

**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:

1 (D) OBLIGATION LIMITATION.—Notwith-
2 standing any other provision of law, for fiscal
3 year 2021, obligations for activities authorized
4 under this paragraph shall not exceed
5 \$5,794,851,538.

Page 37, after line 17, insert the following:

6 (5) APPLICATION OF LAW.—For purposes of
7 paragraph (1), the Secretary shall apply section
8 7001(b) of this Act when providing the additional 30
9 percent of total project costs to any project that
10 meets the criteria in such section.

Page 39, after line 3, insert the following:

11 (C) OBLIGATION LIMITATION.—Notwith-
12 standing any other provision of law, for fiscal
13 year 2021, obligations for activities authorized
14 under this paragraph and obligations for activi-
15 ties authorized under section

1 101(a)(2)(A)(i)(II)(bb) that exceed amounts au-
2 thorized under section 4001(a)(6) of the FAST
3 Act (Public Law 114–94) shall not exceed
4 \$247,783,000.

Page 41, strike line 17 and insert the following:

5 (1) AUTHORIZATION OF APPROPRIATIONS.—
6 (A) IN GENERAL.—In

Page 41, after line 21, insert the following:

7 (B) OBLIGATION LIMITATION.—Notwith-
8 standing any other provision of law, for fiscal
9 year 2021, obligations for activities authorized
10 under this paragraph shall not exceed
11 \$209,900,000.

Page 45, after line 6, insert the following:

12 (c) EXCEPTION FOR IMMEDIATE APPLICATION.—
13 Subsections (a) and (b) shall not apply to section 1105
14 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 (1) FINDINGS.—Congress finds that—

2 (A) despite the real improvements caused
3 by the disadvantaged business enterprise pro-
4 gram, minority- and women-owned businesses
5 across the country continue to confront serious
6 and significant obstacles to success caused by
7 race and gender discrimination in the federally
8 assisted surface transportation market and re-
9 lated markets across the United States;

10 (B) the continuing race and gender dis-
11 crimination described in subparagraph (A) mer-
12 its the continuation of the disadvantaged busi-
13 ness enterprise program;

14 (C) recently, the disparities cause by dis-
15 crimination against African American, Hispanic
16 American, Asian American, Native American,
17 and women business owners have been further
18 exacerbated by the coronavirus pandemic and
19 its disproportionate effects on minority- and
20 women-owned businesses across the nation;

21 (D) Congress has received and reviewed
22 testimony and documentation of race and gen-
23 der discrimination from numerous sources, in-

1 including congressional hearings and other inves-
2 tigative activities, scientific reports, reports
3 issued by public and private agencies at every
4 level of government, news reports, academic
5 publications, reports of discrimination by orga-
6 nizations and individuals, and discrimination
7 lawsuits, which continue to demonstrate that
8 race- and gender-neutral efforts alone are insuf-
9 ficient to address the problem;

10 (E) the testimony and documentation de-
11 scribed in subparagraph (D) demonstrate that
12 discrimination across the United States poses
13 an injurious and enduring barrier to full and
14 fair participation in surface transportation-re-
15 lated businesses of women business owners and
16 minority business owners and has negatively af-
17 fected firm formation, development and success
18 in many aspects of surface transportation-re-
19 lated business in the public and private mar-
20 kets; and

21 (F) the testimony and documentation de-
22 scribed in subparagraph (D) provide a clear pic-
23 ture of the inequality caused by discrimination
24 that continues to plague our nation and a
25 strong basis that there is a compelling need for

1 the continuation of the disadvantaged business
2 enterprise program to address race and gender
3 discrimination in surface transportation-related
4 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:

5 (L) by inserting after paragraph (44), as
6 so redesignated, the following:

1 “(45) TRANSPORTATION DEMAND MANAGE-
2 MENT; TDM.—The terms ‘transportation demand
3 management’ and ‘TDM’ mean the use of strategies
4 to inform and encourage travelers to maximize the
5 efficiency of a transportation system leading to im-
6 proved mobility, reduced congestion, and lower vehi-
7 cle emissions.

8 “(46) TRANSPORTATION DEMAND MANAGE-
9 MENT STRATEGIES.—The term ‘transportation de-
10 mand management strategies’ means the use of
11 planning, programs, policy, marketing, communica-
12 tions, incentives, pricing, and technology to shift
13 travel mode, routes used, departure times, number
14 of trips, and location and design work space or pub-
15 lic 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):

1 (2) by striking clause (ii) and inserting the fol-
2 lowing:
3 “(ii) innovative construction equip-
4 ment, materials, techniques, or practices,
5 including the use of in-place recycling tech-
6 nology, digital 3-dimensional modeling
7 technologies, and advanced digital con-
8 struction 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):

1 (2) in subsection (d)(2)(A) by striking “45
2 miles per hour, in the case of a toll facility with a
3 speed of 50 miles per hour or greater” and inserting
4 “35 miles per hour, in the case of a toll facility with
5 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:

6 (e) REPORT.—Not later than 180 days after the date
7 of enactment of this Act, the Secretary of Transportation
8 shall submit to Congress a report on the implementation
9 of the interoperability of toll collection as required under
10 section 1512(b) of MAP–21, including an assessment of
11 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:

1 **SEC. 1113. FEDERAL-AID HIGHWAY PROJECT REQUIRE-**
2 **MENTS.**

3 (a) IN GENERAL.—Except as otherwise provided in
4 subsection (b), notwithstanding any other provision of law,
5 the Secretary shall require recipients of assistance under
6 title 23, United States Code, and title I of division B this
7 Act and the amendments made by this Act to comply with
8 subsection (a) of section 113 of title 23, United States
9 Code, with respect to all construction work, in the same
10 manner that recipients of assistance under chapter 1 of
11 such title are required to comply with such subsection for
12 construction work performed on highway projects on Fed-
13 eral-aid highways.

14 (b) TREATMENT OF CERTAIN PROJECTS.—The Sec-
15 retary shall apply the requirements of section 1306(l) of
16 this Act and sections 117(k), 172(j), and 173(k) of title
17 23, United States Code, to a project funded with a grant
18 under such sections.

1 **SEC. 1114. STATE ASSUMPTION OF RESPONSIBILITY FOR**
2 **CATEGORICAL EXCLUSIONS.**

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

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

7 “(A) except as provided under subpara-
8 graph (C), have a term of not more than 3
9 years;”;

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

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

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

17 **SEC. 1115. SURFACE TRANSPORTATION PROJECT DELIV-**
18 **ERY PROGRAM WRITTEN AGREEMENTS.**

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

21 (1) in subsection (c)—

22 (A) by striking paragraph (5) and insert-
23 ing the following:

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

1 (B) in paragraph (6) by striking the period
2 at the end and inserting “; and”; and

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

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

8 (2) in subsection (g)(1)—

9 (A) in subparagraph (C) by striking “an-
10 nual”;

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

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

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

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

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

22 “(m) AGENCY DEEMED TO BE FEDERAL AGENCY.—
23 A State agency that is assigned a responsibility under an
24 agreement under this section shall be deemed to be a Fed-

1 eral agency for the purposes of all Federal laws pursuant
2 to which the responsibility is exercised.”.

3 **SEC. 1116. CORROSION PREVENTION FOR BRIDGES.**

4 (a) DEFINITIONS.—In this section:

5 (1) APPLICABLE BRIDGE PROJECTS.—The term
6 “applicable bridge projects” means a project for con-
7 struction, alteration, or maintenance work, other
8 than de minimus maintenance or repair work as de-
9 termined by the applicable State department of
10 transportation, on a bridge or overpass structure
11 funded under this title.

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

19 (3) QUALIFIED TRAINING PROGRAM.—The term
20 “qualified training program” means a training pro-
21 gram in corrosion control, mitigation and prevention,
22 that is either offered or accredited by an organiza-
23 tion that sets industry corrosion standards or is rec-
24 ognized in corrosion management transportation
25 structures by the Department of Transportation, for

1 the purposes of controlling, mitigating and pre-
2 venting corrosion, or a program registered under the
3 Act of August 16, 1937 (29 U.S.C. 50 et seq.) (com-
4 monly known as the “National Apprenticeship Act”)
5 that meets the requirements of parts 29 and 30 of
6 title 29, Code of Federal Regulations as in effect on
7 January 1, 2020.

