AMENDMENT TO THE AMENDMENT IN THE

NATURE OF A SUBSTITUTE TO H.R. 2

OFFERED BY MR. DEFAZIO OF OREGON

Page 33, after line 5, insert the following:

(D) Obligation Limitation.—Notwithstanding any other provision of law, for fiscal year 2021, obligations for activities authorized under this paragraph shall not exceed $5,794,851,538.

Page 37, after line 17, insert the following:

(5) Application of Law.—For purposes of paragraph (1), the Secretary shall apply section 7001(b) of this Act when providing the additional 30 percent of total project costs to any project that meets the criteria in such section.

Page 39, after line 3, insert the following:

(C) Obligation Limitation.—Notwithstanding any other provision of law, for fiscal year 2021, obligations for activities authorized under this paragraph and obligations for activities authorized under section
101(a)(2)(A)(i)(II)(bb) that exceed amounts authorized under section 4001(a)(6) of the FAST Act (Public Law 114–94) shall not exceed $247,783,000.

Page 41, strike line 17 and insert the following:

(1) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—In

Page 41, after line 21, insert the following:

(B) OBLIGATION LIMITATION.—Notwithstanding any other provision of law, for fiscal year 2021, obligations for activities authorized under this paragraph shall not exceed $209,900,000.

Page 45, after line 6, insert the following:

(c) EXCEPTION FOR IMMEDIATE APPLICATION.—Subsections (a) and (b) shall not apply to section 1105 and the amendments made by such section.

Page 47, line 16, strike the period and insert a semicolon.

Page 50, line 10, insert “of paragraph (1)” after “(D)”. 
Page 50, strike line 14 and all that follows through page 52, line 2 and insert the following:

(1) FINDINGS.—Congress finds that—

(A) despite the real improvements caused by the disadvantaged business enterprise program, minority- and women-owned businesses across the country continue to confront serious and significant obstacles to success caused by race and gender discrimination in the federally assisted surface transportation market and related markets across the United States;

(B) the continuing race and gender discrimination described in subparagraph (A) merits the continuation of the disadvantaged business enterprise program;

(C) recently, the disparities caused by discrimination against African American, Hispanic American, Asian American, Native American, and women business owners have been further exacerbated by the coronavirus pandemic and its disproportionate effects on minority- and women-owned businesses across the nation;

(D) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, in-
cluding congressional hearings and other investigative activities, scientific reports, reports issued by public and private agencies at every level of government, news reports, academic publications, reports of discrimination by organizations and individuals, and discrimination lawsuits, which continue to demonstrate that race- and gender-neutral efforts alone are insufficient to address the problem;

(E) the testimony and documentation described in subparagraph (D) demonstrate that discrimination across the United States poses an injurious and enduring barrier to full and fair participation in surface transportation-related businesses of women business owners and minority business owners and has negatively affected firm formation, development and success in many aspects of surface transportation-related business in the public and private markets; and

(F) the testimony and documentation described in subparagraph (D) provide a clear picture of the inequality caused by discrimination that continues to plague our nation and a strong basis that there is a compelling need for
the continuation of the disadvantaged business
enterprise program to address race and gender
discrimination in surface transportation-related
business.

Page 56, line 23, strike “$62,163,350,954” and in-
sert “$62,159,350,954”.

Page 56, line 24, strike “$63,125,354,776” and in-
sert “$63,121,354,776”.

Page 56, line 25, strike “$64,350,443,712” and in-
sert “$64,346,443,712”.

Page 57, line 1, strike “$65,184,125,186” and in-
sert “$65,180,125,186”.

Page 60, line 14, insert a comma after “years”.

Page 62, line 1, strike “sections” and insert “sec-
tion”.

Page 65, line 24, strike “and (44)” and insert
“(44), (45), and (46)”.

Page 66, line 17, insert “in” before “paragraph”.

Page 72, after line 6, insert the following:

(L) by inserting after paragraph (44), as
so redesignated, the following:
“(45) TRANSPORTATION DEMAND MANAGEMENT; TDM.—The terms ‘transportation demand management’ and ‘TDM’ mean the use of strategies to inform and encourage travelers to maximize the efficiency of a transportation system leading to improved mobility, reduced congestion, and lower vehicle emissions.

“(46) TRANSPORTATION DEMAND MANAGEMENT STRATEGIES.—The term ‘transportation demand management strategies’ means the use of planning, programs, policy, marketing, communications, incentives, pricing, and technology to shift travel mode, routes used, departure times, number of trips, and location and design work space or public attractions.”.

Page 73, line 15, strike the semicolon and insert a colon.

Page 78, line 12, strike “PRE-DISASTER” and insert “PREDISASTER”.

Page 78, line 13, strike “pre-disaster” and insert “predisaster”.

Page 88, line 5, strike the semicolon and insert a period.
Page 89, beginning on line 13, strike “Congressional” and insert “congressional”.

Page 102, line 2, strike “provides” and insert “provide”.

Page 102, line 3, insert “the” after “collaborate with”.

Page 103, line 24, insert a comma after “local governments”.

Page 106, after line 24, insert the following: (and redesignate subsequent paragraphs accordingly):

(2) by striking clause (ii) and inserting the following:

“(ii) innovative construction equipment, materials, techniques, or practices, including the use of in-place recycling technology, digital 3-dimensional modeling technologies, and advanced digital construction management systems;”;

Page 107, line 16, strike “asides” and insert “Asides”.

Page 110, line 16, strike “(iv)” and insert “(ix)”.

Page 117, beginning on line 5, strike “45 miles per hour, in the case of a toll facility with a speed limit of 50 miles per hour or greater” and insert “35 miles per hour, in the case of a toll facility with a speed limit of 45 miles per hour or greater”.

Page 125, after line 21, insert the following (and redesignate accordingly):

(2) in subsection (d)(2)(A) by striking “45 miles per hour, in the case of a toll facility with a speed of 50 miles per hour or greater” and inserting “35 miles per hour, in the case of a toll facility with a speed limit of 45 miles per hour or greater”;

Page 125, line 8, insert a comma after “Act”.

Page 125, after line 11, insert the following:

(e) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the implementation of the interoperability of toll collection as required under section 1512(b) of MAP–21, including an assessment of the progress in, and barriers on, such implementation.

Page 127, line 6, insert a period before the em dash.

Page 127, line 15, insert a period before the em dash.
Page 127, line 18, insert a period before the em dash.

At the end of subtitle A of title I of division B, add the following:

SEC. 1113. FEDERAL-AID HIGHWAY PROJECT REQUIREMENTS.

(a) In general.—Except as otherwise provided in subsection (b), notwithstanding any other provision of law, the Secretary shall require recipients of assistance under title 23, United States Code, and title I of division B this Act and the amendments made by this Act to comply with subsection (a) of section 113 of title 23, United States Code, with respect to all construction work, in the same manner that recipients of assistance under chapter 1 of such title are required to comply with such subsection for construction work performed on highway projects on Federal-aid highways.

(b) Treatment of certain projects.—The Secretary shall apply the requirements of section 1306(l) of this Act and sections 117(k), 172(j), and 173(k) of title 23, United States Code, to a project funded with a grant under such sections.
SEC. 1114. STATE ASSUMPTION OF RESPONSIBILITY FOR CATEGORICAL EXCLUSIONS.

Section 326(c)(3) of title 23, United States Code, is amended—

(1) by striking subparagraph (A) and inserting the following:

“(A) except as provided under subparagraph (C), have a term of not more than 3 years;”;

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

(3) by adding at the end the following:

“(C) for any State that has assumed the responsibility for categorical exclusions under this section for at least 10 years, have a term of 5 years.”.

SEC. 1115. SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM WRITTEN AGREEMENTS.

Section 327 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) by striking paragraph (5) and inserting the following:

“(5) except as provided under paragraph (7), have a term of not more than 5 years;”;

(2) in paragraph (6) by inserting “and” after “and shall be in the form of”; and

(3) by deleting paragraphs (7) and (8) and inserting in lieu thereof the following:

“(7) for any State that has assumed the responsibility for categorical exclusions under this section for at least 10 years, have a term of 5 years.”.
(B) in paragraph (6) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(7) for any State that has participated in a program under this section (or under a predecessor program) for at least 10 years, have a term of 10 years.”;

(2) in subsection (g)(1)—

(A) in subparagraph (C) by striking “annual”;

(B) in subparagraph (B) by striking “and” at the end;

(C) by redesignating subparagraph (C) as subparagraph (D); and

(D) by inserting after subparagraph (B) the following:

“(C) in the case of an agreement period of greater than 5 years under subsection (c)(7), conduct an audit covering the first 5 years of the agreement period; and”; and

(3) by adding at the end the following:

“(m) AGENCY DEEMED TO BE FEDERAL AGENCY.— A State agency that is assigned a responsibility under an agreement under this section shall be deemed to be a Fed-
eral agency for the purposes of all Federal laws pursuant
to which the responsibility is exercised.”.

SEC. 1116. CORROSION PREVENTION FOR BRIDGES.

(a) DEFINITIONS.—In this section:

(1) APPLICABLE BRIDGE PROJECTS.—The term “applicable bridge projects” means a project for construc-
tion, alteration, or maintenance work, other than de minimus maintenance or repair work as de-
determined by the applicable State department of transportation, on a bridge or overpass structure funded under this title.

(2) CERTIFIED CONTRACTOR.—The term “cert-
tified contractor” means a contracting or subcon-
tracting firm that has been certified by a third party organization that evaluates the capability of the con-
tractor or subcontractor to properly perform one or more specified aspects of applicable bridge projects as defined in subsection (b)(2).

