

PROVIDING FOR FURTHER CONSIDERATION OF THE SENATE AMENDMENTS TO THE BILL (H.R. 22) TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO EXEMPT EMPLOYEES WITH HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION FROM BEING TAKEN INTO ACCOUNT FOR PURPOSES OF DETERMINING THE EMPLOYERS TO WHICH THE EMPLOYER MANDATE APPLIES UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT

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November 3, 2015.—Referred to the House Calendar and ordered to be printed.

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MR. WOODALL, from the Committee on Rules, submitted the following

## R E P O R T

[To accompany H. Res. \_\_]

The Committee on Rules, having had under consideration House Resolution \_\_\_\_, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for further consideration of Senate amendments to H.R. 22, the Hire More Heroes Act of 2015, under a structured rule.

Section 2 of the resolution makes in order only the further amendments to the amendment consisting of the text of Rules Committee Print 114-32 printed in part A of this report and amendments en bloc. Each further amendment printed in part A of this report shall be considered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before action thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution provides that it shall be in order at any time for the chair of the Committee on

Transportation and Infrastructure or his designee to offer amendments en bloc consisting of amendments printed in part A of this report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution waives all points of order against the further amendments printed in part A of this report and amendments offered en bloc.

Section 3 of the resolution makes in order only those further amendments to the Senate amendment, as amended, printed in part B of this report. Each such further amendment printed in part B of this report shall be considered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before action thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the further amendments printed in part B of this report.

Section 4 of the resolution provides that if the Committee of the Whole reports the Senate amendment, as amended, back to the House with multiple amendments, the question of their adoption shall be put to the House en gros and without division of the question. The resolution provides that if the Committee of the Whole reports the Senate amendment, as amended, back to the House without further amendment or the question of adoption of amendments en gross fails, no further consideration of the Senate amendments shall be in order except pursuant to a subsequent order of the House.

Section 5 of the resolution provides that the Chair may postpone further consideration of the Senate amendments in the House to such time as may be designated by the Speaker.

Section 6 of the resolution provides that upon adoption of the further amendment or amendments in the House: (1) a motion that the House concur in the Senate amendment to the text, as amended, with such further amendment or amendments shall be considered as adopted; (2) the Clerk shall engross the action of the House as a single amendment in the nature of a substitute; (3) a motion that the House concur in the Senate amendment to the title shall be considered as adopted; and (4) it shall be in order for the chair of the Committee on Transportation and Infrastructure or his designee to move that the House insist on its amendment to the Senate amendment to H.R. 22 and request a conference with the Senate thereon.

Section 7 of the resolution provides that the chair of the Committee on Armed Services may insert in the Congressional Record not later than November 16, 2015, such material as he may deem explanatory of defense authorization measures for the fiscal year 2016.



## EXPLANATION OF WAIVERS

Although the resolution waives all points of order against amendments printed in part A of this report and amendments offered en bloc, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in part B of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

## SUMMARY OF THE AMENDMENTS IN PART A MADE IN ORDER

1. Cummings (MD), Clyburn (SC), Brown, Corrine (FL), Edwards (MD), Johnson, Eddie Bernice (TX), Carson (IN): Makes a technical and conforming change to harmonize the U.S. DOT's and the U.S. Small Business Administration's small business size standards that are used for direct federal government contracting and federally assisted contracting. (10 minutes)
2. Ryan, Tim (OH): Clarifies that alternative fuel vehicles are eligible for consideration and use of funding under the Congestion Mitigation and Air Quality (CMAQ) Improvement Program (10 minutes)
3. Hunter (CA): Facilitates the supply of domestic aggregate for nationally significant freight and highway projects. (10 minutes)
4. Sablan (MP), Radewagen, Aumua Amata Coleman (AS): Allows ferry operations between U.S. territories or between a state and territory eligible for FBP funds. (10 minutes)
5. DeSaulnier (CA): Directs states and metropolitan planning organizations to develop publicly available criteria to prioritize transportation projects. (10 minutes)
6. Grijalva (AZ): Strikes Subtitle C, except section 1314. (10 minutes)
7. Hunter (CA), Curbelo (FL), Farenthold (TX), Brown, Corrine (FL): Establishes a program to permit the use of live plant materials for roadside maintenance. (10 minutes)
8. Denham (CA), Brown, Corrine (FL), Costello (PA), Ashford (NE): Clarifies the intent of Congress and ensure the motor-carrier industry can operate under one standard when engaging in commerce. Pre-empts a patchwork of 50 different state meal and rest break laws to provide certainty for regional carriers doing business. (10 minutes)
9. Aguilar (CA): Requires that the DOT, in coordination with DOD, implement the recommendations of a report issued by the Federal Motor Carrier Safety Administration to help veterans transition into civilian jobs driving commercial motor vehicles, including by obtaining commercial driver's license. (10 minutes)
10. Hahn (CA), Cicilline (RI): Directs the Secretary to conduct a study of the feasibility, costs, and economic impact of burying power lines underground. (10 minutes)
11. Heck, Denny (WA), Kilmer (WA): Requires the Department of Transportation to develop a set of best practices for the installation and maintenance of green stormwater infrastructure, and assist any state requesting help to develop a stormwater management plan by providing guidance based on those best practices. (10 minutes)
12. King, Steve (IA), Duncan (SC), Foxx (NC), Amash (MI), Franks (AZ): Requires that none of the funds made available by this Act may be used to implement, administer, or enforce the prevailing rate wage requirements of the Davis-Bacon Act (10 minutes)
13. Larsen, Rick (WA): Creates an expedited process for smaller TIFIA loans backed by local revenue sources, so they can be accessible to smaller cities and counties. (10 minutes)

14. Culberson (TX): Requires local transit entity to have a debt to equity ratio of at least 1:1 in order to be eligible for federal funds. (10 minutes)
15. Comstock (VA), Babin (TX), Beyer (VA), Connolly (VA): Amends 49 USC 5337(d)(1) to include those public transportation vehicles that operate on high-occupancy toll lanes that were converted from high-occupancy vehicle lanes during peak hours. (10 minutes)
16. Meng (NY), Love (UT): Requires the Secretary to revise the crash investigation data collection system to include additional data regarding child restraint systems whenever there are child occupants present in vehicle crashes.  
(10 minutes)
17. Russell (OK): Prohibits Federal financial assistance to establish, maintain, operate, or otherwise support a streetcar service. This prohibition does not apply to contracts entered into before the date of enactment of this Act. (10 minutes)
18. Edwards (MD), Comstock (VA): Gives USDOT authority to appoint and oversee the fed board members to the WMATA board, while currently GSA has this responsibility. (10 minutes)
19. Frankel (FL): Requires Compliance, Safety, Accountability (CSA) scores to remain publicly available during the National Research Council of the National Academies study of the CSA Program required by Section 5221, adds a provision to the new broker-shipper hiring standard created by Section 5224 to prohibit the hiring of “high risk carriers” as defined by the Federal Motor Carrier Safety Administration, and removes several studies. (10 minutes)
20. Duncan (TN), Paulsen (MN): Clarifies that motor carriers who have not been prioritized for a compliance review by FMCSA due to their safe operations are equal in safety status to “satisfactory” rated carriers.  
  
(10 minutes)
21. Lewis, John (GA): Strikes the graduated commercial driver’s license program language in H.R. 3763 and replaces it with a study on the safety of intrastate teen truck drivers. (10 minutes)
22. Johnson, Hank (GA): Strikes language that sets up a new procedural criteria for an FMCSA study on minimum trucking insurance that is already underway. (10 minutes)
23. Ribble (WI), Hanna (NY), Cramer, Kevin (ND), Lipinski (IL): Increases the air-mile radius from 50 air-miles to 75 air-miles for the transportation of construction materials and equipment, to satisfy the 24-hour reset period under Hours of Service rules. Gives states the ability to opt out of this increase if the distance is entirely included within the state’s borders. (10 minutes)
24. Schweikert (AZ): Creates a pilot program for reduction of department-owned vehicles and increase in use of ride-sharing services. (10 minutes)
25. Schweikert (AZ): Creates a study and report on reducing the amount of vehicles in federal fleets and replacing necessary vehicles with ride-sharing services. (10 minutes)
26. Reichert (WA), Schrader (OR), Newhouse (WA), Coffman (CO), Radewagen, Aumua Amata Coleman (AS): Requests a GAO study on the

- economic impact of contract negotiations at ports on the west coast. (10 minutes)
27. Newhouse (WA), Schrader (OR): Directs the Bureau of Transportation Statistics (BTS) to establish a port performance statistics program, with quarterly reports to Congress. The program will collect basic uniform data on port performance and provide empirical visibility into how U.S. ports are operating, identify key congestion issues, and ensure U.S. commerce continues to flow efficiently. (10 minutes)
  28. Lipinski (IL), Quigley (IL), Dold (IL), Davis, Rodney (IL): Expresses the Sense of Congress that Transit Oriented Development (TOD) is an eligible activity under the RRIF program. (10 minutes)
  29. DeSantis (FL): Empowers States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes. (10 minutes)
  30. Moore, Gwen (WI): Express the Sense of Congress that the Department of Transportation should better enforce its existing rules requiring that small businesses owned by disadvantaged individuals are promptly paid for work satisfactorily completed on federally funded transportation projects. (10 minutes)
  31. Graves, Garret (LA): Amends the nationally significant freight and highway projects program to allow consideration for projects to improve energy security and emergency evacuation routes. (10 minutes)
  32. Polis (CO): Designates the freight corridor running along Route 70 from Denver, CO to Salt Lake City, UT as a 'Corridor of High Priority.' (10 minutes)
  33. Bonamici (OR): Designates the Oregon 99W Newberg-Dundee Bypass Route between Newberg, Oregon and Dayton, Oregon as a high priority corridor. (10 minutes)
  34. Schrader (OR): Designates Interstate Route 205 in Oregon as a High Priority Corridor from its intersection with Interstate Route 5 to the Columbia River. (10 minutes)
  35. Duffy (WI), Ribble (WI): Increases weight limit restrictions for logging vehicles on a 13-mile stretch of I-39 to match Wisconsin state law. (10 minutes)
  36. Crawford (AR), Nolan (MN): Permits specific vehicles to use a designated three-miles on U.S. 63 in Arkansas during daylight hours only. The exemption would eliminate the need for construction of an access road and would qualify the entire road for the designation as Interstate 555. (10 minutes)
  37. Fitzpatrick (PA): Clarifies that Section 130 funds may be used for projects that eliminate hazards posed by blocked grade crossings due to idling trains, such as when an ambulance or fire truck is blocked and unable to respond to an emergency. (10 minutes)
  38. Lipinski (IL), Davis, Rodney (IL), Pocan (WI), Reed (NY), McCollum (MN), Hanna (NY), Brady, Robert (PA), Hastings, Alcee (FL), Esty (CT), Garamendi (CA), Lowenthal (CA), Frankel (FL), Lieu (CA), Katko (NY), Bustos (IL): Exempts certain welding trucks used in the pipeline industry from certain provisions under the FMCSR's. (10 minutes)

39. Nolan (MN), Crawford (AR): Permits “covered logging vehicles”- which are considered raw or unfinished forest products including logs, pulpwood, biomass, or wood chips - that have a gross vehicle weight of no more than 99,000 pounds and has no less than six-axles to operate on a 24.152 mile segment of I-35 in Minnesota. (10 minutes)
40. Cohen (TN), LoBiondo (NJ), Langevin (RI): Allows local transit agencies that have demonstrated para-transit improvement activities the flexibility to use up to 20 percent of their Section 5307 funds. (10 minutes)
41. Veasey (TX): Clarifies that public demand response transit providers includes services for seniors and persons with disabilities. (10 minutes)
42. Lipinski (IL), Nadler (NY), Dold (IL): Restores local flexibility for New Starts projects. (10 minutes)
43. Adams (NC): Clarifies minority groups to be targeted in human resources outreach and brings bill text in line with existing law in Title V. (10 minutes)
44. Foxx (NC), DelBene (WA): Makes performance assessments for the Frontline Workforce Development Program consistent with assessments currently in place for similar programs authorized through the Workforce Innovation and Opportunity Act of 2014. (10 minutes)
45. Lawrence (MI): Requires the Interagency Coordination Council on Access and Mobility to submit a report to House Committee on Transportation and Infrastructure and Senate Committee on Commerce, Science, and Transportation containing the final recommendations of the Council. (10 minutes)
46. Moore, Gwen (WI): Requires a GAO study on the impact of the changes made by MAP-21 to the Jobs Access and Reverse Commute (JARC) program on the ability of low-income individuals served by JARC to use public transportation to get to work. (10 minutes)
47. Davis, Rodney (IL), Lipinski (IL): Allows general freight to be carried by an automobile transporter on a backhaul trip only. (10 minutes)
48. Moore, Gwen (WI): Allows current teen traffic safety funding to be used to support school-based driver’s education classes that promote safe driving and help meet the state’s graduated driving license requirements, including behind the wheel training. (10 minutes)
49. Crawford (AR), Jenkins (KS), Ryan, Tim (OH), Johnson, Eddie Bernice (TX): Permits two light- or medium-duty trailers to be towed together, only when empty and being delivered to a retailer for sale, subject to length and weight limitations, and operated by professional CDL drivers. (10 minutes)
50. Meng (NY), Cramer, Kevin (ND): Requires that GAO perform a review of existing federal and state rules concerning school bus transportation of elementary and secondary school students, and issue recommendations on best practices for safe and reliable school bus transportation. (10 minutes)
51. Meng (NY), Cramer, Kevin (ND): Adds “consumer privacy protections” to the list of items that GAO must review when issuing its public assessment of the “organizational readiness of the Department to address autonomous vehicle technology challenges,” as required by

section 6024 of the Rules Committee Print. (10 minutes)

52. Napolitano (CA): Requires the Secretary to consult with States to determine whether there are safety hazards or concerns specific to a State that should be taken into account when developing the regulations called for in the bill for railroad carriers to maintain a comprehensive oil spill response plan. (10 minutes)
53. Moulton (MA): Requires the Government Accountability Office (GAO) to conduct a study on the implementation and efficacy of the European Train Control System to determine the feasibility of implementing such a system throughout the national rail network of the United States. (10 minutes)
54. Neugebauer (TX), Farenthold (TX), Bustos (IL): Provides an exemption for various drivers in the agriculture industry with Class A CDLs so that they would no longer need to obtain a Hazardous Materials endorsement to transport more than 118 gallons of fuel, up to 1,000 gallons. (10 minutes)
55. Cummings (MD): Requires submission of a report on technologies for identifying track defects to improve rail safety (10 minutes)
56. Walz (MN), Lipinski (IL): Initiates a study on the levels and structure of insurance for a railroad carrier transporting hazardous materials. (10 minutes)
57. Herrera-Beutler (WA), Schrader (OR), Larsen, Rick (WA), Loeb sack (IA), Turner (OH): Allows all 50 states to compete for bus and bus facility funding by eliminating the 7-state set aside High Density Bus program and transferring the funds to the nationwide Competitive Bus Grants, Sec. 5339(d). (10 minutes)
58. Chabot (OH): Amends certain sections of Title 49 of the US Code to increase penalties relating to commercial motor vehicle safety. (10 minutes)

## SUMMARY OF THE AMENDMENTS IN PART B MADE IN ORDER

1. Perry (PA), Mulvaney (SC): Increases by 5% each fiscal year for four years, the percent amount that Ex/Im should make available for small businesses. If they do not comply, they are barred for issuing any loans over \$100,000,000. (10 minutes)
2. Mulvaney (SC): Limits Export-Import Bank authorizations to countervailing purposes in order to meet competition from foreign export credit agencies. (10 minutes)
3. Mulvaney (SC): Requires Export-Import Bank authorizations above \$10 million to be contingent on at least two denials of similar assistance from the private sector. Stipulates penalties for making false claims when seeking Bank assistance. (10 minutes)
4. Mulvaney (SC): Prohibits Export-Import Bank authorizations involving countries with a sovereign wealth fund of over \$100 billion. (10 minutes)
5. Mulvaney (SC): Reduces taxpayer exposure by removing Treasury guarantees for losses at the Export-Import Bank and removes borrowing authority from the Treasury. (10 minutes)
6. Mulvaney (SC): Limits taxpayer exposure by ensuring diversification of industries and companies at the Export-Import Bank. (10 minutes)
7. Rothfus (PA): Prohibits the Export Import Bank from providing a guarantee or extending credit to a foreign borrower in connection with the export of goods or services by a U.S. company unless the U.S. company guarantees repayment of, and pledges collateral in an amount sufficient to cover, a percentage of the amount provided by the Bank and makes that guarantee senior to any other obligation. The amendment provides an exception to this requirement for small businesses. (10 minutes)
8. Royce (CA): Prohibits Export-Import Bank assistance to state-sponsors of terrorism. The current prohibition under the Foreign Assistance Act is subject to low threshold waivers by the President. (10 minutes)
9. Schweikert (AZ): Adds Fair Value Accounting Principles to the EX-IM provision of the underlying bill. (10 minutes)
10. Young, David (IA): Requires the agency to disclose information on which a rule is based including data, studies, and cost-benefit analyses to the public. (10 minutes)
11. Pompeo (KS): Directs GAO to conduct a study on how much non-commercial jet fuel tax revenue, paid for by business and general aviation, is diverted to the Highway Trust Fund due to the “fuel fraud” tax. (10 minutes)
12. Foster (IL): Requires the Department of Transportation to issue an annual report detailing how the funds authorized in the bill are divided among the states and the sources of those amounts. It would also require the Internal Revenue Service to submit an annual report to Congress detailing the tax burden of each state. (10 minutes)
13. Williams (TX): Clarifies that only rental car companies whose primary business is renting vehicles are covered by the new requirements in the Senate passed version of H.R. 22. (10 minutes)

14. Kinzinger (IL): Requires auto parts suppliers and manufacturers provide specific information to the Secretary to further compliance of Section 30120(j) of Title 49. Information shall be made available on a public website and through databases to ensure defective auto parts are removed from the supply chain and can be tracked if a recall is ordered. (10 minutes)
15. Schakowsky (IL): Improves quality and quantity of information shared about vehicle safety issues among auto manufacturers, NHTSA, and consumers. Also Improves the quality and quantity of safety information provided about used cars at point of sale. (10 minutes)
16. Mullin, Markwayne (OK): Requires the Administrator of the Environmental Protection Agency to ensure that in promulgating regulations any preference or incentive provided to electric vehicles is also provided to natural gas vehicles. (10 minutes)
17. Burgess (TX): Modifies and add certain provisions to the Senate amendments dealing with the National Highway Traffic Safety Administration. (10 minutes)
18. Neugebauer (TX), Huizenga (MI): Executes a liquidation of the Federal Reserve surplus account and remittance of funds to the U.S. Treasury. The amendment also dissolves the existence of the surplus account on a go-forward basis. Finally, the amendment ensures future net earnings of the Federal Reserve, in excess of dividend paid, are remitted to the U.S. Treasury. (10 minutes)
19. Gosar (AZ): Removes the Administrator of the EPA from list of individuals who shall designate a council member to the Federal Permitting Improvement council in Section 61002 FEDERAL PERMITTING IMPROVEMENT COUNCIL. (10 minutes)
20. Goodlatte (VA), Marino (PA): Assigns to the Executive Director of the Federal Permitting Improvement Steering Council power to authorize extensions of permitting timetables, up to a total of fifty percent of the time specified in an original timetable, and to the Director of the Office of Management and Budget the power to authorize any additional extensions, subject to requirements to consult with the permit applicant and report to Congress, and makes further improvements to further streamline administrative procedures for permit review. (10 minutes)
21. Hensarling (TX): This amendment provides regulatory relief to facilitate capital formation and to ensure greater consumer access to financial products and services. The amendment also provides for certain reforms concerning mint operations and housing. (10 minutes)
22. Upton (MI): Provides for a new a new title that includes sections to improve emergency preparedness for energy supply disruptions, resolve environmental and grid reliability conflicts, enhance critical electric infrastructure security, evaluate the feasibility of a strategic transformer reserve, and establish energy security valuation procedures. (10 minutes)
23. Westmoreland (GA): Allows companies to appeal their economic harm protest directly to the Export-Import Bank Board of Directors. (10 minutes)



PART A—TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUMMINGS OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

1811

**AMENDMENT TO RULES COMMITTEE PRINT**

**114-32**

**OFFERED BY MR. CUMMINGS OF MARYLAND**

Page 13, strike line 23 and all that follows through  
line 12 on page 14 and insert the following:

- 1 (A) SMALL BUSINESS CONCERN.—The
- 2 term “small business concern” means a small
- 3 business concern (as the term is used in section
- 4 3 of the Small Business Act (15 U.S.C. 632)).



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RYAN OF OHIO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

13612

**AMENDMENT TO RULES COMMITTEE PRINT 114-**

**32**

**OFFERED BY MR. RYAN OF OHIO**

Page 56, line 8, after “diesel retrofits” insert “or alternative fuel vehicles”.

Page 56, line 9, insert “or indirect” after “direct”.

Page 56, line 14, insert “or indirectly” after “directly”.



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 114-**

**32**

**OFFERED BY MR. HUNTER OF CALIFORNIA**

Page 73, line 24, strike the closed quotation mark and the final period.

Page 73, after line 24, insert the following:

1       “(n) FACILITATING COMMERCIAL WATERBORNE  
2 TRANSPORTATION.—Notwithstanding any other provision  
3 of law, or rights granted thereunder, and provided that  
4 the requirements of the National Environmental Policy  
5 Act of 1969 (42 U.S.C. 4321 et seq.) are met, a property  
6 owner may develop, construct, operate, and maintain pier,  
7 wharf, or other such load-out structures on that property  
8 and on or above adjacent beds of the navigable waters of  
9 the United States to facilitate the commercial waterborne  
10 transportation of domestic aggregate that may supply an  
11 eligible project under this section, including salt, sand, and  
12 gravel, from reserves located within ten miles of the prop-  
13 erty.”.



4. AN AMENDMENT TO BE OFFERED BY DELEGATE SABLAN OF  
NORTHERN MARIANA ISLANDS OR HIS DESIGNEE, DEBATABLE  
FOR 10 MINUTES



32R

**AMENDMENT TO RULES COMMITTEE PRINT 114-**

**32**

**OFFERED BY MR. SABLAN OF NORTHERN  
MARIANA ISLANDS**

Page 107, after line 24, insert the following:

1 **SEC. 1122. ASSISTANCE FOR THE ESTABLISHMENT OF**  
2 **FERRY SYSTEMS WITH RESPECT TO TERRI-**  
3 **TORIES.**

4 (a) TOLL ROADS, BRIDGES, TUNNELS, AND FER-  
5 RIES.—Section 129(e)(5) of title 23, United States Code,  
6 is amended—

7 (1) in the first sentence by inserting after “ad-  
8 joining States” the following: “(including between  
9 territories of the United States or between a terri-  
10 tory of the United States and a State)”; and

11 (2) in the second sentence by inserting after  
12 “United States,” the following: “operations between  
13 territories of the United States, operations between  
14 a territory of the United States and a State,”.

15 (b) PUERTO RICO HIGHWAY PROGRAM.—Section  
16 165(b)(2)(C) of title 23, United States Code, is amend-  
17 ed—

18 (1) in clause (ii) by striking “and” at the end;

1           (2) in clause (iii) by striking the period at the  
2           end and inserting “; and”; and

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

4                   “(iv) funds authorized to be appro-  
5                   priated by the Surface Transportation Re-  
6                   authorization and Reform Act of 2015, or  
7                   any subsequent Act, may be used for oper-  
8                   ating expenses related to a ferry operated  
9                   between Puerto Rico and a territory of the  
10                  United States or a State.”.

11          (c) TERRITORIAL HIGHWAY PROGRAM.—Section  
12 165(c)(6) of title 23, United States Code, is amended by  
13 adding at the end the following:

14                   “(C) FERRY OPERATING EXPENSES.—Not-  
15                   withstanding subparagraph (A), funds made  
16                   available under this subsection, which are au-  
17                   thorized to be appropriated by the Surface  
18                   Transportation Reauthorization and Reform  
19                   Act of 2015, or any subsequent Act, may be  
20                   used for operating expenses related to a ferry  
21                   operated between territories or operated be-  
22                   tween a territory and a State.”.