8 (b) APPLICABLE BRIDGE PROJECTS.—

9 (1) QUALITY CONTROL.—A certified contractor
10 shall carry out aspects of an applicable bridge
11 project described in paragraph (2).

12 (2) ASPECTS OF APPLICABLE BRIDGE
13 PROJECTS.—Aspects of an applicable bridge project
14 referred to in paragraph (1) include—

15 (A) surface preparation or coating applica-
16 tion on steel or rebar of an applicable bridge
17 project;

18 (B) removal of a lead-based or other haz-
19 ardous coating from steel of an existing applica-
20 ble bridge project;

21 (C) shop painting of structural steel or
22 rebar fabricated for installation on an applica-
23 ble bridge project; and

1 (D) the design, application, installation
2 and maintenance of a cathodic protection sys-
3 tem on an applicable bridge project.

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

6 (A) implement a corrosion management
7 system that utilizes industry-recognized stand-
8 ards and corrosion mitigation and prevention
9 methods to address—

10 (i) surface preparation;

11 (ii) protective coatings;

12 (iii) materials selection;

13 (iv) cathodic protection;

14 (v) corrosion engineering;

15 (vi) personnel training; and

16 (vii) best practices in environmental
17 protection to prevent environmental deg-
18 radation and uphold public health;

19 (B) require certified contractors that em-
20 ploy appropriately trained and certified coating
21 applicators to carry out aspects of applicable
22 bridge projects as described in paragraph (2);
23 and

24 (C) use certified cathodic protection profes-
25 sionals for all aspects of applicable bridge

1 projects that require knowledge of the design,
2 installation, monitoring, or maintenance of a
3 cathodic protection system.

4 (c) TRAINING PROGRAM.—As a condition of entering
5 into a contract for an applicable bridge project, each cer-
6 tified contractor shall provide training, through a qualified
7 training program, for each applicable craft or trade classi-
8 fication of employees that the certified contractor intends
9 to employ to carry out aspects of applicable bridge projects
10 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:

11 “(U) Undergrounding public utilities in the
12 course of other infrastructure improvements eli-
13 gible under this section to mitigate the cost of
14 recurring damages from extreme weather
15 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):

1 “(h) IMPROVING THE EMERGENCY RELIEF PRO-
2 GRAM.—Not later than 90 days after the date of enact-
3 ment of this Act, the Secretary shall—

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

6 “(A) to include and reflect the definition of
7 the term ‘resilience’ (as defined in section
8 101(a));

9 “(B) to identify procedures that States
10 may use to incorporate resilience into emer-
11 gency relief projects; and

12 “(C) to encourage the use of context sen-
13 sitive design principles and consideration of ac-
14 cess for moderate- and low-income families im-
15 pacted by a declared disaster;

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

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

20 “(B) emergency relief efforts;

21 “(3) provide to division offices of the Federal
22 Highway Administration and State departments of

1 transportation information on the best practices de-
2 veloped under paragraph (2); and

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

5 “(A) the consideration of resilience as part
6 of the emergency relief program under section
7 125 of title 23; and

8 “(B) the costs of emergency relief
9 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:

1 “(i) in the first fiscal year, for—
2 “(I) performing the vulnerable
3 user safety assessment as prescribed
4 by subsection (I);
5 “(II) providing matching funds
6 for transportation alternatives safety
7 project as identified in section
8 133(h)(7)(B); and
9 “(III) projects eligible under sec-
10 tion 133(h)(3)(A), (B), (C), or (I);
11 and
12 “(ii) in each fiscal year thereafter, the
13 program of projects identified in subsection
14 (l)(2)(C).

Page 208, strike the closing quotation marks and semicolon at line 6, and after line 6 insert the following:

1 “(D) METROPOLITAN PLANNING AREA
2 WITH EXCESSIVE FATALITIES AND SERIOUS IN-
3 JURIES PER CAPITA.—

4 “(i) ANNUAL DETERMINATION.—Be-
5 ginning on the date of enactment of the
6 INVEST in America Act, a metropolitan
7 planning organization representing an ur-
8 banized area with a population greater
9 than 200,000 shall annually determine the
10 number of vulnerable user road fatalities
11 and serious injuries per capita in such area
12 over the most recent 2-year period.

13 “(ii) REQUIREMENT TO OBLIGATE
14 FUNDS.—If such a metropolitan planning
15 area organization determines that the
16 number of vulnerable user road fatalities
17 and serious injuries per capita in such area
18 over the most recent 2-year period for
19 which data are available exceeds the me-
20 dian number of such fatalities and serious
21 injuries among all urbanized areas with a
22 population of over 200,000, then there
23 shall be obligated over the 2 fiscal years
24 following the fiscal year in which such de-
25 termination is made an amount that is not

1 less than 50 percent of the amount set
2 aside for that urbanized area under section
3 133(h)(2) for fiscal year 2020 for projects
4 identified in the program of projects de-
5 scribed in subsection (l)(7)(C).

6 “(E) SOURCE OF FUNDS.—

7 “(i) METROPOLITAN PLANNING ORGA-
8 NIZATION IN STATE REQUIRED TO OBLI-
9 GATE FUNDS.—For a metropolitan plan-
10 ning organization in a State required to
11 obligate funds to vulnerable user safety
12 under subparagraph (A), the State shall be
13 required to obligate from such amounts re-
14 quired to be obligated for vulnerable road
15 user safety under subparagraph (B) for
16 projects described in subsection (l)(7).

17 “(ii) OTHER METROPOLITAN PLAN-
18 NING ORGANIZATIONS.—For a metropoli-
19 tan planning organization that is not lo-
20 cated within a State required to obligate
21 funds to vulnerable user safety under sub-
22 paragraph (A), the State shall be required
23 to obligate from amounts apportioned
24 under section 104(b)(3) for projects de-
25 scribed in subsection (l)(7).”;

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:

1 “(7) METROPOLITAN PLANNING AREA ASSESS-
2 MENTS.—A metropolitan planning organization that
3 represents an urbanized area with a population
4 greater than 200,000 shall complete a vulnerable
5 user safety assessment based on the most recent 5
6 years of available data, unless an assessment was
7 completed in the previous five years, including

1 “(A) a description of the location within
2 the urbanized area of each vulnerable road user
3 fatality and serious injury and the design speed
4 of the roadway at any such location;

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

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

Page 215, after line 5, insert the following:

13 (d) AGREEMENTS RELATING TO THE USE AND AC-
14 CESS OF RIGHTS-OF-WAY OF THE INTERSTATE SYS-
15 TEM.—Section 111 of title 23, United States Code, is
16 amended by adding at the end the following:

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

18 “(1) IN GENERAL.—Notwithstanding sub-
19 sections (a) or (b), the Secretary shall permit, con-
20 sistent with section 155, the charging of electric ve-
21 hicles on rights-of-way of the Interstate System in—

22 “(A) a rest area; or

23 “(B) a fringe or corridor parking facility,
24 including a park and ride facility.

1 “(2) SAVINGS CLAUSE.—Nothing in this sub-
2 section shall permit commercial activities on rights-
3 of-way of the Interstate System, except as necessary
4 for the charging of electric vehicles in accordance
5 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:

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

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

19 “(B) CLASS 2 ELECTRIC BICYCLE.—The
20 term ‘class 2 electric bicycle’ means an electric

1 bicycle equipped with a motor that may be used
2 exclusively to propel the bicycle, and that is not
3 capable of providing assistance when the bicycle
4 reaches the speed of 20 miles per hour.

5 “(C) CLASS 3 ELECTRIC BICYCLE.—The
6 term ‘class 3 electric bicycle’ means an electric
7 bicycle equipped with a motor that provides as-
8 sistance only when the rider is pedaling, and
9 that ceases to provide assistance when the bicy-
10 cle reaches the speed of 28 miles per hour.”.

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:

1 “(vi) reducing greenhouse gas emis-
2 sions in established goods-movement cor-
3 ridors, locations serving first- and last-mile
4 freight near ports and freight hubs, and lo-
5 cations that optimize infrastructure net-
6 works and reduce hazardous air pollutants
7 in communities disproportionately im-
8 pacted 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:

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

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

6 (F) whether the applicant is a designated
7 recipient of funds from the Federal Transit Ad-
8 ministration as described under subsections (A)
9 and (B) of section 5302(4) of title 49, United
10 States Code; and

11 (G) any other criteria established by the
12 Secretary.

