trains crossing the
4 southern border.

5 (2) UNOBLIGATED FUNDS.—Any funds pro-
6 vided under paragraph (1) that are unobligated at
7 the end of the second fiscal year following the fiscal
8 year in which such funds are set aside may be used
9 for any eligible project under section 22907.

10 (c) AGREEMENT.—The Secretary shall ensure that a
11 recipient of funds made available under subsection
12 (b)(1)(A) has a written agreement with any railroad car-
13 rier operating over the infrastructure constructed or im-
14 proved with such funds that includes a requirement that
15 any such railroad carrier may not operate trains over such
16 infrastructure that, due to the length of the train, are like-
17 ly to cause blocked crossing incidents.

18 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion shall be construed as amending any safety regulation
20 of the Federal Railroad Administration or amending or
21 revoking any waivers such Administration has granted
22 under section 20103 of title 49, United States Code.

23 (e) DEFINITIONS.—In this section:

1 (1) RAILROAD CARRIER.—The term “railroad
2 carrier” has the meaning given such term in section
3 20102 of title 49, United States Code.

4 (2) SOUTHERN BORDER.—The term “southern
5 border” means the international border between the
6 United States and Mexico.

7 (3) BLOCKED CROSSING INCIDENT.—The term
8 “blocked crossing incident” has the meaning given
9 such term in section 20173 of title 49, United
10 States Code.

11 **SEC. 9508. YARDMASTERS HOURS OF SERVICE.**

12 (a) LIMITATIONS ON DUTY HOURS OF YARDMASTER
13 EMPLOYEES.—Section 21103 of title 49, United States
14 Code, is amended—

15 (1) in the section heading by inserting “**and**
16 **yardmaster employees**” after “**train em-**
17 **ployees**”;

18 (2) by inserting “or yardmaster employee” after
19 “train employee” each place it appears; and

20 (3) in subsection (e) by inserting “or
21 yardmaster employee’s” after “During a train em-
22 ployee’s”.

23 (b) DEFINITIONS.—Section 21101 of title 49, United
24 States Code, is amended—

1 (1) in paragraph (3) by inserting “a yardmaster
2 employee,” after “dispatching service employee,”;
3 and

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

5 “(6) ‘yardmaster employee’ means an individual
6 responsible for supervising and coordinating the con-
7 trol of trains and engines operating within a rail
8 yard.”.

9 (c) CONFORMING AMENDMENT.—The analysis for
10 chapter 211 of title 49, United States Code, is amended
11 by striking the item relating to section 21103 and insert-
12 ing the following:

 “21103. Limitations on duty hours of train employees and yardmaster employ-
 ees.”.

13 **SEC. 9509. LEAKING BRAKES.**

14 (a) IN GENERAL.—The Administrator of the Federal
15 Railroad Administration shall take such actions as are
16 necessary to prohibit the use of any service air brake con-
17 trol valve or emergency air brake control valve in any loca-
18 tion north of the 37th parallel during the period beginning
19 on November 1 and ending on March 31 of any year if—

20 (1) the period between the date on which the
21 air brake control valve is in use and the date of the
22 manufacture or recondition of such valve exceeds 15
23 years; and

24 (2) the air brake control valve is operated in—

1 (A) a unit train on or after August 1,
2 2023;

3 (B) a train transporting 1 or more mate-
4 rials poisonous by inhalation, as such term is
5 defined in section 171.8 of title 49, Code of
6 Federal Regulations, on or after August 1,
7 2023; or

8 (C) a non-unit train on or after August 1,
9 2025.

10 (b) REPORTS.—Not later than 1 year after the date
11 of enactment of this Act, and every year thereafter until
12 air brake control valves described in subsection (a) are no
13 longer operating in trains as required under subpara-
14 graphs (A) and (B) of subsection (a)(1), the Adminis-
15 trator shall transmit to the Committee on Transportation
16 and Infrastructure of the House of Representatives and
17 the Committee on Commerce, Science, and Transportation
18 of the Senate a report that identifies—

19 (1) the estimated number of such air brake con-
20 trol valves in use on—

21 (A) unit trains operating north of the 37th
22 parallel between November 1 and March 31;
23 and

24 (B) trains transporting 1 or more material
25 poisonous-by-inhalation operating north of the

1 37th parallel during the period beginning on
2 November 1 and ending on March 31;

3 (2) any issues affecting the industry's progress
4 toward ensuring that such air brake control valves
5 are phased out in accordance with the requirements
6 of subsection (a); and

7 (3) efforts the Administrator has taken since
8 the previous report to ensure such air brake control
9 valves are phased out in accordance with the re-
10 quirements of subsection (a).

11 (c) RULEMAKING.—If, after collecting data through
12 a science-based methodology, the Administrator deter-
13 mines the prohibition under subsection (a) does not ensure
14 a sufficient level of safety, the Administrator may propose
15 alternative actions in a rulemaking addressing the air
16 brake control valves subject to this section.

17 **SEC. 9510. REPORT ON PTC SYSTEM FAILURES.**

18 Section 20157 of title 49, United States Code, is
19 amended by adding at the end the following:

20 “(m) REPORT OF SYSTEM FAILURES.—The Sec-
21 retary shall require railroad carriers and other entities
22 subject to subsection (a) to regularly report to the Admin-
23 istrator failures of positive train control systems. The Sec-
24 retary shall prescribe the type of failure, format, interval,

1 and detail required for reports submitted under this sub-
2 section.”.

3 **SEC. 9511. FATIGUE REDUCTION MANAGEMENT PLANS.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, the Secretary of Transpor-
6 tation shall issue final regulations on fatigue management
7 plans based on the notice of proposed rulemaking pub-
8 lished on December 22, 2020, titled “Fatigue Risk Man-
9 agement Programs for Certain Passenger and Freight
10 Railroads” (85 Fed. Reg. 83484; Docket No. FRA–2015–
11 0122).

12 (b) MONITORING.—

13 (1) FATIGUE AS CAUSE OR CONTRIBUTING FAC-
14 TOR.—If a Federal Railroad Administration railroad
15 accident or incident investigation conducted under
16 section 20902 of title 49, United States Code, iden-
17 tifies that fatigue was a casual or contributing factor
18 to an accident or incident, the Secretary may reopen
19 a fatigue management plan of a passenger railroad
20 operation or a railroad subject to part 270 or part
21 271, respectively, of title 49, Code of Federal Regu-
22 lations.

23 (2) FATIGUE AS SYSTEMIC ISSUE.—If the Sec-
24 retary determines that fatigue is a systemic issue for
25 a passenger railroad operation or railroad, the Sec-

1 retary shall reopen a fatigue management plan of
2 such passenger railroad operation or a railroad sub-
3 ject to part 270 or part 271, respectively, of title 49,
4 Code of Federal Regulations.

5 (3) REOPENING OF FATIGUE MANAGEMENT
6 PLAN.—If the Secretary reopens a fatigue manage-
7 ment plan under paragraph (1) or (2), the Secretary
8 shall—

9 (A) consider whether any statement filed
10 under sections 270.208(e) and 271.207(e) of
11 title 49, Code of Federal Regulations, addressed
12 such plan; and

13 (B) consult with employees, including labor
14 organizations representing railroad employees,
15 of the passenger railroad operation or railroad
16 that has a reopened fatigue management plan.

17 **SEC. 9512. ASSAULT PREVENTION AND RESPONSE PLANS.**

18 (a) IN GENERAL.—Subchapter II of chapter 201 of
19 title 49, United States Code, as amended by this division,
20 is further amended by adding at the end the following:

21 **“§ 20170. Assault prevention and response plans**

22 “(a) IN GENERAL.—Not later than 180 days after
23 the date of enactment of the TRAIN Act, any entity that
24 provides regularly scheduled intercity or commuter rail
25 passenger transportation shall submit to the Secretary of

1 Transportation for review and approval an assault preven-
2 tion and response plan (in this section referred to as the
3 ‘Plan’) to address transportation assaults.

4 “(b) CONTENTS OF PLAN.—The Plan required under
5 subsection (a) shall include—

6 “(1) procedures that—

7 “(A) facilitate the reporting of a transpor-
8 tation assault, including the notification of on-
9 site personnel, rail law enforcement, and local
10 law enforcement;

11 “(B) personnel should follow up on the re-
12 porting of a transportation assault, including
13 actions to protect affected individuals from con-
14 tinued assault;

15 “(C) may be taken to remove the pas-
16 senger or personnel who has committed a trans-
17 portation assault from the train or related area
18 or facility as soon as practicable when appro-
19 priate;

20 “(D) include protections and safe reporting
21 practices for passengers who may have been as-
22 saulted by personnel; and

23 “(E) may limit or prohibit, to the extent
24 practicable, future travel with the entity de-
25 scribed in subsection (a) by any passenger or

1 personnel who commits a transportation assault
2 against personnel or passengers;

3 “(2) a policy that ensures an employee who is
4 a victim or witness of a transportation assault may
5 participate in the prosecution of a criminal offense
6 of such assault without any adverse effect on the vic-
7 tim’s or witnesses’ employment status; and

8 “(3) a process and timeline for conducting an
9 annual review and update of the Plan.

10 “(c) NOTICE TO PASSENGERS.—An entity described
11 under subsection (a) shall display onboard trains and in
12 boarding areas, as appropriate, a notice stating the enti-
13 ty’s abilities to restrict future travel under subsection
14 (b)(1)(E).

15 “(d) PERSONNEL TRAINING.—An entity described
16 under subsection (a) shall provide initial and annual train-
17 ing for all personnel on the contents of the Plan, including
18 training regarding—

19 “(1) the procedures described in subsection (b);

20 “(2) methods for responding to hostile situa-
21 tions, including de-escalation training; and

22 “(3) rights and responsibilities of personnel
23 with respect to a transportation assault on them-
24 selves, other personnel, or passengers.

1 “(e) PERSONNEL PARTICIPATION.—The Plan re-
2 quired under subsection (a) shall be developed and imple-
3 mented with the direct participation of personnel, and, as
4 applicable, labor organizations representing personnel.

5 “(f) REPORTING.—

6 “(1) INCIDENT NOTIFICATION.—

7 “(A) IN GENERAL.—Not later than 10
8 days after a transportation assault incident, the
9 applicable entity described in subsection (a)
10 shall notify personnel employed at the location
11 in which the incident occurred. In the case of
12 an incident on a vehicle, such entity shall notify
13 personnel regularly scheduled to carry out em-
14 ployment activities on the service route on
15 which the incident occurred.

16 “(B) CONTENT OF INCIDENT REPORT.—

17 The notification required under paragraph (1)
18 shall—

19 “(i) include a summary of the inci-
20 dent; and

21 “(ii) be written in a manner that pro-
22 tects the confidentiality of individuals in-
23 volved in the incident.

24 “(2) ANNUAL REPORT.—For each calendar
25 year, each entity with respect to which a transpor-

1 tation assault incident has been reported during
2 such year shall submit to the Secretary a report that
3 describes—

4 “(A) the number of assault incidents re-
5 ported to the entity, including—

6 “(i) the number of incidents com-
7 mitted against passengers; and

8 “(ii) the number of incidents com-
9 mitted against personnel; and

10 “(B) the number of assault incidents re-
11 ported to rail or local law enforcement by per-
12 sonnel of the entity.

13 “(3) PUBLICATION.—The Secretary shall make
14 available to the public on the primary website of the
15 Federal Railroad Administration the data collected
16 under paragraph (2).

17 “(4) DATA PROTECTION.—Data made available
18 under this subsection shall be made available in a
19 manner that protects the confidentiality of individ-
20 uals involved in transportation assault incidents.

21 “(g) DEFINITION OF TRANSPORTATION ASSAULT.—

22 In this section, the term ‘transportation assault’ means
23 the occurrence, or reasonably suspected occurrence, of an
24 act that—

25 “(1) constitutes assault;

1 “(2) is committed by a passenger or member of
2 personnel of an entity that provides regularly sched-
3 uled intercity or commuter rail passenger transpor-
4 tation against another passenger or member of per-
5 sonnel of such entity; and

6 “(3) takes place—

7 “(A) within a vehicle of such entity; or

8 “(B) in an area in which passengers are
9 entering or exiting a vehicle described in sub-
10 paragraph (A); or

11 “(C) at a station or facility where such en-
12 tity operates, regardless of ownership of the
13 station or facility.”.

14 (b) CONFORMING AMENDMENT.—The analysis for
15 subchapter II of chapter 201 of title 49, United States
16 Code, as amended by this division, is further amended by
17 adding at the end the following:

 “20170. Assault prevention and response plans.”.

18 **SEC. 9513. CRITICAL INCIDENT STRESS PLANS.**

19 The Secretary of Transportation shall issue such reg-
20 ulations as are necessary to amend part 272 of title 49,
21 Code of Federal Regulations, to ensure that—

22 (1) the coverage of a critical incident stress
23 plan under section 272.7 of such part includes di-
24 rectly involved employees of commuter railroads and

1 intercity passenger railroads, as such terms are de-
2 fined in section 272.9 of such part; and

3 (2) assault and the witnessing of an assault
4 against an employee or train passenger is included
5 in the definition of critical incident under section
6 272.9 of such part.

7 **SEC. 9514. CREWMEMBER CERTIFICATION AND QUALIFICA-**
8 **TION.**

9 (a) AUDIT OF PROGRAMS.—

10 (1) IN GENERAL.—Subchapter II of chapter
11 201 of title 49, United States Code, as amended by
12 this division, is further amended by adding at the
13 end the following:

14 **“§ 20171. Audit of qualification and certification pro-**
15 **grams**

16 “(a) IN GENERAL.—Not later than 1 year after the
17 date of enactment of the TRAIN Act, and not less fre-
18 quently than every 5 years thereafter, the Secretary shall
19 conduct an audit of—

20 “(1) the qualification and certification program
21 of locomotive engineers of each Class I railroad car-
22 rier subject to the requirements of part 240 of title
23 49, Code of Federal Regulations; and

24 “(2) the qualification and certification program
25 of conductors of each Class I railroad carrier subject

1 to the requirements of part 242 of title 49, Code of
2 Federal Regulations.

3 “(b) CONTENTS OF AUDIT.—In carrying out the
4 audit required under subsection (a), the Secretary shall—

5 “(1) consider whether the training, qualifica-
6 tion, and continuing education components of the
7 programs described in subsection (a) comply with
8 regulations in parts 240 and 242 of title 49, Code
9 of Federal Regulations;

10 “(2) assess the quality of the training that rail-
11 road carriers provide locomotive engineers and con-
12 ductors under such programs;

13 “(3) determine whether such programs provide
14 locomotive engineers and conductors the knowledge,
15 skill, and ability to safely operate the types of loco-
16 motives or trains a railroad carrier may require a lo-
17 comotive engineer and conductor to operate, includ-
18 ing all associated technology used on such loco-
19 motives or trains;

20 “(4) determine whether the training, qualifica-
21 tion, and continuing education components of such
22 programs reflect the operating practices of the rail-
23 road carrier carrying out such components;

24 “(5) assess whether a railroad carrier con-
25 ducting such programs provides locomotive engineers

1 or conductors adequate at-controls training before
2 certification;

3 “(6) assess how a railroad carrier uses a simu-
4 lator or other technology to train, familiarize, or
5 provide recurrent training to a locomotive engineer
6 or conductor, including how the use of a simulator
7 or other such technology compares to international
8 experience or practice; and

9 “(7) address any other safety issues the Sec-
10 retary determines appropriate for preparing loco-
11 motive engineers and conductors.

12 “(c) DEFICIENCY IN QUALIFICATION AND CERTIFI-
13 CATION PROGRAM.—If, in conducting the audit required
14 under this section, the Secretary identifies a deficiency in
15 a railroad carrier’s qualification and certification program
16 of locomotive engineers or the qualification and certifi-
17 cation program of conductors, the Secretary shall require
18 the railroad carrier to update such program to eliminate
19 the deficiency.

20 “(d) CONSULTATION.—In conducting the audit re-
21 quired under this section, the Secretary shall consult with
22 representatives of each railroad carrier and representa-
23 tives of the employees of the railroad carrier, including
24 any nonprofit employee labor organization representing
25 engineers or conductors of the railroad carrier.

1 “(e) COOPERATION.—

2 “(1) IN GENERAL.—A railroad carrier and em-
3 ployees of the railroad carrier, including any non-
4 profit employee labor organization representing engi-
5 neers or conductors of the railroad carrier, shall co-
6 operate fully with the Secretary during an audit re-
7 quired under this section.

8 “(2) DOCUMENTS; INTERVIEWS.—A railroad
9 carrier shall provide any documents requested by the
10 Secretary or make available any employee for inter-
11 view with the Secretary without undue delay or ob-
12 struction.

13 “(f) REPORT TO CONGRESS.—Not later than 90 days
14 after the date on which the Secretary completes an audit
15 under subsection (a), the Secretary shall—

16 “(1) publish on the website of the Federal Rail-
17 road Administration a report that summarizes the
18 results of the audit and any updates made in accord-
19 ance with subsection (c); and

20 “(2) notify of such report the Committee on
21 Transportation and Infrastructure of the House of
22 Representatives and the Committee on Commerce,
23 Science, and Transportation of the Senate.

24 “(g) CIVIL PENALTY.—The Secretary is authorized
25 to assess a civil penalty or to take other authorized en-

1 enforcement action, as appropriate, pursuant to chapter 213
2 for a failure to comply with the requirements of this sec-
3 tion.”.

4 (2) CLERICAL AMENDMENT.—The analysis for
5 subchapter II of chapter 201 of title 49, United
6 States Code, as amended by this division, is further
7 amended by adding at the end the following:

“20171. Audit of qualification and certification programs.”.

8 (b) REVIEW OF REGULATIONS.—

9 (1) IN GENERAL.—The Secretary of Transpor-
10 tation shall determine whether any update to part
11 240 or 242, of title 49, Code of Federal Regulations,
12 is necessary to prepare locomotive engineers and
13 conductors to safely operate trains.

14 (2) REQUIREMENTS.—In making a determina-
15 tion under paragraph (1), the Secretary shall—

16 (A) evaluate, taking into account the re-
17 quirements of section 20169 of title 49, United
18 States Code, whether such parts establish Fed-
19 eral standards for railroad carriers to—

20 (i) provide locomotive engineers and
21 conductors the knowledge, skill and ability
22 to safely operate trains under conditions
23 that reflect industry practices;

1 (ii) adequately address locomotive en-
2 gineer and conductor situational aware-
3 ness;

4 (iii) require adequate at-controls
5 training before a locomotive engineer or
6 conductor is certified;

7 (iv) adequately prepare locomotive en-
8 gineers and conductors to understand all
9 locomotive operating characteristics;

10 (v) sufficiently require locomotive en-
11 gineers and conductors to demonstrate
12 knowledge on the physical characteristics
13 of a territory under various conditions and
14 using various resources; and

15 (vi) address any other safety issue the
16 Secretary determines appropriate for bet-
17 ter preparing locomotive engineers and
18 conductors; and

19 (B) consider the results of the audit re-
20 quired by section 20171 of title 49, United
21 States Code.

22 (3) REPORT TO CONGRESS.—Not later than
23 180 days after the date on which the Secretary sub-
24 mits the report required under section 20171(f) of
25 title 49, United States Code, the Secretary shall

1 submit to the Committee on Transportation and In-
2 frastructure of the House of Representatives and the
3 Committee on Commerce, Science, and Transpor-
4 tation of the Senate a report that includes the find-
5 ings of the review required under paragraph (1) and
6 a description of any action the Secretary intends to
7 take to improve, or increase the effectiveness of the
8 requirements of, part 240 or 242 of title 49, Code
9 of Federal Regulations.

10 (4) RULEMAKING.—If the Secretary determines
11 under paragraph (1) that any update to part 240 or
12 242 is necessary to prepare locomotive engineers or
13 conductors to safely operate locomotives or trains,
14 the Secretary shall issue a rulemaking to carry out
15 such update.

16 (5) APPLICATION OF LAW.—Any action the Sec-
17 retary takes as a result of a determination made
18 under paragraph (1) shall be consistent with section
19 20169 of title 49, United States Code.

20 (6) DEFINITION OF RAILROAD CARRIER.—In
21 this subsection, the term “railroad carrier” has the
22 meaning given such term in section 20102 of title
23 49, United States Code.

1 **SEC. 9515. SAFETY MANAGEMENT TEAM COMMUNICATION.**

2 (a) IN GENERAL.—Subchapter II of chapter 201 of
3 title 49, United States Code, as amended by this division,
4 is further amended by adding at the end the following:

5 **“§ 20172. Safety management team communication**

6 “The Administrator of the Federal Railroad Adminis-
7 tration shall implement a process for the communication
8 of information between safety management teams of the
9 Administration and railroad employees, including any non-
10 profit employee labor organization representing railroad
11 employees. Such process shall include a reasonable time-
12 frame for a safety management team to respond to com-
13 munication from such railroad employees.”.

14 (b) CLERICAL AMENDMENT.—The analysis for sub-
15 chapter II of chapter 201 of title 49, United States Code,
16 as amended by this division, is further amended by adding
17 at the end the following:

“20172. Safety management team communication.”.

18 **SEC. 9516. GAO STUDY ON REORGANIZATION OF OFFICE OF**
19 **RAILROAD SAFETY.**

20 (a) STUDY.—The Comptroller General of the United
21 States shall conduct a study comparing the Office of Rail-
22 road Safety of the Federal Railroad Administration before
23 and after the reorganization of such Office that took effect
24 on June 8, 2020.

1 (b) CONTENTS.—The study conducted under sub-
2 section (a) shall evaluate—

3 (1) the differences in the structure of the Office
4 before and after such reorganization;

5 (2) any differences in the communication be-
6 tween the Office and railroad carriers and the em-
7 ployees of railroad carriers before and after such re-
8 organization;

9 (3) any differences in the communication be-
10 tween Federal Railroad Administration safety in-
11 spectors and other specialists before and after such
12 reorganization, and the impacts of such differences;

13 (4) whether the structure before or after such
14 reorganization better protects against regulatory
15 capture;

16 (5) whether the structure before or after such
17 reorganization is better at promoting and ensuring
18 safety;

19 (6) whether the structure before or after such
20 reorganization more closely resembles the structure
21 of other Department of Transportation modal agen-
22 cies that have enforcement authority similar to the
23 Federal Railroad Administration; and

24 (7) any other issues the Comptroller General
25 determines are relevant.

1 (c) INFORMATION COLLECTION.—In conducting the
2 study required under this section, the Comptroller General
3 shall collect information from the following entities:

4 (1) The Federal Railroad Administration.

5 (2) Freight rail carriers and passenger rail car-
6 riers.

7 (3) Employees of freight rail carriers and pas-
8 senger rail carriers.

9 (4) Other entities the Comptroller General de-
10 termines are relevant.

11 (d) REPORT.—Not later than 1 year after the date
12 of enactment of this Act, the Comptroller General shall
13 transmit to the Committee on Transportation and Infra-
14 structure of the House of Representatives and the Com-
15 mittee on Commerce, Science, and Transportation of the
16 Senate a report that includes the findings of the study
17 conducted under subsection (a) and any recommendations
18 for improving safety and communication within the Office
19 of Railroad Safety or between the Office of Railroad Safe-
20 ty and the entities identified in paragraphs (2) and (3)
21 of subsection (c).

22 **SEC. 9517. OPEN-TOP RAIL CAR PUBLIC INPUT.**

23 Not later than 1 year after the date of enactment
24 of this Act, the Administrator of the Federal Railroad Ad-
25 ministration shall initiate a public process to seek input

1 on addressing safety risks, spills, emissions, odors, and
2 other public nuisances associated with top loading rail
3 cars, open-top hoppers, and gondolas, including evaluating
4 the feasibility of a requirement that such rail cars be cov-
5 ered while in transportation, including while being held,
6 delayed, or transferred.

7 **SEC. 9518. NEW PASSENGER SERVICE PRE-REVENUE SAFE-**
8 **TY VALIDATION PLAN.**

9 (a) IN GENERAL.—Subchapter I of chapter 201 of
10 title 49, United States Code, is amended by adding at the
11 end the following:

12 **“§ 20122. New passenger service pre-revenue safety**
13 **validation plan**

14 “(a) SAFETY VALIDATION PLAN.—

15 “(1) IN GENERAL.—The Secretary of Transpor-
16 tation shall require a covered entity to submit to the
17 Secretary a safety validation plan to ensure the safe
18 operation of—

19 “(A) a new intercity rail passenger trans-
20 portation or commuter rail passenger transpor-
21 tation service;

22 “(B) an intercity rail passenger transpor-
23 tation or commuter rail passenger transpor-
24 tation route that has not been in revenue serv-
25 ice for a period of more than 180 days; or

1 “(C) an extension of an existing intercity
2 rail passenger transportation or commuter rail
3 passenger transportation route.

4 “(2) SUBMISSION.—A covered entity shall sub-
5 mit a safety validation plan required under para-
6 graph (1) not later than 30 days before the date on
7 which such entity begins revenue service of a service
8 or route described in paragraph (1).

9 “(b) REQUIREMENTS.—

10 “(1) IN GENERAL.—Not later than 60 days
11 after the date of enactment of the TRAIN Act, the
12 Secretary shall establish the requirements of the
13 safety validation plan described under subsection
14 (a), including adequate training of all relevant per-
15 sonnel and a minimum period of simulated service to
16 ensure operational readiness.

17 “(2) PROHIBITION OF SERVICE.—The Secretary
18 shall prohibit a covered entity from beginning a serv-
19 ice described in subsection (a)(1) until the entity is
20 in full compliance with the safety validation plan re-
21 quired by such subsection.

22 “(c) AMENDMENT TO SAFETY VALIDATION PLAN.—

23 “(1) IN GENERAL.—The Secretary shall require
24 a covered entity to submit to the Secretary for re-

1 view and approval any proposed amendment to a
2 safety validation plan required under subsection (a).

3 “(2) REVIEW AND APPROVAL.—Not later than
4 5 working days after the date on which the Sec-
5 retary receives a proposed amendment submitted
6 under paragraph (1), the Secretary shall review and
7 approve or deny such proposed amendment.

8 “(3) NOTIFICATION.—If the Secretary does not
9 approve a proposed amendment submitted under
10 this subsection, the Secretary shall provide written
11 notice to the covered entity of the specific areas in
12 which the proposed amendment is deficient. An enti-
13 ty may correct such deficiencies and reapply for re-
14 view and approval under this subsection.

15 “(d) DEFINITIONS.—In this section:

16 “(1) COVERED ENTITY.—The term ‘covered en-
17 tity’ means an entity providing regularly scheduled
18 railroad transportation that is intercity rail pas-
19 senger transportation or commuter rail passenger
20 transportation.

21 “(2) INTERCITY RAIL PASSENGER TRANSPOR-
22 TATION; COMMUTER RAIL PASSENGER TRANSPOR-
23 TATION.—The terms ‘intercity rail passenger trans-
24 portation’ and ‘commuter rail passenger transpor-

1 (1) the applicability of safety regulations in ef-
2 fect on the date of enactment of this Act to non-
3 traditional and emerging rail technologies;

4 (2) whether gaps in the regulations or other
5 challenges exist that should be addressed in order to
6 ensure the safety of nontraditional and emerging rail
7 technologies;

8 (3) any additional regulations that are nec-
9 essary to ensure the safety of nontraditional and
10 emerging rail technologies; and

11 (4) any additional research that may be needed
12 to further evaluate and regulate the safety of non-
13 traditional and emerging rail technologies.

14 (d) PUBLIC NOTICE AND COMMENT.—In conducting
15 the review process under subsection (a), the Secretary
16 shall provide notice and an opportunity for public com-
17 ment for not less than 60 days.

18 (e) NONTRADITIONAL AND EMERGING RAIL TECH-
19 NOLOGIES DEFINED.—In this section, the term “nontradi-
20 tional and emerging rail technologies” means nonhighway
21 ground transportation that runs on electromagnetic guide-
22 ways in a tube, or system of tubes, that operates in a low-
23 pressure environment.

1 **SEC. 9520. FRA SAFETY INSPECTOR AND SPECIALIST RE-**
2 **VIEW.**

3 (a) REVIEW.—The Administrator of the Federal
4 Railroad Administration shall review the position descrip-
5 tions and pay grades of railroad safety inspection per-
6 sonnel and railroad safety specialists employed by the Of-
7 fice of Railroad Safety.

8 (b) CONTENTS OF REVIEW.—The review under sub-
9 section (a) shall—

10 (1) consider whether the descriptions of the po-
11 sitions described in subsection (a) accurately reflect
12 the scope of work and duties of the personnel and
13 specialists described in such subsection, including
14 any technological advancements that impact the
15 scope of work and duties;

16 (2) compare the pay grades of such positions to
17 the pay grades of personnel employed by other De-
18 partment of Transportation agencies and the Na-
19 tional Transportation Safety Board who have scopes
20 of work and duties comparable to those of railroad
21 safety inspection personnel and railroad safety spe-
22 cialists; and

23 (3) assess whether the Administration experi-
24 ences difficulty in recruiting or retaining such per-
25 sonnel and specialists and identify the reasons for
26 such difficulty.

1 (c) REPORT.—Not later than 180 days after the date
2 of enactment of this Act, the Administrator shall transmit
3 to the Committee on Transportation and Infrastructure
4 of the House of Representatives and the Committee on
5 Commerce, Science, and Transportation of the Senate a
6 report that—

7 (1) summarizes the findings of the review re-
8 quired by this section;

9 (2) describes how the Administration plans to
10 update the position descriptions of such personnel
11 and specialists to accurately reflect the scope of
12 work and duties, including any technological ad-
13 vancements that impact the scope of work and du-
14 ties; and

15 (3) describes how pay grades may be updated
16 to retain and recruit such personnel and specialists.

17 **Subtitle B—Grade Crossing Safety**

18 **SEC. 9551. HIGHWAY-RAIL GRADE CROSSING SEPARATION**

19 **GRANTS.**

20 (a) IN GENERAL.—Chapter 229 of title 49, United
21 States Code, as amended by this division, is further
22 amended by adding at the end the following:

1 **“§ 22912. Highway-rail grade crossing separation**
2 **grants**

3 “(a) GENERAL AUTHORITY.—The Secretary of
4 Transportation shall make grants under this section to eli-
5 gible entities to assist in funding the cost of highway-rail
6 grade crossing separation projects.

7 “(b) APPLICATION REQUIREMENTS.—To be eligible
8 for a grant under this section, an eligible entity shall sub-
9 mit to the Secretary an application in such form, in such
10 manner, and containing such information as the Secretary
11 may require, including—

12 “(1) an agreement between the entity that owns
13 or controls the railroad right-of-way and the appli-
14 cant addressing access to the railroad right-of-way
15 throughout the project; and

16 “(2) a cost-sharing agreement with the funding
17 amounts that the entity that owns or controls the
18 railroad right-of-way shall contribute to the project,
19 which shall be not less than 10 percent of the total
20 project cost.

21 “(c) ELIGIBLE PROJECTS.—The following projects
22 are eligible to receive a grant under this section:

23 “(1) Installation, repair, or improvement, in-
24 cluding necessary acquisition of real property inter-
25 ests, of highway-rail grade crossing separations.

1 “(2) Highway-rail grade crossing elimination
2 incidental to eligible grade crossing separation
3 projects.

4 “(3) Project planning, development, and envi-
5 ronmental work related to a project described in
6 paragraph (1) or (2).

7 “(d) PROJECT SELECTION CRITERIA.—In awarding
8 grants under this section, the Secretary—

9 “(1) shall give priority to projects that maxi-
10 mize the safety benefits of Federal funding;

11 “(2) shall give priority to projects that provide
12 direct benefits to socially disadvantaged individuals
13 (as such term is defined in section 22906(b)); and

14 “(3) may evaluate applications on the safety
15 profile of the existing crossing, 10-year history of ac-
16 cidents at such crossing, inclusion of the proposed
17 project on a State highway-rail grade crossing action
18 plan, average daily vehicle traffic, total number of
19 trains per day, average daily number of crossing clo-
20 sures, the challenges of grade crossings located near
21 international borders, proximity to established emer-
22 gency evacuation routes, and proximity of commu-
23 nity resources, including schools, hospitals, fire sta-
24 tions, police stations, and emergency medical service
25 facilities.

1 “(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

2 “(1) TOTAL PROJECT COSTS.—The Secretary
3 shall estimate the total costs of a project under this
4 section based on the best available information, in-
5 cluding any available engineering studies, studies of
6 economic feasibility, environmental analysis, and in-
7 formation on the expected use of equipment or facili-
8 ties.

9 “(2) FEDERAL SHARE.—The Federal share for
10 a project carried out under this section shall not ex-
11 ceed 85 percent.

12 “(f) GRANT CONDITIONS.—An eligible entity may not
13 receive a grant for a project under this section unless such
14 project complies with section 22905.

15 “(g) LETTERS OF INTENT.—

16 “(1) IN GENERAL.—The Secretary shall, to the
17 maximum extent practicable, issue a letter of intent
18 to a recipient of a grant under this section that—

19 “(A) announces an intention to obligate for
20 a project an amount that is not more than the
21 amount stipulated as the financial participation
22 of the Secretary for the project; and

23 “(B) states that the contingent commit-
24 ment—

1 “(i) is not an obligation of the Fed-
2 eral Government; and

3 “(ii) is subject to the availability of
4 appropriations for grants under this sec-
5 tion and subject to Federal laws in force or
6 enacted after the date of the contingent
7 commitment.

8 “(2) CONGRESSIONAL NOTIFICATION.—

9 “(A) IN GENERAL.—Not later than 3 days
10 before issuing a letter of intent under para-
11 graph (1), the Secretary shall submit written
12 notification to—

13 “(i) the Committee on Transportation
14 and Infrastructure of the House of Rep-
15 resentatives;

16 “(ii) the Committee on Appropriations
17 of the House of Representatives;

18 “(iii) the Committee on Appropria-
19 tions of the Senate; and

20 “(iv) the Committee on Commerce,
21 Science, and Transportation of the Senate.

22 “(B) CONTENTS.—The notification sub-
23 mitted under subparagraph (A) shall include—

24 “(i) a copy of the letter of intent;

1 “(ii) the criteria used under sub-
2 section (d) for selecting the project for a
3 grant; and

4 “(iii) a description of how the project
5 meets such criteria.

6 “(h) APPROPRIATIONS REQUIRED.—An obligation or
7 contingent commitment may be made under subsection (g)
8 only after amounts are appropriated for such purpose.

9 “(i) DEFINITIONS.—In this section:

10 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
11 tity’ means—

12 “(A) a State;

13 “(B) a public agency or publicly chartered
14 authority;

15 “(C) a metropolitan planning organization;

16 “(D) a political subdivision of a State; and

17 “(E) a Tribal government.

18 “(2) METROPOLITAN PLANNING ORGANIZA-
19 TION.—The term ‘metropolitan planning organiza-
20 tion’ has the meaning given such term in section
21 134(b) of title 23.

22 “(3) STATE.—The term ‘State’ means a State
23 of the United States or the District of Columbia.”.

24 (b) CLERICAL AMENDMENT.—The analysis for chap-
25 ter 229 of title 49, United States Code, as amended by

1 this division, is further amended by adding at the end the
2 following:

“22912. Highway-rail grade crossing separation grants.”.

3 **SEC. 9552. RAIL SAFETY PUBLIC AWARENESS GRANT.**

4 Section 22907 of title 49, United States Code (as
5 amended by this Act), is further amended by adding at
6 the end the following new subsection:

7 “(o) RAIL SAFETY PUBLIC AWARENESS GRANTS.—

8 “(1) GRANT.—Of the amounts made available
9 to carry out this section, the Secretary shall make
10 grants to nonprofit organizations to carry out public
11 information and education programs to help prevent
12 and reduce rail-related pedestrian, motor vehicle,
13 and other incidents, injuries, and fatalities, and to
14 improve awareness along railroad right-of-way and
15 at highway-rail grade crossings.

16 “(2) SELECTION.—Programs eligible for a
17 grant under this subsection—

18 “(A) shall include, as appropriate—

19 “(i) development, placement, and dis-
20 semination of public service announce-
21 ments in appropriate media;

22 “(ii) school presentations, driver and
23 pedestrian safety education, materials, and
24 public awareness campaigns; and

1 “(iii) disseminating information to the
2 public on how to identify and report to the
3 appropriate authorities—

4 “(I) unsafe or malfunctioning
5 highway-rail grade crossings and
6 equipment; and

7 “(II) high-risk and unsafe behav-
8 ior and trespassing around railroad
9 right-of-way; and

10 “(B) may include targeted and sustained
11 outreach in communities at greatest risk to de-
12 velop measures to reduce such risk.

13 “(3) COORDINATION.—Eligible entities shall co-
14 ordinate program activities with local communities,
15 law enforcement and emergency responders, and
16 railroad carriers, as appropriate, and ensure consist-
17 ency with State highway-rail grade crossing action
18 plans required under section 11401(b) of the FAST
19 Act (49 U.S.C. 22501 note) and the report titled
20 ‘National Strategy to Prevent Trespassing on Rail-
21 road Property’ issued by the Federal Railroad Ad-
22 ministration in October 2018.

23 “(4) PRIORITIZATION.—In awarding grants
24 under this subsection, the Administrator shall give
25 priority to applications for programs that—

1 “(A) are nationally recognized;

2 “(B) are targeted at schools in close prox-
3 imity to railroad right-of-way;

4 “(C) partner with nearby railroad carriers;
5 or

6 “(D) focus on communities with a recorded
7 history of repeated pedestrian and motor vehicle
8 accidents, incidents, injuries, and fatalities at
9 highway-rail grade crossings and along railroad
10 right-of-way.

11 “(5) APPLICABILITY.—Section 22905 shall not
12 apply to contracts and agreements made under this
13 subsection.”.

14 **SEC. 9553. ESTABLISHMENT OF 10-MINUTE TIME LIMIT FOR**
15 **BLOCKING PUBLIC HIGHWAY-RAIL GRADE**
16 **CROSSINGS.**

17 (a) IN GENERAL.—Subchapter II of chapter 201 of
18 title 49, United States Code, as amended by this division,
19 is further amended by adding at the end the following:

20 **“§ 20173. Time limit for blocking public highway-rail**
21 **grade crossing**

22 “(a) TIME LIMIT.—A railroad carrier may not cause
23 a blocked crossing incident that is longer than 10 minutes
24 in duration, unless the blocked crossing incident is caused
25 by—

1 “(1) a casualty or serious injury;

2 “(2) an accident;

3 “(3) a track obstruction;

4 “(4) actions necessary to comply with Federal
5 rail safety laws, regulations, or orders issued there-
6 under unless the action to comply could reasonably
7 occur at a different time or location;

8 “(5) actions necessary to adhere to section
9 24308;

10 “(6) a train fully contained within rail yard lim-
11 its or fully contained in a rail siding;

12 “(7) an act of God; or

13 “(8) a derailment or a safety appliance equip-
14 ment failure that prevents the train from advancing.

15 “(b) INVESTIGATION OF FREQUENTLY BLOCKED
16 CROSSINGS.—For any public highway-rail grade crossing
17 that has had 3 or more blocked crossing incidents that
18 exceed the time limit set forth in subsection (a) and are
19 reported to the blocked crossing database, and such inci-
20 dents have occurred on at least 3 calendar days within
21 a 30-day period, the Secretary shall—

22 “(1) provide an electronic notice of the number
23 of reported blocked crossing incidents to the railroad
24 carrier that owns the public highway-rail grade
25 crossing;

1 “(2) investigate the causes of the blocked cross-
2 ing incidents; and

3 “(3) investigate possible measures to reduce the
4 frequency and duration of blocked crossing incidents
5 at such grade crossing.

6 “(c) RECORDKEEPING.—

7 “(1) IN GENERAL.—A railroad carrier shall,
8 upon receiving a notice under subsection (b), main-
9 tain train location data records for the public high-
10 way-rail grade crossing that was the subject of the
11 notice.

12 “(2) CONTENTS OF RECORDS.—The train loca-
13 tion data records required under paragraph (1) shall
14 include—

15 “(A) a list of all blocked crossing incidents
16 at the public highway-rail grade crossing that is
17 the subject of the report exceeding 10 minutes;

18 “(B) the cause of the blocked crossing inci-
19 dent (to the extent available);

20 “(C) train length; and

21 “(D) the estimated duration of each
22 blocked crossing incident.

23 “(3) CONSULTATION.—Beginning on the date
24 on which a railroad carrier receives a notice under
25 subsection (b), the Secretary may consult with the

1 carrier for a period of 60 days to address concerns
2 with blocked crossing incidents at the public high-
3 way-rail grade crossing that is the subject of the no-
4 tice.

5 “(4) EXPIRATION OF DATA COLLECTION.—The
6 requirement to maintain records under paragraph
7 (1) shall cease with respect to a public highway-rail
8 grade crossing noticed under subsection (b)(2) if
9 there are no reports submitted to the blocked cross-
10 ing database for blocked crossing incidents reported
11 to occur at such grade crossing during the previous
12 365 consecutive calendar days.

13 “(d) CIVIL PENALTIES.—

14 “(1) IN GENERAL.—The Secretary may issue
15 civil penalties in accordance with section 21301 to
16 railroad carriers for violations of subsection (a) oc-
17 ccurring 60 days after the date of submission of a no-
18 tice under subsection (b).

19 “(2) RELEASE OF RECORDS.—Upon the request
20 of, and under requirements set by, the Secretary,
21 railroad carriers shall provide the records main-
22 tained pursuant to subsection (c)(1) to the Adminis-
23 trator of the Federal Railroad Administration.

24 “(3) ALTERNATE ROUTE EXEMPTION.—Civil
25 penalties may not be issued for violations of sub-

1 section (a) that occur at a public highway-rail grade
2 crossing if an alternate route created by a public
3 highway-rail grade separation exists within a half
4 mile by road mileage of such public highway-rail
5 grade crossing.

6 “(4) GRADE SEPARATION PROJECT.—Civil pen-
7 alties may not be issued for violations of subsection
8 (a) if the violation occurs at a public highway-rail
9 grade crossing for which there is a proposed grade
10 separation project—

11 “(A) that has received written agreement
12 from the relevant local authorities; and

13 “(B) for which railroad carrier and project
14 funding from all parties has been budgeted.

15 “(5) CONSIDERATIONS.—In determining civil
16 penalties under this section, the Secretary shall con-
17 sider increased penalties in a case in which a pattern
18 of the blocked crossing incidents continue to cause
19 delays to State or local emergency services.

20 “(e) APPLICATION TO AMTRAK AND COMMUTER
21 RAILROADS.—This section shall not apply to Amtrak or
22 commuter authorities, including Amtrak and commuter
23 authorities’ operations run or dispatched by a Class I rail-
24 road.

25 “(f) DEFINITIONS.—In this section:

1 “(1) **BLOCKED CROSSING DATABASE.**—The
2 term ‘blocked crossing database’ means the national
3 blocked crossing database established under section
4 20174.

5 “(2) **BLOCKED CROSSING INCIDENT.**—The term
6 ‘blocked crossing incident’ means a circumstance in
7 which a train, locomotive, rail car, or other rail
8 equipment is stopped in a manner that obstructs
9 travel at a public highway-rail grade crossing.

10 “(3) **PUBLIC HIGHWAY-RAIL GRADE CROSS-**
11 **ING.**—The term ‘public highway-rail grade crossing’
12 means a location within a State in which a public
13 highway, road, or street, including associated side-
14 walks and pathways, crosses 1 or more railroad
15 tracks at grade.”.

16 (b) **CLERICAL AMENDMENT.**—The analysis for sub-
17 chapter II of chapter 201 of title 49, United States Code,
18 is further amended by adding at the end the following new
19 item:

“20173. Time limit for blocking public highway-rail grade crossing.”.

20 **SEC. 9554. NATIONAL BLOCKED CROSSING DATABASE.**

21 (a) **IN GENERAL.**—Subchapter II of chapter 201 of
22 title 49, United States Code, as amended by this division,
23 is further amended by adding at the end the following:

1 **“§ 20174. National blocked crossing database**

2 “(a) DATABASE.—Not later than 45 days after the
3 date of enactment of the TRAIN Act, the Secretary of
4 Transportation shall establish a national blocked crossings
5 database for the public to report blocked crossing inci-
6 dents.

7 “(b) PUBLIC AWARENESS.—Not later than 60 days
8 after the date of enactment of the TRAIN Act, the Sec-
9 retary shall require each railroad carrier to publish the
10 active link to report blocked crossing incidents on the
11 website of the national blocked crossings database de-
12 scribed in subsection (a) on the home page of the publicly-
13 available website of the railroad carrier.

14 “(c) BLOCKED CROSSING INCIDENT; PUBLIC HIGH-
15 WAY-RAIL GRADE CROSSING.—In this section, the terms
16 ‘blocked crossing incident’ and ‘public highway-rail grade
17 crossing’ have the meanings given the terms in section
18 20173.”.

19 (b) CLERICAL AMENDMENT.—The analysis for sub-
20 chapter II of chapter 201 of title 49, United States Code,
21 is further amended by adding at the end the following new
22 item:

“20174. National blocked crossing database.”.

1 **SEC. 9555. RAILROAD POINT OF CONTACT FOR BLOCKED**
2 **CROSSING MATTERS.**

3 Section 20152 of title 49, United States Code, is
4 amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1)—

7 (i) in subparagraph (C) by striking
8 “or” at the end;

9 (ii) by redesignating subparagraph
10 (D) as subparagraph (E); and

11 (iii) by inserting the following after
12 subparagraph (C):

13 “(D) blocked crossing incident, as defined
14 in section 20173; or”;

15 (B) in paragraph (4)—

16 (i) by striking “paragraph (1)(C) or
17 (D)” and inserting “subparagraph (C),
18 (D), or (E) of paragraph (1)”; and

19 (ii) by striking “and” at the end;

20 (C) in paragraph (5) by striking the period
21 at the end and inserting a semicolon ; and

22 (D) by adding at the end the following:

23 “(6) upon receiving a report of a blocked cross-
24 ing pursuant to paragraph (1)(D), the railroad car-
25 rier shall, within 14 days of receipt of the report—

1 “(A) verify that the public highway-rail
2 grade crossing, as defined in section 20173, was
3 blocked for a period of at least 10 minutes; and

4 “(B) upon positive verification of the re-
5 port, enter the report into the national blocked
6 crossings database established in section 20174;
7 and

8 “(7) promptly inform the Secretary of any up-
9 date to the number maintained under paragraph
10 (1).”; and

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

12 “(c) PUBLICATION OF TELEPHONE NUMBERS.—The
13 Secretary shall make any telephone number established
14 under subsection (a) publicly available on the website of
15 the Department of Transportation.”.

16 **SEC. 9556. NATIONAL HIGHWAY-RAIL CROSSING INVEN-**
17 **TORY REVIEW.**

18 (a) IN GENERAL.—Not later than 180 days after the
19 date of enactment of this Act, the Secretary of Transpor-
20 tation shall expend such sums as are necessary to conduct
21 a comprehensive review of the national highway-rail cross-
22 ing inventory of the Department of Transportation estab-
23 lished under section 20160 of title 49, United States Code.

24 (b) CONTENTS.—In conducting the review required
25 under subsection (a), the Secretary shall—

1 (1) verify the accuracy of the geographical loca-
2 tion data contained in the inventory described in
3 subsection (a) using mapping technologies and other
4 methods; and

5 (2) notify the relevant railroad and State agen-
6 cies of the erroneous data in the inventory and re-
7 quire such entities to correct the erroneous data
8 within 30 days of notification.

9 (c) STATE REPORTS.—The Secretary shall require
10 State agencies to ensure that any geographic data con-
11 tained in the inventory described in subsection (a) remains
12 consistent with any geographic data identified in biennial
13 State reports required under section 130 of title 23,
14 United States Code.

15 (d) REPORT.—Not later than 120 days after the com-
16 pletion of the review required under subsection (a), the
17 Secretary shall submit to the Committee on Transpor-
18 tation and Infrastructure of the House of Representatives
19 and the Committee on Commerce, Science, and Transpor-
20 tation of the Senate a report summarizing the corrections
21 made to the inventory described in subsection (a) and the
22 Secretary's plans to ensure continued accuracy of such in-
23 ventory.

1 **SEC. 9557. RAILROAD TRESPASSING ENFORCEMENT**
2 **GRANTS.**

3 Section 22907 of title 49, United States Code, is fur-
4 ther amended by adding at the end the following:

5 “(p) RAILROAD TRESPASSING ENFORCEMENT
6 GRANTS.—

7 “(1) IN GENERAL.—Of the amounts made
8 available under this section, the Secretary may make
9 grants to public law enforcement agencies engaged
10 in, or seeking to engage in, suicide prevention efforts
11 along railroad right-of-way to pay wages of law en-
12 forcement personnel to patrol railroad right-of-way
13 located in communities at risk for rail trespassing
14 incidents and fatalities.

15 “(2) PRIORITIZATION.—In awarding grants
16 under this subsection, the Administrator shall give
17 priority to applications from entities that have juris-
18 diction within the boundaries of the 10 States with
19 the highest incidence of rail trespass related casual-
20 ties as reported in the previous fiscal year, as re-
21 ported by the National Rail Accident Incident Re-
22 porting System.

23 “(3) LIMITATION.—The Secretary shall not
24 award more than 3 annual grants under this sub-
25 section to the same entity.”.

1 **SEC. 9558. RAILROAD TRESPASSING SUICIDE PREVENTION**
2 **GRANTS.**

3 Section 22907 of title 49, United States Code, is fur-
4 ther amended by adding at the end the following:

5 “(q) RAILROAD TRESPASSING SUICIDE GRANTS.—

6 “(1) IN GENERAL.—Of the amounts made
7 available to carry out this section, the Secretary may
8 make grants to eligible entities to implement a pub-
9 lic outreach campaign to reduce the number of rail-
10 road suicides.

11 “(2) ELIGIBLE ENTITY.—In this subsection, the
12 term ‘eligible entity’ means a nonprofit mental
13 health organization engaged in, or seeking to engage
14 in, suicide prevention efforts along railroad right-of-
15 way in partnership with a railroad carrier, as de-
16 fined in section 20102.”.

17 **SEC. 9559. INCLUDING RAILROAD SUICIDES.**

18 (a) IN GENERAL.—Not less than 180 days after the
19 enactment of this Act, the Secretary of Transportation
20 shall revise any regulations, guidance, or other relevant
21 agency documents to include the number of suicides on
22 a railroad crossing or railroad right-of-way in the total
23 number of rail fatalities the Secretary reports each year.

24 (b) AUTHORITY OF THE SECRETARY.—In carrying
25 out subsection (a), the Secretary may require Federal,

1 State, and local agencies, railroads, or other entities to
2 submit such data as necessary.

3 (c) APPLICABILITY OF RULEMAKING REQUIRE-
4 MENTS.—The requirements of section 553 of title 5,
5 United States Code, shall not apply to the modification
6 required by subsection (a).

7 **SEC. 9560. REPORT ON SAFETY MEASURES REQUIRED FOR**
8 **QUIET ZONES.**

9 Not later than 180 days after the date of enactment
10 of this Act, the Administrator of the Federal Railroad Ad-
11 ministration shall—

12 (1) submit to Congress a report on any supple-
13 mentary safety measures and alternative safety
14 measures not contained in part 222 of title 49, Code
15 of Federal Regulations, that can be used to qualify
16 for a Quiet Zone or Partial Quiet Zone; and

17 (2) include in the report submitted under para-
18 graph (1)—

19 (A) a summary of the supplementary safe-
20 ty measures and alternative safety measures for
21 which a public authority has requested approval
22 from the Administrator to implement; and

23 (B) an explanation for why such requests
24 were not granted.

TITLE VI—MISCELLANEOUS**SEC. 9601. RAIL NETWORK CLIMATE CHANGE VULNERABILITY ASSESSMENT.**

(a) IN GENERAL.—The Secretary of Transportation shall seek to enter into an agreement with the National Academies to conduct an assessment of the potential impacts of climate change on the national rail network.

(b) ASSESSMENT.—At a minimum, the assessment conducted pursuant to subsection (a) shall—

(1) cover the entire freight, commuter, and intercity passenger rail network of the United States;

(2) evaluate risk to the network over 5-, 30-, and 50-year outlooks;

(3) examine and describe potential effects of climate change and extreme weather events on passenger and freight rail infrastructure, trackage, and facilities, including facilities owned by rail shippers;

(4) identify and categorize the assets described in paragraph (3) by vulnerability level and geographic area; and

(5) recommend strategies or measures to mitigate any adverse impacts of climate change, including—

(A) emergency preparedness measures;

1 (B) resiliency best practices for infrastruc-
2 ture planning; and

3 (C) coordination with State and local au-
4 thorities.

5 (e) REPORT.—Not later than 18 months after the
6 date of enactment of this Act, the Secretary shall submit
7 to the Committee on Transportation and Infrastructure
8 of the House of Representatives and the Committee on
9 Commerce, Science, and Transportation of the Senate a
10 report containing the findings of the assessment conducted
11 pursuant to subsection (a).

12 (d) FURTHER COORDINATION.—The Secretary shall
13 make the report publicly available on the website of the
14 Department of Transportation and communicate the re-
15 sults of the assessment with stakeholders.

16 (e) REGULATORY AUTHORITY.—If the Secretary
17 finds in the report required under subsection (c) that reg-
18 ulatory measures are warranted and such measures are
19 otherwise under the existing authority of the Secretary,
20 the Secretary may issue such regulations as are necessary
21 to implement such measures.

22 (f) FUNDING.—From the amounts made available for
23 fiscal year 2022 under section 20117(b) of title 49, United
24 States Code, the Secretary shall expend not less than

1 \$1,500,000 to carry out the study required under subpara-
2 graph (a).

3 **SEC. 9602. ADVANCE ACQUISITION.**

4 (a) IN GENERAL.—Chapter 242 of title 49, United
5 States Code, is amended by inserting the following after
6 section 24202:

7 **“SEC. 24203. ADVANCE ACQUISITION.**

8 “(a) RAIL CORRIDOR PRESERVATION.—The Sec-
9 retary of Transportation may assist a recipient of Federal
10 financial assistance provided by the Secretary for an inter-
11 city passenger rail project in acquiring a right-of-way and
12 adjacent real property interests before or during the com-
13 pletion of the environmental reviews for a project that may
14 use such property interests if the acquisition is otherwise
15 permitted under Federal law.

16 “(b) CERTIFICATION.—Before authorizing advance
17 acquisition under this section, the Secretary shall verify
18 that—

19 “(1) the recipient has authority to acquire the
20 real property interest; and

21 “(2) the acquisition of the real property inter-
22 est—

23 “(A) is for a transportation purpose;

24 “(B) will not cause significant adverse en-
25 vironmental impact;

1 “(C) will not limit the choice of reasonable
2 alternatives for the proposed project or other-
3 wise influence the decision of the Secretary on
4 any approval required for the project;

5 “(D) does not prevent the lead agency
6 from making an impartial decision as to wheth-
7 er to accept an alternative that is being consid-
8 ered;

9 “(E) complies with other applicable Fed-
10 eral laws and regulations; and

11 “(F) will not result in elimination or re-
12 duction of benefits or assistance to a displaced
13 person required by the Uniform Relocation As-
14 sistance and Real Property Acquisition Policies
15 Act of 1970 (42 U.S.C. 4601 et seq.) and title
16 VI of the Civil Rights Act of 1964 (42 U.S.C.
17 2000d et seq.).

18 “(c) ENVIRONMENTAL REVIEWS.—

19 “(1) COMPLETION OF NEPA REVIEW.—Before
20 reimbursing or approving the expenditure of Federal
21 funding for an acquisition of a real property inter-
22 est, the Secretary shall complete all review processes
23 otherwise required under the National Environ-
24 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.),
25 section 4(f) of the Department of Transportation

1 Act of 1966 (49 U.S.C. 303), and section 106 of the
2 National Historic Preservation Act (16 U.S.C. 470f)
3 with respect to the acquisition.

4 “(2) TIMING OF DEVELOPMENT ACQUISITION.—
5 A real property interest acquired under subsection
6 (a) may not be developed in anticipation of the pro-
7 posed project until all required environmental re-
8 views for the project have been completed.

9 “(d) INCLUSION IN NON-FEDERAL SHARE OF
10 PROJECT COSTS.—Non-Federal funds used to acquire
11 right-of-way and adjacent real property interests under
12 this section before or during the environmental review, or
13 before the award of a grant by the Secretary, shall be in-
14 cluded in determining the non-Federal share of the costs
15 of the underlying intercity passenger rail project.

16 “(e) SAVINGS CLAUSE.—The advance acquisition
17 process described in this section—

18 “(1) is in addition to processes in effect on or
19 before the date of enactment of the TRAIN Act; and

20 “(2) does not affect—

21 “(A) any right of the recipient described in
22 subsection (a) to acquire property; or

23 “(B) any other environmental review proc-
24 ess, program, agreement, or funding arrange-
25 ment related to the acquisition of real property,

1 in effect on the date of enactment of the
2 TRAIN Act.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 242 of title 49, United States Code, is amended by
5 inserting after the item relating to section 24202 the fol-
6 lowing new item:

“Sec. 24203. Advance acquisition.”.

7 **SEC. 9603. UNIVERSITY RAIL CLIMATE INNOVATION INSTI-**
8 **TUTE.**

9 (a) IN GENERAL.—Chapter 229 of title 49, United
10 States Code, is further amended by adding at the end the
11 following:

12 **“§ 22913. University Rail Climate Innovation Institute**

13 “(a) ESTABLISHMENT.—The Secretary of Transpor-
14 tation may make a grant to an institution of higher edu-
15 cation to establish a University Rail Climate Innovation
16 Institute (in this section referred to as the ‘Institute’) for
17 the research and development of low- and zero-emission
18 rail technologies. Such grant agreement shall not exceed
19 5 years.