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
DESAULNIER OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE  
FOR 10 MINUTES

21

**AMENDMENT TO RULES COMMITTEE PRINT 114-**

**32**

**OFFERED BY MR. DESAULNIER OF CALIFORNIA**

Page 110, after line 23, insert the following:

1 (C)(i) by redesignating paragraphs (7) and  
 2 (8) as paragraphs (8) and (9); and  
 3 (ii) by inserting after paragraph (6) the  
 4 following:  
 5 “(7) PROJECT SELECTION TRANSPARENCY AND  
 6 ACCOUNTABILITY.—Projects included in the adopted  
 7 transportation plan shall be selected through a pub-  
 8 licly available transparent process that includes use  
 9 of criteria that directly support factors in subsection  
 10 (h), the national transportation goals under section  
 11 150(b), and applicable State and regional goals. The  
 12 criteria shall be used to publicly evaluate and iden-  
 13 tify the highest performing projects.”.

Page 111, after line 3, insert the following:

14 (7) in subsection (j)(3)(A), by inserting at the  
 15 end the following: “Projects included in the priority  
 16 list shall come from the highest performing projects  
 17 identified in the transportation plan under sub-

1 section (i)(7). If a lower-performing project is in-  
2 cluded in the priority project list, an explanation  
3 shall be included to explain why the lower-per-  
4 forming project was selected, including the goals of  
5 achieving geographic balance or providing benefit to  
6 economically distressed areas.” after the period.

Page 114, after line 22, add the following:

7 (C) by redesignating paragraph (9) as  
8 paragraph (10);

9 (D) by inserting after paragraph (8) the  
10 following:

11 “(9) PROJECT SELECTION TRANSPARENCY AND  
12 ACCOUNTABILITY.—Projects included in the adopted  
13 long-range statewide transportation plan shall be se-  
14 lected through a publicly available transparent proc-  
15 ess that includes use of criteria that directly support  
16 factors in subsection (d), the national transportation  
17 goals under section 150(b), and applicable State and  
18 regional goals. The criteria shall be used to publicly  
19 evaluate and identify the highest performing  
20 projects.”; and

21 (4) in subsection (g), in paragraph (5)(A), by  
22 inserting at the end the following: “Projects included  
23 in the transportation improvement program shall  
24 come from the highest performing projects identified

1 in the transportation plan under subsection (f)(9). If  
2 a lower-performing project is included in the priority  
3 project list, an explanation shall be included to ex-  
4 plain why the lower-performing project was selected,  
5 including the goals of achieving geographic balance  
6 or providing benefit to economically distressed  
7 areas.”

Page 244, after line 9, insert the following:

8 (C)(i) by redesignating paragraphs (7) and  
9 (8) as paragraphs (8) and (9);

10 (ii) by inserting after paragraph (6) the  
11 following:

12 “(7) PROJECT SELECTION TRANSPARENCY AND  
13 ACCOUNTABILITY.—Projects included in the adopted  
14 transportation plan shall be selected through a pub-  
15 licly available transparent process that includes use  
16 of criteria that directly support factors in subsection  
17 (h), the national transportation goals under section  
18 150(b), and applicable State and regional goals. The  
19 criteria shall be used to publicly evaluate and iden-  
20 tify the highest performing projects.”.

21 (7) in subsection (j)(3)(A), by inserting at the  
22 end the following: “Projects included in the priority  
23 list shall come from the highest performing projects  
24 identified in the transportation plan under sub-

1 section (i)(7). If a lower-performing project is in-  
2 cluded in the priority project list, an explanation  
3 shall be included to explain why the lower-per-  
4 forming project was selected, including the goals of  
5 achieving geographic balance or providing benefit to  
6 economically distressed areas.” after the period

Page 247, after line 17, insert the following:

7 (4) in subsection (f)—

8 (A) by redesignating paragraph (9) as  
9 paragraph (10);

10 (B) by inserting after paragraph (8) the  
11 following:

12 “(9) PROJECT SELECTION TRANSPARENCY AND  
13 ACCOUNTABILITY.—Projects included in the adopted  
14 long-range statewide transportation plan shall be se-  
15 lected through a publicly available transparent proc-  
16 ess that includes use of criteria that directly support  
17 factors in subsection (d), the national transportation  
18 goals under section 150(b), and applicable State and  
19 regional goals. The criteria shall be used to publicly  
20 evaluate and identify the highest performing  
21 projects.”.

22 (5) in subsection (g)(5)(A), by inserting at the  
23 end the following: “Projects included in the state-  
24 wide transportation improvement program shall

1       come from the highest performing projects identified  
2       in the transportation plan under subsection (f)(9). If  
3       a lower-performing project is included in the priority  
4       project list, an explanation shall be included to ex-  
5       plain why the lower-performing project was selected,  
6       including the goals of achieving geographic balance  
7       or providing benefit to economically distressed  
8       areas.” after the period.





6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRIJALVA OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

18111

**AMENDMENT TO RULES COMMITTEE PRINT 114-**

**32**

**OFFERED BY MR. GRIJALVA**

Strike sections 1301 through 1313.

Page 168, line 12, strike "this Act,".

Strike sections 1315 through 1317.

☒

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

1774

**AMENDMENT TO RULES COMMITTEE PRINT**

**114-32**

**OFFERED BY MR. HUNTER OF CALIFORNIA**

Page 225, strike lines 4 through 20 and insert the following:

1 (a) IN GENERAL.—The Secretary shall establish a  
2 program to permit the acknowledgment of roadside main-  
3 tenance with the use of live plant materials.

4 (b) TERM.—The Secretary shall carry out the pro-  
5 gram for a 10-year period. Upon the request of a State,  
6 the Secretary may continue to carry out the program for  
7 that State for an additional 10-year period.

8 (c) PARTICIPATING STATES.—The Secretary shall se-  
9 lect 10 States to participate in the program.

10 (d) GUIDELINES FOR SELECTION OF STATES.—

11 (1) IN GENERAL.—The Secretary shall establish  
12 guidelines for selecting States to participate in the  
13 program.

14 (2) DISCRETION OF STATES.—The guidelines  
15 shall not limit the discretion under subsection (e) of  
16 any State participating in the program. Any other  
17 guidelines relating to the participation of a State in

1 the program shall be established by that State, sub-  
2 ject to subsection (e).

3 (3) PRIORITY.—In selecting States to partici-  
4 pate in the program, the Secretary shall give priority  
5 to any State that can provide documentation dem-  
6 onstrating that the State, or its agents, prior to No-  
7 vember 2015, actively reviewed, or stated an interest  
8 in, innovative approaches using live plant materials  
9 for acknowledging a substantial contribution to  
10 roadside maintenance.

11 (e) INCONSISTENT LAWS, REGULATIONS, OR MANU-  
12 ALS.—Notwithstanding any other provision of law, States  
13 participating in the program may permit acknowledgment  
14 of roadside maintenance through the use of live plant ma-  
15 terials without being limited by any Federal, State, or  
16 other law, regulation, or manual that limits or regulates  
17 procurement actions, acknowledgment signs, advertising,  
18 landscaping, or other uses of, or actions relating to, high-  
19 way rights-of-way or areas adjacent to highway rights-of-  
20 way.

21 (f) FUNDS EXCLUSIVELY FOR ROADSIDE MAINTEN-  
22 NANCE.—Any funds paid to a State under the program  
23 shall be considered to be State funds (as defined in section  
24 101(a) of title 23, United States Code), and shall be made  
25 available for expenditure under the direct control of the

1 State transportation department (as defined in that sec-  
2 tion) exclusively for roadside maintenance.

3 (g) REPORT.—Before the expiration of the first 10-  
4 year period referred to in subsection (b), the Secretary  
5 shall submit to the Committee on Transportation and In-  
6 frastructure of the House of Representatives and the Com-  
7 mittee on Environment and Public Works of the Senate  
8 a report on the results of the program.



8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DENHAM OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT  
114-32  
OFFERED BY MR. DENHAM OF CALIFORNIA**

At the end of subtitle D of title I of Division A, insert the following:

1 **SEC. \_\_\_\_ . FEDERAL AUTHORITY.**

2 (a) IN GENERAL.—Section 14501(c) of title 49,  
3 United States Code, is amended —

4 (1) in paragraph (1), by striking “paragraphs  
5 (2) and (3)” and inserting “paragraphs (3) and  
6 (4)”;

7 (2) by redesignating paragraphs (2) through  
8 (5) as paragraphs (3) through (6) respectively;

9 (3) by inserting after paragraph (1) the fol-  
10 lowing:

11 “(2) ADDITIONAL LIMITATIONS.—

12 “(A) A State, political subdivision of a  
13 State, or political authority of 2 or more States  
14 may not enact or enforce a law, regulation, or  
15 other provision having the force and effect of  
16 law prohibiting employees whose hours of serv-  
17 ice are subject to regulation by the Secretary  
18 under section 31502 from working to the full



1 extent permitted or at such times as permitted  
2 under such section, or imposing any additional  
3 obligations on motor carriers if such employees  
4 work to the full extent or at such times as per-  
5 mitted under such section, including any related  
6 activities regulated under part 395 of title 49,  
7 Code of Federal Regulations.

8 “(B) A State, political subdivision of a  
9 State, or political authority of 2 or more States  
10 may not enact or enforce a law, regulation, or  
11 other provision having the force and effect of  
12 law that requires a motor carrier that com-  
13 pensates employees on a piece-rate basis to pay  
14 those employees separate or additional com-  
15 pensation, provided that the motor carrier pays  
16 the employee a total sum that when divided by  
17 the total number of hours worked during the  
18 corresponding work period is equal to or greater  
19 than the applicable hourly minimum wage of  
20 the State, political subdivision of the State, or  
21 political authority of 2 or more States.

22 “(C) Nothing in this paragraph shall be  
23 construed to limit the provisions of paragraph  
24 (1).”.

1           (4) in paragraph (3) (as redesignated) by strik-  
2           ing “Paragraph (1)—” and inserting “Paragraphs  
3           (1) and (2)—”; and

4           (5) in paragraph (4)(A) (as redesignated) by  
5           striking “Paragraph (1)” and inserting “Paragraphs  
6           (1) and (2)”.

7           (b) EFFECTIVE DATE.—The amendments made by  
8           this section shall have the force and effect as if enacted  
9           on the date of enactment of the Federal Aviation Adminis-  
10          tration Authorization Act of 1994 (Public Law 103–305).



9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE AGUILAR OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT**

**114-32**

**OFFERED BY MR. AGUILAR OF CALIFORNIA**

92

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

1 **SEC. \_\_\_\_ . PROGRAM TO ASSIST VETERANS TO ACQUIRE**

2 **COMMERCIAL DRIVER'S LICENSES.**

3 Not later than 1 year after the date of enactment  
4 of this Act, the Secretary, in coordination with the Sec-  
5 retary of Defense, shall fully implement the recommenda-  
6 tions contained in the report submitted under section  
7 32308 of MAP-21 (49 U.S.C. 31301 note).



10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HAHN  
OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10  
MINUTES

65

**AMENDMENT TO RULES COMMITTEE PRINT**

**114-32**

**OFFERED BY MS. HAHN OF CALIFORNIA**

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

**1 SEC. \_\_\_\_ . STUDY ON BURYING POWER LINES.**

2 Not later than 1 year after the date of enactment  
3 of this Act, the Secretary shall conduct a study and report  
4 the findings of such study to the appropriate committees  
5 of Congress regarding the feasibility, costs, and economic  
6 impact of burying power lines underground. Such study  
7 shall include the potential costs and benefits of burying  
8 power lines underground when building new roads.



11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HECK  
OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

89R

**AMENDMENT TO RULES COMMITTEE PRINT 114-**

**32**

**OFFERED BY MR. HECK OF WASHINGTON**

At the end of subtitle D of title I of division A, add the following new section:

1 **SEC. 1431. STORMWATER REDUCTION ASSISTANCE PRO-**  
2 **GRAM.**

3 Chapter 3 of title 23, United States Code, is amended  
4 by adding at the end the following:

5 **“§ 330. Stormwater reduction assistance program**

6 “(a) DEFINITIONS.—In this section, the term ‘green  
7 stormwater infrastructure’ refers to stormwater manage-  
8 ment techniques that address the quality or quantity of  
9 stormwater related to highway construction or due to  
10 highway runoff.

11 “(b) FEDERAL HIGHWAY RUNOFF MANAGEMENT  
12 PROGRAM.—

13 “(1) IN GENERAL.—Not later than 180 days  
14 after the date of the enactment of this section, the  
15 Secretary, in consultation with the heads of other  
16 relevant Federal agencies, shall develop and publish  
17 best practices and guidance for the installation, use  
18 and maintenance of green stormwater infrastructure,



1 including the adoption of permeable, pervious, or po-  
2 rous paving materials or other practices and systems  
3 that are designed to minimize environmental impacts  
4 of stormwater runoff and flooding.

5 “(2) CONTENTS.—The guidance shall include  
6 best practices, guidelines, and technical assistance  
7 for the installation and use of green stormwater  
8 technologies, including—

9 “(A) identification of existing and emerg-  
10 ing green stormwater infrastructure tech-  
11 nologies;

12 “(B) cost-benefit information relating to  
13 green stormwater infrastructure approaches;

14 “(C) performance analyses of green  
15 stormwater infrastructure technologies in typ-  
16 ical use scenarios; and

17 “(D) guidance and best practices on the  
18 design, implementation, use, and maintenance  
19 of green stormwater infrastructure features.

20 “(3) UPDATES.—Not later than 5 years after  
21 the date of publication of the guidance under this  
22 paragraph, and not less frequently than once every  
23 5 years thereafter, the Secretary, in consultation

- 1 with the heads of other relevant Federal agencies,
- 2 shall update the guidance, as applicable.”.



12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KING  
OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT**

**114-32**

**OFFERED BY MR. KING OF IOWA**

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

**1 SEC. \_\_. PREVAILING RATE OF WAGE REQUIREMENTS.**

2 None of the funds made available by this Act, includ-  
3 ing the amendments made by this Act, may be used to  
4 implement, administer, or enforce the prevailing rate of  
5 wage requirements in subchapter IV of chapter 31 of title  
6 40, United States Code (commonly referred to as the  
7 Davis-Bacon Act).



13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
LARSEN OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR  
10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 114-**

**32**

**OFFERED BY MR. LARSEN OF WASHINGTON**

Add at the end of title II the following:

1 **SEC. \_\_. STREAMLINED APPLICATION PROCESS.**

2 Section 603 of title 23, United States Code, is  
3 amended by adding at the end the following:

4 “(f) STREAMLINED APPLICATION PROCESS.—

5 “(1) IN GENERAL.—Not later than 180 days  
6 after the date of enactment of the Surface Transpor-  
7 tation Reauthorization and Reform Act of 2015, the  
8 Secretary shall make available an expedited applica-  
9 tion process or processes available at the request of  
10 entities seeking secured loans under this chapter  
11 that use a set or sets of conventional terms estab-  
12 lished pursuant to this section.

13 “(2) TERMS.—In establishing the streamlined  
14 application process required by this subsection, the  
15 Secretary shall include terms commonly included in  
16 prior credit agreements that are desirable to bor-  
17 rowers and allow for an expedited application period,  
18 including—

1                   “(A) the secured loan is in an amount of  
2                   not greater than \$100,000,000;

3                   “(B) the secured loan is secured and pay-  
4                   able from pledged revenues not affected by  
5                   project performance, such as a tax-backed rev-  
6                   enue pledge, tax increment financing, or a sys-  
7                   tem-backed pledge of project revenues; and

8                   “(C) repayment of the loan commence not  
9                   later than 2 years after disbursement.”.



14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
CULBERSON OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES



63

**AMENDMENT TO RULES COMMITTEE PRINT 114-**

**32**

**OFFERED BY MR. CULBERSON OF TEXAS**

Page 249, after line 14, insert the following:

- 1 (2) in subsection (c)(1)—
- 2 (A) in subparagraph (B)(ii) by striking
- 3 “and” at the end;
- 4 (B) in subparagraph (B)(iii) by striking
- 5 the period and inserting “; and” ; and
- 6 (D) by adding at the end of subparagraph
- 7 (B) the following:
- 8 “(iv) the applicant shall have a cur-
- 9 rent operating ratio, as such ratio is set
- 10 forth by the Federal Transit Administra-
- 11 tion using the ratio of current assets to
- 12 current liabilities, of 1:1.”.



15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COMSTOCK OF VIRGINIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 114-**

**32**

**OFFERED BY MRS. COMSTOCK OF VIRGINIA**

Page 281, line 22, insert “and public transportation that is provided on high-occupancy toll lanes converted from high-occupancy vehicle lanes during peak hours” after “hours”.



16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MENG  
OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10  
MINUTES

85

**AMENDMENT TO RULES COMMITTEE**

**PRINT 114-32**

**OFFERED BY MS. MENG OF NEW YORK**

At the end of title I (page 233, after line 8), insert the following:

1 **SEC. 1431. IMPROVEMENT OF DATA COLLECTION ON CHILD**  
2 **OCCUPANTS IN VEHICLE CRASHES.**

3 (a) IN GENERAL.—Not later than 1 year after the  
4 date of enactment of this Act, the Secretary shall revise  
5 the crash investigation data collection system of the Na-  
6 tional Highway Traffic Safety Administration to include  
7 the collection of the following data in connection with vehi-  
8 cle crashes whenever a child restraint system was in use  
9 in a vehicle involved in a crash:

10 (1) The type or types of child restraint systems  
11 in use during the crash in any vehicle involved in the  
12 crash, including whether a five-point harness or belt-  
13 positioning booster.

14 (2) If a five-point harness child restraint system  
15 was in use during the crash, whether the child re-  
16 straint system was forward-facing or rear-facing in  
17 the vehicle concerned.

1 (b) CONSULTATION.—In implementing subsection  
2 (a), the Secretary shall work with law enforcement offi-  
3 cials, safety advocates, the medical community, and re-  
4 search organizations to improve the recordation of data  
5 described in subsection (a) in police and other applicable  
6 incident reports.

7 (c) REPORT.—Not later than 3 years after the date  
8 of enactment of this Act, the Secretary shall submit to  
9 the Committee on Commerce, Science, and Transportation  
10 of the Senate and the Committee on Energy and Com-  
11 merce of the House of Representatives a report on child  
12 occupant crash data collection in the crash investigation  
13 data collection system of the National Highway Traffic  
14 Safety Administration pursuant to the revision required  
15 by subsection (a).



17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
RUSSELL OF OKLAHOMA OR HIS DESIGNEE, DEBATABLE FOR  
10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT**

**114-32**

**OFFERED BY MR. RUSSELL OF OKLAHOMA**

26  
R

At the end of title III of division A, insert the following:

1 **SEC. \_\_. STREETCAR FUNDING PROHIBITION.**

2 Notwithstanding any other provision of law, Federal  
3 financial assistance may not be provided for any project  
4 or activity to establish, maintain, operate, or otherwise  
5 support a streetcar service. This section does not apply  
6 to a contract entered into before the date of enactment  
7 of this Act.





18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE EDWARDS OF MARYLAND OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO  
RULES COMMITTEE PRINT 114-32  
OFFERED BY MS. EDWARDS OF MARYLAND**

At the end of title III of division A, add the following:

1 **SEC. \_\_\_\_ . APPOINTMENT OF DIRECTORS OF THE WASH-**  
2 **INGTON METROPOLITAN AREA TRANSIT AU-**  
3 **THORITY.**

4 (a) DEFINITIONS.—In this section—

5 (1) the term “Compact” means the Washington  
6 Metropolitan Area Transit Authority Compact (Pub-  
7 lic Law 89–774; 80 Stat. 1324);

8 (2) the term “Federal Director” means—

9 (A) a voting member of the Board of Di-  
10 rectors of the Transit Authority who represents  
11 the Federal Government; and

12 (B) a nonvoting member of the Board of  
13 Directors of the Transit Authority who serves  
14 as an alternate for a member described in sub-  
15 paragraph (A); and

16 (3) the term “Transit Authority” means the  
17 Washington Metropolitan Area Transit Authority es-  
18 tablished under Article III of the Compact.

1 (b) APPOINTMENT BY SECRETARY OF TRANSPOR-  
2 TATION.—

3 (1) IN GENERAL.—For any appointment made  
4 on or after the date of enactment of this Act, the  
5 Secretary of Transportation shall have sole authority  
6 to appoint Federal Directors to the Board of Direc-  
7 tors of the Transit Authority.

8 (2) AMENDMENT TO COMPACT.—The signatory  
9 parties to the Compact shall amend the Compact as  
10 necessary in accordance with paragraph (1).



19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
FRANKEL OF FLORIDA OR HER DESIGNEE, DEBATABLE FOR 10  
MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 114-**  
**32**  
**OFFERED BY MS. FRANKEL OF FLORIDA**

Beginning on page 424, strike line 17 and all that follows through page 426, line 24.

Page 428, line 20, strike “and” at the end.

Page 428, line 23, strike the period and insert “; and”.

Page 428, after line 23, insert the following:

- 1 (4) is not a high-risk carrier, as identified by
- 2 the Federal Motor Carrier Safety Administration.

Beginning on page 449, strike line 5 and all that follows through page 451, line 22.



20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
DUNCAN JR. OF TENNESSEE OR HIS DESIGNEE, DEBATABLE  
FOR 10 MINUTES

6

**AMENDMENT TO RULES COMMITTEE PRINT 114-**

**32**

**OFFERED BY MR. DUNCAN OF TENNESSEE**

Page 428, line 23, before the period, insert “or be unrated”.

Page 428, after line 23, insert the following:

1           (4) has not been issued an out-of-service order  
2           to prohibit a motor carrier from conducting oper-  
3           ations at the motor carrier level—

4           (A) for failing to pay fines under part  
5           385.14 of title 49, Code of Federal Regulations;

6           (B) for a proposed “unsatisfactory” safety  
7           rating under part 385.13(d) of title 49, Code of  
8           Federal Regulations;

9           (C) for failing to respond to a new entrant  
10          audit under part 385.325 of title 49, Code of  
11          Federal Regulations; and

12          (D) and currently is being considered as  
13          an imminent hazard at the carrier level (not the  
14          individual driver or equipment level).

☒

21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LEWIS  
OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES



12

**AMENDMENT TO RULES COMMITTEE PRINT 114-**

**32**

**OFFERED BY MR. LEWIS OF GEORGIA**

Page 441, beginning line 3, strike section 5404 and insert the following new section:

1 **SEC. 5404. STUDY ON COMMERCIAL DRIVER'S LICENSE**

2 **PROGRAM.**

3 (a) **STUDY.**—The Secretary shall conduct a study to  
4 evaluate the safety effects of the laws and regulations of  
5 States that allow licensed drivers between the ages of 18  
6 years and 21 years to obtain a commercial driver's license  
7 to operate a commercial motor vehicle within the State.

8 (b) **MATTERS INCLUDED.**—The study under sub-  
9 section (a) shall include the following:

10 (1) A review of the requirements for licensed  
11 drivers between the ages of 18 years and 21 years  
12 to obtain commercial driver's licenses described in  
13 such subsection.

14 (2) A review of collision rates and fatal collision  
15 rates for such drivers while operating a commercial  
16 motor vehicle.

1           (3) A review of any other safety factors and  
2           metrics determined appropriate by the Secretary in  
3           accordance with subsection (c).

4           (c) INPUT.—In conducting the study under sub-  
5           section (a), including with respect to the safety factors and  
6           metrics reviewed under subsection (b)(3), the Secretary  
7           shall solicit input from representatives of State motor ve-  
8           hicle administrators, motor carriers, labor organizations,  
9           independent truck drivers, safety advocates, medical asso-  
10          ciations and medical professionals, and other persons de-  
11          termined appropriate by the Secretary.

12          (d) REPORT.—Not later than 2 years after the date  
13          of enactment of this Act, the Secretary shall publish a re-  
14          port containing the results of the study under subsection  
15          (a), including any recommendations for statutory changes.



22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
JOHNSON OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

146

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**AMENDMENT TO RULES COMM. PRINT 114-32**  
**OFFERED BY MR. JOHNSON OF GEORGIA**

Page 449, beginning line 5, strike section 5501 re-  
lating minimum financial responsibility rulemaking.