(3) QUALIFIED TRAINING PROGRAM.—The term “qualified training program” means a training pro-
gram in corrosion control, mitigation and prevention, that is either offered or accredited by an organization that sets industry corrosion standards or is reco-
gnized in corrosion management transportation structures by the Department of Transportation, for
the purposes of controlling, mitigating and pre-
venting corrosion, or a program registered under the
Act of August 16, 1937 (29 U.S.C. 50 et seq.) (com-
monly known as the “National Apprenticeship Act”) 
that meets the requirements of parts 29 and 30 of
title 29, Code of Federal Regulations as in effect on
(b) APPLICABLE BRIDGE PROJECTS.—
(1) QUALITY CONTROL.—A certified contractor 
shall carry out aspects of an applicable bridge 
project described in paragraph (2).
(2) ASPECTS OF APPLICABLE BRIDGE 
PROJECTS.—Aspects of an applicable bridge project 
referred to in paragraph (1) include—
(A) surface preparation or coating applica-
tion on steel or rebar of an applicable bridge 
project;
(B) removal of a lead-based or other haz-
ardous coating from steel of an existing applica-
ble bridge project;
(C) shop painting of structural steel or 
rebar fabricated for installation on an applica-
ble bridge project; and
(D) the design, application, installation and maintenance of a cathodic protection system on an applicable bridge project.

(3) CORROSION MANAGEMENT SYSTEM.—A State transportation department shall—

(A) implement a corrosion management system that utilizes industry-recognized standards and corrosion mitigation and prevention methods to address—

(i) surface preparation;

(ii) protective coatings;

(iii) materials selection;

(iv) cathodic protection;

(v) corrosion engineering;

(vi) personnel training; and

(vii) best practices in environmental protection to prevent environmental degradation and uphold public health;

(B) require certified contractors that employ appropriately trained and certified coating applicators to carry out aspects of applicable bridge projects as described in paragraph (2); and

(C) use certified cathodic protection professionals for all aspects of applicable bridge
projects that require knowledge of the design,
installation, monitoring, or maintenance of a
cathodic protection system.

(c) Training Program.—As a condition of entering
into a contract for an applicable bridge project, each cer-
tified contractor shall provide training, through a qualified
training program, for each applicable craft or trade classi-
fication of employees that the certified contractor intends
to employ to carry out aspects of applicable bridge projects
as described in subsection (b)(2).

Page 133, line 14, strike the first “; and” and insert
a period.

Page 133, line 14, strike the second “and”.

Page 133, after line 14, insert the following:

“(U) Undergrounding public utilities in the
course of other infrastructure improvements eli-
gible under this section to mitigate the cost of
recurring damages from extreme weather
events, wildfire or other natural disasters.”; and

Page 136, line 24, strike “flood plain” and insert
“flood-prone area”.

Page 138, line 2, insert “or landslide” after “wild-
fire”.
Page 155, after line 23, insert the following (and re-designate accordingly):

“(h) IMPROVING THE EMERGENCY RELIEF PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Secretary shall—

“(1) revise the emergency relief manual of the Federal Highway Administration—

“(A) to include and reflect the definition of the term ‘resilience’ (as defined in section 101(a));

“(B) to identify procedures that States may use to incorporate resilience into emergency relief projects; and

“(C) to encourage the use of context sensitive design principles and consideration of access for moderate- and low-income families impacted by a declared disaster;

“(2) develop best practices for improving the use of resilience in—

“(A) the emergency relief program under section 125 of title 23; and

“(B) emergency relief efforts;

“(3) provide to division offices of the Federal Highway Administration and State departments of
transportation information on the best practices developed under paragraph (2); and

“(4) develop and implement a process to track—

“(A) the consideration of resilience as part of the emergency relief program under section 125 of title 23; and

“(B) the costs of emergency relief projects.”.

Page 165, line 11, insert “and vegetation control and clearance” after “infrastructure”.

Page 167, line 3, strike “55 percent” and insert “57 percent for fiscal year 2022, 58 percent for fiscal year 2023, 59 percent for fiscal year 2024, and 60 percent for fiscal year 2025”.

Page 173, line 3, insert “, local roads,” before “or”.

Page 179, line 4, insert “, facilitate wildfire control,” after “species”.

Page 202, line 14, after “State” insert “or a metropolitan planning organization within the State”.

Page 202, line 15, after “State” insert “or metropolitan planning organization”.
Page 207, beginning at line 8, strike “2 years after” and insert “on”.

Page 207, beginning at line 21, strike “for fiscal year 2020” and all that follows through line 23 and insert “for fiscal year 2020, less any amounts obligated by a metropolitan planning organization in the State as required by subparagraph (D), for—”.

Page 207, after line 21, insert the following:

```
“(i) in the first fiscal year, for—

“(I) performing the vulnerable
user safety assessment as prescribed
by subsection (l);

“(II) providing matching funds
for transportation alternatives safety
project as identified in section
133(h)(7)(B); and

“(III) projects eligible under sec-
tion 133(h)(3)(A), (B), (C), or (I);

and

“(ii) in each fiscal year thereafter, the
program of projects identified in subsection
(l)(2)(C).
```

Page 208, strike the closing quotation marks and semicolon at line 6, and after line 6 insert the following:
“(D) Metropolitan planning area with excessive fatalities and serious injuries per capita.—

“(i) Annual determination.—Beginning on the date of enactment of the INVEST in America Act, a metropolitan planning organization representing an urbanized area with a population greater than 200,000 shall annually determine the number of vulnerable user road fatalities and serious injuries per capita in such area over the most recent 2-year period.

“(ii) Requirement to obligate funds.—If such a metropolitan planning area organization determines that the number of vulnerable user road fatalities and serious injuries per capita in such area over the most recent 2-year period for which data are available exceeds the median number of such fatalities and serious injuries among all urbanized areas with a population of over 200,000, then there shall be obligated over the 2 fiscal years following the fiscal year in which such determination is made an amount that is not
less than 50 percent of the amount set aside for that urbanized area under section 133(h)(2) for fiscal year 2020 for projects identified in the program of projects described in subsection (l)(7)(C).

“(E) SOURCE OF FUNDS.—

“(i) METROPOLITAN PLANNING ORGANIZATION IN STATE REQUIRED TO OBLIGATE FUNDS.—For a metropolitan planning organization in a State required to obligate funds to vulnerable user safety under subparagraph (A), the State shall be required to obligate from such amounts required to be obligated for vulnerable road user safety under subparagraph (B) for projects described in subsection (l)(7).

“(ii) OTHER METROPOLITAN PLANNING ORGANIZATIONS.—For a metropolitan planning organization that is not located within a State required to obligate funds to vulnerable user safety under subparagraph (A), the State shall be required to obligate from amounts apportioned under section 104(b)(3) for projects described in subsection (l)(7).”;

20
Page 208, line 13, strike “2 years” and insert “1 year”.

Page 208, line 25, insert “, in coordination with local governments, metropolitan planning organizations, and regional transportation planning organizations that represent a high-risk area identified under paragraph (2)(B),” after “a State”.

Page 209, line 5, after “subparagraph (B)” insert “, in coordination with local governments, metropolitan planning organizations, and regional transportation planning organizations that represent a high-risk area identified under paragraph (2)(B)”.

Page 209, line 14, strike “consult” and insert “coordinate”.

Page 210, at line 2 strike the closing quotation marks and second period, and after line 2 insert the following:

“(7) METROPOLITAN PLANNING AREA ASSESSMENTS.—A metropolitan planning organization that represents an urbanized area with a population greater than 200,000 shall complete a vulnerable user safety assessment based on the most recent 5 years of available data, unless an assessment was completed in the previous five years, including
“(A) a description of the location within the urbanized area of each vulnerable road user fatality and serious injury and the design speed of the roadway at any such location;

“(B) a description of any corridors that represent a high-risk area identified under paragraph (2)(B) that pose a high risk of a vulnerable road user fatality or serious injury and the design speeds of such corridors; and

“(C) a program of projects or strategies to reduce safety risks to vulnerable road users in corridors identified under subparagraph (B).”.

Page 215, after line 5, insert the following:

(d) AGREEMENTS RELATING TO THE USE AND ACCESS OF RIGHTS-OF-WAY OF THE INTERSTATE SYSTEM.—Section 111 of title 23, United States Code, is amended by adding at the end the following:

“(f) INTERSTATE SYSTEM RIGHTS-OF-WAY.—

“(1) IN GENERAL.—Notwithstanding subsections (a) or (b), the Secretary shall permit, consistent with section 155, the charging of electric vehicles on rights-of-way of the Interstate System in—

“(A) a rest area; or

“(B) a fringe or corridor parking facility, including a park and ride facility.
“(2) SAVINGS CLAUSE.—Nothing in this sub-
section shall permit commercial activities on rights-
of-way of the Interstate System, except as necessary
for the charging of electric vehicles in accordance
with this subsection.”.

Page 229, line 15, strike “one or more” and insert
“at least one full-time”.

Page 229, strike line 21 through page 230, line 5
and insert the following:

“(2) ELECTRIC BICYCLE.—The term ‘electric
bicycle’ means mean a bicycle equipped with fully
operable pedals, a saddle or seat for the rider, and
an electric motor of less than 750 watts that can
safely share a bicycle transportation facility with
other users of such facility and meets the require-
ments of one of the following three classes:

“(A) CLASS 1 ELECTRIC BICYCLE.—The
term ‘class 1 electric bicycle’ means an electric
bicycle equipped with a motor that provides as-
assistance only when the rider is pedaling, and
that ceases to provide assistance when the bicy-
icle reaches the speed of 20 miles per hour.

“(B) CLASS 2 ELECTRIC BICYCLE.—The
term ‘class 2 electric bicycle’ means an electric
bicycle equipped with a motor that may be used 
exclusively to propel the bicycle, and that is not 
capable of providing assistance when the bicycle 
reaches the speed of 20 miles per hour.

“(C) CLASS 3 ELECTRIC BICYCLE.—The 
term ‘class 3 electric bicycle’ means an electric 
bicycle equipped with a motor that provides as-
sistance only when the rider is pedaling, and 
that ceases to provide assistance when the bicy-

Page 231, line 8, insert “or territory” after “State”.

Page 231, line 10, insert “or territory” after 
“State”.

Page 231, line 13, insert “or territory” after 
“State”.

Page 231, line 15, insert “or territory” after 
“State”.