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

13 (A) IN GENERAL.—The direct recipient
14 may collaborate with a State, unit of local gov-
15 ernment, regional entity, or transit agency to

1 carry out a project under this section and en-
2 sure compliance with all applicable Federal re-
3 quirements.

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

8 (C) USE OF FUNDS.—The direct recipient
9 may use amounts made available under this
10 section to compensate a State, unit of local gov-
11 ernment, regional entity, or transit agency for
12 costs incurred in providing assistance under
13 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:

14 (vi) integrates regional multimodal
15 transportation management and oper-
16 ational projects that address both pas-
17 senger and freight congestion.

Page 304, line 7, strike “and” at the end.

Page 304, after line 7, insert the following (and re-designate accordingly):

1 (6) a territory; and

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

Page 368, after line 18, insert the following:

2 **SEC. 1509. STUDY ON FEDERAL FUNDING AVAILABLE TO IN-**
3 **DIAN TRIBES.**

4 Not later than January 31 of each year, the Sec-
5 retary of Transportation shall submit to the Committee
6 on Transportation and Infrastructure of the House of
7 Representatives and the Committee on Environment and
8 Public Works of the Senate a report that—

9 (1) identifies the number of Indian Tribes that
10 were direct recipients of funds under any discre-
11 tionary Federal highway, transit, or highway safety
12 program in the prior fiscal year;

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

15 (3) identifies the number and location of Indian
16 Tribes that were indirect recipients of funds under
17 any formula-based Federal highway, transit, or high-
18 way safety program in the prior fiscal year; and

1 (4) lists the total amount of such funds made
2 available indirectly to such tribes through states or
3 other direct recipients of Federal highway, transit or
4 highway safety funding.

Page 374, line 8, insert “, without regard to owner-
ship 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 re-
designate accordingly):

5 (10) PROJECT.—The term “project” has the
6 meaning given such term in section 101 of title 23,
7 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:

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

10 (A) NOTICE.—The State department of
11 transportation, in consultation with appropriate
12 State agencies, shall establish a process—

1 (i) for the registration of broadband
2 providers that seek to be included in the
3 advance notification of, and opportunity to
4 participate in, broadband infrastructure
5 right-of-way facilitation efforts within the
6 State; and

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

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

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

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

22 (i) the State transportation improve-
23 ment program on at least an annual basis;
24 and

1 (ii) projects within the highway right-
2 of-way for which Federal funding is ex-
3 pected to be obligated in the subsequent
4 fiscal year.

5 (C) COORDINATION.—The State depart-
6 ment of transportation, in consultation with ap-
7 propriate State agencies, shall establish a proc-
8 ess for a broadband provider to commit to in-
9 stalling broadband conduit or broadband infra-
10 structure 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 re-designate accordingly):

11 (ii) FEE SCHEDULE.—The State de-
12 partment of transportation, in consultation
13 with appropriate State agencies, shall pub-
14 lish a fee schedule for a broadband pro-

1 vider to access conduit installed pursuant
2 to this paragraph. Fees in such schedule—
3 (I) shall be consistent with the
4 fees established pursuant to section
5 224 of the Communications Act of
6 1934 (47 U.S.C. 224);
7 (II) may vary by topography, lo-
8 cation, type of road, rurality, and
9 other factors in the determination of
10 the State; and
11 (III) may be updated not more
12 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 re-designate accordingly):

1 (V) there exists a circumstance
2 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
- 2 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:

1 **SEC. 1617. TRANSPORTATION CONSTRUCTION MATERIALS**
2 **PROCUREMENT.**

3 (a) ESTABLISHMENT.—Not later than 180 days after
4 the date of enactment of this Act, the Secretary of Trans-
5 portation shall initiate a review of the procurement proc-
6 esses used by State Departments of Transportation to se-
7 lect construction materials on projects utilizing Federal-
8 aid highway funds.

9 (b) CONTENTS.—The review under subsection (a)
10 shall include—

11 (1) a review of competitive practices in the bid-
12 ding process for transportation construction mate-
13 rials;

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

17 (3) any information provided by States on con-
18 siderations that influence the decision to include
19 competition by type of material in transportation
20 construction projects;

21 (4) any data on whether issuing bids that in-
22 clude flexibility in the type of construction materials

1 used to meet the project specifications will affect
2 project costs over the lifecycle of an asset;

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

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

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

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

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

22 **SEC. 1619. NATIONWIDE ROAD SAFETY ASSESSMENT.**

23 (a) IN GENERAL.—The Secretary of Transportation
24 shall, every 2 years, conduct nationwide, on-the-ground

1 road safety assessments focused on pedestrian and bicycle
2 safety in each State.

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

5 (1) by Department of Transportation field of-
6 fices from the Federal Highway Administration, the
7 National Highway Transportation Safety Adminis-
8 tration, the Federal Transit Administration, and the
9 Federal Motor Carrier Safety Administration; and

10 (2) in consultation with—

11 (A) State and local agencies with jurisdic-
12 tion over pedestrian and bicycle safety;

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

15 (C) other relevant pedestrian and bicycle
16 safety stakeholders.

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

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

22 (2) examine barriers to providing safe pedes-
23 trian and bicycle access to transportation infrastruc-
24 ture; and

1 (3) develop and issue recommendations de-
2 signed to effectively address specific safety and ac-
3 cess issues and enhance pedestrian and bicycle safe-
4 ty in high risk areas.

5 (d) REPORT ON STATE ASSESSMENTS.—Upon com-
6 pletion of the assessment of a State, the Secretary shall
7 issue, and make available to the public, a report con-
8 taining the assessment that includes—

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

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

14 (e) REPORT ON NATIONWIDE PROGRAM.—Upon com-
15 pletion of the biannual assessment nationwide required
16 under this section, the Secretary shall issue, and make
17 available to the public, that covers assessments for all ju-
18 risdictions and also present it to the congressional trans-
19 portation committees.

20 (f) NATIONAL PEDESTRIAN AND BICYCLE SAFETY
21 DATABASE.—The Secretary, in order to enhance pedes-
22 trian and bicycle safety and improve information sharing
23 on pedestrian and bicycle safety challenges between the
24 Federal Government and State and local governments,

1 shall maintain a national pedestrian and bicycle safety
2 database that includes—

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

7 (2) information on corrective measures that
8 have been implemented at the State, local, or Fed-
9 eral level to enhance pedestrian and bicyclist safety
10 at those high risk areas, including details on the na-
11 ture and date of corrective action.

12 (g) STATE DEFINED.—In this section, the term
13 “State” means each of the States, the District of Colum-
14 bia, and Puerto Rico.

15 **SEC. 1620. WILDLIFE CROSSINGS.**

16 (a) IN GENERAL.—

17 (1) OBLIGATION REQUIREMENT.—For each of
18 fiscal years 2022 through 2025, of the amounts ap-
19 portioned to a State under paragraph (1) of section
20 104(b) of title 23, United States Code, each State
21 shall obligate amounts distributed to such State
22 under subsection (b) for projects and strategies that
23 reduce vehicle-caused wildlife mortality related to, or
24 to restore and maintain connectivity among terres-
25 trial or aquatic habitats affected by, a transpor-

1 tation facility otherwise eligible for assistance under
2 section 119 of title 23, United States Code.

3 (2) TOTAL AMOUNT.—The total amount to be
4 obligated by all States under paragraph (1) shall
5 equal \$75,000,000 for each of fiscal years 2022
6 through 2025.

7 (b) DISTRIBUTION.—Each State’s share of the
8 amount described under subsection (a)(2) shall be deter-
9 mined by multiplying the amount described under such
10 subsection by the ratio that—

11 (1) the amount apportioned in the previous fis-
12 cal year to the State under section 104 of title 23,
13 United States Code; bears to

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

16 (c) STATE FLEXIBILITY.—

17 (1) IN GENERAL.—A State may opt out of the
18 obligation requirement described under this section
19 if the Governor of the State notifies the Secretary
20 that the State has inadequate needs to justify the
21 expenditure not later than 30 days prior to appor-
22 tionments being made for any fiscal year.

23 (2) USE OF FUNDS.—A State that exercises the
24 authority under paragraph (1) may use the funds
25 described under this section for any purpose de-

1 scribed under section 119 of title 23, United States
2 Code.