23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RIBBLE  
OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

113K

**AMENDMENT TO RULES COMMITTEE PRINT**

**114-32**

**OFFERED BY MR. RIBBLE OF WISCONSIN**

At the end of title V of division A, add the following:

1 **SEC. \_\_. TRANSPORTATION OF CONSTRUCTION MATE-**  
2 **RIALS AND EQUIPMENT.**

3 Section 229(e)(4) of the Motor Carrier Safety Im-  
4 provement Act of 1999 (49 U.S.C. 31136 note) is amend-  
5 ed—

6 (1) by striking “50 air mile radius” and insert-  
7 ing “75 air mile radius”; and

8 (2) by striking “the driver.” and inserting “the  
9 driver, except that a State, upon notice to the Sec-  
10 retary, may establish a different air mile radius limi-  
11 tation for purposes of this paragraph if such limita-  
12 tion is between 50 and 75 air miles and applies only  
13 to movements that take place entirely within the  
14 State.”.



24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
SCHWEIKERT OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR  
10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 114-**

**32**

**OFFERED BY MR. SCHWEIKERT OF ARIZONA**

At the end of title VI of division A, add the following new section:

1 **SEC. 6027. PILOT PROGRAM FOR REDUCTION OF DEPART-**  
2 **MENT-OWNED VEHICLES AND INCREASE IN**  
3 **USE OF RIDE-SHARING SERVICES.**

4 (a) **PILOT PROGRAM REQUIREMENT.**—The Secretary  
5 of each covered department shall establish a pilot program  
6 within the department for the following purposes:

7 (1) To reduce the inventory of light vehicles  
8 owned by the department by 10 percent for each of  
9 the fiscal years described in subsection (b), through  
10 the sale or other appropriate disposal of such vehi-  
11 cles.

12 (2) At the discretion of the Secretary of the de-  
13 partment, to increase the use by the department of  
14 commercial ride-sharing companies.

15 (b) **FISCAL YEARS DESCRIBED.**—The fiscal years de-  
16 scribed in this subsection are the following:



1           (1) The first fiscal year beginning after the ex-  
2           piration of the 1-year period starting on the date of  
3           the enactment of this Act.

4           (2) Each of the four fiscal years following the  
5           fiscal year described in paragraph (1).

6           (c) REPORT TO CONGRESS.—Not later than 60 days  
7           after the end of the fiscal year described in subsection  
8           (b)(1), and annually thereafter for the duration of the  
9           pilot program, the Secretary of each covered department  
10          shall submit to Congress a report on the results of the  
11          pilot program in the department. The report shall include  
12          information about the transportation budget of the depart-  
13          ment and such findings and recommendations as the Sec-  
14          retary of the department considers appropriate.

15          (d) COVERED DEPARTMENT.—In this Act, the term  
16          “covered department” means each of the following:

17               (1) The Department of Agriculture.

18               (2) The Department of the Interior.

19               (3) The Department of Energy.



25. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
SCHWEIKERT OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR  
10 MINUTES

48

**AMENDMENT TO RULES COMMITTEE PRINT 114-**

**32**

**OFFERED BY MR. SCHWEIKERT OF ARIZONA**

At the end of title VI of division A, add the following new section:

1 **SEC. 6027. STUDY AND REPORT ON REDUCING THE**  
2 **AMOUNT OF VEHICLES OWNED BY CERTAIN**  
3 **FEDERAL DEPARTMENTS AND INCREASING**  
4 **THE USE OF COMMERCIAL RIDE-SHARING BY**  
5 **THOSE DEPARTMENTS.**

6 (a) **STUDY.**—The Comptroller General of the United  
7 States shall conduct a study on the feasibility of—

8 (1) reducing the amount of vehicles owned by a  
9 covered department; and

10 (2) increasing the use of commercial ride-shar-  
11 ing companies by a covered department.

12 (b) **REPORT.**—Not later than 1 year after the date  
13 of the enactment of this Act, the Comptroller General of  
14 the United States shall submit to Congress a report that  
15 contains the results and conclusions of the study con-  
16 ducted under subsection (a).

1           (c) COVERED DEPARTMENT DEFINED.—In this sec-  
2 tion, the term “covered department” means each of the  
3 following:

- 4           (1) The Department of Agriculture.
- 5           (2) The Department of the Interior.
- 6           (3) The Department of Energy.



26. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE REICHERT OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 114-**

1552

**82**

**OFFERED BY MR. REICHERT OF WASHINGTON**

Page 580, in the matter following line 20, add to the analysis for chapter 702 of title 49, United States Code, after the item relating to section 70203, the following:

“70204. GAO study on economic impact of labor contract negotiations at ports on west coast.

Page 584, line 20, strike the closing quotation marks and the period at the end.

Page 584, after line 20, insert the following:

1 **“§ 70204. GAO study on economic impact of labor con-**  
2 **tract negotiations at ports on west coast**

3 **“(a) STUDY.—**With respect to the slowdown that oc-  
4 curred during labor contract negotiations at ports on the  
5 west coast of the United States during the period from  
6 May 2014 to February 2015, the Comptroller General of  
7 the United States shall conduct a study to—

8 **“(1)** determine the economic impact of such  
9 slowdown on the United States and on each port in  
10 the United States, including changes in the amount  
11 of cargo arriving at and leaving from ports on the

1 west coast and other changes in cargo patterns, in-  
2 cluding congestion;

3 “(2) calculate the cost, including the cost to im-  
4 porters, exporters, farmers, manufacturers, and re-  
5 tailers, of contingency plans put in place to avoid  
6 disruptions from such slowdown;

7 “(3) review steps taken by the Federal Medi-  
8 ation and Conciliation Service to resolve the dispute  
9 that caused such slowdown;

10 “(4) identify tools such Service or the President  
11 could have used to facilitate a resolution to such dis-  
12 pute;

13 “(5) evaluate what other mechanisms are avail-  
14 able to the President to avoid disruptions during fu-  
15 ture labor negotiations at ports in the United States;

16 “(6) suggest how such mechanisms could be  
17 changed to improve the ability to avoid such disrup-  
18 tions in order to prevent serious economic harm to  
19 importers, exporters, farmers, manufacturers, and  
20 retailers; and

21 “(7) suggest any legislation that might ensure  
22 better regulation of the operations of ports in the  
23 United States with respect to such labor negotia-  
24 tions.

1       “(b) REPORT.—Not later than 1 year after the date  
2 of the enactment of this section, the Comptroller General  
3 of the United States shall submit a report to Congress  
4 containing the findings of the study conducted under sub-  
5 section (a).”.





27. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
NEWHOUSE OF WASHINGTON OR HIS DESIGNEE, DEBATABLE  
FOR 10 MINUTES

120

**AMENDMENT TO RULES COMMITTEE PRINT**

**114-32**

**OFFERED BY MR. NEWHOUSE OF WASHINGTON**

At the end of title VIII of Division A of the bill, add  
the following:

1 **SEC. \_\_\_\_ . FINDINGS ON PORT PERFORMANCE.**

2 Congress finds the following:

3 (1) America's ports play a critical role in the  
4 Nation's transportation supply chain network.

5 (2) Reliable and efficient movement of goods  
6 through the Nation's ports ensures that American  
7 goods are available to customers throughout the  
8 world.

9 (3) Breakdowns in the transportation supply  
10 chain network, particularly at the Nation's ports,  
11 can result in tremendous economic losses for agri-  
12 culture, businesses, and retailers that rely on timely  
13 shipments.

14 (4) A clear understanding of terminal and port  
15 productivity and throughput should help—

16 (A) to identify freight bottlenecks;

17 (B) to indicate performance and trends  
18 over time; and

1 (C) to inform investment decisions.

2 **SEC. \_\_\_\_ . PORT PERFORMANCE FREIGHT STATISTICS**  
3 **PROGRAM.**

4 (a) IN GENERAL.—Chapter 63 of title 49, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

7 **“§ 6314. Port performance freight statistics program**

8 “(a) IN GENERAL.—The Director shall establish, on  
9 behalf of the Secretary, a port performance statistics pro-  
10 gram to provide nationally consistent measures of per-  
11 formance of, at a minimum—

12 “(1) the Nation’s top 25 ports by tonnage;

13 “(2) the Nation’s top 25 ports by 20-foot equiv-  
14 alent unit; and

15 “(3) the Nation’s top 25 ports by dry bulk.

16 “(b) REPORTS.—

17 “(1) PORT CAPACITY AND THROUGHPUT.—Not  
18 later than January 15 of each year, the Director  
19 shall submit an annual report to Congress that in-  
20 cludes statistics on capacity and throughput at the  
21 ports described in subsection (a).

22 “(2) PORT PERFORMANCE MEASURES.—The  
23 Director shall collect monthly port performance  
24 measures for each of the United States ports re-  
25 ferred to in subsection (a) that receives Federal as-

1       sistance or is subject to Federal regulation to submit  
2       a quarterly report to the Bureau of Transportation  
3       Statistics that includes monthly statistics on capac-  
4       ity and throughput as applicable to the specific con-  
5       figuration of the port.

6               “(A) MONTHLY MEASURES.—The Director  
7       shall collect monthly measures, including—

8                       “(i) the average number of lifts per  
9       hour of containers by crane;

10                      “(ii) the average vessel turn time by  
11       vessel type;

12                      “(iii) the average cargo or container  
13       dwell time;

14                      “(iv) the average truck time at ports;

15                      “(v) the average rail time at ports;

16       and

17                      “(vi) any additional metrics, as deter-  
18       mined by the Director after receiving rec-  
19       ommendations from the working group es-  
20       tablished under subsection (c).

21               “(B) MODIFICATIONS.—The Director may  
22       consider a modification to a metric under sub-  
23       paragraph (A) if the modification meets the in-  
24       tent of the section.

25       “(c) RECOMMENDATIONS.—

1           “(1) IN GENERAL.—The Director shall obtain  
2 recommendations for—

3           “(A) specifications and data measurements  
4 for the port performance measures listed in  
5 subsection (b)(2);

6           “(B) additionally needed data elements for  
7 measuring port performance; and

8           “(C) a process for the Department of  
9 Transportation to collect timely and consistent  
10 data, including identifying safeguards to protect  
11 proprietary information described in subsection  
12 (b)(2).

13           “(2) WORKING GROUP.—Not later than 60 days  
14 after the date of the enactment of this section, the  
15 Director shall commission a working group com-  
16 posed of—

17           “(A) operating administrations of the De-  
18 partment of Transportation;

19           “(B) the Coast Guard;

20           “(C) the Federal Maritime Commission;

21           “(D) U.S. Customs and Border Protection;

22           “(E) the Marine Transportation System  
23 National Advisory Council;

24           “(F) the Army Corps of Engineers;

1           “(G) the Saint Lawrence Seaway Develop-  
2           ment Corporation;

3           “(H) the Advisory Committee on Supply  
4           Chain Competitiveness;

5           “(I) 1 representative from the rail indus-  
6           try;

7           “(J) 1 representative from the trucking in-  
8           dustry;

9           “(K) 1 representative from the maritime  
10          shipping industry;

11          “(L) 1 representative from a labor organi-  
12          zation for each industry described in subpara-  
13          graphs (I) through (K);

14          “(M) 1 representative from a port author-  
15          ity;

16          “(N) 1 representative from a terminal op-  
17          erator;

18          “(O) representatives of the National  
19          Freight Advisory Committee of the Depart-  
20          ment; and

21          “(P) representatives of the Transportation  
22          Research Board of the National Academies.

23          “(3) RECOMMENDATIONS.—Not later than 1  
24          year after the date of the enactment of this section,  
25          the working group commissioned under this sub-

1 section shall submit its recommendations to the Di-  
2 rector.

3 “(d) ACCESS TO DATA.—The Director shall ensure  
4 that the statistics compiled under this section are readily  
5 accessible to the public, consistent with applicable security  
6 constraints and confidentiality interests.”.

7 (b) PROHIBITION ON CERTAIN DISCLOSURES.—Sec-  
8 tion 6307(b)(1) of title 49, United States Code, is amend-  
9 ed by inserting “or section 6314(b)” after “section  
10 6302(b)(3)(B)” each place it appears.

11 (c) COPIES OF REPORTS.—Section 6307(b)(2)(A) of  
12 such title is amended by inserting “or section 6314(b)”  
13 after “section 6302(b)(3)(B)”.

14 (d) TECHNICAL AND CONFORMING AMENDMENT.—  
15 The table of contents for chapter 63 of such title is  
16 amended by adding at the end the following:

“6314. Port performance freight statistics program.”.



28. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
LIPINSKI OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES



18

**AMENDMENT TO RULES COMM. PRINT 114-32**  
**OFFERED BY MR. LIPINSKI OF ILLINOIS**

Page 601, before line 3, add the following new sub-section:

1       (c) SENSE OF CONGRESS REGARDING RAILROAD RE-  
2 HABILITATION AND IMPROVEMENT FINANCING PRO-  
3 GRAM.—It is the sense of Congress that, under the rail-  
4 road rehabilitation and improvement financing program,  
5 the Federal Railroad Administration and Department of  
6 Transportation are authorized to issue loans and loan  
7 guarantees for transit oriented development and projects  
8 that finance economic development, including commercial  
9 and residential development, and related infrastructure ac-  
10 tivities that incorporate private investment and are phys-  
11 ically or functionally related to a passenger rail station  
12 or a multimodal station that includes rail service.

☒

29. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
DESANTIS OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 114-**

**32**

**OFFERED BY MR. DESANTIS OF FLORIDA**

180

At the end of subtitle D of title I of division A, add the following new section:

1 **SEC. 1431. SENSE OF CONGRESS ON INSOLVENCY OF THE**  
2 **HIGHWAY TRUST FUND AND RETURNING**  
3 **POWER TO STATES.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) The Highway Trust Fund is nearing insol-  
6 vency.

7 (2) It is critical for Congress to phase down the  
8 Federal gas and diesel taxes and empower the States  
9 to tax and regulate their highway and infrastructure  
10 projects.

11 (3) The Federal role and funding of surface  
12 transportation should be refocused solely on Federal  
13 activities and empower States with control and re-  
14 sponsibility over their transportation funding and  
15 spending decisions.

16 (4) The objective of the Federal highway pro-  
17 gram has been to facilitate the construction of a

1 modern freeway system that promotes efficient inter-  
2 state commerce by connecting all States.

3 (5) The Interstate System connecting all States  
4 is near completion.

5 (6) Each State has the responsibility of pro-  
6 viding an efficient transportation network for the  
7 residents of the State.

8 (7) Each State has means to build and operate  
9 a network of transportation systems, including high-  
10 ways, that best serves the needs of the State.

11 (8) Each State is best capable of determining  
12 the needs of the State and acting on those needs.

13 (9) The Federal role in highway transportation  
14 has, over time, usurped the role of the States by tax-  
15 ing motor fuels used in the States and then distrib-  
16 uting the proceeds to the States based on the per-  
17 ceptions of the Federal Government on what is best  
18 for the States.

19 (10) The Federal Government has used the  
20 Federal motor fuel tax revenues to force all States  
21 to take actions that are not necessarily appropriate  
22 for individual States.

23 (11) The Federal distribution, review, and en-  
24 forcement process wastes billions of dollars on un-  
25 productive activities.

1           (12) The Federal mandates that apply uni-  
2           formly to all 50 States, regardless of the different  
3           circumstances of the States, cause the States to  
4           waste billions of hard-earned tax dollars of projects,  
5           programs, and activities that the States would not  
6           otherwise undertake.

7           (13) Congress has expressed a strong interest  
8           in reducing the role of the Federal Government by  
9           allowing each State to manage its own affairs.

10          (b) SENSE OF CONGRESS.—It is the sense of Con-  
11          gress that—

12                (1) the Secretary should provide a new policy  
13                blueprint to govern the Federal role in transpor-  
14                tation once existing and prior financial obligations  
15                are met;

16                (2) this policy should return to the individual  
17                States maximum discretionary authority and fiscal  
18                responsibility for all elements of the national surface  
19                transportation systems that are not within the direct  
20                purview of the Federal Government;

21                (3) this policy will preserve the Federal respon-  
22                sibility for the Dwight D. Eisenhower National Sys-  
23                tem of Interstate and Defense Highways and will  
24                preserve responsibility of the Department of Trans-  
25                portation for design construction and preservation of

1 transportation facilities on Federal public land, pre-  
2 serving responsibility of the Department of Trans-  
3 portation for national programs of transportation re-  
4 search and development and transportation safety;  
5 and

6 (4) this policy will preserve responsibility of the  
7 Department of Transportation to eliminate, to the  
8 maximum extent practicable, Federal obstacles to  
9 the ability of each State to apply innovative solutions  
10 to the financing, design, construction, operation, and  
11 preservation of Federal and State transportation fa-  
12 cilities with respect to transportation activities car-  
13 ried out by States, local governments, and the pri-  
14 vate sector.

◇

30. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE  
OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10  
MINUTES

24

**AMENDMENT TO RULES COMMITTEE PRINT**

**114-32**

**OFFERED BY MS. MOORE OF WISCONSIN**

Page 17, after line 14, insert the following:

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

4                   (A) the Secretary should take additional  
5                   steps to ensure that recipients comply with sec-  
6                   tion 26.29 of title 49, Code of Federal Regula-  
7                   tions (the disadvantaged business enterprises  
8                   prompt payment rule), or any corresponding  
9                   regulation, in awarding federally funded trans-  
10                  portation contracts under laws and regulations  
11                  administered by the Secretary; and

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

☒



31. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
GRAVES OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

50 R

**AMENDMENT TO RULES COMMITTEE PRINT 114-**  
**32**  
**OFFERED BY MR. GRAVES OF LOUISIANA**

Page 65, strike lines 16 and 17, and insert the following:

- 1           “(5) enhance the resiliency of critical highway
- 2           infrastructure, including highway infrastructure that
- 3           supports national energy security.



32. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POLIS  
OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

1792

**AMENDMENT TO RULES COMMITTEE PRINT**  
**114-32**  
**OFFERED BY MR. POLIS OF COLORADO**

Page 198, line 3, strike the closing quotation marks  
and the final period and insert the following:

- 1           “(86) Interstate Route 70 from Denver, Colo-
- 2           rado, to Salt Lake City, Utah.”.



33. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
BONAMICI OF OREGON OR HER DESIGNEE, DEBATABLE FOR 10  
MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT**

**114-32**

**OFFERED BY MS. BONAMICI OF OREGON**

Page 198, line 3, strike the closing quotation marks and final period.

Page 198, after line 3, insert the following:

- 1           “(86) The Oregon 99W Newberg-Dundee By-
- 2           pass Route between Newberg, Oregon, and Dayton,
- 3           Oregon.”.



34. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
SCHRADER OF OREGON OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

33

**AMENDMENT TO RULES COMMITTEE PRINT 114-  
32  
OFFERED BY MR. SCHRADER OF OREGON**

Page 198, line 3, striking the closing quotation mark and the second period.

Page 198, insert after line 3 the following:

- 1           “(86) Interstate Route 205 in Oregon from its
- 2           intersection with Interstate Route 5 to the Columbia
- 3           River.”.





35. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DUFFY  
OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT**

**114-32**

**OFFERED BY MR. DUFFY OF WISCONSIN**

Page 229, line 23, strike the closing quotation marks and final period.

Page 229, after line 23, insert the following:

1       “(n) CERTAIN LOGGING VEHICLES IN WISCONSIN.—

2               “(1) IN GENERAL.—The Secretary shall waive,  
3       with respect to a covered logging vehicle, the appli-  
4       cation of any vehicle weight limit established under  
5       this section.

6               “(2) COVERED LOGGING VEHICLE DEFINED.—  
7       In this subsection, the term ‘covered logging vehicle’  
8       means a vehicle that—

9                       “(A) is transporting raw or unfinished for-  
10       est products, including logs, pulpwood, biomass,  
11       or wood chips;

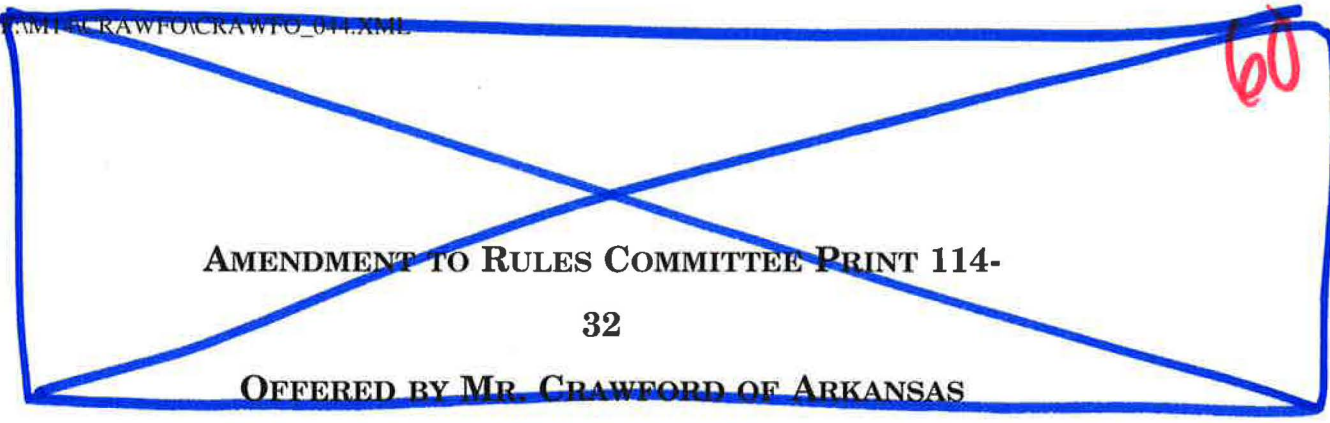
12                      “(B) has a gross vehicle weight of not  
13       more than 98,000 pounds;

14                      “(C) has not less than 6 axles; and

1                   “(D) is operating on a segment of Inter-  
2                   state Route 39 in Wisconsin from mile marker  
3                   175.8 to mile marker 189.”.

☒

36. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
CRAWFORD OF ARKANSAS OR HIS DESIGNEE, DEBATABLE FOR  
10 MINUTES



Add at the end of the title I of the bill the following:

1 **SEC. \_\_\_\_ . OPERATION OF CERTAIN SPECIALIZED VEHICLES**  
2 **ON CERTAIN HIGHWAYS IN THE STATE OF AR-**  
3 **KANSAS.**

4 If any segment of United States Route 63 between  
5 the exits for highways 14 and 75 in the State of Arkansas  
6 is designated as part of the Interstate System, the single  
7 axle weight, tandem axle weight, gross vehicle weight, and  
8 bridge formula limits under section 127(a) of title 23,  
9 United States Code, and the width limitation under sec-  
10 tion 31113(a) of title 49, United States Code, shall not  
11 apply to that segment with respect to the operation of any  
12 vehicle that may have legally operated on that segment  
13 before the date of the designation.

37. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
FITZPATRICK OF PENNSYLVANIA OR HIS DESIGNEE,  
DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT**  
**114-32**  
**OFFERED BY MR. FITZPATRICK OF**  
**PENNSYLVANIA**

At the end of subtitle D of title I of Division A, insert the following:

1 **SEC. \_\_\_\_ . PROJECTS FOR PUBLIC SAFETY RELATING TO**  
2 **IDLING TRAINS.**

3 Section 130(a) of title 23, United States Code, is  
4 amended by striking “and the relocation of highways to  
5 eliminate grade crossings” and inserting “the relocation  
6 of highways to eliminate grade crossings, and projects to  
7 eliminate hazards posed by blocked grade crossings due  
8 to idling trains”.



38. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
LIPINSKI OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES



166

**AMENDMENT TO RULES COMMITTEE PRINT**

**114-32**

**OFFERED BY MR. LIPINSKI OF ILLINOIS**

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

1 **SEC. \_\_. EXEMPTIONS FROM REQUIREMENTS FOR CER-**  
2 **TAIN WELDING TRUCKS USED IN PIPELINE**  
3 **INDUSTRY.**

4 (a) **COVERED MOTOR VEHICLE DEFINED.**—In this  
5 section, the term “covered motor vehicle” means a motor  
6 vehicle that—

7 (1) is traveling in the State in which the vehicle  
8 is registered or another State;

9 (2) is owned by a welder;

10 (3) is a pick-up style truck;

11 (4) is equipped with a welding rig that is used  
12 in the construction or maintenance of pipelines; and

13 (5) has a gross vehicle weight and combination  
14 weight rating and weight of 15,000 pounds or less.