Page 235, line 2, insert “, or that is eligible to be 
carried out under section 165” before the semicolon.

Page 235, line 6, insert “, or that is eligible to be 
carried out under section 165” before the semicolon.

Page 251, line 20, insert “or territory” after 
“State”.
Page 262, line 7, insert “(as such term is defined in section 401)” after “State”.

Page 267, line 11, strike “and” at the end.

Page 267, after line 17, insert the following:

“(vi) reducing greenhouse gas emissions in established goods-movement corridors, locations serving first- and last-mile freight near ports and freight hubs, and locations that optimize infrastructure networks and reduce hazardous air pollutants in communities disproportionately impacted by such pollutants; and”

Page 268, line 16, insert “or hydrogen fueling” after “charging”.

Page 268, line 19, insert “or fueling” after “charging”.

Page 268, line 21, insert “or hydrogen fueling” after “charging”.

Page 273, line 22, insert “or supports fueling infrastructure for fuels defined under section 9001(5) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101(5))” after “title 49”.
Page 275, line 20, strike “and” at the end.

Page 275, line 24, strike the period at the end and insert “; and”.

Page 275, after line 24, insert the following:

(8) a project repurposes neglected or underused infrastructure, including abandoned highways, bridges, railways, trail ways, and adjacent underused spaces, into new hybrid forms of public space that support multiple modes of transportation.

Page 281, strike lines 17 through 19 and insert the following:

(F) whether the applicant is a designated recipient of funds from the Federal Transit Administration as described under subsections (A) and (B) of section 5302(4) of title 49, United States Code; and

(G) any other criteria established by the Secretary.

Page 284, strike lines 6 through 17 and insert the following:

(A) IN GENERAL.—The direct recipient may collaborate with a State, unit of local government, regional entity, or transit agency to
carry out a project under this section and ensure compliance with all applicable Federal requirements.

(B) **STATE AUTHORITY.**—The State may exercise, on behalf of the direct recipient, any available decisionmaking authorities or actions assumed from the Secretary.

(C) **USE OF FUNDS.**—The direct recipient may use amounts made available under this section to compensate a State, unit of local government, regional entity, or transit agency for costs incurred in providing assistance under this paragraph.

Page 288, strike line 22 and all that follows through page 289, line 2 (and redesignate accordingly).

Page 298, line 20, strike “and” at the end.

Page 298, line 22, strike the period at the end and insert “; and”.

Page 298, after line 22, insert the following:

(vi) integrates regional multimodal transportation management and operational projects that address both passenger and freight congestion.
Page 304, line 7, strike “and” at the end.

Page 304, after line 7, insert the following (and redesignate accordingly):

(6) a territory; and

Page 365, line 4, strike “Tribal” and insert “tribal”.

Page 368, after line 18, insert the following:

SEC. 1509. STUDY ON FEDERAL FUNDING AVAILABLE TO INDIAN TRIBES.

Not later than January 31 of each year, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that—

(1) identifies the number of Indian Tribes that were direct recipients of funds under any discretionary Federal highway, transit, or highway safety program in the prior fiscal year;

(2) lists the total amount of such funds made available directly to such Tribes;

(3) identifies the number and location of Indian Tribes that were indirect recipients of funds under any formula-based Federal highway, transit, or highway safety program in the prior fiscal year; and
(4) lists the total amount of such funds made available indirectly to such tribes through states or other direct recipients of Federal highway, transit or highway safety funding.

Page 374, line 8, insert “, without regard to ownership of a highway,” after “means”.

Page 374, line 21, strike “and” and insert “or”.

Page 374, beginning on line 25, strike “of access”.

Page 375, after line 11, insert the following (and redesignate accordingly):

(10) PROJECT.—The term “project” has the meaning given such term in section 101 of title 23, United States Code.

Page 375, line 15, strike “101” and insert “401”.

Page 377, strike line 3 and all that follows through page 378, line 2 and insert the following:

(2) NOTICE OF PLANNED CONSTRUCTION FOR BROADBAND PROVIDERS.—

(A) NOTICE.—The State department of transportation, in consultation with appropriate State agencies, shall establish a process—
(i) for the registration of broadband providers that seek to be included in the advance notification of, and opportunity to participate in, broadband infrastructure right-of-way facilitation efforts within the State; and

(ii) to electronically notify all broadband providers registered under clause (i)—

(I) of the State transportation improvement program on at least an annual basis; and

(II) of projects within the highway right-of-way for which Federal funding is expected to be obligated in the subsequent fiscal year.

(B) WEBSITE.—A State department of transportation shall be considered to meet the requirements of subparagraph (A) if such State department of transportation publishes to a public website—

(i) the State transportation improvement program on at least an annual basis; and
(ii) projects within the highway right-of-way for which Federal funding is expected to be obligated in the subsequent fiscal year.

(C) COORDINATION.—The State department of transportation, in consultation with appropriate State agencies, shall establish a process for a broadband provider to commit to installing broadband conduit or broadband infrastructure as part of any project.

Page 380, line 6, insert “and of conduit and similar infrastructure for intelligent transportation systems (as such term is defined in section 501 of title 23, United States Code) that may utilize broadband conduit installed pursuant to this paragraph” after “this paragraph”.

Page 380, line 16, strike the comma and all that follows through line 23 and insert a period.

Page 380, after line 23, insert the following (and redesignate accordingly):

(ii) FEE SCHEDULE.—The State department of transportation, in consultation with appropriate State agencies, shall publish a fee schedule for a broadband pro-
vider to access conduit installed pursuant to this paragraph. Fees in such schedule—

(I) shall be consistent with the fees established pursuant to section 224 of the Communications Act of 1934 (47 U.S.C. 224);

(II) may vary by topography, location, type of road, rurality, and other factors in the determination of the State; and

(III) may be updated not more frequently than annually.

Page 381, beginning on line 5, strike “the charge described in clause (i)” and insert “the relevant fee in the fee schedule described in clause (ii)”.

Page 381, line 21, insert “, in accordance with applicable Federal requirements” before the period.

Page 381, line 24, insert “and broadband infrastructure” after “conduit”.

Page 382, line 6, insert “part or all of” before “any”.

Page 382, line 10, insert “, terrestrial broadband infrastructure, aerial broadband fiber cables,” after “broadband infrastructure”.
Page 382, line 15, strike “significantly”.

Page 382, line 17, strike the semicolon and insert “by 1.5 percent or greater;”.

Page 383, line 2, strike the semicolon and insert “and potentially affected local governments and Tribal governments;”.

Page 383, beginning on line 3, strike “any relevant portion of a covered highway construction project,”.

Page 383, line 9, strike “or”.

Page 383, after line 9, insert the following (and redesignate accordingly):

(V) there exists a circumstance involving force majeure; or

Page 383, line 13, insert a comma after “regulation”.

Page 384, line 4, insert “or broadband conduit” after “broadband infrastructure”.

Page 384, line 5, strike “Federal-aid highway”.

Page 385, line 6, strike “activities” and insert “projects”.
Page 386, line 20, strike “this section” and insert “subsection (b)”.  

Page 386, line 21, strike “this section” and insert “subsection (b)”.  

Page 386, beginning on line 24, strike “this section” and insert “subsection (b)”.  

Page 387, beginning on line 1, strike “this section” and insert “subsection (b)”.  

Page 387, line 11, insert “implementing and administering” after “for”.  

Page 388, line 18, strike “and”.  

Page 390, line 10, strike “and”.  

Page 390, after line 10, insert the following (and redesignate accordingly):

1 (vi) 1 representative from a labor union; and

Page 391, line 20, strike “and”.  

Page 391, after line 20, insert the following (and redesignate accordingly):

3 (F) labor unions; and
At the end of subtitle F of title I of division B of the bill, add the following:

SEC. 1617. TRANSPORTATION CONSTRUCTION MATERIALS PROCUREMENT.

(a) Establishment.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a review of the procurement processes used by State Departments of Transportation to select construction materials on projects utilizing Federal-aid highway funds.

(b) Contents.—The review under subsection (a) shall include—

(1) a review of competitive practices in the bidding process for transportation construction materials;

(2) a list of States that currently issue bids that include flexibility in the type of construction materials used to meet the project specifications;

(3) any information provided by States on considerations that influence the decision to include competition by type of material in transportation construction projects;

(4) any data on whether issuing bids that include flexibility in the type of construction materials
used to meet the project specifications will affect project costs over the lifecycle of an asset;

(5) any data on the degree to which competition leads to greater use of sustainable, innovative, or re-
silient materials; and

(6) an evaluation of any barriers to more wide-
spread use of competitive bidding processes for transportation construction materials.

(e) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available, a report on the review initiated by the Secretary pursuant to this section.

SEC. 1618. CONSTRUCTION OF CERTAIN ACCESS AND DE-
VELOPMENT ROADS.

Section 118(d) of title 23, United States Code, is amended by striking “and the Commonwealth of Puerto Rico” and inserting “, the Commonwealth of Puerto Rico, and any other territory of the United States”.

SEC. 1619. NATIONWIDE ROAD SAFETY ASSESSMENT.

(a) IN GENERAL.—The Secretary of Transportation shall, every 2 years, conduct nationwide, on-the-ground
road safety assessments focused on pedestrian and bicycle safety in each State.

(b) REQUIREMENTS.—The assessments required under subsection (a) shall be conducted—

(1) by Department of Transportation field offices from the Federal Highway Administration, the National Highway Transportation Safety Administration, the Federal Transit Administration, and the Federal Motor Carrier Safety Administration; and

(2) in consultation with—

(A) State and local agencies with jurisdiction over pedestrian and bicycle safety;

(B) pedestrian safety and bicycle safety advocacy organizations; and

(C) other relevant pedestrian and bicycle safety stakeholders.

(c) PURPOSES.—The purpose of the assessments under this section is to—

(1) identify and examine specific locations with documented or perceived problems with pedestrian and bicycle safety and access;

(2) examine barriers to providing safe pedestrian and bicycle access to transportation infrastructure; and
(3) develop and issue recommendations designed to effectively address specific safety and access issues and enhance pedestrian and bicycle safety in high risk areas.