3 **SEC. 1621. CLIMATE RESILIENT TRANSPORTATION INFRA-**
4 **STRUCTURE STUDY.**

5 (a) CLIMATE RESILIENT TRANSPORTATION INFRA-
6 STRUCTURE STUDY.—Not later than 180 days after the
7 date of enactment of this Act, the Secretary of Transpor-
8 tation shall enter into an agreement with the Transpor-
9 tation Research Board of the National Academies to con-
10 duct a study of the actions needed to ensure that Federal
11 agencies are taking into account current and future cli-
12 mate conditions in planning, designing, building, oper-
13 ating, maintaining, investing in and upgrading any feder-
14 ally funded transportation infrastructure investments.

15 (b) METHODOLOGIES.—In conducting the study, the
16 Transportation Research Board shall build on the meth-
17 odologies examined and recommended in—

18 (1) the 2018 report issued the American Soci-
19 ety of Civil Engineers, titled “Climate-Resilient In-
20 frastructure: Adaptive Design and Risk Manage-
21 ment”; and

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

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

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

8 (2) Addressing critical information gaps and
9 challenges.

10 (3) Financing options to help fund climate-resil-
11 ient infrastructure.

12 (4) A platform or process to facilitate commu-
13 nication between climate scientists and other experts
14 with infrastructure planners, engineers and other
15 relevant experts.

16 (5) A stakeholder process to engage with rep-
17 resentatives of State, local, tribal and community
18 groups.

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

21 (d) CONSIDERATIONS.—In carrying out the study,
22 the Transportation Research Board shall determine the
23 need for information related to climate resilient transpor-
24 tation infrastructure by considering—

1 (1) the current informational and institutional
2 barriers to integrating projected infrastructure risks
3 posed by climate change into federal infrastructure
4 planning, design, engineering, construction, oper-
5 ation and maintenance;

6 (2) the critical information needed by engineers,
7 planners and those charged with infrastructure up-
8 grades and maintenance to better incorporate cli-
9 mate change risks and impacts over the lifetime of
10 projects;

11 (3) how to select an appropriate, adaptive engi-
12 neering design for a range of future climate sce-
13 narios as related to infrastructure planning and in-
14 vestment;

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

19 (5) how to take account of the risks of cas-
20 cading infrastructure failures and develop more ho-
21 listic approaches to evaluating and mitigating cli-
22 mate risks;

23 (6) how to ensure that investments in infra-
24 structure resilience benefit all communities, includ-
25 ing communities of color, low-income communities

1 and tribal communities that face a disproportionate
2 risk from climate change and in many cases have ex-
3 perienceed long-standing unmet needs and under-
4 investment in critical infrastructure;

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

9 (8) how federal agencies can track and monitor
10 federally funded resilient infrastructure in a coordi-
11 nated fashion to help build the understanding of the
12 cost-benefit of resilient infrastructure and to build
13 the capacity for implementing resilient infrastruc-
14 ture.

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

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

21 (2) is encouraged to consult with—

22 (A) representatives from the thirteen fed-
23 eral agencies that comprise the United States
24 Global Change Research Program;

1 (B) representatives from the Department
2 of the Treasury;

3 (C) professional engineers with relevant ex-
4 pertise in infrastructure design;

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

7 (E) scientists, social scientists and experts
8 from academic and research institutions who
9 have expertise in climate change projections and
10 impacts; engineering; architecture; or other rel-
11 evant areas of expertise;

12 (F) licensed architects with relevant expe-
13 rience in infrastructure design;

14 (G) certified planners;

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

17 (I) representatives of environmental justice
18 groups.

19 (f) REPORT.—Not later than 3 years after the date
20 of enactment of this Act, the Transportation Research
21 Board shall submit to the Secretary, the Committee on
22 Environment and Public Works of the Senate, and the
23 Committee on Transportation and Infrastructure of the
24 House of Representatives a report on the results of the
25 study conducted under this section.

Page 446, after line 19, insert the following:

1 (i) TRANSPORTATION DEVELOPMENT CREDITS AS
2 LOCAL MATCH.—

3 (1) SECTION 5307.—Section 5307(d)(3) of title
4 49, United States Code, is amended—

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

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

9 (C) by adding at the end the following:

10 “(F) transportation development credits.”.

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

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

15 “(3) TRANSPORTATION DEVELOPMENT CRED-
16 ITS.—For purposes of assessments and determina-
17 tions under this subsection or subsection (h), trans-
18 portation development credits that are included as a
19 source of local financing or match shall be treated
20 the same as other sources of local financing.”; and

21 (B) in subsection (l)(4)—

22 (i) in subparagraph (B) by striking “;
23 or” and inserting a semicolon;

- 1 (ii) in subparagraph (C) by striking
2 the period and inserting “; or”; and
3 (iii) by adding at the end the fol-
4 lowing:
5 “(D) transportation development credits.”.
- 6 (3) SECTION 5339.—Section 5339(a)(7)(B) of
7 title 49, United States Code, is amended—
- 8 (A) in clause (iv) by striking “; or” and in-
9 serting a semicolon;
- 10 (B) in clause (v) by striking the period and
11 inserting “; or”; and
- 12 (C) by adding at the end the following:
13 “(vi) transportation development cred-
14 its.”.

Page 468, after line 10, insert the following:

15 **SEC. 2109. OBLIGATION LIMITATION.**

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

- 21 (1) \$16,185,800,000 in fiscal year 2022;
22 (2) \$16,437,600,000 in fiscal year 2023;
23 (3) \$16,700,600,000 in fiscal year 2024; and
24 (4) \$16,963,600,000 in fiscal year 2025.

1 **SEC. 2110. PUBLIC TRANSPORTATION EMERGENCY RELIEF**
2 **FUNDS.**

3 Section 5324 of title 49, United States Code, is
4 amended by adding at the end the following:

5 “(g) IMPOSITION OF DEADLINE.—

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

12 “(A) the date on which the Governor de-
13 clared the emergency, as described in subsection
14 (a)(2); or

15 “(B) the date on which the President de-
16 clared a major disaster, as described in such
17 subsection.

18 “(2) EXTENSION OF DEADLINE.—If the Sec-
19 retary imposes a deadline for advancement to the
20 construction obligation stage pursuant to paragraph
21 (1), the Secretary may, upon the request of the Gov-
22 ernor of the State, issue an extension of not more
23 than 1 year to complete such advancement, and may
24 issue additional extensions after the expiration of
25 any extension, if the Secretary determines the Gov-

1 error of the State has provided suitable justification
2 to warrant an extension.”.

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

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

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

5 “(k) PEAK REVENUE SERVICE DEFINED.—In this
6 section, the term ‘peak revenue service’ means the time
7 period between the time in the morning that an agency
8 first exceeds the number of midday vehicles in revenue
9 service and the time in the evening that an agency falls
10 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:

11 “(D) FARE COLLECTION MODERNIZA-
12 TION.—In developing guidance referred to in
13 this section, the Secretary shall ensure that—

1 “(i) all costs associated with install-
2 ing, modernizing, and managing fare col-
3 lection, including touchless payment sys-
4 tems, shall be considered eligible expenses
5 under this title and subject to the applica-
6 ble Federal share; and
7 “(ii) such guidance includes guidance
8 on how agencies shall provide unbanked
9 and underbanked users with an oppor-
10 tunity to benefit from mobility as a service
11 platforms.”.

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

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

Page 498, after line 18, insert the following:

15 “(B) SUBSTANTIATION.—If a rolling stock
16 vehicle manufacturer wishes to include in the
17 calculation of the vehicle’s domestic content the
18 cost of steel or iron produced in the United
19 States and used in the rolling stock frames and
20 car shells that are not produced in the United
21 States, the manufacturer shall maintain and

1 provide upon request a mill certification that
2 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:

3 “(r) ROLLING STOCK COMPONENTS AND SUBCOMPO-
4 NENTS.—No component or subcomponent of rolling stock
5 shall be treated as produced in the United States for pur-
6 poses of subsection (b)(3) or determined to be of domestic
7 origin under section 661.11 of title 49, Code of Federal
8 Regulations, if the material inputs of such component or
9 subcomponent were imported into the United States and
10 the operations performed in the United States on the im-
11 ported articles would not result in a change in the article’s
12 classification to chapter 86 or 87 of the Harmonized Tar-
13 iff Schedule of the United States from another chapter
14 or a new heading of any chapter from the heading under
15 which the article was classified upon entry.”.