15 (b) **FEDERAL REQUIREMENTS.**—A covered motor ve-  
16 hicle, including the individual operating such vehicle and  
17 the employer of such individual, shall be exempt from the  
18 following:

1           (1) Any requirement relating to registration as  
2 a motor carrier, including the requirement to obtain  
3 and display a Department of Transportation num-  
4 ber, established under chapters 139 and 311 of title  
5 49, United States Code.

6           (2) Any requirement relating to driver qualifica-  
7 tions established under chapter 311 of title 49,  
8 United States Code.

9           (3) Any requirement relating to driving of com-  
10 mercial motor vehicles established under chapter 311  
11 of title 49, United States Code.

12           (4) Any requirement relating to parts and ac-  
13 cessories and inspection, repair, and maintenance of  
14 commercial motor vehicles established under chapter  
15 311 of title 49, United States Code.

16           (5) Any requirement relating to hours of service  
17 of drivers, including maximum driving and on duty  
18 time, established under chapter 315 of title 49,  
19 United States Code.



39. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NOLAN  
OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT**

**114-32**

**OFFERED BY MR. NOLAN OF MINNESOTA**

3

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

1 **SEC. \_\_. WAIVER.**

2 (a) IN GENERAL.—The Secretary shall waive, for a  
3 covered logging vehicle, the application of any vehicle  
4 weight limit established under section 127 of title 23,  
5 United States Code.

6 (b) COVERED LOGGING VEHICLE DEFINED.—In this  
7 section, the term “covered logging vehicle” means a vehi-  
8 cle that—

9 (1) is transporting raw or unfinished forest  
10 products, including logs, pulpwood, biomass, or wood  
11 chips;

12 (2) has a gross vehicle weight of not more than  
13 99,000 pounds;

14 (3) has not less than 6 axles; and

15 (4) is operating on a segment of Interstate  
16 Route 35 in Minnesota from mile marker 235.4 to  
17 mile marker 259.552.



40. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COHEN  
OF TENNESSEE OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

514

**AMENDMENT TO RULES COMMITTEE PRINT 114-**

**32**

**OFFERED BY MR. COHEN OF TENNESSEE, MR.  
LOBIONDO OF NEW JERSEY, AND MR. LAN-  
GEVIN OF RHODE ISLAND**

Page 241, line 10, strike “and”.

Page 241, after line 10, insert the following:

1           (2) by amending paragraph (3)(I) to read as  
2 follows:

3           “(I) the provision of nonfixed route para-  
4 transit transportation services in accordance  
5 with section 223 of the Americans with Disabil-  
6 ities Act of 1990 (42 U.S.C. 12143), but only  
7 for grant recipients that are in compliance with  
8 applicable requirements of that Act, including  
9 both fixed route and demand responsive service,  
10 and only for amounts—

11                   “(i) not to exceed 10 percent of such  
12 recipient’s annual formula apportionment  
13 under sections 5307 and 5311; or

14                   “(ii) not to exceed 20 percent of such  
15 recipient’s annual formula apportionment

1 under sections 5307 and 5311, if con-  
2 sistent with guidance issued by the Sec-  
3 retary, the recipient demonstrates that the  
4 recipient meets at least one of the fol-  
5 lowing requirements:

6 “(I) Provides an active fixed  
7 route travel training program that is  
8 available for riders with disabilities.

9 “(II) Provides that all fixed route  
10 and paratransit operators participate  
11 in a passenger safety, disability  
12 awareness, and sensitivity training  
13 class on at least a biennial basis.

14 “(III) Has memoranda of under-  
15 standing in place with employers and  
16 American Job Centers to increase ac-  
17 cess to employment opportunities for  
18 people with disabilities.”



41. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
VEASEY OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES



1500

**AMENDMENT TO RULES COMMITTEE PRINT**  
**114-32**  
**OFFERED BY MR. VEASEY OF TEXAS**

Page 248, beginning on line 6, strike “or general public demand response service” and insert “or demand response service, excluding ADA complementary para-transit service,”.



42. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
LIPINSKI OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

110R

**AMENDMENT TO RULES COMMITTEE PRINT 114-**

**32**

**OFFERED BY MR. LIPINSKI OF ILLINOIS**

Page 252, strike lines 14 through 19 and insert the following: “exceed 80 percent of the net capital project cost. A full funding grant agreement for a new fixed guideway project shall not include a share of more than 50 percent from the funds made available under this section. Funds made available under section 133 of title 23, United States Code, may not be used for a grant agreement under subsection (d). A grant for a core capacity project shall not exceed 80 percent of the net capital project cost of the incremental cost to increase the capacity in the corridor. A grant for a small start project shall not exceed 80 percent of the net capital project costs.”; and



43. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ADAMS  
OF NORTH CAROLINA OR HER DESIGNEE, DEBATABLE FOR 10  
MINUTES

582

**AMENDMENT TO RULES COMMITTEE PRINT**

**114-32**

**OFFERED BY MS. ADAMS OF NORTH CAROLINA**

Page 263, line 18, strike “minority, and female”  
and insert the following: “female, individual with a dis-  
ability, minority (including American Indian or Alaska  
Native, Asian, Black or African American, native Hawai-  
ian or other Pacific Islander, and Hispanic)”.

☒

44. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOXX  
OF NORTH CAROLINA OR HER DESIGNEE, DEBATABLE FOR 10  
MINUTES

**AMENDMENT TO  
RULES COMMITTEE PRINT 114-32  
OFFERED BY MS. FOXX OF NORTH CAROLINA**

185R

Page 268, line 14, strike “and”.

Page 268, line 17, strike the period and insert a semicolon and after such line insert the following:

1                   “(iv) the percentage of program par-  
2                   ticipants who are in unsubsidized employ-  
3                   ment during the second quarter after exit  
4                   from any such program;

5                   “(v) the percentage of program par-  
6                   ticipants who are in unsubsidized employ-  
7                   ment during the fourth quarter after exit  
8                   from any such program;

9                   “(vi) the median earnings of program  
10                  participants who are in unsubsidized em-  
11                  ployment during the second quarter after  
12                  exit from any such program;

13                  “(vii) the percentage of program par-  
14                  ticipants who obtain a recognized postsec-  
15                  ondary credential, or a secondary school di-  
16                  ploma or its recognized equivalent, during

1 participation in or within 1 year after exit  
2 from any such program; and

3 “(viii) the percentage of program par-  
4 ticipants who, during a program year, are  
5 in an education or training program that  
6 leads to a recognized postsecondary cre-  
7 dential or employment and who are achiev-  
8 ing measurable skill gains toward such a  
9 credential or employment.”.

Page 267, line 25, strike “and”.

Page 268, line 4, strike the period and insert a  
semicolon and after such line insert the following:

10 “(x) address in-demand industry sec-  
11 tor or occupation, as such term is defined  
12 in section 3 of the Workforce Innovation  
13 and Opportunity Act (29 U.S.C. 3102).”.





45. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
LAWRENCE OF MICHIGAN OR HER DESIGNEE, DEBATABLE FOR  
10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT**

**114-32**

**OFFERED BY MRS. LAWRENCE OF MICHIGAN**

Page 314, after line 15, insert the following new subsection:

1 (d) REPORT.—The Council shall, concurrently with  
2 submission to the President of a report containing final  
3 recommendations of the Council, transmit such report to  
4 the Committee on Transportation and Infrastructure of  
5 the House of Representatives and the Committee on Com-  
6 merce, Science, and Transportation of the Senate.



46. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE  
OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10  
MINUTES

25

**AMENDMENT TO RULES COMMITTEE**

**PRINT 114-32**

**OFFERED BY MS. MOORE OF WISCONSIN**

At the end of title III of division A, add the following:

1 **SEC. \_\_\_\_ . EFFECTIVENESS OF PUBLIC TRANSPORTATION**  
2 **CHANGES AND FUNDING.**

3 Not later than 18 months after the date of enactment  
4 of this Act, the Comptroller General shall examine and  
5 evaluate the impact of the changes that Map-21 had on  
6 public transportation, including—

7 (1) the ability and effectiveness of public trans-  
8 portation agencies to provide public transportation  
9 to low-income workers in accessing jobs and being  
10 able to use reverse commute services;

11 (2) whether services to low-income riders de-  
12 clined after Map-21 was implemented; and

13 (3) if guidance provided by the Federal Transit  
14 Administration encouraged public transportation  
15 agencies to maintain and support services to low-in-  
16 come riders to allow them to access jobs, medical  
17 services, and other life necessities.



47. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAVIS  
OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

132

**AMENDMENT TO RULES COMMITTEE PRINT**

**114-32**

**OFFERED BY MR. RODNEY DAVIS OF ILLINOIS**

Page 466, after line 21, insert the following:

1 (a) **AUTOMOBILE TRANSPORTER DEFINED.**—Section  
2 31111(a)(1) of title 49, United States Code, is amended—

3 (1) by striking “specifically”; and

4 (2) by adding at the end the following: “An  
5 automobile transporter shall not be prohibited from  
6 the transport of cargo or general freight on a  
7 backhaul, so long as it complies with weight limita-  
8 tions for a truck tractor and semitrailer combina-  
9 tion.”.

10 (b) **TRUCK TRACTOR DEFINED.**—Section  
11 31111(a)(3)(B) of title 49, United States Code, is amend-  
12 ed—

13 (1) by striking “only”; and

14 (2) by inserting before the period at the end the  
15 following: “or any other commodity, including cargo  
16 or general freight on a backhaul”.

17 (c) **BACKHAUL DEFINED.**—Section 31111(a) of title  
18 49, United States Code, is amended by adding at the end  
19 the following:

1           “(5) BACKHAUL.—The term ‘backhaul’ means  
2           the return trip of a vehicle transporting cargo or  
3           general freight, especially when carrying goods back  
4           over all or part of the same route.”.

Page 466, line 22, insert “(d) STINGER-STEERED  
AUTOMOBILE TRANSPORTERS.—” before “Section”.



48. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE  
OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10  
MINUTES



5812

**AMENDMENT TO RULES COMMITTEE PRINT**  
**114-32**  
**OFFERED BY MS. MOORE OF WISCONSIN**

Page 322, strike line 8 and insert the following:

1                   “(vii) support for school-based driver’s  
2                   education classes to improve teen knowl-  
3                   edge about—  
4                   “(I) safe driving practices; and  
5                   “(II) State’s graduated driving li-  
6                   cense requirements, including behind-  
7                   the-wheel training required to meet  
8                   those requirements; and”.

☒

49. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
CRAWFORD OF ARKANSAS OR HIS DESIGNEE, DEBATABLE FOR  
10 MINUTES

93

**AMENDMENT TO RULES COMMITTEE PRINT  
114-32  
OFFERED BY MR. CRAWFORD OF ARKANSAS**

At the end of subtitle E of title V of Division A of the bill, add the following:

1 **SEC. \_\_\_\_ . COMMERCIAL DELIVERY OF LIGHT- AND ME-**  
2 **DIUM-DUTY TRAILERS.**

3 (a) **DEFINITIONS.**—Section 31111(a) of title 49,  
4 United States Code, is amended by adding at the end the  
5 following:

6 “(5) **TRAILER TRANSPORTER TOWING UNIT.**—  
7 The term ‘trailer transporter towing unit’ means a  
8 power unit that is not used to carry property when  
9 operating in a towaway trailer transporter combina-  
10 tion.

11 “(6) **TOWAWAY TRAILER TRANSPORTER COM-**  
12 **BINATION.**—The term ‘towaway trailer transporter  
13 combination’ means a combination of vehicles con-  
14 sisting of a trailer transporter towing unit and two  
15 trailers or semitrailers—

16 “(A) with a total weight that does not ex-  
17 ceed 26,000 pounds; and

1           “(B) in which the trailers or semitrailers  
2           carry no property and constitute inventory  
3           property of a manufacturer, distributor or deal-  
4           er of such trailers or semitrailers.”.

5           (b) GENERAL LIMITATIONS.—Section 31111(b)(1) of  
6 such title is amended—

7           (1) in subparagraph (E) by striking “or” at the  
8           end;

9           (2) in subparagraph (F) by striking the period  
10          at the end and inserting “; or”; and

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

12                   “(G) has the effect of imposing an overall  
13                   length limitation of less than 82 feet on a  
14                   towaway trailer transporter combination.”.

15          (c) CONFORMING AMENDMENTS.—

16           (1) PROPERTY-CARRYING UNIT LIMITATION.—  
17          Section 31112(a)(1) of such title is amended by in-  
18          serting before the period at the end the following: “,  
19          but not including a trailer or a semitrailer trans-  
20          ported as part of a towaway trailer transporter com-  
21          bination, as defined in section 31111(a)”.

22           (2) ACCESS TO INTERSTATE SYSTEM.—Section  
23          31114(a)(2) of such title is amended by inserting

- 1 “any towaway trailer transporter combination, as de-
- 2 fined in section 31111(a),’ after “passengers,”.



50. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MENG  
OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10  
MINUTES

86

**AMENDMENT TO RULES COMMITTEE PRINT 114-**

**32**

**OFFERED BY MS. MENG OF NEW YORK**

At the end of subtitle E of title V, insert the following new section:

1 **SEC. 5515. GAO REVIEW OF SCHOOL BUS SAFETY.**

2 Not later than 1 year after the date of enactment  
3 of this Act, the Comptroller General of the United States  
4 shall submit to the Committee on Commerce, Science, and  
5 Transportation of the Senate and the Committee on  
6 Transportation and Infrastructure of the House of Rep-  
7 resentatives a review of the following:

8 (1) Existing Federal and State rules and guid-  
9 ance, as of the date of the review, concerning school  
10 bus transportation of elementary school and sec-  
11 ondary school students engaging in home-to-school  
12 transport or other transport determined by the  
13 Comptroller General to be a routine part of kinder-  
14 garten through grade 12 education, including regula-  
15 tions and guidance regarding driver training pro-  
16 grams, capacity requirements, programs for special  
17 needs students, inspection standards, vehicle age re-

1       quirements, best practices, and public access to in-  
2       spection results and crash records.

3           (2) Any correlation between public or private  
4       school bus fleet operators whose vehicles are involved  
5       in an accident as defined by section 390.5 of title  
6       49, Code of Federal Regulations, and each of the  
7       following:

8           (A) A failure by those same operators of  
9       State or local safety inspections.

10          (B) The average age or odometer readings  
11       of the school buses in the fleets of such opera-  
12       tors.

13          (C) Violations of Federal laws adminis-  
14       tered by the Department of Transportation, or  
15       of State law equivalents of such laws.

16          (D) Violations of State or local law relat-  
17       ing to illegal passing of a school bus.

18       (3) A regulatory framework comparison of pub-  
19       lic and private school bus operations.

20       (4) Expert recommendations on best practices  
21       for safe and reliable school bus transportation, in-  
22       cluding driver training programs, inspection stand-  
23       ards, school bus age and odometer reading maxi-  
24       mums for retirement, the percentage of buses in a



- 1 local bus fleet needed as spare buses, and capacity
- 2 levels per school bus for different age groups.



51. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MENG  
OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10  
MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 114-**  
**32**  
**OFFERED BY MS. MENG OF NEW YORK**

Page 524, line 12, after “challenges” insert “, including consumer privacy protections”.



52. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NAPOLITANO OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

13

**AMENDMENT TO RULES COMMITTEE PRINT**

**114-32**

**OFFERED BY MRS. NAPOLITANO OF CALIFORNIA**

Page 541, line 15, add at the end the following: “In developing such regulations, the Secretary shall consult with States to determine whether there are safety hazards or concerns specific to a State that should be taken into account in developing the requirements for a comprehensive oil spill response plan.”



53. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
MOULTON OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE  
FOR 10 MINUTES

83

**AMENDMENT TO RULES COMMITTEE PRINT 114-**

**32**

**OFFERED BY MR. MOULTON OF MASSACHUSETTS**

Page 571, line 3, redesignate section 7015 as section 7016.

Page 571, after line 2, insert after section 7014 the following new section:

1 **SEC. 7015. STUDY ON THE EFFICACY AND IMPLEMENTA-**  
2 **TION OF THE EUROPEAN TRAIN CONTROL**  
3 **SYSTEM.**

4 (a) **IN GENERAL.**—The Comptroller General of the  
5 United States shall, in consultation with other heads of  
6 Federal agencies as appropriate, conduct a study on the  
7 European Train Control System.

8 (b) **ISSUES.**—In conducting the study described in  
9 subsection (a), the Comptroller General shall examine, at  
10 a minimum, the following issues:

11 (1) The process by which the European Train  
12 Control System came to replace the more than 20  
13 separate national train control systems throughout  
14 the European continent.

1           (2) The costs associated with implementing the  
2     European Train Control System across all affected  
3     railroads in Europe.

4           (3) The impact of the European Train Control  
5     System on operating capacity and rail passenger  
6     safety.

7           (4) The efficacy of the European Train Control  
8     System and the feasibility of implementing such a  
9     system throughout the national rail network of the  
10    United States.

11          (5) A comparison of the costs associated with  
12    adopting European Train Control System technology  
13    with the costs associated with developing and imple-  
14    menting Positive Train Control in the United States.

15          (c) REPORT.—Not later than 180 days after the date  
16    of the enactment of this section, the Comptroller General  
17    shall submit to the Committee on Transportation and In-  
18    frastructure of the House of Representatives and the Com-  
19    mittee on Commerce, Science, and Transportation of the  
20    Senate a report on the results of the study described in  
21    subsection (a).





54. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
NEUGEBAUER OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT**

**114-32**

**OFFERED BY MR. NEUGEBAUER OF TEXAS**

67

At the end of title VII, add the following:

1 **SEC. \_\_\_\_ . HAZARDOUS MATERIALS ENDORSEMENT EX-**  
2 **EMPTION.**

3 The Secretary shall allow a State, at the discretion  
4 of the State, to waive the requirement for a holder of a  
5 Class A commercial driver’s license to obtain a hazardous  
6 materials endorsement under part 383 of title 49, Code  
7 of Federal Regulations, if the license holder—

8 (1) is acting within the scope of the license  
9 holder’s employment as an employee of a custom  
10 harvester operation, agrichemical business, farm re-  
11 tail outlet and supplier, or livestock feeder; and

12 (2) is operating a service vehicle that is—

13 (A) transporting diesel in a quantity of  
14 3,785 liters (1,000 gallons) or less; and

15 (B) clearly marked with a “flammable” or  
16 “combustible” placard, as appropriate.



55. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
CUMMINGS OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR  
10 MINUTES

64-REVISED 2

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**AMENDMENT TO RULES COMMITTEE PRINT 114-**

**32**

**OFFERED BY MR. CUMMINGS OF MARYLAND**

Page 573, after line 11, add the following:

1 **SEC. \_\_. TRACK SAFETY: VERTICAL TRACK DEFLECTION.**

2 (a) REPORT.—Not later than March 31, 2016, the  
3 Secretary shall transmit a report to the Committee on  
4 Transportation and Infrastructure of the House of Rep-  
5 resentatives and the Committee on Commerce, Science,  
6 and Transportation of the Senate detailing research con-  
7 ducted or procured by the Federal Railroad Administra-  
8 tion on developing a system that measures Vertical Track  
9 Deflection (in this section referred to as “VTD”) from a  
10 moving railroad car, including the ability of such a system  
11 to identify poor track support from fouled ballast, deterio-  
12 rated cross ties, or other conditions.

13 (b) INCLUSIONS.—This report shall include—

14 (1) the findings and results of testing of VTD  
15 instrumentation during field trials on revenue service  
16 track;

17 (2) the findings and results of subsequent test-  
18 ing of VTD instrumentation on a Federal Railroad

~~64-REVISED~~

1 Administration Automated Track Inspection Pro-  
2 gram geometry car;

3 (3) if considered appropriate by the Secretary  
4 based on the report and related research, a plan for  
5 developing quantitative inspection criteria for poor  
6 track support using existing VTD instrumentation  
7 on Federal Railroad Administration Automated  
8 Track Inspection Program geometry cars; and

9 (4) if considered appropriate by the Secretary  
10 based on the report and related research, a plan for  
11 installing VTD instrumentation on all remaining  
12 Federal Railroad Administration Automated Track  
13 Inspection Program geometry cars within 3 years  
14 after the date of enactment of this Act.

☒

56. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WALZ  
OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

43R

**AMENDMENT TO RULES COMMITTEE PRINT  
114-32  
OFFERED BY MR. WALZ OF MINNESOTA**

At the end of title VII, add the following:

1 **SEC. \_\_\_\_ . HAZARDOUS MATERIALS BY RAIL LIABILITY**  
2 **STUDY.**

3 (a) **IN GENERAL.**—Not later than 30 days after the  
4 date of enactment of this Act, the Secretary shall initiate  
5 a study on the levels and structure of insurance for a rail-  
6 road carrier transporting hazardous materials.

7 (b) **CONTENTS.**—In conducting the study under sub-  
8 section (a), the Secretary shall evaluate—

9 (1) the level and structure of insurance, includ-  
10 ing self-insurance, available in the private market  
11 against the full liability potential for damages aris-  
12 ing from an accident or incident involving a train  
13 transporting hazardous materials; and

14 (2) the level and structure of insurance that  
15 would be necessary and appropriate—

16 (A) to efficiently allocate risk and financial  
17 responsibility for claims; and

1 (B) to ensure that a railroad carrier trans-  
2 porting hazardous materials can continue to op-  
3 erate despite the risk of an accident or incident.

4 (c) REPORT.—Not later than 1 year after the date  
5 the study under subsection (a) is initiated, the Secretary  
6 shall submit a report containing the results of the study  
7 and recommendations for addressing liability issues with  
8 rail transportation of hazardous materials to—

9 (1) the Committee on Commerce, Science, and  
10 Transportation of the Senate; and

11 (2) the Committee on Transportation and In-  
12 frastructure of the House of Representatives.

13 (d) DEFINITIONS.—In this section:

14 (1) HAZARDOUS MATERIAL.—The term “haz-  
15 arduous material” means a substance or material the  
16 Secretary designates under section 5103(a) of title  
17 49, United States Code.

18 (2) RAILROAD CARRIER.—The term “railroad  
19 carrier” has the meaning given the term in section  
20 20102 of title 49, United States Code.





57. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
HERRERA BEUTLER OF WASHINGTON OR HER DESIGNEE,  
DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 114-**

**32**

**OFFERED BY MS. HERRERA BEUTLER OF**

**WASHINGTON**

Page 289, strike lines 11 through 14 and insert the following:

- 1                   “(i) \$352,950,000 for fiscal year
- 2                   2016;
- 3                   “(ii) \$462,950,000 for fiscal year
- 4                   2017;
- 5                   “(iii) \$468,288,000 for fiscal year
- 6                   2018;
- 7                   “(iv) \$473,653,500 for fiscal year
- 8                   2019;
- 9                   “(v) \$479,231,500 for fiscal year
- 10                  2020; and
- 11                  “(vi) \$484,816,000 for fiscal year
- 12                  2021;”.

Beginning on page 289, strike line 21 and all that follows through page 290, line 8, and insert the following:

- 13                  “(i) \$262,950,000 for fiscal year
- 14                  2016;

1                   “(ii) \$262,950,000 for fiscal year  
2                   2017;  
3                   “(iii) \$268,288,000 for fiscal year  
4                   2018;  
5                   “(iv) \$273,653,500 for fiscal year  
6                   2019;  
7                   “(v) \$279,231,500 for fiscal year  
8                   2020; and  
9                   “(vi) \$284,816,000 for fiscal year  
10                  2021.”.

At the end of title III of division A, add the following:

11 **SEC. \_\_\_\_ . INCREASE SUPPORT FOR GROWING STATES.**

12           Section 5340 of title 49, United States Code, is  
13 amended—

14           (1) by striking subsection (b) and inserting the  
15           following:

16           “(b) APPORTIONMENT.—Of the amounts made avail-  
17           able for each fiscal year under section 5338(b)(2)(M), the  
18           Secretary shall apportion 100 percent to States and ur-  
19           banized areas in accordance with subsection (c).”; and

20           (2) by striking subsection (d).



58. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
CHABOT OF OHIO OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 114-**

**32**

189

**OFFERED BY MR. CHABOT OF OHIO**

At the end of subtitle D of title I of division A, add the following new section:

**1 SECTION 1431. INCREASING CERTAIN PENALTIES RELAT-  
2 ING TO COMMERCIAL MOTOR VEHICLE SAFE-  
3 TY.**

4 (a) CIVIL PENALTY.—Section 521(b)(2)(A) of title  
5 49, United States Code, is amended by striking “\$2,500”  
6 and inserting “\$5,000”.

7 (b) CRIMINAL PENALTY.—Section 521(b)(6)(A) of  
8 title 49, United States Code, is amended by striking  
9 “\$2,500” and inserting “\$5,000”.

10 (c) DISQUALIFICATIONS.—

11 (1) FIRST VIOLATION OR COMMITTING FEL-  
12 ONY.—Section 31310(b)(1) of title 49, United  
13 States Code, is amended—

14 (A) in subparagraph (D), by striking “;  
15 or” and inserting a semicolon;

16 (B) in subparagraph (E), by striking the  
17 period at the end and inserting “; or”; and

1 (C) by adding at the end the following new  
2 subparagraph:

3 “(F) determined by the Secretary to have oper-  
4 ated a commercial motor vehicle that the individual  
5 knew or reasonably should have known had a defect  
6 that resulted in a fatality.”.

7 (2) SECOND AND MULTIPLE VIOLATIONS.—Sec-  
8 tion 31310(c)(1) of title 49, United States Code, is  
9 amended—

10 (A) in subparagraph (E), by striking “;  
11 or” and inserting a semicolon;

12 (B) by redesignating subparagraph (F) as  
13 subparagraph (G);

14 (C) in subparagraph (G) (as so redesign-  
15 ated)—

16 (i) by striking “(E)” and inserting  
17 “(F)”; and

18 (ii) by inserting “, operations,” after  
19 “violations”; and

20 (D) by inserting after subparagraph (E)  
21 the following new subparagraph:

22 “(F) determined by the Secretary to have more  
23 than once operated a commercial motor vehicle that

1 the individual knew or reasonably should have  
2 known had a defect that resulted in a fatality; or”.



PART B—TEXT OF AMENDMENTS MADE IN ORDER



1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PERRY OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

28

AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. PERRY OF PENNSYLVANIA

*and Mr.  
Mullins  
of  
South Carolina*

Page 1022, strike lines 5 through 7 and insert the following:

1 (a) IN GENERAL.—Section 2(b)(1)(E)(v) of the Ex-  
2 port-Import Bank Act of 1945 (12 U.S.C.  
3 635(b)(1)(E)(v)) is amended—

4 (1) by striking “20 percent of such authority  
5 for each fiscal year” and inserting “25 percent of  
6 such authority for fiscal year 2016, 30 percent of  
7 such authority for fiscal year 2017, 35 percent of  
8 such authority for fiscal year 2018, and 40 percent  
9 of such authority for each fiscal year thereafter”;  
10 and

11 (2) by adding at the end the following: “If the  
12 Bank fails to comply with the 2nd preceding sen-  
13 tence with respect to a fiscal year, the Bank may  
14 not approve the provision of a guarantee, insurance,  
15 or credit, or any combination thereof benefitting a  
16 single person, in an amount exceeding \$100,000,000

1       until the beginning of the 2nd succeeding fiscal  
2       year.”.



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MULVANEY OF SOUTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

55

**AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. MULVANEY OF SOUTH  
CAROLINA**

Page 1032, after line 4, insert the following:

1 **SEC. \_\_\_\_ . RESTRICT BANK LENDING TO SERVING AS**  
2 **COUNTERVAILING LENDER.**

3 (a) BAN ON PROVIDING CREDIT ASSISTANCE FOR  
4 TRANSACTION THAT DOES NOT MEET FOREIGN COM-  
5 PETITION.—Section 2(b) of the Export-Import Bank Act  
6 of 1945 (12 U.S.C. 635(b)) is amended by adding at the  
7 end the following:

8 “(14) PROHIBITION ON ASSISTANCE FOR TRANS-  
9 ACTION THAT DOES NOT MEET FOREIGN COMPETI-  
10 TION.—The Bank shall not guarantee, insure, or extend  
11 (or participate in the extension of) credit involving any  
12 transaction, with respect to which credit assistance from  
13 the Bank is first sought after the effective date of this  
14 paragraph, that does not meet competition from a foreign,  
15 officially sponsored, export credit agency.”

16 (b) ANNUAL CERTIFICATION THAT EACH PROVISION  
17 BY THE BANK OF CREDIT ASSISTANCE IS MADE TO MEET

1 FOREIGN COMPETITION.—Section 8(h) of such Act (12  
2 U.S.C. 535g(h)) is amended to read as follows:

3 “(h) CERTIFICATION THAT EACH PROVISION OF  
4 CREDIT ASSISTANCE IS MADE TO MEET FOREIGN COM-  
5 PETITION.—The Bank shall include in its annual report  
6 to the Congress under subsection (a) a certification that—

7 “(1) each provision by the Bank of a loan,  
8 guarantee, or insurance, with respect to which credit  
9 assistance from the Bank was first sought after the  
10 effective date of this subsection, in the period cov-  
11 ered by the report was made to meet competition  
12 from a foreign, officially sponsored, export credit  
13 agency; and

14 “(2) no such provision was made to fill market  
15 gaps that the private sector is not willing or able to  
16 meet.”.



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MULVANEY OF SOUTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

56

**AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. MULVANEY OF SOUTH  
CAROLINA**

Page 1032, after line 4, insert the following:

1 **SEC. 95004. CERTIFICATION THAT BANK ASSISTANCE DOES**  
2 **NOT COMPETE WITH THE PRIVATE SECTOR.**

3 Section 2 of the Export-Import Bank Act of 1945  
4 (12 U.S.C. 635), as amended by section 95001 of this Act,  
5 is amended by adding at the end the following:

6 “(1) RECIPIENTS OF BANK ASSISTANCE FOR A  
7 TRANSACTION OF MORE THAN \$10,000,000 REQUIRED  
8 TO CERTIFY INABILITY TO OBTAIN CREDIT ELSE-  
9 WHERE.—The Bank shall not guarantee, insure, or extend  
10 credit, or participate in an extension of credit, in connec-  
11 tion with a transaction, with respect to which credit assist-  
12 ance from the Bank is first sought after the effective date  
13 of this paragraph, of more than \$10,000,000, to a person,  
14 unless the person has—

15 “(1) certified to the Bank that the person has  
16 sought, and has been unable to obtain, private sector  
17 financing for the transaction without any Federal  
18 Government support; and



1           “(2) provided the Bank with documentation  
2           that at least 2 private financial institutions have de-  
3           clined to provide financing for the transaction.”.

4 **SEC. 95005. FALSE CLAIMS ACT PROVISIONS.**

5           (a) **APPLICABILITY OF FALSE CLAIMS PROVISIONS**  
6 **TO EXPORT-IMPORT BANK TRANSACTIONS.**—Section  
7 3729(a) of title 31, United States Code, is amended—

8           (1) by redesignating paragraph (3) as para-  
9           graph (4);

10           (2) by inserting after paragraph (2) the fol-  
11           lowing:

12           “(3) **ADDITIONAL VIOLATIONS.**—Any person  
13           who—

14           “(A) receives a loan or guarantee from the  
15           Export Import Bank of the United States for  
16           the purposes of supporting a project or venture,  
17           without conducting reasonable diligence to de-  
18           termine whether private sector financing would  
19           have been available to support the project or  
20           venture, whether or not the terms of the private  
21           sector financing would have been substantially  
22           different from the terms of the financing pro-  
23           vided by the Export Import Bank of the United  
24           States; or



1 95004 of this Act, is amended by adding at the end the  
2 following:

3 “(m) EFFECTS OF FINDING BY INSPECTOR GENERAL  
4 THAT CONTRACT RECIPIENT MADE INACCURATE REP-  
5 RESENTATION ABOUT AVAILABILITY OF COMPETING FOR-  
6 EIGN FINANCING OR PRIVATE SECTOR FINANCING.—

7 “(1) RESCISSION OF CONTRACT.—The Bank  
8 may not enter into a contract under which the Bank  
9 provides a loan or guarantee, unless the contract  
10 provides that, if the Inspector General of the Bank  
11 determines that a representation made by the recipi-  
12 ent of the loan or guarantee about the availability of  
13 competing foreign export financing or private sector  
14 financing was inaccurate at the time the representa-  
15 tion was made—

16 “(A) the contract shall be considered re-  
17 scinded; and

18 “(B) the recipient shall immediately repay  
19 to the Bank an amount equal to—

20 “(i) in the case of a loan, the amount  
21 of the loan; or

22 “(ii) in the case of a guarantee, an  
23 amount equal to the appraised value of the  
24 guarantee.

1           “(2) INELIGIBILITY FOR FUTURE FINANCIAL  
2           SUPPORT.—A person whose contract is rescinded  
3           under paragraph (1) shall not be eligible for any fi-  
4           nancial support from the Bank.”.



4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MULVANEY OF SOUTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

60

**AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. MULVANEY OF SOUTH  
CAROLINA**

Page 1032, after line 4, insert the following:

1 **SEC. \_\_\_\_ . PROHIBITION ON SUPPORT TO CERTAIN EN-**  
2 **TERPRISES IN COUNTRIES WITH SOVEREIGN**  
3 **WEALTH FUNDS OVER \$100,000,000,000.**

4 Section 2(b) of the Export-Import Bank Act of 1945  
5 (12 U.S.C. 635) is amended by adding at the end the fol-  
6 lowing:

7 “(14) PROHIBITION ON SUPPORT TO CERTAIN EN-  
8 TERPRISES IN COUNTRIES WITH SOVEREIGN WEALTH  
9 FUNDS OVER \$100,000,000,000.—

10 “(A) IN GENERAL.—The Bank shall not guar-  
11 antee or extend (or participate in an extension of)  
12 credit in connection with a transaction, with respect  
13 to which credit assistance from the Bank is first  
14 sought after the effective date of this paragraph,  
15 with a foreign company (or joint venture including  
16 a foreign company) that benefits from support from  
17 a foreign government if the foreign government has

1       1 or more sovereign wealth funds with an aggregate  
2       value of at least \$100,000,000,000.

3               “(B) SOVEREIGN WEALTH FUND DEFINED.—In  
4       clause (i), the term ‘sovereign wealth fund’ means,  
5       with respect to a government, an investment fund  
6       owned by the government, excluding foreign cur-  
7       rency reserve assets, any asset held by a central  
8       bank for the execution of monetary policy, and any  
9       government-managed pension fund.”.



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MULVANEY OF SOUTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES



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**AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. MULVANEY OF SOUTH  
CAROLINA**

Page 1032, after line 4, insert the following:

1 **SEC. \_\_\_\_ . SATISFACTION OF OBLIGATIONS OF THE EX-**  
2 **PORT-IMPORT BANK OF THE UNITED STATES.**

3 (a) **ELIMINATION OF AUTHORITY TO ISSUE OBLIGA-**  
4 **TIONS TO THE SECRETARY OF THE TREASURY.—Section**  
5 **5 of the Export-Import Bank Act of 1945 (12 U.S.C.**  
6 **635d) is repealed.**

7 (b) **REQUIREMENT THAT THE EXPORT-IMPORT**  
8 **BANK OF THE UNITED STATES COVER ALL ITS**  
9 **LOSSES.—**

10 (1) **IN GENERAL.—Section 2 of Public Law 90-**  
11 **390 (12 U.S.C. 635k) is amended—**

12 (A) by striking “the first \$100,000,000 of  
13 such losses shall be borne by the Bank; the sec-  
14 ond \$100,000,000 of such losses shall be borne  
15 by the Secretary of the Treasury; and any  
16 losses in excess thereof” and inserting “all  
17 losses”; and

18 (B) by striking the 2nd and 3rd sentences.

- 1 (2) CONFORMING REPEAL.—Section 3 of Public
- 2 Law 90-390 (12 U.S.C. 6351) is repealed.



6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MULVANEY OF SOUTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. MULVANEY OF SOUTH  
CAROLINA**

Page 1032, after line 4, insert the following:

1 **SEC. \_\_\_\_\_. STRENGTHENING PORTFOLIO DIVERSIFICA-**  
2 **TION AND RISK MANAGEMENT.**

3 (a) **LIMITATIONS ON SECTORAL CREDIT EXPOSURE**  
4 **OF THE BANK.**—Section 2 of the Export-Import Bank Act  
5 of 1945 (12 U.S.C. 635), as amended by section 95001  
6 of this Act, is amended by adding at the end the following:

7 “(1) **LIMITATIONS ON SECTORAL CREDIT EXPOSURE**  
8 **OF THE BANK.**—

9 “(1) **IN GENERAL.**—The Bank shall not guar-  
10 antee, insure, or extend (participate in the extension  
11 of) credit in connection with a transaction in a sin-  
12 gles industrial sector if the provision of the guar-  
13 antee, insurance, or credit would result in the total  
14 credit exposure of the Bank in the sector being more  
15 than 20 percent of the total credit exposure of the  
16 Bank.

17 “(2) **EFFECT OF EXCESSIVE SECTORAL CREDIT**  
18 **EXPOSURE.**—If, as of the end of a fiscal year, the

1 credit exposure of the Bank in a single industrial  
2 sector exceeds the limit specified in paragraph (1),  
3 the Bank may not guarantee, insure, or extend (partic-  
4 ipate in the extension of) credit in connection with  
5 a transaction in the sector until the President of the  
6 Bank reports to the Committee on Banking, Hous-  
7 ing, and Urban Affairs of the Senate and the Com-  
8 mittee on Financial Services of the House of Rep-  
9 resentatives that, as of the end of the calendar  
10 month preceding the month in which the report is  
11 made, the credit exposure of the Bank in the sector  
12 does not exceed the limit.”.

13 (b) LIMITATIONS ON BANK ASSISTANCE BENEFIT-  
14 TING A SINGLE PERSON.—Section 2 of the Export-Import  
15 Bank Act of 1945 (12 U.S.C. 635), as amended by section  
16 95001 of this Act and subsection (a) of this section, is  
17 amended by adding at the end the following:

18 “(m) LIMITATIONS ON BANK ASSISTANCE BENEFIT-  
19 TING A SINGLE PERSON.—

20 “(1) IN GENERAL.—The Bank shall not guar-  
21 antee, insure, or extend (participate in the extension  
22 of) credit in a fiscal year if the provision of the  
23 guarantee, insurance, or credit would result in a sin-  
24 gle person benefitting from more than 10 percent of

1 the total dollar amount of credit assistance provided  
2 by the Bank in the fiscal year.

3 “(2) EFFECT OF EXCESSIVE BENEFIT FOR A  
4 SINGLE EXPORTER.—If, in a fiscal year, a person  
5 has benefitted from more than 10 percent of the  
6 total dollar amount of credit assistance provided by  
7 the Bank in the fiscal year, the Bank may not guar-  
8 antee, insure, or extend (participate in the extension  
9 of) credit so as to benefit the person until the begin-  
10 ning of the 2nd succeeding fiscal year.”.

11 (c) EFFECTIVE DATE.—The amendments made by  
12 this section shall take effect on October 1, 2016.



7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROTHFUS OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

8

**AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. ROTHFUS OF PENNSYLVANIA**

Page 1032, after line 4, insert the following:

1 **SEC. \_\_\_\_ . GUARANTEE FROM UNITED STATES EXPORTER**  
2 **REQUIRED AS A CONDITION OF PROVIDING**  
3 **GUARANTEE OR EXTENDING CREDIT TO FOR-**  
4 **EIGN PERSON.**

5 Section 2 of the Export-Import Bank Act of 1945  
6 (12 U.S.C. 635), as amended by section 95001 of this Act,  
7 is amended by adding at the end the following:

8 “(1) GUARANTEE FROM UNITED STATES EXPORTER  
9 REQUIRED AS A CONDITION OF PROVIDING GUARANTEE  
10 OR EXTENDING CREDIT TO FOREIGN PERSON.—

11 “(1) IN GENERAL.—The Bank may not provide  
12 a guarantee or extend (or participate in the exten-  
13 sion of credit) to a foreign person in a fiscal year  
14 in connection with the export of goods or services by  
15 a United States company, unless—

16 “(A) the United States company—

17 “(i) guarantees the repayment by the  
18 foreign person of the applicable percentage  
19 for the fiscal year of the amount of the



1                   guarantee or credit provided by the Bank;

2                   and

3                   “(ii) pledges collateral in an amount  
4                   sufficient to cover the applicable percent-  
5                   age for the fiscal year of the amount guar-  
6                   anteed by the United States company; and

7                   “(B) the guarantee by the United States  
8                   company is senior to any other obligation of the  
9                   United States company.

10                  “(2) APPLICABLE PERCENTAGE DEFINED.—In  
11                  paragraph (1), the term ‘applicable percentage’  
12                  means—

13                  “(A) in the case of fiscal year 2016, 10  
14                  percent;

15                  “(B) in the case of fiscal year 2017, 20  
16                  percent;

17                  “(C) in the case of fiscal year 2018, 30  
18                  percent;

19                  “(D) in the case of fiscal year 2019, 40  
20                  percent;

21                  “(E) in the case of fiscal year 2020, 50  
22                  percent;

23                  “(F) in the case of fiscal year 2021, 60  
24                  percent;

1           “(G) in the case of fiscal year 2022, 70  
2           percent;

3           “(H) in the case of fiscal year 2023, 80  
4           percent;

5           “(I) in the case of fiscal year 2024, 90  
6           percent; and

7           “(J) in the case of fiscal year 2025 and  
8           each succeeding fiscal year, 100 percent.

9           “(3) INAPPLICABILITY TO SMALL BUSINESS EX-  
10          PORTERS.—Paragraph (1) shall not apply with re-  
11          spect to the provision of a guarantee or credit in  
12          connection with an export by a small business con-  
13          cern (as defined in section 3(a) of the Small Busi-  
14          ness Act).”.



8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROYCE OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES



**AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. ROYCE OF CALIFORNIA**

Page 1032, after line 4, insert the following:

1 **SEC. \_\_\_\_ . PROHIBITION ON AID TO STATE-SPONSORS OF**  
2 **TERRORISM.**

3 Section 2(b)(2) of the Export-Import Bank Act of  
4 1945 (12 U.S.C. 635(b)(2)) is amended—

5 (1) in the paragraph heading, by inserting “OR  
6 STATE-SPONSORS OF TERRORISM” before the pe-  
7 riod;

8 (2) in subparagraph (A)—

9 (A) by striking “or” at the end of clause  
10 (i);

11 (B) by redesignating clause (ii) as clause  
12 (iii) and inserting after clause (i) the following:

13 “(ii) in connection with the purchase or  
14 lease of any product by a country that is des-  
15 ignated as a state-sponsor of terrorism, or any  
16 agency or national thereof; or”; and

17 (C) in clause (iii) (as so redesignated), by  
18 inserting “or a state-sponsor of terrorism” be-  
19 fore the period;

1           (3) by redesignating subparagraphs (C) and  
2           (D) as subparagraphs (D) and (E), respectively, and  
3           inserting after subparagraph (B) the following:

4           “(C) STATE-SPONSOR OF TERRORISM DE-  
5           FINED.—In this paragraph, the term ‘state-sponsor  
6           of terrorism’ means a country the government of  
7           which the Secretary of State has determined, for  
8           purposes of section 6(j)(1)(A) of the Export Admin-  
9           istration Act of 1979 (50 U.S.C. App.  
10          2405(j)(1)(A)) (as continued in effect pursuant to  
11          the International Emergency Economic Powers Act  
12          (50 U.S.C. 1701 et seq.), section 620A(a) of the  
13          Foreign Assistance Act of 1961 (22 U.S.C.  
14          2371(a)), section 40(d) of the Arms Export Control  
15          Act (22 U.S.C. 2780(d)), or any other provision of  
16          law, to be a government that has repeatedly provided  
17          support for acts of international terrorism.”;

18          (4) in subparagraph (D) (as so redesignated)—

19                 (A) in the subparagraph heading, by in-  
20                 serting “OR A STATE-SPONSOR OF TERRORISM”  
21                 after “MARXIST-LENINIST”;

22                 (B) by inserting “or that any country de-  
23                 scribed in subparagraph (C) has ceased to be a  
24                 state-sponsor of terrorism” after “(B)(i)”;

1 (C) by inserting “or a state-sponsor of ter-  
2 rorism, as the case may be,” before “for pur-  
3 poses”; and

4 (D) by inserting “or a state-sponsor of ter-  
5 rorism, as the case may be” before the period  
6 at the end; and

7 (5) in subparagraph (E) (as so redesignated)—

8 (A) in clause (i)—

9 (i) by striking “Subparagraph” and  
10 inserting “Clauses (i) and (iii) (but only to  
11 the extent applicable with respect to Marx-  
12 ist-Leninist countries) of subparagraph”;  
13 and

14 (ii) by striking “(ii)” and inserting  
15 “(iii) (but only to the extent applicable  
16 with respect to Marxist-Leninist coun-  
17 tries)”; and

18 (B) in clause (ii), by striking “(ii)” and in-  
19 serting “(iii) (but only to the extent applicable  
20 with respect to Marxist-Leninist countries)”.



9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHWEIKERT OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. SCHWEIKERT OF ARIZONA**

Page 1032, after line 4, insert the following:

1 **SEC. \_\_\_\_\_ . USE OF FAIR VALUE ACCOUNTING PRIN-**  
2 **CIPLES.**

3 The Export-Import Bank Act of 1945 (12 U.S.C. 635  
4 et seq.) is amended by adding at the end the following:

5 **“SEC. 16. USE OF FAIR VALUE ACCOUNTING PRINCIPLES.**

6 “The Bank shall prepare the financial statements of  
7 the Bank in accordance with fair value accounting prin-  
8 ciples.”.





10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YOUNG  
OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. YOUNG OF IOWA**

10

Amend the table of contents by inserting after the item pertaining to section 62001 the following:

**TITLE LXIII—REQUIREMENTS REGARDING RULE MAKINGS**  
Sec. 63001. Requirements regarding rule makings.

Page 988, insert after line 20 the following:

1 **TITLE LXIII—REQUIREMENTS**  
2 **REGARDING RULE MAKINGS**  
3 **SEC. 63001. REQUIREMENTS REGARDING RULE MAKINGS.**

4 For each publication in the Federal Register required  
5 to be made by law and pertaining to a rule made to carry  
6 out this Act or the amendments made by this Act, the  
7 agency making the rule shall include in such publication  
8 a list of information on which the rule is based, including  
9 data, scientific and economic studies, and cost-benefit  
10 analyses, and identify how the public can access such in-  
11 formation online.



11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POMPEO OF KANSAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

19

**AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. POMPEO OF KANSAS**

Page 12, after the item relating to section 62001,  
insert the following:

Sec. 62002. GAO report on refunds to registered vendors of kerosene used in  
noncommercial aviation.

Page 988, after line 20, insert the following:

1 **SEC. 62002. GAO REPORT ON REFUNDS TO REGISTERED**  
2 **VENDORS OF KEROSENE USED IN NON-**  
3 **COMMERCIAL AVIATION.**

4 Not later than 180 days after the date of the enact-  
5 ment of this Act, the Comptroller General of the United  
6 States shall—

7 (1) conduct a study regarding payments made  
8 to vendors of kerosene used in noncommercial avia-  
9 tion under section 6427(l)(4)(C)(ii) of the Internal  
10 Revenue Code of 1986, and

11 (2) submit to the appropriate committees of  
12 Congress a report describing the results of such  
13 study, which shall include estimates of—

1 (A) the number of vendors of kerosene  
2 used in noncommercial aviation who are reg-  
3 istered under section 4101 of such Code,

4 (B) the number of vendors of kerosene  
5 used in noncommercial aviation who are not so  
6 registered,

7 (C) the number of vendors described in  
8 subparagraph (A) who receive payments under  
9 section 6427(l)(4)(C)(ii) of such Code,

10 (D) the excess of—

11 (i) the amount of payments which  
12 would be made under section  
13 6427(l)(4)(C)(ii) of such Code if all ven-  
14 dors of kerosene used in noncommercial  
15 aviation were registered and filed claims  
16 for such payments, over

17 (ii) the amount of payments actually  
18 made under such section, and

19 (E) the number of cases of diesel truck op-  
20 erators fraudulently using kerosene taxed for  
21 use in aviation.