20 “(b) ELIGIBLE APPLICANTS.—To be eligible for a
21 grant under the subsection (a), an institution of higher
22 education shall—

23 “(1) have an active research program to study
24 the development of low- and zero-emission rail tech-

1 nologies or be able to demonstrate sufficient exper-
2 tise in relevant rail research and development;

3 “(2) enter into a cost-sharing agreement for
4 purposes of the Institute with a railroad or rail sup-
5 plier; and

6 “(3) submit to the Secretary an application in
7 such form, at such time, and containing such infor-
8 mation as the Secretary may require.

9 “(c) ELIGIBLE PROJECTS.—A recipient of this grant
10 under this section may carry out the research, design, de-
11 velopment, and demonstration of 1 or more of the fol-
12 lowing:

13 “(1) Hydrogen-powered locomotives and associ-
14 ated locomotive technologies.

15 “(2) Battery-powered locomotives and associ-
16 ated locomotive technologies.

17 “(3) Deployment of a revenue service testing
18 and demonstration program to accelerate commercial
19 adoption of low- or zero-emission locomotives.

20 “(4) Development or deployment of an oper-
21 ating prototype low- or zero-emission locomotive.

22 “(5) Rail technologies that significantly reduce
23 greenhouse gas emissions, as determined appropriate
24 by the Secretary.

1 “(d) BUY AMERICA APPLICABILITY.—For purposes
2 of subsection (c)(4), the recipient shall be in compliance
3 with section 22905(a).

4 “(e) FUNDING REQUIREMENT.—The Federal share
5 of the total cost of the Institute shall not exceed 50 per-
6 cent.

7 “(f) CONSIDERATIONS.—In selecting an applicant to
8 receive funding to establish the Institute, the Secretary
9 shall consider—

10 “(1) the extent to which the proposed activities
11 maximize greenhouse gas reductions;

12 “(2) the potential of the proposed activities to
13 increase the use of low- and zero- emission rail tech-
14 nologies among the United States freight and pas-
15 senger rail industry; and

16 “(3) the anticipated public benefits of the pro-
17 posed activities.

18 “(g) CONSIDERATION OF HBCUS.—In selecting an
19 institution of higher education for a grant award under
20 this section, the Secretary shall consider historically black
21 colleges and universities, as such term is defined in section
22 371(a) of the Higher Education Act of 1965 (2010 U.S.C.
23 1067q), and other minority institutions, as such term is
24 defined by section 365 of such Act (20 U.S.C. 1067k).

25 “(h) NOTIFICATION.—

1 “(1) NOTICE.—Not less than 3 days before an
2 applicant has been selected, the Secretary shall no-
3 tify the Committee on Transportation and Infra-
4 structure of the House of Representatives and the
5 Committee on Commerce, Science, and Transpor-
6 tation of the Senate of the intention to award such
7 a grant.

8 “(2) REPORT.—The Institute shall submit to
9 the Committee on Transportation and Infrastructure
10 of the House of Representatives, the Committee on
11 Commerce, Science, and Transportation of the Sen-
12 ate, and the Secretary an annual report summa-
13 rizing the activities undertaken by the Institute on
14 low- and zero-emission rail technologies.

15 “(i) INSTITUTION OF HIGHER EDUCATION DE-
16 FINED.—In this section, the term ‘institution of higher
17 education’ has the meaning given such term in section 101
18 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

19 (b) CLERICAL AMENDMENT.—The analysis for chap-
20 ter 229 of title 49, United States Code, is further amend-
21 ed by adding at the end the following:

 “22913. University Rail Climate Innovation Institute.”.

22 **SEC. 9604. WORKFORCE DIVERSITY AND DEVELOPMENT.**

23 (a) IN GENERAL.—The Secretary of Transportation
24 shall carry out at least one workforce development pilot
25 program with a railroad carrier.

1 (b) TYPES OF PILOT PROGRAMS.—A workforce devel-
2 opment pilot program described in subsection (a) may be
3 in the form of—

4 (1) an outreach program to increase employ-
5 ment opportunities for socially disadvantaged indi-
6 viduals;

7 (2) the development of a partnership with high
8 schools, vocational schools, community colleges, or
9 secondary education institutions to address future
10 workforce needs; and

11 (3) an apprenticeship program to train railroad
12 employees in needed skills.

13 (c) APPRENTICESHIP.—In carrying out a workforce
14 development pilot program described in subsection (b)(3),
15 the Secretary shall partner with a railroad carrier pro-
16 viding intercity rail passenger transportation.

17 (d) REPORT TO CONGRESS.—For a workforce devel-
18 opment pilot program carried out under this section, the
19 Secretary shall transmit to the Committee on Transpor-
20 tation and Infrastructure of the House of Representatives
21 and the Committee on Commerce, Science, and Transpor-
22 tation of the Senate a report that describes—

23 (1) the activities carried out under the pilot
24 program;

1 (2) the diversity of individuals participating in
2 the pilot program;

3 (3) an evaluation of the pilot program;

4 (4) employment outcomes, including job place-
5 ment, job retention, and wages, using performance
6 metrics established by the Secretary of Transpor-
7 tation, in consultation with the Secretary of Labor,
8 and consistent with performance indicators used by
9 programs under the Workforce Innovation and Op-
10 portunity Act (29 U.S.C. 3101 et seq.), as applica-
11 ble; and

12 (5) any recommendations for increasing diver-
13 sity in the railroad workforce, addressing future
14 workforce needs, or enhancing workforce skills.

15 (e) DEFINITION.—In this section:

16 (1) INTERCITY RAIL PASSENGER TRANSPOR-
17 TATION.—The term “intercity rail passenger trans-
18 portation” has the meaning given such term in sec-
19 tion 24102 of title 49, United States Code.

20 (2) RAILROAD CARRIER.—The term “railroad
21 carrier” has the meaning given such term in section
22 20102 of title 49, United States Code.

23 (3) SOCIALLY DISADVANTAGED INDIVIDUALS.—
24 The term “socially disadvantaged individuals” has
25 the meaning given the term “socially and economi-

1 cally disadvantaged individuals” in section 8(d) of
2 the Small Business Act (15 U.S.C. 637(d)).

3 (f) FUNDING.—From the amounts made available
4 under section 20117(b) of title 49, United States Code,
5 the Secretary may expend up to \$1,300,000 for fiscal year
6 2022 and \$1,300,000 for 2023 to carry out this section.

7 **SEC. 9605. REQUIREMENTS FOR RAILROAD FREIGHT CARS**
8 **ENTERING SERVICE IN UNITED STATES.**

9 (a) IN GENERAL.—Chapter 207 of title 49, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

12 **“§ 20704. Requirements for railroad freight cars en-**
13 **tering service in United States**

14 “(a) DEFINITIONS.—In this section, the following
15 definitions apply:

16 “(1) COMPONENT.—The term ‘component’
17 means a part or subassembly of a railroad freight
18 car.

19 “(2) CONTROL.—The term ‘control’ means the
20 power, whether direct or indirect and whether or not
21 exercised, through the ownership of a majority or a
22 dominant minority of the total outstanding voting
23 interest in an entity, representation on the board of
24 directors of an entity, proxy voting on the board of
25 directors of an entity, a special share in the entity,

1 a contractual arrangement with the entity, a formal
2 or informal arrangement to act in concert with an
3 entity, or any other means, to determine, direct,
4 make decisions, or cause decisions to be made for
5 the entity.

6 “(3) COST OF SENSITIVE TECHNOLOGY.—The
7 term ‘cost of sensitive technology’ means the aggregate
8 cost of the sensitive technology located on a
9 railroad freight car.

10 “(4) COUNTRY OF CONCERN.—The term ‘country
11 of concern’ means a country that—

12 “(A) is identified by the Department of
13 Commerce as a nonmarket economy country (as
14 defined in section 771(18) of the Tariff Act of
15 1930 (19 U.S.C. 1677(18))) as of the date of
16 enactment of the TRAIN Act;

17 “(B) was identified by the United States
18 Trade Representative in the most recent report
19 required by section 182 of the Trade Act of
20 1974 (19 U.S.C. 2242) as a foreign country included
21 on the priority watch list defined in subsection
22 (g)(3) of that section; and

23 “(C) is subject to monitoring by the Trade
24 Representative under section 306 of the Trade
25 Act of 1974 (19 U.S.C. 2416).

1 “(5) NET COST.—The term ‘net cost’ has the
2 meaning given the term in chapter 4 of the USMCA
3 or any subsequent free trade agreement between the
4 United States, Mexico, and Canada.

5 “(6) QUALIFIED FACILITY.—The term ‘quali-
6 fied facility’ means a facility that is not owned or
7 under the control of a state-owned enterprise.

8 “(7) QUALIFIED MANUFACTURER.—The term
9 ‘qualified manufacturer’ means a railroad freight car
10 manufacturer that is not owned or under the control
11 of a state-owned enterprise.

12 “(8) RAILROAD FREIGHT CAR.—The term ‘rail-
13 road freight car’ means a car designed to carry
14 freight or railroad personnel by rail, including—

15 “(A) box car;

16 “(B) refrigerator car;

17 “(C) ventilator car;

18 “(D) intermodal well car;

19 “(E) gondola car;

20 “(F) hopper car;

21 “(G) auto rack car;

22 “(H) flat car;

23 “(I) special car;

24 “(J) caboose car;

25 “(K) tank car; and

1 “(L) yard car.

2 “(9) SENSITIVE TECHNOLOGY.—The term ‘sen-
3 sitive technology’ means any device embedded with
4 electronics, software, sensors, or other connectivity,
5 that enables the device to connect to, collect data
6 from, or exchange data with another device, includ-
7 ing—

8 “(A) onboard telematics;

9 “(B) remote monitoring software;

10 “(C) firmware;

11 “(D) analytics;

12 “(E) GPS satellite and cellular location
13 tracking systems;

14 “(F) event status sensors;

15 “(G) predictive component condition and
16 performance monitoring sensors; and

17 “(H) similar sensitive technologies embed-
18 ded into freight railcar components and sub-
19 assemblies.

20 “(10) STATE-OWNED ENTERPRISE.—The term
21 ‘state-owned enterprise’ means—

22 “(A) an entity that is owned by, or under
23 the control of, a national, provincial, or local
24 government of a country of concern, or an
25 agency of such government; or

1 “(B) an individual acting under the direc-
2 tion or influence of a government or agency de-
3 scribed in subparagraph (A).

4 “(11) SUBSTANTIALLY TRANSFORMED.—The
5 term ‘substantially transformed’ means a component
6 of a railroad freight car that undergoes an applica-
7 ble change in tariff classification as a result of the
8 manufacturing process, as described in chapter 4
9 and related Annexes of the USMCA or any subse-
10 quent free trade agreement between the United
11 States, Mexico, and Canada.

12 “(12) USMCA.—The term ‘USMCA’ has the
13 meaning given the term in section 3 of the United
14 States-Mexico-Canada Agreement Implementation
15 Act (19 U.S.C. 4502).

16 “(b) REQUIREMENTS FOR RAILROAD FREIGHT CARS
17 ENTERING SERVICE IN THE UNITED STATES.—

18 “(1) LIMITATION ON RAILROAD FREIGHT
19 CARS.—A railroad freight car wholly manufactured
20 on or after the date that is 1 year after the date of
21 enactment of the TRAIN Act, may only operate on
22 the United States freight railroad interchange sys-
23 tem if—

24 “(A) the railroad freight car is manufac-
25 tured, assembled, and substantially trans-

1 formed, as applicable, by a qualified manufac-
2 turer in a qualified facility;

3 “(B) none of the sensitive technology lo-
4 cated on the railroad freight car, including com-
5 ponents necessary to the functionality of the
6 sensitive technology, originates from a country
7 of concern or is sourced from state-owned en-
8 terprise; and

9 “(C) none of the content of the railroad
10 freight car, excluding sensitive technology,
11 originates from a country of concern or is
12 sourced from a state-owned enterprise that has
13 been determined by a recognized court or ad-
14 ministrative agency of competent jurisdiction
15 and legal authority to have violated or infringed
16 valid United States intellectual property rights
17 of another including such a finding by a Fed-
18 eral district court under title 35 or the U.S.
19 International Trade Commission under section
20 337 of the Tariff Act of 1930 (19 U.S.C.
21 1337).

22 “(2) LIMITATION ON RAILROAD FREIGHT CAR
23 CONTENT.—

24 “(A) PERCENTAGE LIMITATION.—Not
25 later than 12 months after the date of enact-

1 ment of the TRAIN Act, a railroad freight car
2 manufactured may operate on the United
3 States freight railroad interchange system only
4 if—

5 “(i) not more than 20 percent of the
6 content of the railroad freight car, cal-
7 culated by the net cost of all components
8 of the car and excluding the cost of sen-
9 sitive technology, originates from a country
10 of concern or is sourced from a state-
11 owned enterprise; and

12 “(ii) not later than 24 months after
13 the date of enactment of the TRAIN Act,
14 the percentage described in clause (i) shall
15 be no more than 15 percent.

16 “(B) CONFLICT.—The percentages speci-
17 fied in this paragraph apply notwithstanding
18 any apparent conflict with provisions of chapter
19 4 of the USMCA.

20 “(c) REGULATIONS AND PENALTIES.—

21 “(1) REGULATIONS REQUIRED.—Not later than
22 1 year after the date of enactment of the TRAIN
23 Act, the Secretary of Transportation shall issue such
24 regulations as are necessary to carry out this sec-

1 tion, including for the monitoring, enforcement, and
2 sensitive technology requirements of this section.

3 “(2) CERTIFICATION REQUIRED.—To be eligible
4 to provide a railroad freight car for operation on the
5 United States freight railroad interchange system,
6 the manufacturer of such car shall certify to the
7 Secretary annually that any railroad freight cars to
8 be so provided meet the requirements of this section.

9 “(3) COMPLIANCE.—

10 “(A) VALID CERTIFICATION REQUIRED.—

11 At the time a railroad freight car begins oper-
12 ation on the United States freight railroad
13 interchange system, the manufacturer of such
14 railroad freight car shall have valid certification
15 describe under paragraph (2) for the year in
16 which such car begins operation.

17 “(B) REGISTRATION OF NONCOMPLIANT

18 CARS PROHIBITED.—A railroad freight car
19 manufacturer may not register, or cause to be
20 registered, a railroad freight car that does not
21 comply with the requirements of this section in
22 the Association of American Railroad’s Umler
23 system.

24 “(4) CIVIL PENALTIES.—

1 “(A) IN GENERAL.—A railroad freight car
2 manufacturer that has manufactured a railroad
3 freight car for operation on the United States
4 freight railroad interchange system that the
5 Secretary of Transportation determines, after
6 written notice and an opportunity for a hearing,
7 has violated this section is liable to the United
8 States Government for a civil penalty of at least
9 \$100,000 but not more than \$250,000 for each
10 violation for each railroad freight car.

11 “(B) PROHIBITION FOR VIOLATIONS.—The
12 Secretary of Transportation may prohibit a rail-
13 road freight car manufacturer with respect to
14 which the Secretary has assessed more than 3
15 violations under subparagraph (A) from pro-
16 viding additional railroad freight cars for oper-
17 ation on the United States freight railroad
18 interchange system until the Secretary deter-
19 mines—

20 “(i) such manufacturer is in compli-
21 ance with this section; and

22 “(ii) all civil penalties assessed to
23 such manufacturer under subparagraph
24 (A) have been paid in full.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 207 of title 49, United States Code, is amended by
3 adding at the end the following:

“20704. Requirements for railroad freight cars entering service in United
States.”.

4 **SEC. 9606. RAIL RESEARCH AND DEVELOPMENT CENTER**
5 **OF EXCELLENCE.**

6 Section 20108 of title 49, United States Code, is
7 amended by adding at the end the following:

8 “(d) RAIL RESEARCH AND DEVELOPMENT CENTER
9 OF EXCELLENCE.—

10 “(1) CENTER OF EXCELLENCE.—The Secretary
11 may provide a grant to an entity described in para-
12 graph (2) to establish a Center of Excellence to ad-
13 vance research and development that improves the
14 safety, efficiency, and reliability of passenger and
15 freight rail transportation.

16 “(2) ELIGIBILITY.—An institution of higher
17 education (as defined in section 101 of the Higher
18 Education Act of 1965 (20 U.S.C. 1001)) or a con-
19 sortium of nonprofit institutions of higher education
20 shall be eligible to receive a grant under this sub-
21 section.

22 “(3) SELECTION CRITERIA.—In awarding a
23 grant under this subsection, the Secretary may—

1 “(A) give preference to an applicant with
2 strong past performance related to rail re-
3 search, education, and workforce development
4 activities;

5 “(B) consider the extent to which the ap-
6 plicant would involve public passenger and pri-
7 vate and public freight railroad operators; and

8 “(C) consider the regional and national im-
9 pacts of the applicant’s proposal.

10 “(4) USE OF FUNDS.—Amounts awarded under
11 this subsection may be used to establish and operate
12 the Center of Excellence described in paragraph (1)
13 and for research, evaluation, education, and work-
14 force development and training efforts related to
15 safety, environmental sustainability, and reliability
16 of rail transportation, including—

17 “(A) rolling stock;

18 “(B) positive train control;

19 “(C) human factors, systems design, or fa-
20 tigue;

21 “(D) rail infrastructure;

22 “(E) shared corridors;

23 “(F) grade crossings;

24 “(G) rail systems maintenance;

25 “(H) network resiliency;

1 “(I) programs to train railroad workers in
2 needed skills; and

3 “(J) the development of programs or part-
4 nerships to raise awareness of railroad employ-
5 ment opportunities, in coordination with the
6 Federal Railroad Administration.

7 “(5) FEDERAL SHARE.—The Federal share of
8 the cost of an activity carried out with a grant under
9 this subsection shall be 50 percent.”.

10 **SEC. 9607. FREIGHT RAILROAD LOCOMOTIVE REQUIRE-**
11 **MENTS.**

12 (a) REQUIREMENTS FOR CLASS I LOCOMOTIVES.—
13 A Class I railroad may only operate a locomotive on the
14 freight railroad interchange system on or after January
15 1, 2030, if—

16 (1) the locomotive was manufactured on or
17 after January 1, 2008;

18 (2) the primary NO_x and PM emissions on the
19 Environmental Protection Agency certificate of con-
20 formity for the locomotive are equal to or cleaner
21 than the cleanest available locomotive; or

22 (3) the locomotive has not exceeded a total of
23 89,100 MWhs of operation since its original engine
24 build date.

1 (b) CERTIFICATION REQUIRED.—To be eligible to
2 own or operate a locomotive covered by subsection (a) on
3 the United States freight railroad interchange system on
4 or after January 1, 2030, a Class I railroad shall certify
5 to the Secretary of Transportation that such locomotive
6 meets the requirements of this section.

7 (c) EFFECTUATION.—The Secretary is authorized to
8 issue such regulations as are necessary to carry out this
9 section.

10 (d) DEFINITIONS.—In this section:

11 (1) CERTIFICATE OF CONFORMITY.—The term
12 “certificate of conformity” means the document that
13 the Environmental Protection Agency issues to an
14 engine manufacturer to certify that an engine class
15 conforms to Environmental Protection Agency re-
16 quirements.

17 (2) CLEANEST AVAILABLE LOCOMOTIVE.—The
18 term “cleanest available locomotive” means the
19 strictest standard set by the Environmental Protec-
20 tion Agency for the applicable locomotive under sec-
21 tion 213 of the Clean Air Act (42 U.S.C. 7547).

22 **SEC. 9608. EXTENSION.**

23 Section 1246 of the Disaster Recovery Reform Act
24 of 2018 is amended—

1 (1) by striking “3 years” and inserting
2 “4 1/2 years”; and

3 (2) by inserting “and every 3 months there-
4 after,” before “the Administrator shall”.

5 **SEC. 9609. GAO STUDY ON COST ALLOCATION OF RAIL PAS-**
6 **SENGER TRANSPORTATION LIABILITY.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of enactment of this Act, the Comptroller General
9 of the United States shall initiate a study of the apporportion-
10 ment of liability among owners of right-of-way on the
11 Northeast Corridor and passenger rail operators on the
12 Northeast Corridor in accordance with section 24905 of
13 title 49, United States Code, the Northeast Corridor Com-
14 mission’s cost allocation policy, and the statutory prohibi-
15 tion on cross-subsidization under such section.

16 (b) RECOMMENDATIONS.—Upon completion of the
17 study under subsection (a), the Comptroller General shall
18 issue recommendations to the Northeast Corridor Com-
19 mission, the Committee on Transportation and Infrastruc-
20 ture of the House of Representatives, and the Committee
21 on Commerce, Science, and Transportation of the Senate
22 on how to determine equitable liability allocation policy be-
23 tween owners of right-of-way on the Northeast Corridor
24 and passenger rail operators on the Northeast Corridor.

1 (c) CONSIDERATIONS.—In issuing recommendations
2 under subsection (b), the Comptroller General shall con-
3 sider that any recommendations may be implemented dif-
4 ferently amongst the various Northeast Corridor pas-
5 senger rail entities based on differing ownership and oper-
6 ational profiles.

7 (d) CONCLUSION.—If a mutually agreed upon resolu-
8 tion between owners of right-of-way on the Northeast cor-
9 ridor and passenger rail operators on the Northeast Cor-
10 ridor is reached prior to the completion of the study under
11 subsection (a), the Comptroller General shall conclude the
12 study.

13 **SEC. 9610. GAO STUDY ON ECONOMIC BENEFITS OF ONE-**
14 **SEAT RIDE COMMUTER RAIL.**

15 (a) STUDY.—The Comptroller General of the United
16 States shall conduct a study in coordination with the Ad-
17 ministrator of the Federal Transit Administration on the
18 economic benefits of commuter rail service in connecting
19 urban and suburban areas.

20 (b) CONTENTS.—The study under subsection (a)
21 shall include—

22 (1) potential benefits of one-seat ride commuter
23 rail expansion to suburban communities that cur-
24 rently lack direct service to urban areas;

1 (2) best practices in identifying where one-seat
2 ride commuter rail service is beneficial to suburban
3 communities; and

4 (3) best practices in improving suburban com-
5 muter access on routes that currently require a
6 transfer.

7 (c) REPORT.—Not later than 1 year after the date
8 of enactment of this Act, the Comptroller General shall
9 submit a report to Congress setting forth the results and
10 conclusions of the study under subsection (a).

11 **DIVISION E—SPORT FISH RES-**
12 **TORATION, RECREATIONAL**
13 **BOATING SAFETY, AND WILD-**
14 **LIFE RESTORATION**

15 **SEC. 9701. SHORT TITLE.**

16 This division may be cited as the “Sport Fish Res-
17 toration, Recreational Boating Safety, and Wildlife Res-
18 toration Act of 2021”.

19 **SEC. 9702. DIVISION OF ANNUAL APPROPRIATIONS.**

20 (a) IN GENERAL.—Section 4 of the Dingell-Johnson
21 Sport Fish Restoration Act (16 U.S.C. 777c) is amend-
22 ed—

23 (1) in subsection (a), by striking “2021” and
24 inserting “2026”;

25 (2) in subsection (b)—

1 (A) in paragraph (1)—

2 (i) in subparagraph (A), by striking
3 “2021” and inserting “2026”; and

4 (ii) by amending subparagraph (B) to
5 read as follows—

6 “(B) AVAILABLE AMOUNTS.—The available
7 amount referred to in subparagraph (A) is—

8 “(i) for fiscal year 2022, \$12,786,434,
9 adjusted for inflation as described in
10 clause (ii)(II)(bb); and

11 “(ii) for fiscal year 2023, and each
12 fiscal year thereafter, the sum of—

13 “(I) the available amount for the
14 preceding fiscal year; and

15 “(II) the amount determined by
16 multiplying—

17 “(aa) the available amount
18 for the preceding fiscal year; and

19 “(bb) the change, relative to
20 the preceding fiscal year, in the
21 Consumer Price Index for All
22 Urban Consumers published by
23 the Department of Labor.”; and

24 (B) in paragraph (2)—

1 (i) in subparagraph (A), by striking
2 “2016 through 2021” and inserting “2022
3 through 2026”; and

4 (ii) by amending subparagraph (B) to
5 read as follows—

6 “(B) AVAILABLE AMOUNTS.—The available
7 amount referred to in subparagraph (A) is—

8 “(i) for fiscal year 2022, \$8,988,700;
9 and

10 “(ii) for fiscal year 2023, and each
11 fiscal year thereafter, the sum of—

12 “(I) the available amount for the
13 preceding fiscal year; and

14 “(II) the amount determined by
15 multiplying—

16 “(aa) the available amount
17 for the preceding fiscal year; and

18 “(bb) the change, relative to
19 the preceding fiscal year, in the
20 Consumer Price Index for All
21 Urban Consumers published by
22 the Department of Labor.”; and

23 (3) in subsection (e)(2), by striking “\$900,000”
24 and inserting “\$1,300,000”.

1 (b) ADMINISTRATION.—Section 9(a) of the Dingell-
2 Johnson Sport Fish Restoration Act (16 U.S.C. 777h(a))
3 is amended—

4 (1) in paragraph (1)—

5 (A) by striking “on a full-time basis”; and

6 (B) by inserting “for work hours the em-
7 ployee spends directly administering this Act, as
8 such hours are certified by the supervisor of the
9 employee” after “administer this Act”;

10 (2) by striking paragraph (2) and redesignating
11 paragraphs (3) through (12) as paragraphs (2)
12 through (11), respectively;

13 (3) by striking “paragraphs (1) and (2)” and
14 inserting “paragraph (1)” each place it appears;

15 (4) in paragraph (7), as so redesignated, by
16 striking “full-time”;

17 (5) in paragraph (8)(A), as so redesignated, by
18 striking “on a full-time basis”;

19 (6) in paragraph (9), as so redesignated, by
20 striking “on a full-time basis”; and

21 (7) in paragraph (10), as so redesignated—

22 (A) by inserting “or a part-time basis”
23 after “on a full-time basis”; and

24 (B) by inserting “, provided that the per-
25 centage of relocation expenses paid with funds

1 under this chapter do not exceed the percentage
2 of work hours the employee spends admin-
3 istering this Act” after “at which the relocation
4 expenses are incurred”.

5 (c) OTHER ACTIVITIES.—Section 14(e) of the Din-
6 gell-Johnson Sport Fish Restoration Act (16 U.S.C.
7 777m(e)) is amended by adding at the end the following:

8 “(3) A portion, as determined by the Sport
9 Fishing and Boating Partnership Council, of funds
10 disbursed for the purposes described in paragraph
11 (2) but remaining unobligated prior to fiscal year
12 2021 shall be used to study—

13 “(A) the impact of derelict recreational
14 vessels on recreational boating safety and rec-
15 reational fishing; and

16 “(B) identify options and methods for re-
17 cycling for recreational vessels.”.

18 **SEC. 9703. RECREATIONAL BOATING ACCESS.**

19 (a) IN GENERAL.—The Comptroller General of the
20 United States shall conduct a study on recreational boat-
21 ing access. In carrying out such study, the Comptroller
22 General shall consult with the Sport Fishing and Boating
23 Partnership Council and the National Boating Safety Ad-
24 visory Council on the design, scope, and priorities of such
25 study.

1 (b) CONTENTS.—To the extent practicable, the study
2 required under subsection (a) shall contain a description
3 of—

4 (1) the use of nonmotorized vessels in each
5 State and how the increased use of nonmotorized
6 vessels is impacting motorized and nonmotorized
7 vessel access to waterway entry points;

8 (2) recreational fishing and boating user con-
9 flicts concerning motorized and nonmotorized vessels
10 at waterway access points; and

11 (3) the use of funds provided under the Dingell-
12 Johnson Sport Fish Restoration Act (16 U.S.C. 777
13 et seq.) for—

14 (A) the sport fish restoration program to
15 improve nonmotorized vessel access at waterway
16 entry points and the reasons for providing such
17 access; and

18 (B) the Recreational Boating Safety Pro-
19 gram funds for nonmotorized boating safety
20 programs.

21 (c) REPORT.—Not later than 1 year after the date
22 of enactment of this Act, the Comptroller General shall
23 submit to the Sport Fishing and Boating Partnership
24 Council, the Committees on Natural Resources and Trans-
25 portation and Infrastructure of the House of Representa-

1 tives, and the Committees on Commerce, Science, and
2 Transportation and Environment and Public Works of the
3 Senate a report containing the study required under this
4 section.

5 (d) STATE DEFINED.—In this section, the term
6 “State” means any State, the District of Columbia, the
7 Commonwealths of Puerto Rico and the Northern Mariana
8 Islands, and the territories of Guam, the U.S. Virgin Is-
9 lands, and American Samoa.

10 **SEC. 9704. WILDLIFE RESTORATION FUND ADMINISTRA-**
11 **TION.**

12 (a) ALLOCATION AND APPORTIONMENT OF AVAIL-
13 ABLE AMOUNTS.—Section 4 of the Pittman-Robertson
14 Wildlife Restoration Act (16 U.S.C. 669c), is amended—

15 (1) in subsection (a)(1)(B)—

16 (A) in clause (i) by striking “for each of
17 fiscal years 2001 and 2002, \$9,000,000;” and
18 inserting the following: “for fiscal year 2022,
19 \$12,786,434, adjusted for inflation as described
20 in clause (ii)(II)(bb);”; and

21 (B) by striking clauses (ii) and (iii) and in-
22 serting the following:

23 “(ii) for fiscal year 2023, and each
24 fiscal year thereafter, the sum of—

1 “(I) the available amount for the
2 preceding fiscal year; and

3 “(II) the amount determined by
4 multiplying—

5 “(aa) the available amount
6 for the preceding fiscal year; and

7 “(bb) the change, relative to
8 the preceding fiscal year, in the
9 Consumer Price Index for All
10 Urban Consumers published by
11 the Department of Labor.”; and

12 (2) in subsection (a)(2)(A) by striking “the end
13 of the fiscal year” and inserting “the end of the sub-
14 sequent fiscal year”.

15 (b) AUTHORIZED EXPENSES FOR ADMINISTRA-
16 TION.—Section 9(a) of the Pittman-Robertson Wildlife
17 Restoration Act (16 U.S.C. 669h(a)) is amended—

18 (1) in paragraph (1)—

19 (A) by striking “on a full-time basis”; and

20 (B) by inserting “for the work hours the
21 employee spends directly administering this Act,
22 as such hours are certified by the supervisor of
23 the employee” after “administer this Act”;

24 (2) by striking “paragraphs (1) and (2)” and
25 inserting “paragraph (1)” each place it appears;

1 (3) by striking paragraph (2) and redesignating
2 paragraphs (3) through (12) as paragraphs (2)
3 through (11), respectively;

4 (4) in paragraph (7), as so redesignated, by
5 striking “full-time”;

6 (5) in paragraph (8)(A), as so redesignated, by
7 striking “on a full-time basis”;

8 (6) in paragraph (9), as so redesignated, by
9 striking “on a full-time basis”; and

10 (7) in paragraph (10), as so redesignated—

11 (A) by inserting “or a part-time basis”
12 after “on a full-time basis”; and

13 (B) by inserting “, provided that the per-
14 centage of relocation expenses paid with funds
15 under this chapter do not exceed the percentage
16 of work hours the employee spends admin-
17 istering this Act” after “at which the relocation
18 expenses are incurred”.

19 **SEC. 9705. SPORT FISH RESTORATION AND BOATING TRUST**
20 **FUND.**

21 Section 13107(c)(2) of title 46, United States Code,
22 is amended by striking “No funds available” and inserting
23 “On or after October 1, 2023, no funds available”.

1 **SEC. 9706. SPORT FISHING AND BOATING PARTNERSHIP**
2 **COUNCIL.**

3 The Sport Fishing and Boating Partnership Council
4 established by the Secretary of the Interior shall be a Fed-
5 eral advisory committee of both the Department of the In-
6 terior and the Department of Commerce, and the secre-
7 taries of Interior and Commerce shall jointly carry out the
8 requirements of the Federal Advisory Committee Act with
9 respect to the Sport Fishing and Boating Partnership
10 Council.

11 **SEC. 9707. NATIONAL CULVERT REMOVAL, REPLACEMENT,**
12 **AND RESTORATION GRANT PROGRAM.**

13 (a) IN GENERAL.—Chapter 805 of subtitle X of title
14 49, United States Code, is amended by adding at the end
15 the following:

16 **“§ 80505. National culvert removal, replacement, and**
17 **restoration grant program**

18 “(a) DEFINITIONS.—In this section:

19 “(1) DIRECTOR.—The term ‘Director’ means
20 the Director of the United States Fish and Wildlife
21 Service.

22 “(2) INDIAN TRIBE.—The term ‘Indian Tribe’
23 has the meaning given the term in section 4 of the
24 Indian Self-Determination and Education Assistance
25 Act (25 U.S.C. 5304).

1 “(3) PROGRAM.—The term ‘program’ means
2 the annual competitive grant program established
3 under subsection (b).

4 “(4) SECRETARY.—The term ‘Secretary’ means
5 the Secretary of Transportation.

6 “(5) UNDERSECRETARY.—The term ‘Undersec-
7 retary’ means the Undersecretary of Commerce for
8 Oceans and Atmosphere.

9 “(b) ESTABLISHMENT.—The Secretary, in consulta-
10 tion with the Undersecretary and Director, shall establish
11 an annual competitive grant program to award grants to
12 eligible entities for projects for the replacement, removal,
13 and repair of culverts that would meaningfully improve or
14 restore fish passage for anadromous fish.

15 “(c) ELIGIBLE ENTITIES.—An entity eligible to re-
16 ceive a grant under the program is—

17 “(1) a State (as such term is defined in section
18 401 of title 23);

19 “(2) a unit of local government;

20 “(3) an Indian Tribe;

21 “(4) a Federal agency eligible to receive funds
22 under sections 201, 203, or 204 of title 23;

23 “(5) a political subdivision of a State or unit of
24 local government;

1 “(6) a special purpose district or public author-
2 ity with a transportation function, including a port
3 authority; or

4 “(7) a multistate or multijurisdictional group of
5 entities described in paragraphs (1) through (6).

6 “(d) GRANT SELECTION PROCESS.—The Secretary,
7 in consultation with the Undersecretary and Director,
8 shall establish a process for determining criteria for
9 awarding grants under the program, subject to subsection
10 (e).

11 “(e) PRIORITIZATION.—The Secretary, in consulta-
12 tion with the Undersecretary and the Director, shall estab-
13 lish procedures to prioritize awarding grants under the
14 program to—

15 “(1) projects that would improve fish passage
16 for—

17 “(A) anadromous fish stocks listed as an
18 endangered species or a threatened species
19 under section 4 of the Endangered Species Act
20 of 1973 (16 U.S.C. 1533);

21 “(B) anadromous fish stocks identified by
22 the Undersecretary or the Director that could
23 reasonably become listed as an endangered spe-
24 cies or a threatened species under that section;

1 “(C) anadromous fish stocks identified by
2 the Undersecretary or the Director as prey for
3 endangered species, threatened species, or pro-
4 tected species, including Southern resident
5 orcas (*Orcinus orcas*); or

6 “(D) anadromous fish stocks identified by
7 the Undersecretary or the Director as climate
8 resilient stocks; and

9 “(2) projects that would open up more than
10 200 meters of upstream habitat before the end of
11 the natural habitat.

12 “(f) FEDERAL SHARE.—The Federal share of the
13 cost of a project carried out with a grant to a State or
14 a unit of local government under the program shall be not
15 more than 80 percent.

16 “(g) TECHNICAL ASSISTANCE.—The Secretary, in
17 consultation with the Undersecretary and Director, shall
18 develop a process to provide technical assistance to Indian
19 Tribes and underserved communities to assist in the
20 project design and grant process and procedures.

21 “(h) ADMINISTRATIVE EXPENSES.—Of the amounts
22 made available for each fiscal year to carry out the pro-
23 gram, the Secretary, the Undersecretary, and the Director
24 may use not more than 2 percent to pay the administrative
25 expenses necessary to carry out this section.

1 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out the program
3 \$800,000,000 for each of fiscal years 2022 through
4 2026.”.

5 (b) CLERICAL AMENDMENT.—The analysis for chap-
6 ter 805 of subtitle X of title 49, United States Code, is
7 amended by adding at the end the following new item:

“80505. National culvert removal, replacement, and restoration grant pro-
gram.”.

8 **DIVISION F—AUTO SAFETY**

9 **SEC. 10101. SAFETY WARNING FOR OCCUPANTS OF HOT** 10 **CARS.**

11 (a) OCCUPANT SAFETY.—

12 (1) IN GENERAL.—Subchapter II of chapter
13 301 of title 49, United States Code, is amended by
14 adding at the end the following new section:

15 **“§ 30129. Occupant safety**

16 “(a) DEFINITIONS.—In this section:

17 “(1) PASSENGER MOTOR VEHICLE.—The term
18 ‘passenger motor vehicle’ has the meaning given that
19 term in section 32101.

20 “(2) SECRETARY.—The term ‘Secretary’ means
21 the Secretary of Transportation.

22 “(b) RULEMAKING.—Not later than 2 years after the
23 date of enactment of this section, the Secretary shall issue
24 a final rule prescribing a motor vehicle safety standard

1 that requires all new passenger motor vehicles with a gross
2 vehicle weight rating of 10,000 pounds or less to be
3 equipped with a system that detects the presence of an
4 unattended occupant in the passenger compartment of the
5 vehicle and engages a warning to reduce death and injury
6 resulting from vehicular heatstroke, particularly incidents
7 involving children.

8 “(c) LIMITATION ON CAPABILITY OF BEING DIS-
9 ABLED.—The motor vehicle safety standard prescribed
10 under subsection (b) shall require that the system de-
11 scribed in that subsection cannot be disabled, overridden,
12 reset, or recalibrated in such a way that the system will
13 no longer detect the presence of an unattended occupant
14 in the passenger compartment of the vehicle and engage
15 a warning.

16 “(d) MEANS.—

17 “(1) IN GENERAL.—The warning required
18 under the motor vehicle safety standard prescribed
19 under subsection (b) shall include a distinct auditory
20 and visual warning to notify individuals inside and
21 outside of the vehicle of the presence of an unat-
22 tended occupant, which shall be combined with an
23 interior haptic warning.

1 “(2) CONSIDERATION.—In developing such
2 warning, the Secretary shall also consider including
3 a secondary additional warning to—

4 “(A) notify—

5 “(i) operators that are not in close
6 proximity to the vehicle;

7 “(ii) emergency responders; and

8 “(B) provide the geographical location of
9 the vehicle in a manner that allows for an emer-
10 gency response.

11 “(e) COMPLIANCE DEADLINE.—The rule issued pur-
12 suant to subsection (b) shall require full compliance with
13 the motor vehicle safety standard prescribed in the rule
14 not later than 2 years after the date on which the final
15 rule is issued.”.

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions for subchapter II of chapter 301 of title 49,
18 United States Code, is amended by adding at the
19 end the following new item:

“30129. Occupant safety.”.

20 (b) STUDY.—

21 (1) INDEPENDENT STUDY.—

22 (A) CONTRACT.—Not later than 90 days
23 after the date on which a final rule is issued
24 pursuant to section 30129(b) of title 49, United
25 States Code, as added by subsection (a)(1), and

1 every two years thereafter, the Secretary shall
2 enter into a contract with an independent third
3 party to conduct the study described under sub-
4 paragraph (B).

5 (B) STUDY.—

6 (i) IN GENERAL.—Under the contract
7 between the Secretary and an independent
8 third party under subparagraph (A), the
9 independent third party shall carry out a
10 study on retrofitting passenger motor vehi-
11 cles introduced into interstate commerce
12 before the effective date of the rule re-
13 quired pursuant to section 30129(b) of
14 title 49, United States Code, as added by
15 subsection (a)(1), with technologies and
16 products that meet the safety need ad-
17 dressed by the motor vehicle safety stand-
18 ard prescribed under such section.

19 (ii) ELEMENTS.—In carrying out the
20 study required under clause (i), the inde-
21 pendent third party shall—

22 (I) identify technologies and
23 products—

24 (aa) manufactured for use in
25 passenger motor vehicles intro-

1 duced into interstate commerce
2 before the effective date of the
3 rule required by section 30129(b)
4 of title 49, United States Code,
5 as added by subsection (a)(1);
6 and

7 (bb) that reduce death and
8 injury resulting from vehicular
9 heatstroke, particularly incidents
10 involving children; and

11 (II) make recommendations for
12 manufacturers of such technologies
13 and products to undergo a functional
14 safety performance assessment to en-
15 sure that the technologies and prod-
16 ucts perform as designed by the man-
17 ufacturer under a variety of real-world
18 conditions.

19 (2) PUBLICATION; PUBLIC COMMENT.—Not
20 later than 2 years after the date on which the Sec-
21 retary enters into a contract pursuant to paragraph
22 (1)(A), and every two years thereafter, the Secretary
23 shall—

24 (A) publish the study required under para-
25 graph (1)(B) in the Federal Register; and

1 (B) provide a period for public comment of
2 not longer than 90 days after the date on which
3 the study is published pursuant to subpara-
4 graph (A).

5 (3) CONSUMER INFORMATION.—Not later than
6 120 days after expiration of the public comment pe-
7 riod described under paragraph (2)(B) and upon re-
8 view of the public comments, the Secretary shall pro-
9 vide information for consumers through the website
10 of the National Highway Traffic Safety Administra-
11 tion on the performance of the technologies and
12 products described in paragraph (1)(B)(ii) to retrofit
13 existing vehicles.

14 (4) SUBMISSION TO CONGRESS.—Upon issuance
15 of the recommendations required under paragraph
16 (1)(B), the Secretary shall submit to the Committee
17 on Commerce, Science, and Transportation of the
18 Senate and the Committee on Energy and Com-
19 merce of the House of Representatives the study and
20 recommendations required by paragraph (1)(B), in-
21 cluding any public comment received under para-
22 graph (2)(B).

23 (5) DEFINITIONS.—In this subsection:

24 (A) CHILD RESTRAINT SYSTEM.—The
25 term “child restraint system” has the meaning

1 given that term in section 571.213 of title 49,
2 Code of Federal Regulations (or any successor
3 regulation).

4 (B) INDEPENDENT THIRD PARTY.—The
5 term “independent third party” means a person
6 that does not receive any direct financial assist-
7 ance from a manufacturer (as defined in section
8 30102 of title 49, Code of Federal Regulations
9 (or any successor regulation)) that produces or
10 supplies—

11 (i) equipment for the systems man-
12 dated in such section 30129; or

13 (ii) child restraint systems.

14 (C) PASSENGER MOTOR VEHICLE.—The
15 term “passenger motor vehicle” has the mean-
16 ing given that term in section 32101 of title 49,
17 United States Code.

18 (D) SECRETARY.—The term “Secretary”
19 means the Secretary of Transportation.

20 **SEC. 10102. RULEMAKING TO INSTALL AUTOMATIC SHUT-**
21 **OFF SYSTEMS AND ROLLAWAY PREVENTION**
22 **TECHNOLOGY IN MOTOR VEHICLES.**

23 (a) DEFINITIONS.—In this section:

24 (1) ELECTRIC VEHICLE.—The term “electric
25 vehicle”—

1 (A) means a vehicle that does not include
2 an engine and is powered solely by an external
3 source of electricity, solar power, or both;

4 (B) does not include an electric hybrid ve-
5 hicle that uses a chemical fuel such as gasoline
6 or diesel fuel.

7 (2) KEY.—The term “key” has the meaning
8 given the term in section 571.114 of title 49, Code
9 of Federal Regulations (or successor regulations).

10 (3) MANUFACTURER.—The term “manufac-
11 turer” has the meaning given the term in section
12 30102(a) of title 49, United States Code.

13 (4) MOTOR VEHICLE.—

14 (A) IN GENERAL.—The term “motor vehi-
15 cle” has the meaning given the term in section
16 30102(a) of title 49, United States Code.

17 (B) EXCLUSIONS.—The term “motor vehi-
18 cle” does not include—

19 (i) a motorcycle or trailer (as those
20 terms are defined in section 571.3 of title
21 49, Code of Federal Regulations) (or suc-
22 cessor regulations);

23 (ii) any motor vehicle that is rated at
24 more than 10,000 pounds gross vehicular
25 weight; or

1 (iii) for purposes of subsection (b), a
2 battery electric vehicle.

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

5 (b) AUTOMATIC SHUTOFF SYSTEMS FOR MOTOR VE-
6 HICLES.—

7 (1) FINAL RULE.—

8 (A) IN GENERAL.—Not later than 2 years
9 after the date of enactment of this Act, the Sec-
10 retary shall issue a final rule amending section
11 571.114 of title 49, Code of Federal Regula-
12 tions (relating to Federal Motor Vehicle Safety
13 Standard Number 114), to require manufactur-
14 ers to install in each motor vehicle equipped
15 with a keyless ignition device and an internal
16 combustion engine technology to automatically
17 shut off the motor vehicle after the motor vehi-
18 cle has idled for the period designated under
19 subparagraph (B).

20 (B) PERIOD DESCRIBED.—

21 (i) IN GENERAL.—The period referred
22 to in subparagraph (A) is the period des-
23 ignated by the Secretary as necessary to
24 prevent carbon monoxide poisoning.

1 (ii) DIFFERENT PERIODS.—The Sec-
2 retary may designate different periods
3 under clause (i) for different types of
4 motor vehicles, depending on the rate at
5 which the motor vehicle emits carbon mon-
6 oxide, if—

7 (I) the Secretary determines a
8 different period is necessary for a type
9 of motor vehicle for purposes of sec-
10 tion 30111 of title 49, United States
11 Code; and

12 (II) requiring a different period
13 for a type of motor vehicle is con-
14 sistent with the prevention of carbon
15 monoxide poisoning.

16 (2) DEADLINE.—The rule under paragraph (1)
17 shall become effective not later than 2 years after
18 the date on which the Secretary issues such rule.

19 (c) PREVENTING MOTOR VEHICLES FROM ROLLING
20 AWAY.—

21 (1) REQUIREMENT.—Not later than 2 years
22 after the date of enactment of this Act, the Sec-
23 retary shall issue a final rule amending part 571 of
24 title 49, Code of Federal Regulations, to require
25 manufacturers to install technology to prevent move-

1 ment of motor vehicles equipped with keyless igni-
2 tion devices and automatic transmissions if—

3 (A) the transmission of the motor vehicle
4 is not in the park setting;

5 (B) the motor vehicle does not exceed the
6 speed determined by the Secretary under para-
7 graph (2);

8 (C) the seat belt of the operator of the
9 motor vehicle is unbuckled;

10 (D) the service brake of the motor vehicle
11 is not engaged; and

12 (E) the door for the operator of the motor
13 vehicle is open.

14 (2) DETERMINATION.—The Secretary shall de-
15 termine the maximum speed at which a motor vehi-
16 cle may be safely locked in place under the condi-
17 tions described in subparagraphs (A), (C), (D), and
18 (E) of paragraph (1) to prevent vehicle rollaways.

19 (3) DEADLINE.—The rule under paragraph (1)
20 shall become effective not later than 2 years after
21 the date on which the Secretary issues such rule.

22 **SEC. 10103. 21ST CENTURY SMART CARS.**

23 (a) CRASH AVOIDANCE RULEMAKING.—

24 (1) IN GENERAL.—Subchapter II of chapter
25 301 of title 49, United States Code, as amended by

1 section 10101(a)(1), is further amended by adding
2 at the end the following new section:

3 **“§ 30130. Crash avoidance rulemaking**

4 “(a) IN GENERAL.—Not later than 2 years after the
5 date of enactment of this section, the Secretary shall issue
6 final rules prescribing motor vehicle safety standards
7 that—

8 “(1) establish minimum performance require-
9 ments for the crash avoidance systems described in
10 subsection (b); and

11 “(2) require all new passenger motor vehicles
12 manufactured for sale in the United States, intro-
13 duced or delivered for introduction in interstate com-
14 merce, or imported into the United States to be
15 equipped with the crash avoidance systems described
16 in subsection (b).

17 “(b) CRASH AVOIDANCE SYSTEMS.—The Secretary
18 shall issue motor vehicle safety standards for each of the
19 following crash avoidance systems—

20 “(1) forward collision warning and automatic
21 emergency braking that detects potential collisions
22 with vehicles, objects, pedestrians, bicyclists, and
23 other vulnerable road users while the vehicle is trav-
24 eling forward, provides a warning to the driver, and

1 automatically applies the brakes to avoid or mitigate
2 the severity of a collision;

3 “(2) rear automatic emergency braking that de-
4 tects a potential collision with vehicles, objects, pe-
5 destrians, bicyclists, and other vulnerable roads user
6 while a vehicle is traveling in reverse and automati-
7 cally applies the brakes to avoid or mitigate the se-
8 verity of a collision;

9 “(3) rear cross traffic warning that detects ve-
10 hicles, objects, pedestrians, bicyclists, and other vul-
11 nerable road users approaching from the side and
12 rear of a vehicle as it travels in reverse and alerts
13 the driver;

14 “(4) lane departure warning that monitors a ve-
15 hicle’s position in its lane and alerts the driver as
16 the vehicle approaches or crosses lane markers; and

17 “(5) blind spot warning that detects a vehicle,
18 pedestrian, bicyclist , and other vulnerable road user
19 to the side or rear of a vehicle and alerts the driver
20 to their presence, including when a driver attempts
21 to change the course of travel toward another vehicle
22 or road user in the blind zone of the vehicle.

23 “(c) CONSIDERATIONS.—In prescribing the motor ve-
24 hicle safety standards required in subsection (a), the Sec-
25 retary shall require that the crash avoidance systems—

1 “(1) perform effectively at speeds for which a
2 passenger motor vehicle is designed to operate, in-
3 cluding on city streets and highways; and

4 “(2) include self-diagnostic capability and warn-
5 ing when inoperable.

6 “(d) COMPLIANCE DATE.—The compliance date of
7 the standards prescribed under subsection (a) shall not ex-
8 ceed more than 2 years from the date final rules are
9 issued.

10 “(e) RULEMAKING ON POINT OF SALE INFORMA-
11 TION.—Not later than 18 months after the date of enact-
12 ment of this section, the Secretary shall issue a final rule
13 to require clear and concise information about the capa-
14 bilities and limitations of advanced crash avoidance sys-
15 tems described in subsection (b) to be provided to a con-
16 sumer at the point of sale and in the vehicle owner’s man-
17 ual, including a publicly accessible electronic owner’s man-
18 ual.

19 “(f) HEADLAMPS.—

20 “(1) FINAL RULE.—Not later than 2 years
21 after the date of enactment of this section, the Sec-
22 retary shall issue a final rule amending section
23 571.108 of title 49, Code of Federal Regulations
24 to—

25 “(A) improve illumination of the roadway;

1 “(B) prevent glare;

2 “(C) establish minimum performance
3 standards for—

4 “(i) semi-automatic headlamp beam
5 switching;

6 “(ii) curve adaptive headlamps; and

7 “(iii) adaptive driving beam headlamp
8 technology.

9 “(2) COMPLIANCE DATE.—The compliance date
10 of the revised standard prescribed under paragraph
11 (1) shall not exceed more than 2 years from the ef-
12 fective date.

13 “(3) FINAL RULEMAKING REQUIRED.—Not
14 later than 1 year after the date of enactment of this
15 section, the Secretary shall finalize the Rulemaking
16 (83 Fed. Reg. 51766) to permit the certification of
17 adaptive driving beam headlighting systems.

18 “(g) DEFINITIONS.—In this section:

19 “(1) CRASH AVOIDANCE.—The term ‘crash
20 avoidance’ has the meaning given to that term in
21 section 32301.

22 “(2) PASSENGER MOTOR VEHICLE.—The term
23 ‘passenger motor vehicle’ has the meaning given to
24 that term in section 32101.”.

1 (2) CONFORMING AMENDMENT.—The table of
2 sections for subchapter II of chapter 301 of title 49,
3 United States Code, as amended by section
4 10101(a)(2), is further amended by adding at the
5 end the following new item:

“30130. Crash avoidance rulemaking.”.

6 (b) RESEARCH OF ADVANCED CRASH SYSTEMS.—

7 (1) IN GENERAL.—Subchapter II of chapter
8 301 of title 49, United States Code, as amended by
9 section 10101(a)(1) and subsection (a)(1), is further
10 amended by adding at the end the following new sec-
11 tion:

12 **“§ 30131. Advanced crash systems research and con-**
13 **sumer education**

14 “(a) ADVANCED CRASH SYSTEMS RESEARCH.—

15 “(1) RESEARCH REQUIRED.—Not later than 2
16 years after the date of enactment of this section, the
17 Secretary shall complete research into the following:

18 “(A) Direct driver monitoring systems that
19 will minimize driver disengagement, driver dis-
20 traction, prevent automation complacency, and
21 foreseeable misuse of vehicle automation.

22 “(B) Lane keeping assistance that assists
23 with steering to keep a vehicle within its driving
24 lane.

1 “(C) Automatic collision notification sys-
2 tems that—

3 “(i) notify emergency responders that
4 a crash has occurred and provide the geo-
5 graphical location of the vehicle and crash
6 data in a manner that allows for assess-
7 ment of potential injuries and emergency
8 response; and

9 “(ii) transfer to the Secretary
10 anonymized automatic crash data for the
11 purposes of safety research and statistical
12 analysis.

13 “(D) Intelligent Speed Assist that—

14 “(i) determines the applicable speed
15 limit where the vehicle is operating; and

16 “(ii) alerts the driver to the current
17 speed limit and discourages exceeding that
18 limit.

19 “(2) REQUIREMENTS.—In conducting the re-
20 search required under subsection (a), the Secretary
21 shall—

22 “(A) develop one or more tests to evaluate
23 the performance of the systems;

1 “(B) determine criteria that would be rea-
2 sonable and practicable at evaluating the per-
3 formance of the systems; and

4 “(C) determine fail, pass, or advanced pass
5 criteria to assure the systems are performing
6 their intended function.

7 “(3) REPORT.—The Secretary shall submit a
8 report detailing findings from the research required
9 under subsection (a) to the House Energy and Com-
10 merce Committee and the Senate Commerce,
11 Science, and Transportation Committee not later
12 than 3 years after the date of enactment of this Act.

13 “(4) RULEMAKING.—Not later than 4 years
14 after the date of enactment of this section, the Sec-
15 retary shall issue final rules to establish motor vehi-
16 cle safety standards for the advanced crash systems
17 described in this subsection and to require all new
18 passenger motor vehicles manufactured for sale in
19 the United States, introduced or delivered for intro-
20 duction in interstate commerce, or imported into the
21 United States produced after the compliance date of
22 such standards to be equipped with advanced crash
23 avoidance systems described in this subsection.

24 “(5) LEAD-TIME.—The compliance date of the
25 standards prescribed under this section shall not ex-

1 ceed more than 2 model years from the date a motor
2 vehicle safety standard is finalized.

3 “(6) CRASH DATA.—If the Secretary makes a
4 determination that establishing a motor vehicle safe-
5 ty standard described in paragraph (1)(C)(ii) does
6 not meet the requirements and considerations set
7 forth in subsections (a) and (b) of section 30111 of
8 title 49, United States Code, the Secretary—

9 “(A) shall submit a report describing the
10 reasons for reaching such a determination to
11 the Committee on Energy and Commerce of the
12 House of Representatives and the Committee
13 on Commerce, Science, and Transportation in
14 the Senate; and

15 “(B) may not issue such a standard.

16 “(b) DEFINITIONS.—In this section:

17 “(1) CRASH AVOIDANCE.—The term ‘crash
18 avoidance’ has the meaning given to that term in
19 section 32301.

20 “(2) PASSENGER MOTOR VEHICLE.—The term
21 ‘passenger motor vehicle’ has the meaning given to
22 that term in section 32101.”.

23 “(2) CONFORMING AMENDMENT.—The table of
24 sections for subchapter II of chapter 301 of title 49,
25 United States Code, as amended by section

1 including the development of test procedures, test
2 devices, and safety performance criteria;

3 “(B) key milestones, including the antici-
4 pated start of an action, completion of an ac-
5 tion, and effective date of an update; and

6 “(C) descriptions of how an update will im-
7 prove the passenger motor vehicle information
8 developed under subsection (a).

9 “(3) REQUIREMENTS.—In developing and im-
10 plementing the report required under paragraph (1),
11 the Secretary shall—

12 “(A) identify and prioritize features and
13 systems that meet a known safety need and for
14 which objective and appropriate tests and eval-
15 uation criteria exist or can be developed;

16 “(B) when reasonable and in the interest
17 of reducing crashes and deaths and injuries re-
18 sulting from crashes, harmonize the passenger
19 motor vehicle information developed under sub-
20 section (a) with other safety information pro-
21 grams, including those administered inter-
22 nationally or by private organizations, that pro-
23 vide comparisons of safety characteristics of
24 passenger motor vehicles; and

1 “(C) establish objective criteria for the se-
2 lection of safety features and systems to be
3 tested.

4 “(4) PUBLIC COMMENT.—The Secretary shall
5 provide for a period of public comment and review
6 in developing the report required under paragraph
7 (1).

8 “(e) INITIAL UPDATES TO THE 5-STAR SAFETY RAT-
9 ING SYSTEM.—

10 “(1) CRASH AVOIDANCE.—Not later than 1
11 year after the date of the enactment of this sub-
12 section, the Secretary shall implement, in the pas-
13 senger motor vehicle information program under
14 subsection (a), updated or new, as applicable, crash
15 avoidance tests, which shall include tests of forward
16 automatic emergency braking, lane departure warn-
17 ing, blind spot warning, rear cross traffic warning,
18 and rear automatic emergency braking.