(d) Report on State Assessments.—Upon completion of the assessment of a State, the Secretary shall issue, and make available to the public, a report containing the assessment that includes—

(1) a list of locations that have been assessed as presenting a danger to pedestrians or bicyclists; and

(2) recommendations to enhance pedestrian and bicycle safety in those locations.

(e) Report on Nationwide Program.—Upon completion of the biannual assessment nationwide required under this section, the Secretary shall issue, and make available to the public, that covers assessments for all jurisdictions and also present it to the congressional transportation committees.

(f) National Pedestrian and Bicycle Safety Database.—The Secretary, in order to enhance pedestrian and bicycle safety and improve information sharing on pedestrian and bicycle safety challenges between the Federal Government and State and local governments,
shall maintain a national pedestrian and bicycle safety database that includes—

(1) a list of high-risk intersections, roads, and highways with a documented history of pedestrian or bicycle accidents or fatalities and details regarding those incidents; and

(2) information on corrective measures that have been implemented at the State, local, or Federal level to enhance pedestrian and bicyclist safety at those high risk areas, including details on the nature and date of corrective action.

(g) STATE DEFINED.—In this section, the term “State” means each of the States, the District of Columbia, and Puerto Rico.

SEC. 1620. WILDLIFE CROSSINGS.

(a) IN GENERAL.—

(1) OBLIGATION REQUIREMENT.—For each of fiscal years 2022 through 2025, of the amounts apportioned to a State under paragraph (1) of section 104(b) of title 23, United States Code, each State shall obligate amounts distributed to such State under subsection (b) for projects and strategies that reduce vehicle-caused wildlife mortality related to, or to restore and maintain connectivity among terrestrial or aquatic habitats affected by, a transpor-
(2) Total Amount.—The total amount to be obligated by all States under paragraph (1) shall equal $75,000,000 for each of fiscal years 2022 through 2025.

(b) Distribution.—Each State’s share of the amount described under subsection (a)(2) shall be determined by multiplying the amount described under such subsection by the ratio that—

(1) the amount apportioned in the previous fiscal year to the State under section 104 of title 23, United States Code; bears to

(2) the total amount of funds apportioned to all States in the previous fiscal year.

(e) State Flexibility.—

(1) In General.—A State may opt out of the obligation requirement described under this section if the Governor of the State notifies the Secretary that the State has inadequate needs to justify the expenditure not later than 30 days prior to apportionments being made for any fiscal year.

(2) Use of Funds.—A State that exercises the authority under paragraph (1) may use the funds described under this section for any purpose de-
scribed under section 119 of title 23, United States Code.

SEC. 1621. CLIMATE RESILIENT TRANSPORTATION INFRA-STRUCTURE STUDY.

(a) CLIMATE RESILIENT TRANSPORTATION INFRA-STRUCTURE STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with the Transportation Research Board of the National Academies to conduct a study of the actions needed to ensure that Federal agencies are taking into account current and future climate conditions in planning, designing, building, operating, maintaining, investing in and upgrading any federally funded transportation infrastructure investments.

(b) METHODOLOGIES.—In conducting the study, the Transportation Research Board shall build on the methodologies examined and recommended in—

(1) the 2018 report issued the American Society of Civil Engineers, titled “Climate-Resilient Infrastructure: Adaptive Design and Risk Management”; and

(2) the report issued by the California Climate-Safe Infrastructure Working Group, titled “Paying it Forward: The Path Toward Climate-Safe Infrastructure in California”.

(c) CONTENTS OF STUDY.—The study shall include specific recommendations regarding the following:

(1) Integrating scientific knowledge of projected climate change impacts, and other relevant data and information, into Federal infrastructure planning, design, engineering, construction, operation and maintenance.

(2) Addressing critical information gaps and challenges.

(3) Financing options to help fund climate-resilient infrastructure.

(4) A platform or process to facilitate communication between climate scientists and other experts with infrastructure planners, engineers and other relevant experts.

(5) A stakeholder process to engage with representatives of State, local, tribal and community groups.

(6) A platform for tracking Federal funding of climate-resilient infrastructure.

(d) CONSIDERATIONS.—In carrying out the study, the Transportation Research Board shall determine the need for information related to climate resilient transportation infrastructure by considering—
(1) the current informational and institutional barriers to integrating projected infrastructure risks posed by climate change into federal infrastructure planning, design, engineering, construction, operation and maintenance;

(2) the critical information needed by engineers, planners and those charged with infrastructure upgrades and maintenance to better incorporate climate change risks and impacts over the lifetime of projects;

(3) how to select an appropriate, adaptive engineering design for a range of future climate scenarios as related to infrastructure planning and investment;

(4) how to incentivize and incorporate systems thinking into engineering design to maximize the benefits of multiple natural functions and emissions reduction, as well as regional planning;

(5) how to take account of the risks of cascading infrastructure failures and develop more holistic approaches to evaluating and mitigating climate risks;

(6) how to ensure that investments in infrastructure resilience benefit all communities, including communities of color, low-income communities
and tribal communities that face a disproportionate risk from climate change and in many cases have experienced long-standing unmet needs and under-investment in critical infrastructure;

(7) how to incorporate capital assessment and planning training and techniques, including a range of financing options to help local and State governments plan for and provide matching funds; and

(8) how federal agencies can track and monitor federally funded resilient infrastructure in a coordinated fashion to help build the understanding of the cost-benefit of resilient infrastructure and to build the capacity for implementing resilient infrastructure.

(e) CONSULTATION.—In carrying out the study, the Transportation Research Board—

(1) shall convene and consult with a panel of national experts, including operators and users of Federal transportation infrastructure and private sector stakeholders; and

(2) is encouraged to consult with—

(A) representatives from the thirteen federal agencies that comprise the United States Global Change Research Program;
(B) representatives from the Department of the Treasury;

(C) professional engineers with relevant expertise in infrastructure design;

(D) scientists from the National Academies with relevant expertise;

(E) scientists, social scientists and experts from academic and research institutions who have expertise in climate change projections and impacts; engineering; architecture; or other relevant areas of expertise;

(F) licensed architects with relevant experience in infrastructure design;

(G) certified planners;

(H) representatives of State, local and Tribal governments; and

(I) representatives of environmental justice groups.

(f) REPORT.—Not later than 3 years after the date of enactment of this Act, the Transportation Research Board shall submit to the Secretary, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study conducted under this section.
Page 446, after line 19, insert the following:

(i) TRANSPORTATION DEVELOPMENT CREDITS AS LOCAL MATCH.—

(1) SECTION 5307.—Section 5307(d)(3) of title 49, United States Code, is amended—

(A) in subparagraph (D) by striking “; and” and inserting a semicolon;

(B) in subparagraph (E) by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(F) transportation development credits.”.

(2) SECTION 5309.—Section 5309 of title 49, United States Code, is amended—

(A) in subsection (f) by adding at the end the following:

“(3) TRANSPORTATION DEVELOPMENT CREDITS.—For purposes of assessments and determinations under this subsection or subsection (h), transportation development credits that are included as a source of local financing or match shall be treated the same as other sources of local financing.”; and

(B) in subsection (l)(4)—

(i) in subparagraph (B) by striking “; or” and inserting a semicolon;
(ii) in subparagraph (C) by striking the period and inserting “; or”; and
(iii) by adding at the end the following:
“(D) transportation development credits.”.

(3) SECTION 5339.—Section 5339(a)(7)(B) of title 49, United States Code, is amended—
(A) in clause (iv) by striking “; or” and inserting a semicolon;
(B) in clause (v) by striking the period and inserting “; or”; and
(C) by adding at the end the following:
“(vi) transportation development credits.”.

Page 468, after line 10, insert the following:

SEC. 2109. OBLIGATION LIMITATION.

Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Mass Transit Account of the Highway Trust Fund by subsection (a) of section 5338 of title 49, United States Code, shall not exceed—

(1) $16,185,800,000 in fiscal year 2022;
(2) $16,437,600,000 in fiscal year 2023;
(3) $16,700,600,000 in fiscal year 2024; and
(4) $16,963,600,000 in fiscal year 2025.
Section 5324 of title 49, United States Code, is amended by adding at the end the following:

“(g) Imposition of Deadline.—

“(1) In general.—Notwithstanding any other provision of law, the Secretary of Transportation may not require any project funded pursuant to this section to advance to the construction obligation stage before the date that is the last day of the sixth fiscal year after the later of—

“(A) the date on which the Governor declared the emergency, as described in subsection (a)(2); or

“(B) the date on which the President declared a major disaster, as described in such subsection.

“(2) Extension of deadline.—If the Secretary imposes a deadline for advancement to the construction obligation stage pursuant to paragraph (1), the Secretary may, upon the request of the Governor of the State, issue an extension of not more than 1 year to complete such advancement, and may issue additional extensions after the expiration of any extension, if the Secretary determines the Gov-
error of the State has provided suitable justification
to warrant an extension.”.

Page 471, strike lines 17 through 19 and insert the following:

“(B) provided for such project from non-
Federal funds budgeted for roadways.”.

Page 476, strike lines 13 through 19 and insert the following:

“(k) PEAK REVENUE SERVICE DEFINED.—In this
section, the term ‘peak revenue service’ means the time
period between the time in the morning that an agency
first exceeds the number of midday vehicles in revenue
service and the time in the evening that an agency falls
below the number of midday vehicles in revenue service.”.

Page 478, line 6, strike “and” at the end.

Page 479, line 4, strike the period at the end and insert “; and”.

Page 479, after line 4, insert the following:

“(D) FARE COLLECTION MODERNIZATION.—In developing guidance referred to in
this section, the Secretary shall ensure that—
“(i) all costs associated with installing, modernizing, and managing fare collection, including touchless payment systems, shall be considered eligible expenses under this title and subject to the applicable Federal share; and

“(ii) such guidance includes guidance on how agencies shall provide unbanked and underbanked users with an opportunity to benefit from mobility as a service platforms.”.