12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
FOSTER OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

33

**AMENDMENT TO THE SENATE AMENDMENTS TO**  
**H.R. 22**  
**OFFERED BY MR. FOSTER OF ILLINOIS**

Page 12, after the item relating to section 62001,  
insert the following:

Sec. 62002. Determination of certain spending and tax burdens by State.

Page 988, after line 20, insert the following:

1 **SEC. 62002. DETERMINATION OF CERTAIN SPENDING AND**  
2 **TAX BURDENS BY STATE.**

3 (a) **CALCULATION OF FEDERAL REVENUE CON-**  
4 **TRIBUTIONS BY STATE.—**

5 (1) **IN GENERAL.—**The Secretary of Treasury,  
6 acting through the Commissioner of the Internal  
7 Revenue Service, shall calculate the Federal tax bur-  
8 den of each State for each calendar year.

9 (2) **CALCULATION OF FEDERAL TAX BUR-**  
10 **DEN.—**For purposes of calculating the Federal tax  
11 burden of each State under paragraph (1), the Sec-  
12 retary shall—

13 (A) treat Federal taxes paid by an indi-  
14 vidual as a burden on the State in which such  
15 individual resides; and

1 (B) treat Federal taxes paid by a legal  
2 business entity as a burden on each State in  
3 which economic activity of such entity is per-  
4 formed in the same proportion that the eco-  
5 nomic activity of such entity in such State  
6 bears to the economic activity of such entity in  
7 all the States.

8 (3) REPORT.—Not later than the date that is  
9 180 days after the beginning of each calendar year,  
10 the Secretary of the Treasury shall—

11 (A) submit to Congress a report containing  
12 the results of the calculations described in sec-  
13 tions 1 and 2 with respect to such calendar  
14 year; and

15 (B) publish the report on a publicly acces-  
16 sible website of the Internal Revenue Service.

17 (b) ANNUAL REPORT ON THE FLOW OF TRANSPOR-  
18 TATION FUNDS BY STATE.—

19 (1) IN GENERAL.—Not later than the first  
20 Monday in February of each year, the Secretary of  
21 Transportation shall, in consultation with the Sec-  
22 retary of the Treasury, submit to the Committee on  
23 Banking, Housing, and Urban Affairs and the Com-  
24 mittee on Appropriations of the Senate and the  
25 Committee on Transportation and Infrastructure,



1 and the Committee on Ways and Means of the  
2 House of Representatives a report that includes—

3 (A) a description of the total amount of  
4 the funds authorized by this Act which were ob-  
5 ligated with respect to each State during the  
6 last ending fiscal year,

7 (B) a description of the total amount of  
8 revenue contributed from each State to the  
9 Highway Trust Fund during such fiscal year.

10 (2) DETERMINATION OF STATE AMOUNTS.—

11 For purposes of this subsection—

12 (A) IN GENERAL.—the State with respect  
13 to which an amount is obligated and the State  
14 from which revenue is contributed shall be de-  
15 termined under principles similar to the prin-  
16 ciples for determining the Federal tax burden of  
17 each State under subsection (a).

18 (B) SPECIAL RULE FOR GENERAL FUND  
19 TRANSFERS.—For purposes of paragraph  
20 (1)(B), any transfer from the general fund of  
21 the Treasury to the Highway Trust Fund dur-  
22 ing any fiscal year shall be taken into account  
23 as revenue contributed from each State in pro-  
24 portion to each State's Federal tax burden (as

1 determined under subsection (a)) for the cal-  
2 endar year in which such fiscal year began.



13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
WILLIAMS OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

**AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. WILLIAMS OF TEXAS**

Page 563, line 15, insert “primarily” before “en-  
gaged”.



14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
KINZINGER OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

43

**AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. KINZINGER OF ILLINOIS**

At the end of subtitle B of title XXXIV of division  
C, add the following:

1 **SEC. 34216. AVAILABILITY OF CERTAIN INFORMATION ON**  
2 **MOTOR VEHICLE EQUIPMENT.**

3 Section 30118 of title 49, United States Code, is  
4 amended by adding at the end the following:

5 “(f) INFORMATION ON DEFECTIVE OR NONCOMPLI-  
6 ANT PARTS.—

7 “(1) PROVISION OF INFORMATION BY SUP-  
8 PLIERS.—A supplier of parts that are determined to  
9 be defective or noncompliant by the Secretary under  
10 subsection (a) or (b) shall identify all parts that are  
11 subject to the recall and provide to the Secretary  
12 and each affected manufacturer, not later than 3  
13 business days after receiving notification of the de-  
14 termination, for each affected part—

15 “(A) all part names;

16 “(B) all part numbers; and

17 “(C) a description of the part.

1           “(2) PROVISION OF INFORMATION BY MANU-  
2 FACTURERS.—Upon receipt of notification of a de-  
3 termination by the Secretary under subsection (a) or  
4 (b) or notification from a supplier of parts under  
5 paragraph (1), a manufacturer of motor vehicles  
6 shall—

7           “(A) identify the vehicle identification  
8 number for each affected vehicle; and

9           “(B) not later than 5 business days after  
10 receiving such notification, provide to the Sec-  
11 retary, in a searchable format determined by  
12 the Secretary—

13           “(i) the vehicle identification numbers  
14 identified under subparagraph (A); and

15           “(ii) the specific part names, num-  
16 bers, and descriptions used by the manu-  
17 facturer for all affected parts the sale or  
18 lease of which is prohibited by section  
19 30120(j).

20           “(3) AVAILABILITY OF INFORMATION ON THE  
21 INTERNET.—In the case of information provided by  
22 a manufacturer under paragraph (2)(B), the Sec-  
23 retary shall make such information available, or re-  
24 quire the manufacturer to make such information  
25 available, on an Internet website that may be

1       accessed by any person who sells or leases motor ve-  
2       hicle equipment for purposes of assisting such per-  
3       son in complying with section 30120(j). Such infor-  
4       mation shall be made available in real-time or near-  
5       real-time as provided under paragraph (2)(B) and at  
6       no cost to the person obtaining access.

7       “(g) INFORMATION ON ORIGINAL EQUIPMENT.—Not  
8       later than July 31, 2016, a manufacturer of motor vehi-  
9       cles shall make available on an Internet website informa-  
10      tion about the original equipment contained in such vehi-  
11      cles, which shall include—

12           “(1) all parts or component numbers for such  
13      equipment; and

14           “(2) specific part names and descriptions asso-  
15      ciated with each manufacturer vehicle identification  
16      number.”.





15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
SCHAKOWSKY OF ILLINOIS OR HER DESIGNEE, DEBATABLE  
FOR 10 MINUTES

**AMENDMENT TO THE ~~SENATE~~ AMENDMENTS TO**

**H.R. 22**

**OFFERED BY Ms. Schakowsky (R)**

Page 574, insert after line 6 the following new sections:

**1 SEC. 34216. IMPROVED VEHICLE SAFETY DATABASES.**

2 Not later than 2 years after the date of enactment  
3 of this Act, the Secretary shall increase public accessibility  
4 to and timeliness of information on the National Highway  
5 Traffic Safety Administration's vehicle safety databases  
6 including by—

7 (1) improving organization and functionality,  
8 including modern web design features, and allowing  
9 for data to be searched, aggregated, and  
10 downloaded;

11 (2) providing greater consistency in presentation  
12 of vehicle safety issues;

13 (3) improving searchability about specific vehicles  
14 and issues through standardization of commonly  
15 used search terms and the integration of databases  
16 to enable all to be simultaneously searched using the  
17 same keyword search function; and

1 (4) improving the publicly accessible early  
2 warning database, by—

3 (A) enabling users to search for incidents  
4 across multiple reporting periods for a given  
5 make and model name, model year, or type of  
6 potential defect; and

7 (B) ensuring that search results, in addi-  
8 tion to being downloadable, are sortable within  
9 an Internet browser by make, model name,  
10 model year, State or foreign country of the inci-  
11 dent, number of deaths, number of injuries,  
12 date of the incident, and type of potential de-  
13 fect.

14 **SEC. 34217. IMPROVED USED CAR BUYERS GUIDE.**

15 In addition to the information already required to be  
16 included pursuant to section 455.2 of title 16, Code of  
17 Federal Regulations (the Used Motor Vehicle Trade Regu-  
18 lation Rule), the Buyers Guide window form shall in-  
19 clude—

20 (1) a statement of the vehicle's brand history,  
21 total loss history, and salvage history according to  
22 the vehicle's National Motor Vehicle Title Informa-  
23 tion System (NMVTIS) vehicle history report, the  
24 date on which the dealer obtained the vehicle history

1 report, and the website where a consumer can obtain  
2 a vehicle history report; and

3 (2) a statement of the vehicle's recall repair his-  
4 tory according to the vehicle identification number  
5 search tool established pursuant to section 31301 of  
6 the Moving Ahead for Progress in the 21st Century  
7 Act (49 U.S.C. 30166 note), the date on which the  
8 used vehicle dealer obtained the recall repair history,  
9 and the website where a consumer may obtain this  
10 information.

11 **SEC. 34218. RETENTION OF SAFETY RECORDS BY MANUFAC-**  
12 **TURERS.**

13 (a) RULE.—Not later than 18 months after the date  
14 of enactment of this Act, the Secretary shall issue a final  
15 rule pursuant to section 30117 of title 49, United States  
16 Code, requiring each manufacturer of motor vehicles or  
17 motor vehicle equipment to retain all motor vehicle safety  
18 records, including documents, reports, correspondence, or  
19 other materials that contain information concerning mal-  
20 functions that may be related to motor vehicle safety (in-  
21 cluding any failure or malfunction beyond normal deterio-  
22 ration in use, or any failure of performance, or any flaw  
23 or unintended deviation from design specifications, that  
24 could in any reasonably foreseeable manner be a causative  
25 factor in, or aggravate, an accident or an injury to a per-

1 son), for a period of not less than 20 calendar years from  
2 the date on which they were generated or acquired by the  
3 manufacturer. Such requirement shall also apply to all un-  
4 derlying records on which information reported to the Sec-  
5 retary under part 579 of title 49, Code of Federal Regula-  
6 tions, is based.

7 (b) APPLICATION.—The rule required by subsection  
8 (a) shall apply with respect to any record described in such  
9 subsection that is in the possession of a manufacturer on  
10 the effective date of such rule.

11 **SEC. 34219. ELIMINATION OF REGIONAL RECALLS.**

12 Section 30118 of title 49, United States Code, is  
13 amended by adding at the end the following new sub-  
14 sections:

15 “(f) LONG-TERM EXPOSURE TO ENVIRONMENTAL  
16 CONDITIONS.—If a manufacturer of a motor vehicle or re-  
17 placement equipment learns the vehicle or equipment con-  
18 tains a safety problem caused by long-term exposure to  
19 environmental conditions, the manufacturer shall give no-  
20 tice under subsection (c) as if the manufacturer learned  
21 the vehicle or equipment contains a defect and decides in  
22 good faith that the defect is related to motor vehicle safe-  
23 ty.

24 “(g) NATIONAL ORDERS AND NOTIFICATIONS.—All  
25 orders under subsection (b)(2) and notifications under

1 subsection (c) shall be carried out on a national basis and  
2 shall not be limited to vehicles or equipment in certain  
3 States or territories or other geographic regions of the  
4 United States. This paragraph shall not prevent the Sec-  
5 retary from permitting the prioritization of the shipment  
6 of replacement parts by geographic location when appro-  
7 priate.”.

8 **SEC. 34220. APPLICATION OF REMEDIES FOR DEFECTS AND**  
9 **NONCOMPLIANCE.**

10 Section 30120(g)(1) of title 49, United States Code,  
11 is amended by striking “the motor vehicle or replacement  
12 equipment was bought by the first purchaser more than  
13 10 calendar years, or”.

14 **SEC. 34221. PEDESTRIAN SAFETY IMPROVEMENT RULE.**

15 (a) **SAFETY RESEARCH INITIATIVE.**—Not later than  
16 2 years after the date of enactment of this Act, the Sec-  
17 retary shall complete research into the development of  
18 safety standards or performance requirements to reduce  
19 the number of injuries and fatalities suffered by pedes-  
20 trians and other non-occupants who are struck by pas-  
21 senger motor vehicles.

22 (b) **SPECIFICATIONS.**—In carrying out subsection (a),  
23 the Secretary shall consider means for protecting espe-  
24 cially vulnerable pedestrian and non-occupant populations,

1 including children, older adults, and individuals with dis-  
2 abilities.

3 (c) RULEMAKING OR REPORT.—

4 (1) RULEMAKING.—Not later than 1 year after  
5 the completion of each testing and research initiative  
6 required under subsection (a), the Secretary shall  
7 initiate a rulemaking proceeding to issue a Federal  
8 motor vehicle safety standard if the Secretary deter-  
9 mines that such a standard meets the requirements  
10 and considerations set forth in subsections (a) and  
11 (b) of section 30111 of title 49, United States Code.

12 (2) REPORT.—If the Secretary determines that  
13 the standard described in paragraph (1) does not  
14 meet the requirements and considerations set forth  
15 in subsections (a) and (b) of section 30111 of title  
16 49, United States Code, the Secretary shall submit  
17 a report describing the reasons for not prescribing  
18 such a standard to the Committee on Energy and  
19 Commerce of the House of Representatives and the  
20 Committee on Commerce, Science, and Transpor-  
21 tation of the Senate.

22 (d) PASSENGER MOTOR VEHICLE DEFINED.—In this  
23 section, the term “passenger motor vehicle”—

24 (1) means a motor vehicle (as defined in section  
25 30102(a) of title 49, United States Code) that is

1 rated at less than 10,000 pounds gross vehicular  
2 weight; and

3 (2) does not include—

4 (A) a motorcycle;

5 (B) a trailer; or

6 (C) a low speed vehicle (as defined in sec-  
7 tion 571.3 of title 49, Code of Federal Regula-  
8 tions).

9 **SEC. 34222. RULEMAKING ON REAR SEAT CRASH-**  
10 **WORTHINESS.**

11 (a) **SAFETY RESEARCH INITIATIVE.**—Not later than  
12 2 years after the date of enactment of this Act, the Sec-  
13 retary shall complete research into the development of  
14 safety standards or performance requirements for the  
15 crashworthiness and survivability for passengers in the  
16 rear seats of motor vehicles.

17 (b) **SPECIFICATIONS.**—In carrying out subsection (a),  
18 the Secretary shall consider side- and rear-impact collision  
19 testing, additional airbags, head restraints, seatbelt fit,  
20 seatbelt airbags, belt anchor location, and any other fac-  
21 tors the Secretary considers appropriate.

22 (c) **RULEMAKING OR REPORT.**—

23 (1) **RULEMAKING.**—Not later than 1 year after  
24 the completion of each research and testing initiative  
25 required under subsection (a), the Secretary shall



1       initiate a rulemaking proceeding to issue a Federal  
2       motor vehicle safety standard if the Secretary deter-  
3       mines that such a standard meets the requirements  
4       and considerations set forth in subsections (a) and  
5       (b) of section 30111 of title 49, United States Code.

6           (2) REPORT.—If the Secretary determines that  
7       the standard described in paragraph (1) does not  
8       meet the requirements and considerations set forth  
9       in subsections (a) and (b) of section 30111 of title  
10       49, United States Code, the Secretary shall submit  
11       a report describing the reasons for not prescribing  
12       such a standard to the Committee on Energy and  
13       Commerce of the House of Representatives and the  
14       Committee on Commerce, Science, and Transpor-  
15       tation of the Senate.



16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
MULLIN OF OKLAHOMA OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

**AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. MULLIN OF OKLAHOMA**

At the end of subtitle D of title XXXIV insert the following new part:

**1 PART IV—ALTERNATIVE FUEL VEHICLES**

**2 SEC. 34441. REGULATION PARITY FOR ELECTRIC AND NAT-  
3 URAL GAS VEHICLES.**

4 (a) IN GENERAL.—In promulgating regulations, the  
5 Administrator of the Environmental Protection Adminis-  
6 tration shall ensure that any preference or incentive pro-  
7 vided to an electric vehicle is also provided to a natural  
8 gas vehicle.

9 (b) REVISION OF EXISTING REGULATIONS.—Not  
10 later than 180 days after the date of enactment of this  
11 Act, the Administrator shall revise any regulations of the  
12 Administrator in existence as of that date concerning elec-  
13 tric vehicles as necessary to ensure that the regulations  
14 conform to subsection (a).



17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
BURGESS OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

8512

**AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. BURGESS OF TEXAS**

Page 550, strike line 24 and all that follows through page 551, line 4, and insert the following:

- 1 (A) \$31,270,000 for fiscal year 2016.
- 2 (B) \$36,537,670 for fiscal year 2017.
- 3 (C) \$42,296,336 for fiscal year 2018.
- 4 (D) \$47,999,728 for fiscal year 2019.
- 5 (E) \$54,837,974 for fiscal year 2020.
- 6 (F) \$61,656,407 for fiscal year 2021.

Insert after subtitle D of title XXXIV the following new subtitle:

7 **Subtitle E—Additional Motor**  
8 **Vehicle Provisions**

9 **SEC. 34501. REQUIRED REPORTING OF NHTSA AGENDA.**

10 Not later than December 1 of the year beginning  
11 after the date of enactment of this Act, and each year  
12 thereafter, the Administrator of the National Highway  
13 Traffic Safety Administration shall publish on the public  
14 website of the Administration, and file with the Committee  
15 on Energy and Commerce of the House of Representatives

1 and the Committee on Commerce, Science, and Transpor-  
2 tation of the Senate an annual plan for the following cal-  
3 endar year detailing the Administration's projected activi-  
4 ties, including—

5 (1) the Administrator's policy priorities;

6 (2) any rulemakings projected to be com-  
7 menced;

8 (3) any plans to develop guidelines;

9 (4) any plans to restructure the Administration  
10 or to establish or alter working groups;

11 (5) any planned projects or initiatives of the  
12 Administration, including the working groups and  
13 advisory committees of the Administration; and

14 (6) any projected dates or timetables associated  
15 with any of the items described in paragraphs (1)  
16 through (5).

17 **SEC. 34502. APPLICATION OF REMEDIES FOR DEFECTS AND**  
18 **NONCOMPLIANCE.**

19 Section 30120(g)(1) of title 49, United States Code,  
20 is amended by striking "10 calendar years" and inserting  
21 "15 calendar years".

22 **SEC. 34503. RETENTION OF SAFETY RECORDS BY MANUFAC-**  
23 **TURERS.**

24 (a) **RULE.**—Not later than 18 months after the date  
25 of enactment of this Act, the Secretary of Transportation

1 shall issue a final rule pursuant to section 30117 of title  
2 49, United States Code, requiring each manufacturer of  
3 motor vehicles or motor vehicle equipment to retain all  
4 motor vehicle safety records required to be maintained by  
5 manufacturers under section 576.6 of title 49, Code of  
6 Federal Regulations, for a period of not less than 10 cal-  
7 endar years from the date on which they were generated  
8 or acquired by the manufacturer.

9 (b) APPLICATION.—The rule required by subsection  
10 (a) shall apply with respect to any record described in such  
11 subsection that is in the possession of a manufacturer on  
12 the effective date of such rule.

13 **SEC. 34504. NONAPPLICATION OF PROHIBITIONS RELATING**  
14 **TO NONCOMPLYING MOTOR VEHICLES TO VE-**  
15 **HICLES USED FOR TESTING OR EVALUATION.**

16 Section 30112(b) of title 49, United States Code, is  
17 amended—

18 (1) in paragraph (8), by striking “; or” and in-  
19 serting a semicolon;

20 (2) in paragraph (9), by striking the period at  
21 the end and inserting “; or”; and

22 (3) by adding at the end the following new  
23 paragraph:

24 “(10) the introduction of a motor vehicle in  
25 interstate commerce solely for purposes of testing or

1 evaluation by a manufacturer that prior to the date  
2 of enactment of this paragraph—

3 “(A) has manufactured and distributed  
4 motor vehicles into the United States that are  
5 certified to comply with all applicable Federal  
6 motor vehicle safety standards;

7 “(B) has submitted to the Secretary ap-  
8 propriate manufacturer identification informa-  
9 tion under part 566 of title 49, Code of Federal  
10 Regulations;

11 “(C) if applicable, has identified an agent  
12 for service of process in accordance with part  
13 551 of such title; and

14 “(D) agrees not to sell or offer for sale the  
15 motor vehicle at the conclusion of the testing or  
16 evaluation.”.

17 **SEC. 34505. TREATMENT OF LOW-VOLUME MANUFACTUR-**  
18 **ERS.**

19 (a) EXEMPTION FROM VEHICLE SAFETY STANDARDS  
20 FOR LOW-VOLUME MANUFACTURERS.—Section 30114 of  
21 title 49, United States Code, is amended—

22 (1) by striking “The” and inserting “(a) VEHI-  
23 CLES USED FOR PARTICULAR PURPOSES.—The”;  
24 and



1           (2) by adding at the end the following new sub-  
2 section:

3           “(b) EXEMPTION FOR LOW-VOLUME MANUFACTUR-  
4 ERS.—

5           “(1) IN GENERAL.—The Secretary shall—

6           “(A) exempt from section 30112(a) of this  
7 title not more than 500 replica motor vehicles  
8 per year that are manufactured or imported by  
9 a low-volume manufacturer; and

10           “(B) except as provided in paragraph (4)  
11 of this subsection, limit any such exemption to  
12 the Federal Motor Vehicle Safety Standards ap-  
13 plicable to motor vehicles and not motor vehicle  
14 equipment.

15           “(2) REGISTRATION REQUIREMENT.—To qual-  
16 ify for an exemption under paragraph (1), a low-vol-  
17 ume manufacturer shall register with the Secretary  
18 at such time, in such manner, and under such terms  
19 that the Secretary determines appropriate. The Sec-  
20 retary shall establish terms that ensure that no per-  
21 son may register as a low-volume manufacturer if  
22 the person is registered as an importer under section  
23 30141 of this title.

24           “(3) PERMANENT LABEL REQUIREMENT.—

1           “(A) IN GENERAL.—The Secretary shall  
2           require a low-volume manufacturer to affix a  
3           permanent label to a motor vehicle exempted  
4           under paragraph (1) that identifies the speci-  
5           fied standards and regulations for which such  
6           vehicle is exempt from section 30112(a) and  
7           designates the model year such vehicle rep-  
8           licates.

9           “(B) WRITTEN NOTICE.—The Secretary  
10          may require a low-volume manufacturer of a  
11          motor vehicle exempted under paragraph (1) to  
12          deliver written notice of the exemption to—

13                 “(i) the dealer; and

14                 “(ii) the first purchaser of the motor  
15                 vehicle, if the first purchaser is not an in-  
16                 dividual that purchases the motor vehicle  
17                 for resale.

18          “(C) REPORTING REQUIREMENT.—A low-  
19          volume manufacturer shall annually submit a  
20          report to the Secretary including the number  
21          and description of the motor vehicles exempted  
22          under paragraph (1) and a list of the exemp-  
23          tions described on the label affixed under sub-  
24          paragraph (A).

1           “(4) EFFECT ON OTHER PROVISIONS.—Any  
2 motor vehicle exempted under this subsection shall  
3 also be exempted from sections 32304, 32502, and  
4 32902 of this title and from section 3 of the Auto-  
5 mobile Information Disclosure Act (15 U.S.C.  
6 1232).

7           “(5) LIMITATION AND PUBLIC NOTICE.—The  
8 Secretary shall have 60 days to review and approve  
9 a registration submitted under paragraph (2). Any  
10 registration not approved or denied within 60 days  
11 after submission shall be deemed approved. The Sec-  
12 retary shall have the authority to revoke an existing  
13 registration based on a failure to comply with re-  
14 quirements set forth in this subsection. The reg-  
15 istrant shall be provided a reasonable opportunity to  
16 correct all deficiencies, if such are correctable based  
17 on the sole discretion of the Secretary. An exemption  
18 granted by the Secretary to a low-volume manufac-  
19 turer under this subsection may not be transferred  
20 to any other person, and shall expire at the end of  
21 the calendar year for which it was granted with re-  
22 spect to any volume authorized by the exemption  
23 that was not applied by the low-volume manufac-  
24 turer to vehicles built during that calendar year. The  
25 Secretary shall maintain an up-to-date list of reg-

1 istrants on an annual basis and publish such list in  
2 the Federal Register or on a website operated by the  
3 Secretary.