19 “(2) VULNERABLE ROAD USER SAFETY.—Not
20 later than 1 year after the date of the enactment of
21 this subsection, the Secretary shall implement, in the
22 passenger motor vehicle information program under
23 subsection (a), crash avoidance tests that assess the
24 prevention or mitigation of crashes between a pas-
25 senger motor vehicle and a pedestrian, bicyclist, or

1 other vulnerable road user, which shall include tests
2 of forward automatic emergency braking and rear
3 automatic emergency braking.

4 “(3) NEW AND UPDATED 5-STAR SAFETY RAT-
5 INGS.—Not later than 1 year after the date of the
6 enactment of this subsection, the Secretary shall—

7 “(A) establish separate 5-star safety rat-
8 ings for—

9 “(i) crash avoidance, which shall in-
10 corporate the tests implemented under
11 paragraph (1); and

12 “(ii) pedestrian, bicyclist, and other
13 vulnerable road user safety, which shall in-
14 corporate the tests implemented under
15 paragraph (2); and

16 “(B) update the combined overall 5-star
17 safety rating to incorporate the 5-star safety
18 ratings established under subparagraph (A).

19 “(f) ADVANCED UPDATES TO THE 5-STAR SAFETY
20 RATING SYSTEM.—

21 “(1) CRASHWORTHINESS.—

22 “(A) TEST PROCEDURES, CONDITIONS,
23 AND DEVICES; INJURY CRITERIA.—Not later
24 than 2 years after the date of the enactment of
25 this subsection, the Secretary shall prescribe a

1 final rule amending part 572 of title 49, Code
2 of Federal Regulations, to incorporate into the
3 passenger motor vehicle information program
4 under subsection (a)—

5 “(i) updated and new test procedures,
6 test conditions, and anthropomorphic test
7 devices that reasonably represent motor ve-
8 hicle occupants and pedestrians, bicyclists,
9 and other vulnerable road users, including
10 such occupants and users who are children,
11 elderly individuals, adult males, and adult
12 females; and

13 “(ii) new or refined injury criteria, in-
14 cluding head, neck, chest, abdomen, pelvis,
15 upper leg, and lower leg injury criteria,
16 based on real-world injuries and the great-
17 est potential to increase the safety of pas-
18 senger motor vehicles.

19 “(B) TESTS.—Not later than 3 years after
20 the date of the enactment of this subsection,
21 the Secretary shall, with respect to the pas-
22 senger motor vehicle information program
23 under subsection (a)—

24 “(i) update existing crashworthiness
25 tests, including to account for adult male,

1 adult female, and elderly occupants in all
2 designated seating positions; and

3 “(ii) implement new crashworthiness
4 tests for—

5 “(I) occupants, including chil-
6 dren, elderly occupants, adult males,
7 and adult females, in all rear des-
8 ignated seating positions;

9 “(II) crashes between a pas-
10 senger motor vehicle and a pedestrian,
11 bicyclist, or other vulnerable road
12 user, including the potential risks of
13 injuries to the head, neck, chest, ab-
14 domen, pelvis, upper leg, and lower
15 leg; and

16 “(III) seats, the attachment as-
17 semblies of seats, and the installation
18 of seats.

19 “(2) POST-CRASH SAFETY AND ADVANCED
20 CRASH AVOIDANCE SYSTEMS.—

21 “(A) RESEARCH.—Not later than 2 years
22 after the date of the enactment of this sub-
23 section, the Secretary shall complete research
24 into the development of tests for—

1 “(i) post-crash safety systems, includ-
2 ing tests for automatic collision notifica-
3 tion; and

4 “(ii) advanced crash avoidance sys-
5 tems, including tests for—

6 “(I) lane keeping assistance;

7 “(II) traffic jam assist;

8 “(III) driver monitoring and
9 driver distraction prevention, includ-
10 ing tests for maintaining driver en-
11 gagement and mitigating distraction
12 from in-vehicle electronic devices;

13 “(IV) intelligent speed assistance;

14 and

15 “(V) blind spot intervention.

16 “(B) IMPLEMENTATION.—After completion
17 of the research required under subparagraph
18 (A), and not later than 3 years after the date
19 of the enactment of this subsection, the Sec-
20 retary shall implement tests for post-crash safe-
21 ty systems and advanced crash avoidance sys-
22 tems, including (at a minimum) tests for the
23 specific capabilities described in clause (i) of
24 such subparagraph and subclauses (I) through
25 (V) of clause (ii) of such subparagraph, unless

1 the Secretary determines that doing so will not
2 improve the passenger motor vehicle informa-
3 tion developed under subsection (a).

4 “(C) EXPLANATION OF DETERMINA-
5 TION.—If the Secretary does not implement
6 tests for a specific capability described in clause
7 (i) of subparagraph (A) or any of subclauses (I)
8 through (V) of clause (ii) of such subparagraph,
9 the Secretary shall describe in the next report
10 required under subsection (d)—

11 “(i) the reasons for the determination
12 of the Secretary under subparagraph (B)
13 with respect to such capability; and

14 “(ii) if such capability is included in
15 another safety information program, in-
16 cluding such a program administered by an
17 international or private organization, why
18 the tests, or substantially similar tests,
19 from such other program were not adopt-
20 ed.

21 “(3) NEW AND UPDATED 5-STAR SAFETY RAT-
22 INGS.—Not later than 3 years after the date of the
23 enactment of this subsection, the Secretary shall—

24 “(A) establish separate 5-star safety rat-
25 ings for—

1 “(i) crashworthiness for adults;

2 “(ii) crashworthiness for elderly occu-
3 pants; and

4 “(iii) crashworthiness for children;

5 “(B) update the crash avoidance 5-star
6 safety rating to incorporate the post-crash safe-
7 ty and advanced crash avoidance tests imple-
8 mented under paragraph (2)(B); and

9 “(C) update the combined overall 5-star
10 safety rating to incorporate the 5-star safety
11 ratings established under subparagraph (A) and
12 the 5-star safety rating updated under subpara-
13 graph (B).

14 “(g) ADVANCED DRUNK DRIVING PREVENTION
15 TECHNOLOGY.—

16 “(1) RESEARCH.—Not later than 2 years after
17 the date of the enactment of this subsection, the
18 Secretary shall complete research into the develop-
19 ment of tests for advanced drunk driving prevention
20 technology.

21 “(2) IMPLEMENTATION.—After completion of
22 the research required under paragraph (1), and not
23 later than 4 years after the date of the enactment
24 of this subsection, the Secretary shall implement
25 tests for advanced drunk driving prevention tech-

1 nology, unless the Secretary determines that doing
2 so will not improve the passenger motor vehicle in-
3 formation developed under subsection (a).

4 “(3) EXPLANATION OF DETERMINATION.—If
5 the Secretary does not implement tests for advanced
6 drunk driving prevention technology, the Secretary
7 shall describe in the next report required under sub-
8 section (d)—

9 “(A) the reasons for the determination of
10 the Secretary under paragraph (2); and

11 “(B) if advanced drunk driving prevention
12 technology is included in another safety infor-
13 mation program, including such a program ad-
14 ministered by an international or private orga-
15 nization, the Secretary shall detail why the
16 tests, or substantially similar tests, from such
17 other program were not adopted.

18 “(4) UPDATED 5-STAR SAFETY RATINGS.—Not
19 later than 4 years after the date of the enactment
20 of this subsection, the Secretary shall—

21 “(A) update the crash avoidance 5-star
22 safety rating to incorporate any tests for ad-
23 vanced drunk driving prevention technology im-
24 plemented under paragraph (2); and

1 “(B) update the combined overall 5-star
2 safety rating to incorporate any updates to the
3 crash avoidance 5-star safety rating under sub-
4 paragraph (A).

5 “(h) UPDATING THE MONRONEY LABEL.—

6 “(1) IN GENERAL.—Not later than 4 years
7 after the date of the enactment of this subsection,
8 the Secretary shall prescribe a final rule revising
9 part 575 of title 49, Code of Federal Regulations, to
10 update the safety rating information required to be
11 displayed on stickers placed on motor vehicles by
12 their manufacturers (commonly referred to as
13 ‘Monroney Labels’).

14 “(2) REQUIREMENTS.—In carrying out para-
15 graph (1), the Secretary shall require that crash
16 avoidance information is indicated next to crash-
17 worthiness information on the stickers described in
18 such paragraph.

19 “(i) SAFETY RATINGS.—

20 “(1) IN GENERAL.—The 5-star safety ratings
21 shall—

22 “(A) provide consumers with easy-to-un-
23 derstand information about passenger motor ve-
24 hicle safety;

1 “(B) provide meaningful comparative in-
2 formation about the safety of passenger motor
3 vehicles; and

4 “(C) provide incentives for the design of
5 safer passenger motor vehicles.

6 “(2) STANDARD SYSTEMS OR FEATURES.—A
7 vehicle model shall only achieve the highest safety
8 rating under the passenger motor vehicle informa-
9 tion program under subsection (a) if each system or
10 feature that is subject to a test under such program
11 is standard for the model.

12 “(3) PUBLIC AVAILABILITY.—Not later than 30
13 days after providing the safety ratings under the
14 passenger motor vehicle information program under
15 subsection (a) for a passenger motor vehicle to the
16 manufacturer of the vehicle, the Secretary shall pub-
17 lish such safety ratings on a website that is publicly
18 available and easily accessible (including on mobile
19 devices).

20 “(j) CONTINUOUS UPDATES.—

21 “(1) IN GENERAL.—Not later than 6 years
22 after the date of the enactment of this subsection,
23 and every 2 years thereafter, the Secretary shall—

24 “(A) update the passenger motor vehicle
25 information program under subsection (a) to

1 expand consumer access to information about
2 passenger motor vehicle safety in accordance
3 with the roadmap required under subsection
4 (d); and

5 “(B) update each test or 5-star safety rat-
6 ing implemented under this section, unless the
7 Secretary determines that updating the test or
8 5-star safety rating will not improve the pas-
9 senger motor vehicle information developed
10 under subsection (a).

11 “(2) REPLACING AND ELIMINATING TESTS AND
12 5-STAR SAFETY RATINGS.—

13 “(A) IN GENERAL.—If the Secretary deter-
14 mines that a test or 5-star safety rating imple-
15 mented under this section no longer improves
16 the passenger motor vehicle information devel-
17 oped under subsection (a), the Secretary shall—

18 “(i) replace such test or 5-star safety
19 rating; or

20 “(ii) if the Secretary determines that
21 a replacement of such test or 5-star safety
22 rating will not improve the passenger
23 motor vehicle information developed under
24 subsection (a), eliminate such test or 5-
25 star safety rating.

1 “(B) EXPLANATION OF DETERMINA-
2 TION.—If the Secretary eliminates a test or 5-
3 star safety rating under subparagraph (A)(ii),
4 the Secretary shall provide an explanation for
5 the determination of the Secretary under such
6 subparagraph in the next report required under
7 subsection (d).

8 “(k) REPORT ON FAILURE TO MEET DEADLINE.—
9 If the Secretary fails to meet a deadline under this section,
10 the Secretary shall, not later than 30 days after the dead-
11 line, submit to the Committee on Energy and Commerce
12 of the House of Representatives and the Committee on
13 Commerce, Science, and Transportation of the Senate a
14 report containing—

15 “(1) an explanation of why the Secretary failed
16 to meet the deadline; and

17 “(2) a detailed plan and projected timeline for
18 completing the requirement to which the deadline re-
19 lates.

20 “(l) DEFINITIONS.—In this section:

21 “(1) 5-STAR SAFETY RATING.—The term ‘5-star
22 safety rating’ means a graphical depiction of a rat-
23 ing assigned under the passenger motor vehicle in-
24 formation program under subsection (a).

1 “(2) CRASHWORTHINESS.—The term ‘crash-
2 worthiness’ has the meaning given such term in sec-
3 tion 32301, except that such term also includes the
4 protection a passenger motor vehicle gives pedes-
5 trians, bicyclists, and other vulnerable road users
6 against personal injury or death from a motor vehi-
7 cle accident.”.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to the Secretary of Trans-
10 portation \$75,000,000 for each of fiscal years 2022
11 through 2027 to carry out the amendments made by this
12 section.

13 **SEC. 10105. ADVANCED DRUNK DRIVING PREVENTION**
14 **TECHNOLOGY.**

15 (a) REQUIREMENTS.—

16 (1) MOTOR VEHICLE SAFETY STANDARD.—Not
17 later than 18 months after the date of enactment of
18 this Act, the Secretary of Transportation shall issue
19 a notice of proposed rulemaking to prescribe a motor
20 vehicle safety standard under section 30111 of title
21 49, United States Code, that requires passenger
22 motor vehicles manufactured after the effective date
23 of such standard to be equipped with advanced
24 drunk driving prevention technology. Not later than
25 three years after the date of enactment of this Act,

1 the Secretary shall prescribe a final rule containing
2 the motor vehicle safety standard required under
3 this subsection. The final rule shall specify an effective
4 date that provides at least two years, but no
5 more than three years, to allow for manufacturing
6 compliance.

7 (2) TIMING.—If the Secretary determines that
8 a new motor vehicle safety standard required under
9 this subsection cannot meet the requirements and
10 considerations set forth in subsections (a) and (b) of
11 section 30111 of title 49, United States Code, within
12 the 3-year period required under paragraph (1), the
13 Secretary shall—

14 (A) submit a report to the Committee on
15 Energy and Commerce of the House of Rep-
16 resentatives and the Committee on Commerce,
17 Science, and Transportation of the Senate de-
18 scribing the reasons for not prescribing such a
19 standard within such 3-year period;

20 (B) not later than one year after the sub-
21 mission of the report under subparagraph (A),
22 prescribe the final rule required by paragraph
23 (1);

24 (C) if the Secretary cannot meet the re-
25 quirements and considerations set forth in sub-

1 sections (a) and (b) of section 30111 of title 49,
2 United States Code, within the additional 1-
3 year period described in subparagraph (B), or
4 any subsequent 1-year period, submit a addi-
5 tional reports after each additional 1-year pe-
6 riod to the committees described in subpara-
7 graph (A) describing the reasons for not pre-
8 scribing such a standard within such additional
9 period; and

10 (D) not later than six years after the date
11 of enactment of this Act, prescribe a final
12 motor vehicle safety, as required under para-
13 graph (1).

14 (b) DEVELOPMENT.—The Secretary shall work di-
15 rectly with manufacturers of passenger motor vehicles,
16 suppliers, safety advocates, and other interested parties,
17 including universities with expertise in automotive engi-
18 neering, to—

19 (1) accelerate the development of the advanced
20 drunk driving prevention technology required to pre-
21 scribe a motor vehicle safety standard described in
22 subsection (a); and

23 (2) ensure the integration of such technology
24 into passenger motor vehicles available for sale at
25 the earliest practicable date.

1 (c) DEFINITIONS.—In this section:

2 (1) ADVANCED DRUNK DRIVING PREVENTION
3 TECHNOLOGY.—the term “advanced drunk driving
4 prevention technology” means—

5 (A)(i) a passive system that monitors a
6 driver’s performance to identify whether that
7 driver may be impaired;

8 (ii) a system that can passively and accu-
9 rately detect whether the blood alcohol con-
10 centration of a driver of a motor vehicle is
11 equal to or greater than .08 blood alcohol con-
12 tent; or

13 (iii) a similar system that detects impair-
14 ment of a driver, including a combination of
15 systems described in paragraphs (A) and (B);
16 and

17 (B) a system that prevents or limits vehicle
18 operation if such system determines the driver
19 may be intoxicated or otherwise impaired.

20 (2) MOTOR VEHICLE SAFETY STANDARD.—The
21 term “motor vehicle safety standard” has the mean-
22 ing given such term in section 30102 of title 49,
23 United States Code.

24 (3) PASSENGER MOTOR VEHICLE.—The term
25 “passenger motor vehicle” has the meaning given

1 such term in section 32101 of title 49, United
2 States Code.

3 **SEC. 10106. LIMOUSINE COMPLIANCE WITH FEDERAL SAFE-**
4 **TY STANDARDS.**

5 (a) LIMOUSINE STANDARDS.—

6 (1) SAFETY BELT AND SEATING SYSTEM
7 STANDARDS FOR LIMOUSINES.—Not later than 2
8 years after the date of the enactment of this Act, the
9 Secretary shall prescribe a final rule—

10 (A) that amends Federal Motor Vehicle
11 Safety Standard Numbers 208, 209, and 210 to
12 require to be installed in limousines at each
13 designated seating position, including on side-
14 facing seats—

15 (i) an occupant restraint system con-
16 sisting of integrated lap shoulder belts; or

17 (ii) an occupant restraint system con-
18 sisting of a lap belt if the occupant re-
19 straint system described in clause (i) does
20 not meet the need for motor vehicle safety;
21 and

22 (B) that amends Federal Motor Vehicle
23 Safety Standard Number 207 to require lim-
24 ousines to meet standards for seats (including
25 side-facing seats), seat attachment assemblies,

1 and seat installation to minimize the possibility
2 of their failure by forces acting on them as a
3 result of vehicle impact.

4 (2) REPORT ON RETROFIT ASSESSMENT FOR
5 LIMOUSINES.—Not later than 2 years after the date
6 of the enactment of this Act, the Secretary shall
7 submit to the Committee on Energy and Commerce
8 of the House of Representatives and the Committee
9 on Commerce, Science, and Transportation of the
10 Senate a report that assesses the feasibility, bene-
11 fits, and costs with respect to the application of any
12 requirement established under paragraph (1) to a
13 limousine introduced into interstate commerce before
14 the date on which the requirement takes effect.

15 (b) SAFETY REGULATION OF LIMOUSINES.—

16 (1) IN GENERAL.—Section 30102(a)(6) of title
17 49, United States Code, is amended—

18 (A) in subparagraph (A), by striking “or”
19 at the end;

20 (B) in subparagraph (B), by striking the
21 period and inserting “; or”; and

22 (C) by adding at the end the following:

23 “(C) modifying a passenger motor vehicle
24 (as such term is defined in section 32101) that
25 has already been purchased by the first pur-

1 chaser (as such term is defined in subsection
2 (b)) by increasing the wheelbase of the vehicle
3 so that the vehicle has increased seating capac-
4 ity.”.

5 (2) EFFECTIVE DATE.—The amendments made
6 by paragraph (1) shall apply beginning on the date
7 that is 1 year after the date of the enactment of this
8 Act.

9 (c) LIMOUSINE COMPLIANCE WITH FEDERAL SAFE-
10 TY STANDARDS.—

11 (1) IN GENERAL.—Subchapter II of chapter
12 301 of title 49, United States Code, as amended by
13 sections 10101(a)(1), 10103 (a)(1), and
14 10103(b)(1), is further amended by adding at the
15 end the following new section:

16 **“§ 30132. Limousine compliance with Federal safety**
17 **standards**

18 “(a) REQUIREMENT.—Beginning on the date that is
19 1 year after the date of the enactment of this section, a
20 limousine remodeler may not offer for sale, lease, or rent,
21 introduce or deliver for introduction into interstate com-
22 merce, or import into the United States a new limousine
23 unless the limousine remodeler has submitted to the Sec-
24 retary a vehicle remodeler plan (or an updated vehicle re-
25 modeler plan required by subsection (b), as applicable)

1 that describes how the remodeler is mitigating risks to
2 motor vehicle safety posed by the limousines of the remod-
3 eler. A vehicle remodeler plan shall include the following:

4 “(1) Verification and validation of compliance
5 with applicable motor vehicle safety standards.

6 “(2) Design, quality control, manufacturing,
7 and training practices adopted by the limousine re-
8 modeler.

9 “(3) Customer support guidelines, including in-
10 structions for limousine occupants to wear seatbelts
11 and limousine operators to notify occupants of the
12 date and results of the most recent inspection of the
13 limousine.

14 “(b) UPDATES.—Each limousine remodeler shall sub-
15 mit an updated vehicle remodeler plan to the Secretary
16 each year.

17 “(c) PUBLICLY AVAILABLE.—The Secretary shall
18 make any vehicle remodeler plan submitted under sub-
19 section (a) or (b) publicly available not later than 60 days
20 after the date on which the plan is received, except the
21 Secretary may not make publicly available any information
22 relating to a trade secret or other confidential business
23 information (as such terms are defined in section 512.3
24 of title 49, Code of Federal Regulations (or any successor
25 regulation)).

1 “(d) REVIEW.—The Secretary may inspect any vehi-
2 cle remodeler plan submitted by a limousine remodeler
3 under subsection (a) or (b) to enable the Secretary to de-
4 termine whether the limousine remodeler has complied, or
5 is complying, with this chapter or a regulation prescribed
6 or order issued pursuant to this chapter.

7 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion may be construed to affect discovery, a subpoena or
9 other court order, or any other judicial process otherwise
10 allowed under applicable Federal or State law.

11 “(f) DEFINITIONS.—In this section:

12 “(1) CERTIFIED PASSENGER MOTOR VEHI-
13 CLE.—The term ‘certified passenger motor vehicle’
14 means a passenger motor vehicle that has been cer-
15 tified in accordance with section 30115 to meet all
16 applicable motor vehicle safety standards.

17 “(2) INCOMPLETE VEHICLE.—The term ‘incom-
18 plete vehicle’ has the meaning given such term in
19 section 567.3 of title 49, Code of Federal Regula-
20 tions (or any successor regulation).

21 “(3) LIMOUSINE.—The term ‘limousine’ means
22 a motor vehicle—

23 “(A) that has a seating capacity of 9 or
24 more persons (including the driver);

1 “(B) with a gross vehicle weight rating
2 greater than 10,000 pounds but not greater
3 than 26,000 pounds; and

4 “(C) that the Secretary has determined by
5 regulation has physical characteristics resem-
6 bling—

7 “(i) a passenger car;

8 “(ii) a multipurpose passenger vehicle;

9 or

10 “(iii) a truck with a gross vehicle
11 weight rating of 10,000 pounds or less.

12 “(4) LIMOUSINE OPERATOR.—The term ‘lim-
13 ousine operator’ means a person who owns or leases,
14 and uses, a limousine to transport passengers for
15 compensation.

16 “(5) LIMOUSINE REMODELER.—The term ‘lim-
17 ousine remodeler’ means a person who alters or
18 modifies by addition, substitution, or removal of
19 components (other than readily attachable compo-
20 nents) an incomplete vehicle, a vehicle manufactured
21 in two or more stages, or a certified passenger motor
22 vehicle before or after the first purchase of the vehi-
23 cle to manufacture a limousine.

24 “(6) MULTIPURPOSE PASSENGER VEHICLE.—
25 The term ‘multipurpose passenger vehicle’ has the

1 meaning given such term in section 571.3 of title 49,
2 Code of Federal Regulations (or any successor regu-
3 lation).

4 “(7) PASSENGER CAR.—The term ‘passenger
5 car’ has the meaning given such term in section
6 571.3 of title 49, Code of Federal Regulations (or
7 any successor regulation).

8 “(8) PASSENGER MOTOR VEHICLE.—The term
9 ‘passenger motor vehicle’ has the meaning given
10 such term in section 32101.

11 “(9) TRUCK.—The term ‘truck’ has the mean-
12 ing given such term in section 571.3 of title 49,
13 Code of Federal Regulations (or any successor regu-
14 lation).”.

15 (2) ENFORCEMENT.—Section 30165(a)(1) of
16 title 49, United States Code, is amended by insert-
17 ing “30132,” after “30127,”.

18 (3) CLERICAL AMENDMENT.—The table of sec-
19 tions for subchapter II of chapter 301 of title 49,
20 United States Code, as amended by sections
21 10101(a)(2), 10103(a)(2), and 10103(b)(2), is fur-
22 ther amended by adding at the end the following
23 new item:

“30132. Limousine compliance with Federal safety standards.”.

24 (d) LIMOUSINE CRASHWORTHINESS.—

1 (1) RESEARCH.—Not later than 4 years after
2 the date of the enactment of this Act, the Secretary
3 shall complete research into the development of
4 motor vehicle safety standards for side impact pro-
5 tection, roof crush resistance, and air bag systems
6 for the protection of occupants for limousines with
7 alternative seating positions, including perimeter
8 seating arrangements.

9 (2) RULEMAKING OR REPORT.—

10 (A) CRASHWORTHINESS STANDARDS.—

11 (i) IN GENERAL.—Not later than 2
12 years after the completion of the research
13 required under paragraph (1), except as
14 provided in clause (ii), the Secretary shall
15 prescribe a final motor vehicle safety
16 standard, for the protection of occupants
17 in limousines with alternative seating posi-
18 tions, for each of the following:

19 (I) Side impact protection.

20 (II) Roof crush resistance.

21 (III) Air bag systems.

22 (ii) REQUIREMENTS AND CONSIDER-
23 ATIONS.—The Secretary may only pre-
24 scribe a motor vehicle safety standard de-
25 scribed in clause (i) if the Secretary deter-

1 mines that such standard meets the re-
2 quirements and considerations set forth in
3 subsections (a) and (b) of section 30111 of
4 title 49, United States Code.

5 (B) REPORT.—If the Secretary determines
6 that a standard described in subparagraph
7 (A)(i) does not meet the requirements and con-
8 siderations set forth in subsections (a) and (b)
9 of section 30111 of title 49, United States
10 Code, the Secretary shall publish in the Federal
11 Register and submit to the Committee on En-
12 ergy and Commerce of the House of Represent-
13 atives and the Committee on Commerce,
14 Science, and Transportation of the Senate a re-
15 port describing the reasons for not prescribing
16 such standard.

17 (e) LIMOUSINE EVACUATION.—

18 (1) RESEARCH.—Not later than 2 years after
19 the date of the enactment of this Act, the Secretary
20 shall complete research into safety features and
21 standards that aid evacuation in the event that one
22 exit in the passenger compartment of a limousine is
23 blocked.

24 (2) STANDARDS.—Not later than 3 years after
25 the date of the enactment of this Act, the Secretary

1 shall prescribe a final motor vehicle safety standard
2 based on the results of the research under para-
3 graph (1).

4 (f) LIMOUSINE INSPECTION DISCLOSURE.—

5 (1) IN GENERAL.—A limousine operator may
6 not introduce a limousine into interstate commerce
7 unless the limousine operator has prominently dis-
8 closed in a clear and conspicuous notice, including
9 on the website of the operator if the operator has a
10 website, the following:

11 (A) The date of the most recent inspection
12 of the limousine required under State or Fed-
13 eral law.

14 (B) The results of the inspection.

15 (C) Any corrective action taken by the lim-
16 ousine operator to ensure the limousine passed
17 inspection.

18 (2) FEDERAL TRADE COMMISSION ENFORCE-
19 MENT.—The Federal Trade Commission shall en-
20 force this subsection in the same manner, by the
21 same means, and with the same jurisdiction, powers,
22 and duties as though all applicable terms and provi-
23 sions of the Federal Trade Commission Act (15
24 U.S.C. 41 et seq.) were incorporated into and made
25 a part of this subsection. Any person who violates

1 this subsection shall be subject to the penalties and
2 entitled to the privileges and immunities provided in
3 the Federal Trade Commission Act (15 U.S.C. 41 et
4 seq.).

5 (3) SAVINGS PROVISION.—Nothing in this sub-
6 section shall be construed to limit the authority of
7 the Federal Trade Commission under any other pro-
8 vision of law.

9 (4) EFFECTIVE DATE.—This subsection shall
10 take effect 180 days after the date of the enactment
11 of this Act.

12 (g) EVENT DATA RECORDERS FOR LIMOUSINES.—

13 (1) IN GENERAL.—Not later than 2 years after
14 the date of the enactment of this Act, the Secretary
15 shall prescribe a final motor vehicle safety standard
16 requiring the use of event data recorders for lim-
17 ousines.

18 (2) PRIVACY PROTECTIONS.—Any standard pre-
19 scribed under paragraph (1) pertaining to event data
20 recorder information shall be consistent with the col-
21 lection and sharing requirements under the FAST
22 Act (Public Law 114–94) and any other applicable
23 law.

24 (h) DEFINITIONS.—In this section:

1 (1) EVENT DATA RECORDER.—The term “event
2 data recorder” has the meaning given such term in
3 section 563.5 of title 49, Code of Federal Regula-
4 tions (or any successor regulation).

5 (2) LIMOUSINE.—The term “limousine” has the
6 meaning given such term in section 30132 of title
7 49, United States Code, as added by this section.

8 (3) LIMOUSINE OPERATOR.—The term “lim-
9 ousine operator” has the meaning given such term
10 in section 30132 of title 49, United States Code, as
11 added by this section.

12 (4) MOTOR VEHICLE SAFETY.—The term
13 “motor vehicle safety” has the meaning given such
14 term in section 30102(a) of title 49, United States
15 Code.

16 (5) MOTOR VEHICLE SAFETY STANDARD.—The
17 term “motor vehicle safety standard” has the mean-
18 ing given such term in section 30102(a) of title 49,
19 United States Code.

20 (6) SECRETARY.—The term “Secretary” means
21 the Secretary of Transportation.

22 (7) STATE.—The term “State” has the mean-
23 ing given such term in section 30102(a) of title 49,
24 United States Code.

1 **SEC. 10107. STUDY TO EVALUATE THE PERFORMANCE OF**
2 **CRASH AVOIDANCE SYSTEMS.**

3 (a) **STUDY.**—The Secretary of Transportation shall
4 conduct a study to evaluate the performance of crash
5 avoidance systems at detecting and classifying pedes-
6 trians, bicyclists, and other vulnerable road users, includ-
7 ing those with different skin tones that are representative
8 of different racial and ethnic groups.

9 (b) **REPORT.**—Not later than 2 years after the date
10 of enactment of this Act, the Secretary shall transmit a
11 report of the results of the study required under sub-
12 section (a) to the Committee on Energy and Commerce
13 of the House of Representatives and the Committee on
14 Commerce, Science, and Transportation of the Senate,
15 and make such report publicly available.

16 (c) **CONTRACTING.**—The Secretary may enter into
17 contracts with nonprofit institutions, colleges, and univer-
18 sities to conduct research required for the study required
19 under subsection (a).

20 (d) **DEFINITION OF CRASH AVOIDANCE.**—As used in
21 this section, the term “crash avoidance systems” means
22 any system in a motor vehicle used to prevent or mitigate
23 a crash, including a system using cameras, lidar, or radar.

1 **SEC. 10108. STUDY AND REPORT ON MOTOR VEHICLE**
2 **LAMPS.**

3 (a) IN GENERAL.—Not later than 18 months after
4 the date of the enactment of this Act, an entity described
5 in subsection (b) that is competent to carry out the re-
6 quirements of this section, and that is selected by the Sec-
7 retary (in consultation with the Director of the National
8 Institute of Standards and Technology and the Director
9 of the National Institutes of Health), shall complete a
10 study and submit to the Secretary a report on the effects
11 of non-uniform luminance from Light Emitting Diode
12 (LED) and Light Amplification by Stimulated Emission
13 of Radiation (LASER) motor vehicle lamps on the vision
14 of elderly drivers and roadway safety. The study and re-
15 port shall consider, at a minimum, motor vehicle head-
16 lights, daytime running lights, brake lights, tail lights,
17 turn signals, and flashing lights on public safety and
18 maintenance vehicles.

19 (b) ENTITY DESCRIBED.—An entity described in this
20 subsection is—

21 (1) a nonprofit research institution;

22 (2) an institution of higher education (as de-
23 fined in section 101(a) of the Higher Education Act
24 of 1965 (20 U.S.C. 1001(a))); or

1 (3) a consortium of institutions described in
2 paragraph (1) or institutions described in paragraph
3 (2), or both.

4 (c) CONTENTS OF REPORT.—The report required by
5 subsection (a) shall include, at a minimum, the following:

6 (1) Measurements and evaluation of peak lumi-
7 nance, spectral power distribution, and flicker from
8 lamps described in subsection (a).

9 (2) An evaluation of the effects (including spe-
10 cifically for elderly drivers), if any, on vision, health,
11 and safety of individuals exposed to light from lamps
12 described in subsection (a), including an evaluation
13 of risks (including specifically for elderly drivers) of
14 temporary or long-term impairment of vision and
15 light-induced psychological stress and seizures.

16 (d) SUBMISSION OF REPORT AND RECOMMENDA-
17 TIONS.—Not later than 90 days after the completion of
18 the study and report required by subsection (a), the Sec-
19 retary shall publish in the Federal Register and submit
20 to the Committee on Energy and Commerce of the House
21 of Representatives, the Committee on Transportation and
22 Infrastructure of the House of Representatives, and the
23 Committee on Commerce, Science, and Transportation of
24 the Senate—

25 (1) such report; and

1 (2) if appropriate, recommendations regarding
2 measures to reduce the risks to roadway safety of
3 glare from the lamps described in subsection (a).

4 (e) PUBLIC NOTICE AND COMMENT.—In developing
5 the scope of the study required by subsection (a), the Sec-
6 retary shall provide for a period of public notice and com-
7 ment.

8 (f) DEFINITIONS.—In this section:

9 (1) MOTOR VEHICLE.—The term “motor vehi-
10 cle” has the meaning given such term in section
11 30102(a) of title 49, United States Code.

12 (2) SECRETARY.—The term “Secretary” means
13 the Secretary of Transportation.

14 **SEC. 10109. MOTOR VEHICLE SEAT BACK SAFETY STAND-**
15 **ARDS.**

16 (a) FINAL RULE.—Not later than 2 years after the
17 date of enactment of this Act, subject to subsection (b),
18 the Secretary of Transportation shall issue a final rule up-
19 dating section 571.207 of title 49, Code of Federal Regu-
20 lations, to reduce the potential for injury to all motor vehi-
21 cle occupants due to seat back failure during all types of
22 vehicle impact.

23 (b) COMPLIANCE DATE.—In issuing the final rule
24 pursuant to subsection (a), the Secretary of Transpor-
25 tation shall establish a date for required compliance with

1 the final rule of not later than 2 motor vehicle model years
2 after the model year during which the effective date of
3 the final rule occurs.

4 **SEC. 10110. SENSE OF HOUSE OF REPRESENTATIVES ON**
5 **REGULATORY FRAMEWORK FOR AUTONO-**
6 **MOUS VEHICLES.**

7 It is the sense of the House of Representatives that
8 Congress, in broad consultation with labor, safety groups,
9 industry, and other stakeholders, should begin establishing
10 a Federal regulatory framework for the safe deployment
11 of autonomous vehicles nationwide that will support exist-
12 ing jobs and grow the United States workforce of the fu-
13 ture, including good union jobs, keep the United States
14 on the forefront of this technology, and keep the United
15 States competitive around the globe.

16 **SEC. 10111. MOTOR VEHICLE PEDESTRIAN AND CYCLIST**
17 **PROTECTION.**

18 (a) RULEMAKING.—Not later than 2 years after the
19 date of enactment of this Act, the Secretary of Transpor-
20 tation, acting through the Administrator of the National
21 Highway Traffic Safety Administration, shall issue a final
22 rule that—

23 (1) establishes minimum performance standards
24 for the hood and bumper areas of passenger cars,
25 multipurpose passenger vehicles, trucks, and buses

1 with a gross vehicle weight rating of 4,536 kilograms
2 (10,000 pounds) or less to reduce injuries and fatali-
3 ties suffered by vulnerable road users, including pe-
4 destrians and cyclists, who are struck by such vehi-
5 cles; and

6 (2) considers the protection of vulnerable pedes-
7 trian and cycling populations, including children and
8 older adults, and people with disabilities.

9 (b) COMPLIANCE.—The rule issued pursuant to sub-
10 section (a) shall require full compliance with minimum
11 performance standards established by the Secretary not
12 later than 2 years after the date on which the final rule
13 is issued.

14 (c) DEFINITIONS.—In this section:

15 (1) BUS.—The term “bus” has the meaning
16 given such term in section 571.3 of title 49, Code
17 of Federal Regulations (or any successor regulation).

18 (2) MULTIPURPOSE PASSENGER VEHICLE.—
19 The term “multiperson passenger vehicle” has the
20 meaning given such term in section 571.3 of title 49,
21 Code of Federal Regulations (or any successor regu-
22 lation).

23 (3) PASSENGER CAR.—The term “passenger
24 car” has the meaning given such term in section

1 571.3 of title 49, Code of Federal Regulations (or
2 any successor regulation).

3 (4) TRUCK.—The term “truck” has the mean-
4 ing given such term in section 571.3 of title 49,
5 Code of Federal Regulations (or any successor regu-
6 lation).

7 **SEC. 10112. CHILD RESTRAINT SYSTEMS.**

8 (a) CHILD RESTRAINT SYSTEM LABELING.—

9 (1) IN GENERAL.—Not later than 90 days after
10 the date of the enactment of this Act, the Secretary
11 of Transportation shall revise section 571.213 of
12 title 49, Code of Federal Regulations—

13 (A) in S5.5.2(f) by striking “13.6 kg” and
14 inserting “18.2 kg”; and

15 (B) by adding at the end of S5.5.2 the fol-
16 lowing:

17 “(o) The packaging for each booster seat shall be per-
18 manently labeled with the information specified in
19 S5.5.2(g).

20 “(p) On each booster seat, and on the packaging of
21 such booster seat, there shall be placed—

22 “(1) a permanent label stating: ‘For use by
23 children [] years old or older and who are over
24 [] pounds.’, with respect to which—

1 “(A) the first bracket is replaced with the
2 minimum age recommended for a user, which
3 may not be an age younger than 4 years old;
4 and

5 “(B) the second bracket is replaced with
6 the minimum weight recommended for a user,
7 which may not be under 40 pounds; and

8 “(2) a permanent label stating: ‘Strongly rec-
9 ommended children use this seat only when they
10 reach either the height or weight limit for a child re-
11 straint system with internal harness as indicated by
12 the manufacturer.’.

13 “(q) On each child restraint system with internal har-
14 ness, and on the packaging of such child restraint system
15 with internal harness, there shall be placed a permanent
16 label stating: ‘To prevent possible injury or death, it is
17 important to delay the transition from a child restraint
18 system with internal harness to a booster seat as long as
19 possible, until the child reaches the weight or height limit
20 of the child restraint system with internal harness as indi-
21 cated by the manufacturer.’.

22 “(r) On each combination car seat, there shall be
23 placed a permanent label stating: ‘Please use this seat
24 with the internal harness as long as possible, until your
25 child outgrows the maximum weight of [__] or reaches the

1 maximum height of [__]. Once they have exceeded such
2 weight or height, this seat can be used as a belt posi-
3 tioning booster seat with the vehicle seat belt.’, with re-
4 spect to which—

5 “(1) the first bracket is replaced with the max-
6 imum weight recommended for an internal harness
7 user, which may not be under 40 pounds; and

8 “(2) the second bracket is replaced with the
9 maximum height recommended for an internal har-
10 ness user.”.

11 (2) EFFECTIVE DATE.—The modifications to
12 section 571.213 of title 49, Code of Federal Regula-
13 tions, under paragraph (1) shall take effect not later
14 than 180 days after the date of the enactment of
15 this Act.

16 (b) SIDE-IMPACT CRASH TESTING.—

17 (1) GENERAL STANDARDS.—Not later than 1
18 year after the date of the enactment of this section,
19 the Administrator shall issue regulations to establish
20 standards with respect to side-impact crash testing
21 for child restraint systems, which—

22 (A) shall include standards for booster
23 seats; and

1 (B) may include the use of the most appro-
2 priate test dummy available at the time of such
3 side-impact crash testing.

4 (2) NEAR-SIDE AND FAR-SIDE IMPACT TEST-
5 ING.—In issuing regulations under paragraph (1),
6 the Administrator shall include procedures for test-
7 ing—

8 (A) near-side impacts, in which the child
9 restraint system being tested is positioned on
10 the side of the point of impact; and

11 (B) far-side impacts, in which the child re-
12 straint system being tested is positioned on the
13 opposite side of the point of impact.

14 (3) BOOSTER SEAT TEST DEVICES.—

15 (A) DESIGN.—Not later than 18 months
16 after the date of the enactment of this section,
17 the Administrator shall issue regulations that
18 provide guidelines for a test dummy that ap-
19 proximates a 6-year-old child for the purposes
20 of side-impact crash testing.

21 (B) USE.—Not later than 18 months after
22 the date on which the Administrator issues reg-
23 ulations under subparagraph (A), the Adminis-
24 trator shall require that side-impact crash test-
25 ing for booster seats (for both near-side and

1 far-side impacts) includes the use of a test
2 dummy that meets the guidelines provided
3 under subparagraph (A).

4 (c) TETHER SYSTEMS STUDY.—Not later than 1 year
5 after the date of the enactment of this section, the Admin-
6 istrator shall provide to Congress a study of the
7 functionality of tether systems and the variability that ex-
8 ists in tether use recommendations by car seat and vehicle
9 manufacturers, with recommendations on how such tether
10 systems may be used or modified to increase the usage
11 of child restraint systems with internal harness to maxi-
12 mize child safety.

13 (d) DEFINITIONS.—In this section:

14 (1) ADMINISTRATOR.—The term “Adminis-
15 trator” means the Administrator of the National
16 Highway Traffic Safety Administration.

17 (2) BOOSTER SEAT.—The term “booster seat”
18 has the meaning given such term in section 571.213
19 of title 49, Code of Federal Regulations (as in effect
20 on the date of the enactment of this section).

21 (3) CHILD RESTRAINT SYSTEM.—The term
22 “child restraint system” has the meaning given such
23 term in section 571.213 of title 49, Code of Federal
24 Regulations (as in effect on the date of the enact-
25 ment of this section).

1 (4) CHILD RESTRAINT SYSTEM WITH INTERNAL
2 HARNESS.—The term “child restraint system with
3 internal harness” means a child restraint system de-
4 signed to be used rear-facing or forward-facing em-
5 ploying a 5-point harness to position the child in the
6 seat.

7 (5) COMBINATION CAR SEAT.—The term “com-
8 bination car seat”—

9 (A) means any child restraint system de-
10 signed to be used in a forward-facing position
11 with a 5-point internal harness, where the har-
12 ness may be removed and the seat utilized as
13 a belt-positioning booster seat; and

14 (B) includes a child restraint system that
15 may be—

16 (i) converted between rear-facing with
17 an internal harness and forward-facing
18 with an internal harness; and

19 (ii) commonly referred to as “3-in-1”
20 or “all-in-1” seats.

21 (6) TEST DUMMY.—The term “test dummy”
22 means an anthropomorphic test dummy as such
23 term is used in section 571.213 of title 49, Code of
24 Federal Regulations (as in effect on the date of the
25 enactment of this section).

1 (7) TETHER SYSTEM.—The term “tether sys-
2 tem” means a system utilizing a tether anchorage,
3 tether strap, and tether hook (as such terms are de-
4 fined in section 571.225 of title 49, Code of Federal
5 Regulations).

6 **DIVISION G—HIGHWAY TRUST**
7 **FUND**

8 **SEC. 11001. EXTENSION OF HIGHWAY TRUST FUND EXPEND-**
9 **ITURE AUTHORITY.**

10 (a) HIGHWAY TRUST FUND.—Section 9503 of the
11 Internal Revenue Code of 1986 is amended—

12 (1) by striking “October 1, 2021” in sub-
13 sections (b)(6)(B), (c)(1), and (e)(3) and inserting
14 “October 1, 2026”, and

15 (2) by striking “Continuing Appropriations Act,
16 2021 and Other Extensions Act” in subsections
17 (c)(1) and (e)(3) and inserting “INVEST in Amer-
18 ica Act”.

19 (b) SPORT FISH RESTORATION AND BOATING TRUST
20 FUND.—Section 9504 of such Code is amended—

21 (1) by striking “Continuing Appropriations Act,
22 2021 and Other Extensions Act” each place it ap-
23 pears in subsection (b)(2) and inserting “INVEST
24 in America Act”, and

1 (2) by striking “October 1, 2021” in subsection
2 (d)(2) and inserting “October 1, 2026”.

3 (c) LEAKING UNDERGROUND STORAGE TANK TRUST
4 FUND.—Section 9508(e)(2) of such Code is amended by
5 striking “October 1, 2021” and inserting “October 1,
6 2026”.

7 **SEC. 11002. ADDITIONAL TRANSFERS TO HIGHWAY TRUST**
8 **FUND.**

9 Section 9503(f) of the Internal Revenue Code of
10 1986 is amended by redesignating paragraph (11) as
11 paragraph (12) and by inserting after paragraph (10) the
12 following new paragraph:

13 “(11) ADDITIONAL TRANSFERS TO TRUST
14 FUND.—Out of money in the Treasury not otherwise
15 appropriated, there is hereby appropriated—

16 “(A) \$109,000,000,000 to the Highway
17 Account (as defined in subsection (e)(5)(B)) in
18 the Highway Trust Fund, and

19 “(B) \$39,000,000,000 to the Mass Transit
20 Account in the Highway Trust Fund.”.

1 **DIVISION H—WATER QUALITY**
 2 **PROTECTION AND JOB CRE-**
 3 **ATION ACT OF 2021**

4 **SEC. 12001. SHORT TITLE; TABLE OF CONTENTS.**

5 (a) **SHORT TITLE.**—This division may be cited as the
 6 “Water Quality Protection and Job Creation Act of
 7 2021”.

8 (b) **TABLE OF CONTENTS.**—The table of contents for
 9 this division is as follows:

- Sec. 12001. Short title; table of contents.
- Sec. 12002. Wastewater infrastructure workforce investment.
- Sec. 12003. Technical assistance to rural, small, and Tribal municipalities.
- Sec. 12004. State management assistance.
- Sec. 12005. Watershed, wet weather, and resiliency projects.
- Sec. 12006. Waiver of matching requirement for grants to District of Columbia.
- Sec. 12007. Pilot program for alternative water source projects.
- Sec. 12008. Sewer overflow and stormwater reuse municipal grants.
- Sec. 12009. Grants for the treatment of emerging contaminants.
- Sec. 12010. Household wastewater grant program.
- Sec. 12011. Smart wastewater infrastructure technology grant program.
- Sec. 12012. Reports to Congress.
- Sec. 12013. Indian Tribes.
- Sec. 12014. Capitalization grants.
- Sec. 12015. Water pollution control revolving loan funds.
- Sec. 12016. Allotment of funds.
- Sec. 12017. Reservation of funds for territories of the United States.
- Sec. 12018. Authorization of appropriations.
- Sec. 12019. Technical assistance by Municipal Ombudsman.
- Sec. 12020. Report on wastewater infrastructure funding for rural, economically disadvantaged, and Tribal communities.
- Sec. 12021. Water Reuse Interagency Working Group.
- Sec. 12022. Disclosure of introductions of PFAS.
- Sec. 12023. Clean Water Act effluent limitations guidelines and standards and water quality criteria for PFAS.
- Sec. 12024. Nonpoint source management programs.
- Sec. 12025. Wastewater assistance to colonias.
- Sec. 12026. Household well water testing website.
- Sec. 12027. Study and report on effect of toilet wipes marketed as flushable.
- Sec. 12028. Effluent limitations for wastewater, spills, and runoff from facilities associated with the transport and packaging of pre-production plastic materials.
- Sec. 12029. Centers of Excellence for stormwater control infrastructure technologies.

Sec. 12030. Management of International Transboundary Water Pollution.
Sec. 12031. California new river restoration.
Sec. 12032. Rulemaking on climate resiliency.

1 **SEC. 12002. WASTEWATER INFRASTRUCTURE WORKFORCE**
2 **INVESTMENT.**

3 Section 104(g) of the Federal Water Pollution Con-
4 trol Act (33 U.S.C. 1254(g)) is amended—

5 (1) in paragraph (1), by striking “manpower”
6 each place it appears and inserting “workforce”; and

7 (2) by amending paragraph (4) to read as fol-
8 lows:

9 “(4) REPORT TO CONGRESS ON PUBLICLY
10 OWNED TREATMENT WORKS WORKFORCE DEVELOP-
11 MENT.—Not later than 2 years after the date of en-
12 actment of the Water Quality Protection and Job
13 Creation Act of 2021, the Administrator, in con-
14 sultation with the Secretary of Labor, shall submit
15 to the Committee on Transportation and Infrastruc-
16 ture of the House of Representatives and the Com-
17 mittee on Environment and Public Works of the
18 Senate a report containing—

19 “(A) an assessment of the current and fu-
20 ture workforce needs for publicly owned treat-
21 ment works, including an estimate of the num-
22 ber of future positions needed for such treat-
23 ment works and the technical skills and edu-
24 cation needed for such positions;

1 “(B) a summary of actions taken by the
2 Administrator, including Federal investments
3 under this chapter, that promote workforce de-
4 velopment to address such needs; and

5 “(C) any recommendations of the Adminis-
6 trator to address such needs.”.

7 **SEC. 12003. TECHNICAL ASSISTANCE TO RURAL, SMALL,**
8 **AND TRIBAL MUNICIPALITIES.**

9 (a) REAUTHORIZATION.—Section 104(u) of the Fed-
10 eral Water Pollution Control Act (33 U.S.C. 1254(u)) is
11 amended—

12 (1) by striking “and (7)” and inserting “(7)”;

13 (2) by striking “2023” and inserting “2021”;

14 and

15 (3) by inserting “; and (8) not to exceed
16 \$100,000,000 for each of fiscal years 2022 through
17 2026 for carrying out subsections (b)(3), (b)(8), and
18 (g), except that not less than half of the amounts so
19 appropriated to carry out such subsections in each
20 such fiscal year shall be used for carrying out sub-
21 section (b)(8)” before the period at the end.

22 (b) COMMUNICATION.—A nonprofit organization re-
23 ceiving a grant under section 104(b)(8) of the Federal
24 Water Pollution Control Act (33 U.S.C. 1254(b)(8)) shall,
25 prior to carrying out an activity using such grant funds,

1 consult with the State in which such activity is to be car-
2 ried out.

3 (c) REPORT.—Not later than 2 years after the date
4 of enactment of this Act, the Administrator of the Envi-
5 ronmental Protection Agency shall submit to Congress a
6 report that describes the implementation of the grants
7 made under subsections (b)(3), (b)(8), and (g) of section
8 104 of the Federal Water Pollution Control Act (33
9 U.S.C. 1254) during the 2 fiscal years preceding the date
10 of the report, including a description of the recipients and
11 amounts of such grants.

12 **SEC. 12004. STATE MANAGEMENT ASSISTANCE.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
14 106(a) of the Federal Water Pollution Control Act (33
15 U.S.C. 1256(a)) is amended—

16 (1) by striking “and” at the end of paragraph
17 (1); and

18 (2) by inserting after paragraph (2) the fol-
19 lowing:

20 “(3) such sums as may be necessary for each
21 of fiscal years 1991 through 2021; and

22 “(4) \$500,000,000 for each of fiscal years 2022
23 through 2026;”.

24 (b) TECHNICAL AMENDMENT.—Section 106(e) of the
25 Federal Water Pollution Control Act (33 U.S.C. 1256(e))

1 is amended by striking “Beginning in fiscal year 1974
2 the” and inserting “The”.

3 **SEC. 12005. WATERSHED, WET WEATHER, AND RESILIENCY**
4 **PROJECTS.**

5 (a) INCREASED RESILIENCE OF TREATMENT
6 WORKS.—Section 122(a)(6) of the Federal Water Pollu-
7 tion Control Act (33 U.S.C. 1274(a)(6)) is amended to
8 read as follows:

9 “(6) INCREASED RESILIENCE OF TREATMENT
10 WORKS.—Efforts—

11 “(A) to assess future risks and
12 vulnerabilities of publicly owned treatment
13 works to manmade or natural disasters, includ-
14 ing extreme weather events, drought, and sea
15 level rise; and

16 “(B) to carry out the planning, design, or
17 construction of projects, on a systemwide or
18 areawide basis, to increase the resilience of pub-
19 licly owned treatment works through—

20 “(i) the conservation of water or the
21 enhancement of water use efficiency;

22 “(ii) the enhancement of wastewater
23 (including stormwater) management by in-
24 creasing watershed preservation and pro-
25 tection, including through—

1 “(I) the use of green infrastruc-
2 ture; or

3 “(II) the reclamation and reuse
4 of wastewater (including stormwater),
5 such as through aquifer recharge
6 zones;

7 “(iii) the modification or relocation of
8 an existing publicly owned treatment works
9 at risk of being significantly impaired or
10 damaged by a manmade or natural dis-
11 aster;

12 “(iv) the enhancement of energy effi-
13 ciency, or the use or generation of recov-
14 ered or renewable energy, in the manage-
15 ment, treatment, or conveyance of waste-
16 water (including stormwater); or

17 “(v) other activities that the Adminis-
18 trator determines will address identified
19 vulnerabilities to manmade or natural dis-
20 asters, including activities to address cy-
21 bersecurity vulnerabilities of publicly
22 owned treatment works.”.

23 (b) REQUIREMENTS; AUTHORIZATION OF APPRO-
24 PRIATIONS.—Section 122 of the Federal Water Pollution

1 Control Act (33 U.S.C. 1274) is amended by striking sub-
2 section (c) and inserting the following:

3 “(c) REQUIREMENTS.—The requirements of section
4 608 shall apply to any construction, alteration, mainte-
5 nance, or repair of treatment works carried out using a
6 grant under this section.

7 “(d) ASSISTANCE.—The Administrator shall use not
8 less than 15 percent of the amounts appropriated pursu-
9 ant to this section in a fiscal year to provide assistance
10 to municipalities with a population of less than 10,000,
11 or for economically disadvantaged communities (as defined
12 in section 12020 of the Water Quality Protection and Job
13 Creation Act of 2021), to the extent there are sufficient
14 eligible applications.

15 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
16 is authorized to be appropriated to carry out this section
17 \$200,000,000 for each of fiscal years 2022 through
18 2026.”.

19 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

20 (1) WATERSHED PILOT PROJECTS.—Section
21 122 of the Federal Water Pollution Control Act (33
22 U.S.C. 1274) is amended—

23 (A) in the section heading, by striking
24 “**WATERSHED PILOT PROJECTS**” and insert-

1 ing “**WATERSHED, WET WEATHER, AND RE-**
2 **SILIENCY PROJECTS**”; and

3 (B) by striking “pilot” each place it ap-
4 pears.

5 (2) WATER POLLUTION CONTROL REVOLVING
6 LOAN FUNDS.—Section 603(c)(7) of the Federal
7 Water Pollution Control Act (33 U.S.C. 1383(c)(7))
8 is amended by striking “watershed”.

9 **SEC. 12006. WAIVER OF MATCHING REQUIREMENT FOR**
10 **GRANTS TO DISTRICT OF COLUMBIA.**

11 Section 202(a) of the Federal Water Pollution Con-
12 trol Act (33 U.S.C. 1282(a)) is amended by adding at the
13 end the following:

14 “(5) Notwithstanding any other provision of this sub-
15 section, in the case of a project for a treatment works in
16 the District of Columbia, such a project shall be eligible
17 for grants at 100 percent of the cost of construction there-
18 of.”.

19 **SEC. 12007. PILOT PROGRAM FOR ALTERNATIVE WATER**
20 **SOURCE PROJECTS.**

21 (a) SELECTION OF PROJECTS.—Section 220(d) of
22 the Federal Water Pollution Control Act (33 U.S.C.
23 1300(d)) is amended—

24 (1) by amending paragraph (1) to read as fol-
25 lows:

1 “(1) LIMITATION ON ELIGIBILITY.—A project
2 that has received construction funds under the Rec-
3 lamation Projects Authorization and Adjustment Act
4 of 1992 shall not be eligible for grant assistance
5 under this section.”; and

6 (2) by striking paragraph (2) and redesignating
7 paragraph (3) as paragraph (2).

8 (b) COMMITTEE RESOLUTION PROCEDURE; ASSIST-
9 ANCE.—Section 220 of the Federal Water Pollution Con-
10 trol Act (33 U.S.C. 1300) is amended by striking sub-
11 section (e) and inserting the following:

12 “(e) ASSISTANCE.—The Administrator shall use not
13 less than 15 percent of the amounts appropriated pursu-
14 ant to this section in a fiscal year to provide assistance
15 to eligible entities for projects designed to serve fewer than
16 10,000 individuals, to the extent there are sufficient eligi-
17 ble applications.”.

18 (c) REQUIREMENTS.—Section 220 of the Federal
19 Water Pollution Control Act (33 U.S.C. 1300) is amended
20 by redesignating subsections (i) and (j) as subsections (j)
21 and (k), respectively, and inserting after subsection (h) the
22 following:

23 “(i) REQUIREMENTS.—The requirements of section
24 608 shall apply to any construction of an alternative water

1 source project carried out using assistance made available
2 under this section.”.

3 (d) DEFINITIONS.—Section 220(j)(1) of the Federal
4 Water Pollution Control Act (as redesignated by sub-
5 section (c) of this section) is amended by striking “or by
6 treating wastewater” and inserting “(including
7 stormwater), or by treating wastewater (including
8 stormwater) for groundwater recharge, potable reuse, or
9 other purposes”.

10 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
11 220(k) of the Federal Water Pollution Control Act (as re-
12 designated by subsection (c) of this section) is amended
13 by striking “a total of \$75,000,000 for fiscal years 2002
14 through 2004” and inserting “\$200,000,000 for each of
15 fiscal years 2022 through 2026”.

16 **SEC. 12008. SEWER OVERFLOW AND STORMWATER REUSE**
17 **MUNICIPAL GRANTS.**

18 Section 221 of the Federal Water Pollution Control
19 Act (33 U.S.C. 1301) is amended—

20 (1) in subsection (c), by striking “subsection
21 (b),” each place it appears and inserting “this sec-
22 tion,”;

23 (2) in subsection (d)—

24 (A) by striking “The Federal share” and
25 inserting the following:

1 “(1) FEDERAL SHARE.—

2 “(A) IN GENERAL.—Except as provided in
3 subparagraph (B), the Federal share”; and

4 (B) by striking “The non-Federal share”
5 and inserting the following:

6 “(B) FINANCIALLY DISTRESSED COMMU-
7 NITIES.—The Federal share of the cost of ac-
8 tivities carried out using amounts from a grant
9 made to a financially distressed community
10 under subsection (a) shall be not less than 75
11 percent of the cost.