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

16 “(G) the term ‘eligible area’ means an area
17 that is—
18 “(i) designated as a nonattainment
19 area for ozone or particulate matter under

1 section 107(d) of the Clean Air Act (42
2 U.S.C. 7407(d));

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

6 “(iii) in a State that has enacted a
7 statewide zero emission bus transition re-
8 quirement, as determined by the Sec-
9 retary.”; and

Page 518, line 8, strike “or”.

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

Page 518, after line 11, insert the following:

10 “(iii) hydrogen buses;”.

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

11 “(A) frontline employee representatives, se-
12 lected by the labor organization representing
13 the plurality of the frontline workforce em-
14 ployed by the recipient or if applicable a con-
15 tractor to the recipient; and”.

After page 544, add the following:

1 **SEC. 2605. U.S. EMPLOYMENT PLAN.**

2 (a) IN GENERAL.—Chapter 53 of title 49, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 5341. U.S. Employment Plan**

6 “(a) DEFINITIONS.—In this section:

7 “(1) COMMITMENT TO HIGH-QUALITY CAREER
8 AND BUSINESS OPPORTUNITIES.—The term ‘com-
9 mitment to high-quality career and business oppor-
10 tunities’ means participation in a registered appren-
11 ticeship program.

12 “(2) COVERED INFRASTRUCTURE PROGRAM.—
13 The term ‘covered infrastructure program’ means
14 any activity under program or project under this
15 chapter for the purchase or acquisition of rolling
16 stock.

17 “(3) U.S. EMPLOYMENT PLAN.—The term ‘U.S.
18 Employment Plan’ means a plan under which an en-
19 tity receiving Federal assistance for a project under
20 a covered infrastructure program shall—

21 “(A) include in a request for proposal an
22 encouragement for bidders to include, with re-
23 spect to the project—

24 “(i) high-quality wage, benefit, and
25 training commitments by the bidder and

1 the supply chain of the bidder for the
2 project; and

3 “(ii) a commitment to recruit and hire
4 individuals described in subsection (e) if
5 the project results in the hiring of employ-
6 ees not currently or previously employed by
7 the bidder and the supply chain of the bid-
8 der for the project;

9 “(B) give preference for the award of the
10 contract to a bidder that includes the commit-
11 ments described in clauses (i) and (ii) of sub-
12 paragraph (A); and

13 “(C) ensure that each bidder that includes
14 the commitments described in clauses (i) and
15 (ii) of subparagraph (A) that is awarded a con-
16 tract complies with those commitments.

17 “(4) REGISTERED APPRENTICESHIP PRO-
18 GRAM.—The term ‘registered apprenticeship pro-
19 gram’ means an apprenticeship program registered
20 with the Department of Labor or a Federally-recog-
21 nized State Apprenticeship Agency and that com-
22 plies with the requirements under parts 29 and 30
23 of title 29, Code of Federal Regulations, as in effect
24 on January 1, 2019.

1 “(b) BEST-VALUE FRAMEWORK.—To the maximum
2 extent practicable, a recipient of assistance under a cov-
3 ered infrastructure program is encouraged—

4 “(1) to ensure that each dollar invested in in-
5 frastructure uses a best-value contracting framework
6 to maximize the local value of federally funded con-
7 tracts by evaluating bids on price and other tech-
8 nical criteria prioritized in the bid, such as—

9 “(A) equity;

10 “(B) environmental and climate justice;

11 “(C) impact on greenhouse gas emissions;

12 “(D) resilience;

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

15 “(F) safety;

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

22 “(H) access to jobs and essential services
23 by all modes of travel for all users, including
24 disabled individuals; and

1 “(2) to ensure community engagement, trans-
2 parency, and accountability in carrying out each
3 stage of the project.

4 “(c) PREFERENCE FOR REGISTERED APPRENTICE-
5 SHIP PROGRAMS.—To the maximum extent practicable, a
6 recipient of assistance under a covered infrastructure pro-
7 gram, with respect to the project for which the assistance
8 is received, shall give preference to a bidder that dem-
9 onstrates a commitment to high-quality job opportunities
10 affiliated with registered apprenticeship programs (as de-
11 fined in subsection (a)(3)).

12 “(d) USE OF U.S. EMPLOYMENT PLAN.—Notwith-
13 standing any other provision of law, in carrying out a
14 project under a covered infrastructure program, each enti-
15 ty that receives Federal assistance shall use a U.S. Em-
16 ployment Plan for each contract of \$10,000,000 or more
17 for the purchase of manufactured goods or of services,
18 based on an independent cost estimate.

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

23 “(1) individuals with a barrier to employment
24 (as defined in section 3 of the Workforce Innovation

1 and Opportunity Act (29 U.S.C. 3102)), including
2 ex-offenders and disabled individuals;

3 “(2) veterans; and

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

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

12 “(g) INTENT OF CONGRESS.—

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

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

20 “(B) to encourage recipients of Federal as-
21 sistance under covered infrastructure programs
22 to use preferences for registered apprenticeship
23 programs as described in subsection (c) when
24 evaluating bids for projects using that assist-
25 ance;

1 “(C) to require that recipients of Federal
2 assistance under covered infrastructure pro-
3 grams use the U.S. Employment Plan in car-
4 rying out the project for which the assistance
5 was provided; and

6 “(D) that full and open competition under
7 covered infrastructure programs means a proce-
8 dural competition that prevents corruption, fa-
9 voritism, and unfair treatment by recipient
10 agencies.

11 “(2) INCLUSION.—A best-value contracting
12 framework described in subsection (b) is a frame-
13 work that authorizes a recipient of Federal assist-
14 ance under a covered infrastructure program, in
15 awarding contracts, to evaluate a range of factors,
16 including price, the quality of products, the quality
17 of services, and commitments to the creation of good
18 jobs for all people in the United States.

19 “(h) AWARD BASIS.—

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

24 “(A) ensure that not less than 50 percent
25 of the workers hired to participate in the job

1 training program are hired through local hiring
2 in accordance with subsection (e), including by
3 prioritizing individuals with a barrier to employ-
4 ment (including ex-offenders), disabled individ-
5 uals (meaning an individual with a disability (as
6 defined in section 3 of the Americans with Dis-
7 abilities Act of 1990 (42 U.S.C. 12102)), vet-
8 erans, and individuals that represent popu-
9 lations that are traditionally underrepresented
10 in the infrastructure workforce; or

11 “(B) ensure the commitments described in
12 clauses (i) and (ii) of subsection (a)(2)(A) with
13 respect to carrying out the job training pro-
14 gram.”.

15 (b) CLERICAL AMENDMENT.—The analysis for chap-
16 ter 53 of title 49, United States Code, is amended by add-
17 ing at the end the following:

“5341. U.S. Employment Plan.”.

Page 546, line 6, strike “or local government au-
thority” and insert “, local government authority, or met-
ropolitan planning organization”.

Page 546, beginning on line 21, strike “or local gov-
ernment authority” and insert “, local government au-
thority, 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):

1 “(d) VALUE CAPTURE POLICY REQUIREMENTS.—

2 “(1) VALUE CAPTURE POLICY.—Not later than
3 October 1 of the fiscal year that begins 2 years after
4 the date of enactment of this section, the Secretary,
5 in collaboration with State departments of transpor-
6 tation, metropolitan planning organizations, and re-
7 gional council of governments, shall establish vol-
8 untary and consensus-based value capture stand-
9 ards, policies, and best practices for State and local
10 value capture mechanisms that promote greater in-
11 vestments in public transportation and affordable
12 transit-oriented development.

13 “(2) REPORT.—Not later than 15 months after
14 the date of enactment of this section, the Secretary
15 shall make available to the public a report cataloging
16 examples of State and local laws and policies that
17 provide for value capture and value sharing that pro-
18 mote greater investment in public transportation and
19 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:

1 “(III) the third party has dem-
2 onstrated a satisfactory history of
3 construction or operating an afford-
4 able 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:

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

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

10 (10) in subsection (k)(2)(D) is amended by
11 adding at the end the following:
12 “(v) LOCAL FUNDING COMMIT-
13 MENT.— For a project for which a lower
14 CIG cost share is elected by the applicant
15 under subsection (l)(1)(C), the Secretary
16 shall enter into a full funding grant agree-

1 ment that has at least 75 percent of local
2 financial commitment committed and the
3 remaining percentage budgeted for the pro-
4 posed purposes.”.