4 “(6) LIMITATION OF LIABILITY FOR ORIGINAL  
5 MANUFACTURERS, LICENSORS OR OWNERS OF PROD-  
6 UCT CONFIGURATION, TRADE DRESS, OR DESIGN  
7 PATENTS.—The original manufacturer, its successor  
8 or assignee, or current owner, who grants a license  
9 or otherwise transfers rights to a low-volume manu-  
10 facturer shall incur no liability to any person or enti-  
11 ty under Federal or State statute, regulation, local  
12 ordinance, or under any Federal or State common  
13 law for such license or assignment to a low-volume  
14 manufacturer.

15 “(7) DEFINITIONS.—In this subsection:

16 “(A) LOW-VOLUME MANUFACTURER.—The  
17 term ‘low-volume manufacturer’ means a motor  
18 vehicle manufacturer, other than a person who  
19 is registered as an importer under section  
20 30141 of this title, whose annual worldwide  
21 production is not more than 5,000 motor vehi-  
22 cles.

23 “(B) REPLICATOR MOTOR VEHICLE.—The  
24 term ‘replicator motor vehicle’ means a motor ve-

1 hicle produced by a low-volume manufacturer  
2 and that—

3 “(i) is intended to resemble the body  
4 of another motor vehicle that was manu-  
5 factured not less than 25 years before the  
6 manufacture of the replica motor vehicle;  
7 and

8 “(ii) is manufactured under a license  
9 for the product configuration, trade dress,  
10 trademark, or patent, for the motor vehicle  
11 that is intended to be replicated from the  
12 original manufacturer, its successors or as-  
13 signees, or current owner of such product  
14 configuration, trade dress, trademark, or  
15 patent rights.”.

16 (b) VEHICLE EMISSION COMPLIANCE STANDARDS  
17 FOR LOW-VOLUME MOTOR VEHICLE MANUFACTURERS.—  
18 Part A of title II of the Clean Air Act (42 U.S.C. 7521  
19 et seq.) is amended—

20 (1) in section 206(a) by adding at the end the  
21 following new paragraph:

22 “(5)(A) A motor vehicle engine (including all engine  
23 emission controls) from a motor vehicle that has been  
24 granted a certificate of conformity by the Administrator  
25 for the model year in which the motor vehicle is assembled,

1 or a motor vehicle engine that has been granted an Execu-  
2 tive order subject to regulations promulgated by the Cali-  
3 fornia Air Resources Board for the model year in which  
4 the motor vehicle is assembled, may be installed in an ex-  
5 empted specially produced motor vehicle, if—

6 “(i) the manufacturer of the engine supplies  
7 written instructions explaining how to install the en-  
8 gine and maintain functionality of the engine’s emis-  
9 sion control system and the on-board diagnostic sys-  
10 tem (commonly known as ‘OBD II’), except with re-  
11 spect to evaporative emissions diagnostics;

12 “(ii) the manufacturer of the exempted specially  
13 produced motor vehicle installs the engine in accord-  
14 ance with such instructions; and

15 “(iii) the installation instructions include emis-  
16 sion control warranty information from the engine  
17 manufacturer in compliance with section 207, in-  
18 cluding where warranty repairs can be made, emis-  
19 sion control labels to be affixed to the vehicle, and  
20 the certificate of conformity number for the applica-  
21 ble vehicle in which the engine was originally in-  
22 tended or the applicable Executive order number for  
23 the engine.

24 “(B) A motor vehicle containing an engine compliant  
25 with the requirements of subparagraph (A) shall be treat-

1 ed as meeting the requirements of section 202 applicable  
2 to new vehicles manufactured or imported in the model  
3 year in which the exempted specially produced motor vehi-  
4 cle is assembled.

5 “(C) Engine installations that are not performed in  
6 accordance with installation instructions provided by the  
7 manufacturer and alterations to the engine not in accord-  
8 ance with the installation instructions shall—

9 “(i) be treated as prohibited acts by the in-  
10 staller under section 203; and

11 “(ii) subject to civil penalties under the first  
12 and third sentences of section 205(a), civil actions  
13 under section 205(b), and administrative assessment  
14 of penalties under section 205(c).

15 “(D) The manufacturer of an exempted specially pro-  
16 duced motor vehicle that has an engine compliant with the  
17 requirements of subparagraph (A) shall provide to the  
18 purchaser of such vehicle all information received by the  
19 manufacturer from the engine manufacturer, including in-  
20 formation regarding emissions warranties from the engine  
21 manufacturer and all emissions-related recalls by the en-  
22 gine manufacturer.

23 “(E) To qualify to install an engine under this para-  
24 graph, a manufacturer of exempted specially produced  
25 motor vehicles shall register with the Administrator at

1 such time and in such manner as the Administrator deter-  
2 mines appropriate. The manufacturer shall submit an an-  
3 nual report to the Administrator that includes—

4           “(i) a description of the exempted specially pro-  
5           duced motor vehicles and engines installed in such  
6           vehicles; and

7           “(ii) the certificate of conformity number issued  
8           to the motor vehicle in which the engine was origi-  
9           nally intended or the applicable Executive order  
10          number for the engine.

11          “(F) Exempted specially produced motor vehicles  
12          compliant with this paragraph shall be exempted from—

13               “(i) motor vehicle certification testing under  
14               this section; and

15               “(ii) vehicle emission control inspection and  
16               maintenance programs required under section 110.

17          “(G) A person engaged in the manufacturing or as-  
18          sembling of exempted specially produced motor vehicles  
19          shall not be treated as a manufacturer for purposes of this  
20          Act by virtue of such manufacturing or assembling, so  
21          long as such person complies with subparagraphs (A)  
22          through (E).”; and

23               (2) in section 216 by adding at the end the fol-  
24          lowing new paragraph:



1           “(12) EXEMPTED SPECIALLY PRODUCED  
2 MOTOR VEHICLE.—The term ‘exempted specially  
3 produced motor vehicle’ means a replica motor vehi-  
4 cle that is exempt from specified standards pursuant  
5 to section 30114(b) of title 49, United States  
6 Code.”.

7           (c) IMPLEMENTATION.—Not later than 12 months  
8 after the date of enactment of this Act, the Secretary of  
9 Transportation and the Administrator of the Environ-  
10 mental Protection Agency shall issue such regulations as  
11 may be necessary to implement the amendments made by  
12 subsections (a) and (b), respectively.

13 **SEC. 34506. NO LIABILITY ON THE BASIS OF NHTSA MOTOR**  
14 **VEHICLE SAFETY GUIDELINES.**

15           Section 30111 of title 49, United States Code, is  
16 amended by adding at the end the following new sub-  
17 section:

18           “(f) NO LIABILITY ON THE BASIS OF MOTOR VEHI-  
19 CLE SAFETY GUIDELINES ISSUED BY THE SECRETARY.—

20 (1) No guidelines issued by the Secretary with respect to  
21 motor vehicle safety shall provide a basis for or evidence  
22 of liability in any action against a defendant whose prac-  
23 tices are alleged to be inconsistent with such guidelines.  
24 A person who is subject to any such guidelines may use  
25 an alternative approach to that set forth in such guidelines

1 that complies with any requirement in a provision of this  
2 subtitle, a motor vehicle safety standard issued under this  
3 subtitle, or another relevant statute or regulation.

4 “(2) No such guidelines shall confer any rights on  
5 any person nor shall operate to bind the Secretary or any  
6 person who is subject to such guidelines to the approach  
7 recommended in such guidelines. In any enforcement ac-  
8 tion with respect to motor vehicle safety, the Secretary  
9 must prove a violation of a provision of this subtitle, a  
10 motor vehicle safety standard issued under this subtitle,  
11 or another relevant statute or regulation. The Secretary  
12 may not build a case against or negotiate a consent order  
13 with any person based in whole or in part on practices  
14 of the person that are alleged to be inconsistent with any  
15 such guidelines.

16 “(3) A defendant may use compliance with any such  
17 guidelines as evidence of compliance with the provision of  
18 this subtitle, motor vehicle safety standard issued under  
19 this subtitle, or other statute or regulation under which  
20 such guidelines were developed.”

◇

18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
NEUGEBAUER OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

342

**AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. NEUGEBAUER OF TEXAS**

Strike sections 52203 and 52205.

Insert after section 52202 the following:

1 **SEC. 52203. ELIMINATION OF SURPLUS FUNDS OF FEDERAL**  
2 **RESERVE BANKS.**

3 (a) **ELIMINATION OF SURPLUS FUNDS.**—Section 7 of  
4 the Federal Reserve Act (12 U.S.C. 289 et seq.) is amend-  
5 ed—

6 (1) in subsection (a)—

7 (A) in the heading of such subsection, by  
8 striking “AND SURPLUS FUNDS”; and

9 (B) in paragraph (2), by striking “depos-  
10 ited in the surplus fund of the bank” and in-  
11 sserting “transferred to the Board of Governors  
12 of the Federal Reserve System for transfer to  
13 the Secretary of the Treasury for deposit in the  
14 general fund of the Treasury”; and

15 (2) by striking the first subsection (b) (relating  
16 to a transfer for fiscal year 2000).

105

1 (b) TRANSFER TO THE TREASURY.—The Federal re-  
2 serve banks shall transfer all of the funds of the surplus  
3 funds of such banks to the Board of Governors of the Fed-  
4 eral Reserve System for transfer to the Secretary of the  
5 Treasury for deposit in the general fund of the Treasury.



19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOSAR  
OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE SENATE AMENDMENTS  
TO H.R. 22  
OFFERED BY MR. GOSAR OF ARIZONA**

Page 942, strike lines 7 and 8 (and redesignate subsequent clauses accordingly).



20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
GOODLATTE OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR  
10 MINUTES



42R

**AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. GOODLATTE OF VIRGINIA**

Page 964, line 6, insert after “the participating agencies” the following: “and the project sponsor”.

Page 964, line 7, strike “and”.

Page 964, line 11, strike the period and insert the following: “; and”

Page 964, after line 11, insert the following:

1 (III) in the case of a modification  
2 that would necessitate an extension of  
3 a final completion date under a per-  
4 mitting timetable established under  
5 subparagraph (A) to a date more than  
6 30 days after the final completion  
7 date originally established under sub-  
8 paragraph (A), the facilitating or lead  
9 agency submits a request to modify  
10 the permitting timetable to the Execu-  
11 tive Director, who shall consult with  
12 the project sponsor and make a deter-  
13 mination on the record, based on con-

1                   sideration of the relevant factors de-  
2                   scribed under subparagraph (B),  
3                   whether to grant the facilitating or  
4                   lead agency, as applicable, authority  
5                   to make such modification.

Page 964, after line 15, insert the following:

6                   (iii) LIMITATION ON LENGTH OF  
7                   MODIFICATIONS.—

8                   (I) IN GENERAL.—Except as pro-  
9                   vided in subclause (II), the total  
10                  length of all modifications to a per-  
11                  mitting timetable authorized or made  
12                  under this subparagraph, other than  
13                  for reasons outside the control of Fed-  
14                  eral, State, local, or tribal govern-  
15                  ments, may not extend the permitting  
16                  timetable for a period of time greater  
17                  than half of the amount of time from  
18                  the establishment of the permitting  
19                  timetable under subparagraph (A) to  
20                  the last final completion date origi-  
21                  nally established under subparagraph  
22                  (A).

23                  (II) ADDITIONAL EXTENSIONS.—  
24                  The Director of the Office of Manage-

1                   ment and Budget, after consultation  
2                   with the project sponsor, may permit  
3                   the Executive Director to authorize  
4                   additional extensions of a permitting  
5                   timetable beyond the limit prescribed  
6                   by subclause (I). In such a case, the  
7                   Director of the Office of Management  
8                   and Budget shall transmit, not later  
9                   than 5 days after making a deter-  
10                  mination to permit an authorization  
11                  of extension under this subclause, a  
12                  report to Congress explaining why  
13                  such modification is required. Such  
14                  report shall explain to Congress with  
15                  specificity why the original permitting  
16                  timetable and the modifications au-  
17                  thorized by the Executive Director  
18                  failed to be adequate. The lead or fa-  
19                  cilitating agency, as applicable, shall  
20                  transmit to Congress, the Director of  
21                  the Office of Management and Budg-  
22                  et, and the Executive Director a sup-  
23                  plemental report on progress toward  
24                  the final completion date each year  
25                  thereafter, until the permit review is

1 completed or the project sponsor with-  
2 draws its notice or application or  
3 other request to which this title ap-  
4 plies under section 61010.

5 (iv) LIMITATION ON JUDICIAL RE-  
6 VIEW.—The following shall not be subject  
7 to judicial review:

8 (I) A determination by the Exec-  
9 utive Director under clause (i)(III).

10 (II) A determination under  
11 clause (iii)(II) by the Director of the  
12 Office of Management and Budget to  
13 permit the Executive Director to au-  
14 thorize extensions of a permitting  
15 timetable.



21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
HENSARLING OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

ELLR

**AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. HENSARLING OF TEXAS**

Add at the end the following:

1           **DIVISION J—FINANCIAL**  
2                           **SERVICES**

3   **SEC. 1. TABLE OF CONTENTS.**

4       The table of contents for this division is as follows:

Sec. 1. Table of contents.

**TITLE I—IMPROVING ACCESS TO CAPITAL FOR EMERGING  
GROWTH COMPANIES**

Sec. 101. Filing requirement for public filing prior to public offering.

Sec. 102. Grace period for change of status of emerging growth companies.

Sec. 103. Simplified disclosure requirements for emerging growth companies.

**TITLE II—DISCLOSURE MODERNIZATION AND SIMPLIFICATION**

Sec. 201. Summary page for form 10-K.

Sec. 202. Improvement of regulation S-K.

Sec. 203. Study on modernization and simplification of regulation S-K.

**TITLE III—BULLION AND COLLECTIBLE COIN PRODUCTION  
EFFICIENCY AND COST SAVINGS**

Sec. 301. Technical corrections.

Sec. 302. American Eagle Silver Bullion 30th Anniversary.

**TITLE IV—SBIC ADVISERS RELIEF**

Sec. 401. Advisers of SBICs and venture capital funds.

Sec. 402. Advisers of SBICs and private funds.

Sec. 403. Relationship to State law.

**TITLE V—ELIMINATE PRIVACY NOTICE CONFUSION**

Sec. 501. Exception to annual privacy notice requirement under the Gramm-  
Leach-Bliley Act.

**TITLE VI—REFORMING ACCESS FOR INVESTMENTS IN STARTUP  
ENTERPRISES**

Sec. 601. Exempted transactions.

TITLE VII—PRESERVATION ENHANCEMENT AND SAVINGS  
OPPORTUNITY

Sec. 701. Distributions and residual receipts.

Sec. 702. Future refinancings.

Sec. 703. Implementation.

TITLE VIII—TENANT INCOME VERIFICATION RELIEF

Sec. 801. Reviews of family incomes.

TITLE IX—HOUSING ASSISTANCE EFFICIENCY

Sec. 901. Authority to administer rental assistance.

Sec. 902. Reallocation of funds.

TITLE X—CHILD SUPPORT ASSISTANCE

Sec. 1001. Requests for consumer reports by State or local child support enforcement agencies.

TITLE XI—PRIVATE INVESTMENT IN HOUSING

Sec. 1101. Budget-neutral demonstration program for energy and water conservation improvements at multifamily residential units.

TITLE XII—CAPITAL ACCESS FOR SMALL COMMUNITY FINANCIAL  
INSTITUTIONS

Sec. 1201. Privately insured credit unions authorized to become members of a Federal home loan bank.

Sec. 1202. GAO Report.

TITLE XIII—SMALL BANK EXAM CYCLE REFORM

Sec. 1301. Smaller institutions qualifying for 18-month examination cycle.

TITLE XIV—SMALL COMPANY SIMPLE REGISTRATION

Sec. 1401. Forward incorporation by reference for Form S-1.

TITLE XV—HOLDING COMPANY REGISTRATION THRESHOLD  
EQUALIZATION

Sec. 1501. Registration threshold for savings and loan holding companies.

1 **TITLE I—IMPROVING ACCESS TO**  
2 **CAPITAL FOR EMERGING**  
3 **GROWTH COMPANIES**

4 **SEC. 101. FILING REQUIREMENT FOR PUBLIC FILING**  
5 **PRIOR TO PUBLIC OFFERING.**

6 Section 6(e)(1) of the Securities Act of 1933 (15  
7 U.S.C. 77f(e)(1)) is amended by striking “21 days” and  
8 inserting “15 days”.

9 **SEC. 102. GRACE PERIOD FOR CHANGE OF STATUS OF**  
10 **EMERGING GROWTH COMPANIES.**

11 Section 6(e)(1) of the Securities Act of 1933 (15  
12 U.S.C. 77f(e)(1)) is further amended by adding at the end  
13 the following: “An issuer that was an emerging growth  
14 company at the time it submitted a confidential registra-  
15 tion statement or, in lieu thereof, a publicly filed registra-  
16 tion statement for review under this subsection but ceases  
17 to be an emerging growth company thereafter shall con-  
18 tinue to be treated as an emerging market growth com-  
19 pany for the purposes of this subsection through the ear-  
20 lier of the date on which the issuer consummates its initial  
21 public offering pursuant to such registrations statement  
22 or the end of the 1-year period beginning on the date the  
23 company ceases to be an emerging growth company.”.



1 **SEC. 103. SIMPLIFIED DISCLOSURE REQUIREMENTS FOR**  
2 **EMERGING GROWTH COMPANIES.**

3 Section 102 of the Jumpstart Our Business Startups  
4 Act (Public Law 112-106) is amended by adding at the  
5 end the following:

6 “(d) SIMPLIFIED DISCLOSURE REQUIREMENTS.—  
7 With respect to an emerging growth company (as such  
8 term is defined under section 2 of the Securities Act of  
9 1933):

10 “(1) REQUIREMENT TO INCLUDE NOTICE ON  
11 FORMS S-1 AND F-1.—Not later than 30 days after  
12 the date of enactment of this subsection, the Securi-  
13 ties and Exchange Commission shall revise its gen-  
14 eral instructions on Forms S-1 and F-1 to indicate  
15 that a registration statement filed (or submitted for  
16 confidential review) by an issuer prior to an initial  
17 public offering may omit financial information for  
18 historical periods otherwise required by regulation  
19 S-X (17 C.F.R. 210.1-01 et seq.) as of the time of  
20 filing (or confidential submission) of such registra-  
21 tion statement, provided that—

22 “(A) the omitted financial information re-  
23 lates to a historical period that the issuer rea-  
24 sonably believes will not be required to be in-  
25 cluded in the Form S-1 or F-1 at the time of  
26 the contemplated offering; and

1           “(B) prior to the issuer distributing a pre-  
2           liminary prospectus to investors, such registra-  
3           tion statement is amended to include all finan-  
4           cial information required by such regulation S-  
5           X at the date of such amendment.

6           “(2) RELIANCE BY ISSUERS.—Effective 30 days  
7           after the date of enactment of this subsection, an  
8           issuer filing a registration statement (or submitting  
9           the statement for confidential review) on Form S-  
10          1 or Form F-1 may omit financial information for  
11          historical periods otherwise required by regulation  
12          S-X (17 C.F.R. 210.1-01 et seq.) as of the time of  
13          filing (or confidential submission) of such registra-  
14          tion statement, provided that—

15                 “(A) the omitted financial information re-  
16                 lates to a historical period that the issuer rea-  
17                 sonably believes will not be required to be in-  
18                 cluded in the Form S-1 or Form F-1 at the  
19                 time of the contemplated offering; and

20                 “(B) prior to the issuer distributing a pre-  
21                 liminary prospectus to investors, such registra-  
22                 tion statement is amended to include all finan-  
23                 cial information required by such regulation S-  
24                 X at the date of such amendment.”.

1 **TITLE II—DISCLOSURE MOD-**  
2 **ERNIZATION AND SIM-**  
3 **PLIFICATION**

4 **SEC. 201. SUMMARY PAGE FOR FORM 10-K.**

5 Not later than the end of the 180-day period begin-  
6 ning on the date of the enactment of this Act, the Securi-  
7 ties and Exchange Commission shall issue regulations to  
8 permit issuers to submit a summary page on form 10-  
9 K (17 C.F.R. 249.310), but only if each item on such  
10 summary page includes a cross-reference (by electronic  
11 link or otherwise) to the material contained in form 10-  
12 K to which such item relates.

13 **SEC. 202. IMPROVEMENT OF REGULATION S-K.**

14 Not later than the end of the 180-day period begin-  
15 ning on the date of the enactment of this Act, the Securi-  
16 ties and Exchange Commission shall take all such actions  
17 to revise regulation S-K (17 C.F.R. 229.10 et seq.)—

18 (1) to further scale or eliminate requirements of  
19 regulation S-K, in order to reduce the burden on  
20 emerging growth companies, accelerated filers,  
21 smaller reporting companies, and other smaller  
22 issuers, while still providing all material information  
23 to investors;

1           (2) to eliminate provisions of regulation S-K,  
2           required for all issuers, that are duplicative, overlap-  
3           ping, outdated, or unnecessary; and

4           (3) for which the Commission determines that  
5           no further study under section 203 is necessary to  
6           determine the efficacy of such revisions to regulation  
7           S-K.

8   **SEC. 203. STUDY ON MODERNIZATION AND SIMPLIFICA-**  
9                                   **TION OF REGULATION S-K.**

10          (a) **STUDY.**—The Securities and Exchange Commis-  
11          sion shall carry out a study of the requirements contained  
12          in regulation S-K (17 C.F.R. 229.10 et seq.). Such study  
13          shall—

14               (1) determine how best to modernize and sim-  
15               plify such requirements in a manner that reduces  
16               the costs and burdens on issuers while still providing  
17               all material information;

18               (2) emphasize a company by company approach  
19               that allows relevant and material information to be  
20               disseminated to investors without boilerplate lan-  
21               guage or static requirements while preserving com-  
22               pleteness and comparability of information across  
23               registrants; and

24               (3) evaluate methods of information delivery  
25               and presentation and explore methods for discour-

1       aging repetition and the disclosure of immaterial in-  
2       formation.

3       (b) CONSULTATION.—In conducting the study re-  
4       quired under subsection (a), the Commission shall consult  
5       with the Investor Advisory Committee and the Advisory  
6       Committee on Small and Emerging Companies.

7       (c) REPORT.—Not later than the end of the 360-day  
8       period beginning on the date of enactment of this Act, the  
9       Commission shall issue a report to the Congress con-  
10      taining—

11           (1) all findings and determinations made in car-  
12      rying out the study required under subsection (a);

13           (2) specific and detailed recommendations on  
14      modernizing and simplifying the requirements in  
15      regulation S-K in a manner that reduces the costs  
16      and burdens on companies while still providing all  
17      material information; and

18           (3) specific and detailed recommendations on  
19      ways to improve the readability and navigability of  
20      disclosure documents and to discourage repetition  
21      and the disclosure of immaterial information.

22      (d) RULEMAKING.—Not later than the end of the  
23      360-day period beginning on the date that the report is  
24      issued to the Congress under subsection (c), the Commis-

1 sion shall issue a proposed rule to implement the rec-  
2 ommendations of the report issued under subsection (c).

3 (e) RULE OF CONSTRUCTION.—Revisions made to  
4 regulation S–K by the Commission under section 202 shall  
5 not be construed as satisfying the rulemaking require-  
6 ments under this section.

7 **TITLE III—BULLION AND COL-**  
8 **LECTIBLE COIN PRODUCTION**  
9 **EFFICIENCY AND COST SAV-**  
10 **INGS**

11 **SEC. 301. TECHNICAL CORRECTIONS.**

12 Title 31, United States Code, is amended—

13 (1) in section 5112—

14 (A) in subsection (q)—

15 (i) by striking paragraphs (3) and (8);

16 and

17 (ii) by redesignating paragraphs (4),

18 (5), (6), and (7) as paragraphs (3), (4),

19 (5), and (6), respectively;

20 (B) in subsection (t)(6)(B), by striking

21 “90 percent silver and 10 percent copper” and

22 inserting “not less than 90 percent silver”; and

23 (C) in subsection (v)—

24 (i) in paragraph (1), by striking

25 “Subject to” and all that follows through

1 “the Secretary shall” and inserting “The  
2 Secretary shall”;

3 (ii) in paragraph (2)(A), by striking  
4 “The Secretary” and inserting “To the  
5 greatest extent possible, the Secretary”;

6 (iii) in paragraph (5), by inserting  
7 after “may issue” the following: “collect-  
8 ible versions of”; and

9 (iv) by striking paragraph (8); and

10 (2) in section 5132(a)(2)(B)(i), by striking “90  
11 percent silver and 10 percent copper” and inserting  
12 “not less than 90 percent silver”.