12 “(2) NON-FEDERAL SHARE.—The non-Federal
13 share”;

14 (3) in subsection (e), by striking “section 513”
15 and inserting “section 513, or the requirements of
16 section 608,”; and

17 (4) in subsection (f)—

18 (A) in paragraph (1), by inserting “, and
19 \$400,000,000 for each of fiscal years 2022
20 through 2026” before the period at the end;
21 and

22 (B) by adding at the end the following:

23 “(3) ASSISTANCE.—In carrying out subsection
24 (a), the Administrator shall ensure that, of the
25 amounts granted to municipalities in a State, not

1 less than 20 percent is granted to municipalities
2 with a population of less than 20,000, to the extent
3 there are sufficient eligible applications.”.

4 **SEC. 12009. GRANTS FOR THE TREATMENT OF EMERGING**
5 **CONTAMINANTS.**

6 Title II of the Federal Water Pollution Control Act
7 (33 U.S.C. 1281 et seq.) is amended by adding at the end
8 the following:

9 **“SEC. 222. EMERGING CONTAMINANTS.**

10 “(a) IN GENERAL.—The Administrator shall award
11 grants to owners of publicly owned treatment works to be
12 used for the implementation of a pretreatment standard
13 or effluent limitation developed pursuant to this Act for
14 the introduction into a treatment works, or the discharge
15 of, any pollutant that is a perfluoroalkyl or polyfluoroalkyl
16 substance or any pollutant identified by the Administrator
17 as a contaminant of emerging concern.

18 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
19 is authorized to be appropriated to carry out this section
20 \$200,000,000 for each of fiscal years 2022 through
21 2026.”.

22 **SEC. 12010. HOUSEHOLD WASTEWATER GRANT PROGRAM.**

23 Title II of the Federal Water Pollution Control Act
24 (33 U.S.C. 1281 et seq.) is further amended by adding
25 at the end the following:

1 **“SEC. 223. HOUSEHOLD WASTEWATER GRANT PROGRAM.**

2 “(a) ESTABLISHMENT.—The Administrator shall es-
3 tablish a program to provide grants to municipalities or
4 qualified nonprofit entities to provide assistance to eligible
5 individuals—

6 “(1) for the construction, repair, or replacement
7 of an individual household decentralized wastewater
8 treatment system;

9 “(2) for the construction of a decentralized
10 wastewater treatment system designed to provide
11 wastewater treatment for 2 or more households in
12 which eligible individuals reside, if—

13 “(A) such a decentralized wastewater
14 treatment system could be cost-effectively con-
15 structed; and

16 “(B) site conditions at such households are
17 unsuitable for the construction of an individual
18 household decentralized wastewater treatment
19 system; or

20 “(3) in a case in which an eligible individual re-
21 sides in a household that could be cost-effectively
22 connected to an available publicly owned treatment
23 works, for the connection of the applicable household
24 to such treatment works.

25 “(b) APPLICATION.—To be eligible to receive a grant
26 under this subsection, a municipality or qualified nonprofit

1 entity shall submit to the Administrator an application at
2 such time, in such manner, and containing such informa-
3 tion as the Administrator determines to be appropriate.

4 “(c) PRIORITY.—In providing grants under this sec-
5 tion, the Administrator shall, to the maximum extent prac-
6 ticable, prioritize applications for activities that will assist
7 eligible individuals residing in households that are not con-
8 nected to a system or technology designed to treat domes-
9 tic sewage, including eligible individuals using household
10 cesspools.

11 “(d) ADMINISTRATIVE EXPENSES.—

12 “(1) IN GENERAL.—Of the amounts made
13 available under subsection (i), the Administrator
14 may use not more than 2 percent for administrative
15 costs.

16 “(2) INDIVIDUAL GRANTS.—A municipality or
17 qualified nonprofit entity may use grant funds pro-
18 vided under this section to pay the administrative
19 expenses associated with the provision of the assist-
20 ance to eligible individuals under this section, as the
21 Administrator determines to be appropriate.

22 “(e) REPORT.—Not later than 2 years after the date
23 of enactment of this section, the Administrator shall sub-
24 mit to the Committee on Environment and Public Works
25 of the Senate and the Committee on Transportation and

1 Infrastructure of the House of Representatives a report
2 describing the recipients of grants and assistance under
3 this section and the results of the program established
4 under this section.

5 “(f) RULEMAKING.—Not later than 180 days after
6 the date of enactment of this section, the Administrator
7 shall issue a rule requiring that, with respect to any decen-
8 tralized wastewater treatment system constructed pursu-
9 ant to this section or section 603(c)—

10 “(1) such system complies with any applicable
11 State and local requirements;

12 “(2) such system complies with any applicable
13 American National Standard approved by the Amer-
14 ican National Standards Institute; and

15 “(3) the design and construction of such system
16 is carried out by persons or entities licensed and
17 bonded, by the State in which such system is con-
18 structed, to carry out such design and construction.

19 “(g) APPLICATION OF OTHER REQUIREMENTS.—The
20 requirements of sections 513 and 608 shall apply to any
21 project for the construction, repair, or replacement of a
22 decentralized wastewater treatment system, or for the con-
23 nection of a household to a treatment works, for which
24 assistance is received under this section.

25 “(h) DEFINITIONS.—In this section:

1 “(1) ELIGIBLE INDIVIDUAL.—The term ‘eligible
2 individual’ has the meaning given that term in sec-
3 tion 603(j).

4 “(2) QUALIFIED NONPROFIT ENTITY.—The
5 term ‘qualified nonprofit entity’ means an entity de-
6 termined by the Administrator to be a qualified non-
7 profit entity for purposes of section 603(c)(12).

8 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to the Administrator to
10 carry out this section \$100,000,000 for each of fiscal
11 years 2022 through 2026.”.

12 **SEC. 12011. SMART WASTEWATER INFRASTRUCTURE TECH-**
13 **NOLOGY GRANT PROGRAM.**

14 Title II of the Federal Water Pollution Control Act
15 (33 U.S.C. 1281 et seq.) is further amended by adding
16 at the end the following:

17 **“SEC. 224. SMART WASTEWATER INFRASTRUCTURE TECH-**
18 **NOLOGY GRANT PROGRAM.**

19 “(a) GRANTS.—The Administrator shall establish a
20 program to provide grants to municipalities for projects
21 for the planning, design, and construction, at publicly
22 owned treatment works, of—

23 “(1) intelligent sewage or stormwater collection
24 systems, including such collection systems that in-
25 corporate technologies that rely on—

1 “(A) real-time monitoring (including
2 through sensors), embedded intelligence, and
3 predictive maintenance capabilities that improve
4 the energy efficiency, reliability, and resiliency
5 of treatment works; and

6 “(B) the use of artificial intelligence and
7 other intelligent optimization tools that reduce
8 operational costs, including operational costs re-
9 lating to energy consumption and chemical
10 treatment; or

11 “(2) innovative and alternative combined storm
12 and sanitary sewer projects, including groundwater
13 recharge, that rely on real-time data acquisition to
14 support predictive aquifer recharge through water
15 reuse and stormwater management capabilities.

16 “(b) ASSISTANCE.—The Administrator shall use not
17 less than 20 percent of the amounts appropriated pursu-
18 ant to this section in a fiscal year to provide assistance
19 to municipalities with a population of less than 10,000,
20 to the extent there are sufficient eligible applications.

21 “(c) COST SHARE.—

22 “(1) IN GENERAL.—The non-Federal share of
23 the costs of an activity carried out using a grant
24 under this section shall be 25 percent.

1 “(2) EXCEPTION.—The Administrator may
2 waive the cost-sharing requirement of paragraph (1)
3 if the Administrator determines that the municipi-
4 pality meets the affordability criteria established
5 under section 603(i)(2) by the State in which the
6 municipality is located.

7 “(d) PROGRAM IMPLEMENTATION.—

8 “(1) GUIDANCE.—Not later than 30 days after
9 the date of enactment of this section, the Adminis-
10 trator shall issue guidance to municipalities on how
11 to apply for a grant under this section.

12 “(2) DECISION ON APPLICATIONS.—Not later
13 than 30 days after the date on which the Adminis-
14 trator receives an application for a grant under this
15 section, the Administrator shall determine whether
16 to provide such grant.

17 “(3) APPLICATION DEFICIENCY.—If the Admin-
18 istrator determines that an application for a grant
19 under this section is incomplete, the Administrator
20 shall notify the applicant and provide the applicant
21 the opportunity to resubmit the application.

22 “(4) CONSIDERATION.—In determining whether
23 to provide a grant under this section, the Adminis-
24 trator shall consider the potential positive effects of
25 the project on water quality.

1 “(e) COMPLIANCE WITH BUY AMERICA.—The re-
2 quirements of section 608 shall apply to any project for
3 construction for which assistance is received under this
4 section.

5 “(f) REPORT TO CONGRESS.—Not later than 180
6 days after the date of enactment of this section, and annu-
7 ally thereafter, the Administrator shall submit to Congress
8 a report describing projects funded under this section, any
9 related improvement of the resiliency of publicly owned
10 treatment works, and recommendations to improve the
11 grant program established under this section.

12 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
13 is authorized to be appropriated \$500,000,000 to carry
14 out this section, to remain available until expended.”.

15 **SEC. 12012. REPORTS TO CONGRESS.**

16 (a) BIENNIAL ESTIMATES.—Section 516(b)(1) of the
17 Federal Water Pollution Control Act (33 U.S.C.
18 1375(b)(1)) is amended by striking “(B) a detailed esti-
19 mate, biennially revised, of the cost of construction of all
20 needed publicly owned treatment works in all of the States
21 and of the cost of construction of all needed publicly
22 owned treatment works in each of the States;” and insert-
23 ing “(B) a detailed estimate, biennially revised, of the cost
24 of construction of all planned publicly owned treatment
25 works in all of the States and all needed publicly owned

1 treatment works in all of the States, and the cost of con-
2 struction of all planned publicly owned treatment works
3 in each of the States and all needed publicly owned treat-
4 ment works in each of the States, which estimates shall
5 include (i) the cost of construction to rehabilitate or up-
6 grade all existing publicly owned treatment works (exclud-
7 ing any pipe or other device or system for the conveyance
8 of wastewater), every 20 years, including the costs to im-
9 plement measures necessary to address the resilience and
10 sustainability of publicly owned treatment works to man-
11 made or natural disasters, and (ii) the cost of construction
12 to replace 10 percent of existing publicly owned pipes and
13 other devices and systems for the conveyance of waste-
14 water to such treatment works over the 20-year period fol-
15 lowing the date of the estimate;”.

16 (b) ANNUAL REPORT ON USE OF FUNDS.—Section
17 516 of the Federal Water Pollution Control Act (33
18 U.S.C. 1375) is amended by adding at the end the fol-
19 lowing:

20 “(f) ANNUAL REPORT ON USE OF FUNDS.—Not
21 later than 18 months after the date of enactment of this
22 subsection, and annually thereafter, the Administrator
23 shall submit to the Committee on Transportation and In-
24 frastructure of the House of Representatives and the Com-

1 mittee on Environment and Public Works of the Senate
2 a report that—

3 “(1) identifies projects that are—

4 “(A) described in clause (i) or (ii) of sec-
5 tion 602(b)(15)(A); and

6 “(B) carried out using funds made avail-
7 able under or pursuant to section 221 or title
8 VI;

9 “(2) identifies, to the extent practicable, the
10 costs and benefits of such projects, including any po-
11 tential short- and long-term cost savings to publicly
12 owned treatment works and any environmental and
13 community benefits of implementing such projects;
14 and

15 “(3) identifies—

16 “(A) the locations in which such projects
17 are carried out;

18 “(B) estimated energy savings for such
19 projects;

20 “(C) projects that address green infra-
21 structure, water or energy efficiency improve-
22 ments, or other environmentally innovative ac-
23 tivities; and

24 “(D) with respect to projects carried out
25 using funds made available under or pursuant

1 to section 603, whether such projects are fund-
2 ed under subsection (d) or subsection (i) of
3 such section.”.

4 **SEC. 12013. INDIAN TRIBES.**

5 (a) IN GENERAL.—Section 518(c) of the Federal
6 Water Pollution Control Act (33 U.S.C. 1377(c)) is
7 amended—

8 (1) by striking paragraphs (1) and (2) and in-
9 serting the following:

10 “(1) IN GENERAL.—For each fiscal year, the
11 Administrator shall reserve, of the funds made avail-
12 able to carry out title VI (before allotments to the
13 States under section 604(a)), the greater of—

14 “(A) 2 percent of such funds; or

15 “(B) \$30,000,000.

16 “(2) USE OF FUNDS.—

17 “(A) GRANTS.—Funds reserved under this
18 subsection shall be available only for grants to
19 entities described in paragraph (3) for—

20 “(i) projects and activities eligible for
21 assistance under section 603(c); and

22 “(ii) training, technical assistance,
23 and educational programs relating to the
24 operation and management of treatment

1 works eligible for assistance pursuant to
2 section 603(c).

3 “(B) LIMITATION.—Not more than
4 \$2,000,000 of such reserved funds may be used
5 for grants under subparagraph (A)(ii).”; and
6 (2) in paragraph (3)—

7 (A) in the header, by striking “USE OF
8 FUNDS” and inserting “ELIGIBLE ENTITIES”;
9 and

10 (B) by striking “for projects and activities
11 eligible for assistance under section 603(c) to
12 serve” and inserting “to”.

13 (b) ADDITIONAL ASSISTANCE.—

14 (1) AUTHORIZATION OF APPROPRIATIONS.—In
15 addition to amounts otherwise made available under
16 title VI of the Federal Water Pollution Control Act
17 (33 U.S.C. 1381 et seq.), there is authorized to be
18 appropriated \$500,000,000 for each of fiscal years
19 2022 through 2026 to make grants, in cooperation
20 with the Director of the Indian Health Service, to
21 entities described in section 518(c)(3) of the Federal
22 Water Pollution Control Act (33 U.S.C. 1377) for—

23 (A) projects and activities eligible for as-
24 sistance under section 603(c) of such Act (33
25 U.S.C. 1383); and

1 (B) training, technical assistance, and edu-
2 cational programs related to the operation and
3 management of treatment works eligible for as-
4 sistance pursuant to such section 603(c).

5 (2) NO MATCHING REQUIREMENT.—The Ad-
6 ministrator may not require an entity receiving a
7 grant under paragraph (1) to provide, as a condition
8 of receiving such grant, a share of the cost of the
9 project or activity for which such grant was made.

10 (3) LIMITATION.—Not more than \$2,000,000
11 of amounts made available in a fiscal year to carry
12 out this subsection may be used for grants under
13 paragraph (1)(B).

14 (4) APPLICATION OF OTHER REQUIREMENTS.—
15 The requirements of sections 513 and 608 of the
16 Federal Water Pollution Control Act (33 U.S.C.
17 1372, 1388) shall apply to any project for the con-
18 struction, alteration, maintenance, or repair of treat-
19 ment works for which a grant is received under
20 paragraph (1).

21 (c) INDIAN HEALTH SERVICE SANITATION FACILI-
22 TIES CONSTRUCTION PROGRAM FUNDING.—

23 (1) FINDINGS.—Congress finds that—

1 (A) the COVID–19 crisis has highlighted
2 the lack of infrastructure and sanitation avail-
3 able in Native communities; and

4 (B) addressing the Sanitation Facilities
5 Deficiency List of the Division of Sanitation
6 Facilities and Construction of the Indian
7 Health Service included in the report will—

8 (i) result in investments in necessary
9 water infrastructure; and

10 (ii) improve health outcomes.

11 (2) DEFINITIONS.—In this subsection:

12 (A) REPORT.—The term “report” means
13 the fiscal year 2019 report of the Division of
14 Sanitation Facilities and Construction of the
15 Indian Health Service entitled “Annual Report
16 to the Congress of the United States on Sanita-
17 tion Deficiency Levels for Indian Homes and
18 Communities”.

19 (B) SECRETARY.—The term “Secretary”
20 means the Secretary of Health and Human
21 Services, acting through the Director of the In-
22 dian Health Service.

23 (3) ADDITIONAL FUNDING FOR SANITATION FA-
24 CILITIES.—

1 (A) IN GENERAL.—The Secretary shall
2 award additional funding under the Sanitation
3 Facilities Construction Program for the plan-
4 ning, design, construction, modernization, im-
5 provement, and renovation of water, sewer, and
6 solid waste sanitation facilities that are funded,
7 in whole or part, by the Indian Health Service
8 through, or provided for in, a contract or com-
9 pact with the Indian Health Service under the
10 Indian Self-Determination and Education As-
11 sistance Act (25 U.S.C. 5301 et seq.).

12 (B) PRIORITY FOR FUNDING.—In award-
13 ing funding to sanitation facilities under sub-
14 paragraph (A), the Secretary shall prioritize
15 sanitation facilities with the highest deficiency
16 level, as established in the report.

17 (4) AUTHORIZATION OF APPROPRIATIONS.—

18 (A) IN GENERAL.—There is authorized to
19 be appropriated to the Secretary to carry out
20 this subsection \$2,600,000,000.

21 (B) REQUIREMENT.—Amounts made avail-
22 able under subparagraph (A) shall be in addi-
23 tion to any amounts made available to carry out
24 the purposes described in paragraph (3)(A)
25 under any other provision of law.

1 **SEC. 12014. CAPITALIZATION GRANTS.**

2 (a) **SPECIFIC REQUIREMENTS.**—Section 602(b) of
3 the Federal Water Pollution Control Act (33 U.S.C.
4 1382(b)) is amended—

5 (1) in paragraph (13)(B)—

6 (A) in the matter preceding clause (i), by
7 striking “and energy conservation” and insert-
8 ing “and efficient energy use (including through
9 the implementation of technologies to recover
10 and reuse energy produced in the treatment of
11 wastewater)”; and

12 (B) in clause (iii), by striking “; and” and
13 inserting a semicolon;

14 (2) in paragraph (14), by striking the period at
15 the end and inserting “; and”; and

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

17 “(15) to the extent there are sufficient projects
18 or activities eligible for assistance from the fund,
19 with respect to funds for capitalization grants re-
20 ceived by the State under this title and section
21 205(m)—

22 “(A) the State will use—

23 “(i) not less than 15 percent of such
24 funds for green infrastructure, water or
25 energy efficiency improvements, or other
26 environmentally innovative activities; and

1 “(ii) not less than 5 percent of such
2 funds for projects to increase the resiliency
3 of treatment works to extreme weather
4 events, drought, sea level rise, or other im-
5 pacts of climate change; and

6 “(B) the State will use not less than a
7 total of 20 percent of such funds for projects
8 described in subparagraph (A).”.

9 (b) CORROSION CONTROL.—Section 602 of the Fed-
10 eral Water Pollution Control Act (33 U.S.C. 1382) is
11 amended by adding at the end the following:

12 “(c) CORROSION CONTROL.—

13 “(1) IN GENERAL.—To the greatest extent
14 practicable, the Administrator shall encourage the
15 incorporation of corrosion prevention activities in
16 projects and activities carried out using financial as-
17 sistance provided under or pursuant to this title.

18 “(2) ACTIVITIES.—In carrying out paragraph
19 (1), the Administrator, to the greatest extent prac-
20 ticable, shall ensure that any recipient of financial
21 assistance under or pursuant to this title—

22 “(A) carries out any project or activity
23 using such assistance using, as applicable—

24 “(i) best practices to carry out corro-
25 sion prevention activities in the field;

1 “(ii) industry-recognized standards
2 and corrosion mitigation and prevention
3 methods when—
4 “(I) determining protective coat-
5 ings;
6 “(II) selecting materials; and
7 “(III) determining methods of
8 cathodic protection, design, and engi-
9 neering for corrosion prevention;
10 “(iii) certified coating application spe-
11 cialists and cathodic protection technicians
12 and engineers; and
13 “(iv) best practices in environmental
14 protection to prevent environmental deg-
15 radation and to ensure proper handling of
16 all hazardous materials; and
17 “(B) demonstrates, as applicable—
18 “(i) a history of employing industry-
19 certified inspectors to ensure adherence to
20 best practices and standards; and
21 “(ii) a history of compliance with ap-
22 plicable requirements of the Occupational
23 Safety and Health Administration.

1 “(3) CORROSION PREVENTION ACTIVITIES DE-
2 FINED.—In this subsection, the term ‘corrosion pre-
3 vention activities’ means—

4 “(A) the application and inspection of pro-
5 tective coatings for complex work involving steel
6 and cementitious structures, including struc-
7 tures that will be exposed in immersion;

8 “(B) the installation, testing, and inspec-
9 tion of cathodic protection systems; and

10 “(C) any other activities related to corro-
11 sion prevention the Administrator determines
12 appropriate.”.

13 **SEC. 12015. WATER POLLUTION CONTROL REVOLVING**
14 **LOAN FUNDS.**

15 Section 603 of the Federal Water Pollution Control
16 Act (33 U.S.C. 1383) is amended—

17 (1) in subsection (c)(10), by inserting “, includ-
18 ing measures to identify and address cybersecurity
19 vulnerabilities of such treatment works” before the
20 semicolon; and

21 (2) in subsection (i)—

22 (A) in paragraph (1)—

23 (i) in the matter preceding subpara-
24 graph (A), by striking “, including forgive-
25 ness of principal and negative interest

1 loans” and inserting “(including in the
2 form of forgiveness of principal, negative
3 interest loans, or grants)”; and

4 (ii) in subparagraph (A)—

5 (I) in the matter preceding clause

6 (i), by striking “in assistance”; and

7 (II) in clause (ii)(III), by striking

8 “to such ratepayers” and inserting

9 “to help such ratepayers maintain ac-

10 cess to wastewater (including

11 stormwater) treatment services”; and

12 (B) by amending paragraph (3) to read as

13 follows:

14 “(3) SUBSIDIZATION AMOUNTS.—

15 “(A) IN GENERAL.—A State may use for
16 providing additional subsidization in a fiscal
17 year under this subsection an amount that does
18 not exceed the greater of—

19 “(i) 50 percent of the total amount
20 received by the State in capitalization
21 grants under this title for the fiscal year;

22 or

23 “(ii) the annual average over the pre-
24 vious 10 fiscal years of the amounts depos-
25 ited by the State in the State water pollu-

1 tion control revolving fund from State
2 moneys that exceed the amounts required
3 to be so deposited under section 602(b)(2).

4 “(B) MINIMUM.—To the extent there are
5 sufficient applications for additional subsidiza-
6 tion under this subsection that meet the criteria
7 under paragraph (1)(A), a State shall use for
8 providing additional subsidization in a fiscal
9 year under this subsection an amount that is
10 not less than 20 percent of the total amount re-
11 ceived by the State in capitalization grants
12 under this title for the fiscal year.”.

13 **SEC. 12016. ALLOTMENT OF FUNDS.**

14 (a) FORMULA.—Section 604(a) of the Federal Water
15 Pollution Control Act (33 U.S.C. 1384(a)) is amended by
16 striking “each of fiscal years 1989 and 1990” and insert-
17 ing “each fiscal year”.

18 (b) WASTEWATER INFRASTRUCTURE WORKFORCE
19 DEVELOPMENT.—Section 604 of the Federal Water Pollu-
20 tion Control Act (33 U.S.C. 1384) is amended by adding
21 at the end the following:

22 “(d) WASTEWATER INFRASTRUCTURE WORKFORCE
23 DEVELOPMENT.—Each fiscal year, a State may reserve
24 up to 1 percent of the sums allotted to the State under
25 this section for the fiscal year to carry out workforce devel-

1 opment, training, and retraining activities described in
2 section 104(g).”.

3 (c) NEEDS SURVEY.—Section 604 of the Federal
4 Water Pollution Control Act (33 U.S.C. 1384) is further
5 amended by adding at the end the following:

6 “(e) NEEDS SURVEY.—Each fiscal year, a State may
7 reserve up to 0.5 percent of the sums allotted to the State
8 under this section for the fiscal year to carry out activities
9 under section 516(b)(1)(B).”.

10 (d) FUNDS ALLOTTED TO PUERTO RICO.—Section
11 604 of the Federal Water Pollution Control Act (33
12 U.S.C. 1384) is further amended by adding at the end
13 the following:

14 “(f) FUNDS ALLOTTED TO PUERTO RICO.—Notwith-
15 standing any other provision of law, no funds allotted to
16 the Commonwealth of Puerto Rico under this section may
17 be counted as income or an asset of the owner or operator
18 of a publicly owned treatment works receiving such funds,
19 or be used, set aside, or otherwise made available for the
20 purposes of payment of debt restructuring under the Puer-
21 to Rico Oversight, Management, and Economic Stability
22 Act (48 U.S.C. 2101 et seq.) by the Puerto Rico Financial
23 Oversight and Management Board.”.

1 **SEC. 12017. RESERVATION OF FUNDS FOR TERRITORIES OF**
2 **THE UNITED STATES.**

3 Title VI of the Federal Water Pollution Control Act
4 (33 U.S.C. 1381 et seq.) is amended by striking section
5 607 and inserting the following:

6 **“SEC. 607. RESERVATION OF FUNDS FOR TERRITORIES OF**
7 **THE UNITED STATES.**

8 “(a) IN GENERAL.—

9 “(1) RESERVATION.—For each fiscal year, the
10 Administrator shall reserve 1.5 percent of available
11 funds, as determined under paragraph (2).

12 “(2) AVAILABLE FUNDS.—For purposes of
13 paragraph (1), the amount of available funds for a
14 fiscal year is—

15 “(A) the amount of funds made available
16 to carry out this title for the fiscal year (before
17 allotments to the States under section 604(a));
18 less

19 “(B) the amount of any funds reserved
20 under section 518(c) for the fiscal year.

21 “(b) USE OF FUNDS.—Funds reserved under this
22 section shall be available only for grants to American
23 Samoa, the Commonwealth of the Northern Mariana Is-
24 lands, Guam, and the Virgin Islands for projects and ac-
25 tivities eligible for assistance under section 603(c).

1 “(c) LIMITATION.—American Samoa, the Common-
2 wealth of the Northern Mariana Islands, Guam, and the
3 Virgin Islands may not receive funds allotted under sec-
4 tion 604(a).”.

5 **SEC. 12018. AUTHORIZATION OF APPROPRIATIONS.**

6 Title VI of the Federal Water Pollution Control Act
7 (33 U.S.C. 1381 et seq.) is amended by adding at the end
8 the following:

9 **“SEC. 609. AUTHORIZATION OF APPROPRIATIONS.**

10 “There are authorized to be appropriated to carry out
11 this title the following sums:

12 “(1) \$8,000,000,000 for fiscal year 2022.

13 “(2) \$8,000,000,000 for fiscal year 2023.

14 “(3) \$8,000,000,000 for fiscal year 2024.

15 “(4) \$8,000,000,000 for fiscal year 2025.

16 “(5) \$8,000,000,000 for fiscal year 2026.”.

17 **SEC. 12019. TECHNICAL ASSISTANCE BY MUNICIPAL OM-**
18 **BUDSMAN.**

19 Section 4(b)(1) of the Water Infrastructure Improve-
20 ment Act (42 U.S.C. 4370j(b)(1)) is amended to read as
21 follows:

22 “(1) technical and planning assistance to sup-
23 port municipalities, including municipalities that are
24 rural, small, economically disadvantaged, or Tribal
25 communities, in achieving and maintaining compli-

1 ance with enforceable deadlines, goals, and require-
2 ments of the Federal Water Pollution Control Act;
3 and”.

4 **SEC. 12020. REPORT ON WASTEWATER INFRASTRUCTURE**
5 **FUNDING FOR RURAL, ECONOMICALLY DIS-**
6 **ADVANTAGED, AND TRIBAL COMMUNITIES.**

7 (a) **STUDY.**—Not later than 90 days after the date
8 of enactment of this Act, the Administrator of the Envi-
9 ronmental Protection Agency shall initiate a study on the
10 distribution of wastewater infrastructure funds to rural
11 communities, economically disadvantaged communities,
12 and Tribal communities during the 20 fiscal years pre-
13 ceding the date of enactment of this Act.

14 (b) **REQUIREMENTS.**—In carrying out the study
15 under this section, the Administrator shall—

16 (1) consult with other Federal agencies, State,
17 local, and Tribal governments, owners and operators
18 of publicly owned treatment works, and stakeholder
19 organizations, including organizations with experi-
20 ence in investigating or addressing the wastewater
21 infrastructure needs of rural communities, economi-
22 cally disadvantaged communities, and Tribal com-
23 munities;

24 (2) undertake at least one public meeting in a
25 rural community, in an economically disadvantaged

1 community, and in a Tribal community, to receive
2 testimony from the public;

3 (3) examine whether the distribution of waste-
4 water infrastructure funds during the period covered
5 by the study has been in accordance with any appli-
6 cable executive order or policy regarding environ-
7 mental justice;

8 (4) examine how wastewater infrastructure
9 funds have been distributed with respect to the iden-
10 tified needs of rural communities, economically dis-
11 advantaged communities, and Tribal communities,
12 and whether such funds have addressed the needs of
13 such communities equitably when compared to how
14 such funds have been distributed with respect to the
15 identified needs of communities that are not rural,
16 economically disadvantaged, or Tribal;

17 (5) document the harm and injury caused by
18 any identified inequities in the distribution of waste-
19 water infrastructure funds with respect to the identi-
20 fied needs of rural communities, economically dis-
21 advantaged communities, and Tribal communities;
22 and

23 (6) consider any additional factors that the Ad-
24 ministrator determines necessary or appropriate to
25 determine whether rural communities, economically

1 disadvantaged communities, and Tribal communities
2 have equitable access to wastewater infrastructure
3 funds to comply with applicable requirements of the
4 Federal Water Pollution Control Act (33 U.S.C.
5 1251 et seq.).

6 (c) REPORT TO CONGRESS.—Not later than 2 years
7 after the date of enactment of this Act, the Administrator
8 shall submit to Congress a report describing—

9 (1) the results of the study carried out under
10 this section; and

11 (2) any recommendations to Congress, or to
12 State, local, and Tribal governments, to ensure that
13 rural communities, economically disadvantaged com-
14 munities, and Tribal communities can equitably ac-
15 cess wastewater infrastructure funds in amounts
16 sufficient to address local wastewater infrastructure
17 needs and local water quality challenges.

18 (d) DEFINITIONS.—In this section:

19 (1) ECONOMICALLY DISADVANTAGED COMMU-
20 NITY.—The term “economically disadvantaged com-
21 munity” means—

22 (A) a municipality that meets the afford-
23 ability criteria of a State established under sec-
24 tion 603(i)(2) of the Federal Water Pollution
25 Control Act (33 U.S.C. 1383(i)(2));

1 (B) a community with respect to which a
2 municipality can demonstrate that households
3 in the community experience significant eco-
4 nomic hardship related to wastewater infra-
5 structure; or

6 (C) a community that is located in an area
7 that meets the criteria described in paragraph
8 (1) or (2) of section 301(a) of the Public Works
9 and Economic Development Act of 1965 (42
10 U.S.C. 3161(a)).

11 (2) MUNICIPALITY; TREATMENT WORKS.—The
12 terms “municipality” and “treatment works” have
13 the meanings given those terms in section 502 of the
14 Federal Water Pollution Control Act (33 U.S.C.
15 1362).

16 (3) WASTEWATER INFRASTRUCTURE FUNDS.—
17 The term “wastewater infrastructure funds” means
18 funds made available for projects or activities under
19 or pursuant to—

20 (A) title VI of the Federal Water Pollution
21 Control Act (33 U.S.C. 1381 et seq.);

22 (B) section 122 of the Federal Water Pol-
23 lution Control Act (33 U.S.C. 1274);

24 (C) section 220 of the Federal Water Pol-
25 lution Control Act (33 U.S.C. 1300); and

1 (D) section 221 of the Federal Water Pol-
2 lution Control Act (33 U.S.C. 1301).

3 **SEC. 12021. WATER REUSE INTERAGENCY WORKING**
4 **GROUP.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of enactment of this Act, the Administrator shall es-
7 tablish a Water Reuse Interagency Working Group to de-
8 velop and coordinate actions, tools, and resources to en-
9 courage water reuse across the United States, including
10 through the implementation of the National Water Reuse
11 Action Plan, consistent with the mission of each Federal
12 agency that is a member of the working group.

13 (b) CHAIRPERSON; MEMBERSHIP.—The working
14 group shall be—

15 (1) chaired by the Administrator; and

16 (2) comprised of senior representatives from
17 any Federal agency the Administrator determines to
18 be appropriate.

19 (c) DUTIES OF THE WORKING GROUP.—The working
20 group shall—

21 (1) annually review the National Water Reuse
22 Action Plan and, as necessary, update such plan;

23 (2) encourage the consideration of water reuse
24 as part of integrated water resources management
25 and planning;

1 (3) conduct, and submit to Congress and make
2 public, an assessment of opportunities to encourage
3 water reuse and actions necessary to pursue such
4 opportunities;

5 (4) seek to coordinate Federal programs and
6 policies to encourage water reuse;

7 (5) consider how each Federal agency that is a
8 member of the working group can explore and iden-
9 tify opportunities to encourage water reuse through
10 the programs and activities of each such Federal
11 agency; and

12 (6) consult, on a regular basis, with representa-
13 tives of the water reuse industry, research commu-
14 nity, and nongovernmental organizations.

15 (d) REPORT.—Not less frequently than once every 2
16 years, the Administrator shall submit to Congress a report
17 on the activities and findings of the working group.

18 (e) SUNSET.—The working group shall terminate on
19 the date that is 6 years after the date of enactment of
20 this Act.

21 (f) DEFINITIONS.—In this section:

22 (1) ADMINISTRATOR.—The term “Adminis-
23 trator” means the Administrator of the Environ-
24 mental Protection Agency.

1 (2) NATIONAL WATER REUSE ACTION PLAN.—
2 The term “National Water Reuse Action Plan”
3 means the document published by the Administrator
4 entitled “National Water Reuse Action Plan: Col-
5 laborative Implementation (Version 1)”, dated Feb-
6 ruary 2020, and noticed in the Federal Register on
7 March 3, 2020 (85 Fed. Reg. 12552), as updated
8 pursuant to this section.

9 (3) WORKING GROUP.—The term “working
10 group” means the Water Reuse Interagency Work-
11 ing Group established under this section.

12 **SEC. 12022. DISCLOSURE OF INTRODUCTIONS OF PFAS.**

13 (a) IN GENERAL.—The introduction of any
14 perfluoroalkyl or polyfluoroalkyl substance by the owner
15 or operator of an industrial source shall be unlawful unless
16 such owner or operator first notifies the owner or operator
17 of the applicable treatment works of—

18 (1) the identity and quantity of such substance;

19 (2) whether such substance is susceptible to
20 treatment by such treatment works; and

21 (3) whether such substance would interfere with
22 the operation of the treatment works.

23 (b) VIOLATIONS.—A violation of this section shall be
24 treated in the same manner as a violation of a regulation

1 promulgated under subsection 307(b) of the Federal
2 Water Pollution Control Act (33 U.S.C. 1317(b)).

3 (c) DEFINITIONS.—In this section:

4 (1) INTRODUCTION.—The term “introduction”
5 means the introduction of pollutants into treatment
6 works, as described in section 307(b) of the Federal
7 Water Pollution Control Act (33 U.S.C. 1317).

8 (2) TREATMENT WORKS.—The term “treatment
9 works” has the meaning given that term in section
10 212 of the Federal Water Pollution Control Act (33
11 U.S.C. 1292).

12 **SEC. 12023. CLEAN WATER ACT EFFLUENT LIMITATIONS**
13 **GUIDELINES AND STANDARDS AND WATER**
14 **QUALITY CRITERIA FOR PFAS.**

15 (a) DEADLINES.—

16 (1) WATER QUALITY CRITERIA.—Not later than
17 3 years after the date of enactment of this section,
18 the Administrator shall publish in the Federal Reg-
19 ister human health water quality criteria under sec-
20 tion 304(a)(1) of the Federal Water Pollution Con-
21 trol Act (33 U.S.C. 1314) for each measurable
22 perfluoroalkyl substance, polyfluoroalkyl substance,
23 and class of such substances.

24 (2) EFFLUENT LIMITATIONS GUIDELINES AND
25 STANDARDS FOR PRIORITY INDUSTRY CAT-

1 EGORIES.—As soon as practicable, but not later
2 than 4 years after the date of enactment of this sec-
3 tion, the Administrator shall publish in the Federal
4 Register a final rule establishing, for each priority
5 industry category, effluent limitations guidelines and
6 standards, in accordance with the Federal Water
7 Pollution Control Act, for the discharge (including a
8 discharge into a publicly owned treatment works) of
9 each measurable perfluoroalkyl substance,
10 polyfluoroalkyl substance, and class of such sub-
11 stances.

12 (b) NOTIFICATION.—The Administrator shall notify
13 the Committee on Transportation and Infrastructure of
14 the House of Representatives and the Committee on Envi-
15 ronment and Public Works of the Senate of each publica-
16 tion made under this section.

17 (c) IMPLEMENTATION ASSISTANCE FOR PUBLICLY
18 OWNED TREATMENT WORKS.—

19 (1) IN GENERAL.—The Administrator shall
20 award grants to owners and operators of publicly
21 owned treatment works, to be used to implement ef-
22 fluent limitations guidelines and standards developed
23 by the Administrator for a perfluoroalkyl substance,
24 polyfluoroalkyl substance, or class of such sub-
25 stances.

1 (2) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to the Ad-
3 ministrator to carry out this subsection
4 \$200,000,000 for each of fiscal years 2022 through
5 2026, to remain available until expended.

6 (d) NO INCREASED BONDING AUTHORITY.—

7 Amounts awarded to an owner or operator of a publicly
8 owned treatment works under this section may not be used
9 as a source of payment of, or security for (directly or indi-
10 rectly), in whole or in part, any obligation the interest on
11 which is exempt from the tax imposed under chapter 1
12 of the Internal Revenue Code of 1986.

13 (e) DEFINITIONS.—In this section:

14 (1) ADMINISTRATOR.—The term “Adminis-
15 trator” means the Administrator of the Environ-
16 mental Protection Agency.

17 (2) EFFLUENT LIMITATION.—The term “efflu-
18 ent limitation” has the meaning given that term in
19 section 502 of the Federal Water Pollution Control
20 Act (33 U.S.C. 1362).

21 (3) MEASURABLE.—The term “measurable”
22 means, with respect to a chemical substance or class
23 of chemical substances, capable of being measured
24 using test procedures established under section

1 304(h) of the Federal Water Pollution Control Act
2 (33 U.S.C. 1314).

3 (4) PERFLUOROALKYL SUBSTANCE.—The term
4 “perfluoroalkyl substance” means a chemical of
5 which all of the carbon atoms are fully fluorinated
6 carbon atoms.

7 (5) POLYFLUOROALKYL SUBSTANCE.—The
8 term “polyfluoroalkyl substance” means a chemical
9 containing at least one fully fluorinated carbon atom
10 and at least one carbon atom that is not a fully
11 fluorinated carbon atom.

12 (6) PRIORITY INDUSTRY CATEGORY.—The term
13 “priority industry category” means the following
14 point source categories:

15 (A) Organic chemicals, plastics, and syn-
16 thetic fibers, as identified in part 414 of title
17 40, Code of Federal Regulations (or successor
18 regulations).

19 (B) Pulp, paper, and paperboard, as iden-
20 tified in part 430 of title 40, Code of Federal
21 Regulations (or successor regulations).

22 (C) Textile mills, as identified in part 410
23 of title 40, Code of Federal Regulations (or suc-
24 cessor regulations).

1 (D) Electroplating, as identified in part
2 413 of title 40, Code of Federal Regulations (or
3 successor regulations).

4 (E) Metal finishing, as identified in part
5 433 of title 40, Code of Federal Regulations (or
6 successor regulations).

7 (F) Leather tanning and finishing, as iden-
8 tified in part 425 of title 40, Code of Federal
9 Regulations (or successor regulations).

10 (G) Paint formulating, as identified in part
11 446 of title 40, Code of Federal Regulations (or
12 successor regulations).

13 (H) Electrical and electronic components,
14 as identified in part 469 of title 40, Code of
15 Federal Regulations (or successor regulations).

16 (I) Plastics molding and forming, as iden-
17 tified in part 463 of title 40, Code of Federal
18 Regulations (or successor regulations).

19 (7) TREATMENT WORKS.—The term “treatment
20 works” has the meaning given that term in section
21 212 of the Federal Water Pollution Control Act (33
22 U.S.C. 1292).

23 **SEC. 12024. NONPOINT SOURCE MANAGEMENT PROGRAMS.**

24 Section 319(j) of the Federal Water Pollution Control
25 Act (33 U.S.C. 1329(j)) is amended by striking “sub-

1 sections (h) and (i) not to exceed” and all that follows
2 through “fiscal year 1991” and inserting “subsections (h)
3 and (i) \$200,000,000 for each of fiscal years 2022
4 through 2026”.

5 **SEC. 12025. WASTEWATER ASSISTANCE TO COLONIAS.**

6 Section 307 of the Safe Drinking Water Act Amend-
7 ments of 1996 (33 U.S.C. 1281 note) is amended—

8 (1) in subsection (a)—

9 (A) by redesignating paragraphs (2) and
10 (3) as paragraphs (3) and (4), respectively; and

11 (B) by inserting after paragraph (1) the
12 following:

13 “(2) COVERED ENTITY.—The term ‘covered en-
14 tity’ means each of the following:

15 “(A) A border State.

16 “(B) A local government with jurisdiction
17 over an eligible community.”;

18 (2) in subsection (b), by striking “border
19 State” and inserting “covered entity”;

20 (3) in subsection (d), by striking “shall not ex-
21 ceed 50 percent” and inserting “may not be less
22 than 80 percent”;

23 (4) in subsection (e)—

24 (A) by striking “\$25,000,000” and insert-
25 ing “\$100,000,000”; and

1 (B) by striking “1997 through 1999” and
2 inserting “2022 through 2026”.

3 **SEC. 12026. HOUSEHOLD WELL WATER TESTING WEBSITE.**

4 (a) IN GENERAL.—Not later than one year after the
5 date of enactment of this Act, the Administrator of the
6 Environmental Protection Agency shall establish a website
7 containing information relating to the testing of household
8 well water.

9 (b) CONTENTS.—The Administrator shall include on
10 the website established under subsection (a) the following:

11 (1) Information on how to get drinking water
12 tested for a home served by an individual private
13 well.

14 (2) A list of laboratories that analyze water
15 samples and are certified by a State or the Adminis-
16 trator.

17 (3) State-specific information, developed in co-
18 ordination with each State, on naturally occurring
19 and human-induced contaminants.

20 (4) Information that, using accepted risk com-
21 munication techniques, clearly communicates wheth-
22 er a test result value exceeds a level determined by
23 the Administrator or the State to pose a health risk.

24 (5) Information on treatment options, including
25 information relating to water treatment systems cer-

1 tified by the National Sanitation Foundation, Un-
2 derwriters Laboratories, and the Water Quality As-
3 sociation.

4 (6) A directory of whom to contact to report a
5 test result value that exceeds a level determined by
6 the Administrator or the State to pose a health risk.

7 (7) Information on financial assistance that is
8 available for homeowners to support water treat-
9 ment, including grants under section 306E of the
10 Consolidated Farm and Rural Development Act (7
11 U.S.C. 1926e) and State resources.

12 (8) Any other information the Administrator
13 considers appropriate.

14 (c) COORDINATION.—The Administrator shall coordi-
15 nate with the Secretary of Health and Human Services,
16 the Secretary of Agriculture, and appropriate State agen-
17 cies in carrying out this section.

18 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section
20 \$1,000,000 for fiscal year 2022.

21 **SEC. 12027. STUDY AND REPORT ON EFFECT OF TOILET**
22 **WIPES MARKETED AS FLUSHABLE.**

23 (a) IN GENERAL.—The Administrator of the Envi-
24 ronmental Protection Agency shall conduct a study on the

1 effect of toilet wipes marketed as flushable on municipal
2 water systems and residential plumbing systems.

3 (b) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Administrator shall submit
5 to Congress a report on the study conducted under sub-
6 section (a).

7 **SEC. 12028. EFFLUENT LIMITATIONS FOR WASTEWATER,**
8 **SPILLS, AND RUNOFF FROM FACILITIES AS-**
9 **SOCIATED WITH THE TRANSPORT AND PACK-**
10 **AGING OF PRE-PRODUCTION PLASTIC MATE-**
11 **RIALS.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of enactment of this Act, the Administrator of the
14 Environmental Protection Agency shall issue such regula-
15 tions as are necessary to ensure that—

16 (1) the discharge of plastic pellets or other pre-
17 production plastic materials (including discharge
18 into wastewater and other runoff) from facilities reg-
19 ulated under part 414 or 463 of title 40, Code of
20 Federal Regulations (as in effect on the date of en-
21 actment of this Act), is prohibited;

22 (2) the discharge of plastic pellets or other pre-
23 production plastic materials (including discharge
24 into wastewater and other runoff) from a point
25 source associated with the making, use, packaging,

1 or transportation of such plastic pellets and other
2 pre-production plastic materials is prohibited; and

3 (3) the requirements under paragraphs (1) and
4 (2) are reflected in—

5 (A) permits issued under section 402 of
6 the Federal Water Pollution Control Act (33
7 U.S.C. 1342) to facilities or other point sources
8 that make, use, package, or transport plastic
9 pellets or other pre-production plastic materials,
10 as determined by the Administrator, in addition
11 to other applicable limits and standards; and

12 (B) all standards of performance promul-
13 gated under section 312(p) of the Federal
14 Water Pollution Control Act (33 U.S.C.
15 1322(p)) that are applicable to point sources
16 associated with the making, use, packaging, or
17 transportation of plastic pellets or other pre-
18 production plastic materials, as determined by
19 the Administrator.

20 (b) DEFINITION.—In this section, the term “point
21 source” has the meaning given such term in section 502
22 of the Federal Water Pollution Control Act (33 U.S.C.
23 1362).

1 **SEC. 12029. CENTERS OF EXCELLENCE FOR STORMWATER**
2 **CONTROL INFRASTRUCTURE TECH-**
3 **NOLOGIES.**

4 (a) ESTABLISHMENT.—

5 (1) IN GENERAL.—Subject to the availability of
6 appropriations, the Administrator of the Environ-
7 mental Protection Agency shall provide grants, on a
8 competitive basis, to eligible institutions to establish
9 not more than 5 centers of excellence for new and
10 emerging stormwater control infrastructure tech-
11 nologies, to be located in different geographic re-
12 gions of the United States.

13 (2) GENERAL OPERATION.—Each center of ex-
14 cellence established with a grant provided under this
15 section shall—

16 (A) conduct research on new and emerging
17 stormwater control infrastructure technologies
18 that are relevant to the geographical region in
19 which the center of excellence is located to im-
20 prove the effectiveness, cost efficiency, and pro-
21 tection of public health, public safety, and water
22 quality, including research on—

23 (i) stormwater and sewer overflow re-
24 duction; and

1 (ii) other approaches to achieve water
2 resource enhancement and other environ-
3 mental, economic, and social benefits;

4 (B) maintain a list of—

5 (i) stormwater control infrastructure
6 needs in the region in which the center of
7 excellence is located; and

8 (ii) available new and emerging
9 stormwater control infrastructure tech-
10 nologies;

11 (C) analyze the usefulness of additional fi-
12 nancial programs for the implementation of new
13 and emerging stormwater control infrastructure
14 technologies;

15 (D) share the results of research conducted
16 under subparagraph (A) with the Federal Gov-
17 ernment, State, Tribal, and local governments,
18 and the private sector;

19 (E) provide technical assistance to State,
20 Tribal, and local governments to assist with the
21 design, construction, operation, and mainte-
22 nance of stormwater control infrastructure
23 projects that use innovative technologies;

24 (F) collaborate with institutions of higher
25 education and private and public organizations,

1 including community-based public-private part-
2 nerships and other stakeholders, in the geo-
3 graphical region in which the center of excel-
4 lence is located; and

5 (G) coordinate with the other centers of
6 excellence to avoid duplication of efforts.

7 (3) APPLICATION.—To be eligible to receive a
8 grant under this section, an eligible institution shall
9 prepare and submit to the Administrator an applica-
10 tion at such time, in such form, and containing such
11 information as the Administrator may require.

12 (b) NATIONAL ELECTRONIC CLEARINGHOUSE CEN-
13 TER.—Of the centers of excellence established under sub-
14 section (a), the Administrator shall designate 1 center of
15 excellence as the “National Electronic Clearinghouse Cen-
16 ter” to—

17 (1) develop, operate, and maintain public data-
18 base and a website that contains information relat-
19 ing to new and emerging stormwater control infra-
20 structure technologies; and

21 (2) publish on such website information from
22 each of the centers of excellence established under
23 this section.

24 (c) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There is authorized to be
2 appropriated to carry out this section \$5,000,000 for
3 each of fiscal years 2022 through 2026.

4 (2) LIMITATION ON USE OF FUNDS.—Of the
5 amounts made available for grants under paragraph
6 (1), not more than 2 percent may be used for ad-
7 ministrative costs.

8 (d) DEFINITION.—In this section, the term “eligible
9 institution” means an institution of higher education, a
10 research institution, or a nonprofit organization—

11 (1) that has demonstrated excellence in re-
12 searching and developing new and emerging
13 stormwater control infrastructure technologies; and

14 (2) with respect to a nonprofit organization, the
15 core mission of which includes water management,
16 as determined by the Administrator.

17 **SEC. 12030. MANAGEMENT OF INTERNATIONAL TRANS-**
18 **BOUNDARY WATER POLLUTION.**

19 (a) DEFINITIONS.—In this section:

20 (1) ADMINISTRATOR.—The term “Adminis-
21 trator” means the Administrator of the Environ-
22 mental Protection Agency.

23 (2) COMMISSION.—The term “Commission”
24 means the United States section of the International
25 Boundary and Water Commission.

1 (3) COVERED FUNDS.—The term “covered
2 funds” means amounts made available to the Ad-
3 ministrator under the heading “Environmental Pro-
4 tection Agency—State and Tribal Assistance
5 Grants” under title IX of the United States-Mexico-
6 Canada Agreement Implementation Act (Public Law
7 116–113).

8 (4) TREATMENT WORKS.—The term “treatment
9 works” has the meaning given that term in section
10 212 of the Federal Water Pollution Control Act (33
11 U.S.C. 1292).

12 (5) U.S.-MEXICO BORDER REGION.—The term
13 “U.S.-Mexico border region” means any area in the
14 United States that is located within 100 kilometers
15 of the United States-Mexico border.

16 (b) GRANTS.—The Administrator may, using covered
17 funds, provide to the Commission grants for projects for
18 treatment works for the U.S.-Mexico border region that—

19 (1) protect residents within the U.S.-Mexico
20 border region from pollution resulting from—

21 (A) transboundary flows of wastewater (in-
22 cluding stormwater) or other international
23 transboundary water flows originating in Mex-
24 ico; and

1 (B) any inadequacies or breakdowns of
2 treatment works in Mexico; and

3 (2) provide treatment of such flows in compli-
4 ance with local, State, and Federal law.

5 (c) USE OF FUNDS.—The Commission may use funds
6 received under this section to plan, study, design, and con-
7 struct treatment works in accordance with this section,
8 and carry out any related activities.

9 (d) CONSULTATION AND COORDINATION.—The Com-
10 mission shall consult and coordinate with the Adminis-
11 trator in carrying out any project using funds received
12 under this section.

13 (e) APPLICATION OF OTHER REQUIREMENTS.—The
14 requirements of sections 513 and 608 of the Federal
15 Water Pollution Control Act (33 U.S.C. 1372, 1388) shall
16 apply to the construction of any treatment works in the
17 United States for which the Commission receives funds
18 under this section.

19 **SEC. 12031. CALIFORNIA NEW RIVER RESTORATION.**

20 (a) DEFINITIONS.—In this section:

21 (1) ADMINISTRATOR.—The term “Adminis-
22 trator” means the Administrator of the Environ-
23 mental Protection Agency.

1 (2) MEXICAN.—The term “Mexican” refers to
2 the Federal, State, and local governments of the
3 United Mexican States.

4 (3) NEW RIVER.—The term “New River”
5 means that portion of the New River, California,
6 that flows north within the United States from the
7 border of Mexico through Calexico, California,
8 passes through the Imperial Valley, and drains into
9 the Salton Sea.

10 (4) PROGRAM.—The term “program” means
11 the California New River restoration program estab-
12 lished under subsection (b).

13 (5) RESTORATION AND PROTECTION.—The
14 term “restoration and protection” means the con-
15 servation, stewardship, and enhancement of habitat
16 for fish and wildlife to preserve and improve eco-
17 systems and ecological processes on which they de-
18 pend.

19 (b) CALIFORNIA NEW RIVER RESTORATION PRO-
20 GRAM ESTABLISHMENT.—

21 (1) ESTABLISHMENT.—Not later than 180 days
22 after the date of enactment of this Act, the Adminis-
23 trator shall establish a program to be known as the
24 “California New River restoration program”.

1 (2) DUTIES.—In carrying out the program, the
2 Administrator shall—

3 (A) implement projects, plans, and initia-
4 tives for the restoration and protection of the
5 New River that are supported by the California-
6 Mexico Border Relations Council, in consulta-
7 tion with applicable management entities, in-
8 cluding representatives of the Calexico New
9 River Committee, the California-Mexico Border
10 Relations Council, the New River Improvement
11 Project Technical Advisory Committee, the Fed-
12 eral Government, State and local governments,
13 and regional and nonprofit organizations;

14 (B) undertake activities that—

15 (i) support the implementation of a
16 shared set of science-based restoration and
17 protection activities identified in accord-
18 ance with subparagraph (A);

19 (ii) target cost-effective projects with
20 measurable results; and

21 (iii) maximize conservation outcomes
22 with no net gain of Federal full-time equiv-
23 alent employees; and

24 (C) provide grants and technical assistance
25 in accordance with subsection (c).

1 (3) COORDINATION.—In establishing the pro-
2 gram, the Administrator shall consult, as appro-
3 priate, with—

4 (A) the heads of Federal agencies, includ-
5 ing—

6 (i) the Secretary of the Interior;

7 (ii) the Secretary of Agriculture;

8 (iii) the Secretary of Homeland Secu-
9 rity;

10 (iv) the Administrator of General
11 Services;

12 (v) the Commissioner of U.S. Customs
13 and Border Protection;

14 (vi) the Commissioner of the Inter-
15 national Boundary Water Commission; and

16 (vii) the head of any other applicable
17 agency;

18 (B) the Governor of California;

19 (C) the California Environmental Protec-
20 tion Agency;

21 (D) the California State Water Resources
22 Control Board;

23 (E) the California Department of Water
24 Resources;

1 (F) the Colorado River Basin Regional
2 Water Quality Control Board;

3 (G) the Imperial Irrigation District; and

4 (H) other public agencies and organiza-
5 tions with authority for the planning and imple-
6 mentation of conservation strategies relating to
7 the New River.

8 (4) PURPOSES.—The purposes of the program
9 include—

10 (A) coordinating restoration and protection
11 activities, among Mexican, Federal, State, local,
12 and regional entities and conservation partners,
13 relating to the New River; and

14 (B) carrying out coordinated restoration
15 and protection activities, and providing for tech-
16 nical assistance relating to the New River—

17 (i) to sustain and enhance fish and
18 wildlife habitat restoration and protection
19 activities;

20 (ii) to improve and maintain water
21 quality to support fish and wildlife, as well
22 as the habitats of fish and wildlife;

23 (iii) to sustain and enhance water
24 management for volume and flood damage

1 mitigation improvements to benefit fish
2 and wildlife habitat;

3 (iv) to improve opportunities for pub-
4 lic access to, and recreation in and along,
5 the New River consistent with the ecologi-
6 cal needs of fish and wildlife habitat;

7 (v) to maximize the resilience of nat-
8 ural systems and habitats under changing
9 watershed conditions;

10 (vi) to engage the public through out-
11 reach, education, and citizen involvement,
12 to increase capacity and support for co-
13 ordinated restoration and protection activi-
14 ties relating to the New River;

15 (vii) to increase scientific capacity to
16 support the planning, monitoring, and re-
17 search activities necessary to carry out co-
18 ordinated restoration and protection activi-
19 ties; and

20 (viii) to provide technical assistance to
21 carry out restoration and protection activi-
22 ties relating to the New River.

23 (c) GRANTS AND ASSISTANCE.—

24 (1) IN GENERAL.—In carrying out the program,
25 the Administrator shall provide grants and technical

1 assistance to State and local governments, nonprofit
2 organizations, and institutions of higher education,
3 to carry out the purposes of the program.

4 (2) CRITERIA.—The Administrator, in consulta-
5 tion with the organizations described in subsection
6 (b)(3), shall develop criteria for providing grants and
7 technical assistance under this subsection to ensure
8 that such activities accomplish one or more of the
9 purposes identified in subsection (b)(4)(B).

10 (3) COST SHARING.—

11 (A) FEDERAL SHARE.—The Federal share
12 of the cost of a project for which a grant is pro-
13 vided under this subsection shall not exceed 55
14 percent of the total cost of the activity, as de-
15 termined by the Administrator.

16 (B) NON-FEDERAL SHARE.—The non-Fed-
17 eral share of the cost of a project for which a
18 grant is provided under this subsection may be
19 provided in the form of an in-kind contribution
20 of services or materials that the Administrator
21 determines are integral to the activity carried
22 out using assistance authorized by this section.