Page 579, strike line 19 and insert the following:

5 (C) by striking paragraph (8) and insert-
6 ing the following:

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

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

17 “(D) The status of the applicant in secur-
18 ing the non-Federal match, based on informa-
19 tion provided by the applicant, including the
20 amount committed, budgeted, planned, and un-
21 determined.”; 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:

1 (14) by adding at the end the following:

2 “(r) PUBLICATION .—

3 “(1) PUBLICATION.—The Secretary shall pub-
4 lish a record of decision on all projects in the New
5 Starts tranche of the program within 2 years of re-
6 ceiving a project’s draft environmental impact state-
7 ment or update or change to such statement.

8 “(2) FAILURE TO ISSUE RECORD OF DECI-
9 SION.—For each calendar month beginning on or
10 after the date that is 12 months after the date of
11 enactment of the INVEST in America Act in which
12 the Secretary has not published a record of decision
13 for the final environmental impact statement on
14 projects in the New Starts tranche for at least 1
15 year, the Secretary shall reduce the full-time equiva-
16 lent employees within the immediate office of the
17 Secretary by 1.”.

At the end of title II of the bill, add the following:

1 **SEC. 2915. PASSENGER FERRY GRANTS.**

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

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

6 “(A) DEFINITIONS.—In this paragraph—

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

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

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

15 “(III) constructing facilities and
16 related equipment for zero- or re-
17 duced-emission passenger ferries;

18 “(IV) leasing facilities and re-
19 lated equipment for zero- or reduced-
20 emission passenger ferries;

21 “(V) constructing new public
22 transportation facilities to accommo-
23 date zero- or reduced-emission pas-
24 senger ferries;

25 “(VI) constructing shoreside
26 ferry charging infrastructure for zero-

1 or reduced-emission passenger ferries;

2 or

3 “(VII) rehabilitating or improv-
4 ing existing public transportation fa-
5 cilities to accommodate zero- or re-
6 duced-emission passenger ferries;

7 “(ii) the term ‘zero- or reduced-emis-
8 sion passenger ferry’ means a passenger
9 ferry used to provide public transportation
10 that reduces emissions by utilizing onboard
11 energy storage systems for hybrid-electric
12 or 100 percent electric propulsion, related
13 charging infrastructure, and other tech-
14 nologies deployed to reduce emissions or
15 produce zero onboard emissions under nor-
16 mal operation; and

17 “(iii) the term ‘recipient’ means a des-
18 ignated recipient, a local government au-
19 thority, or a State that receives a grant
20 under subsection (a).

21 “(B) GENERAL AUTHORITY.—The Sec-
22 retary may make grants to recipients to finance
23 eligible projects under this paragraph.

24 “(C) GRANT REQUIREMENTS.—A grant
25 under this paragraph shall be subject to the

1 same terms and conditions as a grant under
2 subsection (a).

3 “(D) COMPETITIVE PROCESS.—The Sec-
4 retary shall solicit grant applications and make
5 grants for eligible projects under this paragraph
6 on a competitive basis.

7 “(E) GOVERNMENT SHARE OF COSTS.—

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

12 “(ii) NON-FEDERAL SHARE.—The
13 non-Federal share of the cost of an eligible
14 project carried out under this subsection
15 may be derived from in-kind contribu-
16 tions.”.

17 **SEC. 2916. EVALUATION OF BENEFITS AND FEDERAL IN-**
18 **VESTMENT.**

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

Page 598, line 26, strike “Geographically diverse”
and insert “A preference for applicants who are geo-
graphically 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 6 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:

- 1 (2) in subsection (b)(4)—
- 2 (A) in subparagraph (A) by striking clause
- 3 (v) and inserting the following:
- 4 “(v) to implement programs in low-in-
- 5 come and underserved populations to—
- 6 (I) recruit and train occupant
- 7 protection safety professionals, nation-

1 ally certified child passenger safety
2 technicians, police officers, fire and
3 emergency medical personnel, and
4 educators serving low-income and un-
5 derserved populations;

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

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

13 (B) in subparagraph (B)—

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

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

Page 628, after line 21, insert the following:

20 **SEC. 3010. IMPLICIT BIAS RESEARCH AND TRAINING**
21 **GRANTS.**

22 (a) IN GENERAL.—The Secretary of Transportation
23 shall make grants to institutions of higher education (as
24 such term is defined in section 101 of the Higher Edu-

1 cation Act of 1965 (20 U.S.C. 1001) for research and
2 training in the operation or establishment of an implicit
3 bias training program as it relates to racial profiling at
4 traffic stops.

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

8 (1) have an active research program or dem-
9 onstrate, to the satisfaction of the Secretary, that
10 the applicant is beginning a research program to
11 study implicit bias as it relates to racial profiling be-
12 fore and during traffic stops; and

13 (2) partner with State and local police depart-
14 ments to conduct the research described in para-
15 graph (1) and carry out the implementation of im-
16 plicit bias training with State and local police de-
17 partments.

18 (c) REPORT.—No later than 1 year after a grant has
19 been awarded under this section, the institution of higher
20 education awarded the grant shall submit to the Com-
21 mittee on Transportation and Infrastructure of the House
22 of Representatives and the Committee on Commerce,
23 Science, and Transportation of the Senate a report sum-
24 marizing the research on implicit bias as it relates to racial

1 profiling before and during traffic stops, and recommenda-
 2 tions on effective interventions and trainings.

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

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

Page 643, after line 18, insert the following:

11 **SEC. 4206. AMENDMENTS TO REGULATIONS RELATING TO**
 12 **TRANSPORTATION OF HOUSEHOLD GOODS IN**
 13 **INTERSTATE COMMERCE.**

14 (a) DEFINITIONS.—In this section:

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

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

20 (A) engaged in the interstate transpor-
 21 tation of household goods; and

22 (B) subject to the requirements of part
 23 375 of title 49, Code of Federal Regulations (as

1 in effect on the effective date of the amend-
2 ments required by subsection (b)).

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

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

10 (c) CONSIDERATIONS.—In issuing the notice of pro-
11 posed rulemaking under subsection (b), the Secretary shall
12 consider the following recommended amendments to provi-
13 sions of title 49, Code of Federal Regulations:

14 (1) Section 375.207(b) to require each covered
15 carrier to include on the website of the covered car-
16 rier a link—

17 (A) to the publication of the Administra-
18 tion titled “Ready to Move—Tips for a Success-
19 ful Interstate Move” (ESA 03005) on the
20 website of the Administration; or

21 (B) to a copy of the publication referred to
22 in subparagraph (A) on the website of the cov-
23 ered carrier.

24 (2) Subsections (a) and (b)(1) of section
25 375.213 to require each covered carrier to provide to

1 each individual shipper, with any written estimate
2 provided to the shipper, a copy of the publication de-
3 scribed in appendix A of part 375 of such title, enti-
4 tled “Your Rights and Responsibilities When You
5 Move” (ESA–03–006 (or a successor publication)),
6 in the form of a written copy or a hyperlink on the
7 website of the covered carrier to the location on the
8 website of the Administration containing such publi-
9 cation.

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

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

14 (A) to conduct a visual survey of the
15 household goods to be transported by the cov-
16 ered carrier—

17 (i) in person; or

18 (ii) virtually, using—

19 (I) a remote camera; or

20 (II) another appropriate tech-
21 nology;

22 (B) to offer a visual survey described in
23 subparagraph (A) for all household goods ship-
24 ments, regardless of the distance between—

1 (i) the location of the household
2 goods; and

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

5 (C) to provide to each shipper a copy of
6 publication of the Administration titled “Ready
7 to Move—Tips for a Successful Interstate Move”
8 (ESA 03005) on receipt from the shipper of a
9 request to schedule, or a waiver of, a visual sur-
10 vey offered under subparagraph (B).

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

17 (A) prepare a new estimate; and

18 (B) maintain a record of the date, time,
19 and manner in which the new estimate was ac-
20 cepted by the shipper.