Page 498, line 8, strike “In calculating” and insert the following:

“(A) INCLUSION OF COSTS.—Subject to the substantiation requirement of subparagraph (B), in carrying out”.

Page 498, after line 18, insert the following:

“(B) SUBSTANTIATION.—If a rolling stock vehicle manufacturer wishes to include in the calculation of the vehicle’s domestic content the cost of steel or iron produced in the United States and used in the rolling stock frames and car shells that are not produced in the United States, the manufacturer shall maintain and
provide upon request a mill certification that substantiates the origin of the steel or iron.”.

Page 504, line 11, insert “regarding compliance with Buy America” before the period at the end.

Page 505, after line 14, insert the following:

“(r) ROLLING STOCK COMPONENTS AND SUBCOMPONENTS.—No component or subcomponent of rolling stock shall be treated as produced in the United States for purposes of subsection (b)(3) or determined to be of domestic origin under section 661.11 of title 49, Code of Federal Regulations, if the material inputs of such component or subcomponent were imported into the United States and the operations performed in the United States on the imported articles would not result in a change in the article’s classification to chapter 86 or 87 of the Harmonized Tariff Schedule of the United States from another chapter or a new heading of any chapter from the heading under which the article was classified upon entry.”.

Page 517, strike lines 15 through 23 and insert the following:

“(G) the term ‘eligible area’ means an area that is—

“(i) designated as a nonattainment area for ozone or particulate matter under
section 107(d) of the Clean Air Act (42 U.S.C. 7407(d));

“(ii) a maintenance area, as such term is defined in section 5303, for ozone or particulate matter; or

“(iii) in a State that has enacted a statewide zero emission bus transition requirement, as determined by the Secretary.”; and

Page 518, line 8, strike “or”.

Page 518, line 11, insert “or” after the semicolon.

Page 518, after line 11, insert the following:

“(iii) hydrogen buses;”.

Page 538, strike lines 15 through 23 and insert the following:

“(A) frontline employee representatives, selected by the labor organization representing the plurality of the frontline workforce employed by the recipient or if applicable a contractor to the recipient; and”.

After page 544, add the following:
SEC. 2605. U.S. EMPLOYMENT PLAN.

(a) In General.—Chapter 53 of title 49, United States Code, is amended by adding at the end the following:

§ 5341. U.S. Employment Plan

“(a) Definitions.—In this section:

“(1) Commitment to high-quality career and business opportunities.—The term ‘commitment to high-quality career and business opportunities’ means participation in a registered apprenticeship program.

“(2) Covered infrastructure program.—The term ‘covered infrastructure program’ means any activity under program or project under this chapter for the purchase or acquisition of rolling stock.

“(3) U.S. Employment Plan.—The term ‘U.S. Employment Plan’ means a plan under which an entity receiving Federal assistance for a project under a covered infrastructure program shall—

“(A) include in a request for proposal an encouragement for bidders to include, with respect to the project—

“(i) high-quality wage, benefit, and training commitments by the bidder and
the supply chain of the bidder for the project; and

“(ii) a commitment to recruit and hire individuals described in subsection (e) if the project results in the hiring of employees not currently or previously employed by the bidder and the supply chain of the bidder for the project;

“(B) give preference for the award of the contract to a bidder that includes the commitments described in clauses (i) and (ii) of subparagraph (A); and

“(C) ensure that each bidder that includes the commitments described in clauses (i) and (ii) of subparagraph (A) that is awarded a contract complies with those commitments.

“(4) REGISTERED APPRENTICESHIP PROGRAM.—The term ‘registered apprenticeship program’ means an apprenticeship program registered with the Department of Labor or a Federally-recognized State Apprenticeship Agency and that complies with the requirements under parts 29 and 30 of title 29, Code of Federal Regulations, as in effect on January 1, 2019.
“(b) **BEST-VALUE FRAMEWORK.**—To the maximum extent practicable, a recipient of assistance under a covered infrastructure program is encouraged—

“(1) to ensure that each dollar invested in infrastructure uses a best-value contracting framework to maximize the local value of federally funded contracts by evaluating bids on price and other technical criteria prioritized in the bid, such as—

“(A) equity;

“(B) environmental and climate justice;

“(C) impact on greenhouse gas emissions;

“(D) resilience;

“(E) the results of a 40-year life-cycle analysis;

“(F) safety;

“(G) commitment to creating or sustaining high-quality job opportunities affiliated with registered apprenticeship programs (as defined in subsection (a)(3)) for disadvantaged or underrepresented individuals in infrastructure industries in the United States; and

“(H) access to jobs and essential services by all modes of travel for all users, including disabled individuals; and
“(2) to ensure community engagement, transparency, and accountability in carrying out each stage of the project.

“(c) Preference for Registered Apprenticeship Programs.—To the maximum extent practicable, a recipient of assistance under a covered infrastructure program, with respect to the project for which the assistance is received, shall give preference to a bidder that demonstrates a commitment to high-quality job opportunities affiliated with registered apprenticeship programs (as defined in subsection (a)(3)).

“(d) Use of U.S. Employment Plan.—Notwithstanding any other provision of law, in carrying out a project under a covered infrastructure program, each entity that receives Federal assistance shall use a U.S. Employment Plan for each contract of $10,000,000 or more for the purchase of manufactured goods or of services, based on an independent cost estimate.

“(e) Priority.—The head of the relevant Federal agency shall ensure that the entity carrying out a project under the covered infrastructure program gives priority to—

“(1) individuals with a barrier to employment (as defined in section 3 of the Workforce Innovation
and Opportunity Act (29 U.S.C. 3102)), including
ex-offenders and disabled individuals;

“(2) veterans; and

“(3) individuals that represent populations that
are traditionally underrepresented in the infrastruc-
ture workforce, such as women and racial and ethnic
minorities.

“(f) REPORT.—Not less frequently than once each
fiscal year, the heads of the relevant Federal agencies shall
jointly submit to Congress a report describing the imple-
mentation of this section.

“(g) INTENT OF CONGRESS.—

“(1) IN GENERAL.—It is the intent of Con-
gress—

“(A) to encourage recipients of Federal as-
sistance under covered infrastructure programs
to use a best-value contracting framework de-
scribed in subsection (b) for the purchase of
goods and services;

“(B) to encourage recipients of Federal as-
sistance under covered infrastructure programs
to use preferences for registered apprenticeship
programs as described in subsection (e) when
evaluating bids for projects using that assist-
ance;
“(C) to require that recipients of Federal assistance under covered infrastructure programs use the U.S. Employment Plan in carrying out the project for which the assistance was provided; and

“(D) that full and open competition under covered infrastructure programs means a procedural competition that prevents corruption, favoritism, and unfair treatment by recipient agencies.

“(2) INCLUSION.—A best-value contracting framework described in subsection (b) is a framework that authorizes a recipient of Federal assistance under a covered infrastructure program, in awarding contracts, to evaluate a range of factors, including price, the quality of products, the quality of services, and commitments to the creation of good jobs for all people in the United States.

“(h) AWARD BASIS.—

“(1) PRIORITY FOR TARGETED HIRING OR U.S. EMPLOYMENT PLAN PROJECTS.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

“(A) ensure that not less than 50 percent of the workers hired to participate in the job
training program are hired through local hiring in accordance with subsection (e), including by prioritizing individuals with a barrier to employment (including ex-offenders), disabled individuals (meaning an individual with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)), veterans, and individuals that represent populations that are traditionally underrepresented in the infrastructure workforce; or

“(B) ensure the commitments described in clauses (i) and (ii) of subsection (a)(2)(A) with respect to carrying out the job training program.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by adding at the end the following:

“5341. U.S. Employment Plan.”.

Page 546, line 6, strike “or local government authority” and insert “, local government authority, or metropolitan planning organization”.

Page 546, beginning on line 21, strike “or local government authority” and insert “, local government authority, or metropolitan planning organization”.
Page 548, beginning on line 4, strike “local governmental authorities and states” and insert “States, local governmental authorities, and metropolitan planning organizations”.

Page 549, after line 4, insert the following (and redesignate subsequent subsections accordingly):

“(d) VALUE CAPTURE POLICY REQUIREMENTS.—

“(1) VALUE CAPTURE POLICY.—Not later than October 1 of the fiscal year that begins 2 years after the date of enactment of this section, the Secretary, in collaboration with State departments of transportation, metropolitan planning organizations, and regional council of governments, shall establish voluntary and consensus-based value capture standards, policies, and best practices for State and local value capture mechanisms that promote greater investments in public transportation and affordable transit-oriented development.

“(2) REPORT.—Not later than 15 months after the date of enactment of this section, the Secretary shall make available to the public a report cataloging examples of State and local laws and policies that provide for value capture and value sharing that promote greater investment in public transportation and affordable transit-oriented development.”.
Page 550, line 14, insert “the number of affordable housing units constructed or planned as a result of projects funded in this section, and the number of affordable housing units constructed or planned as a result of a property transfer under section 5334(h)(1)” after “section”.

Page 552, line 22, strike “15 percent” and insert “40 percent”.

Page 552, line 24, insert “, including housing units owned by nongovernmental entities,” after “development”.

Page 552, line 25, insert “at or” before “below”.

Page 553, line 2, insert “at or” before “below”.

Page 553, line 5, strike “15” and insert “30”.

Page 553, after line 19, insert the following:

“(III) the third party has demonstrated a satisfactory history of construction or operating an affordable housing development.”.

Page 572, line 12, insert “and” at the end.

Page 572, line 22, strike “; and” and insert a period.
Page 572, strike line 23 and all that follows through page 572, line 2.

Page 573, strike line 23 and all that follows through page 574, line 3.