23 (4) REQUIREMENTS.—Sections 513 and 608 of
24 the Federal Water Pollution Control Act (33 U.S.C.
25 1372; 1388) shall apply to the construction of any

1 project or activity carried out, in whole or in part,
2 under this section in the same manner those sections
3 apply to a treatment works for which a grant is
4 made available under the Federal Water Pollution
5 Control Act.

6 (5) ADMINISTRATION.—The Administrator may
7 enter into an agreement to manage the implementa-
8 tion of this subsection with the North American De-
9 velopment Bank or a similar organization that offers
10 grant management services.

11 (d) ANNUAL REPORTS.—Not later than 180 days
12 after the date of enactment of this Act, and annually
13 thereafter, the Administrator shall submit to Congress a
14 report on the implementation of this section, including a
15 description of each project that has received funding under
16 this section and the status of all such projects that are
17 in progress on the date of submission of the report.

18 **SEC. 12032. RULEMAKING ON CLIMATE RESILIENCY.**

19 (a) IN GENERAL.—Not later than 18 months after
20 the date of enactment of this section, the Administrator
21 of the Environmental Protection Agency, after notice and
22 opportunity for public comment, shall issue such regula-
23 tions as are necessary to require that an applicant for
24 wastewater infrastructure funds—

1 (1) undertake an assessment of the potential
2 impacts of climate change on the project or activity
3 for which such funds are sought; and

4 (2) where appropriate, incorporate measures to
5 avoid, minimize, or mitigate such potential impacts
6 into the design of such project or activity.

7 (b) CONSIDERATIONS.—In issuing regulations under
8 subsection (a)(1), the Administrator shall consider requir-
9 ing varying levels of assessments that reflect the scale or
10 type of the project or activity for which wastewater infra-
11 structure funds are sought.

12 (c) CONSULTATION; TECHNICAL ASSISTANCE.—In
13 carrying out the rulemaking required under subsection
14 (a), the Administrator shall—

15 (1) consult with other Federal and State agen-
16 cies, municipalities, Tribal governments, owners and
17 operators of publicly owned treatment works, and
18 other stakeholders with experience in addressing po-
19 tential impacts of climate change on projects and ac-
20 tivities eligible for wastewater infrastructure funds;
21 and

22 (2) identify entities to provide technical assist-
23 ance to applicants for wastewater infrastructure
24 funds to assist such applicants in incorporating the

1 climate resilience measures described under sub-
2 section (a)(2).

3 (d) DEFINITIONS.—In this section:

4 (1) IMPACTS OF CLIMATE CHANGE.—The term
5 “impacts of climate change” includes observed
6 changes to temperature, precipitation patterns,
7 drought, storms, flooding, and sea level rise that
8 may adversely impact the continued safe and reliable
9 operation of a treatment works.

10 (2) MUNICIPALITY; STATE; TREATMENT
11 WORKS.—The terms “municipality”, “State”, and
12 “treatment works” have the meaning given such
13 terms in section 502 of the Federal Water Pollution
14 Control Act (33 U.S.C. 1362).

15 (3) WASTEWATER INFRASTRUCTURE FUNDS.—
16 The term “wastewater infrastructure funds” means
17 funds made available for projects or activities under
18 or pursuant to—

19 (A) title VI of the Federal Water Pollution
20 Control Act (33 U.S.C. 1381 et seq.);

21 (B) section 122 of the Federal Water Pol-
22 lution Control Act (33 U.S.C. 1274);

23 (C) section 220 of the Federal Water Pol-
24 lution Control Act (33 U.S.C. 1300); and

1 (D) section 221 of the Federal Water Pol-
 2 lution Control Act (33 U.S.C. 1301).

3 **DIVISION I—ASSISTANCE, QUAL-**
 4 **ITY, AND AFFORDABILITY**
 5 **ACT OF 2021**

6 **SEC. 13001. SHORT TITLE; TABLE OF CONTENTS.**

7 (a) **SHORT TITLE.**—This division may be cited as the
 8 “Assistance, Quality, and Affordability Act of 2021”.

9 (b) **TABLE OF CONTENTS.**—The table of contents for
 10 this division is as follows:

Sec. 13001. Short title; table of contents.

TITLE I—INFRASTRUCTURE

Sec. 13101. Drinking water system resilience funding.

Sec. 13102. Grants for State programs.

Sec. 13103. American iron and steel products.

Sec. 13104. Assistance for disadvantaged communities.

Sec. 13105. Allotments for territories.

Sec. 13106. Drinking water SRF funding.

Sec. 13107. Lead service line replacement.

Sec. 13108. Drinking water assistance to colonias.

Sec. 13109. PFAS treatment grants.

Sec. 13110. Voluntary school and child care program lead testing grant pro-
 gram.

Sec. 13111. Grant program for installation of filtration stations at schools and
 child care programs.

Sec. 13112. Drinking water fountain replacement for schools.

Sec. 13113. Indian reservation drinking water program.

Sec. 13114. Assistance for areas affected by natural disasters.

Sec. 13115. Water main break data clearinghouse.

TITLE II—SAFETY

Sec. 13201. Enabling EPA to set standards for new drinking water contami-
 nants.

Sec. 13202. National primary drinking water regulations for PFAS.

Sec. 13203. National primary drinking water regulations for microcystin toxin.

Sec. 13204. National primary drinking water regulations for 1,4-dioxane.

Sec. 13205. National primary drinking water regulation for chromium-6.

Sec. 13206. Elimination of small system variances.

TITLE III—AFFORDABILITY

Sec. 13301. Emergency relief program.

- Sec. 13302. Low-income drinking water assistance program.
 Sec. 13303. Low-income wastewater assistance program.
 Sec. 13304. Needs assessment for nationwide rural and urban low-income community water assistance program.
 Sec. 13305. Natural hazard education and response grant program.

TITLE IV—OTHER MATTERS

- Sec. 13401. Small urban and rural water system consolidation report.
 Sec. 13402. Study on contamination of Coldwater Creek, Missouri.
 Sec. 13403. Report on affordability, discrimination and civil rights violations, and data collection.
 Sec. 13404. Water infrastructure and workforce investment.
 Sec. 13405. Identification of high-risk locations.

1 **TITLE I—INFRASTRUCTURE**

2 **SEC. 13101. DRINKING WATER SYSTEM RESILIENCE FUND-** 3 **ING.**

4 Section 1433(g) of the Safe Drinking Water Act (42
 5 U.S.C. 300i–2(g)) is amended—

6 (1) in paragraph (1), by striking “and 2021”
 7 and inserting “through 2031”; and

8 (2) in paragraph (6)—

9 (A) by striking “25,000,000” and inserting
 10 “50,000,000”; and

11 (B) by striking “2020 and 2021” and in-
 12 serting “2022 through 2031”.

13 **SEC. 13102. GRANTS FOR STATE PROGRAMS.**

14 Section 1443(a)(7) of the Safe Drinking Water Act
 15 (42 U.S.C. 300j–2(a)(7)) is amended by striking “and
 16 2021” and inserting “through 2031”.

17 **SEC. 13103. AMERICAN IRON AND STEEL PRODUCTS.**

18 Section 1452(a)(4)(A) of the Safe Drinking Water
 19 Act (42 U.S.C. 300j–12(a)(4)(A)) is amended by striking

1 “During fiscal years 2019 through 2023, funds” and in-
2 serting “Funds”.

3 **SEC. 13104. ASSISTANCE FOR DISADVANTAGED COMMU-**
4 **NITIES.**

5 Section 1452(d)(2)(A) of the Safe Drinking Water
6 Act (42 U.S.C. 300j–12(d)(2)(A)) is amended by striking
7 “35 percent” and inserting “40 percent”.

8 **SEC. 13105. ALLOTMENTS FOR TERRITORIES.**

9 Section 1452(j) of the Safe Drinking Water Act (42
10 U.S.C. 300j–12(j)) is amended by striking “0.33 percent”
11 and inserting “1.5 percent”.

12 **SEC. 13106. DRINKING WATER SRF FUNDING.**

13 Section 1452(m)(1) of the Safe Drinking Water Act
14 (42 U.S.C. 300j–12(m)(1)) is amended—

15 (1) in subparagraph (B), by striking “and”;

16 (2) in subparagraph (C), by striking “2021.”
17 and inserting “2021;”; and

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

19 “(D) \$4,140,000,000 for fiscal year 2022;

20 “(E) \$4,800,000,000 for fiscal year 2023;

21 and

22 “(F) \$5,500,000,000 for each of fiscal
23 years 2024 through 2031.”.

1 **SEC. 13107. LEAD SERVICE LINE REPLACEMENT.**

2 (a) IN GENERAL.—Section 1452 of the Safe Drink-
3 ing Water Act (42 U.S.C. 300j–12) is amended by adding
4 at the end the following:

5 “(u) LEAD SERVICE LINE REPLACEMENT.—

6 “(1) IN GENERAL.—In addition to the capital-
7 ization grants to eligible States under subsection
8 (a)(1), the Administrator shall offer to enter into
9 agreements with States, Indian Tribes, and the ter-
10 ritories described in subsection (j) to make grants,
11 including letters of credit, to such States, Indian
12 Tribes, and territories under this subsection to fund
13 the replacement of lead service lines.

14 “(2) ALLOTMENTS.—

15 “(A) STATES.—Funds made available to
16 carry out this subsection shall be—

17 “(i) allotted and reallocated to the ex-
18 tent practicable to States as if allotted or
19 reallocated under subsection (a)(1) as a cap-
20 italization grant under such subsection;
21 and

22 “(ii) deposited into the State loan
23 fund of a State receiving such funds pur-
24 suant to an agreement entered into pursu-
25 ant to this subsection.

1 “(B) INDIAN TRIBES.—The Administrator
2 shall set aside 1½ percent of the amounts
3 made available each fiscal year to carry out this
4 subsection to make grants to Indian Tribes.

5 “(C) OTHER AREAS.—Funds made avail-
6 able to carry out this subsection shall be allot-
7 ted to territories described in subsection (j) in
8 accordance with such subsection.

9 “(3) GRANTS.—Notwithstanding any other pro-
10 vision of this section, funds made available under
11 this subsection shall be used only for providing
12 grants for the replacement of lead service lines.

13 “(4) PRIORITY.—Each State, Indian Tribe, and
14 territory that has entered into an agreement pursu-
15 ant to this subsection shall annually prepare a plan
16 that identifies the intended uses of the amounts
17 made available to such State, Indian Tribe, or terri-
18 tory under this subsection, and any such plan
19 shall—

20 “(A) not be required to comply with sub-
21 section (b)(3);

22 “(B) provide, to the maximum extent prac-
23 ticable, that priority for the use of funds be
24 given to projects that replace lead service lines

1 serving disadvantaged communities and envi-
2 ronmental justice communities; and

3 “(C) provide, in addition to subparagraph
4 (B) and to the maximum extent practicable,
5 that priority for the use of funds be given to
6 projects that, in carrying out lead service line
7 replacements, provide job training, apprentice-
8 ships, or other employment opportunities for
9 low-income persons and very low-income per-
10 sons that are located in the area in which the
11 project is carried out.

12 “(5) PLAN FOR REPLACEMENT.—Each State,
13 Indian Tribe, and territory that has entered into an
14 agreement pursuant to this subsection shall require
15 each recipient of funds made available pursuant to
16 this subsection to submit to the State, Indian Tribe,
17 or territory a plan to replace all lead service lines in
18 the applicable public water system within 10 years
19 of receiving such funds.

20 “(6) AMERICAN MADE IRON AND STEEL AND
21 PREVAILING WAGES.—The requirements of para-
22 graphs (4) and (5) of subsection (a) shall apply to
23 any project carried out in whole or in part with
24 funds made available under or pursuant to this sub-
25 section.

1 “(7) LIMITATION.—

2 “(A) PROHIBITION ON PARTIAL LINE RE-
3 PLACEMENT.—No funds made available pursu-
4 ant to this subsection may be used for partial
5 lead service line replacement if, at the conclu-
6 sion of the service line replacement, drinking
7 water is delivered through a publicly or pri-
8 vately owned portion of a lead service line.

9 “(B) NO PRIVATE OWNER CONTRIBU-
10 TION.—Any recipient of funds made available
11 pursuant to this subsection for lead service line
12 replacement shall offer to replace any privately
13 owned portion of any lead service line with re-
14 spect to which such funds are used at no cost
15 to the private owner.

16 “(8) DISADVANTAGED COMMUNITY ASSIST-
17 ANCE.—All funds made available pursuant to this
18 subsection to fund the replacement of lead service
19 lines may be used to replace lead service lines serv-
20 ing disadvantaged communities.

21 “(9) STATE CONTRIBUTION NOT REQUIRED.—
22 No agreement entered into pursuant to paragraph
23 (1) shall require that a State deposit, at any time,
24 in the applicable State loan fund from State moneys

1 any contribution in order to receive funds under this
2 subsection.

3 “(10) REPORT.—The Administrator shall annu-
4 ally submit to Congress a report that provides—

5 “(A) the number of households for which
6 lead service lines have been replaced using
7 funds made available by this subsection;

8 “(B) the total number of lead service lines
9 that exist in each State, territory, and area
10 under the jurisdiction of an Indian Tribe that
11 has entered into an agreement pursuant to this
12 subsection;

13 “(C) with respect to each project for such
14 lead service line replacement, data on job train-
15 ing, apprenticeships, and other employment op-
16 portunities for persons described in paragraph
17 (4)(C) under such projects, which shall include
18 the amount of the funding used to hire such
19 persons for such project; and

20 “(D) any other data determined by the Ad-
21 ministrator to be useful for purposes of deter-
22 mining the effect of this subsection with respect
23 to replacing lead service lines.

24 “(11) AUTHORIZATION OF APPROPRIATIONS.—

1 “(A) IN GENERAL.—There are authorized
2 to be appropriated to carry out this subsection
3 \$4,500,000,000 for each of fiscal years 2022
4 through 2031. Such sums shall remain available
5 until expended.

6 “(B) ADDITIONAL AMOUNTS.—To the ex-
7 tent amounts authorized to be appropriated
8 under this subsection in any fiscal year are not
9 appropriated in that fiscal year, such amounts
10 are authorized to be appropriated in a subse-
11 quent fiscal year. Such sums shall remain avail-
12 able until expended.

13 “(12) DEFINITIONS.—For purposes of this sub-
14 section:

15 “(A) DISADVANTAGED COMMUNITY.—The
16 term ‘disadvantaged community’ has the mean-
17 ing given such term in subsection (d)(3).

18 “(B) ENVIRONMENTAL JUSTICE COMMU-
19 NITY.—The term ‘environmental justice com-
20 munity’ means any population of color, commu-
21 nity of color, indigenous community, or low-in-
22 come community that experiences a dispropor-
23 tionate burden of the negative human health
24 and environmental impacts of pollution or other
25 environmental hazards.

1 “(C) LEAD SERVICE LINE.—The term
2 ‘lead service line’ means a pipe and its fittings,
3 which are not lead free (as defined in section
4 1417(d)), that connect the drinking water main
5 to the building inlet.

6 “(D) LOW-INCOME PERSON; VERY LOW-IN-
7 COME PERSON.—The terms ‘low-income person’
8 and ‘very low-income person’ have the same
9 meanings given the terms ‘low-income families’
10 and ‘very low-income families’, respectively, in
11 section 3(b) of the United States Housing Act
12 of 1937 (42 U.S.C.14 1437a(b)).”.

13 (b) CONFORMING AMENDMENT.—Section
14 1452(m)(1) of the Safe Drinking Water Act (42 U.S.C.
15 300j–12(m)(1)) is amended by striking “(a)(2)(G) and
16 (t)” and inserting “(a)(2)(G), (t), and (u)”.

17 **SEC. 13108. DRINKING WATER ASSISTANCE TO COLONIAS.**

18 Section 1456 of the Safe Drinking Water Act (42
19 U.S.C. 300j–16) is amended—

20 (1) in subsection (a)—

21 (A) by redesignating paragraph (2) as
22 paragraph (3); and

23 (B) by inserting after paragraph (1) the
24 following new paragraph:

1 “(2) COVERED ENTITY.—The term ‘covered en-
2 tity’ means each of the following:

3 “(A) A border State.

4 “(B) A local government with jurisdiction
5 over an eligible community.”;

6 (2) in subsection (b), by striking “border
7 State” and inserting “covered entity”;

8 (3) in subsection (d), by striking “shall not ex-
9 ceed 50 percent” and inserting “may not be less
10 than 80 percent”; and

11 (4) in subsection (e)—

12 (A) by striking “\$25,000,000” and insert-
13 ing “\$100,000,000”; and

14 (B) by striking “1997 through 1999” and
15 inserting “2022 through 2026”.

16 **SEC. 13109. PFAS TREATMENT GRANTS.**

17 Part E of the Safe Drinking Water Act (42 U.S.C.
18 300j et seq.) is amended by adding at the end the fol-
19 lowing new section:

20 **“SEC. 1459E. ASSISTANCE FOR COMMUNITY WATER SYS-**
21 **TEMS AFFECTED BY PFAS.**

22 “(a) ESTABLISHMENT.—Not later than 180 days
23 after the date of enactment of this section, the Adminis-
24 trator shall establish a program to award grants to af-
25 fected community water systems to pay for capital costs

1 associated with the implementation of eligible treatment
2 technologies.

3 “(b) APPLICATIONS.—

4 “(1) GUIDANCE.—Not later than 12 months
5 after the date of enactment of this section, the Ad-
6 ministrator shall publish guidance describing the
7 form and timing for community water systems to
8 apply for grants under this section.

9 “(2) REQUIRED INFORMATION.—The Adminis-
10 trator shall require a community water system ap-
11 plying for a grant under this section to submit—

12 “(A) information showing the presence of a
13 perfluoroalkyl or polyfluoroalkyl substance in
14 water of the community water system; and

15 “(B) a certification that the treatment
16 technology in use by the community water sys-
17 tem at the time of application is not sufficient
18 to meet all applicable standards, and all appli-
19 cable health advisories published pursuant to
20 section 1412(b)(1)(F), for perfluoroalkyl and
21 polyfluoroalkyl substances.

22 “(c) LIST OF ELIGIBLE TREATMENT TECH-
23 NOLOGIES.—Not later than 150 days after the date of en-
24 actment of this section, and every 2 years thereafter, the
25 Administrator shall publish a list of treatment tech-

1 nologies that the Administrator determines are the most
2 effective at removing perfluoroalkyl and polyfluoroalkyl
3 substances from drinking water.

4 “(d) PRIORITY FOR FUNDING.—In awarding grants
5 under this section, the Administrator shall prioritize an
6 affected community water system that—

7 “(1) serves a disadvantaged community;

8 “(2) will provide at least a 10-percent cost
9 share for the cost of implementing an eligible treat-
10 ment technology;

11 “(3) demonstrates the capacity to maintain the
12 eligible treatment technology to be implemented
13 using the grant; or

14 “(4) is located within an area with respect to
15 which the Administrator has published a determina-
16 tion under the first sentence of section 1424(e) re-
17 lating to an aquifer that is the sole or principal
18 drinking water source for the area.

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—

20 “(1) IN GENERAL.—There is authorized to be
21 appropriated to carry out this section \$500,000,000
22 for each of the fiscal years 2022 through 2031.

23 “(2) SPECIAL RULE.—Of the amounts author-
24 ized to be appropriated by paragraph (1),
25 \$25,000,000 are authorized to be appropriated for

1 each of fiscal years 2022 and 2023 for grants under
2 subsection (a) to pay for capital costs associated
3 with the implementation of eligible treatment tech-
4 nologies during the period beginning on October 1,
5 2014, and ending on the date of enactment of this
6 section.

7 “(f) DEFINITIONS.—In this section:

8 “(1) AFFECTED COMMUNITY WATER SYSTEM.—
9 The term ‘affected community water system’ means
10 a community water system that is affected by the
11 presence of a perfluoroalkyl or polyfluoroalkyl sub-
12 stance in the water in the community water system.

13 “(2) DISADVANTAGED COMMUNITY.—The term
14 ‘disadvantaged community’ has the meaning given
15 that term in section 1452.

16 “(3) ELIGIBLE TREATMENT TECHNOLOGY.—
17 The term ‘eligible treatment technology’ means a
18 treatment technology included on the list published
19 under subsection (c).”.

20 **SEC. 13110. VOLUNTARY SCHOOL AND CHILD CARE PRO-**
21 **GRAM LEAD TESTING GRANT PROGRAM.**

22 Section 1464(d)(8) of the Safe Drinking Water Act
23 (42 U.S.C. 300j–24(d)(8)) is amended by striking “and
24 2021” and inserting “through 2031”.

1 **SEC. 13111. GRANT PROGRAM FOR INSTALLATION OF FIL-**
2 **TRATION STATIONS AT SCHOOLS AND CHILD**
3 **CARE PROGRAMS.**

4 Section 1464 of the Safe Drinking Water Act (42
5 U.S.C. 300j-24) is amended by adding at the end the fol-
6 lowing:

7 “(e) GRANT PROGRAM FOR INSTALLATION AND
8 MAINTENANCE OF FILTRATION STATIONS.—

9 “(1) PROGRAM.—The Administrator shall es-
10 tablish a program to make grants to States to assist
11 local educational agencies in voluntary installation
12 and maintenance of filtration stations at schools and
13 child care programs under the jurisdiction of the
14 local educational agencies.

15 “(2) DIRECT GRANTS TO LOCAL EDUCATIONAL
16 AGENCIES.—The Administrator may make a grant
17 described in paragraph (1) directly available to—

18 “(A) any local educational agency de-
19 scribed in clause (i) or (iii) of subsection
20 (d)(1)(B) located in a State that does not par-
21 ticipate in the program established under para-
22 graph (1); or

23 “(B) any local educational agency de-
24 scribed in clause (ii) of subsection (d)(1)(B).

1 “(3) USE OF FUNDS.—Grants made under the
2 program established under this subsection may be
3 used to pay the costs of—

4 “(A) installation and maintenance of filtra-
5 tion stations at schools and child care pro-
6 grams; and

7 “(B) annual testing of drinking water at
8 such schools and child care programs following
9 the installation of filtration stations.

10 “(4) PRIORITY.—

11 “(A) IN GENERAL.—In making grants
12 under the program established under this sub-
13 section, the Administrator shall give priority to
14 States and local educational agencies that will
15 assist in voluntary installation and maintenance
16 of filtration stations at schools and child care
17 programs that are in low-income areas, includ-
18 ing low-income areas that have a history of
19 drinking water lead contamination.

20 “(B) OTHER PRIORITIES.—In making
21 grants under the program established under
22 this subsection, the Administrator shall, to the
23 greatest extent feasible, also give priority to
24 States and local educational agencies that, in
25 assisting with the installation and maintenance

1 of filtration stations pursuant to this sub-
2 section, will provide job training, apprentice-
3 ships, or other employment opportunities for
4 low-income persons and very low-income per-
5 sons in the area in which the installation and
6 maintenance takes place.

7 “(5) GUIDANCE.—Not later than 180 days
8 after the date of enactment of this subsection, the
9 Administrator shall establish guidance to carry out
10 the program established under this subsection.

11 “(6) NO PRIOR TESTING REQUIRED.—The pro-
12 gram established under this subsection shall not re-
13 quire testing for lead contamination in drinking
14 water at schools and child care programs prior to
15 participation in such program.

16 “(7) DEFINITIONS.—In this subsection:

17 “(A) CHILD CARE PROGRAM AND LOCAL
18 EDUCATIONAL AGENCY.—The terms ‘child care
19 program’ and ‘local educational agency’ have
20 the meaning given such terms in subsection (d).

21 “(B) FILTRATION STATION.—The term
22 ‘filtration station’ means an apparatus that—

23 “(i) is connected to building plumb-
24 ing;

1 “(ii) is certified to the latest version
2 of NSF/ANSI 53 for lead reduction and
3 NSF/ANSI 42 for particulate reduction
4 (Class I) by a certification body accredited
5 by the American National Standards Insti-
6 tute National Accreditation Board;

7 “(iii) has an indicator to show filter
8 performance;

9 “(iv) can fill bottles or containers for
10 water consumption; and

11 “(v) allows users to drink directly
12 from a stream of flowing water.

13 “(8) AUTHORIZATION OF APPROPRIATIONS.—
14 There is authorized to be appropriated to carry out
15 this subsection \$100,000,000 for each of fiscal years
16 2022 through 2031.”.

17 **SEC. 13112. DRINKING WATER FOUNTAIN REPLACEMENT**
18 **FOR SCHOOLS.**

19 Section 1465(d) of the Safe Drinking Water Act (42
20 U.S.C. 300j–25(d)) is amended by striking “2021” and
21 inserting “2031”.

1 **SEC. 13113. INDIAN RESERVATION DRINKING WATER PRO-**
2 **GRAM.**

3 Section 2001(d) of America’s Water Infrastructure
4 Act of 2018 (Public Law 115–270) is amended by striking
5 “2022” and inserting “2031”.

6 **SEC. 13114. ASSISTANCE FOR AREAS AFFECTED BY NAT-**
7 **URAL DISASTERS.**

8 Section 2020 of America’s Water Infrastructure Act
9 of 2018 (Public Law 115–270) is amended—

10 (1) in subsection (b)(1), by striking “subsection
11 (e)(1)” and inserting “subsection (f)(1)”;

12 (2) by redesignating subsections (e) through (e)
13 as subsections (d) through (f), respectively;

14 (3) by inserting after subsection (b) the fol-
15 lowing:

16 “(c) ASSISTANCE FOR TERRITORIES.—The Adminis-
17 trator may use funds made available under subsection
18 (f)(1) to make grants to Guam, the Virgin Islands, Amer-
19 ican Samoa, and the Northern Mariana Islands for the
20 purposes of providing assistance to eligible systems to re-
21 store or increase compliance with national primary drink-
22 ing water regulations.”; and

23 (4) in subsection (f), as so redesignated—

24 (A) in the heading, by striking “STATE
25 REVOLVING FUND CAPITALIZATION”; and

26 (B) in paragraph (1)—

1 (i) in the matter preceding subpara-
2 graph (A), by inserting “and to make
3 grants under subsection (c) of this sec-
4 tion,” before “to be available”; and

5 (ii) in subparagraph (A), by inserting
6 “or subsection (c), as applicable” after
7 “subsection (b)(1)”.

8 **SEC. 13115. WATER MAIN BREAK DATA CLEARINGHOUSE.**

9 Part B of the Safe Drinking Water Act (42 U.S.C.
10 300g et seq.) is amended by adding at the end the fol-
11 lowing:

12 **“SEC. 1420A. WATER MAIN BREAK DATA CLEARINGHOUSE.**

13 **“(a) ONLINE DATA CLEARINGHOUSE.—**

14 **“(1) ESTABLISHMENT.—**Not later than 2 years
15 after the date of enactment of this section, the Ad-
16 ministrator shall establish and maintain a publicly
17 accessible website with a national data clearinghouse
18 on reported water main breaks and associated repair
19 activity.

20 **“(2) CONTENTS.—**The website established pur-
21 suant to paragraph (1) shall present—

22 **“(A)** information submitted to the Admin-
23 istrator by a public water system under this
24 section with respect to reported water main
25 breaks;

1 “(B) aggregate State and national data on
2 reported water main breaks; and

3 “(C) trends in such information and data
4 over time.

5 “(3) UPDATES.—The website established pursu-
6 ant to paragraph (1) shall be updated at least twice
7 per year.

8 “(b) DEFINITION.—In this section, the term ‘re-
9 ported water main break’ means the unplanned rupture
10 or breach of a pipe 6 inches in diameter or more in service
11 as part of a public water system resulting in water escap-
12 ing and being reported to the public water system by an
13 employee or other person.

14 “(c) RULE.—Not later than one year after the date
15 of enactment of this section, the Administrator shall issue
16 a rule requiring each public water system serving more
17 than 10,000 persons to submit to the Administrator infor-
18 mation on each reported water main break in, and the re-
19 pair activity for such break to be provided by, the public
20 water system with respect to a calendar year. Such rule
21 shall—

22 “(1) specify the format, content, quality assur-
23 ance procedure, and method of submission of infor-
24 mation;

1 “(2) apply to reported water main breaks that
2 occur in the second calendar year following the date
3 of enactment of this section and each calendar year
4 thereafter;

5 “(3) allow for the submission, storage, and dis-
6 play of information in electronic format;

7 “(4) allow for the submission of information by
8 a public water system serving 10,000 or fewer per-
9 sons submitted on a voluntary basis;

10 “(5) allow for submission of any additional in-
11 formation that may be required of a public water
12 system by a State regarding reported water main
13 breaks and repair activity; and

14 “(6) require that a summary of the information
15 submitted be included in a public water system’s an-
16 nual consumer confidence report required under sec-
17 tion 1414(c)(4).

18 “(d) REPORTED WATER MAIN BREAK AND REPAIR
19 INFORMATION.—The rule issued under subsection (c)
20 shall require each public water system serving more than
21 10,000 persons to submit to the Administrator the fol-
22 lowing information with respect to each reported water
23 main break in the public water system:

1 “(1) To the extent practicable, the time and
2 date the reported water main break was reported to
3 the public water system.

4 “(2) The specific location of the reported water
5 main break.

6 “(3) The size, type, age, and bedding material
7 of the broken water main.

8 “(4) The elapsed time from the initial report of
9 the water main break to the public water system to
10 the completion of repairs.

11 “(5) The amount of water escaping from the
12 public water system between the time of the report
13 and the repair, estimated in accordance with ‘Water
14 Audits and Loss Control Programs, Manual—36’
15 (2016) published by the American Water Works As-
16 sociation or any successor manual.

17 “(6) The estimated cost of repairing the re-
18 ported water main break and associated public infra-
19 structure, including pavement restoration, and the
20 cost of any damage to other public or private prop-
21 erty.

22 “(e) ANNUAL REPORT.—Not later than 4 years after
23 the date of enactment of this section, and annually there-
24 after, the Administrator shall prepare and make available
25 to the public a report summarizing and evaluating submis-

1 sions by public water systems pursuant to this section.
 2 Such report shall include information and recommenda-
 3 tions concerning the methods and resources needed by
 4 public water systems to reduce the frequency, duration,
 5 and cost of water main breaks.”.

6 **TITLE II—SAFETY**

7 **SEC. 13201. ENABLING EPA TO SET STANDARDS FOR NEW** 8 **DRINKING WATER CONTAMINANTS.**

9 (a) IN GENERAL.—Section 1412(b)(6) of the Safe
 10 Drinking Water Act (42 U.S.C. 300g–1(b)(6)) is repealed.

11 (b) CONFORMING AMENDMENTS.—Section 1412(b)
 12 of the Safe Drinking Water Act (42 U.S.C. 300g–1(b))
 13 is amended—

14 (1) in paragraph (3)(C)(i)—

15 (A) by striking “paragraph (5) or (6)(A)”
 16 and inserting “paragraph (5)”; and

17 (B) by striking “paragraphs (4), (5), and
 18 (6)” and inserting “paragraphs (4) and (5)”;

19 and

20 (2) in paragraph (4)(B), by striking “para-
 21 graphs (5) and (6)” and inserting “paragraph (5)”.

1 **SEC. 13202. NATIONAL PRIMARY DRINKING WATER REGU-**
2 **LATIONS FOR PFAS.**

3 Section 1412(b) of the Safe Drinking Water Act (42
4 U.S.C. 300g–1(b)) is amended by adding at the end the
5 following:

6 “(16) PERFLUOROALKYL AND
7 POLYFLUOROALKYL SUBSTANCES.—

8 “(A) IN GENERAL.—Not later than 2 years
9 after the date of enactment of this paragraph,
10 the Administrator shall, after notice and oppor-
11 tunity for public comment, promulgate a na-
12 tional primary drinking water regulation for
13 perfluoroalkyl and polyfluoroalkyl substances,
14 which shall, at a minimum, include standards
15 for—

16 “(i) perfluorooctanoic acid (commonly
17 referred to as ‘PFOA’); and

18 “(ii) perfluorooctane sulfonic acid
19 (commonly referred to as ‘PFOS’).

20 “(B) ALTERNATIVE PROCEDURES.—

21 “(i) IN GENERAL.—Not later than 1
22 year after the validation by the Adminis-
23 trator of an equally effective quality con-
24 trol and testing procedure to ensure com-
25 pliance with the national primary drinking
26 water regulation promulgated under sub-

1 paragraph (A) to measure the levels de-
2 scribed in clause (ii) or other methods to
3 detect and monitor perfluoroalkyl and
4 polyfluoroalkyl substances in drinking
5 water, the Administrator shall add the pro-
6 cedure or method as an alternative to the
7 quality control and testing procedure de-
8 scribed in such national primary drinking
9 water regulation by publishing the proce-
10 dure or method in the Federal Register in
11 accordance with section 1401(1)(D).

12 “(ii) LEVELS DESCRIBED.—The levels
13 referred to in clause (i) are—

14 “(I) the level of a perfluoroalkyl
15 or polyfluoroalkyl substance;

16 “(II) the total levels of
17 perfluoroalkyl and polyfluoroalkyl sub-
18 stances; and

19 “(III) the total levels of organic
20 fluorine.

21 “(C) INCLUSIONS.—The Administrator
22 may include a perfluoroalkyl or polyfluoroalkyl
23 substance or class of perfluoroalkyl or
24 polyfluoroalkyl substances on—

1 “(i) the list of contaminants for con-
2 sideration of regulation under paragraph
3 (1)(B)(i), in accordance with such para-
4 graph; and

5 “(ii) the list of unregulated contami-
6 nants to be monitored under section
7 1445(a)(2)(B)(i), in accordance with such
8 section.

9 “(D) MONITORING.—When establishing
10 monitoring requirements for public water sys-
11 tems as part of a national primary drinking
12 water regulation under subparagraph (A) or
13 subparagraph (G)(ii), the Administrator shall
14 tailor the monitoring requirements for public
15 water systems that do not detect or are reliably
16 and consistently below the maximum contami-
17 nant level (as defined in section 1418(b)(2)(B))
18 for the perfluoroalkyl or polyfluoroalkyl sub-
19 stance or class of perfluoroalkyl or
20 polyfluoroalkyl substances subject to the na-
21 tional primary drinking water regulation.

22 “(E) HEALTH PROTECTION.—The national
23 primary drinking water regulation promulgated
24 under subparagraph (A) shall be protective of

1 the health of subpopulations at greater risk, as
2 described in section 1458.

3 “(F) HEALTH RISK REDUCTION AND COST
4 ANALYSIS.—In meeting the requirements of
5 paragraph (3)(C), the Administrator may rely
6 on information available to the Administrator
7 with respect to one or more specific
8 perfluoroalkyl or polyfluoroalkyl substances to
9 extrapolate reasoned conclusions regarding the
10 health risks and effects of a class of
11 perfluoroalkyl or polyfluoroalkyl substances of
12 which the specific perfluoroalkyl or
13 polyfluoroalkyl substances are a part.

14 “(G) REGULATION OF ADDITIONAL SUB-
15 STANCES.—

16 “(i) DETERMINATION.—The Adminis-
17 trator shall make a determination under
18 paragraph (1)(A), using the criteria de-
19 scribed in clauses (i) through (iii) of that
20 paragraph, whether to include a
21 perfluoroalkyl or polyfluoroalkyl substance
22 or class of perfluoroalkyl or polyfluoroalkyl
23 substances in the national primary drink-
24 ing water regulation under subparagraph

1 (A) not later than 18 months after the
2 later of—

3 “(I) the date on which the
4 perfluoroalkyl or polyfluoroalkyl sub-
5 stance or class of perfluoroalkyl or
6 polyfluoroalkyl substances is listed on
7 the list of contaminants for consider-
8 ation of regulation under paragraph
9 (1)(B)(i); and

10 “(II) the date on which—

11 “(aa) the Administrator has
12 received the results of monitoring
13 under section 1445(a)(2)(B) for
14 the perfluoroalkyl or
15 polyfluoroalkyl substance or class
16 of perfluoroalkyl or
17 polyfluoroalkyl substances; or

18 “(bb) the Administrator has
19 received reliable water data or
20 water monitoring surveys for the
21 perfluoroalkyl or polyfluoroalkyl
22 substance or class of
23 perfluoroalkyl or polyfluoroalkyl
24 substances from a Federal or
25 State agency that the Adminis-

1 trator determines to be of a qual-
2 ity sufficient to make a deter-
3 mination under paragraph
4 (1)(A).

5 “(ii) PRIMARY DRINKING WATER REG-
6 ULATIONS.—

7 “(I) IN GENERAL.—For each
8 perfluoroalkyl or polyfluoroalkyl sub-
9 stance or class of perfluoroalkyl or
10 polyfluoroalkyl substances that the
11 Administrator determines to regulate
12 under clause (i), the Administrator—

13 “(aa) not later than 18
14 months after the date on which
15 the Administrator makes the de-
16 termination, shall propose a na-
17 tional primary drinking water
18 regulation for the perfluoroalkyl
19 or polyfluoroalkyl substance or
20 class of perfluoroalkyl or
21 polyfluoroalkyl substances; and

22 “(bb) may publish the pro-
23 posed national primary drinking
24 water regulation described in
25 item (aa) concurrently with the

1 publication of the determination
2 to regulate the perfluoroalkyl or
3 polyfluoroalkyl substance or class
4 of perfluoroalkyl or
5 polyfluoroalkyl substances.

6 “(II) DEADLINE.—

7 “(aa) IN GENERAL.—Not
8 later than 1 year after the date
9 on which the Administrator pub-
10 lishes a proposed national pri-
11 mary drinking water regulation
12 under clause (i)(I) and subject to
13 item (bb), the Administrator
14 shall take final action on the pro-
15 posed national primary drinking
16 water regulation.

17 “(bb) EXTENSION.—The
18 Administrator, on publication of
19 notice in the Federal Register,
20 may extend the deadline under
21 item (aa) by not more than 6
22 months.

23 “(H) HEALTH ADVISORY.—

24 “(i) IN GENERAL.—Subject to clause
25 (ii), the Administrator shall publish a

1 health advisory under paragraph (1)(F) for
2 a perfluoroalkyl or polyfluoroalkyl sub-
3 stance or class of perfluoroalkyl or
4 polyfluoroalkyl substances not subject to a
5 national primary drinking water regulation
6 not later than 1 year after the later of—

7 “(I) the date on which the Ad-
8 ministrator finalizes a toxicity value
9 for the perfluoroalkyl or
10 polyfluoroalkyl substance or class of
11 perfluoroalkyl or polyfluoroalkyl sub-
12 stances; and

13 “(II) the date on which the Ad-
14 ministrator validates an effective qual-
15 ity control and testing procedure for
16 the perfluoroalkyl or polyfluoroalkyl
17 substance or class of perfluoroalkyl or
18 polyfluoroalkyl substances.

19 “(ii) WAIVER.—The Administrator
20 may waive the requirements of clause (i)
21 with respect to a perfluoroalkyl or
22 polyfluoroalkyl substance or class of
23 perfluoroalkyl and polyfluoroalkyl sub-
24 stances if the Administrator determines
25 that there is a substantial likelihood that

1 the perfluoroalkyl or polyfluoroalkyl sub-
2 stance or class of perfluoroalkyl or
3 polyfluoroalkyl substances will not occur in
4 drinking water with sufficient frequency to
5 justify the publication of a health advisory,
6 and publishes such determination, includ-
7 ing the information and analysis used, and
8 basis for, such determination, in the Fed-
9 eral Register.”.

10 **SEC. 13203. NATIONAL PRIMARY DRINKING WATER REGU-**
11 **LATIONS FOR MICROCYSTIN TOXIN.**

12 Section 1412(b) of the Safe Drinking Water Act (42
13 U.S.C. 300g–1(b)) is further amended by adding at the
14 end the following:

15 “(17) MICROCYSTIN TOXIN.—

16 “(A) IN GENERAL.—Notwithstanding any
17 other deadline established in this subsection,
18 not later than 2 years after the date of enact-
19 ment of the Assistance, Quality, and Afford-
20 ability Act of 2021, the Administrator shall
21 publish a maximum contaminant level goal and
22 promulgate a national primary drinking water
23 regulation for microcystin toxin.

24 “(B) HEALTH PROTECTION.—The max-
25 imum contaminant level goal and national pri-

1 mary drinking water regulation promulgated
2 under subparagraph (A) shall be protective of
3 the health of subpopulations at greater risk, as
4 described in section 1458.”.

5 **SEC. 13204. NATIONAL PRIMARY DRINKING WATER REGU-**
6 **LATIONS FOR 1,4-DIOXANE.**

7 Section 1412(b) of the Safe Drinking Water Act (42
8 U.S.C. 300g–1(b)) is further amended by adding at the
9 end the following:

10 “(18) 1,4–DIOXANE.—

11 “(A) IN GENERAL.—Notwithstanding any
12 other deadline established in this subsection,
13 not later than 2 years after the date of enact-
14 ment of the Assistance, Quality, and Afford-
15 ability Act of 2021, the Administrator shall
16 publish a maximum contaminant level goal and
17 promulgate a national primary drinking water
18 regulation for 1,4–dioxane.

19 “(B) HEALTH PROTECTION.—The max-
20 imum contaminant level goal and national pri-
21 mary drinking water regulation promulgated
22 under subparagraph (A) shall be protective of
23 the health of subpopulations at greater risk, as
24 described in section 1458.”.

1 **SEC. 13205. NATIONAL PRIMARY DRINKING WATER REGU-**
2 **LATION FOR CHROMIUM-6.**

3 Section 1412(b) of the Safe Drinking Water Act (42
4 U.S.C. 300g–1(b)) is further amended by adding at the
5 end the following:

6 “(19) CHROMIUM-6.—

7 “(A) IN GENERAL.—Notwithstanding any
8 other deadline established in this subsection,
9 not later than 2 years after the date of enact-
10 ment of the Assistance, Quality, and Afford-
11 ability Act of 2021, the Administrator shall
12 publish a maximum contaminant level goal and
13 promulgate a national primary drinking water
14 regulation for chromium-6.

15 “(B) HEALTH PROTECTION.—The max-
16 imum contaminant level goal and national pri-
17 mary drinking water regulation promulgated
18 under subparagraph (A) shall be protective of
19 the health of subpopulations at greater risk, as
20 described in section 1458.”.

21 **SEC. 13206. ELIMINATION OF SMALL SYSTEM VARIANCES.**

22 (a) SMALL SYSTEM VARIANCES.—Section 1415 (42
23 U.S.C. 300g–4) of the Safe Drinking Water Act is amend-
24 ed by striking subsection (e).

25 (b) CONFORMING AMENDMENTS.—

1 (1) Section 1412(b)(15) of the Safe Drinking
2 Water Act (42 U.S.C. 300g–1(b)(15)) is amended by
3 striking subparagraph (D).

4 (2) Section 1414(c)(1)(B) of the Safe Drinking
5 Water Act (42 U.S.C. 300g–3(c)(1)(B)) is amended
6 by striking “, (a)(2), or (e)” and inserting “or
7 (a)(2)”.

8 (3) Section 1416(b)(2) of the Safe Drinking
9 Water Act (42 U.S.C. 300g–5(b)(2)) is amended by
10 striking subparagraph (D).

11 (4) Section 1445(h) of the Safe Drinking Water
12 Act (42 U.S.C. 300j–4(h)) is amended—

13 (A) by striking “sections 1412(b)(4)(E)
14 and 1415(e) (relating to small system variance
15 program)” and inserting “section
16 1412(b)(4)(E)”; and

17 (B) by striking “guidance under sections
18 1412(b)(4)(E) and 1415(e)” and inserting
19 “guidance under section 1412(b)(4)(E)”.

20 **TITLE III—AFFORDABILITY**

21 **SEC. 13301. EMERGENCY RELIEF PROGRAM.**

22 Part F of the Safe Drinking Water Act (42 U.S.C.
23 300j–21 et seq.) is amended by adding at the end the fol-
24 lowing new section:

1 **“SEC. 1466. EMERGENCY RELIEF PROGRAM.**

2 “(a) EMERGENCY RELIEF PROGRAM.—The Adminis-
3 trator shall establish and carry out a residential emer-
4 gency relief program to provide payments to public water
5 systems to reimburse such public water systems for pro-
6 viding forgiveness of arrearages and fees incurred by eligi-
7 ble residential customers before the date of enactment of
8 this section to help such eligible residential customers re-
9 tain, or reconnect or restore, water service.

10 “(b) CONDITIONS.—To receive funds under this sec-
11 tion, a public water system shall agree to—

12 “(1) except as otherwise provided in this sec-
13 tion, use such funds to forgive all arrearages and
14 fees relating to nonpayment or arrearages incurred
15 by eligible residential customers before the date of
16 enactment of this section;

17 “(2) if forgiveness of all arrearages and fees de-
18 scribed in paragraph (1) is not possible given the
19 amount of funds received, except as otherwise pro-
20 vided in this section, use such funds to reduce such
21 arrearages and fees for each eligible residential cus-
22 tomer by, to the extent practicable, a consistent per-
23 centage;

24 “(3) take no action that negatively affects the
25 credit score of an eligible residential customer, or
26 pursue any type of collection action against such eli-

1 gible residential customer, during the 5-year period
2 that begins on the date on which the public water
3 system receives such funds;

4 “(4) not disconnect or interrupt, or leave dis-
5 connected or interrupted, where feasible, the service
6 of any eligible residential customer as a result of
7 nonpayment or arrearages during such 5-year pe-
8 riod; and

9 “(5) provide to the Administrator such informa-
10 tion as the Administrator determines appropriate.

11 “(c) ELIGIBLE CUSTOMERS.—To be eligible for for-
12 giveness or reduction of arrearages and fees pursuant to
13 the program established under subsection (a), a residential
14 customer of a public water system shall have accrued new
15 arrearages on or after March 1, 2020.

16 “(d) RECONNECTION EXPENSES.—The Adminis-
17 trator, or a State that is, pursuant to subsection (e), im-
18 plementing the program established under subsection (a),
19 may authorize a public water system receiving funds under
20 this section to use up to 5 percent of such funds for ex-
21 penses relating to reconnecting or restoring water service,
22 including expenses relating to plumbing repairs and pipe
23 flushing, as needed, for eligible residential customers.

24 “(e) ADMINISTRATIVE EXPENSES.—The Adminis-
25 trator may authorize—

1 “(1) States to implement the program estab-
2 lished under subsection (a); and

3 “(2) a State implementing such program to use
4 up to 4 percent of funds made available to carry out
5 such program in such State for administrative ex-
6 penses.

7 “(f) SUBMISSIONS TO CONGRESS.—Not later than
8 180 days after the date of enactment of this section, and
9 every other month thereafter until all amounts made avail-
10 able under this section are expended, the Administrator
11 shall submit to the Committee on Energy and Commerce
12 of the House of Representatives and the Committee on
13 Environment and Public Works of the Senate a report
14 that describes—

15 “(1) each public water system that received a
16 payment under or pursuant to this section;

17 “(2) the total amount of each payment provided
18 under or pursuant to this section;

19 “(3) for each public water system receiving a
20 payment under or pursuant to this section—

21 “(A) the amount of arrearages and fees
22 forgiven or reduced;

23 “(B) the number of eligible residential cus-
24 tomers benefitting from forgiveness or reduction
25 of arrearages and fees under this section;

1 “(C) the amount of arrearages and fees of
2 customers described in subparagraph (B) in-
3 curred before the date of enactment of this sec-
4 tion that remain outstanding;

5 “(D) the number of eligible residential cus-
6 tomers that did not benefit from forgiveness or
7 reduction of arrearages and fees under this sec-
8 tion; and

9 “(E) the amount of arrearages and fees of
10 customers described in subparagraph (D) in-
11 curred before the date of enactment of this sec-
12 tion that remain outstanding; and

13 “(4) a summary of any other information pro-
14 vided to the Administrator by public water systems
15 that receive a payment pursuant to this section.

16 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to carry out this section
18 \$4,000,000,000, to remain available until expended.”.

19 **SEC. 13302. LOW-INCOME DRINKING WATER ASSISTANCE**
20 **PROGRAM.**

21 Part E of the Safe Drinking Water Act (42 U.S.C.
22 300j et seq.) is further amended by adding at the end the
23 following:

1 **“SEC. 1459F. LOW-INCOME DRINKING WATER ASSISTANCE**
2 **PROGRAM.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
5 tity’ means—

6 “(A) a community water system that is
7 owned or operated by a municipality, other than
8 a small community-serving water system; or

9 “(B) a State, with respect to a small com-
10 munity-serving water system located in the
11 State.

12 “(2) HOUSEHOLD.—The term ‘household’
13 means any individual or group of individuals who
14 are living together as 1 economic unit.

15 “(3) LOCAL DRINKING WATER ACCESS PRO-
16 GRAM.—The term ‘local drinking water access pro-
17 gram’ means a program developed or implemented
18 by an eligible entity using a grant awarded under
19 this section.

20 “(4) LOW-INCOME HOUSEHOLD.—The term
21 ‘low-income household’ means a household—

22 “(A) in which 1 or more individuals are re-
23 ceiving—

24 “(i) assistance under a State program
25 funded under part A of title IV of the So-
26 cial Security Act (42 U.S.C. 601 et seq.);

1 “(ii) supplemental security income
2 payments under title XVI of the Social Se-
3 curity Act (42 U.S.C. 1381 et seq.);

4 “(iii) supplemental nutrition assist-
5 ance program benefits under the Food and
6 Nutrition Act of 2008 (7 U.S.C. 2011 et
7 seq.); or

8 “(iv) payments under—

9 “(I) section 1315, 1521, 1541, or
10 1542 of title 38, United States Code;
11 or

12 “(II) section 306 of the Veterans’
13 and Survivors’ Pension Improvement
14 Act of 1978 (38 U.S.C. 1521 note;
15 Public Law 95–588); or

16 “(B) that has an income that—

17 “(i) as determined by the State in
18 which the household is located, does not
19 exceed the greater of—

20 “(I) an amount equal to 150 per-
21 cent of the poverty level; and

22 “(II) an amount equal to 60 per-
23 cent of the State median income for
24 that State; or

1 “(ii) does not exceed an amount, de-
2 termined by an eligible entity receiving a
3 grant under this section, that—

4 “(I) is lower than the amount de-
5 scribed in clause (i); and

6 “(II) is greater than or equal to
7 110 percent of the poverty level.

8 “(5) POVERTY LEVEL.—The term ‘poverty
9 level’ means, with respect to a household in a State,
10 the income described in the poverty guidelines issued
11 by the Secretary of Health and Human Services
12 pursuant to section 673 of the Community Services
13 Block Grant Act (42 U.S.C. 9902), as applicable to
14 the household.

15 “(6) SMALL COMMUNITY-SERVING WATER SYS-
16 TEM.—The term ‘small community-serving water
17 system’ means a community water system that pro-
18 vides drinking water services to a municipality or
19 unincorporated area with a population of fewer than
20 10,000 residents, at least 20 percent of whom are at
21 or below the poverty level.

22 “(7) STATE MEDIAN INCOME.—The term ‘State
23 median income’ has the meaning given that term in
24 section 2603 of the Low-Income Home Energy As-
25 sistance Act of 1981 (42 U.S.C. 8622).

1 “(b) ESTABLISHMENT.—

2 “(1) IN GENERAL.—The Administrator shall es-
3 tablish a Federal low-income drinking water assist-
4 ance program to award grants to eligible entities to
5 develop and implement local drinking water access
6 programs to assist low-income households in main-
7 taining access to affordable drinking water.

8 “(2) REQUIREMENTS FOR SMALL COMMUNITY-
9 SERVING WATER SYSTEMS.—In order for a State to
10 be eligible to receive a grant under this section for
11 a small community-serving water system, the State
12 and the small community-serving water system shall
13 enter into a memorandum of understanding, under
14 which the State shall—

15 “(A) submit to the Administrator an appli-
16 cation under paragraph (6) for the small com-
17 munity-serving water system; and

18 “(B) on receipt of a grant under this sec-
19 tion, develop and implement a local drinking
20 water access program for the small community-
21 serving water system.

22 “(3) LIMITATIONS.—A grant awarded under
23 this subsection—

24 “(A) shall not be used to replace funds for
25 any existing similar local program to assist low-

1 income households in maintaining access to af-
2 fordable drinking water; but

3 “(B) may be used to supplement or en-
4 hance such a local program.

5 “(4) TERM.—The term of a grant awarded
6 under this subsection shall be one year.

7 “(5) MINIMUM LOCAL PROGRAM REQUIRE-
8 MENTS.—

9 “(A) IN GENERAL.—Not later than 6
10 months after the date of enactment of this sec-
11 tion, the Administrator shall develop, in con-
12 sultation with relevant stakeholders, the min-
13 imum requirements for a local drinking water
14 access program.

15 “(B) INCLUSIONS.—The local drinking
16 water access program requirements developed
17 under subparagraph (A) may include—

18 “(i) direct financial assistance;

19 “(ii) a lifeline rate;

20 “(iii) bill discounting;

21 “(iv) special hardship provisions;

22 “(v) a percentage-of-income payment
23 plan;

24 “(vi) water efficiency assistance, in-
25 cluding subsidizing the cost of the installa-

1 tion of water efficient fixtures or leak re-
2 pair work that is carried out or contracted
3 by a homeowner; or

4 “(vii) any other form of assistance
5 identified by the Administrator.

6 “(6) APPLICATION.—

7 “(A) IN GENERAL.—To receive a grant
8 under this subsection, an eligible entity shall
9 submit to the Administrator an application that
10 demonstrates that—

11 “(i) the proposed local drinking water
12 access program meets the requirements de-
13 veloped under paragraph (5); and

14 “(ii) the proposed local drinking water
15 access program will treat households that
16 live in owner-occupied homes and house-
17 holds that live in rental housing equitably.

18 “(B) ADDITIONAL REQUIREMENTS.—In
19 the case of an eligible entity described in sub-
20 section (a)(1)(A), to receive a grant under this
21 subsection, the eligible entity shall include in an
22 application submitted under subparagraph (A)
23 information demonstrating that—

24 “(i) the eligible entity has—

1 “(I) a long-term financial plan
2 based on an analysis of the rates the
3 applicable community water system
4 charges for drinking water services;

5 “(II) an asset management plan;

6 “(III) a capital improvement plan
7 with a period of not less than 20
8 years;

9 “(IV) a fiscal management plan;

10 or

11 “(V) another plan similar to the
12 plans described in subclauses (I)
13 through (IV);

14 “(ii) a grant awarded under this sub-
15 section would support the efforts of the eli-
16 gible entity to generate the necessary funds
17 to achieve or maintain compliance with this
18 Act while mitigating the cost to low-income
19 households; and

20 “(iii) the eligible entity has the capac-
21 ity to create and implement an effective
22 community outreach plan to inform low-in-
23 come households of the local drinking
24 water access program and assist with en-
25 rollment.

1 “(7) PRIORITY.—In awarding grants under this
2 subsection, the Administrator shall give priority to
3 applications for local drinking water access pro-
4 grams with respect to which—

5 “(A) the owner or operator of the applica-
6 ble community water system—

7 “(i) owns or operates a—

8 “(I) treatment works (as defined
9 in section 212 of the Federal Water
10 Pollution Control Act (33 U.S.C.
11 1292)) for municipal waste; or

12 “(II) a municipal separate storm
13 sewer system (as such term is used in
14 the Federal Water Pollution Control
15 Act); and

16 “(ii) is subject to a consent decree re-
17 lating to compliance with the Federal
18 Water Pollution Control Act (33 U.S.C.
19 1251 et seq.) with respect to a treatment
20 works or system described in clause (i);

21 “(B) the residential customers of the appli-
22 cable community water system have experienced
23 rate or fee increases for drinking water services
24 or wastewater services (including stormwater
25 services) of 30 percent or more during the 3-

1 year period ending on the date of enactment of
2 this section; or

3 “(C) the eligible entity will provide match-
4 ing funds in an amount equal to or greater
5 than the amount of the grant.

6 “(8) REPORTING REQUIREMENTS.—

7 “(A) IN GENERAL.—As a condition of re-
8 ceiving a grant under this subsection, an eligi-
9 ble entity shall submit to the Administrator, in
10 a manner determined by the Administrator, in-
11 formation regarding the applicable local drink-
12 ing water access program, including—

13 “(i) key features, including—

14 “(I) rate structures, rebates, dis-
15 counts, and related initiatives that as-
16 sist low-income households;

17 “(II) billing methods that aver-
18 age rates over the course of a year,
19 known as ‘budget billing’;

20 “(III) bill timing; and

21 “(IV) procedures that ensure
22 that households receive notice and an
23 opportunity to respond before service
24 is disconnected or interrupted due to
25 nonpayment;

1 “(ii) sources of funding;

2 “(iii) eligibility criteria;

3 “(iv) participation rates by house-
4 holds;

5 “(v) the average amount of assistance
6 provided to low-income households that
7 participate in the program;

8 “(vi) program costs;

9 “(vii) the demonstrable impacts of the
10 program on arrearage and service dis-
11 connection for low-income households that
12 participate in the program, based on data
13 from before and after the implementation
14 of the program, to the maximum extent
15 practicable; and

16 “(viii) other relevant information re-
17 quired by the Administrator.

18 “(B) PUBLICATION.—The Administrator
19 shall annually publish a report that compiles
20 and summarizes the information submitted
21 under subparagraph (A).

22 “(9) ASSISTANCE EXEMPT FROM TAXATION.—
23 Notwithstanding any other provision of law, assist-
24 ance provided to a low-income household under a
25 local drinking water access program shall not be in-

1 cludible in the gross income of the recipient of such
2 assistance for purposes of the Internal Revenue
3 Code of 1986.

4 “(c) TECHNICAL ASSISTANCE.—The Administrator
5 shall provide technical assistance to each eligible entity
6 that receives a grant under this section to ensure—

7 “(1) full implementation of the applicable local
8 drinking water access program; and

9 “(2) maximum enrollment of low-income house-
10 holds in the applicable local drinking water access
11 program, including through—

12 “(A) community outreach campaigns; or

13 “(B) coordination with local health depart-
14 ments to determine the eligibility of households
15 for assistance.