21 (6) Section 375.501(a), to establish that a cov-
22 ered carrier is not required to provide to a shipper
23 an order for service if the covered carrier elects to
24 provide the information described in paragraphs (1)
25 through (15) of such section in a bill of lading that

1 is presented to the shipper before the covered carrier
2 receives the shipment.

3 (7) Subpart H of part 375, to replace the re-
4 place the terms “freight bill” and “expense bill”
5 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 “experi-
ence”.

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

Page 660, after line 21, insert the following:

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

11 (E) the impact of lap/shoulder belt systems
12 on the overall availability of schoolbus transpor-
13 tation.

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

1 trailer, semitrailer, or other cargo-carrying unit of a
2 longer combination vehicle.

3 (c) LONGER COMBINATION VEHICLE DEFINED.—

4 The term “longer combination vehicle” has the meaning
5 given such term in section 127 of title 23, United States
6 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:

7 (d) WORKFORCE DEVELOPMENT AND TECHNICAL
8 TRAINING.—

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

14 (A) to reduce wildlife-vehicle collisions; and

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

17 (2) AVAILABILITY.—The Secretary shall—

18 (A) make the series of courses developed
19 under paragraph (1) available for transpor-
20 tation and fish and wildlife professionals; and

1 (B) update the series of courses not less
2 frequently than once every 2 years.

3 (e) WILDLIFE HABITAT CONNECTIVITY AND NA-
4 TIONAL BRIDGE AND TUNNEL INVENTORY AND INSPEC-
5 TION STANDARDS.—Section 144 of title 23, United States
6 Code, is amended in subsection (a)(2)—

7 (1) in subparagraph (B) by inserting “, resil-
8 ience,” after “safety”;

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

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

13 (4) by adding at the end the following:

14 “(F) to ensure adequate passage of aquatic
15 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 para-
graph (3),”.

Page 731, after line 6, insert the following (and re-
designate accordingly):

1 (e) APPLICABILITY.—The Secretary shall administer
2 this section in accordance with section 330 of title 49,
3 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:

4 **SEC. 5307. SURFACE TRANSPORTATION WORKFORCE RE-**
5 **TRAINING GRANT PROGRAM.**

6 (a) ESTABLISHMENT.—The Secretary of Transpor-
7 tation shall establish a program to make grants to eligible
8 entities to develop a curriculum for and establish transpor-
9 tation workforce training programs in urban and rural
10 areas to train, upskill, and prepare surface transportation
11 workers whose jobs may be changed or worsened by auto-

1 mation, or who have been separated from their jobs, or
2 have received notice of impending job loss, as a result of
3 being replaced by automated driving systems.

4 (b) ELIGIBLE ENTITIES.—The following entities
5 shall be eligible to receive grants under this section:

6 (1) Institutions of higher education.

7 (2) Consortia of institutions of higher edu-
8 cation.

9 (3) Trade associations.

10 (4) Nongovernmental stakeholders.

11 (5) Organizations with a demonstrated capacity
12 to develop and provide career ladder programs
13 through labor-management partnerships and appren-
14 ticeships on a nationwide basis.

15 (c) LIMITATION ON AWARDS.—An entity may only
16 receive one grant per fiscal year under this section for an
17 amount determined appropriate by the Secretary.

18 (d) USE OF FUNDS.—

19 (1) IN GENERAL.—A recipient of a grant under
20 this section may only use grant amounts for devel-
21 oping and carrying out direct surface transportation
22 workforce retraining programs, including—

23 (A) testing of new roles for existing jobs,
24 including mechanical work, diagnostic work,
25 and fleet operations management;

1 (B) coursework or curricula through which
2 participants may pursue a degree or certifi-
3 cation;

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

8 (D) training and upskilling workers, in-
9 cluding current drivers and maintenance techni-
10 cians, for positions directly related to auto-
11 mated vehicle operations.

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

16 (e) SELECTION CRITERIA.—The Secretary shall se-
17 lect recipients of grants under this section based on the
18 following criteria:

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

21 (2) Capability of the applicant to develop cur-
22 ricula in the training or retraining of individuals de-
23 scribed in subsection (a) as a result of automated
24 vehicles.

1 (3) Demonstrated commitment of the recipient
2 to carry out a surface transportation workforce de-
3 velopment program through degree-granting pro-
4 grams or programs that provide other industry-rec-
5 ognized credentials.

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

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

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

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

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

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

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

25 (g) FEDERAL SHARE.—

1 (1) IN GENERAL.—The Federal share of a
2 grant under this section shall be a dollar for dollar
3 match of the costs of establishing and administering
4 the retraining program and related activities carried
5 out by the grant recipient or consortium of grant re-
6 cipients.

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

15 (h) REPORTING.—Not later than 60 days after
16 grants are awarded in any fiscal year under this section,
17 the Secretary shall submit to the Committee on Transpor-
18 tation and Infrastructure of the House of Representatives
19 and the Committees on Commerce, Science, and Transpor-
20 tation, Banking, Housing, and Urban Affairs, and Envi-
21 ronment and Public Works of the Senate, and make pub-
22 licly available, a report describing the activities and effec-
23 tiveness of the program under this section.

1 (1) TRANSPARENCY.—The report under this
2 subsection shall include the following information on
3 activities carried out under this section:

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

6 (B) An explanation of why each recipient
7 was chosen in accordance with the selection cri-
8 teria under subsection (e) and the eligibility re-
9 quirements under subsection (f).

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

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

16 (E) An analysis of outcomes of the pro-
17 gram under this section.

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

21 (A) The sectors of the surface transpor-
22 tation system from which workers are being dis-
23 placed.

24 (B) The skills and professions for which
25 workers are being retrained.

1 (C) How many workers have benefitted
2 from the grant award.

3 (D) Relevant demographic information of
4 impacted workers.

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

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

11 (2) AUTOMATED VEHICLE.—The term “auto-
12 mated vehicle” means a motor vehicle that—

13 (A) is capable of performing the entire
14 task of driving (including steering, accelerating,
15 and decelerating, and reacting to external stim-
16 ulus) without human intervention; and

17 (B) is designed to be operated exclusively
18 by a Level 4 or Level 5 automated driving sys-
19 tem for all trips according to the recommended
20 practice standards published on June 15, 2018,
21 by the Society of Automotive Engineers Inter-
22 national (J3016__201806) or equivalent stand-
23 ards adopted by the Secretary with respect to
24 automated motor vehicles.

1 (3) PUBLIC TRANSPORTATION.—The term
2 “public transportation” has the meaning given such
3 term in section 5302 of title 49, United States Code.

4 (j) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—There is authorized to be
6 appropriated \$50,000,000 for each of fiscal years
7 2022 through 2025 to carry out this section.

8 (2) AVAILABILITY OF AMOUNTS.—Amounts
9 made available to the Secretary to carry out this sec-
10 tion shall remain available for a period of 3 years
11 after the last day of the fiscal year for which the
12 amounts are authorized.

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

Page 763, line 17, strike “a pilot project to” and in-
sert “a project”.

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

Page 778, after line 19, insert the following:

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

15 (a) IN GENERAL.—Subchapter I of chapter 55 of
16 subtitle III of title 49, United States Code, is amended
17 by adding at the end the following:

1 **“§ 5508. Transportation workforce outreach program**

2 “(a) IN GENERAL.—The Secretary shall establish
3 and administer a transportation workforce outreach pro-
4 gram that carries out a series of public service announce-
5 ment campaigns during fiscal years 2022 through 2026.

6 “(b) PURPOSE.—The purpose of each campaign car-
7 ried out under the program shall be to achieve the fol-
8 lowing objectives:

9 “(1) Increase awareness of career opportunities
10 in the transportation sector, including aviation pi-
11 lots, safety inspectors, mechanics and technicians,
12 maritime transportation workers, air traffic control-
13 lers, flight attendants, truck drivers, engineers, tran-
14 sit workers, railroad workers, and other transpor-
15 tation professionals.

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

19 “(c) ADVERTISING.—The Secretary may use, or au-
20 thorize the use of, funds available to carry out the pro-
21 gram for the development, production, and use of broad-
22 cast, digital, and print media advertising and outreach in
23 carrying out campaigns under this section.

24 “(d) AUTHORIZATION OF APPROPRIATIONS.—To
25 carry out this section, there are authorized to be appro-

1 priated \$5,000,000 for each fiscal years 2022 through
2 2026.”.