Page 576, strike lines 10 through 24 and insert the following:

(A) in paragraph (5) by inserting “except that for a project for which a lower local cost share is elected under subsection (l)(1)(C), the Secretary shall enter into a grant agreement under this subsection for any such project that establishes contingency amounts that the applicant determines to be reasonable to cover unanticipated cost increases or funding shortfalls” before the period at the end; and

Page 578, after line 6, insert the following (and re-designate accordingly):

(10) in subsection (k)(2)(D) is amended by adding at the end the following:

“(v) LOCAL FUNDING COMMITMENT.— For a project for which a lower CIG cost share is elected by the applicant under subsection (l)(1)(C), the Secretary shall enter into a full funding grant agree-
ment that has at least 75 percent of local financial commitment committed and the remaining percentage budgeted for the proposed purposes.”.

Page 579, strike line 19 and insert the following:

(C) by striking paragraph (8) and inserting the following:

“(8) CONTINGENCY SHARE.—The Secretary shall provide funding for the contingency amount equal to the proportion of the CIG cost share. If the Secretary increases the contingency amount after a project has received a letter of no prejudice or been allocated appropriated funds, the federal share of the additional contingency amount shall be 25 percent higher than the original proportion the CIG cost share and in addition to the grant amount set in subsection (k)(2)(C)(ii).”;

Page 581, strike lines 7 through 11 and insert the following:

“(D) The status of the applicant in securing the non-Federal match, based on information provided by the applicant, including the amount committed, budgeted, planned, and undetermined.”; and
Page 581, line 11, strike “and” at the end.

Page 581, line 13, strike the period and insert “;” and”.

Page 581, after line 13, insert the following:

   (14) by adding at the end the following:
   “(r) PUBLICATION.—
   “(1) PUBLICATION.—The Secretary shall publish a record of decision on all projects in the New Starts tranche of the program within 2 years of receiving a project’s draft environmental impact statement or update or change to such statement.
   “(2) FAILURE TO ISSUE RECORD OF DECISION.—For each calendar month beginning on or after the date that is 12 months after the date of enactment of the INVEST in America Act in which the Secretary has not published a record of decision for the final environmental impact statement on projects in the New Starts tranche for at least 1 year, the Secretary shall reduce the full-time equivalent employees within the immediate office of the Secretary by 1.”.

At the end of title II of the bill, add the following:
SEC. 2915. PASSENGER FERRY GRANTS.

Section 5307(h) of title 49, United States Code, is amended by adding at the end the following paragraph:

“(4) ZERO-EMISSION OR REDUCED-EMISSION GRANTS.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the term ‘eligible project’ means a project or program of projects in an area eligible for a grant under subsection (a) for—

“(I) acquiring zero- or reduced-emission passenger ferries;

“(II) leasing zero- or reduced-emission passenger ferries;

“(III) constructing facilities and related equipment for zero- or reduced-emission passenger ferries;

“(IV) leasing facilities and related equipment for zero- or reduced-emission passenger ferries;

“(V) constructing new public transportation facilities to accommodate zero- or reduced-emission passenger ferries;

“(VI) constructing shoreside ferry charging infrastructure for zero-
or reduced-emission passenger ferries;

or

“(VII) rehabilitating or improving existing public transportation facilities to accommodate zero- or reduced-emission passenger ferries;

“(ii) the term ‘zero- or reduced-emission passenger ferry’ means a passenger ferry used to provide public transportation that reduces emissions by utilizing onboard energy storage systems for hybrid-electric or 100 percent electric propulsion, related charging infrastructure, and other technologies deployed to reduce emissions or produce zero onboard emissions under normal operation; and

“(iii) the term ‘recipient’ means a designated recipient, a local government authority, or a State that receives a grant under subsection (a).

“(B) GENERAL AUTHORITY.—The Secretary may make grants to recipients to finance eligible projects under this paragraph.

“(C) GRANT REQUIREMENTS.—A grant under this paragraph shall be subject to the
same terms and conditions as a grant under subsection (a).

“(D) **COMPETITIVE PROCESS.**—The Secretary shall solicit grant applications and make grants for eligible projects under this paragraph on a competitive basis.

“(E) **GOVERNMENT SHARE OF COSTS.**—

“(i) **IN GENERAL.**—The Federal share of the cost of an eligible project carried out under this paragraph shall not exceed 80 percent.

“(ii) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of an eligible project carried out under this subsection may be derived from in-kind contributions.”.

**SEC. 2916. EVALUATION OF BENEFITS AND FEDERAL INVESTMENT.**

Section 5309(h)(4) of title 49, United States Code, is amended by inserting “, the extent to which the project improves transportation options to economically distressed areas,” after “public transportation”.

Page 598, line 26, strike “Geographically diverse” and insert “A preference for applicants who are geographically diverse”.
Page 599, beginning on line 1, strike “Higher State average of traffic fatalities per vehicle mile traveled” and insert “A preference for applicants with a higher average number of traffic fatalities per vehicle mile traveled”.

Page 599, beginning on line 3, strike “A preference to applications that agree to include under paragraph (6)(C) the data derived from law enforcement activities funded by a State under this section” and insert “A preference for applicants whose activities under subparagraphs (A) and (B) of paragraph (6) are expected to have the greatest impact on reducing traffic-related fatalities and injuries, as determined by the Secretary”.

Page 599, line 24, strike “traffic citations and arrests” and insert “traffic citations, arrests, and other interventions made by law enforcement, including such interventions that did not result in arrest or citation”.

Page 608, line 22, insert the following:

(2) in subsection (b)(4)—

(A) in subparagraph (A) by striking clause (v) and inserting the following:

“(v) to implement programs in low-income and underserved populations to—

“(I) recruit and train occupant protection safety professionals, nation-
ally certified child passenger safety
technicians, police officers, fire and
emergency medical personnel, and
educators serving low-income and un-
derserved populations;

“(II) educate parents and care-
givers in low-income and underserved
populations about the proper use and
installation of child safety seats; and

“(III) purchase and distribute
child safety seats to low-income and
underserved populations.”; and

(B) in subparagraph (B)—

(i) by striking “100 percent” and in-
serting “90 percent”; and

(ii) by adding at the end the fol-
lowing: “The remaining 10 percent of such
funds shall be used to carry out subsection
(A)(v).”

Page 628, after line 21, insert the following:

SEC. 3010. IMPLICIT BIAS RESEARCH AND TRAINING

GRANTS.

(a) In General.—The Secretary of Transportation
shall make grants to institutions of higher education (as
such term is defined in section 101 of the Higher Edu-
cation Act of 1965 (20 U.S.C. 1001) for research and training in the operation or establishment of an implicit bias training program as it relates to racial profiling at traffic stops.

(b) QUALIFICATIONS.—To be eligible for a grant under this section, an institution of higher education shall—

(1) have an active research program or demonstrate, to the satisfaction of the Secretary, that the applicant is beginning a research program to study implicit bias as it relates to racial profiling before and during traffic stops; and

(2) partner with State and local police departments to conduct the research described in paragraph (1) and carry out the implementation of implicit bias training with State and local police departments.

(c) REPORT.—No later than 1 year after a grant has been awarded under this section, the institution of higher education awarded the grant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the research on implicit bias as it relates to racial
profiling before and during traffic stops, and recommenda-
tions on effective interventions and trainings.

(d) AUTHORIZATION OF APPROPRIATIONS.—There
are authorized to be appropriated $10,000,000 for each
fiscal year to carry out this section.

(e) DEFINITIONS.—In this section, the term “implicit
bias training program” means a program that looks at the
attitudes, stereotypes, and lenses human beings develop
through various experiences in life that can unconsciously
affect how they interact with one another.

Page 643, after line 18, insert the following:

SEC. 4206. AMENDMENTS TO REGULATIONS RELATING TO
TRANSPORTATION OF HOUSEHOLD GOODS IN
INTERSTATE COMMERCE.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term “Administra-
tion” means the Federal Motor Carrier Safety Ad-
ministration.

(2) COVERED CARRIER.—The term “covered
carrier” means a motor carrier that is—

(A) engaged in the interstate transport-
tation of household goods; and

(B) subject to the requirements of part
375 of title 49, Code of Federal Regulations (as
in effect on the effective date of the amendments required by subsection (b)).

(3) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(b) AMENDMENTS TO REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a notice of proposed rulemaking to amend regulations related to the interstate transportation of household goods.

(c) CONSIDERATIONS.—In issuing the notice of proposed rulemaking under subsection (b), the Secretary shall consider the following recommended amendments to provisions of title 49, Code of Federal Regulations:

(1) Section 375.207(b) to require each covered carrier to include on the website of the covered carrier a link—

(A) to the publication of the Administration titled “Ready to Move—Tips for a Successful Interstate Move” (ESA 03005) on the website of the Administration; or

(B) to a copy of the publication referred to in subparagraph (A) on the website of the covered carrier.

(2) Subsections (a) and (b)(1) of section 375.213 to require each covered carrier to provide to
each individual shipper, with any written estimate provided to the shipper, a copy of the publication described in appendix A of part 375 of such title, entitled “Your Rights and Responsibilities When You Move” (ESA–03–006 (or a successor publication)), in the form of a written copy or a hyperlink on the website of the covered carrier to the location on the website of the Administration containing such publication.

(3) Subsection (e) of section 375.213, to repeal such subsection.

(4) Section 375.401(a), to require each covered carrier—

(A) to conduct a visual survey of the household goods to be transported by the covered carrier—

(i) in person; or

(ii) virtually, using—

(I) a remote camera; or

(II) another appropriate technology;

(B) to offer a visual survey described in subparagraph (A) for all household goods shipments, regardless of the distance between—
(i) the location of the household goods; and

(ii) the location of the agent of the covered carrier preparing the estimate; and

(C) to provide to each shipper a copy of publication of the Administration titled “Ready to Move–Tips for a Successful Interstate Move” (ESA 03005) on receipt from the shipper of a request to schedule, or a waiver of, a visual survey offered under subparagraph (B).

(5) Sections 375.401(b)(1), 375.403(a)(6)(ii), and 375.405(b)(7)(ii), and subpart D of appendix A of part 375, to require that, in any case in which a shipper tenders any additional item or requests any additional service prior to loading a shipment, the affected covered carrier shall—

(A) prepare a new estimate; and

(B) maintain a record of the date, time, and manner in which the new estimate was accepted by the shipper.