16 “(d) REPORT.—Not later than 2 years after the date
17 on which grant funds are first disbursed to an eligible enti-
18 ty under this section, and annually thereafter, the Admin-
19 istrator shall submit to Congress a report on the results
20 of the Federal program established under this section.

21 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
22 is authorized to be appropriated to carry out this section
23 \$4,000,000,000, to remain available until expended.”.

1 **SEC. 13303. LOW-INCOME WASTEWATER ASSISTANCE PRO-**
2 **GRAM.**

3 Title I of the Federal Water Pollution Control Act
4 (33 U.S.C. 1251 et seq.) is amended by adding at the end
5 the following:

6 **“SEC. 124. LOW-INCOME WASTEWATER ASSISTANCE PRO-**
7 **GRAM.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) COVERED FACILITY.—The term ‘covered
10 facility’ means—

11 “(A) a treatment works for municipal
12 waste; or

13 “(B) a municipal separate storm sewer
14 system.

15 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
16 tity’ means—

17 “(A) a municipality that owns or operates
18 a covered facility, other than a small commu-
19 nity-serving wastewater facility;

20 “(B) 2 or more municipalities described in
21 subparagraph (A) that have entered into a part-
22 nership agreement or a cooperative agreement;
23 or

24 “(C) a State, with respect to a small com-
25 munity-serving wastewater facility located in
26 the State.

1 “(3) HOUSEHOLD.—The term ‘household’
2 means any individual or group of individuals who
3 are living together as 1 economic unit.

4 “(4) LOCAL WASTEWATER SERVICES ACCESS
5 PROGRAM.—The term ‘local wastewater services ac-
6 cess program’ means a program developed or imple-
7 mented by an eligible entity using a grant awarded
8 under this section.

9 “(5) LOW-INCOME HOUSEHOLD.—The term
10 ‘low-income household’ means a household—

11 “(A) in which 1 or more individuals are re-
12 ceiving—

13 “(i) assistance under a State program
14 funded under part A of title IV of the So-
15 cial Security Act (42 U.S.C. 601 et seq.);

16 “(ii) supplemental security income
17 payments under title XVI of the Social Se-
18 curity Act (42 U.S.C. 1381 et seq.);

19 “(iii) supplemental nutrition assist-
20 ance program benefits under the Food and
21 Nutrition Act of 2008 (7 U.S.C. 2011 et
22 seq.); or

23 “(iv) payments under—

1 “(I) section 1315, 1521, 1541, or
2 1542 of title 38, United States Code;
3 or

4 “(II) section 306 of the Veterans’
5 and Survivors’ Pension Improvement
6 Act of 1978 (38 U.S.C. 1521 note;
7 Public Law 95–588); or

8 “(B) that has an income that—

9 “(i) as determined by the State in
10 which the household is located, does not
11 exceed the greater of—

12 “(I) an amount equal to 150 per-
13 cent of the poverty level; and

14 “(II) an amount equal to 60 per-
15 cent of the State median income for
16 that State; or

17 “(ii) does not exceed an amount, de-
18 termined by an eligible entity receiving a
19 grant under this section, that—

20 “(I) is lower than the amount de-
21 scribed in clause (i); and

22 “(II) is greater than or equal to
23 110 percent of the poverty level.

24 “(6) POVERTY LEVEL.—The term ‘poverty
25 level’ means, with respect to a household in a State,

1 the income described in the poverty guidelines issued
2 by the Secretary of Health and Human Services
3 pursuant to section 673 of the Community Services
4 Block Grant Act (42 U.S.C. 9902), as applicable to
5 the household.

6 “(7) SMALL COMMUNITY-SERVING WASTE-
7 WATER FACILITY.—The term ‘small community-serv-
8 ing wastewater facility’ means a covered facility that
9 provides services to municipality with a population
10 of fewer than 10,000 residents, at least 20 percent
11 of whom are at or below the poverty level.

12 “(8) STATE MEDIAN INCOME.—The term ‘State
13 median income’ has the meaning given that term in
14 section 2603 of the Low-Income Home Energy As-
15 sistance Act of 1981 (42 U.S.C. 8622).

16 “(b) ESTABLISHMENT.—

17 “(1) IN GENERAL.—The Administrator shall es-
18 tablish a Federal low-income wastewater assistance
19 program to award grants to eligible entities to de-
20 velop and implement local wastewater access pro-
21 grams to assist low-income households in maintain-
22 ing access to affordable wastewater services, includ-
23 ing municipal stormwater services.

24 “(2) REQUIREMENTS FOR SMALL COMMUNITY-
25 SERVING WASTEWATER FACILITIES.—In order for a

1 State to be eligible to receive a grant under this sec-
2 tion for a small community-serving wastewater facil-
3 ity, the State and the small community-serving
4 wastewater facility shall enter into a memorandum
5 of understanding, under which the State shall—

6 “(A) submit to the Administrator an appli-
7 cation under paragraph (6) for the small com-
8 munity-serving wastewater facility; and

9 “(B) on receipt of a grant under this sec-
10 tion, develop and implement a local wastewater
11 access program for the small community-serv-
12 ing wastewater facility.

13 “(3) LIMITATIONS.—A grant awarded under
14 this subsection—

15 “(A) shall not be used to replace funds for
16 any existing similar local program to assist low-
17 income households in maintaining access to af-
18 fordable wastewater services, including munic-
19 ipal stormwater services; but

20 “(B) may be used to supplement or en-
21 hance such a local program.

22 “(4) TERM.—The term of a grant awarded
23 under this subsection shall be one year.

24 “(5) MINIMUM LOCAL PROGRAM REQUIRE-
25 MENTS.—

1 “(A) IN GENERAL.—Not later than 6
2 months after the date of enactment of this sec-
3 tion, the Administrator shall develop, in con-
4 sultation with relevant stakeholders, the min-
5 imum requirements for a local wastewater ac-
6 cess program.

7 “(B) INCLUSIONS.—The local wastewater
8 access program requirements developed under
9 subparagraph (A) may include—

10 “(i) direct financial assistance;

11 “(ii) a lifeline rate;

12 “(iii) bill discounting;

13 “(iv) special hardship provisions;

14 “(v) a percentage-of-income payment
15 plan;

16 “(vi) water efficiency assistance, in-
17 cluding subsidizing the cost of the installa-
18 tion of water efficient fixtures or leak re-
19 pair work that is carried out or contracted
20 by a homeowner; or

21 “(vii) any other form of assistance
22 identified by the Administrator.

23 “(6) APPLICATION.—

24 “(A) IN GENERAL.—To receive a grant
25 under this subsection, an eligible entity shall

1 submit to the Administrator an application that
2 demonstrates that—

3 “(i) the proposed local wastewater ac-
4 cess program meets the requirements de-
5 veloped under paragraph (5); and

6 “(ii) the proposed local wastewater ac-
7 cess program will treat households that live
8 in owner-occupied homes and households
9 that live in rental housing equitably.

10 “(B) ADDITIONAL REQUIREMENTS.—In
11 the case of an eligible entity described in sub-
12 section (a)(1)(A), to receive a grant under this
13 subsection, the eligible entity shall include in an
14 application submitted under subparagraph (A)
15 information demonstrating that—

16 “(i) the eligible entity has—

17 “(I) a long-term financial plan
18 based on an analysis of the rates the
19 applicable covered facility charges for
20 services;

21 “(II) an asset management plan;

22 “(III) a capital improvement plan
23 with a period of not less than 20
24 years;

1 “(IV) a fiscal management plan;

2 or

3 “(V) another plan similar to the
4 plans described in subclauses (I)
5 through (IV);

6 “(ii) a grant awarded under this sub-
7 section would support the efforts of the eli-
8 gible entity to generate the necessary funds
9 to achieve or maintain compliance with this
10 Act while mitigating the cost to low-income
11 households; and

12 “(iii) the eligible entity has the capac-
13 ity to create and implement an effective
14 community outreach plan to inform low-in-
15 come households of the local wastewater
16 access program and assist with enrollment.

17 “(7) PRIORITY.—In awarding grants under this
18 subsection, the Administrator shall give priority to
19 applications for local wastewater access programs
20 with respect to which—

21 “(A) the applicable covered facility is sub-
22 ject to a consent decree relating to compliance
23 with this Act;

24 “(B) the residential customers of the appli-
25 cable covered facility have experienced rate or

1 fee increases for drinking water services or
2 wastewater services (including stormwater serv-
3 ices) of 30 percent or more during the 3-year
4 period ending on the date of enactment of this
5 section;

6 “(C) the eligible entity develops an equiva-
7 lent program, as determined by the Adminis-
8 trator, that is administered separately by the el-
9 igible entity;

10 “(D) matching funds will be provided in an
11 amount equal to or greater than the amount of
12 the grant; or

13 “(E) the eligible entity is described in sub-
14 section (a)(2)(B).

15 “(8) REPORTING REQUIREMENTS.—

16 “(A) IN GENERAL.—As a condition of re-
17 ceiving a grant under this subsection, an eligi-
18 ble entity shall submit to the Administrator, in
19 a manner determined by the Administrator, in-
20 formation regarding the applicable local waste-
21 water access program, including—

22 “(i) key features, including—

23 “(I) rate structures, rebates, dis-
24 counts, and related initiatives that as-
25 sist low-income households;

1 “(II) billing methods that aver-
2 age rates over the course of a year,
3 known as ‘budget billing’; and

4 “(III) bill timing;

5 “(ii) sources of funding;

6 “(iii) eligibility criteria;

7 “(iv) participation rates by house-
8 holds;

9 “(v) the average amount of assistance
10 provided to low-income households that
11 participate in the program;

12 “(vi) program costs;

13 “(vii) the demonstrable impacts of the
14 program on arrearage and service dis-
15 connection for low-income households that
16 participate in the program, based on data
17 from before and after the implementation
18 of the program, to the maximum extent
19 practicable; and

20 “(viii) other relevant information re-
21 quired by the Administrator.

22 “(B) PUBLICATION.—The Administrator
23 shall annually publish a report that compiles
24 and summarizes the information submitted
25 under subparagraph (A).

1 “(9) ASSISTANCE EXEMPT FROM TAXATION.—
2 Notwithstanding any other provision of law, assist-
3 ance provided to a low-income household under a
4 local wastewater access program shall not be includ-
5 ible in the gross income of the recipient of such as-
6 sistance for purposes of the Internal Revenue Code
7 of 1986.

8 “(c) TECHNICAL ASSISTANCE.—The Administrator
9 shall provide technical assistance to each eligible entity
10 that receives a grant under this section to ensure—

11 “(1) full implementation of the applicable local
12 wastewater access program; and

13 “(2) maximum enrollment of low-income house-
14 holds in the applicable local wastewater access pro-
15 gram, including through—

16 “(A) community outreach campaigns; or

17 “(B) coordination with local health depart-
18 ments to determine the eligibility of households
19 for assistance.

20 “(d) REPORT.—Not later than 2 years after the date
21 on which grant funds are first disbursed to an eligible enti-
22 ty under this section, and annually thereafter, the Admin-
23 istrator shall submit to Congress a report on the results
24 of the Federal program established under this section.

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated carry out this section
3 \$4,000,000,000, to remain available until expended.”.

4 **SEC. 13304. NEEDS ASSESSMENT FOR NATIONWIDE RURAL**
5 **AND URBAN LOW-INCOME COMMUNITY**
6 **WATER ASSISTANCE PROGRAM.**

7 (a) DEFINITIONS.—In this section:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Environ-
10 mental Protection Agency.

11 (2) HOUSEHOLD.—The term “household”
12 means any individual or group of individuals who
13 are living together as 1 economic unit.

14 (3) LOW-INCOME HOUSEHOLD.—The term
15 “low-income household” means a household—

16 (A) in which 1 or more individuals are re-
17 ceiving—

18 (i) assistance under a State program
19 funded under part A of title IV of the So-
20 cial Security Act (42 U.S.C. 601 et seq.);

21 (ii) supplemental security income pay-
22 ments under title XVI of the Social Secu-
23 rity Act (42 U.S.C. 1381 et seq.);

24 (iii) supplemental nutrition assistance
25 program benefits under the Food and Nu-

1 trition Act of 2008 (7 U.S.C. 2011 et
2 seq.);

3 (iv) payments under—

4 (I) section 1315, 1521, 1541, or
5 of title 38, United States Code; or

6 (II) section 306 of the Veterans'
7 and Survivors' Pension Improvement
8 Act of 1978 (38 U.S.C. 1521 note;
9 Public Law 95–588);

10 (v) assistance under the Low Income
11 Home Energy Assistance Program (42
12 U.S.C. 8621); or

13 (vi) assistance under the Women In-
14 fants and Children program (42 U.S.C.
15 1786); or

16 (B) that has an income that as determined
17 by the State in which the household is located
18 that is receiving a grant under paragraph
19 (7)(b), or an eligible wastewater or stormwater
20 system receiving a grant under paragraph
21 (7)(b), does not exceed the greater of—

22 (i) an amount equal to 200 per-cent
23 of the poverty level; and

24 (ii) an amount equal to 80 percent of
25 the area median income.

1 (4) POVERTY LEVEL.—The term “poverty
2 level” means, with respect to a household in a State,
3 the income described in the poverty guidelines issued
4 by the Secretary of Health and Human Services
5 pursuant to section 673 of the Community Services
6 Block Grant Act (42 U.S.C. 9902), as applicable to
7 the household.

8 (5) AREA MEDIAN INCOME.—The term “area
9 median income” means the unadjusted median in-
10 come levels by geographic area as determined annu-
11 ally by the Secretary of Housing and Urban Devel-
12 opment.

13 (b) STUDY; REPORT.—

14 (1) IN GENERAL.—Not later than one year
15 after the date of enactment of this Act, and annually
16 thereafter, the Administrator shall conduct, and sub-
17 mit to Congress a report describing the results of,
18 a study regarding the prevalence throughout the
19 United States of low-income households that do not
20 have access to—

21 (A) affordable and functional centralized
22 or onsite wastewater services that protect the
23 health of individuals in the households;

24 (B) affordable municipal stormwater serv-
25 ices; or

1 (C) affordable public drinking water serv-
2 ices to meet household needs.

3 (2) DATA COLLECTION.—The Administrator
4 shall collect regularly from community water sys-
5 tems, treatment works for municipal waste, munic-
6 ipal separate storm sewer systems, and such other
7 sources as may be appropriate, for use in the reports
8 under paragraph (1)—

9 (A) data, provided by zip code, concerning
10 arrearages, service disconnections, and other
11 debt collection activities for low-income house-
12 holds, including, at minimum, number of dis-
13 connections for nonpayment, length of dis-
14 connections, amount of debt at time of dis-
15 connection, number of households and amount
16 of debt subject to sale or enforcement of prop-
17 erty liens, number of households enrolled in an
18 assistance program, number of eligible house-
19 holds, benefit levels, and amount of debt reduc-
20 tion for enrolled households, and number of en-
21 rolled households reconnected to water service;

22 (B) revenue collection information from
23 each community water system, treatment works
24 for municipal waste, and municipal separate
25 storm sewer systems, including, at minimum,

1 rate design for residential customers, billing fre-
2 quency, fees and charges included on the bill,
3 and projected rate increases over the next 5
4 years;

5 (C) information regarding customer assist-
6 ance programs, including any rate structures,
7 rebates, discounts, billing methods that average
8 rates over the course of a year, known as
9 “budget billing”, and procedures that ensure
10 that households receive notice and an oppor-
11 tunity to dispute charges before service is dis-
12 connected or interrupted due to nonpayment;
13 and

14 (D) other relevant information as deter-
15 mined by the Administrator.

16 (3) INCLUSIONS.—The report under paragraph
17 (1) shall include—

18 (A) recommendations of the Administrator
19 regarding the best methods to increase access
20 to the services described in paragraph (1);

21 (B) a description of the cost of each meth-
22 od described in subparagraph (A);

23 (C) a description of all consultation with
24 relevant stakeholders carried out in developing
25 the report; and

1 (D) a description of the results of the
2 study with respect to low-income households
3 that live in rental housing and do not receive
4 bills for such services, but pay for the services
5 indirectly through rent payments.

6 (4) AGREEMENTS.—The Administrator may
7 enter into an agreement with another Federal agen-
8 cy to carry out the study under paragraph (1).

9 (5) FUNDS TO WATER, WASTEWATER, AND
10 STORMWATER SYSTEMS.—The Administrator may
11 provide reasonable, one-time grants to owners and
12 operators of community water systems, treatment
13 works for municipal waste, and municipal separate
14 storm sewer systems to modify their billing and data
15 management systems in order to reliably and regu-
16 larly generate the data required in this needs assess-
17 ment.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section
20 \$150,000,000 to remain available until expended.

21 **SEC. 13305. NATURAL HAZARD EDUCATION AND RESPONSE**
22 **GRANT PROGRAM.**

23 Section 1433 of the Safe Drinking Water Act (42
24 U.S.C. 300i-2) is amended by adding at the end the fol-
25 lowing:

1 “(i) EDUCATION AND RESPONSE GRANT PRO-
2 GRAM.—

3 “(1) ESTABLISHMENT.—The Administrator
4 shall establish and implement a program under
5 which the Administrator may award grants to com-
6 munity water systems to carry out activities to edu-
7 cate and assist persons served by the community
8 water system in adapting and responding to malevo-
9 lent acts and natural hazards, including sub-zero
10 temperatures, that disrupt the provision of safe
11 drinking water or significantly affect the public
12 health or the safety or supply of drinking water pro-
13 vided to communities and individuals.

14 “(2) PRIORITY.—In awarding grants under this
15 subsection, the Administrator shall give priority to
16 community water systems that will use funds to as-
17 sist senior citizens and low-income homeowners in
18 adapting and responding to malevolent acts and nat-
19 ural hazards, including sub-zero temperatures, that
20 disrupt the provision of safe drinking water or sig-
21 nificantly affect the public health or the safety or
22 supply of drinking water provided to communities
23 and individuals, including by providing funds to
24 cover the costs of repairing ruptured pipes.

1 (iii) the degree to which covered small
2 water systems defer infrastructure im-
3 provements;

4 (iv) the degree to which covered small
5 water systems are not in compliance with
6 applicable Federal and State water quality
7 standards;

8 (v) how rates charged by covered
9 small water systems for service relate to
10 the costs for maintenance of, and improve-
11 ments to, such systems; and

12 (vi) how the management, financial,
13 and technical capacity of covered small
14 water systems affects the ability of such
15 systems to provide service at affordable
16 rates;

17 (B) an evaluation of—

18 (i) whether covered small water sys-
19 tem infrastructure is failing, resulting in a
20 temporary or permanent loss of essential
21 functions or services; and

22 (ii) how to prevent covered small
23 water systems from becoming distressed
24 small water systems;

1 (C) policy recommendations for how Con-
2 gress may support the consolidation of dis-
3 tressed small water systems or alternative com-
4 pliance strategies; and

5 (D) best practices and guidelines the Ad-
6 ministrator of the Environmental Protection
7 Agency may use to assist State and local gov-
8 ernments with—

9 (i) facilitating the consolidation of dis-
10 tressed small water systems; and

11 (ii) including the public in the process
12 of such consolidation.

13 (b) DEFINITIONS.—In this section:

14 (1) CONSOLIDATION.—The term “consolida-
15 tion” means, with respect to a public water system,
16 any of the actions described in subparagraphs (A)
17 through (D) of section 1414(h)(1) of the Safe
18 Drinking Water Act (42 U.S.C. 300g-3(h)(1)).

19 (2) COVERED SMALL WATER SYSTEM.—The
20 term “covered small water system” means a public
21 water system that serves—

22 (A) fewer than 50,000 individuals; and

23 (B) a disadvantaged community or an en-
24 vironmental justice community.

1 (3) DISADVANTAGED COMMUNITY.—The term
2 “disadvantaged community” has the meaning given
3 such term in section 1452(d)(3) of the Safe Drink-
4 ing Water Act (42 U.S.C. 300j–12(d)(3)).

5 (4) DISTRESSED SMALL WATER SYSTEM.—The
6 term “distressed small water system” means a cov-
7 ered small water system—

8 (A) that is unable to carry out necessary
9 maintenance of, and improvements to, such sys-
10 tem in order to—

11 (i) comply with applicable Federal and
12 State water quality standards; or

13 (ii) provide reliable and affordable
14 service to customers while complying with
15 such water quality standards; and

16 (B) with respect to which consolidation
17 may be necessary to address the issues de-
18 scribed in subparagraph (A).

19 (5) ENVIRONMENTAL JUSTICE COMMUNITY.—
20 The term “environmental justice community” has
21 the meaning given such term in section 1452(u)(11)
22 of the Safe Drinking Water Act.

23 (6) PUBLIC WATER SYSTEM.—The term “public
24 water system” has the meaning given such term in

1 section 1401 of the Safe Drinking Water Act (42
2 U.S.C. 300f).

3 **SEC. 13402. STUDY ON CONTAMINATION OF COLDWATER**
4 **CREEK, MISSOURI.**

5 (a) IN GENERAL.—The Administrator of the Envi-
6 ronmental Protection Agency, in coordination with the
7 Secretary of the Army, the Secretary of Energy, the Ad-
8 ministrator of the Agency for Toxic Substances and Dis-
9 ease Registry, and other appropriate Federal agencies,
10 shall—

11 (1) undertake a review of prior and ongoing ef-
12 forts to remediate radiological contamination in the
13 vicinity of Coldwater Creek in North St. Louis
14 County, Missouri, associated with historic radio-
15 logical waste storage near the St. Louis Airport;

16 (2) consult with State and local agencies, and
17 representatives of the Coldwater Creek community;

18 (3) take into consideration the Public Health
19 Assessment for the Evaluation of Community Expo-
20 sure Related to Coldwater Creek, dated April 30,
21 2019, and prepared by the Agency for Toxic Sub-
22 stances and Disease Registry; and

23 (4) within 180 days of the date of enactment of
24 this section, issue a report to Congress on the status
25 of efforts to reduce or eliminate the potential human

1 health impacts from potential exposure to such con-
2 tamination, including any recommendations for fur-
3 ther action.

4 (b) **INSTALLATION OF SIGNAGE TO PREVENT POTEN-**
5 **TIAL EXPOSURE RISKS.**—In accordance with the rec-
6 ommendations of the Public Health Assessment for the
7 Evaluation of Community Exposure Related to Coldwater
8 Creek, the Administrator, in coordination with the Sec-
9 retary of the Army, shall install signage to inform resi-
10 dents and visitors of potential exposure risks in areas
11 around Coldwater Creek where remediation efforts have
12 not been undertaken or completed.

13 **SEC. 13403. REPORT ON AFFORDABILITY, DISCRIMINATION**
14 **AND CIVIL RIGHTS VIOLATIONS, AND DATA**
15 **COLLECTION.**

16 (a) **STUDY.**—

17 (1) **IN GENERAL.**—The Comptroller General
18 shall conduct a study on water and sewer services,
19 in accordance with this section.

20 (2) **AFFORDABILITY.**—In conducting the study
21 under paragraph (1), the Comptroller General shall
22 study water affordability nationwide, including—

23 (A) rates for water and sewer services, in-
24 creases in such rates during the ten-year period
25 preceding such study, and water service dis-

1 connections and interruptions due to unpaid
2 water service charges; and

3 (B) the effectiveness of funding under sec-
4 tion 1452 of the Safe Drinking Water Act (42
5 U.S.C. 300j–12) and under title VI of the Fed-
6 eral Water Pollution Control Act (33 U.S.C.
7 1381 et seq.) for promoting affordable, equi-
8 table, transparent, and reliable water and sewer
9 service.

10 (3) DISCRIMINATION AND CIVIL RIGHTS.—In
11 conducting the study under paragraph (1), the
12 Comptroller General, in collaboration with the Civil
13 Rights Division of the Department of Justice, shall
14 study—

15 (A) discriminatory practices of water and
16 sewer service providers; and

17 (B) violations by such service providers
18 that receive Federal assistance of civil rights
19 under title VI of the Civil Rights Act of 1964
20 (42 U.S.C. 2000d et seq.) with regard to equal
21 access to water and sewer services.

22 (4) DATA COLLECTION.—In conducting the
23 study under paragraph (1), the Comptroller General
24 shall collect information, assess the availability of in-

1 formation, and evaluate the methodologies used to
2 collect information, related to—

3 (A) people living without water or sewer
4 services;

5 (B) water service disconnections or inter-
6 ruptions due to unpaid water service charges,
7 including disconnections experienced by house-
8 holds containing children, elderly persons, dis-
9 abled persons, or chronically ill persons, or
10 other vulnerable populations; and

11 (C) disparate effects, on the basis of race,
12 gender, or socioeconomic status, of water serv-
13 ice disconnections or interruptions and the lack
14 of public water and sewer service.

15 (b) REPORT.—Not later than 1 year after the date
16 of the enactment of this Act, the Comptroller shall submit
17 to Congress a report that contains—

18 (1) the results of the study conducted under
19 subsection (a); and

20 (2) recommendations for water and sewer serv-
21 ice providers, Federal agencies, and States relating
22 to such results.

1 **SEC. 13404. WATER INFRASTRUCTURE AND WORKFORCE IN-**
2 **VESTMENT.**

3 Section 4304 of the America’s Water Infrastructure
4 Act of 2018 (42 U.S.C. 300j–19e) is amended—

5 (1) in subsection (a)(3)—

6 (A) in subparagraph (A), by inserting
7 “Tribal,” after “State,”; and

8 (B) by amending subparagraph (B) to read
9 as follows:

10 “(B) institutions of higher education, ap-
11 prentice programs, high schools, and other com-
12 munity based organizations, and public works
13 departments and agencies, to align water and
14 wastewater utility workforce recruitment ef-
15 forts, training programs, retention efforts, and
16 community resources with water and waste-
17 water utilities to—

18 “(i) accelerate career pipelines;

19 “(ii) ensure the sustainability of the
20 water and wastewater utility workforce;
21 and

22 “(iii) provide access to workforce op-
23 portunities, including for diverse popu-
24 lations or populations that are underrep-
25 resented in the water and wastewater util-
26 ity workforce.”; and

1 (2) in subsection (b)—

2 (A) in paragraph (1)—

3 (i) in the matter preceding subpara-
4 graph (A), by inserting “and the Secretary
5 of Labor” after “the Secretary of Agri-
6 culture”;

7 (ii) in subparagraph (A), by striking
8 “; and” and inserting “, which may in-
9 clude—”; and

10 (iii) by inserting after subparagraph
11 (A) the following:

12 “(i) expanding the use and availability
13 of activities and resources that relate to
14 the recruitment, including promotion of di-
15 versity within that recruitment, of individ-
16 uals to careers in the water and waste-
17 water utility sector;

18 “(ii) expanding the availability of
19 training opportunities for—

20 “(I) individuals entering the
21 water and wastewater utility sector;
22 and

23 “(II) individuals seeking to ad-
24 vance careers within the water and
25 wastewater utility sector; and

1 “(iii) expanding the use and avail-
2 ability of activities and strategies, includ-
3 ing the development of innovative activities
4 and strategies, that relate to the mainte-
5 nance and retention of a sustainable work-
6 force in the water and wastewater utility
7 sector; and”;

8 (B) in paragraph (2)—

9 (i) in the matter preceding subpara-
10 graph (A), by inserting “public works de-
11 partments or agencies,” after “institutions
12 of higher education,”; and

13 (ii) in subparagraph (A)—

14 (I) in clause (ii), by striking “;
15 or” and inserting a semicolon;

16 (II) in clause (iii), by striking “;
17 and” and inserting “; or”; and

18 (III) by adding at the end the
19 following:

20 “(iv) in the development of edu-
21 cational or recruitment materials and ac-
22 tivities, including those materials and ac-
23 tivities that specifically promote diversity
24 within recruitment, for the water and
25 wastewater utility workforce; and”;

1 (C) by redesignating paragraphs (3) and
2 (4) as paragraphs (4) and (5), respectively, and
3 inserting after paragraph (2) the following:

4 “(3) PRIORITY.—In selecting grant recipients
5 under paragraph (2), the Administrator shall give
6 priority to entities that focus on assisting low-income
7 and very low-income individuals, as well as those in-
8 dividuals with the most barriers to entry, such as
9 the recently incarcerated, to enter into careers in the
10 water and wastewater utility sector.”;

11 (D) in paragraph (4) (as so redesign-
12 nated)—

13 (i) in subparagraph (C), by inserting
14 “, or with high poverty levels,” after “high
15 unemployment”; and

16 (ii) in subparagraph (D)(ii), by insert-
17 ing “or certification” before “programs”;
18 and

19 (E) in paragraph (5) (as so redesignated),
20 by striking “\$1,000,000 for each of fiscal years
21 2019 and 2020” and inserting “\$25,000,000
22 for each of fiscal years 2022 through 2026”.

23 **SEC. 13405. IDENTIFICATION OF HIGH-RISK LOCATIONS.**

24 (a) DEVELOPMENT OF GUIDANCE.—

1 (1) IN GENERAL.—In accordance with the dead-
2 line established in subsection (b), the Administrator
3 of the Environmental Protection Agency shall de-
4 velop guidance to help public water systems identify
5 high-risk locations for purposes of focusing efforts
6 to—

7 (A) test drinking water for the concentra-
8 tion of lead in such drinking water; and

9 (B) replace lead service lines.

10 (2) USE OF DATA.—The guidance developed
11 under paragraph (1) shall include information on
12 how a public water system may use data from the
13 American Community Survey conducted by the De-
14 partment of Commerce and, where available,
15 geospatial data to identify high-risk locations for the
16 purposes described in subsection (a).

17 (b) AVAILABILITY OF GUIDANCE.—Not later than
18 180 days after the date of enactment of this section, the
19 Administrator of the Environmental Protection Agency
20 shall—

21 (1) publish the guidance developed under sub-
22 section (a) in the Federal Register; and

23 (2) make such guidance available on a publicly
24 accessible website.

1 (c) REPORT.—Not later than 180 days after the date
2 of enactment of this section, the Administrator of the En-
3 vironmental Protection Agency shall submit to the Com-
4 mittee on Energy and Commerce of the House of Rep-
5 resentatives and the appropriate committee of the Senate
6 a report that—

7 (1) includes the guidance developed under sub-
8 section (a);

9 (2) describes the methodology used to develop
10 such guidance; and

11 (3) provides information about who was con-
12 sulted in the development of such guidance.

13 (d) DEFINITIONS.—In this section:

14 (1) HIGH-RISK LOCATION.—The term “high-
15 risk location” means an area—

16 (A) that is likely to have lead service lines;
17 and

18 (B) in which an environmental justice com-
19 munity is located.

20 (2) LEAD SERVICE LINE.—The term “lead serv-
21 ice line” has the meaning given such term in section
22 1459B(a) of the Safe Drinking Water Act (42
23 U.S.C. 300j–19b(a)).

24 (3) PUBLIC WATER SYSTEM.—The term “public
25 water system” has the meaning given such term in

1 section 1401 of the Safe Drinking Water Act (42
2 U.S.C. 300f).

3 **DIVISION J—OUTDOOR RECRE-**
4 **ATION LEGACY PARTNERSHIP**
5 **PROGRAM**

6 **SEC. 14101. OUTDOORS FOR ALL.**

7 (a) DEFINITIONS.—In this section:

8 (1) ELIGIBLE ENTITY.—

9 (A) IN GENERAL.—The term “eligible enti-
10 ty” means—

11 (i) a State or territory of the United
12 States;

13 (ii) a political subdivision of a State
14 or territory of the United States, includ-
15 ing—

16 (I) a city;

17 (II) a county; and

18 (III) a special purpose district
19 that manages open space, including
20 park districts; and

21 (iii) an Indian Tribe, or Alaska Native
22 or Native Hawaiian community or organi-
23 zation.

24 (B) POLITICAL SUBDIVISIONS AND INDIAN
25 TRIBES.—A political subdivision of a State or

1 territory of the United States or an Indian
2 Tribe, including Alaska Native or Native Ha-
3 waiian community organization, shall be consid-
4 ered an eligible entity only if the political sub-
5 division or Indian Tribe represents or otherwise
6 serves a qualifying urban area.

7 (2) INDIAN TRIBE.—The term “Indian Tribe”
8 has the meaning given the term “Indian tribe” in
9 section 4 of the Indian Self-Determination and Edu-
10 cation Assistance Act (25 U.S.C. 5304).

11 (3) LOW-INCOME.—The term “low-income com-
12 munity” means any census block group in which 30
13 percent or more of the population are individuals
14 with an annual household income equal to, or less
15 than, the greater of—

16 (A) an amount equal to 80 percent of the
17 median income of the area in which the house-
18 hold is located, as reported by the Department
19 of Housing and Urban Development; and

20 (B) 200 percent of the Federal poverty
21 line.

22 (4) OUTDOOR RECREATION LEGACY PARTNER-
23 SHIP PROGRAM.—The term “Outdoor Recreation
24 Legacy Partnership Program” means the program
25 established under subsection (b)(1).

1 (5) QUALIFYING URBAN AREA.—The term
2 “qualifying urban area” means an area identified by
3 the Census Bureau as an area with a population of
4 30,000 or more in the most recent census.

5 (6) ELIGIBLE NONPROFIT ORGANIZATION.—The
6 term “eligible nonprofit organization” means an or-
7 ganization that is described in section 501(c)(3) of
8 the Internal Revenue Code of 1986 and is exempt
9 from tax under section 501(a) of such code.

10 (7) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior.

12 (8) STATE.—The term “State” means any state
13 of the United States or the District of Columbia.

14 (b) GRANTS AUTHORIZED.—

15 (1) IN GENERAL.—The Secretary shall establish
16 an Outdoor Recreation Legacy Partnership Program
17 under which the Secretary may award grants to eli-
18 gible entities for projects—

19 (A) to acquire land and water for parks
20 and other outdoor recreation purposes in quali-
21 fying urban areas; and

22 (B) to develop new or renovate existing
23 outdoor recreation facilities in qualifying urban
24 areas.

25 (2) MATCHING REQUIREMENT.—

1 (A) IN GENERAL.—As a condition of re-
2 ceiving a grant under paragraph (1), an eligible
3 entity shall provide matching funds in the form
4 of cash or an in-kind contribution in an amount
5 equal to not less than 100 percent of the
6 amounts made available under the grant.

7 (B) SOURCES.—The matching amounts re-
8 ferred to in subparagraph (A) may include
9 amounts made available from State, local, non-
10 governmental, or private sources.

11 (C) WAIVER.—The Secretary may waive
12 all or part of the matching requirement under
13 subparagraph (A) in underserved or low-income
14 communities if the Secretary determines that—

15 (i) no reasonable means are available
16 through which an applicant can meet the
17 matching requirement; and

18 (ii) the probable benefit of such
19 project outweighs the public interest in
20 such matching requirement.

21 (D) ADMINISTRATIVE EXPENSES.—Not
22 more than 10 percent of funds provided to an
23 eligible entity may be used for administrative
24 expenses.

1 (c) CONSIDERATIONS.—In awarding grants to eligible
2 entities, the Secretary will consider the extent to which
3 a project may—

4 (1) provide recreation opportunity in under-
5 served communities where access to parks is not
6 adequate to meet local needs;

7 (2) provide opportunities for outdoor education
8 and public land volunteerism;

9 (3) support innovative or cost-effective ways to
10 enhance parks and recreation opportunities or deliv-
11 ery of services;

12 (4) support city park and recreation program-
13 ming, by means including cooperative agreements
14 with community-based eligible nonprofit organiza-
15 tions; and

16 (5) create native event sites or cultural gath-
17 ering spaces.

18 (d) ELIGIBLE USES.—

19 (1) IN GENERAL.—A grant recipient may use a
20 grant awarded under this section—

21 (A) to acquire land or water in a quali-
22 fying urban area that provides outdoor recre-
23 ation opportunities to the public; and

24 (B) to develop or renovate outdoor rec-
25 reational facilities in a qualifying urban area

1 that provide outdoor recreation opportunities to
2 the public.

3 (2) LIMITATIONS ON USE.—A grant recipient
4 may not use grant funds for—

5 (A) incidental costs related to land acquisi-
6 tion, including appraisal and titling;

7 (B) operation and maintenance activities;

8 (C) facilities that support semiprofessional
9 or professional athletics;

10 (D) indoor facilities such as recreation cen-
11 ters or facilities that support primarily non-out-
12 door purposes; or

13 (E) acquisition of land or interests in land
14 that restrict access to specific persons.

15 (e) PRIORITY.—In awarding grants under this sec-
16 tion, the Secretary shall give priority to projects that—

17 (1) create or significantly enhance access to
18 park and recreational opportunities in an urban
19 neighborhood or community;

20 (2) engage and empower underserved commu-
21 nities and youth;

22 (3) provide employment or job training opportu-
23 nities for youth or underserved communities;

24 (4) establish or expand public-private partner-
25 ships, with a focus on leveraging resources; and

1 (5) take advantage of coordination among var-
2 ious levels of government.

3 (f) NATIONAL PARK SERVICE REQUIREMENTS.—In
4 carrying out the Outdoor Recreation Legacy Partnership
5 Program, the Secretary shall—

6 (1) conduct an initial screening and technical
7 review of applications received;

8 (2) evaluate and score all qualifying applica-
9 tions; and

10 (3) provide culturally and linguistically appro-
11 priate information and technical assistance to eligi-
12 ble entities and low-income communities about the
13 opportunity to apply for funds under this section,
14 the application procedures by which eligible entities
15 may apply for funds, and eligible uses for funding.

16 (g) REPORTING.—

17 (1) ANNUAL REPORTS.—Not later than 30 days
18 after the last day of each report period, each State
19 lead agency that receives a grant under this section
20 shall annually submit to the Secretary performance
21 and financial reports that—

22 (A) summarize project activities conducted
23 during the report period; and

24 (B) provide the status of the project.

1 (2) FINAL REPORTS.—Not later than 90 days
2 after the earlier of the date of expiration of a project
3 period or the completion of a project, each State
4 lead agency that receives a grant under this section
5 shall submit to the Secretary a final report con-
6 taining such information as the Secretary may re-
7 quire.

8 **DIVISION K—WILDLIFE COR-**
9 **RIDORS CONSERVATION ACT**
10 **OF 2021**

11 **SEC. 15001. SHORT TITLE; TABLE OF CONTENTS.**

12 This division may be cited as the “Wildlife Corridors
13 Conservation Act of 2021”.

14 **SEC. 15002. DEFINITIONS.**

15 In this Act:

16 (1) APPROPRIATE COMMITTEES OF CON-
17 GRESS.—The term “appropriate committees of Con-
18 gress” means—

19 (A) the Committee on Energy and Natural
20 Resources of the Senate;

21 (B) the Committee on Environment and
22 Public Works of the Senate;

23 (C) the Committee on Appropriations of
24 the Senate;

1 (D) the Committee on Energy and Com-
2 merce of the House of Representatives;

3 (E) the Committee on Natural Resources
4 of the House of Representatives;

5 (F) the Committee on Appropriations of
6 the House of Representatives; and

7 (2) CONNECTIVITY.—The term “connectivity”
8 means the degree to which the landscape or seascape
9 facilitates native species movement.

10 (3) CORRIDOR.—The term “corridor” means a
11 feature of the landscape or seascape that—

12 (A) provides habitat or ecological
13 connectivity; and

14 (B) allows for native species movement or
15 dispersal.

16 (4) DATABASE.—The term “Database” means
17 the National Wildlife Corridors Database established
18 under section 11308(a).

19 (5) FEDERAL LAND OR WATER.—The term
20 “Federal land or water” means any land or water,
21 or interest in land or water, owned by the United
22 States.

23 (6) FUND.—The term “Fund” means the Wild-
24 life Corridors Stewardship Fund established by sec-
25 tion 11401(a).

1 (7) HABITAT.—The term “habitat” means
2 land, water, and substrate occupied at any time dur-
3 ing the life cycle of a native species that is nec-
4 essary, with respect to the native species, for spawn-
5 ing, breeding, feeding, growth to maturity, or migra-
6 tion.

7 (8) INDIAN LAND.—The term “Indian land”
8 means land of an Indian Tribe, or an Indian indi-
9 vidual, that is—

10 (A) held in trust by the United States; or

11 (B) subject to a restriction against alien-
12 ation imposed by the United States.

13 (9) INDIAN TRIBE.—The term “Indian Tribe”
14 has the meaning given the term “Indian tribe” in
15 section 4 of the Indian Self-Determination and Edu-
16 cation Assistance Act (25 U.S.C. 5304).

17 (10) NATIONAL COORDINATION COMMITTEE.—
18 The term “National Coordination Committee”
19 means the National Coordination Committee estab-
20 lished under section 11306(a).

21 (11) NATIONAL WILDLIFE CORRIDOR.—The
22 term “National Wildlife Corridor” means any Fed-
23 eral land or water designated as a National Wildlife
24 Corridor under section 11201(a).

1 (12) NATIONAL WILDLIFE CORRIDOR SYS-
2 TEM.—The term “National Wildlife Corridor Sys-
3 tem” means the system of National Wildlife Cor-
4 ridors established by section 11201(a).

5 (13) NATIVE SPECIES.—The term “native spe-
6 cies” means—

7 (A) a fish, wildlife, or plant species that is
8 or was historically present in a particular eco-
9 system as a result of natural migratory or evo-
10 lutionary processes, including subspecies and
11 plant varieties; or

12 (B) a migratory bird species that is native
13 to the United States or its territories (as de-
14 fined in section 2(b) of the Migratory Bird
15 Treaty Act (16 U.S.C. 703(b))).

16 (14) REGIONAL OCEAN PARTNERSHIP.—The
17 term “regional ocean partnership” means a regional
18 organization of coastal or Great Lakes States, terri-
19 tories, or possessions voluntarily convened by Gov-
20 ernors to address cross-jurisdictional ocean matters,
21 or the functional equivalent of such a regional ocean
22 organization designated by the Governor or Gov-
23 ernors of a State or States.

24 (15) REGIONAL WILDLIFE MOVEMENT COUN-
25 CIL.—The term “regional wildlife movement council”

1 means a regional wildlife movement council estab-
2 lished under section 11307(a).

3 (16) SECRETARIES.—The term “Secretaries”
4 means—

5 (A) the Secretary of Agriculture, acting
6 through the Chief of the Forest Service, con-
7 cerning land contained within the National For-
8 est System;

9 (B) the Secretary of Commerce;

10 (C) the Secretary of the Interior; and

11 (D) the Secretary of Transportation.

12 (17) SECRETARY.—The term “Secretary”
13 means the Secretary of the Interior, acting through
14 the Director of the United States Fish and Wildlife
15 Service.

16 (18) TRIBAL WILDLIFE CORRIDOR.—The term
17 “Tribal Wildlife Corridor” means a corridor estab-
18 lished by the Secretary under section
19 11303(a)(1)(C).

20 (19) UNITED STATES.—The term “United
21 States”, when used in a geographical sense,
22 means—

23 (A) a State;

24 (B) the District of Columbia;

25 (C) the Commonwealth of Puerto Rico;

1 (D) Guam;
2 (E) American Samoa;
3 (F) the Commonwealth of the Northern
4 Mariana Islands;
5 (G) the Federated States of Micronesia;
6 (H) the Republic of the Marshall Islands;
7 (I) the Republic of Palau;
8 (J) the United States Virgin Islands; and
9 (K) the territorial sea (within the meaning
10 of the Magnuson-Stevens Fishery Conservation
11 and Management Act (16 U.S.C. 1801 et seq.))
12 and the exclusive economic zone (as defined in
13 section 3 of that Act (16 U.S.C. 1802)) within
14 the jurisdiction or sovereignty of the Federal
15 Government.

16 (20) WILDLIFE MOVEMENT.—The term “wild-
17 life movement” means the passage of individual
18 members or populations of a fish, wildlife, or plant
19 species across a landscape or seascape.

20 **TITLE I—NATIONAL WILDLIFE**
21 **CORRIDOR SYSTEM ON FED-**
22 **ERAL LAND AND WATER**

23 **SEC. 15101. NATIONAL WILDLIFE CORRIDORS.**

24 (a) ESTABLISHMENT.—There is established a system
25 of corridors on Federal land and water, to be known as

1 the “National Wildlife Corridor System”, which shall con-
2 sist of National Wildlife Corridors designated as part of
3 the National Wildlife Corridor System by—

4 (1) statute;

5 (2) rulemaking under section 11202; or

6 (3) a land management plan developed or re-
7 vised under section 202 of the Federal Land Policy
8 and Management Act of 1976 (43 U.S.C. 1712).

9 (b) STRATEGY.—Not later than 18 months after the
10 date of enactment of this Act, the Secretary shall develop
11 a strategy for the effective development of the National
12 Wildlife Corridor System—

13 (1) to support the fulfillment of the purposes
14 described in section 11202(b);

15 (2) to ensure coordination and consistency
16 across Federal agencies in the development, imple-
17 mentation, and management of National Wildlife
18 Corridors; and

19 (3) to develop a timeline for the implementation
20 of National Wildlife Corridors.

21 **SEC. 15102. ADMINISTRATIVE DESIGNATION OF NATIONAL**
22 **WILDLIFE CORRIDORS.**

23 (a) RULEMAKING.—

24 (1) NATIONAL WILDLIFE CORRIDORS.—Not
25 later than 2 years after the date of enactment of

1 this Act, the Secretary, in consultation with the Sec-
2 retaries, pursuant to the land, water, and resource
3 management planning and conservation authorities
4 of the Secretaries, shall establish a process, by regu-
5 lation, for the designation and management of Na-
6 tional Wildlife Corridors on Federal land or water
7 under the respective jurisdictions of the Secretaries.
8 Where a National Wildlife Corridor crosses federal
9 land or water under the jurisdiction of several secre-
10 taries, then the Secretary must obtain concurrence
11 from the applicable Secretaries before a National
12 Wildlife Corridor may be designated.

13 (2) FEDERAL LAND AND WATER MANAGE-
14 MENT.—The Secretaries shall consider the designa-
15 tion of National Wildlife Corridors in any process re-
16 lating to the issuance, revision, or modification of a
17 management plan for land or water under the re-
18 spective jurisdiction of the Secretaries insofar as a
19 corridor is consistent with the purpose of the plan.

20 (b) CRITERIA FOR DESIGNATION.—The regulations
21 promulgated by the Secretary under subsection (a)(1)
22 shall ensure that, in designating a National Wildlife Cor-
23 ridor, the Secretaries—

24 (1) base the designation of the National Wild-
25 life Corridor on—

- 1 (A) coordination with existing—
- 2 (i) National Wildlife Corridors;
- 3 (ii) corridors established by States;
- 4 and
- 5 (iii) Tribal Wildlife Corridors; and
- 6 (B) the best available science of—
- 7 (i) existing native species habitat; and
- 8 (ii) likely future native species habi-
- 9 tats;
- 10 (2) determine that the National Wildlife Cor-
- 11 ridor supports the connectivity, persistence, resil-
- 12 ience, and adaptability of the native species for
- 13 which it has been designated by providing for—
- 14 (A) dispersal and genetic exchange between
- 15 populations;
- 16 (B) range shifting, range expansion, or
- 17 range restoration, such as in response to cli-
- 18 mate change;
- 19 (C) seasonal movement or migration; or
- 20 (D) succession, movement, or recoloniza-
- 21 tion following—
- 22 (i) a disturbance, such as fire, flood,
- 23 drought, or infestation; or
- 24 (ii) population decline or previous ex-
- 25 tirpation;

1 (3) consult the Database; and

2 (4) consider recommendations from the Na-
3 tional Coordination Committee under section
4 11306(e)(2)(C).

5 (c) DESIGNATION OF FEDERAL LAND OR WATER RE-
6 QUIRING RESTORATION OR CONNECTION OF HABITAT.—

7 The Secretaries may designate as a National Wildlife Cor-
8 ridor land or water that—

9 (1) is necessary for the natural movements of
10 one or more native species;

11 (2) requires restoration, including—

12 (A) land or water that is degraded; and

13 (B) land or water from which a species is
14 currently absent—

15 (i) but may be colonized or recolo-
16 nized by the species naturally; or

17 (ii) to which the species may be re-
18 introduced or restored based on habitat
19 changes; and

20 (3) is fragmented or consists of only a portion
21 of the habitat required for the connectivity needs of
22 one or more native species.

23 (d) NOMINATION FOR DESIGNATION.—

1 (1) IN GENERAL.—In establishing the process
2 for designation under subsection (a)(1), the Sec-
3 retary shall include procedures under which—

4 (A) any State, Tribal, or local government,
5 or a nongovernmental organization engaged in
6 the conservation of native species and the im-
7 provement of the habitats of native species, may
8 submit to the Secretaries a nomination to des-
9 ignate as a National Wildlife Corridor an area
10 under the respective jurisdiction of the Secre-
11 taries; and

12 (B) the Secretaries shall consider and, not
13 later than 1 year after the date on which the
14 nomination was submitted under subparagraph
15 (A), respond to any nomination submitted
16 under that subparagraph.

17 (2) SUPPORTING DOCUMENTATION.—A nomina-
18 tion for designation under paragraph (1)(A) shall in-
19 clude supporting documentation, including—

20 (A) the native species for which the Na-
21 tional Wildlife Corridor would be designated;

22 (B) summaries and references of, with re-
23 spect to the designation of a National Wildlife
24 Corridor—

1 (i) the best science available at the
2 time of the submission of the nomination
3 for designation documenting why the cor-
4 ridor is needed; and

5 (ii) the most current scientific reports
6 available at the time of the submission of
7 the nomination for designation;

8 (C) information with respect to how the
9 nomination was coordinated with potential part-
10 ners;

11 (D) a description of supporting stake-
12 holders, such as States, Indian Tribes, local
13 governments, scientific organizations, non-
14 governmental organizations, and affected vol-
15 untary private landowners; and

16 (E) any additional information the Secre-
17 taries, in consultation with the National Coordi-
18 nation Committee, determine is relevant to the
19 nomination.

20 **SEC. 15103. MANAGEMENT OF NATIONAL WILDLIFE COR-**
21 **RIDORS.**

22 (a) IN GENERAL.—The Secretaries shall, consistent
23 with other applicable Federal land and water management
24 requirements, laws, and regulations, manage each Na-
25 tional Wildlife Corridor under the respective administra-

1 tive jurisdiction of the Secretaries in a manner that con-
2 tributes to the long-term connectivity, persistence, resil-
3 ience, and adaptability of native species for which the Na-
4 tional Wildlife Corridor is identified, including through—

5 (1) the maintenance and improvement of habi-
6 tat connectivity within the National Wildlife Cor-
7 ridor;

8 (2) the implementation of strategies and activi-
9 ties that enhance the ability of native species to re-
10 spond to climate change and other environmental
11 factors;

12 (3) the maintenance or restoration of the integ-
13 rity and functionality of the National Wildlife Cor-
14 ridor;

15 (4) the mitigation or removal of human infra-
16 structure that obstructs the natural movement of
17 native species; and

18 (5) the use of existing conservation programs,
19 including Tribal Wildlife Corridors, under the re-
20 spective jurisdiction of the Secretaries to contribute
21 to the connectivity, persistence, resilience, and
22 adaptability of native species.

23 (b) NATIONAL WILDLIFE CORRIDORS SPANNING
24 MULTIPLE JURISDICTIONS.—In the case of a National
25 Wildlife Corridor that spans the administrative jurisdic-

1 tion of two or more of the Secretaries, the relevant Secre-
2 taries shall coordinate management of the National Wild-
3 life Corridor in accordance with section 11301(b) to ad-
4 vance the purposes described in section 11201(b).

5 (c) ROAD MITIGATION.—In the case of a National
6 Wildlife Corridor that intersects, adjoins, or crosses a new
7 or existing State, Tribal, or local road or highway, the rel-
8 evant Secretaries shall coordinate with the Secretary of
9 Transportation and State, Tribal, and local transportation
10 agencies, as appropriate, to identify and implement vol-
11 untary environmental mitigation measures—

12 (1) to improve public safety and reduce vehicle
13 caused native species mortality while maintaining
14 habitat connectivity; and

15 (2) to mitigate damage to the natural move-
16 ments of native species through strategies such as—

17 (A) the construction, maintenance, or re-
18 placement of native species underpasses, over-
19 passes, and culverts; and

20 (B) the maintenance, replacement, or re-
21 moval of dams, bridges, culverts, and other
22 hydrological obstructions.

23 (d) COMPATIBLE USES.—A use of Federal land or
24 water that was authorized before the date on which the
25 Federal land or water is designated as a National Wildlife

1 Corridor may continue if the applicable Secretaries deter-
2 mine that the use is compatible with the wildlife move-
3 ments of the species for which the National Wildlife Cor-
4 ridor was designated, consistent with applicable Federal
5 laws and regulations.

6 **TITLE II—WILDLIFE CORRIDORS**
7 **CONSERVATION**

8 **SEC. 15201. COLLABORATION AND COORDINATION.**

9 (a) COLLABORATION.—The Secretaries may partner
10 with and provide funds to States, local governments, In-
11 dian Tribes, the National Coordination Committee, vol-
12 untary private landowners, and the regional wildlife move-
13 ment councils to support the purposes described in section
14 11201(b).

15 (b) COORDINATION.—To the maximum extent prac-
16 ticable and consistent with applicable law, the Secretary
17 or Secretaries, as applicable, shall develop the strategy
18 under section 11201(b), designate National Wildlife Cor-
19 ridors under section 11202, and manage National Wildlife
20 Corridors under section 11203—

- 21 (1) in consultation and coordination with—
- 22 (A) other relevant Federal agencies;
- 23 (B) States, including—
- 24 (i) State fish and wildlife agencies;
- 25 and

- 1 (ii) other State agencies responsible
2 for managing the natural resources and
3 wildlife;
- 4 (C) Indian Tribes;
- 5 (D) units of local government;
- 6 (E) other interested stakeholders identified
7 by the Secretary, including applicable voluntary
8 private landowners;
- 9 (F) landscape- and seascape-scale partner-
10 ships, including—
- 11 (i) the National Fish Habitat Part-
12 nership;
- 13 (ii) the National Marine Fisheries
14 Service;
- 15 (iii) regional fishery management
16 councils established under section 302(a)
17 of the Magnuson-Stevens Fishery Con-
18 servation and Management Act (16 U.S.C.
19 1852(a));
- 20 (iv) relevant regional ocean partner-
21 ships;
- 22 (v) the Climate Science Centers of the
23 Department of the Interior; and
- 24 (vi) the Landscape Conservation Co-
25 operative Network;

1 (G) the National Coordination Committee;
2 and
3 (H) the regional wildlife movement coun-
4 cils.

5 **SEC. 15202. EFFECT.**

6 (a) RELATIONSHIP TO OTHER CONSERVATION
7 LAWS.—Nothing in this title amends or otherwise affects
8 any other law (including regulations) relating to the con-
9 servation of native species.

10 (b) JURISDICTION OF STATES AND INDIAN
11 TRIBES.—Nothing in this title or an amendment made by
12 this title affects the jurisdiction of a State or an Indian
13 Tribe with respect to fish and wildlife management, in-
14 cluding the regulation of hunting, fishing, and trapping,
15 in a National Wildlife Corridor or a Tribal Wildlife Cor-
16 ridor.

17 **SEC. 15203. TRIBAL WILDLIFE CORRIDORS.**

18 (a) ESTABLISHMENT.—

19 (1) IN GENERAL.—

20 (A) NOMINATIONS.—An Indian Tribe may
21 nominate a corridor within Indian land of the
22 Indian Tribe as a Tribal Wildlife Corridor by
23 submitting to the Secretary, in consultation
24 with the Director of the Bureau of Indian Af-
25 fairs (referred to in this section as the “Sec-

1 retary’’), an application at such time, in such
2 manner, and containing such information as the
3 Secretary may require.

4 (B) DETERMINATION.—Not later than 90
5 days after the date on which the Secretary re-
6 ceives an application under subparagraph (A),
7 the Secretary shall determine whether the nomi-
8 nated Tribal Wildlife Corridor described in the
9 application meets the criteria established under
10 paragraph (2).

11 (C) PUBLICATION.—On approval of an ap-
12 plication under subparagraph (B), the Sec-
13 retary shall publish in the Federal Register a
14 notice of the establishment of the Tribal Wild-
15 life Corridor, which shall include a map and
16 legal description of the land designated as a
17 Tribal Wildlife Corridor.

18 (2) CRITERIA.—

19 (A) IN GENERAL.—Not later than 18
20 months after the date of enactment of this Act,
21 the Secretary shall establish criteria for deter-
22 mining whether a corridor nominated by an In-
23 dian Tribe under paragraph (1)(A) qualifies as
24 a Tribal Wildlife Corridor.

1 (B) INCLUSIONS.—The criteria established
2 under subparagraph (A) shall include, at a min-
3 imum, the following:

4 (i) The restoration of historical habi-
5 tat for the purposes of facilitating
6 connectivity.

7 (ii) The management of land for the
8 purposes of facilitating connectivity.

9 (iii) The management of land to pre-
10 vent the imposition of barriers that may
11 hinder current or future connectivity.

12 (3) REMOVAL.—

13 (A) IN GENERAL.—An Indian Tribe may
14 elect to remove the designation of a Tribal
15 Wildlife Corridor on the Indian land of the In-
16 dian Tribe by notifying the Secretary.

17 (B) EFFECT OF REMOVAL.—An Indian
18 Tribe that elects to remove a designation under
19 subparagraph (A) may not receive assistance
20 under subsection (c) or (d)(1) or section 11305.