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

“5508. Transportation workforce outreach program.”.

At the end of title VI of division B, add the fol-
lowing:

7 **SEC. 6009. FTE CAP.**

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

Page 804, line 10, strike “\$3,600,000,000” and in-
sert “\$3,500,000,000”.

Page 804, line 11, strike “\$3,400,000,000” and in-
sert “\$3,300,000,000”.

Page 804, line 12, strike “\$3,200,000,000” and in-
sert “\$3,100,000,000”.

Page 804, line 13, strike “\$3,000,000,000” and in-
sert “\$2,900,000,000”.

Page 804, line 14, strike “\$3,000,000,000” and in-
sert “\$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):

1 (B) in paragraph (2) by striking “as de-
2 fined in section 22901(2), except that a project
3 shall not be required to be in a State rail plan
4 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:

5 “(k) DEFINITION OF CAPITAL PROJECT.—In this
6 section, the term ‘capital project’ means a project or pro-
7 gram for—

8 “(1) acquiring, constructing, improving, or in-
9 specting equipment, track and track structures, or a

1 facility, expenses incidental to the acquisition or con-
2 struction (including designing, engineering, location
3 surveying, mapping, environmental studies, and ac-
4 quiring rights-of-way), payments for the capital por-
5 tions of rail trackage rights agreements, highway-
6 rail grade crossing improvements, mitigating envi-
7 ronmental impacts, communication and signalization
8 improvements, relocation assistance, acquiring re-
9 placement housing sites, and acquiring, constructing,
10 relocating, and rehabilitating replacement housing;
11 “(2) rehabilitating, remanufacturing, or over-
12 hauling rail rolling stock and facilities;
13 “(3) costs associated with developing State rail
14 plans; and
15 “(4) the first-dollar liability costs for insurance
16 related to the provision of intercity passenger rail
17 service under section 22904.”.

Page 825, after line 17, insert the following (and re-
designate accordingly):

18 (i) by inserting “In the case of an ap-
19 plicant seeking a loan that is less than 50
20 percent of the total cost of the project, half
21 of the credit risk premiums under this sub-
22 section shall be paid to the Secretary be-
23 fore the disbursement of loan amounts and

1 the remaining half shall be paid to the Sec-
2 retary in equal amounts semiannually and
3 fully paid not later than 10 years after the
4 first loan disbursement is executed.” after
5 “modifications thereof.”;

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

Page 836, line 18, strike “APPOINTMENT APPLICA-
BILITY” and insert “TIMING OF NEW BOARD REQUIRE-
MENTS”.

Page 836, line 22, insert “and the term of each cur-
rent 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):

6 (iv) the reinstatement of the dining
7 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 PERFORM-**
2 **ANCE.**

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

5 (1) in paragraph (1)—

6 (A) by striking “If the on-time” and in-
7 serting “If either the on-time”;

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

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

20 (2) in paragraph (2) by striking “minimum
21 standards investigated under paragraph (1)” and in-
22 serting “either performance standard under para-
23 graph (1)”;

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

5 **SEC. 9218. AMTRAK CYBERSECURITY ENHANCEMENT**
6 **GRANT PROGRAM.**

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

10 **“§ 24324. Amtrak cybersecurity enhancement grant**
11 **program**

12 “(a) IN GENERAL.—The Secretary of Transportation
13 shall make grants to Amtrak for improvements in infor-
14 mation technology systems, including cyber resiliency im-
15 provements for Amtrak information technology assets.

16 “(b) APPLICATION OF BEST PRACTICES.—Any cyber
17 resiliency improvements carried out with a grant under
18 this section shall be consistent with the principles con-
19 tained in the special publication numbered 800–160 issued
20 by the National Institute of Standards and Technology
21 Special and any other applicable security controls pub-
22 lished by the Institute.

23 “(c) COORDINATION OF CYBERSECURITY FUNDS.—
24 Funds made available to carry out this section shall be
25 in addition to any other Federal funds and shall not affect

1 the ability of Amtrak to use any other funds otherwise
2 authorized by law for purposes of enhancing the cyberse-
3 curity architecture of Amtrak.

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

7 (b) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 243 of title 49, United States Code, is further amend-
9 ed by adding at the end the following:

“24324. Amtrak cybersecurity enhancement grants.

10 **SEC. 9219. AMTRAK AND PRIVATE CARS.**

11 (a) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that private cars and charter trains can—

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

15 (2) have promotional value for Amtrak that re-
16 sults in future travel on Amtrak trains by pas-
17 sengers made aware of Amtrak as a result;

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

20 (4) provide good-will benefits to Amtrak.

21 (b) POLICY REVIEW.—Amtrak shall review the policy
22 changes since January 1, 2018, that have caused signifi-
23 cant changes to the relationship between Amtrak and pri-
24 vate car owners and charter train services and evaluate
25 opportunities to strengthen these services, including by re-

1 instating some access points and restoring flexibility to
2 charter-train policies. For charter trains, private cars, and
3 package express carried on regular Amtrak trains, con-
4 sistent with sound business practice, Amtrak should re-
5 cover direct costs plus a reasonable profit margin.

6 **SEC. 9220. AMTRAK OFFICE OF COMMUNITY OUTREACH.**

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

10 **“§ 24325. Amtrak Office of Community Outreach**

11 “(a) IN GENERAL.—Not later than 180 days after
12 the date of enactment of the INVEST in America Act,
13 Amtrak shall establish an Office of Community Outreach
14 to engage with communities impacted by Amtrak oper-
15 ations.

16 “(b) RESPONSIBILITIES.—The Office of Community
17 Outreach shall be responsible for—

18 “(1) outreach and engagement with—

19 “(A) local officials before capital improve-
20 ment project plans are finalized; and

21 “(B) local stakeholders and relevant orga-
22 nizations on projects of community significance;

23 “(2) clear explanation and publication of how
24 community members can communicate with Amtrak;

1 “(3) the use of virtual public involvement, social
2 media, and other web-based tools to encourage pub-
3 lic participation and solicit public feedback; and

4 “(4) making publicly available on the website of
5 Amtrak, planning documents for proposed and im-
6 plemented capital improvement projects.

7 “(c) REPORT TO CONGRESS.—Not later than 1 year
8 after the establishment of the Office of Community Out-
9 reach, and annually thereafter, Amtrak shall submit to the
10 Committee on Transportation and Infrastructure in the
11 House of Representatives and the Committee on Com-
12 merce, Science, and Transportation of the Senate a report
13 that—

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

17 “(2) identifies changes Amtrak made to capital
18 improvement project plans after engagement with af-
19 fected communities.”.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 243 of title 49, United States Code, is further amend-
22 ed by adding at the end the following:

“24325. Amtrak Office of Community Outreach.”.

Page 878, after line 11, insert the following:

1 (c) GRANT CONDITIONS.—The reinstatement under
2 subsection (a) shall include all grant conditions required
3 under such agreement, including section 22905(c)(2)(A)
4 of title 49, United State Code, as of the date of termi-
5 nation 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:

6 **SEC. 9556. NATIONAL HIGHWAY-RAIL CROSSING INVEN-**
7 **TORY REVIEW.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of enactment of this Act, the Secretary of Transpor-
10 tation shall expend such sums as are necessary to conduct
11 a comprehensive review of the national highway-rail cross-
12 ing inventory of the Department of Transportation estab-
13 lished under section 20160 of title 49, United States Code.

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

16 (1) verify the accuracy of the data contained in
17 the inventory described in subsection (a) using map-
18 ping technologies and other methods; and

19 (2) correct erroneous data in such inventory.

1 (c) REPORT.—Not later than 30 days after the com-
2 pletion of the review required under subsection (a), the
3 Secretary shall submit to the Committee on Transpor-
4 tation and Infrastructure of the House of Representatives
5 and the Committee on Commerce, Science, and Transpor-
6 tation of the Senate a report detailing corrections made
7 to the inventory described in subsection (a) and the Sec-
8 retary’s plans to ensure continued accuracy of such inven-
9 tory.

10 **SEC. 9557. COUNTING RAILROAD SUICIDES.**

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

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

20 (c) APPLICABILITY OF RULEMAKING REQUIRE-
21 MENTS.—The requirements of section 553 of title 5,
22 United States Code, shall not apply to the modification
23 required by subsection (a).