(6) Section 375.501(a), to establish that a covered carrier is not required to provide to a shipper an order for service if the covered carrier elects to provide the information described in paragraphs (1) through (15) of such section in a bill of lading that
is presented to the shipper before the covered carrier receives the shipment.

(7) Subpart H of part 375, to replace the replace the terms “freight bill” and “expense bill” with the term “invoice”.

Page 660, line 18, strike “and” at the end.

Page 660, line 19, insert “, including analysis of student injuries and fatalities compared to States without seat belt laws, and seat belt usage rates,” after “experience”.

Page 660, line 21, strike the period and insert “; and”.

Page 660, after line 21, insert the following:

(D) the impact of lap/shoulder belt systems on emergency evacuations, with a focus on emergency evacuations involving students below the age of fourteen, and emergency evacuations necessitated by fire or water submersion; and

(E) the impact of lap/shoulder belt systems on the overall availability of schoolbus transportation.
Page 663, line 11, strike “AUTOMATIC BRAKING SYSTEM” and insert “AUTOMATIC EMERGENCY BRAKING”.

Page 663, line 12, strike “automatic braking system” and insert “automatic emergency braking”.

Page 668, line 21, insert “poor visibility,” after “darkness,.”.

Page 670, line 7, insert “in a variety of driving conditions” after “systems”.

At the end of subtitle D of title IV of division B, add the following:

1 SEC. 4407. ADDITIONAL STATE AUTHORITY.

2 (a) ADDITIONAL AUTHORITY.—Notwithstanding the
3 limitation in section 127(d) of title 23, United States
4 Code, if a State had in effect on or before June 1, 1991
5 a statute or regulation which placed a limitation on the
6 overall length of a longer combination vehicle consisting
7 of 3 trailers, such State may allow the operation of a
8 longer combination vehicle to accommodate a longer truck
9 tractor in such longer combination vehicle under such limi-
10 tation, if the additional tractor length is the only added
11 length to such longer combination vehicle.

12 (b) SAVINGS CLAUSE.—Nothing in this section au-
13 thorizes a State to allow an increase in the length of a
trailer, semitrailer, or other cargo-carrying unit of a
longer combination vehicle.

(c) LONGER COMBINATION VEHICLE DEFINED.—
The term “longer combination vehicle” has the meaning
given such term in section 127 of title 23, United States
Code.

Page 702, line 23, strike “paragraph” and insert
“subparagraph”.

Page 705, line 13, strike the comma.

Page 724, after line 2, insert the following:

(d) WORKFORCE DEVELOPMENT AND TECHNICAL
TRAINING.—

(1) IN GENERAL.—Not later than 3 years after
the date of enactment of this act, the Secretary
shall, based on the study conducted under subsection
(a), develop a series of in-person and online work-
force development and technical training courses—

(A) to reduce wildlife-vehicle collisions; and

(B) to improve habitat connectivity for ter-
restrial and aquatic species.

(2) AVAILABILITY.—The Secretary shall—

(A) make the series of courses developed
under paragraph (1) available for transpor-
tation and fish and wildlife professionals; and
(B) update the series of courses not less frequently than once every 2 years.

(c) **WILDLIFE HABITAT CONNECTIVITY AND NATIONAL BRIDGE AND TUNNEL INVENTORY AND INSPECTION STANDARDS.**—Section 144 of title 23, United States Code, is amended in subsection (a)(2)—

(1) in subparagraph (B) by inserting “, resilience,” after “safety”;

(2) in subparagraph (D) by striking “and” at the end;

(3) in subparagraph (E) by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(F) to ensure adequate passage of aquatic and terrestrial species, where appropriate.”;

Page 724, line 20, strike “(4)” and insert “(2)”.

Page 726, line 1, strike “(b)(1)” and insert “(a)(1)”.

Page 729, line 3, strike “paragraph (4)” and insert “paragraph (2), given the considerations under paragraph (3),”.

Page 731, after line 6, insert the following (and redesignate accordingly):


(e) APPLICABILITY.—The Secretary shall administer this section in accordance with section 330 of title 49, United States Code.

Page 748, line 18, strike “Chapter” and insert “Subchapter I of chapter”.

Page 749, line 2, insert “and mobility innovation” after “vehicles”.

Page 749, line 22, strike “Level 4 or Level 5” and insert “Level 3, Level 4, or Level 5”.

Page 750, beginning on line 18, strike “adding at the end” and insert “inserting after the item relating to section 5506”.

Page 755, line 11, insert “and developers” after “manufacturers”.

Page 762, after line 13, insert the following:

SEC. 5307. SURFACE TRANSPORTATION WORKFORCE RE-TRAINING GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a program to make grants to eligible entities to develop a curriculum for and establish transportation workforce training programs in urban and rural areas to train, upskill, and prepare surface transportation workers whose jobs may be changed or worsened by auto-
mation, or who have been separated from their jobs, or have received notice of impending job loss, as a result of being replaced by automated driving systems.

(b) Eligible Entities.—The following entities shall be eligible to receive grants under this section:

(1) Institutions of higher education.

(2) Consortia of institutions of higher education.

(3) Trade associations.

(4) Nongovernmental stakeholders.

(5) Organizations with a demonstrated capacity to develop and provide career ladder programs through labor-management partnerships and apprenticeships on a nationwide basis.

(c) Limitation on Awards.—An entity may only receive one grant per fiscal year under this section for an amount determined appropriate by the Secretary.

(d) Use of Funds.—

(1) In general.—A recipient of a grant under this section may only use grant amounts for developing and carrying out direct surface transportation workforce retraining programs, including—

(A) testing of new roles for existing jobs, including mechanical work, diagnostic work, and fleet operations management;
(B) coursework or curricula through which participants may pursue a degree or certification;

(C) direct worker training or train-the-trainer type programs in support of surface transportation workers displaced by automated vehicles; or

(D) training and upskilling workers, including current drivers and maintenance technicians, for positions directly related to automated vehicle operations.

(2) LIMITATION.—Funds made available under this section may not be used in support of programs to evaluate the effectiveness of automated vehicle technologies.

(e) SELECTION CRITERIA.—The Secretary shall select recipients of grants under this section based on the following criteria:

(1) Demonstrated research resources available to the applicant for carrying out this section.

(2) Capability of the applicant to develop curricula in the training or retraining of individuals described in subsection (a) as a result of automated vehicles.
(3) Demonstrated commitment of the recipient
to carry out a surface transportation workforce de-
development program through degree-granting pro-
grams or programs that provide other industry-rec-
ognized credentials.

(4) The ability of the applicant to fulfill the
purposes under subsection (a).

(f) ELIGIBILITY.—An applicant is only eligible for a
grant under this section if such applicant—

(1) has an established surface transportation
workforce development program;

(2) has expertise in solving surface transpor-
tation problems through research, training, edu-
cation, and technology;

(3) actively shares information and results with
other surface transportation workforce development
programs with similar objectives;

(4) has experience in establishing, developing
and administering a surface transportation-related
apprenticeship or training program with at least 5
years of demonstrable results; and

(5) agrees to make all curricula, research find-
ings, or other materials developed using grant fund-
ing under this section publicly available.

(g) FEDERAL SHARE.—
(1) IN GENERAL.—The Federal share of a grant under this section shall be a dollar for dollar match of the costs of establishing and administering the retraining program and related activities carried out by the grant recipient or consortium of grant recipients.

(2) AVAILABILITY OF FUNDS.—For a recipient of a grant under this section carrying out activities under such grant in partnership with a public transportation agency that is receiving funds under sections 5307, 5337, or 5339 of title 49, United States Code, not more than 0.5 percent of amounts made available under any such section may qualify as the non-Federal share under paragraph (1).

(h) REPORTING.—Not later than 60 days after grants are awarded in any fiscal year under this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation, Banking, Housing, and Urban Affairs, and Environment and Public Works of the Senate, and make publicly available, a report describing the activities and effectiveness of the program under this section.
(1) **TRANSPARENCY.**—The report under this subsection shall include the following information on activities carried out under this section:

(A) A list of all grant recipients under this section.

(B) An explanation of why each recipient was chosen in accordance with the selection criteria under subsection (e) and the eligibility requirements under subsection (f).

(C) A summary of activities carried out by each recipient and an analysis of the progress of such activities toward achieving the purposes under subsection (a).

(D) An accounting for the use of Federal funds expended in carrying out this section.

(E) An analysis of outcomes of the program under this section.

(2) **TRAINING INFORMATION.**—The report shall include the following data on surface transportation workforce training:

(A) The sectors of the surface transportation system from which workers are being displaced.

(B) The skills and professions for which workers are being retrained.
(C) How many workers have benefitted from the grant award.

(D) Relevant demographic information of impacted workers.

(i) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) AUTOMATED VEHICLE.—The term “automated vehicle” means a motor vehicle that—

(A) is capable of performing the entire task of driving (including steering, accelerating, and decelerating, and reacting to external stimulus) without human intervention; and

(B) is designed to be operated exclusively by a Level 4 or Level 5 automated driving system for all trips according to the recommended practice standards published on June 15, 2018, by the Society of Automotive Engineers International (J3016__201806) or equivalent standards adopted by the Secretary with respect to automated motor vehicles.
(3) **PUBLIC TRANSPORTATION.**—The term “public transportation” has the meaning given such term in section 5302 of title 49, United States Code.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated $50,000,000 for each of fiscal years 2022 through 2025 to carry out this section.

(2) **AVAILABILITY OF AMOUNTS.**—Amounts made available to the Secretary to carry out this section shall remain available for a period of 3 years after the last day of the fiscal year for which the amounts are authorized.

Page 763, beginning on line 16, strike “previous”.

Page 763, line 17, strike “a pilot project to” and insert “a project”.

Page 771, line 23, strike “committee” and insert “board”.