21 (b) COORDINATION OF LAND USE PLANS.—Section
22 202 of the Federal Land Policy and Management Act of
23 1976 (43 U.S.C. 1712) is amended—

24 (1) in subsection (b)—

1 (A) by striking “Indian tribes by” and in-
2 serting the following: Indian tribes—

3 “(1) by”;

4 (B) in paragraph (1) (as so designated), by
5 striking the period at the end and inserting “;
6 and”; and

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

8 “(2) for the purposes of determining whether
9 the land use plans for land in the National Forest
10 System would provide additional connectivity to ben-
11 efit the purposes of a Tribal Wildlife Corridor estab-
12 lished under section 11303(a)(1) of the Wildlife Cor-
13 ridors Conservation Act of 2021.”; and

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

15 “(g) TRIBAL WILDLIFE CORRIDORS.—On the estab-
16 lishment of a Tribal Wildlife Corridor under section
17 11303(a)(1) of the Wildlife Corridors Conservation Act of
18 2021, the Secretary shall conduct a meaningful consulta-
19 tion with the Indian tribe that administers the Tribal
20 Wildlife Corridor to determine whether, through the revi-
21 sion of one or more existing land use plans, the Tribal
22 Wildlife Corridor can—

23 “(1) be expanded into public lands; or

1 “(2) otherwise benefit connectivity (as defined
2 in section 11102 of that Act) between public lands
3 and the Tribal Wildlife Corridor.”.

4 (c) TECHNICAL ASSISTANCE.—The Secretary shall
5 provide to Indian Tribes technical assistance relating to
6 the establishment, management, and expansion of a Tribal
7 Wildlife Corridor, including assistance with accessing wild-
8 life data and working with voluntary private landowners
9 to access Federal and State programs to improve wildlife
10 habitat and connectivity on non-Federal land.

11 (d) AVAILABILITY OF ASSISTANCE.—An Indian Tribe
12 that has a Tribal Wildlife Corridor established on the In-
13 dian land of the Indian Tribe shall be eligible for a grant
14 under the wildlife movements grant program under section
15 11305, subject to other applicable requirements of that
16 grant program.

17 (e) SAVINGS CLAUSE.—Nothing in this section au-
18 thorizes or affects the use of private property or Indian
19 land.

20 **SEC. 15204. PROTECTION OF INDIAN TRIBES.**

21 (a) FEDERAL TRUST RESPONSIBILITY.—Nothing in
22 this title amends, alters, or waives the Federal trust re-
23 sponsibility to Indian Tribes.

24 (b) FREEDOM OF INFORMATION ACT.—

1 (1) EXEMPTION.—Information described in
2 paragraph (2) shall not be subject to disclosure
3 under section 552 of title 5, United States Code
4 (commonly known as the “Freedom of Information
5 Act”), if the head of the agency that receives the in-
6 formation, in consultation with the Secretary and
7 the affected Indian Tribe, determines that disclosure
8 may—

9 (A) cause a significant invasion of privacy;

10 (B) risk harm to human remains or re-
11 sources, cultural items, uses, or activities; or

12 (C) impede the use of a traditional reli-
13 gious site by practitioners.

14 (2) INFORMATION DESCRIBED.—Information
15 referred to in paragraph (1) is information received
16 by a Federal agency—

17 (A) pursuant to this title relating to—

18 (i) the location, character, or owner-
19 ship of human remains of a person of In-
20 dian ancestry; or

21 (ii) resources, cultural items, uses, or
22 activities identified by an Indian Tribe as
23 traditional or cultural because of the long-
24 established significance or ceremonial na-
25 ture to the Indian Tribe; or

1 (B) pursuant to the Native American
2 Graves Protection and Repatriation Act (25
3 U.S.C. 3001 et seq.).

4 **SEC. 15205. WILDLIFE MOVEMENTS GRANT PROGRAM.**

5 (a) IN GENERAL.—The Secretary shall establish a
6 wildlife movements grant program (referred to in this sec-
7 tion as the “grant program”) to encourage wildlife move-
8 ment in accordance with this subsection.

9 (b) GRANTS.—Beginning not later than 2 years after
10 the date of enactment of this Act, the Secretary, based
11 on recommendations from the National Coordination
12 Committee under section 11306(e)(2)(C), shall make
13 grants to one or more projects that—

14 (1) are a regional priority project identified by
15 a regional wildlife movement council;

16 (2) satisfy the purposes described in section
17 11201(b); and

18 (3) increase connectivity for native species.

19 (c) ELIGIBLE RECIPIENTS.—A person that is eligible
20 to receive a grant under the grant program is—

21 (1) a voluntary private landowner or group of
22 landowners;

23 (2) a State fish and wildlife agency or other
24 State agency responsible for managing natural re-
25 sources and wildlife;

- 1 (3) an Indian Tribe;
- 2 (4) a unit of local government;
- 3 (5) an agricultural cooperative;
- 4 (6) water, irrigation, or rural water districts or
- 5 associations, or other organizations with water deliv-
- 6 ery authority (including acequias and land grant
- 7 communities in the State of New Mexico);
- 8 (7) institutions of higher education;
- 9 (8) an entity approved for a grant by a regional
- 10 wildlife movement council; and
- 11 (9) any group of entities described in para-
- 12 graphs (1) through (8).

13 (d) **REQUIREMENTS.**—In administering the grant

14 program, the Secretary shall use the criteria, guidelines,

15 contracts, reporting requirements, and evaluation metrics

16 developed by the National Coordination Committee under

17 subparagraphs (A) and (B) of section 11306(e)(2).

18 **SEC. 15206. NATIONAL COORDINATION COMMITTEE.**

19 (a) **ESTABLISHMENT.**—Not later than 18 months

20 after the date of enactment of this Act, the Secretary shall

21 establish a committee, to be known as the “National Co-

22 ordination Committee”.

23 (b) **ADMINISTRATIVE SUPPORT.**—The Secretary shall

24 provide administrative support for the National Coordina-

25 tion Committee.

1 (c) MEMBERSHIP.—The National Coordination Com-
2 mittee shall be composed of—

3 (1) the Secretary (or a designee);

4 (2) the Secretary of Transportation (or a des-
5 igned);

6 (3) the Secretary of Agriculture (or a designee);

7 (4) the Secretary of Commerce (or a designee);

8 (5) the Director of the Bureau of Indian Affairs
9 (or a designee);

10 (6) the Executive Director of the Association of
11 Fish and Wildlife Agencies (or a designee);

12 (7) two representatives of intertribal organiza-
13 tions, to be appointed by the Secretary;

14 (8) the chairperson of each regional wildlife
15 movement council (or a designee); and

16 (9) not more than three representatives of non-
17 governmental, science, or academic organizations
18 with expertise in wildlife conservation and habitat
19 connectivity, to be appointed by the Secretary in a
20 manner that ensures that the membership of the
21 National Coordination Committee is fair and bal-
22 anced.

23 (d) CHAIRPERSON.—The National Coordination
24 Committee shall select a Chairperson and Vice Chair-

1 person from among the members of the National Coordi-
2 nation Committee.

3 (e) DUTIES.—The National Coordination Com-
4 mittee—

5 (1) shall establish standards for regional wild-
6 life movement plans to allow for better cross-regional
7 collaboration; and

8 (2) shall, with respect to the wildlife movements
9 grant program under section 11305—

10 (A) establish criteria and develop guide-
11 lines for the solicitation of applications for
12 grants by regional wildlife movement councils;

13 (B) develop standardized contracts, report-
14 ing requirements, and evaluation metrics for
15 grant recipients; and

16 (C) make recommendations annually to the
17 Secretary for the selection of grant recipients
18 on the basis of the ranked lists of regional pri-
19 ority projects received from the regional wildlife
20 movement councils under section 11307(e)(4)
21 that are consistent with the purposes described
22 in section 11201(b).

23 (f) APPLICABILITY OF FACA.—Except as otherwise
24 provided in this section, the Federal Advisory Committee

1 Act (5 U.S.C. App.) shall apply to the National Coordina-
2 tion Committee.

3 **SEC. 15207. REGIONAL WILDLIFE MOVEMENT COUNCILS.**

4 (a) ESTABLISHMENT.—Not later than 1 year after
5 the date of enactment of this Act, the Secretary shall es-
6 tablish not less than 4 regional wildlife movement councils
7 with separate geographic jurisdictions that encompass the
8 entire United States.

9 (b) MEMBERSHIP.—

10 (1) IN GENERAL.—Each regional wildlife move-
11 ment council shall be composed of—

12 (A) the director of each State fish and
13 wildlife agency within the jurisdiction of the re-
14 gional wildlife movement council (or a des-
15 ignee);

16 (B) balanced representation from Tribal
17 governments within the jurisdiction of the re-
18 gional wildlife movement council;

19 (C) to serve as a Federal agency liaison
20 and nonvoting, ex officio member—

21 (i) the Director of the United States
22 Fish and Wildlife Service (or a designee);

23 or

1 (ii) the director of any applicable re-
2 gional office of the United States Fish and
3 Wildlife Service (or a designee);

4 (D) not more than three representatives of
5 nongovernmental, science, or academic organi-
6 zations with expertise in native species con-
7 servation and the habitat connectivity needs of
8 the region covered by the regional wildlife move-
9 ment council; and

10 (E) not more than three voluntary rep-
11 resentatives of private landowners with property
12 in the applicable region, not less than one of
13 whom shall be a farmer or rancher.

14 (2) REQUIREMENTS.—

15 (A) MEMBERSHIP.—The Secretary shall
16 ensure that the membership of each regional
17 wildlife movement council is fair and balanced
18 in terms of expertise and perspectives rep-
19 resented.

20 (B) EXPERTISE.—Each regional wildlife
21 movement council shall include experts in eco-
22 logical connectivity, native species ecology, and
23 ecological adaptation.

24 (3) CHAIRPERSON.—Each regional wildlife
25 movement council shall select a Chairperson from

1 among the members of the regional wildlife move-
2 ment council.

3 (c) DUTIES.—Each regional wildlife movement coun-
4 cil shall—

5 (1) not later than 2 years after the date of es-
6 tablishment of the regional wildlife movement coun-
7 cil and in accordance with any standards established
8 by the National Coordination Committee, prepare
9 and submit to the Secretary and the National Co-
10 ordination Committee a regional wildlife movement
11 plan that maintains natural wildlife movement by
12 identifying research priorities and data needs for the
13 Database that is revised, amended, or updated not
14 less frequently than once every 5 years;

15 (2) provide for public engagement, including en-
16 gagement of Indian Tribes, at appropriate times and
17 in appropriate locations in the region covered by the
18 regional wildlife movement council, to allow all inter-
19 ested persons an opportunity to be heard in the de-
20 velopment and implementation of a regional wildlife
21 movement plan under paragraph (1);

22 (3) solicit applications for wildlife movement
23 grants under section 11305 in accordance with the
24 criteria and guidelines established by the National
25 Coordination Council under section 11306(e)(2)(A);

1 (4) in accordance with the criteria and guide-
2 lines established under section 11306(e)(2)(A), sub-
3 mit to the National Coordination Committee an an-
4 nual list of regional priority projects, in ranked
5 order, for wildlife movements grants under section
6 11305 to maintain wildlife movements in the area
7 under the jurisdiction of the regional wildlife move-
8 ment council; and

9 (5) submit to the Secretary and the National
10 Coordination Committee, and make publicly avail-
11 able, an annual report describing the activities of the
12 regional wildlife movement council.

13 (d) COORDINATION.—If applicable, to increase habi-
14 tat connectivity between designated Federal land and
15 water and non-Federal land and water, a regional wildlife
16 movement council shall coordinate with—

17 (1) Federal agencies;

18 (2) Indian Tribes;

19 (3) regional fishery management councils estab-
20 lished under section 302(a) of the Magnuson-Stevens
21 Fishery Conservation and Management Act (16
22 U.S.C. 1852(a));

23 (4) migratory bird joint ventures partnerships
24 recognized by the United States Fish and Wildlife
25 Service with respect to migratory bird species;

- 1 (5) State fish and wildlife agencies;
- 2 (6) regional associations of fish and wildlife
- 3 agencies;
- 4 (7) nongovernmental organizations;
- 5 (8) applicable voluntary private landowners;
- 6 (9) the National Coordination Committee;
- 7 (10) fish habitat partnerships;
- 8 (11) other regional wildlife movement councils
- 9 with respect to crossregional projects;
- 10 (12) international wildlife management entities
- 11 with respect to transboundary species in accordance
- 12 with trade policies of the United States; and
- 13 (13) Federal and State transportation agencies.

14 (e) **APPLICABILITY OF FACA.**—Except as otherwise
15 provided in this section, the Federal Advisory Committee
16 Act (5 U.S.C. App.) shall apply to the regional wildlife
17 movement councils.

18 **SEC. 15208. NATIONAL WILDLIFE CORRIDORS DATABASE.**

19 (a) **IN GENERAL.**—Not later than 18 months after
20 the date of enactment of this Act, the Director of the
21 United States Geological Survey (referred to in this sec-
22 tion as the “Director”), in consultation with the National
23 Coordination Committee and the regional wildlife move-
24 ment councils, shall establish a database, to be known as
25 the “National Wildlife Corridors Database”.

1 (b) CONTENTS.—

2 (1) IN GENERAL.—The Database shall—

3 (A) include maps, data, models, surveys,
4 and descriptions of native species habitats, wild-
5 life movements, and corridors that have been
6 developed by Federal agencies that pertain to
7 Federal land and water;

8 (B) include maps, models, analyses, and
9 descriptions of projected shifts in habitats, wild-
10 life movements, and corridors of native species
11 in response to climate change or other environ-
12 mental factors;

13 (C) reflect the best scientific data and in-
14 formation available; and

15 (D) in accordance with the requirements of
16 the Geospatial Data Act of 2018 (Public Law
17 115–254), have the data, models, and analyses
18 included in the Database available at scales
19 useful to State, Tribal, local, and Federal agen-
20 cy decisionmakers and the public.

21 (c) REQUIREMENTS.—Subject to subsection (d), the
22 Director, in collaboration with the National Coordination
23 Committee, the regional wildlife movement councils, and
24 the Administrator of the National Oceanic and Atmos-
25 pheric Administration, shall—

1 (1) design the Database to support State, Trib-
2 al, local, voluntary private landowner, and Federal
3 agency decisionmakers and the public with data that
4 will allow those entities—

5 (A) to prioritize and target natural re-
6 source adaptation strategies and enhance exist-
7 ing State and Tribal corridor protections;

8 (B) to assess the impacts of proposed en-
9 ergy, water, transportation, and transmission
10 projects, and other development activities, and
11 to avoid, minimize, and mitigate the impacts of
12 those projects and activities on National Wild-
13 life Corridors;

14 (C) to assess the impact of new and exist-
15 ing development on native species habitats and
16 National Wildlife Corridors; and

17 (D) to develop strategies that promote
18 habitat connectivity to allow native species to
19 move—

20 (i) to meet biological and ecological
21 needs;

22 (ii) to adjust to shifts in habitat; and

23 (iii) to adapt to climate change;

24 (2) establish a coordination process among Fed-
25 eral agencies to update maps and other information

1 with respect to landscapes, seascapes, native species
2 habitats and ranges, habitat connectivity, National
3 Wildlife Corridors, and wildlife movement changes as
4 information based on new scientific data becomes
5 available; and

6 (3) not later than 5 years after the date of en-
7 actment of this Act, and not less frequently than
8 once every 5 years thereafter, develop, submit a re-
9 port to the Secretary and the appropriate commit-
10 tees of Congress, and make publicly available a re-
11 port, that, with respect to the Database—

12 (A) outlines the categories for data that
13 may be included in the Database;

14 (B) outlines the data protocols and stand-
15 ards for each category of data in the Database;

16 (C) identifies gaps in native species habitat
17 and National Wildlife Corridor information;

18 (D) prioritizes research and future data
19 collection activities for use in updating the
20 Database; and

21 (E) evaluates and quantifies the efficacy of
22 the Database to meet the needs of the entities
23 described in paragraph (1).

1 (d) PROPRIETARY INTERESTS AND PROTECTED IN-
2 FORMATION.—In developing the Database, the Director
3 shall—

4 (1) as applicable, protect proprietary interests
5 with respect to any licensed information, licensed
6 data, and other items contained in the Database;
7 and

8 (2) protect information in the Database with
9 respect to the habitats and ranges of specific native
10 species to prevent poaching, illegal taking and trap-
11 ping, and other related threats to native species.

12 **TITLE III—FUNDING**

13 **SEC. 15301. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) NATIONAL WILDLIFE CORRIDOR SYSTEM.—
15 There are authorized to be appropriated to carry out title
16 I for fiscal year 2020 and each fiscal year thereafter—

17 (1) to the Secretary, \$7,500,000;

18 (2) to the Secretary of Agriculture, \$3,000,000;

19 (3) to the Secretary of Commerce, \$3,000,000;

20 and

21 (4) to the Secretary of Transportation,
22 \$3,000,000.

23 (b) TRIBAL WILDLIFE CORRIDORS.—There is au-
24 thorized to be appropriated to carry out title II

1 \$5,000,000 for fiscal year 2020 and each fiscal year there-
2 after.

3 (c) WILDLIFE MOVEMENTS GRANT PROGRAM AND
4 REGIONAL WILDLIFE MOVEMENT COUNCILS.—

5 (1) WILDLIFE MOVEMENT GRANT PROGRAM.—

6 (A) IN GENERAL.—There is authorized to
7 be appropriated to the Secretary to carry out
8 the wildlife movements grant program under
9 section 11305 \$50,000,000 for fiscal year 2022
10 and each fiscal year thereafter.

11 (B) REQUIREMENTS.—Amounts appro-
12 priated under subparagraph (A) may be used to
13 complement or match other Federal or non-
14 Federal funding received by the projects funded
15 by those grants.

16 (C) ADMINISTRATIVE SUPPORT.—Not
17 more than 5 percent of amounts appropriated
18 under subparagraph (A) may be used for ad-
19 ministrative support.

20 (2) REGIONAL WILDLIFE MOVEMENT COUN-
21 CILS.—

22 (A) IN GENERAL.—There is authorized to
23 be appropriated to the Secretary to provide sup-
24 port for the regional wildlife movement councils

1 to carry out section 11307 \$1,000,000 for fiscal
2 year 2020 and each fiscal year thereafter.

3 (B) EQUAL DIVISION.—Amounts appro-
4 priated under subparagraph (A) shall be pro-
5 portionally divided between each regional wild-
6 life movement council.

7 (d) NATIONAL WILDLIFE CORRIDORS DATABASE.—
8 There are authorized to be appropriated to the Secretary
9 to carry out section 11308—

10 (1) \$3,000,000 for fiscal year 2020; and

11 (2) \$1,500,000 for fiscal year 2021 and each
12 fiscal year thereafter.

13 **DIVISION L—COMMUNITY RESIL-**
14 **IENCE AND RESTORATION**
15 **FUND**

16 **SEC. 16101. DEFINITIONS.**

17 For purposes of this division:

18 (1) ELIGIBLE ENTITY.—The term “eligible enti-
19 ty” means a Federal agency, State, the District of
20 Columbia, a territory of the United States, a unit of
21 local government, an Indian Tribe, a non-profit or-
22 ganization, or an accredited institution of higher
23 education.

24 (2) ELIGIBLE PROJECTS AND ACTIVITIES.—The
25 term “eligible projects and activities” means projects

1 and activities carried out by an eligible entity on
2 public lands, tribal lands, or private land, or any
3 combination thereof, to further the purposes for
4 which the Fund is established, including planning
5 and capacity building and projects and activities car-
6 ried out in coordination with Federal, State, or trib-
7 al departments or agencies, or any department or
8 agency of a subdivision of a State.

9 (3) FOUNDATION.—The term “Foundation”
10 means the National Fish and Wildlife Foundation
11 established under the National Fish and Wildlife
12 Foundation Establishment Act (16 U.S.C. 3701 et
13 seq.).

14 (4) FUND.—The term “Fund” means the Com-
15 munity Resilience and Restoration Fund established
16 under this Act.

17 (5) INDIAN TRIBE.—The term “Indian Tribe”
18 means the governing body of any individually identi-
19 fied and federally recognized Indian or Alaska Na-
20 tive Tribe, band, nation, pueblo, village, community,
21 affiliated Tribal group, or component reservation in
22 the list published pursuant to section 104(a) of the
23 Federally Recognized Indian Tribe List Act of 1994
24 (25 U.S.C. 5131(a)).

1 (6) RESTORATION AND RESILIENCE LANDS.—
2 The term “restoration and resilience lands” means
3 fish, wildlife, and plant habitats, and other impor-
4 tant natural areas in the United States, on public
5 lands, private land (after obtaining proper consent
6 from the landowner), or land of Indian Tribes, in-
7 cluding: grasslands, shrublands, prairies, chapparral
8 lands, forest lands, deserts, and riparian or wetland
9 areas within or adjacent to these ecosystems.

10 (7) PUBLIC LANDS.—The term “public lands”
11 means lands owned or controlled by the United
12 States or any of its agencies, with the cooperation
13 of the agency having jurisdiction thereof.

14 (8) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior, acting through the Di-
16 rector of the United States Fish and Wildlife Serv-
17 ice.

18 (9) STATE.—The term “State” means a State
19 of the United States, the District of Columbia, any
20 Indian tribe, and any commonwealth, territory, or
21 possession of the United States.

22 **SEC. 16102. ESTABLISHMENT OF FUND.**

23 Not later than 180 days after the date of enactment
24 of this division, the Secretary shall enter into a cooperative

1 agreement with the Foundation to establish the Fund at
2 the Foundation to—

3 (1) to protect, conserve, and restore restoration
4 and resilience lands, in order to help communities
5 respond and adapt to natural threats, including
6 those posed by the impacts of global climate change.

7 (2) to build the resilience of restoration and re-
8 siliance lands to adapt to, recover from, and with-
9 stand natural threats, including those posed by the
10 impacts of global climate change;

11 (3) to protect and enhance the biodiversity of
12 wildlife populations across restoration and resilience
13 lands;

14 (4) to support the health of restoration and re-
15 siliance lands for the benefit of present and future
16 generations;

17 (5) to foster innovative, nature-based solutions
18 that help meet the goals of this section; and

19 (6) to enhance the nation’s natural carbon se-
20 questration capabilities and help communities
21 strengthen natural carbon sequestration capacity
22 where applicable.

23 **SEC. 16103. MANAGEMENT OF THE FUND.**

24 The Foundation shall manage the Fund—

1 (1) pursuant to the National Fish and Wildlife
2 Foundation Establishment Act (16 U.S.C. 3701 et
3 seq.); and

4 (2) in such a manner that, to the greatest ex-
5 tent practicable and consistent with the purposes for
6 which the Fund is established—

7 (A) ensures that amounts made available
8 through the Fund are accessible to historically
9 underserved communities, including Tribal com-
10 munities, communities of color, and rural com-
11 munities; and

12 (B) avoids project selection and funding
13 overlap with those projects and activities that
14 could otherwise receive funding under—

15 (i) the National Oceans and Coastal
16 Security Fund, established under the Na-
17 tional Oceans and Coastal Security Act (16
18 U.S.C. 7501); or

19 (ii) other coastal management focused
20 programs.

21 **SEC. 16104. COMPETITIVE GRANTS.**

22 (a) IN GENERAL.—To the extent amounts are avail-
23 able in the Fund, the Foundation shall award grants to
24 eligible entities through a competitive grant process in ac-
25 cordance with procedures established pursuant to the Na-

1 tional Fish and Wildlife Foundation Establishment Act
2 (16 U.S.C. 3701 et seq.) to carry out eligible projects and
3 activities, including planning eligible projects and activi-
4 ties.

5 (b) PROPOSALS.—The Foundation, in coordination
6 with the Secretary, shall establish requirements for pro-
7 posals for competitive grants under this section.

8 **SEC. 16105. USE OF AMOUNTS IN THE FUND.**

9 (a) PLANNING.—Not less than 8 percent of amounts
10 appropriated annually to the Fund may be used to plan
11 eligible projects and activities, including capacity building.

12 (b) ADMINISTRATIVE COSTS.—Not more than 4 per-
13 cent of amounts appropriated annually to the Fund may
14 be used by the Foundation for administrative expenses of
15 the Fund or administration of competitive grants offered
16 under the Fund.

17 (c) PRIORITY.—Not less than \$10,000,000 shall be
18 awarded annually to support eligible projects and activities
19 for Indian Tribes.

20 **SEC. 16106. REPORTS.**

21 (a) ANNUAL REPORTS.—Beginning at the end the
22 first full fiscal year after the date of enactment of this
23 division, and not later than 60 days after the end of each
24 fiscal year in which amounts are deposited into the Fund,

1 the Foundation shall submit to the Secretary a report on
2 the operation of the Fund including—

3 (1) an accounting of expenditures made under
4 the Fund, including leverage and match where appli-
5 cable;

6 (2) an accounting of any grants made under the
7 Fund, including a list of recipients and a brief de-
8 scription of each project and its purposes and goals;
9 and

10 (3) measures and metrics to track benefits cre-
11 ated by grants administered under the Fund, includ-
12 ing enhanced biodiversity, water quality, natural car-
13 bon sequestration, and resilience.

14 (b) 5-YEAR REPORTS.—Not later than 90 days after
15 the end of the fifth full fiscal year after the date of enact-
16 ment of this division, and not later than 90 days after
17 the end every fifth fiscal year thereafter, the Foundation
18 shall submit to the Secretary a report containing—

19 (1) a description of any socioeconomic, biodiver-
20 sity, community resilience, or climate resilience or
21 mitigation (including natural carbon sequestration),
22 impacts generated by projects funded by grants
23 awarded by the Fund, including measures and
24 metrics illustrating these impacts;

1 (2) a description of land health benefits derived
2 from projects funded by grants awarded by the
3 Fund, including an accounting of—

4 (A) lands treated for invasive species;

5 (B) lands treated for wildfire threat reduc-
6 tion, including those treated with controlled
7 burning or other natural fire-management tech-
8 niques; and

9 (C) lands restored either from wildfire or
10 other forms or degradation, including over-graz-
11 ing and sedimentation;

12 (3) key findings for Congress, including any
13 recommended changes to the authorization or pur-
14 poses of the Fund;

15 (4) best practices for other Federal agencies in
16 the administration of funds intended for land and
17 habitat restoration;

18 (5) information on the use and outcome of
19 funds specifically set aside for planning and capacity
20 building pursuant to section 6; and

21 (6) any other information that the Foundation
22 considers relevant.

23 (c) SUBMISSION OF REPORTS TO CONGRESS.—Not
24 later than 10 days after receiving a report under this sec-
25 tion, the Secretary shall submit the report to the Com-

1 mittee on Natural Resources of the House of Representa-
2 tives and the Committee on Environment and Public
3 Works of the Senate.

4 **SEC. 16107. AUTHORIZATION OF APPROPRIATIONS.**

5 There is hereby authorized to be appropriated to the
6 Fund \$100,000,000 for each of fiscal years 2022 through
7 2027 to carry out this division.

8 **DIVISION M—CLEAN ENERGY**
9 **AND SUSTAINABILITY ACCEL-**
10 **ERATOR**

11 **SEC. 17101. CLEAN ENERGY AND SUSTAINABILITY ACCEL-**
12 **ERATOR.**

13 Title XVI of the Energy Policy Act of 2005 (Public
14 Law 109–58, as amended) is amended by adding at the
15 end the following new subtitle:

16 **“Subtitle C—Clean Energy and**
17 **Sustainability Accelerator**

18 **“SEC. 1621. DEFINITIONS.**

19 “In this subtitle:

20 “(1) ACCELERATOR.—The term ‘Accelerator’
21 means the Clean Energy and Sustainability Accel-
22 erator established under section 1622.

23 “(2) BOARD.—The term ‘Board’ means the
24 Board of Directors of the Accelerator.

1 “(3) CHIEF EXECUTIVE OFFICER.—The term
2 ‘chief executive officer’ means the chief executive of-
3 ficer of the Accelerator.

4 “(4) CLIMATE-IMPACTED COMMUNITIES.—The
5 term ‘climate-impacted communities’ includes—

6 “(A) communities of color, which include
7 any geographically distinct area the population
8 of color of which is higher than the average
9 population of color of the State in which the
10 community is located;

11 “(B) communities that are already or are
12 likely to be the first communities to feel the di-
13 rect negative effects of climate change;

14 “(C) distressed neighborhoods, dem-
15 onstrated by indicators of need, including pov-
16 erty, childhood obesity rates, academic failure,
17 and rates of juvenile delinquency, adjudication,
18 or incarceration;

19 “(D) low-income communities, defined as
20 any census block group in which 30 percent or
21 more of the population are individuals with low
22 income;

23 “(E) low-income households, defined as a
24 household with annual income equal to, or less
25 than, the greater of—

1 “(i) an amount equal to 80 percent of
2 the median income of the area in which the
3 household is located, as reported by the
4 Department of Housing and Urban Devel-
5 opment; and

6 “(ii) 200 percent of the Federal pov-
7 erty line;

8 “(F) Tribal communities;

9 “(G) persistent poverty counties, defined
10 as any county that has had a poverty rate of 20
11 percent or more for the past 30 years as meas-
12 ured by the 2000, 2010, and 2020 decennial
13 censuses;

14 “(H) communities disproportionately af-
15 fected by environmental pollution and other
16 hazards that can lead to negative public health
17 effects; and

18 “(I) communities that are economically re-
19 liant on fossil fuel-based industries.

20 “(5) CLIMATE RESILIENT INFRASTRUCTURE.—
21 The term ‘climate resilient infrastructure’ means
22 any project that builds or enhances infrastructure so
23 that such infrastructure—

1 “(A) is planned, designed, and operated in
2 a way that anticipates, prepares for, and adapts
3 to changing climate conditions; and

4 “(B) can withstand, respond to, and re-
5 cover rapidly from disruptions caused by these
6 climate conditions.

7 “(6) ELECTRIFICATION.—The term ‘electrifica-
8 tion’ means the installation, construction, or use of
9 end-use electric technology that replaces existing fos-
10 sil-fuel-based technology.

11 “(7) ENERGY EFFICIENCY.—The term ‘energy
12 efficiency’ means any project, technology, function,
13 or measure that results in the reduction of energy
14 use required to achieve the same level of service or
15 output prior to the application of such project, tech-
16 nology, function, or measure, or substantially re-
17 duces greenhouse gas emissions relative to emissions
18 that would have occurred prior to the application of
19 such project, technology, function, or measure.

20 “(8) FUEL SWITCHING.—The term ‘fuel switch-
21 ing’ means any project that replaces a fossil-fuel-
22 based heating system with an electric-powered sys-
23 tem or one powered by biomass-generated heat.

1 “(9) GREEN BANK.—The term ‘green bank’
2 means a dedicated public or nonprofit specialized fi-
3 nance entity that—

4 “(A) is designed to drive private capital
5 into market gaps for low- and zero-emission
6 goods and services;

7 “(B) uses finance tools to mitigate climate
8 change;

9 “(C) does not take deposits;

10 “(D) is funded by government, public, pri-
11 vate, or charitable contributions; and

12 “(E) invests or finances projects—

13 “(i) alone; or

14 “(ii) in conjunction with other inves-
15 tors.

16 “(10) QUALIFIED PROJECTS.—The terms
17 ‘qualified projects’ means the following kinds of
18 technologies and activities that are eligible for fi-
19 nancing and investment from the Clean Energy and
20 Sustainability Accelerator, either directly or through
21 State, Territorial, and local green banks funded by
22 the Clean Energy and Sustainability Accelerator:

23 “(A) Renewable energy generation, includ-
24 ing the following:

25 “(i) Solar.

1 “(ii) Wind.

2 “(iii) Geothermal.

3 “(iv) Hydropower.

4 “(v) Ocean and hydrokinetic.

5 “(vi) Fuel cell.

6 “(B) Building energy efficiency, fuel
7 switching, and electrification.

8 “(C) Industrial decarbonization.

9 “(D) Grid technology such as trans-
10 mission, distribution, and storage to support
11 clean energy distribution, including smart-grid
12 applications.

13 “(E) Agriculture and forestry projects that
14 reduce net greenhouse gas emissions.

15 “(F) Clean transportation, including the
16 following:

17 “(i) Battery electric vehicles.

18 “(ii) Plug-in hybrid electric vehicles.

19 “(iii) Hydrogen vehicles.

20 “(iv) Other zero-emissions fueled vehi-
21 cles.

22 “(v) Related vehicle charging and
23 fueling infrastructure.

24 “(G) Climate resilient infrastructure.

1 “(H) Any other key areas identified by the
2 Board as consistent with the mandate of the
3 Accelerator as described in section 1623.

4 “(11) RENEWABLE ENERGY GENERATION.—
5 The term ‘renewable energy generation’ means elec-
6 tricity created by sources that are continually replen-
7 ished by nature, such as the sun, wind, and water.

8 **“SEC. 1622. ESTABLISHMENT.**

9 “(a) IN GENERAL.—Not later than 1 year after the
10 date of enactment of this subtitle, there shall be estab-
11 lished a nonprofit corporation to be known as the Clean
12 Energy and Sustainability Accelerator.

13 “(b) LIMITATION.—The Accelerator shall not be an
14 agency or instrumentality of the Federal Government.

15 “(c) FULL FAITH AND CREDIT.—The full faith and
16 credit of the United States shall not extend to the Accel-
17 erator.

18 “(d) NONPROFIT STATUS.—The Accelerator shall
19 maintain its status as an organization exempt from tax-
20 ation under the Internal Revenue Code of 1986 (26 U.S.C.
21 1 et seq.).

22 **“SEC. 1623. MANDATE.**

23 “The Accelerator shall make the United States a
24 world leader in combating the causes and effects of climate
25 change through the rapid deployment of mature tech-

1 nologies and scaling of new technologies by maximizing
2 the reduction of emissions in the United States for every
3 dollar deployed by the Accelerator, including by—

4 “(1) providing financing support for invest-
5 ments in the United States in low- and zero-emis-
6 sions technologies and processes in order to rapidly
7 accelerate market penetration;

8 “(2) catalyzing and mobilizing private capital
9 through Federal investment and supporting a more
10 robust marketplace for clean technologies, while
11 avoiding competition with private investment;

12 “(3) enabling climate-impacted communities to
13 benefit from and afford projects and investments
14 that reduce emissions;

15 “(4) providing support for workers and commu-
16 nities impacted by the transition to a low-carbon
17 economy;

18 “(5) supporting the creation of green banks
19 within the United States where green banks do not
20 exist; and

21 “(6) causing the rapid transition to a clean en-
22 ergy economy without raising energy costs to end
23 users and seeking to lower costs where possible.

1 **“SEC. 1624. FINANCE AND INVESTMENT DIVISION.**

2 “(a) IN GENERAL.—There shall be within the Accel-
3 erator a finance and investment division, which shall be
4 responsible for—

5 “(1) the Accelerator’s greenhouse gas emissions
6 mitigation efforts by directly financing qualifying
7 projects or doing so indirectly by providing capital to
8 State, Territorial, and local green banks;

9 “(2) originating, evaluating, underwriting, and
10 closing the Accelerator’s financing and investment
11 transactions in qualified projects;

12 “(3) partnering with private capital providers
13 and capital markets to attract coinvestment from
14 private banks, investors, and others in order to drive
15 new investment into underpenetrated markets, to in-
16 crease the efficiency of private capital markets with
17 respect to investing in greenhouse gas reduction
18 projects, and to increase total investment caused by
19 the Accelerator;

20 “(4) managing the Accelerator’s portfolio of as-
21 sets to ensure performance and monitor risk;

22 “(5) ensuring appropriate debt and risk mitiga-
23 tion products are offered; and

24 “(6) overseeing prudent, noncontrolling equity
25 investments.

1 “(b) PRODUCTS AND INVESTMENT TYPES.—The fi-
2 nance and investment division of the Accelerator may pro-
3 vide capital to qualified projects in the form of—

4 “(1) senior, mezzanine, and subordinated debt;

5 “(2) credit enhancements including loan loss re-
6 serves and loan guarantees;

7 “(3) aggregation and warehousing;

8 “(4) equity capital; and

9 “(5) any other financial product approved by
10 the Board.

11 “(c) STATE, TERRITORIAL, AND LOCAL GREEN
12 BANK CAPITALIZATION.—The finance and investment di-
13 vision of the Accelerator shall make capital available to
14 State, Territorial, and local green banks to enable such
15 banks to finance qualifying projects in their markets that
16 are better served by a locally based entity, rather than
17 through direct investment by the Accelerator.

18 “(d) INVESTMENT COMMITTEE.—The debt, risk miti-
19 gation, and equity investments made by the Accelerator
20 shall be—

21 “(1) approved by the investment committee of
22 the Board; and

23 “(2) consistent with an investment policy that
24 has been established by the investment committee of

1 the Board in consultation with the risk management
2 committee of the Board.

3 **“SEC. 1625. START-UP DIVISION.**

4 “There shall be within the Accelerator a Start-up Di-
5 vision, which shall be responsible for providing technical
6 assistance and start-up funding to States and other polit-
7 ical subdivisions that do not have green banks to establish
8 green banks in those States and political subdivisions, in-
9 cluding by working with relevant stakeholders in those
10 States and political subdivisions.

11 **“SEC. 1626. ZERO-EMISSIONS FLEET AND RELATED INFRA-
12 STRUCTURE FINANCING PROGRAM.**

13 “Not later than 1 year after the date of establishment
14 of the Accelerator, the Accelerator shall explore the estab-
15 lishment of a program to provide low- and zero-interest
16 loans, up to 30 years in length, to any school, metropolitan
17 planning organization, or nonprofit organization seeking
18 financing for the acquisition of zero-emissions vehicle
19 fleets or associated infrastructure to support zero-emis-
20 sions vehicle fleets.

21 **“SEC. 1627. PROJECT PRIORITIZATION AND REQUIRE-
22 MENTS.**

23 “(a) EMISSIONS REDUCTION MANDATE.—In invest-
24 ing in projects that mitigate greenhouse gas emissions, the
25 Accelerator shall maximize the reduction of emissions in

1 the United States for every dollar deployed by the Accel-
2 erator.

3 “(b) ENVIRONMENTAL JUSTICE PRIORITIZATION.—

4 “(1) IN GENERAL.—In order to address envi-
5 ronmental justice needs, the Accelerator shall, as ap-
6 plicable, prioritize the provision of program benefits
7 and investment activity that are expected to directly
8 or indirectly result in the deployment of projects to
9 serve, as a matter of official policy, climate-impacted
10 communities.

11 “(2) MINIMUM PERCENTAGE.—The Accelerator
12 shall ensure that over the 30-year period of its char-
13 ter 40 percent of its investment activity is directed
14 to serve climate-impacted communities.

15 “(c) CONSUMER PROTECTION.—

16 “(1) PRIORITIZATION.—Consistent with the
17 mandate under section 1623 to maximize the reduc-
18 tion of emissions in the United States for every dol-
19 lar deployed by the Accelerator, the Accelerator shall
20 prioritize qualified projects according to benefits
21 conferred on consumers and affected communities.

22 “(2) CONSUMER CREDIT PROTECTION.—The
23 Accelerator shall ensure that any residential energy
24 efficiency or distributed clean energy project in
25 which the Accelerator invests directly or indirectly

1 complies with the requirements of the Consumer
2 Credit Protection Act (15 U.S.C. 1601 et seq.), in-
3 cluding, in the case of a financial product that is a
4 residential mortgage loan, any requirements of title
5 I of that Act relating to residential mortgage loans
6 (including any regulations promulgated by the Bu-
7 reau of Consumer Financial Protection under sec-
8 tion 129C(b)(3)(C) of that Act (15 U.S.C.
9 1639e(b)(3)(C))).

10 “(d) LABOR.—

11 “(1) IN GENERAL.—The Accelerator shall en-
12 sure that laborers and mechanics employed by con-
13 tractors and subcontractors in construction work fi-
14 nanced directly by the Accelerator will be paid wages
15 not less than those prevailing on similar construction
16 in the locality, as determined by the Secretary of
17 Labor under sections 3141 through 3144, 3146, and
18 3147 of title 40, United States Code.

19 “(2) PROJECT LABOR AGREEMENT.—The Accel-
20 erator shall ensure that projects financed directly by
21 the Accelerator with total capital costs of
22 \$100,000,000 or greater utilize a project labor
23 agreement.

1 **“SEC. 1628. EXPLORATION OF ACCELERATED CLEAN EN-**
2 **ERGY TRANSITION PROGRAM.**

3 “Not later than 1 year after the date on which the
4 Accelerator is established, the Board shall explore the es-
5 tablishment of an accelerated clean energy transition pro-
6 gram—

7 “(1) to expedite the transition within the power
8 sector to zero-emissions power generation facilities
9 or assets; and

10 “(2) to simultaneously invest in local economic
11 development in communities affected by this transi-
12 tion away from carbon-intensive facilities or assets.

13 **“SEC. 1629. BOARD OF DIRECTORS.**

14 “(a) IN GENERAL.—The Accelerator shall operate
15 under the direction of a Board of Directors, which shall
16 be composed of 7 members.

17 “(b) INITIAL COMPOSITION AND TERMS.—

18 “(1) SELECTION.—The initial members of the
19 Board shall be selected as follows:

20 “(A) APPOINTED MEMBERS.—Three mem-
21 bers shall be appointed by the President, with
22 the advice and consent of the Senate, of whom
23 no more than two shall belong to the same po-
24 litical party.

25 “(B) ELECTED MEMBERS.—Four members
26 shall be elected unanimously by the 3 members

1 appointed and confirmed pursuant to subpara-
2 graph (A).

3 “(2) TERMS.—The terms of the initial members
4 of the Board shall be as follows:

5 “(A) The 3 members appointed and con-
6 firmed under paragraph (1)(A) shall have initial
7 5-year terms.

8 “(B) Of the 4 members elected under
9 paragraph (1)(B), 2 shall have initial 3-year
10 terms, and 2 shall have initial 4-year terms.

11 “(c) SUBSEQUENT COMPOSITION AND TERMS.—

12 “(1) SELECTION.—Except for the selection of
13 the initial members of the Board for their initial
14 terms under subsection (b), the members of the
15 Board shall be elected by the members of the Board.

16 “(2) DISQUALIFICATION.—A member of the
17 Board shall be disqualified from voting for any posi-
18 tion on the Board for which such member is a can-
19 didate.

20 “(3) TERMS.—All members elected pursuant to
21 paragraph (1) shall have a term of 5 years.

22 “(d) QUALIFICATIONS.—The members of the Board
23 shall collectively have expertise in—

1 “(1) the fields of clean energy, electric utilities,
2 industrial decarbonization, clean transportation, re-
3 siliency, and agriculture and forestry practices;

4 “(2) climate change science;

5 “(3) finance and investments; and

6 “(4) environmental justice and matters related
7 to the energy and environmental needs of climate-
8 impacted communities.

9 “(e) RESTRICTION ON MEMBERSHIP.—No officer or
10 employee of the Federal or any other level of government
11 may be appointed or elected as a member of the Board.

12 “(f) QUORUM.—Five members of the Board shall
13 constitute a quorum.

14 “(g) BYLAWS.—

15 “(1) IN GENERAL.—The Board shall adopt, and
16 may amend, such bylaws as are necessary for the
17 proper management and functioning of the Accel-
18 erator.

19 “(2) OFFICERS.—In the bylaws described in
20 paragraph (1), the Board shall—

21 “(A) designate the officers of the Accel-
22 erator; and

23 “(B) prescribe the duties of those officers.

24 “(h) VACANCIES.—Any vacancy on the Board shall
25 be filled through election by the Board.

1 “(i) INTERIM APPOINTMENTS.—A member elected to
2 fill a vacancy occurring before the expiration of the term
3 for which the predecessor of that member was appointed
4 or elected shall serve for the remainder of the term for
5 which the predecessor of that member was appointed or
6 elected.

7 “(j) REAPPOINTMENT.—A member of the Board may
8 be elected for not more than 1 additional term of service
9 as a member of the Board.

10 “(k) CONTINUATION OF SERVICE.—A member of the
11 Board whose term has expired may continue to serve on
12 the Board until the date on which a successor member
13 is elected.

14 “(l) CHIEF EXECUTIVE OFFICER.—The Board shall
15 appoint a chief executive officer who shall be responsible
16 for—

17 “(1) hiring employees of the Accelerator;

18 “(2) establishing the 2 divisions of the Accel-
19 erator described in sections 1624 and 1625; and

20 “(3) performing any other tasks necessary for
21 the day-to-day operations of the Accelerator.

22 “(m) ADVISORY COMMITTEE.—

23 “(1) ESTABLISHMENT.—The Accelerator shall
24 establish an advisory committee (in this subsection
25 referred to as the ‘advisory committee’), which shall

1 be composed of not more than 13 members ap-
2 pointed by the Board on the recommendation of the
3 president of the Accelerator.

4 “(2) MEMBERS.—Members of the advisory com-
5 mittee shall be broadly representative of interests
6 concerned with the environment, production, com-
7 merce, finance, agriculture, forestry, labor, services,
8 and State Government. Of such members—

9 “(A) not fewer than 3 shall be representa-
10 tives of the small business community;

11 “(B) not fewer than 2 shall be representa-
12 tives of the labor community, except that no 2
13 members may be from the same labor union;

14 “(C) not fewer than 2 shall be representa-
15 tives of the environmental nongovernmental or-
16 ganization community, except that no 2 mem-
17 bers may be from the same environmental orga-
18 nization;

19 “(D) not fewer than 2 shall be representa-
20 tives of the environmental justice nongovern-
21 mental organization community, except that no
22 2 members may be from the same environ-
23 mental organization;

24 “(E) not fewer than 2 shall be representa-
25 tives of the consumer protection and fair lend-

1 ing community, except that no 2 members may
2 be from the same consumer protection or fair
3 lending organization; and

4 “(F) not fewer than 2 shall be representa-
5 tives of the financial services industry with
6 knowledge of and experience in financing trans-
7 actions for clean energy and other sustainable
8 infrastructure assets.

9 “(3) MEETINGS.—The advisory committee shall
10 meet not less frequently than once each quarter.

11 “(4) DUTIES.—The advisory committee shall—

12 “(A) advise the Accelerator on the pro-
13 grams undertaken by the Accelerator; and

14 “(B) submit to the Congress an annual re-
15 port with comments from the advisory com-
16 mittee on the extent to which the Accelerator is
17 meeting the mandate described in section 1623,
18 including any suggestions for improvement.

19 “(n) CHIEF RISK OFFICER.—

20 “(1) APPOINTMENT.—Subject to the approval
21 of the Board, the chief executive officer shall appoint
22 a chief risk officer from among individuals with ex-
23 perience at a senior level in financial risk manage-
24 ment, who—

1 “(A) shall report directly to the Board;
2 and

3 “(B) shall be removable only by a majority
4 vote of the Board.

5 “(2) DUTIES.—The chief risk officer, in coordi-
6 nation with the risk management and audit commit-
7 tees established under section 1632, shall develop,
8 implement, and manage a comprehensive process for
9 identifying, assessing, monitoring, and limiting risks
10 to the Accelerator, including the overall portfolio di-
11 versification of the Accelerator.

12 **“SEC. 1630. ADMINISTRATION.**

13 “(a) CAPITALIZATION.—

14 “(1) IN GENERAL.—To the extent and in the
15 amounts provided in advance in appropriations Acts,
16 the Secretary of Energy shall transfer to the Accel-
17 erator—

18 “(A) \$50,000,000,000 on the date on
19 which the Accelerator is established under sec-
20 tion 1622; and

21 “(B) \$10,000,000,000 on October 1 of
22 each of the 5 fiscal years following that date.

23 “(2) AUTHORIZATION OF APPROPRIATIONS.—
24 For purposes of the transfers under paragraph (1),

1 there are authorized to be appropriated such sums
2 as may be necessary.

3 “(b) CHARTER.—The Accelerator shall establish a
4 charter, the term of which shall be 30 years.

5 “(c) USE OF FUNDS AND RECYCLING.—To the ex-
6 tent and in the amounts provided in advance in appropria-
7 tions Acts, the Accelerator—

8 “(1) may use funds transferred pursuant to
9 subsection (a)(1) to carry out this subtitle, including
10 for operating expenses; and

11 “(2) shall retain and manage all repayments
12 and other revenue received under this subtitle from
13 financing fees, interest, repaid loans, and other types
14 of funding to carry out this subtitle, including for—

15 “(A) operating expenses; and

16 “(B) recycling such payments and other
17 revenue for future lending and capital deploy-
18 ment in accordance with this subtitle.

19 “(d) REPORT.—The Accelerator shall submit on a
20 quarterly basis to the relevant committees of Congress a
21 report that describes the financial activities, emissions re-
22 ductions, and private capital mobilization metrics of the
23 Accelerator for the previous quarter.

24 “(e) RESTRICTION.—The Accelerator shall not accept
25 deposits.

1 “(f) COMMITTEES.—The Board shall establish com-
2 mittees and subcommittees, including—

3 “(1) an investment committee; and

4 “(2) in accordance with section 1631—

5 “(A) a risk management committee; and

6 “(B) an audit committee.

7 **“SEC. 1631. ESTABLISHMENT OF RISK MANAGEMENT COM-
8 MITTEE AND AUDIT COMMITTEE.**

9 “(a) IN GENERAL.—To assist the Board in fulfilling
10 the duties and responsibilities of the Board under this sub-
11 title, the Board shall establish a risk management com-
12 mittee and an audit committee.

13 “(b) DUTIES AND RESPONSIBILITIES OF RISK MAN-
14 AGEMENT COMMITTEE.—Subject to the direction of the
15 Board, the risk management committee established under
16 subsection (a) shall establish policies for and have over-
17 sight responsibility for—

18 “(1) formulating the risk management policies
19 of the operations of the Accelerator;

20 “(2) reviewing and providing guidance on oper-
21 ation of the global risk management framework of
22 the Accelerator;

23 “(3) developing policies for—

24 “(A) investment;

25 “(B) enterprise risk management;

1 “(C) monitoring; and

2 “(D) management of strategic,
3 reputational, regulatory, operational, develop-
4 mental, environmental, social, and financial
5 risks; and

6 “(4) developing the risk profile of the Accel-
7 erator, including—

8 “(A) a risk management and compliance
9 framework; and

10 “(B) a governance structure to support
11 that framework.

12 “(c) DUTIES AND RESPONSIBILITIES OF AUDIT COM-
13 MITTEE.—Subject to the direction of the Board, the audit
14 committee established under subsection (a) shall have
15 oversight responsibility for—

16 “(1) the integrity of—

17 “(A) the financial reporting of the Accel-
18 erator; and

19 “(B) the systems of internal controls re-
20 garding finance and accounting;

21 “(2) the integrity of the financial statements of
22 the Accelerator;

23 “(3) the performance of the internal audit func-
24 tion of the Accelerator; and

1 “(4) compliance with the legal and regulatory
2 requirements related to the finances of the Accel-
3 erator.

4 **“SEC. 1632. OVERSIGHT.**

5 “(a) EXTERNAL OVERSIGHT.—The inspector general
6 of the Department of Energy shall have oversight respon-
7 sibilities over the Accelerator.

8 “(b) REPORTS AND AUDIT.—

9 “(1) ANNUAL REPORT.—The Accelerator shall
10 publish an annual report which shall be transmitted
11 by the Accelerator to the President and the Con-
12 gress.

13 “(2) ANNUAL AUDIT OF ACCOUNTS.—The ac-
14 counts of the Accelerator shall be audited annually.
15 Such audits shall be conducted in accordance with
16 generally accepted auditing standards by inde-
17 pendent certified public accountants who are cer-
18 tified by a regulatory authority of the jurisdiction in
19 which the audit is undertaken.

20 “(3) ADDITIONAL AUDITS.—In addition to the
21 annual audits under paragraph (2), the financial
22 transactions of the Accelerator for any fiscal year
23 during which Federal funds are available to finance
24 any portion of its operations may be audited by the
25 Government Accountability Office in accordance with

1 such rules and regulations as may be prescribed by
 2 the Comptroller General of the United States.”.

3 **DIVISION N—DOMESTIC MARI-**
 4 **TIME WORKFORCE TRAINING**

5 **SEC. 18101. CENTERS OF EXCELLENCE FOR DOMESTIC**
 6 **MARITIME WORKFORCE TRAINING AND EDU-**
 7 **CATION.**

8 Section 54102 of title 46, United States Code, is
 9 amended—

10 (1) in subsection (a), by striking “of Transpor-
 11 tation”;

12 (2) in subsection (b), in the subsection heading,
 13 by striking “ASSISTANCE” and inserting “COOPERA-
 14 TIVE AGREEMENTS”;

15 (3) by redesignating subsection (c) as sub-
 16 section (d);

17 (4) in subsection (d), as redesignated by para-
 18 graph (2), by adding at the end the following:

19 “(3) SECRETARY.—The term ‘Secretary’ means
 20 the Secretary of Transportation.”; and

21 (5) by inserting after subsection (b) the fol-
 22 lowing:

23 “(c) GRANT PROGRAM.—

24 “(1) DEFINITION OF ELIGIBLE INSTITUTION.—

25 In this subsection, the term ‘eligible institution’

1 means a postsecondary educational institution as
2 such term is defined in section 3 of the Carl D. Per-
3 kins Career and Technical Education Act of 2006
4 (20 U.S.C. 2302) that offers a 2-year program of
5 study, a 1-year program of training, or is a postsec-
6 ondary vocational institution.

7 “(2) GRANT AUTHORIZATION.—

8 “(A) IN GENERAL.—Not later than 1 year
9 after the date of enactment of the Maritime Ad-
10 ministration Authorization and Improvement
11 Act, the Secretary, in consultation with the Sec-
12 retary of Labor and the Secretary of Education,
13 may award maritime career training grants to
14 eligible institutions for the purpose of devel-
15 oping, offering, or improving educational or ca-
16 reer training programs for American workers
17 related to the maritime workforce.

18 “(B) GUIDELINES.—Not later than 1 year
19 after the date of enactment of the Maritime Ad-
20 ministration Authorization and Improvement
21 Act, the Secretary shall—

22 “(i) promulgate guidelines for the
23 submission of grant proposals under this
24 subsection; and

1 “(ii) publish and maintain such guide-
2 lines on the website of the Department of
3 Transportation.

4 “(3) LIMITATIONS.—The Secretary may not
5 award a grant under this subsection in an amount
6 that is more than \$20,000,000.

7 “(4) REQUIRED INFORMATION.—

8 “(A) IN GENERAL.—An eligible institution
9 that desires to receive a grant under this sub-
10 section shall submit to the Secretary a grant
11 proposal that includes a detailed description
12 of—

13 “(i) the specific project for which the
14 grant proposal is submitted, including the
15 manner in which the grant will be used to
16 develop, offer, or improve an educational
17 or career training program that is suited
18 to maritime industry workers;

19 “(ii) the extent to which the project
20 for which the grant proposal is submitted
21 will meet the educational or career training
22 needs of maritime workers in the commu-
23 nity served by the eligible institution;

24 “(iii) the extent to which the project
25 for which the grant proposal is submitted

1 fits within any overall strategic plan devel-
2 oped by an eligible community; and

3 “(iv) any previous experience of the
4 eligible institution in providing maritime
5 educational or career training programs.

6 “(B) COMMUNITY OUTREACH REQUIRED.—

7 In order to be considered by the Secretary, a
8 grant proposal submitted by an eligible institu-
9 tion under this subsection shall—

10 “(i) demonstrate that the eligible in-
11 stitution—

12 “(I) reached out to employers to
13 identify—

14 “(aa) any shortcomings in
15 existing maritime educational
16 and career training opportunities
17 available to workers in the com-
18 munity; and

19 “(bb) any future employ-
20 ment opportunities within the
21 community and the educational
22 and career training skills re-
23 quired for workers to meet the
24 future maritime employment de-
25 mand; and

1 “(II) reached out to other simi-
2 larly situated institutions in an effort
3 to benefit from any best practices that
4 may be shared with respect to pro-
5 viding maritime educational or career
6 training programs to workers eligible
7 for training; and

8 “(ii) include a detailed description
9 of—

10 “(I) the extent and outcome of
11 the outreach conducted under clause
12 (i);

13 “(II) the extent to which the
14 project for which the grant proposal is
15 submitted will contribute to meeting
16 any shortcomings identified under
17 clause (i)(I)(aa) or any maritime edu-
18 cational or career training needs iden-
19 tified under clause (i)(I)(bb); and

20 “(III) the extent to which em-
21 ployers, including small- and medium-
22 sized firms within the community,
23 have demonstrated a commitment to
24 employing workers who would benefit

1 from the project for which the grant
2 proposal is submitted.

3 “(5) CRITERIA FOR AWARD OF GRANTS.—

4 “(A) IN GENERAL.—Subject to the appro-
5 priation of funds, the Secretary shall award a
6 grant under this subsection based on—

7 “(i) a determination of the merits of
8 the grant proposal submitted by the eligi-
9 ble institution to develop, offer, or improve
10 maritime educational or career training
11 programs to be made available to workers;

12 “(ii) an evaluation of the likely em-
13 ployment opportunities available to workers
14 who complete a maritime educational or
15 career training program that the eligible
16 institution proposes to develop, offer, or
17 improve;

18 “(iii) an evaluation of prior demand
19 for training programs by workers in the
20 community served by the eligible institu-
21 tion, as well as the availability and capac-
22 ity of existing maritime training programs
23 to meet future demand for training pro-
24 grams; and

1 “(iv) any prior designation of an insti-
2 tution as a Center of Excellence for Do-
3 mestic Maritime Workforce Training and
4 Education.

5 “(B) MATCHING REQUIREMENTS.—A
6 grant awarded under this subsection may not
7 be used to satisfy any private matching require-
8 ment under any other provision of law.