Page 778, after line 19, insert the following:

SEC. 5503. **TRANSPORTATION WORKFORCE OUTREACH PROGRAM.**

(a) **IN GENERAL.**—Subchapter I of chapter 55 of subtitle III of title 49, United States Code, is amended by adding at the end the following:
§ 5508. Transportation workforce outreach program

(a) In General.—The Secretary shall establish and administer a transportation workforce outreach program that carries out a series of public service announcement campaigns during fiscal years 2022 through 2026.

(b) Purpose.—The purpose of each campaign carried out under the program shall be to achieve the following objectives:

(1) Increase awareness of career opportunities in the transportation sector, including aviation pilots, safety inspectors, mechanics and technicians, maritime transportation workers, air traffic controllers, flight attendants, truck drivers, engineers, transit workers, railroad workers, and other transportation professionals.

(2) Increase diversity, including race, gender, ethnicity, and socioeconomic status, of professionals in the transportation sector.

(c) Advertising.—The Secretary may use, or authorize the use of, funds available to carry out the program for the development, production, and use of broadcast, digital, and print media advertising and outreach in carrying out campaigns under this section.

(d) Authorization of Appropriations.—To carry out this section, there are authorized to be appro-
priated $5,000,000 for each fiscal years 2022 through 2026.”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 55 of subtitle III of title 49, United States Code, is amended by inserting after the item relating to section 5507 the following new item:

“5508. Transportation workforce outreach program.”

At the end of title VI of division B, add the following:

SEC. 6009. FTE CAP.

The Secretary of Transportation may not employ more than 15 full-time equivalent positions in any fiscal year in the Immediate Office of the Secretary.

Page 804, line 10, strike “$3,600,000,000” and insert “$3,500,000,000”.

Page 804, line 11, strike “$3,400,000,000” and insert “$3,300,000,000”.

Page 804, line 12, strike “$3,200,000,000” and insert “$3,100,000,000”.

Page 804, line 13, strike “$3,000,000,000” and insert “$2,900,000,000”.

Page 804, line 14, strike “$3,000,000,000” and insert “$2,900,000,000”.
Page 804, line 25, strike “$400,000,000” and insert “$300,000,000”.

Page 807, line 10, strike “$30,000,000” and insert “$130,000,000”.

Page 821, after line 6, insert the following (and redesignate accordingly):

(B) in paragraph (2) by striking “as defined in section 22901(2), except that a project shall not be required to be in a State rail plan developed under chapter 227”;

Page 822, line 8, insert “private and” before “public”.

Page 822, strike lines 20 through 21 (and redesignate accordingly).

Page 824, line 18, strike the closing quotation marks and the period.

Page 824, after line 18, insert the following:

“(k) DEFINITION OF CAPITAL PROJECT.—In this section, the term ‘capital project’ means a project or program for—

“(1) acquiring, constructing, improving, or inspecting equipment, track and track structures, or a
facility, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

“(2) rehabilitating, remanufacturing, or overhauling rail rolling stock and facilities;

“(3) costs associated with developing State rail plans; and

“(4) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 22904.”.

Page 825, after line 17, insert the following (and redesignate accordingly):

(i) by inserting “In the case of an applicant seeking a loan that is less than 50 percent of the total cost of the project, half of the credit risk premiums under this subsection shall be paid to the Secretary before the disbursement of loan amounts and
the remaining half shall be paid to the Secretary in equal amounts semiannually and fully paid not later than 10 years after the first loan disbursement is executed.” after “modifications thereof.”;

Page 826, line 11, strike “$25,000,000” and insert “$125,000,000”.

Page 836, line 18, strike “APPOINTMENT APPLICABILITY” and insert “TIMING OF NEW BOARD REQUIREMENTS”.

Page 836, line 22, insert “and the term of each current Board member shall end” before the period.

Page 836, line 25, insert “subject to the advice and consent of the Senate” before “if such member”.

Page 848, line 13, strike “fully allocated”.

Page 860, after line 13, insert the following new clause (and redesignate succeeding clauses accordingly):

(iv) the reinstatement of the dining car service on long-distance routes;

Page 867, line 13, insert “section 22905(c)(2)(A) and other” after “subject to”.
At the end of title II of division D, add the following:

1 SEC. 9217. INVESTIGATION OF SUBSTANDARD PERFORMANCE.

Section 24308(f) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “If the on-time” and inserting “If either the on-time”;

(B) by inserting“, measured at each station on its route based upon the arrival times plus 15 minutes shown in schedules Amtrak and the host railroad have agreed to or have been determined by the Surface Transportation Board pursuant to section 213 of the Passenger Rail Investment and Improvement Act of 2008 as of or subsequent to the date of enactment of the INVEST in America Act,” after “intercity passenger train”; and

(C) by striking “or the service quality of” and inserting “or the on-time performance of”;

(2) in paragraph (2) by striking “minimum standards investigated under paragraph (1)” and inserting “either performance standard under paragraph (1)”;

and
(3) in paragraph (4) by striking “or failures to achieve minimum standards” and inserting “or failure to achieve either performance standard under paragraph (1)”.

SEC. 9218. AMTRAK CYBERSECURITY ENHANCEMENT GRANT PROGRAM.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

“§ 24324. Amtrak cybersecurity enhancement grant program

“(a) IN GENERAL.—The Secretary of Transportation shall make grants to Amtrak for improvements in information technology systems, including cyber resiliency improvements for Amtrak information technology assets.

“(b) APPLICATION OF BEST PRACTICES.—Any cyber resiliency improvements carried out with a grant under this section shall be consistent with the principles contained in the special publication numbered 800–160 issued by the National Institute of Standards and Technology Special and any other applicable security controls published by the Institute.

“(c) COORDINATION OF CYBERSECURITY FUNDS.—Funds made available to carry out this section shall be in addition to any other Federal funds and shall not affect
the ability of Amtrak to use any other funds otherwise authorized by law for purposes of enhancing the cybersecurity architecture of Amtrak.

“(d) GRANT CONDITIONS.—Grants made under this section shall be subject to such terms and conditions as the Secretary determines necessary.

(b) CLERICAL AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

```
24324. Amtrak cybersecurity enhancement grants.
```

SEC. 9219. AMTRAK AND PRIVATE CARS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that private cars and charter trains can—

(1) improve Amtrak’s financial performance, particularly on the long-distance routes;

(2) have promotional value for Amtrak that results in future travel on Amtrak trains by passengers made aware of Amtrak as a result;

(3) support private-sector jobs, including for mechanical work and on-board services; and

(4) provide good-will benefits to Amtrak.

(b) POLICY REVIEW.—Amtrak shall review the policy changes since January 1, 2018, that have caused significant changes to the relationship between Amtrak and private car owners and charter train services and evaluate opportunities to strengthen these services, including by re-
instating some access points and restoring flexibility to charter-train policies. For charter trains, private cars, and package express carried on regular Amtrak trains, consistent with sound business practice, Amtrak should recover direct costs plus a reasonable profit margin.

SEC. 9220. AMTRAK OFFICE OF COMMUNITY OUTREACH.

(a) In General.—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following new section:

“§ 24325. Amtrak Office of Community Outreach

“(a) In General.—Not later than 180 days after the date of enactment of the INVEST in America Act, Amtrak shall establish an Office of Community Outreach to engage with communities impacted by Amtrak operations.

“(b) Responsibilities.—The Office of Community Outreach shall be responsible for—

“(1) outreach and engagement with—

“(A) local officials before capital improvement project plans are finalized; and

“(B) local stakeholders and relevant organizations on projects of community significance;

“(2) clear explanation and publication of how community members can communicate with Amtrak;
“(3) the use of virtual public involvement, social media, and other web-based tools to encourage public participation and solicit public feedback; and

“(4) making publicly available on the website of Amtrak, planning documents for proposed and implemented capital improvement projects.

“(c) REPORT TO CONGRESS.—Not later than 1 year after the establishment of the Office of Community Outreach, and annually thereafter, Amtrak shall submit to the Committee on Transportation and Infrastructure in the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that—

“(1) describes the community outreach efforts undertaken by the Amtrak Office of Community Outreach for the previous year; and

“(2) identifies changes Amtrak made to capital improvement project plans after engagement with affected communities.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

“24325. Amtrak Office of Community Outreach.”.

Page 878, after line 11, insert the following:
(c) GRANT CONDITIONS.—The reinstatement under subsection (a) shall include all grant conditions required under such agreement, including section 22905(c)(2)(A) of title 49, United States Code, as of the date of termination of such agreement.

Page 897, line 4, strike “$20,000,000 annual revenue” and insert “$40,000,000 annual revenue (adjusted for inflation as measured by the Surface Transportation Board Railroad Inflation-Adjusted Index)”.

Page 928, after line 12, insert the following:

SEC. 9556. NATIONAL HIGHWAY-RAIL CROSSING INVENTORY REVIEW.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall expend such sums as are necessary to conduct a comprehensive review of the national highway-rail crossing inventory of the Department of Transportation established under section 20160 of title 49, United States Code.

(b) CONTENTS.—In conducting the review required under subsection (a), the Secretary shall—

(1) verify the accuracy of the data contained in the inventory described in subsection (a) using mapping technologies and other methods; and

(2) correct erroneous data in such inventory.
(c) REPORT.—Not later than 30 days after the completion of the review required under subsection (a), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing corrections made to the inventory described in subsection (a) and the Secretary’s plans to ensure continued accuracy of such inventory.

SEC. 9557. COUNTING RAILROAD SUICIDES.

(a) IN GENERAL.—Not less than 180 days after the enactment of this Act, the Secretary of Transportation shall revise any regulations, guidance, or other relevant agency documents to count suicides on a railroad crossing or railroad right-of-way as trespassing deaths.

(b) AUTHORITY OF THE SECRETARY.—In carrying out subsection (a), the Secretary may require Federal, State, and local agencies, railroads, or other entities to submit such data as necessary.

(c) APPLICABILITY OF RULEMAKING REQUIREMENTS.—The requirements of section 553 of title 5, United States Code, shall not apply to the modification required by subsection (a).