9 “(6) PUBLIC REPORT.—Not later than Decem-
10 ber 15 in each of the calendar years 2021 through
11 2023, the Secretary shall make available on a pub-
12 lically available website a report and provide a brief-
13 ing to the Committee on Commerce, Science, and
14 Transportation of the Senate and the Committee on
15 Transportation and Infrastructure of the House of
16 Representatives—

17 “(A) describing each grant awarded under
18 this subsection during the preceding fiscal year;

19 “(B) assessing the impact of each award of
20 a grant under this subsection in a fiscal year
21 preceding the fiscal year referred to in subpara-
22 graph (A) on workers receiving training; and

23 “(C) the performance of the grant awarded
24 with respect to the indicators of performance
25 under section 116(b)(2)(A)(i) of the Workforce

1 Innovation and Opportunity Act (29 U.S.C.
2 3141(b)(2)(A)(i)).

3 “(7) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to carry out
5 this subsection \$200,000,000.”.

6 **DIVISION O—EFFICIENT AND EF-**
7 **FECTIVE NEPA IMPLEMENTA-**
8 **TION**

9 **SEC. 19101. EFFICIENT AND EFFECTIVE NEPA IMPLEMEN-**
10 **TATION.**

11 (a) DEFINITION OF AGENCY.—In this section, the
12 term “agency” means a Federal agency eligible to receive
13 funds under the INVEST in America Act.

14 (b) FUNDING FOR THE EFFICIENT AND EFFECTIVE
15 APPLICATION OF NEPA.—For the period of fiscal years
16 2023 through 2031, there is authorized to be appropriated
17 to the Chair of the Council on Environmental Quality
18 \$150,000,000 for allocation to agencies eligible to receive
19 funds under the INVEST in America Act to provide for
20 efficient and effective environmental reviews under the
21 National Environmental Policy Act of 1969 (42 U.S.C.
22 4321 et seq.) in accordance with the guidelines and re-
23 quirements established under subsection (c)(2), to remain
24 available until expended.

25 (c) TASK FORCE.—

1 (1) ESTABLISHMENT.—The Chair of the Coun-
2 cil on Environmental Quality shall establish and ad-
3 minister a task force, to be known as the “Task
4 Force to Revitalize NEPA Implementation” (re-
5 ferred to in this section as the “Task Force”), the
6 membership of which may—

7 (A) be determined by the Chair of the
8 Council on Environmental Quality; and

9 (B) include detailees from other agencies
10 and personnel assigned to the Council on Envi-
11 ronmental Quality under subchapter VI of
12 chapter 33 of title 5, United States Code.

13 (2) GUIDELINES AND REQUIREMENTS.—Not
14 later than 180 days after the date of enactment of
15 this division, the Task Force shall establish guide-
16 lines and requirements for the use of amounts allo-
17 cated to an agency under paragraph (3) that provide
18 for more efficient and more effective environmental
19 reviews under the National Environmental Policy
20 Act of 1969 (42 U.S.C. 4321 et seq.), including
21 through the hiring and training of additional per-
22 sonnel, development of programmatic assessments or
23 templates, procurement of technical or scientific
24 services, development of data or technology systems,

1 stakeholder and community engagement, and the
2 purchase of new equipment.

3 (3) ALLOCATION OF FUNDS.—

4 (A) APPLICATION.—An agency seeking to
5 receive amounts under this section shall submit
6 to the Task Force an application at such time,
7 in such manner, and containing such informa-
8 tion as the Task Force shall require, which
9 shall include criteria and performance measures
10 for the implementation of the National Environ-
11 mental Policy Act of 1969 (42 U.S.C. 4321 et
12 seq.) that are established by the Task Force.

13 (B) ADDITIONAL AGENCIES.—The Task
14 Force, working with the Director of the Office
15 of Management and Budget, shall—

16 (i) identify the agencies that need ad-
17 ditional amounts to effectively and effi-
18 ciently carry out the National Environ-
19 mental Policy Act of 1969 (42 U.S.C.
20 4321 et seq.); and

21 (ii) determine the additional amounts
22 needed by each agency identified under
23 clause (i).

1 (C) ALLOCATION.—The Task Force shall
2 allocate amounts made available under sub-
3 section (b)—

4 (i) for the 2-year period beginning on
5 the date of enactment of this division, to
6 agencies that submit an application under
7 subparagraph (A); and

8 (ii) for the period beginning on the
9 date that is 2 years after the date of enact-
10 ment of this division and ending on Sep-
11 tember 30, 2026—

12 (I) to agencies that submit an
13 application under subparagraph (A);
14 and

15 (II) to agencies identified under
16 subparagraph (B)(i).

17 (D) TRANSFER AND ACCEPTANCE OF
18 FUNDS.—

19 (i) TRANSFER.—The Chair of the
20 Council on Environmental Quality may, to
21 the extent provided in advance in appro-
22 priations Acts—

23 (I) transfer amounts allocated to
24 agencies by the Task Force under
25 subparagraph (C) to the heads of

1 those agencies for use in accordance
2 with the guidelines and requirements
3 established by the Task Force under
4 paragraph (2); and

5 (II) use the amounts allocated to
6 the Council on Environmental Quality
7 by the Task Force under subpara-
8 graph (C) in accordance with the
9 guidelines and requirements estab-
10 lished by the Task Force under para-
11 graph (2).

12 (ii) RECEIPT AND ACCEPTANCE.—The
13 head of an agency to which amounts are
14 transferred by the Chair of the Council on
15 Environmental Quality under clause (i)(I)
16 shall be entitled to receive, may accept,
17 and may use those amounts, in accordance
18 with the guidelines and requirements es-
19 tablished by the Task Force under para-
20 graph (2).

21 (4) SUPPLEMENT, NOT SUPPLANT.—Amounts
22 allocated to an agency under this section shall sup-
23 plement, and not supplant, amounts otherwise made
24 available to the agency to carry out the National En-

1 vironmental Policy Act of 1969 (42 U.S.C. 4321 et
2 seq.).

3 (d) REPORT.—

4 (1) IN GENERAL.—Not later than 2 years after
5 the date of enactment of this division, and annually
6 thereafter until amounts made available to carry out
7 this section are expended, the Chair of the Council
8 on Environmental Quality shall submit to Congress
9 a report describing the implementation of this sec-
10 tion.

11 (2) INCLUSION.—If the Task Force allocates
12 amounts to agencies under subsection
13 (c)(3)(C)(ii)(II), the Chair of the Council on Envi-
14 ronmental Quality shall include in the applicable re-
15 port under paragraph (1) a description of—

16 (A) the agencies to which amounts were al-
17 located under that subsection; and

18 (B) the amounts that were allocated to
19 those agencies.

1 **DIVISION P—ELECTRIC**
2 **VEHICLES**
3 **TITLE I—ZERO EMISSIONS VEHI-**
4 **CLE INFRASTRUCTURE**
5 **BUILDOUT**
6 **Subtitle A—Electric Vehicle**
7 **Infrastructure**

8 **SEC. 20101. DEFINITIONS.**

9 In this subtitle:

10 (1) **ELECTRIC VEHICLE SUPPLY EQUIPMENT.**—

11 The term “electric vehicle supply equipment” means
12 any conductors, including ungrounded, grounded,
13 and equipment grounding conductors, electric vehicle
14 connectors, attachment plugs, and all other fittings,
15 devices, power outlets, or apparatuses installed spe-
16 cifically for the purpose of delivering energy to an
17 electric vehicle.

18 (2) **SECRETARY.**—The term “Secretary” means
19 the Secretary of Energy.

20 (3) **UNDERSERVED OR DISADVANTAGED COM-**
21 **MUNITY.**—The term “underserved or disadvantaged
22 **community”** means—

23 (A) a community located in a ZIP code
24 that includes a census tract that is identified
25 as—

1 (i) a low-income community; or

2 (ii) a community of color;

3 (B) a community in which climate change,
4 pollution, or environmental destruction have ex-
5 acerbated systemic racial, regional, social, envi-
6 ronmental, and economic injustices by dis-
7 proportionately affecting indigenous peoples,
8 communities of color, migrant communities,
9 deindustrialized communities, depopulated rural
10 communities, the poor, low-income workers,
11 women, the elderly, the unhoused, people with
12 disabilities, or youth; or

13 (C) any other community that the Sec-
14 retary determines is disproportionately vulner-
15 able to, or bears a disproportionate burden of,
16 any combination of economic, social, and envi-
17 ronmental stressors.

18 **SEC. 20102. ELECTRIC VEHICLE SUPPLY EQUIPMENT RE-**

19 **BATE PROGRAM.**

20 (a) REBATE PROGRAM.—Not later than January 1,
21 2022, the Secretary shall establish a rebate program to
22 provide rebates for covered expenses associated with pub-
23 licly accessible electric vehicle supply equipment (in this
24 section referred to as the “rebate program”).

25 (b) REBATE PROGRAM REQUIREMENTS.—

1 (1) ELIGIBLE ENTITIES.—A rebate under the
2 rebate program may be made to an individual, a
3 State, local, Tribal, or Territorial government, a pri-
4 vate entity, a not-for-profit entity, a nonprofit entity,
5 or a metropolitan planning organization.

6 (2) ELIGIBLE EQUIPMENT.—

7 (A) IN GENERAL.—Not later than 180
8 days after the date of the enactment of this
9 Act, the Secretary shall publish and maintain
10 on the Department of Energy internet website
11 a list of electric vehicle supply equipment that
12 is eligible for the rebate program.

13 (B) UPDATES.—The Secretary may, by
14 regulation, add to, or otherwise revise, the list
15 of electric vehicle supply equipment under sub-
16 paragraph (A) if the Secretary determines that
17 such addition or revision will likely lead to—

18 (i) greater usage of electric vehicle
19 supply equipment;

20 (ii) greater access to electric vehicle
21 supply equipment by users; or

22 (iii) an improved experience for users
23 of electric vehicle supply equipment, in-
24 cluding accessibility in compliance with the

1 Americans with Disabilities Act of 1990
2 (42 U.S.C. 12101 et seq.).

3 (C) LOCATION REQUIREMENT.—To be eli-
4 gible for the rebate program, the electric vehicle
5 supply equipment described in subparagraph
6 (A) shall be installed—

7 (i) in the United States;

8 (ii) on property—

9 (I) owned by the eligible entity
10 under paragraph (1); or

11 (II) on which the eligible entity
12 under paragraph (1) has authority to
13 install electric vehicle supply equip-
14 ment; and

15 (iii) at a location that is—

16 (I) a multi-unit housing struc-
17 ture;

18 (II) a workplace;

19 (III) a commercial location; or

20 (IV) open to the public for a
21 minimum of 12 hours per day;

22 (3) APPLICATION.—

23 (A) IN GENERAL.—An eligible entity under
24 paragraph (1) may submit to the Secretary an

1 application for a rebate under the rebate pro-
2 gram. Such application shall include—

3 (i) the estimated cost of covered ex-
4 penses to be expended on the electric vehi-
5 cle supply equipment that is eligible under
6 paragraph (2);

7 (ii) the estimated installation cost of
8 the electric vehicle supply equipment that
9 is eligible under paragraph (2);

10 (iii) the global positioning system lo-
11 cation, including the integer number of de-
12 grees, minutes, and seconds, where such
13 electric vehicle supply equipment is to be
14 installed, and identification of whether
15 such location is—

16 (I) a multi-unit housing struc-
17 ture;

18 (II) a workplace;

19 (III) a commercial location; or

20 (IV) open to the public for a
21 minimum of 12 hours per day;

22 (iv) the technical specifications of
23 such electric vehicle supply equipment, in-
24 cluding the maximum power voltage and
25 amperage of such equipment;

1 (v) an identification of any existing
2 electric vehicle supply equipment that—

3 (I) is available to the public for a
4 minimum of 12 hours per day; and

5 (II) is not further than 50 miles
6 from the global positioning system lo-
7 cation identified under clause (iii);
8 and

9 (vi) any other information determined
10 by the Secretary to be necessary for a com-
11 plete application.

12 (B) REVIEW PROCESS.—The Secretary
13 shall review an application for a rebate under
14 the rebate program and approve an eligible en-
15 tity under paragraph (1) to receive such rebate
16 if the application meets the requirements of the
17 rebate program under this subsection.

18 (C) NOTIFICATION TO ELIGIBLE ENTITY.—
19 Not later than 1 year after the date on which
20 the eligible entity under paragraph (1) applies
21 for a rebate under the rebate program, the Sec-
22 retary shall notify the eligible entity whether
23 the eligible entity will be awarded a rebate
24 under the rebate program following the submis-

1 sion of additional materials required under
2 paragraph (5).

3 (4) REBATE AMOUNT.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), the amount of a rebate made
6 under the rebate program for each charging
7 unit shall be the lesser of—

8 (i) 75 percent of the applicable cov-
9 ered expenses;

10 (ii) \$2,000 for covered expenses asso-
11 ciated with the purchase and installation of
12 non-networked level 2 charging equipment;

13 (iii) \$4,000 for covered expenses asso-
14 ciated with the purchase and installation of
15 networked level 2 charging equipment; or

16 (iv) \$100,000 for covered expenses as-
17 sociated with the purchase and installation
18 of networked direct current fast charging
19 equipment.

20 (B) REBATE AMOUNT FOR REPLACEMENT
21 EQUIPMENT.—A rebate made under the rebate
22 program for replacement of pre-existing electric
23 vehicle supply equipment at a single location
24 shall be the lesser of—

1 (i) 75 percent of the applicable cov-
2 ered expenses;

3 (ii) \$1,000 for covered expenses asso-
4 ciated with the purchase and installation of
5 non-networked level 2 charging equipment;

6 (iii) \$2,000 for covered expenses asso-
7 ciated with the purchase and installation of
8 networked level 2 charging equipment; or

9 (iv) \$25,000 for covered expenses as-
10 sociated with the purchase and installation
11 of networked direct current fast charging
12 equipment.

13 (5) DISBURSEMENT OF REBATE.—

14 (A) IN GENERAL.—The Secretary shall
15 disburse a rebate under the rebate program to
16 an eligible entity under paragraph (1), following
17 approval of an application under paragraph (3),
18 if such entity submits the materials required
19 under subparagraph (B).

20 (B) MATERIALS REQUIRED FOR DISBURSE-
21 MENT OF REBATE.—Not later than one year
22 after the date on which the eligible entity under
23 paragraph (1) receives notice under paragraph
24 (3)(C) that the eligible entity has been ap-

1 proved for a rebate, such eligible entity shall
2 submit to the Secretary the following—

3 (i) a record of payment for covered
4 expenses expended on the installation of
5 the electric vehicle supply equipment that
6 is eligible under paragraph (2);

7 (ii) a record of payment for the elec-
8 tric vehicle supply equipment that is eligi-
9 ble under paragraph (2);

10 (iii) the global positioning system lo-
11 cation of where such electric vehicle supply
12 equipment was installed and identification
13 of whether such location is—

14 (I) a multi-unit housing struc-
15 ture;

16 (II) a workplace;

17 (III) a commercial location; or

18 (IV) open to the public for a
19 minimum of 12 hours per day;

20 (iv) the technical specifications of the
21 electric vehicle supply equipment that is el-
22 igible under paragraph (2), including the
23 maximum power voltage and amperage of
24 such equipment; and

1 (v) any other information determined
2 by the Secretary to be necessary.

3 (C) AGREEMENT TO MAINTAIN.—To be eli-
4 gible for a rebate under the rebate program, an
5 eligible entity under paragraph (1) shall enter
6 into an agreement with the Secretary to main-
7 tain the electric vehicle supply equipment that
8 is eligible under paragraph (2) in a satisfactory
9 manner for not less than 5 years after the date
10 on which the eligible entity under paragraph (1)
11 receives the rebate under the rebate program.

12 (D) EXCEPTION.—The Secretary shall not
13 disburse a rebate under the rebate program if
14 materials submitted under subparagraph (B) do
15 not meet the same global positioning system lo-
16 cation and technical specifications for the elec-
17 tric vehicle supply equipment that is eligible
18 under paragraph (2) provided in an application
19 under paragraph (3).

20 (6) MULTI-PORT CHARGERS.—An eligible entity
21 under paragraph (1) shall be awarded a rebate
22 under the rebate program for covered expenses relat-
23 ing to the purchase and installation of a multi-port
24 charger based on the number of publicly accessible
25 charging ports, with each subsequent port after the

1 first port being eligible for 50 percent of the full re-
2 bate amount.

3 (7) NETWORKED DIRECT CURRENT FAST
4 CHARGING.—Of amounts appropriated to carry out
5 the rebate program, not more than 40 percent may
6 be used for rebates of networked direct current fast
7 charging equipment.

8 (8) HYDROGEN FUEL CELL REFUELING INFRA-
9 STRUCTURE.—Hydrogen refueling equipment shall
10 be eligible for a rebate under the rebate program as
11 though it were networked direct current fast charg-
12 ing equipment. All requirements related to public ac-
13 cessibility of installed locations shall apply.

14 (9) REPORT.—Not later than 3 years after the
15 first date on which the Secretary awards a rebate
16 under the rebate program, the Secretary shall sub-
17 mit to the Committee on Energy and Commerce of
18 the House of Representatives and the Committee on
19 Energy and Natural Resources of the Senate a re-
20 port of the number of rebates awarded for electric
21 vehicle supply equipment and hydrogen fuel cell re-
22 fueling equipment in each of the location categories
23 described in paragraph (2)(C)(iii).

24 (c) DEFINITIONS.—In this section:

1 (1) COVERED EXPENSES.—The term “covered
2 expenses” means an expense that is associated with
3 the purchase and installation of electric vehicle sup-
4 ply equipment, including—

5 (A) the cost of electric vehicle supply
6 equipment;

7 (B) labor costs associated with the installa-
8 tion of such electric vehicle supply equipment,
9 only if wages for such labor are paid at rates
10 not less than those prevailing on similar labor
11 in the locality of installation, as determined by
12 the Secretary of Labor under subchapter IV of
13 chapter 31 of title 40, United States Code
14 (commonly referred to as the “Davis-Bacon
15 Act”);

16 (C) material costs associated with the in-
17 stallation of such electric vehicle supply equip-
18 ment, including expenses involving electrical
19 equipment and necessary upgrades or modifica-
20 tions to the electrical grid and associated infra-
21 structure required for the installation of such
22 electric vehicle supply equipment;

23 (D) permit costs associated with the instal-
24 lation of such electric vehicle supply equipment;
25 and

1 (E) the cost of an on-site energy storage
2 system.

3 (2) ELECTRIC VEHICLE.—The term “electric
4 vehicle” means a vehicle that derives all or part of
5 its power from electricity.

6 (3) MULTI-PORT CHARGER.—The term “multi-
7 port charger” means electric vehicle supply equip-
8 ment capable of charging more than one electric ve-
9 hicle.

10 (4) LEVEL 2 CHARGING EQUIPMENT.—The
11 term “level 2 charging equipment” means electric
12 vehicle supply equipment that provides an alter-
13 nating current power source at a minimum of 208
14 volts.

15 (5) NETWORKED DIRECT CURRENT FAST
16 CHARGING EQUIPMENT.—The term “networked di-
17 rect current fast charging equipment” means electric
18 vehicle supply equipment that provides a direct cur-
19 rent power source at a minimum of 50 kilowatts and
20 is enabled to connect to a network to facilitate data
21 collection and access.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out this section
24 \$100,000,000 for each of fiscal years 2022 through 2026.

1 **SEC. 20103. MODEL BUILDING CODE FOR ELECTRIC VEHI-**
2 **CLE SUPPLY EQUIPMENT.**

3 (a) REVIEW.—The Secretary shall review proposed or
4 final model building codes for—

5 (1) integrating electric vehicle supply equipment
6 into residential and commercial buildings that in-
7 clude space for individual vehicle or fleet vehicle
8 parking; and

9 (2) integrating onsite renewable power equip-
10 ment and electric storage equipment (including elec-
11 tric vehicle batteries to be used for electric storage)
12 into residential and commercial buildings.

13 (b) TECHNICAL ASSISTANCE.—The Secretary shall
14 provide technical assistance to stakeholders representing
15 the building construction industry, manufacturers of elec-
16 tric vehicles and electric vehicle supply equipment, State
17 and local governments, and any other persons with rel-
18 evant expertise or interests to facilitate understanding of
19 the model code and best practices for adoption by jurisdic-
20 tions.

21 **SEC. 20104. ELECTRIC VEHICLE SUPPLY EQUIPMENT CO-**
22 **ORDINATION.**

23 (a) IN GENERAL.—Not later than 90 days after the
24 date of enactment of this Act, the Secretary, acting
25 through the Assistant Secretary of the Office of Electricity
26 Delivery and Energy Reliability (including the Smart Grid

1 Task Force), shall convene a group to assess progress in
2 the development of standards necessary to—

3 (1) support the expanded deployment of electric
4 vehicle supply equipment;

5 (2) develop an electric vehicle charging network
6 to provide reliable charging for electric vehicles na-
7 tionwide, taking into consideration range anxiety
8 and the location of charging infrastructure to ensure
9 an electric vehicle can travel throughout the United
10 States without losing a charge; and

11 (3) ensure the development of such network will
12 not compromise the stability and reliability of the
13 electric grid.

14 (b) REPORT TO CONGRESS.—Not later than 1 year
15 after the date of enactment of this Act, the Secretary shall
16 provide to the Committee on Energy and Commerce of the
17 House of Representatives and to the Committee on En-
18 ergy and Natural Resources of the Senate a report con-
19 taining the results of the assessment carried out under
20 subsection (a) and recommendations to overcome any bar-
21 riers to standards development or adoption identified by
22 the group convened under such subsection.

1 **SEC. 20105. STATE CONSIDERATION OF ELECTRIC VEHICLE**
2 **CHARGING.**

3 (a) CONSIDERATION AND DETERMINATION RESPECT-
4 ING CERTAIN RATEMAKING STANDARDS.—Section 111(d)
5 of the Public Utility Regulatory Policies Act of 1978 (16
6 U.S.C. 2621(d)) is amended by adding at the end the fol-
7 lowing:

8 “(20) ELECTRIC VEHICLE CHARGING PRO-
9 GRAMS.—

10 “(A) IN GENERAL.—Each State shall con-
11 sider measures to promote greater electrifica-
12 tion of the transportation sector, including—

13 “(i) authorizing measures to stimulate
14 investment in and deployment of electric
15 vehicle supply equipment and to foster the
16 market for electric vehicle charging;

17 “(ii) authorizing each electric utility
18 of the State to recover from ratepayers any
19 capital, operating expenditure, or other
20 costs of the electric utility relating to load
21 management, programs, or investments as-
22 sociated with the integration of electric ve-
23 hicle supply equipment into the grid; and

24 “(iii) allowing a person or agency that
25 owns and operates an electric vehicle
26 charging facility for the sole purpose of re-

1 charging an electric vehicle battery to be
2 excluded from regulation as an electric
3 utility pursuant to section 3(4) when mak-
4 ing electricity sales from the use of the
5 electric vehicle charging facility, if such
6 sales are the only sales of electricity made
7 by the person or agency.

8 “(B) DEFINITION.—For purposes of this
9 paragraph, the term ‘electric vehicle supply
10 equipment’ means conductors, including
11 ungrounded, grounded, and equipment ground-
12 ing conductors, electric vehicle connectors, at-
13 tachment plugs, and all other fittings, devices,
14 power outlets, or apparatuses installed specifi-
15 cally for the purpose of delivering energy to an
16 electric vehicle.”.

17 (b) OBLIGATIONS TO CONSIDER AND DETERMINE.—

18 (1) TIME LIMITATIONS.—Section 112(b) of the
19 Public Utility Regulatory Policies Act of 1978 (16
20 U.S.C. 2622(b)) is amended by adding at the end
21 the following:

22 “(7)(A) Not later than 1 year after the date of
23 enactment of this paragraph, each State regulatory
24 authority (with respect to each electric utility for
25 which it has ratemaking authority) and each non-

1 regulated electric utility shall commence the consid-
2 eration referred to in section 111, or set a hearing
3 date for consideration, with respect to the standards
4 established by paragraph (20) of section 111(d).

5 “(B) Not later than 2 years after the date of
6 the enactment of this paragraph, each State regu-
7 latory authority (with respect to each electric utility
8 for which it has ratemaking authority), and each
9 nonregulated electric utility, shall complete the con-
10 sideration, and shall make the determination, re-
11 ferred to in section 111 with respect to each stand-
12 ard established by paragraph (20) of section
13 111(d).”.

14 (2) FAILURE TO COMPLY.—Section 112(c) of
15 the Public Utility Regulatory Policies Act of 1978
16 (16 U.S.C. 2622(c)) is amended by adding at the
17 end the following: “In the case of the standard es-
18 tablished by paragraph (20) of section 111(d), the
19 reference contained in this subsection to the date of
20 enactment of this Act shall be deemed to be a ref-
21 erence to the date of enactment of that paragraph.”.

22 (3) PRIOR STATE ACTIONS.—Section 112 of the
23 Public Utility Regulatory Policies Act of 1978 (16
24 U.S.C. 2622) is amended by adding at the end the
25 following:

1 “(g) PRIOR STATE ACTIONS.—Subsections (b) and
2 (c) of this section shall not apply to the standard estab-
3 lished by paragraph (20) of section 111(d) in the case of
4 any electric utility in a State if, before the enactment of
5 this subsection—

6 “(1) the State has implemented for such utility
7 the standard concerned (or a comparable standard);

8 “(2) the State regulatory authority for such
9 State or relevant nonregulated electric utility has
10 conducted a proceeding to consider implementation
11 of the standard concerned (or a comparable stand-
12 ard) for such utility;

13 “(3) the State legislature has voted on the im-
14 plementation of such standard (or a comparable
15 standard) for such utility; or

16 “(4) the State has taken action to implement
17 incentives or other steps to strongly encourage the
18 deployment of electric vehicles.”.

19 (4) PRIOR AND PENDING PROCEEDINGS.—Sec-
20 tion 124 of the Public Utility Regulatory Policies
21 Act of 1978 (16 U.S.C. 2634) is amended is amend-
22 ed by adding at the end the following: “In the case
23 of the standard established by paragraph (20) of
24 section 111(d), the reference contained in this sec-
25 tion to the date of the enactment of this Act shall

1 be deemed to be a reference to the date of enact-
2 ment of such paragraph (20).”.

3 **SEC. 20106. STATE ENERGY PLANS.**

4 (a) STATE ENERGY CONSERVATION PLANS.—Section
5 362(d) of the Energy Policy and Conservation Act (42
6 U.S.C. 6322(d)) is amended—

7 (1) in paragraph (16), by striking “; and” and
8 inserting a semicolon;

9 (2) by redesignating paragraph (17) as para-
10 graph (18); and

11 (3) by inserting after paragraph (16) the fol-
12 lowing:

13 “(17) a State energy transportation plan devel-
14 oped in accordance with section 367; and”.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
16 365(f) of the Energy Policy and Conservation Act (42
17 U.S.C. 6325(f)) is amended to read as follows:

18 “(f) AUTHORIZATION OF APPROPRIATIONS.—

19 “(1) STATE ENERGY CONSERVATION PLANS.—

20 For the purpose of carrying out this part, there are
21 authorized to be appropriated \$100,000,000 for each
22 of fiscal years 2022 through 2026.

23 “(2) STATE ENERGY TRANSPORTATION
24 PLANS.—In addition to the amounts authorized
25 under paragraph (1), for the purpose of carrying out

1 section 367, there are authorized to be appropriated
2 \$25,000,000 for each of fiscal years 2022 through
3 2026.”.

4 (c) STATE ENERGY TRANSPORTATION PLANS.—

5 (1) IN GENERAL.—Part D of title III of the
6 Energy Policy and Conservation Act (42 U.S.C.
7 6321 et seq.) is amended by adding at the end the
8 following:

9 **“SEC. 367. STATE ENERGY TRANSPORTATION PLANS.**

10 “(a) IN GENERAL.—The Secretary may provide fi-
11 nancial assistance to a State to develop a State energy
12 transportation plan, for inclusion in a State energy con-
13 servation plan under section 362(d), to promote the elec-
14 trification of the transportation system, reduced consump-
15 tion of fossil fuels, and improved air quality.

16 “(b) DEVELOPMENT.—A State developing a State en-
17 ergy transportation plan under this section shall carry out
18 this activity through the State energy office that is respon-
19 sible for developing the State energy conservation plan
20 under section 362.

21 “(c) CONTENTS.—A State developing a State energy
22 transportation plan under this section shall include in such
23 plan a plan to—

24 “(1) deploy a network of electric vehicle supply
25 equipment to ensure access to electricity for electric

1 vehicles, including commercial vehicles, to an extent
2 that such electric vehicles can travel throughout the
3 State without running out of a charge; and

4 “(2) promote modernization of the electric grid,
5 including through the use of renewable energy
6 sources to power the electric grid, to accommodate
7 demand for power to operate electric vehicle supply
8 equipment and to utilize energy storage capacity
9 provided by electric vehicles, including commercial
10 vehicles.

11 “(d) COORDINATION.—In developing a State energy
12 transportation plan under this section, a State shall co-
13 ordinate, as appropriate, with—

14 “(1) State regulatory authorities (as defined in
15 section 3 of the Public Utility Regulatory Policies
16 Act of 1978 (16 U.S.C. 2602));

17 “(2) electric utilities;

18 “(3) regional transmission organizations or
19 independent system operators;

20 “(4) private entities that provide electric vehicle
21 charging services;

22 “(5) State transportation agencies, metropoli-
23 tan planning organizations, and local governments;

24 “(6) electric vehicle manufacturers;

1 “(7) public and private entities that manage ve-
2 hicle fleets; and

3 “(8) public and private entities that manage
4 ports, airports, or other transportation hubs.

5 “(e) TECHNICAL ASSISTANCE.—Upon request of the
6 Governor of a State, the Secretary shall provide informa-
7 tion and technical assistance in the development, imple-
8 mentation, or revision of a State energy transportation
9 plan.

10 “(f) ELECTRIC VEHICLE SUPPLY EQUIPMENT DE-
11 FINED.—For purposes of this section, the term ‘electric
12 vehicle supply equipment’ means conductors, including
13 ungrounded, grounded, and equipment grounding conduc-
14 tors, electric vehicle connectors, attachment plugs, and all
15 other fittings, devices, power outlets, or apparatuses in-
16 stalled specifically for the purpose of delivering energy to
17 an electric vehicle.”.

18 (2) CONFORMING AMENDMENT.—The table of
19 sections for part D of title III of the Energy Policy
20 and Conservation Act is amended by adding at the
21 end the following:

 “Sec. 367. State energy security plans.”.

22 **SEC. 20107. TRANSPORTATION ELECTRIFICATION.**

23 Section 131 of the Energy Independence and Security
24 Act of 2007 (42 U.S.C. 17011) is amended—

25 (1) in subsection (a)(6)—

1 (A) in subparagraph (A), by inserting “,
2 including ground support equipment at ports”
3 before the semicolon;

4 (B) in subparagraph (E), by inserting
5 “and vehicles” before the semicolon;

6 (C) in subparagraph (H), by striking
7 “and” at the end;

8 (D) in subparagraph (I)—

9 (i) by striking “battery chargers,”;
10 and

11 (ii) by striking the period at the end
12 and inserting a semicolon; and

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

14 “(J) installation of electric vehicle supply
15 equipment for recharging plug-in electric drive
16 vehicles, including such equipment that is acces-
17 sible in rural and urban areas and in under-
18 served or disadvantaged communities and such
19 equipment for medium- and heavy-duty vehicles,
20 including at depots and in-route locations;

21 “(K) multi-use charging hubs used for
22 multiple forms of transportation;

23 “(L) medium- and heavy-duty vehicle
24 smart charging management and refueling;

1 “(M) battery recycling and secondary use,
2 including for medium- and heavy-duty vehicles;
3 and

4 “(N) sharing of best practices, and tech-
5 nical assistance provided by the Department to
6 public utilities commissions and utilities, for
7 medium- and heavy-duty vehicle electrifica-
8 tion.”;

9 (2) in subsection (b)—

10 (A) in paragraph (3)(A)(ii), by inserting “,
11 components for such vehicles, and charging
12 equipment for such vehicles” after “vehicles”;
13 and

14 (B) in paragraph (6), by striking
15 “\$90,000,000 for each of fiscal years 2008
16 through 2012” and inserting “\$2,000,000,000
17 for each of fiscal years 2022 through 2026”;

18 (3) in subsection (c)—

19 (A) in the header, by striking “NEAR-
20 TERM” and inserting “LARGE-SCALE”; and

21 (B) in paragraph (4), by striking
22 “\$95,000,000 for each of fiscal years 2008
23 through 2013” and inserting “\$2,500,000,000
24 for each of fiscal years 2022 through 2026”;

25 and

1 (4) by redesignating subsection (d) as sub-
2 section (e) and inserting after subsection (e) the fol-
3 lowing:

4 “(d) PRIORITY.—In providing grants under sub-
5 sections (b) and (c), the Secretary shall give priority con-
6 sideration to applications that contain a written assurance
7 that all laborers and mechanics employed by contractors
8 or subcontractors during construction, alteration, or re-
9 pair that is financed, in whole or in part, by a grant pro-
10 vided under this section shall be paid wages at rates not
11 less than those prevailing on similar construction in the
12 locality, as determined by the Secretary of Labor in ac-
13 cordance with sections 3141 through 3144, 3146, and
14 3147 of title 40, United States Code (and the Secretary
15 of Labor shall, with respect to the labor standards de-
16 scribed in this clause, have the authority and functions
17 set forth in Reorganization Plan Numbered 14 of 1950
18 (5 U.S.C. App.) and section 3145 of title 40, United
19 States Code).”.

20 **SEC. 20108. FEDERAL FLEETS.**

21 (a) MINIMUM FEDERAL FLEET REQUIREMENT.—
22 Section 303 of the Energy Policy Act of 1992 (42 U.S.C.
23 13212) is amended—

24 (1) in subsection (a), by adding at the end the
25 following:

1 “(3) The Secretary, in consultation with the Adminis-
2 trator of General Services, shall ensure that in acquiring
3 medium- and heavy-duty vehicles for a Federal fleet, a
4 Federal entity shall acquire zero emission vehicles to the
5 maximum extent feasible.”;

6 (2) by striking subsection (b) and inserting the
7 following:

8 “(b) PERCENTAGE REQUIREMENTS.—

9 “(1) IN GENERAL.—

10 “(A) LIGHT-DUTY VEHICLES.—Beginning
11 in fiscal year 2025, 100 percent of the total
12 number of light-duty vehicles acquired by a
13 Federal entity for a Federal fleet shall be alter-
14 native fueled vehicles, of which—

15 “(i) at least 50 percent shall be zero
16 emission vehicles or plug-in hybrids in fis-
17 cal years 2025 through 2034;

18 “(ii) at least 75 percent shall be zero
19 emission vehicles or plug-in hybrids in fis-
20 cal years 2035 through 2049; and

21 “(iii) 100 percent shall be zero emis-
22 sion vehicles in fiscal year 2050 and there-
23 after.

24 “(B) MEDIUM- AND HEAVY-DUTY VEHI-
25 CLES.—The following percentages of the total

1 number of medium- and heavy-duty vehicles ac-
2 quired by a Federal entity for a Federal fleet
3 shall be alternative fueled vehicles:

4 “(i) At least 20 percent in fiscal years
5 2025 through 2029.

6 “(ii) At least 30 percent in fiscal
7 years 2030 through 2039.

8 “(iii) At least 40 percent in fiscal
9 years 2040 through 2049.

10 “(iv) At least 50 percent in fiscal year
11 2050 and thereafter.

12 “(2) EXCEPTION.—The Secretary, in consulta-
13 tion with the Administrator of General Services
14 where appropriate, may permit a Federal entity to
15 acquire for a Federal fleet a smaller percentage than
16 is required in paragraph (1) for a fiscal year, so long
17 as the aggregate percentage acquired for each class
18 of vehicle for all Federal fleets in the fiscal year is
19 at least equal to the required percentage.

20 “(3) DEFINITIONS.—In this subsection:

21 “(A) FEDERAL FLEET.—The term ‘Fed-
22 eral fleet’ means a fleet of vehicles that are cen-
23 trally fueled or capable of being centrally fueled
24 and are owned, operated, leased, or otherwise
25 controlled by or assigned to any Federal execu-

1 tive department, military department, Govern-
2 ment corporation, independent establishment,
3 or executive agency, the United States Postal
4 Service, the courts of the United States, or the
5 Executive Office of the President. Such term
6 does not include—

7 “(i) motor vehicles held for lease or
8 rental to the general public;

9 “(ii) motor vehicles used for motor ve-
10 hicle manufacturer product evaluations or
11 tests;

12 “(iii) law enforcement vehicles;

13 “(iv) emergency vehicles; or

14 “(v) motor vehicles acquired and used
15 for military purposes that the Secretary of
16 Defense has certified to the Secretary must
17 be exempt for national security reasons.

18 “(B) FLEET.—The term ‘fleet’ means—

19 “(i) 20 or more light-duty vehicles, lo-
20 cated in a metropolitan statistical area or
21 consolidated metropolitan statistical area,
22 as established by the Bureau of the Cen-
23 sus, with a 1980 population of more than
24 250,000; or

1 “(ii) 10 or more medium- or heavy-
2 duty vehicles, located at a Federal facility
3 or located in a metropolitan statistical area
4 or consolidated metropolitan statistical
5 area, as established by the Bureau of the
6 Census, with a 1980 population of more
7 than 250,000.”; and

8 (3) in subsection (f)(2)(B)—

9 (A) by striking “, either”; and

10 (B) in clause (i), by striking “or” and in-
11 serting “and”.

12 (b) FEDERAL FLEET CONSERVATION REQUIRE-
13 MENTS.—Section 400FF(a) of the Energy Policy and
14 Conservation Act (42 U.S.C. 6374e) is amended—

15 (1) in paragraph (1)—

16 (A) by striking “18 months after the date
17 of enactment of this section” and inserting “12
18 months after the date of enactment of the IN-
19 VEST in America Act”;

20 (B) by striking “2010” and inserting
21 “2022”; and

22 (C) by striking “and increase alternative
23 fuel consumption” and inserting “, increase al-
24 ternative fuel consumption, and reduce vehicle
25 greenhouse gas emissions”; and

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

3 “(2) GOALS.—The goals of the requirements
4 under paragraph (1) are that each Federal agency
5 shall—

6 “(A) reduce fleet-wide per-mile greenhouse
7 gas emissions from agency fleet vehicles, rel-
8 ative to a baseline of emissions in 2015, by—

9 “(i) not less than 30 percent by the
10 end of fiscal year 2025;

11 “(ii) not less than 50 percent by the
12 end of fiscal year 2030; and

13 “(iii) 100 percent by the end of fiscal
14 year 2050; and

15 “(B) increase the annual percentage of al-
16 ternative fuel consumption by agency fleet vehi-
17 cles as a proportion of total annual fuel con-
18 sumption by Federal fleet vehicles, to achieve—

19 “(i) 25 percent of total annual fuel
20 consumption that is alternative fuel by the
21 end of fiscal year 2025;

22 “(ii) 50 percent of total annual fuel
23 consumption that is alternative fuel by the
24 end of fiscal year 2035; and

1 “(iii) at least 85 percent of total an-
2 nual fuel consumption that is alternative
3 fuel by the end of fiscal year 2050.”.

4 **Subtitle B—Electric Vehicles for**
5 **Underserved Communities**

6 **SEC. 20111. EXPANDING ACCESS TO ELECTRIC VEHICLES IN**
7 **UNDERSERVED AND DISADVANTAGED COM-**
8 **MUNITIES.**

9 (a) IN GENERAL.—

10 (1) ASSESSMENT.—The Secretary shall conduct
11 an assessment of the state of, challenges to, and op-
12 portunities for the deployment of electric vehicle
13 charging infrastructure in underserved or disadvan-
14 tagged communities located throughout the United
15 States.

16 (2) REPORT.—Not later than 1 year after the
17 date of the enactment of this Act, the Secretary
18 shall submit to the Committee on Energy and Com-
19 merce of the House of Representatives and the Com-
20 mittee on Energy and Natural Resources of the Sen-
21 ate a report on the results of the assessment con-
22 ducted under paragraph (1), which shall—

23 (A) describe the state of deployment of
24 electric vehicle charging infrastructure in un-
25 derserved or disadvantaged communities located

1 in urban, suburban, and rural areas, including
2 a description of—

3 (i) the state of deployment of electric
4 vehicle charging infrastructure that is—

5 (I) publicly accessible;

6 (II) installed in or available to
7 occupants of public and affordable
8 housing;

9 (III) installed in or available to
10 occupants of multi-unit dwellings;

11 (IV) available to public sector
12 and commercial fleets; and

13 (V) installed in or available at
14 places of work;

15 (ii) policies, plans, and programs that
16 cities, States, utilities, and private entities
17 are using to encourage greater deployment
18 and usage of electric vehicles and the asso-
19 ciated electric vehicle charging infrastruc-
20 ture, including programs to encourage de-
21 ployment of publicly accessible electric ve-
22 hicle charging stations and electric vehicle
23 charging stations available to residents in
24 publicly owned and privately owned multi-
25 unit dwellings;

1 (iii) ownership models for Level 2
2 charging stations and DC FAST charging
3 stations located in residential multi-unit
4 dwellings, commercial buildings, and pub-
5 licly accessible areas;

6 (iv) mechanisms for financing electric
7 vehicle charging stations; and

8 (v) rates charged for the use of Level
9 2 charging stations and DC FAST charg-
10 ing stations;

11 (B) identify current barriers to expanding
12 deployment of electric vehicle charging infra-
13 structure in underserved or disadvantaged com-
14 munities in urban, suburban, and rural areas,
15 including barriers to expanding deployment of
16 publicly accessible electric vehicle charging in-
17 frastructure;

18 (C) identify the potential for, and barriers
19 to, recruiting and entering into contracts with
20 locally owned small and disadvantaged busi-
21 nesses, including women and minority-owned
22 businesses, to deploy electric vehicle charging
23 infrastructure in underserved or disadvantaged
24 communities in urban, suburban, and rural
25 areas;

1 (D) compile and provide an analysis of
2 best practices and policies used by State and
3 local governments, nonprofit organizations, and
4 private entities to increase deployment of elec-
5 tric vehicle charging infrastructure in under-
6 served or disadvantaged communities in urban,
7 suburban, and rural areas, including best prac-
8 tices and policies relating to—

9 (i) public outreach and engagement;

10 (ii) increasing deployment of publicly
11 accessible electric vehicle charging infra-
12 structure; and

13 (iii) increasing deployment of electric
14 vehicle charging infrastructure in publicly
15 owned and privately owned multi-unit
16 dwellings;

17 (E) to the extent practicable, enumerate
18 and identify in urban, suburban, and rural
19 areas within each State with detail at the level
20 of ZIP Codes and census tracts—

21 (i) the number of existing and
22 planned publicly accessible Level 2 charg-
23 ing stations and DC FAST charging sta-
24 tions for individually owned light-duty and
25 medium-duty electric vehicles;

1 (ii) the number of existing and
2 planned Level 2 charging stations and DC
3 FAST charging stations for public sector
4 and commercial fleet electric vehicles and
5 medium- and heavy-duty electric vehicles;
6 and

7 (iii) the number and type of electric
8 vehicle charging stations installed in or
9 available to occupants of public and afford-
10 able housing; and

11 (F) describe the methodology used to ob-
12 tain the information provided in the report.

13 (b) FIVE-YEAR UPDATE ASSESSMENT.—Not later
14 than 5 years after the date of the enactment of this Act,
15 the Secretary shall—

16 (1) update the assessment conducted under
17 subsection (a)(1); and

18 (2) make public and submit to the Committee
19 on Energy and Commerce of the House of Rep-
20 resentatives and the Committee on Energy and Nat-
21 ural Resources of the Senate a report, which shall—

22 (A) update the information required by
23 subsection (a)(2); and

24 (B) include a description of case studies
25 and key lessons learned after the date on which

1 the report under subsection (a)(2) was sub-
2 mitted with respect to expanding the deploy-
3 ment of electric vehicle charging infrastructure
4 in underserved or disadvantaged communities in
5 urban, suburban, and rural areas.

6 **SEC. 20112. ELECTRIC VEHICLE CHARGING EQUITY PRO-**
7 **GRAM.**

8 (a) PROGRAM.—Not later than 90 days after the date
9 of the enactment of this Act, the Secretary shall establish
10 a program, to be known as the EV Charging Equity Pro-
11 gram, to increase deployment and accessibility of electric
12 vehicle charging infrastructure in underserved or dis-
13 advantaged communities by—

14 (1) providing technical assistance to eligible en-
15 tities described in subsection (e); and

16 (2) awarding grants on a competitive basis to
17 eligible entities described in subsection (e) for
18 projects that increase such deployment and accessi-
19 bility of electric vehicle charging infrastructure, in-
20 cluding projects that are—

21 (A) publicly accessible;

22 (B) located within or are easily accessible
23 to residents of—

24 (i) public or affordable housing;

25 (ii) multi-unit dwellings; or

1 (iii) single-family homes; and

2 (C) located within or easily accessible to
3 places of work, provided that such electric vehi-
4 cle charging infrastructure is accessible no
5 fewer than 5 days per week.

6 (b) COST SHARE.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), the amount of a grant awarded under
9 this section for a project shall not exceed 80 percent
10 of project costs.

11 (2) SINGLE-FAMILY HOMES.—The amount of a
12 grant awarded under this section for a project that
13 involves, as a primary focus, single-family homes
14 shall not exceed 60 percent of project costs.

15 (c) LIMITATION.—Not more than 15 percent of the
16 amount awarded for grants under this section in a fiscal
17 year shall be awarded for projects that involve, as a pri-
18 mary focus, single-family homes.

19 (d) PRIORITY.—In awarding grants and providing
20 technical assistance under this section, the Secretary shall
21 give priority to projects that—

22 (1) provide the greatest benefit to the greatest
23 number of people within an underserved or dis-
24 advantaged community;

25 (2) incorporate renewable energy resources;

1 (3) maximize local job creation, particularly
2 among low-income, women, and minority workers; or

3 (4) utilize or involve locally owned small and
4 disadvantaged businesses, including women and mi-
5 nority-owned businesses.

6 (e) ELIGIBLE ENTITIES.—

7 (1) IN GENERAL.—To be eligible for a grant or
8 technical assistance under the EV Charging Equity
9 Program, an entity shall be—

10 (A) an individual or household that is the
11 owner of where a project will be carried out;

12 (B) a State, local, Tribal, or Territorial
13 government, or an agency or department there-
14 of;

15 (C) an electric utility, including—

16 (i) a municipally owned electric utility;

17 (ii) a publicly owned electric utility;

18 (iii) an investor-owned utility; and

19 (iv) a rural electric cooperative;

20 (D) a nonprofit organization or institution;

21 (E) a public housing authority;

22 (F) an institution of higher education (as
23 defined in section 101 of the Higher Education
24 Act of 1965 (20 U.S.C. 1001));

1 (G) a local small or disadvantaged busi-
2 ness; or

3 (H) a partnership between any number of
4 eligible entities described in subparagraphs (A)
5 through (G).

6 (2) UPDATES.—The Secretary may add to or
7 otherwise revise the list of eligible entities under
8 paragraph (1) if the Secretary determines that such
9 an addition or revision would be beneficial to in-
10 creasing deployment and accessibility of electric ve-
11 hicle charging infrastructure in underserved or dis-
12 advantaged communities.

13 (f) PUBLIC NOTICE AND REQUEST FOR APPLICA-
14 TIONS.—The Secretary shall publish in the Federal Reg-
15 ister, and such other publications as the Secretary con-
16 siders to be appropriate, a notice and request for applica-
17 tions to carry out projects under the EV Charging Equity
18 Program.

19 (g) EDUCATION AND OUTREACH.—

20 (1) IN GENERAL.—In carrying out the EV
21 Charging Equity Program, the Secretary shall estab-
22 lish an education and outreach component of such
23 Program to ensure that information regarding such
24 Program and the benefits and opportunities for elec-
25 tric vehicle charging is made available to individuals

1 and relevant entities that live within or serve under-
2 served or disadvantaged communities.

3 (2) REQUIREMENTS.—At a minimum, the edu-
4 cation and outreach component of the EV Charging
5 Equity Program established under this subsection
6 shall include—

7 (A) the development and dissemination of
8 an electric vehicle charging resource guide that
9 is—

10 (i) maintained electronically on a
11 website;

12 (ii) available to the public, free of
13 charge; and

14 (iii) directed specifically towards indi-
15 viduals and relevant entities that live with-
16 in or serve underserved or disadvantaged
17 communities;

18 (B) targeted outreach towards, and coordi-
19 nated public outreach with, relevant local,
20 State, and Tribal entities, nonprofit organiza-
21 tions, and institutions of higher education, that
22 are located within or serve underserved or dis-
23 advantaged communities; and

24 (C) any other such forms of education or
25 outreach as the Secretary determines appro-

1 priate to increase awareness of and access to
2 the EV Charging Equity Program.

3 (h) REPORTS TO CONGRESS.—Not later than 1 year
4 after the EV Charging Equity Program is established
5 under this section, and not less frequently than once every
6 2 years after that, the Secretary shall submit to the Com-
7 mittee on Energy and Commerce of the House of Rep-
8 resentatives and the Committee on Energy and Natural
9 Resources of the Senate, and make publicly available, a
10 report on the status of the EV Charging Equity Program,
11 including a list and description of projects that have re-
12 ceived grant awards or technical assistance, and of the
13 funding or assistance provided to such projects.

14 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$96,000,000 for each of fiscal years 2022 through 2026.

17 **SEC. 20113. ENSURING PROGRAM BENEFITS FOR UNDER-**
18 **SERVED AND DISADVANTAGED COMMU-**
19 **NITIES.**

20 In administering a relevant program, the Secretary
21 shall, to the extent practicable, invest or direct available
22 and relevant programmatic resources so that such pro-
23 gram—

24 (1) promotes electric vehicle charging infra-
25 structure;

1 (2) supports clean and multi-modal transpor-
2 tation;

3 (3) provides improved air quality and emissions
4 reductions; and

5 (4) prioritizes the needs of underserved or dis-
6 advantaged communities.

7 **SEC. 20114. DEFINITIONS.**

8 In this subtitle:

9 (1) **ELECTRIC VEHICLE CHARGING INFRA-**
10 **STRUCTURE.**—The term “electric vehicle charging
11 infrastructure” means electric vehicle supply equip-
12 ment, including any conductors, electric vehicle con-
13 nectors, attachment plugs, and all other fittings, de-
14 vices, power outlets, or apparatuses installed specifi-
15 cally for the purposes of delivering energy to an elec-
16 tric vehicle.

17 (2) **PUBLICLY ACCESSIBLE.**—The term “pub-
18 licly accessible” means, with respect to electric vehi-
19 cle charging infrastructure, electric vehicle charging
20 infrastructure that is available, at zero or reasonable
21 cost, to members of the public for the purpose of
22 charging a privately owned or leased electric vehicle,
23 or electric vehicle that is available for use by mem-
24 bers of the general public as part of a ride service

1 or vehicle sharing service or program, including
2 within or around—

3 (A) public sidewalks and streets;

4 (B) public parks;

5 (C) public buildings, including—

6 (i) libraries;

7 (ii) schools; and

8 (iii) government offices;

9 (D) public parking;

10 (E) shopping centers; and

11 (F) commuter transit hubs.

12 (3) RELEVANT PROGRAM.—The term “relevant
13 program” means a program of the Department of
14 Energy, including—

15 (A) the State energy program under part
16 D of title III the Energy Policy and Conserva-
17 tion Act (42 U.S.C. 6321 et seq.);

18 (B) the Clean Cities program;

19 (C) the Energy Efficiency and Conserva-
20 tion Block Grant Program established under
21 section 542 of the Energy Independence and
22 Security Act of 2007 (42 U.S.C. 17152);

23 (D) loan guarantees made pursuant to title
24 XVII of the Energy Policy Act of 2005 (42
25 U.S.C. 16511 et seq.); and

1 (E) such other programs as the Secretary
2 determines appropriate.

3 (4) SECRETARY.—The term “Secretary” means
4 the Secretary of Energy.

5 (5) UNDERSERVED OR DISADVANTAGED COM-
6 MUNITY.—The term “underserved or disadvantaged
7 community” means a community located within a
8 ZIP Code or census tract that is identified as—

9 (A) a low-income community;

10 (B) a community of color;

11 (C) a Tribal community;

12 (D) having a disproportionately low num-
13 ber of electric vehicle charging stations per cap-
14 ita, compared to similar areas; or

15 (E) any other community that the Sec-
16 retary determines is disproportionately vulner-
17 able to, or bears a disproportionate burden of,
18 any combination of economic, social, environ-
19 mental, and climate stressors.

1 **TITLE II—PROMOTING DOMES-**
2 **TIC ADVANCED VEHICLE**
3 **MANUFACTURING**

4 **SEC. 20201. DOMESTIC MANUFACTURING CONVERSION**
5 **GRANT PROGRAM.**

6 (a) HYBRID VEHICLES, ADVANCED VEHICLES, AND
7 FUEL CELL BUSES.—Subtitle B of title VII of the Energy
8 Policy Act of 2005 (42 U.S.C. 16061 et seq.) is amend-
9 ed—

10 (1) in the subtitle header, by inserting “**Plug-**
11 **In Electric Vehicles,**” before “**Hybrid Vehi-**
12 **cles**”; and

13 (2) in part 1, in the part header, by striking
14 “**HYBRID**” and inserting “**PLUG-IN ELECTRIC**”.

15 (b) PLUG-IN ELECTRIC VEHICLES.—Section 711 of
16 the Energy Policy Act of 2005 (42 U.S.C. 16061) is
17 amended to read as follows:

18 **“SEC. 711. PLUG-IN ELECTRIC VEHICLES.**

19 “The Secretary shall accelerate efforts, related to do-
20 mestic manufacturing, that are directed toward the im-
21 provement of batteries, power electronics, and other tech-
22 nologies for use in plug-in electric vehicles.”.

23 (c) EFFICIENT HYBRID AND ADVANCED DIESEL VE-
24 HICLES.—Section 712 of the Energy Policy Act of 2005
25 (42 U.S.C. 16062) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1), by inserting “, plug-
3 in electric,” after “efficient hybrid”; and

4 (B) by amending paragraph (3) to read as
5 follows:

6 “(3) PRIORITY.—Priority shall be given to—

7 “(A) the refurbishment or retooling of
8 manufacturing facilities that have recently
9 ceased operation or would otherwise cease oper-
10 ation in the near future; and

11 “(B) applications containing—

12 “(i) a written assurance that—

13 “(I) all laborers and mechanics
14 employed by contractors or sub-
15 contractors during construction, alter-
16 ation, or repair, or at any manufac-
17 turing operation, that is financed, in
18 whole or in part, by a loan under this
19 section shall be paid wages at rates
20 not less than those prevailing in a
21 similar firm or on similar construction
22 in the locality, as determined by the
23 Secretary of Labor in accordance with
24 subchapter IV of chapter 31 of title
25 40, United States Code; and

1 “(II) the Secretary of Labor
2 shall, with respect to the labor stand-
3 ards described in this paragraph, have
4 the authority and functions set forth
5 in Reorganization Plan Numbered 14
6 of 1950 (64 Stat. 1267; 5 U.S.C.
7 App.) and section 3145 of title 40,
8 United States Code;

9 “(ii) a disclosure of whether there has
10 been any administrative merits determina-
11 tion, arbitral award or decision, or civil
12 judgment, as defined in guidance issued by
13 the Secretary of Labor, rendered against
14 the applicant in the preceding 3 years for
15 violations of applicable labor, employment,
16 civil rights, or health and safety laws;

17 “(iii) specific information regarding
18 the actions the applicant will take to dem-
19 onstrate compliance with, and where pos-
20 sible exceedance of, requirements under
21 applicable labor, employment, civil rights,
22 and health and safety laws, and actions the
23 applicant will take to ensure that its direct
24 suppliers demonstrate compliance with ap-

1 plicable labor, employment, civil rights,
2 and health and safety laws; and

3 “(iv) an estimate and description of
4 the jobs and types of jobs to be retained or
5 created by the project and the specific ac-
6 tions the applicant will take to increase
7 employment and retention of dislocated
8 workers, veterans, individuals from low-in-
9 come communities, women, minorities, and
10 other groups underrepresented in manufac-
11 turing, and individuals with a barrier to
12 employment.”; and

13 (2) by striking subsection (c) and inserting the
14 following:

15 “(c) COST SHARE AND GUARANTEE OF OPER-
16 ATION.—

17 “(1) CONDITION.—A recipient of a grant under
18 this section shall pay the Secretary the full amount
19 of the grant if the facility financed in whole or in
20 part under this subsection fails to manufacture
21 goods for a period of at least 10 years after the com-
22 pletion of construction.

23 “(2) COST SHARE.—Section 988(c) shall apply
24 to a grant made under this subsection.

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to the Secretary to carry
3 out this section \$2,500,000,000 for each of fiscal years
4 2022 through 2026.

5 “(e) PERIOD OF AVAILABILITY.—An award made
6 under this section after the date of enactment of this sub-
7 section shall only be available with respect to facilities and
8 equipment placed in service before December 30, 2035.”.

9 (d) CONFORMING AMENDMENT.—The table of con-
10 tents of the Energy Policy Act of 2005 is amended—

11 (1) in the item relating to subtitle B of title
12 VII, by inserting “Plug-In Electric Vehicles,” before
13 “Hybrid Vehicles”;

14 (2) in the item relating to part 1 of such sub-
15 title, by striking “Hybrid” and inserting “Plug-In
16 Electric”; and

17 (3) in the item relating to section 711, by strik-
18 ing “Hybrid” and inserting “Plug-in electric”.

Passed the House of Representatives July 1, 2021.

Attest:

Clerk.

117TH CONGRESS
1ST SESSION

H. R. 3684

AN ACT

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.