13 **SEC. 302. AMERICAN EAGLE SILVER BULLION 30TH ANNI-**  
14 **VERSARY.**

15 Proof and uncirculated versions of coins issued by the  
16 Secretary of the Treasury pursuant to subsection (e) of  
17 section 5112 of title 31, United States Code, during cal-  
18 endar year 2016 shall have a smooth edge incused with  
19 a designation that notes the 30th anniversary of the first  
20 issue of coins under such subsection.

1           **TITLE IV—SBIC ADVISERS**  
2                           **RELIEF**

3   **SEC. 401. ADVISERS OF SBICS AND VENTURE CAPITAL**  
4                           **FUNDS.**

5           Section 203(l) of the Investment Advisers Act of  
6 1940 (15 U.S.C. 80b-3(l)) is amended—

7                   (1) by striking “No investment adviser” and in-  
8           serting the following:

9                   “(1) IN GENERAL.—No investment adviser”;  
10           and

11                   (2) by adding at the end the following:

12                   “(2) ADVISERS OF SBICS.—For purposes of this  
13           subsection, a venture capital fund includes an entity  
14           described in subparagraph (A), (B), or (C) of sub-  
15           section (b)(7) (other than an entity that has elected  
16           to be regulated or is regulated as a business develop-  
17           ment company pursuant to section 54 of the Invest-  
18           ment Company Act of 1940).”.

19   **SEC. 402. ADVISERS OF SBICS AND PRIVATE FUNDS.**

20           Section 203(m) of the Investment Advisers Act of  
21 1940 (15 U.S.C. 80b-3(m)) is amended by adding at the  
22 end the following:

23                   “(3) ADVISERS OF SBICS.—For purposes of this  
24           subsection, the assets under management of a pri-  
25           vate fund that is an entity described in subpara-



1 graph (A), (B), or (C) of subsection (b)(7) (other  
2 than an entity that has elected to be regulated or is  
3 regulated as a business development company pursu-  
4 ant to section 54 of the Investment Company Act of  
5 1940) shall be excluded from the limit set forth in  
6 paragraph (1).”.

7 **SEC. 403. RELATIONSHIP TO STATE LAW.**

8 Section 203A(b)(1) of the Investment Advisers Act  
9 of 1940 (15 U.S.C. 80b-3a(b)(1)) is amended—

10 (1) in subparagraph (A), by striking “or” at  
11 the end;

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

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

15 “(C) that is not registered under section  
16 203 because that person is exempt from reg-  
17 istration as provided in subsection (b)(7) of  
18 such section, or is a supervised person of such  
19 person.”.

1     **TITLE V—ELIMINATE PRIVACY**  
2                   **NOTICE CONFUSION**

3     **SEC. 501. EXCEPTION TO ANNUAL PRIVACY NOTICE RE-**  
4                   **QUIREMENT UNDER THE GRAMM-LEACH-BLI-**  
5                   **LEY ACT.**

6         Section 503 of the Gramm-Leach-Bliley Act (15  
7 U.S.C. 6803) is amended by adding at the end the fol-  
8 lowing:

9           “(f) EXCEPTION TO ANNUAL NOTICE REQUIRE-  
10 MENT.—A financial institution that—

11           “(1) provides nonpublic personal information  
12 only in accordance with the provisions of subsection  
13 (b)(2) or (e) of section 502 or regulations prescribed  
14 under section 504(b), and

15           “(2) has not changed its policies and practices  
16 with regard to disclosing nonpublic personal infor-  
17 mation from the policies and practices that were dis-  
18 closed in the most recent disclosure sent to con-  
19 sumers in accordance with this section,

20 shall not be required to provide an annual disclosure under  
21 this section until such time as the financial institution  
22 fails to comply with any criteria described in paragraph  
23 (1) or (2).”.

1 **TITLE VI—REFORMING ACCESS**  
2 **FOR INVESTMENTS IN START-**  
3 **UP ENTERPRISES**

4 **SEC. 601. EXEMPTED TRANSACTIONS.**

5 (a) EXEMPTED TRANSACTIONS.—Section 4 of the Se-  
6 curities Act of 1933 (15 U.S.C. 77d) is amended—

7 (1) in subsection (a), by adding at the end the  
8 following new paragraph:

9 “(7) transactions meeting the requirements of  
10 subsection (d).”;

11 (2) by redesignating the second subsection (b)  
12 (relating to securities offered and sold in compliance  
13 with Rule 506 of Regulation D) as subsection (c);  
14 and

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

16 “(d) CERTAIN ACCREDITED INVESTOR TRANS-  
17 ACTIONS.—The transactions referred to in subsection  
18 (a)(7) are transactions meeting the following require-  
19 ments:

20 “(1) ACCREDITED INVESTOR REQUIREMENT.—  
21 Each purchaser is an accredited investor, as that  
22 term is defined in section 230.501(a) of title 17,  
23 Code of Federal Regulations (or any successor regu-  
24 lation).

1           “(2) PROHIBITION ON GENERAL SOLICITATION  
2 OR ADVERTISING.—Neither the seller, nor any per-  
3 son acting on the seller’s behalf, offers or sells secu-  
4 rities by any form of general solicitation or general  
5 advertising.

6           “(3) INFORMATION REQUIREMENT.—In the  
7 case of a transaction involving the securities of an  
8 issuer that is neither subject to section 13 or 15(d)  
9 of the Securities Exchange Act of 1934 (15 U.S.C.  
10 78m; 78o(d)), nor exempt from reporting pursuant  
11 to section 240.12g3–2(b) of title 17, Code of Federal  
12 Regulations, nor a foreign government (as defined in  
13 section 230.405 of title 17, Code of Federal Regula-  
14 tions) eligible to register securities under Schedule  
15 B, the seller and a prospective purchaser designated  
16 by the seller obtain from the issuer, upon request of  
17 the seller, and the seller in all cases makes available  
18 to a prospective purchaser, the following information  
19 (which shall be reasonably current in relation to the  
20 date of resale under this section):

21           “(A) The exact name of the issuer and the  
22 issuer’s predecessor (if any).

23           “(B) The address of the issuer’s principal  
24 executive offices.

1           “(C) The exact title and class of the secu-  
2           rity.

3           “(D) The par or stated value of the secu-  
4           rity.

5           “(E) The number of shares or total  
6           amount of the securities outstanding as of the  
7           end of the issuer’s most recent fiscal year.

8           “(F) The name and address of the transfer  
9           agent, corporate secretary, or other person re-  
10          sponsible for transferring shares and stock cer-  
11          tificates.

12          “(G) A statement of the nature of the  
13          business of the issuer and the products and  
14          services it offers, which shall be presumed rea-  
15          sonably current if the statement is as of 12  
16          months before the transaction date.

17          “(H) The names of the officers and direc-  
18          tors of the issuer.

19          “(I) The names of any persons registered  
20          as a broker, dealer, or agent that shall be paid  
21          or given, directly or indirectly, any commission  
22          or remuneration for such person’s participation  
23          in the offer or sale of the securities.

1           “(J) The issuer’s most recent balance  
2 sheet and profit and loss statement and similar  
3 financial statements, which shall—

4                   “(i) be for such part of the 2 pre-  
5 ceding fiscal years as the issuer has been  
6 in operation;

7                   “(ii) be prepared in accordance with  
8 generally accepted accounting principles or,  
9 in the case of a foreign private issuer, be  
10 prepared in accordance with generally ac-  
11 cepted accounting principles or the Inter-  
12 national Financial Reporting Standards  
13 issued by the International Accounting  
14 Standards Board;

15                   “(iii) be presumed reasonably current  
16 if—

17                           “(I) with respect to the balance  
18 sheet, the balance sheet is as of a date  
19 less than 16 months before the trans-  
20 action date; and

21                           “(II) with respect to the profit  
22 and loss statement, such statement is  
23 for the 12 months preceding the date  
24 of the issuer’s balance sheet; and

1                   “(iv) if the balance sheet is not as of  
2                   a date less than 6 months before the trans-  
3                   action date, be accompanied by additional  
4                   statements of profit and loss for the period  
5                   from the date of such balance sheet to a  
6                   date less than 6 months before the trans-  
7                   action date.

8                   “(K) To the extent that the seller is a con-  
9                   trol person with respect to the issuer, a brief  
10                  statement regarding the nature of the affili-  
11                  ation, and a statement certified by such seller  
12                  that they have no reasonable grounds to believe  
13                  that the issuer is in violation of the securities  
14                  laws or regulations.

15                  “(4) ISSUERS DISQUALIFIED.—The transaction  
16                  is not for the sale of a security where the seller is  
17                  an issuer or a subsidiary, either directly or indi-  
18                  rectly, of the issuer.

19                  “(5) BAD ACTOR PROHIBITION.—Neither the  
20                  seller, nor any person that has been or will be paid  
21                  (directly or indirectly) remuneration or a commission  
22                  for their participation in the offer or sale of the se-  
23                  curities, including solicitation of purchasers for the  
24                  seller is subject to an event that would disqualify an  
25                  issuer or other covered person under Rule 506(d)(1)

1 of Regulation D (17 C.F.R. 230.506(d)(1)) or is  
2 subject to a statutory disqualification described  
3 under section 3(a)(39) of the Securities Exchange  
4 Act of 1934.

5 “(6) BUSINESS REQUIREMENT.—The issuer is  
6 engaged in business, is not in the organizational  
7 stage or in bankruptcy or receivership, and is not a  
8 blank check, blind pool, or shell company that has  
9 no specific business plan or purpose or has indicated  
10 that the issuer’s primary business plan is to engage  
11 in a merger or combination of the business with, or  
12 an acquisition of, an unidentified person.

13 “(7) UNDERWRITER PROHIBITION.—The trans-  
14 action is not with respect to a security that con-  
15 stitutes the whole or part of an unsold allotment to,  
16 or a subscription or participation by, a broker or  
17 dealer as an underwriter of the security or a redis-  
18 tribution.

19 “(8) OUTSTANDING CLASS REQUIREMENT.—  
20 The transaction is with respect to a security of a  
21 class that has been authorized and outstanding for  
22 at least 90 days prior to the date of the transaction.

23 “(e) ADDITIONAL REQUIREMENTS.—

24 “(1) IN GENERAL.—With respect to an exempt-  
25 ed transaction described under subsection (a)(7):



1           “(A) Securities acquired in such trans-  
2           action shall be deemed to have been acquired in  
3           a transaction not involving any public offering.

4           “(B) Such transaction shall be deemed not  
5           to be a distribution for purposes of section  
6           2(a)(11).

7           “(C) Securities involved in such trans-  
8           action shall be deemed to be restricted securi-  
9           ties within the meaning of Rule 144 (17 C.F.R.  
10          230.144).

11          “(2) RULE OF CONSTRUCTION.—The exemption  
12          provided by subsection (a)(7) shall not be the exclu-  
13          sive means for establishing an exemption from the  
14          registration requirements of section 5.”.

15          (b) EXEMPTION IN CONNECTION WITH CERTAIN EX-  
16          EMPT OFFERINGS.—Section 18(b)(4) of the Securities Act  
17          of 1933 (15 U.S.C. 77r(b)(4)) is amended—

18                 (1) by redesignating the second subparagraph  
19                 (D) and subparagraph (E) as subparagraphs (E)  
20                 and (F), respectively;

21                 (2) in subparagraph (E), as so redesignated, by  
22                 striking “; or” and inserting a semicolon;

23                 (3) in subparagraph (F), as so redesignated, by  
24                 striking the period and inserting “; or”; and

1 (4) by adding at the end the following new sub-  
2 paragraph:

3 “(G) section 4(a)(7).”.

4 **TITLE VII—PRESERVATION EN-**  
5 **HANCEMENT AND SAVINGS**  
6 **OPPORTUNITY**

7 **SEC. 701. DISTRIBUTIONS AND RESIDUAL RECEIPTS.**

8 Section 222 of the Low-Income Housing Preservation  
9 and Resident Homeownership Act of 1990 (12 U.S.C.  
10 4112) is amended by adding at the end the following new  
11 subsection:

12 “(e) DISTRIBUTION AND RESIDUAL RECEIPTS.—

13 “(1) AUTHORITY.—After the date of the enact-  
14 ment of this subsection, the owner of a property sub-  
15 ject to a plan of action or use agreement pursuant  
16 to this section shall be entitled to distribute—

17 “(A) annually, all surplus cash generated  
18 by the property, but only if the owner is in ma-  
19 terial compliance with such use agreement in-  
20 cluding compliance with prevailing physical con-  
21 dition standards established by the Secretary;  
22 and

23 “(B) notwithstanding any conflicting provi-  
24 sion in such use agreement, any funds accumu-  
25 lated in a residual receipts account, but only if

1 the owner is in material compliance with such  
2 use agreement and has completed, or set aside  
3 sufficient funds for completion of, any capital  
4 repairs identified by the most recent third party  
5 capital needs assessment.

6 “(2) OPERATION OF PROPERTY.—An owner  
7 that distributes any amounts pursuant to paragraph  
8 (1) shall—

9 “(A) continue to operate the property in  
10 accordance with the affordability provisions of  
11 the use agreement for the property for the re-  
12 maining useful life of the property;

13 “(B) as required by the plan of action for  
14 the property, continue to renew or extend any  
15 project-based rental assistance contract for a  
16 term of not less than 20 years; and

17 “(C) if the owner has an existing multi-  
18 year project-based rental assistance contract for  
19 less than 20 years, have the option to extend  
20 the contract to a 20-year term.”.

21 **SEC. 702. FUTURE REFINANCINGS.**

22 Section 214 of the Low-Income Housing Preservation  
23 and Resident Homeownership Act of 1990 (12 U.S.C.  
24 4104) is amended by adding at the end the following new  
25 subsection:

1       “(c) FUTURE FINANCING.—Neither this section, nor  
2 any plan of action or use agreement implementing this  
3 section, shall restrict an owner from obtaining a new loan  
4 or refinancing an existing loan secured by the project, or  
5 from distributing the proceeds of such a loan; except that,  
6 in conjunction with such refinancing—

7               “(1) the owner shall provide for adequate reha-  
8 bilitation pursuant to a capital needs assessment to  
9 ensure long-term sustainability of the property satis-  
10 factory to the lender or bond issuance agency;

11               “(2) any resulting budget-based rent increase  
12 shall include debt service on the new financing, com-  
13 mercially reasonable debt service coverage, and re-  
14 placement reserves as required by the lender; and

15               “(3) for tenants of dwelling units not covered  
16 by a project- or tenant-based rental subsidy, any  
17 rent increases resulting from the refinancing trans-  
18 action may not exceed 10 percent per year, except  
19 that—

20                       “(A) any tenant occupying a dwelling unit  
21 as of time of the refinancing may not be re-  
22 quired to pay for rent and utilities, for the du-  
23 ration of such tenancy, an amount that exceeds  
24 the greater of—

1 “(i) 30 percent of the tenant’s income;

2 or

3 “(ii) the amount paid by the tenant  
4 for rent and utilities immediately before  
5 such refinancing; and

6 “(B) this paragraph shall not apply to any  
7 tenant who does not provide the owner with  
8 proof of income.

9 Paragraph (3) may not be construed to limit any rent in-  
10 creases resulting from increased operating costs for a  
11 project.”.

12 **SEC. 703. IMPLEMENTATION.**

13 The Secretary of Housing and Urban Development  
14 shall issue any guidance that the Secretary considers nec-  
15 essary to carry out the provisions added by the amend-  
16 ments made by this title not later than the expiration of  
17 the 120-day period beginning on the date of the enactment  
18 of this Act.

19 **TITLE VIII—TENANT INCOME**  
20 **VERIFICATION RELIEF**

21 **SEC. 801. REVIEWS OF FAMILY INCOMES.**

22 (a) IN GENERAL.—The second sentence of paragraph  
23 (1) of section 3(a) of the United States Housing Act of  
24 1937 (42 U.S.C. 1437a(a)(1)) is amended by inserting be-  
25 fore the period at the end the following: “; except that,

1 in the case of any family with a fixed income, as defined  
2 by the Secretary, after the initial review of the family's  
3 income, the public housing agency or owner shall not be  
4 required to conduct a review of the family's income for  
5 any year for which such family certifies, in accordance  
6 with such requirements as the Secretary shall establish,  
7 which shall include policies to adjust for inflation-based  
8 income changes, that 90 percent or more of the income  
9 of the family consists of fixed income, and that the sources  
10 of such income have not changed since the previous year,  
11 except that the public housing agency or owner shall con-  
12 duct a review of each such family's income not less than  
13 once every 3 years”.

14 (b) HOUSING CHOICE VOUCHER PROGRAM.—Sub-  
15 paragraph (A) of section 8(o)(5) of the United States  
16 Housing Act of 1937 (42 U.S.C. 1437f(o)(5)(A)) is  
17 amended by striking “not less than annually” and insert-  
18 ing “as required by section 3(a)(1) of this Act”.

19 **TITLE IX—HOUSING ASSISTANCE**  
20 **EFFICIENCY**

21 **SEC. 901. AUTHORITY TO ADMINISTER RENTAL ASSIST-**  
22 **ANCE.**

23 Subsection (g) of section 423 of the McKinney-Vento  
24 Homeless Assistance Act (42 U.S.C. 11383(g)) is amend-

1 ed by inserting “private nonprofit organization,” after  
2 “unit of general local government,”.

3 **SEC. 902. REALLOCATION OF FUNDS.**

4 Paragraph (1) of section 414(d) of the McKinney-  
5 Vento Homeless Assistance Act (42 U.S.C. 11373(d)(1))  
6 is amended by striking “twice” and inserting “once”.

7 **TITLE X—CHILD SUPPORT**  
8 **ASSISTANCE**

9 **SEC. 1001. REQUESTS FOR CONSUMER REPORTS BY STATE**  
10 **OR LOCAL CHILD SUPPORT ENFORCEMENT**  
11 **AGENCIES.**

12 Paragraph (4) of section 604(a) of the Fair Credit  
13 Reporting Act (15 U.S.C. 1681b(a)(4)) is amended—

14 (1) in subparagraph (A), by striking “or deter-  
15 mining the appropriate level of such payments” and  
16 inserting “, determining the appropriate level of  
17 such payments, or enforcing a child support order,  
18 award, agreement, or judgment”;

19 (2) in subparagraph (B)—

20 (A) by striking “paternity” and inserting  
21 “parentage”; and

22 (B) by adding “and” at the end;

23 (3) by striking subparagraph (C); and

24 (4) by redesignating subparagraph (D) as sub-  
25 paragraph (C).

1                   **TITLE XI—PRIVATE**  
2                   **INVESTMENT IN HOUSING**

3   **SEC. 1101. BUDGET-NEUTRAL DEMONSTRATION PROGRAM**  
4                   **FOR ENERGY AND WATER CONSERVATION IM-**  
5                   **PROVEMENTS AT MULTIFAMILY RESIDEN-**  
6                   **TIAL UNITS.**

7           (a) **ESTABLISHMENT.**—The Secretary of Housing  
8 and Urban Development (in this section referred to as the  
9 “Secretary”) shall establish a demonstration program  
10 under which the Secretary may execute budget-neutral,  
11 performance-based agreements in fiscal years 2016  
12 through 2019 that result in a reduction in energy or water  
13 costs with such entities as the Secretary determines to be  
14 appropriate under which the entities shall carry out  
15 projects for energy or water conservation improvements at  
16 not more than 20,000 residential units in multifamily  
17 buildings participating in—

18           (1) the project-based rental assistance program  
19           under section 8 of the United States Housing Act of  
20           1937 (42 U.S.C. 1437f), other than assistance pro-  
21           vided under section 8(o) of that Act;

22           (2) the supportive housing for the elderly pro-  
23           gram under section 202 of the Housing Act of 1959  
24           (12 U.S.C. 1701q); or



1           (3) the supportive housing for persons with dis-  
2           abilities program under section 811(d)(2) of the  
3           Cranston-Gonzalez National Affordable Housing Act  
4           (42 U.S.C. 8013(d)(2)).

5           (b) REQUIREMENTS.—

6           (1) PAYMENTS CONTINGENT ON SAVINGS.—

7           (A) IN GENERAL.—The Secretary shall  
8           provide to an entity a payment under an agree-  
9           ment under this section only during applicable  
10          years for which an energy or water cost savings  
11          is achieved with respect to the applicable multi-  
12          family portfolio of properties, as determined by  
13          the Secretary, in accordance with subparagraph  
14          (B).

15          (B) PAYMENT METHODOLOGY.—

16           (i) IN GENERAL.—Each agreement  
17           under this section shall include a pay-for-  
18           success provision that—

19           (I) shall serve as a payment  
20           threshold for the term of the agree-  
21           ment; and

22           (II) requires that payments shall  
23           be contingent on realized cost savings  
24           associated with reduced utility con-

1                   sumption in the participating prop-  
2                   erties.

3                   (ii) LIMITATIONS.—A payment made  
4                   by the Secretary under an agreement  
5                   under this section—

6                   (I) shall be contingent on docu-  
7                   mented utility savings; and

8                   (II) shall not exceed the utility  
9                   savings achieved by the date of the  
10                  payment, and not previously paid, as  
11                  a result of the improvements made  
12                  under the agreement.

13                  (C) THIRD-PARTY VERIFICATION.—Savings  
14                  payments made by the Secretary under this sec-  
15                  tion shall be based on a measurement and  
16                  verification protocol that includes at least—

17                  (i) establishment of a weather-normal-  
18                  ized and occupancy-normalized utility con-  
19                  sumption baseline established pre-retrofit;

20                  (ii) annual third-party confirmation of  
21                  actual utility consumption and cost for  
22                  utilities;

23                  (iii) annual third-party validation of  
24                  the tenant utility allowances in effect dur-

1           ing the applicable year and vacancy rates  
2           for each unit type; and

3                   (iv) annual third-party determination  
4           of savings to the Secretary.

5           An agreement under this section with an entity  
6           shall provide that the entity shall cover costs  
7           associated with third-party verification under  
8           this subparagraph.

9           (2) TERMS OF PERFORMANCE-BASED AGREE-  
10          MENTS.—A performance-based agreement under this  
11          section shall include—

12                   (A) the period that the agreement will be  
13           in effect and during which payments may be  
14           made, which may not be longer than 12 years;

15                   (B) the performance measures that will  
16           serve as payment thresholds during the term of  
17           the agreement;

18                   (C) an audit protocol for the properties  
19           covered by the agreement;

20                   (D) a requirement that payments shall be  
21           contingent on realized cost savings associated  
22           with reduced utility consumption in the partici-  
23           pating properties; and

24                   (E) such other requirements and terms as  
25           determined to be appropriate by the Secretary.

1           (3) ENTITY ELIGIBILITY.—The Secretary  
2 shall—

3           (A) establish a competitive process for en-  
4 tering into agreements under this section; and

5           (B) enter into such agreements only with  
6 entities that, either jointly or individually, dem-  
7 onstrate significant experience relating to—

8           (i) financing or operating properties  
9 receiving assistance under a program iden-  
10 tified in subsection (a);

11           (ii) oversight of energy or water con-  
12 servation programs, including oversight of  
13 contractors; and

14           (iii) raising capital for energy or  
15 water conservation improvements from  
16 charitable organizations or private inves-  
17 tors.

18           (4) GEOGRAPHICAL DIVERSITY.—Each agree-  
19 ment entered into under this section shall provide  
20 for the inclusion of properties with the greatest fea-  
21 sible regional and State variance.

22           (5) PROPERTIES.—A property may only be in-  
23 cluded in the demonstration under this section only  
24 if the property is subject to affordability restrictions  
25 for at least 15 years after the date of the completion

1 of any conservation improvements made to the prop-  
2 erty under the demonstration program. Such restric-  
3 tions may be made through an extended affordability  
4 agreement for the property under a new housing as-  
5 sistance payments contract with the Secretary of  
6 Housing and Urban Development or through an en-  
7 forceable covenant with the owner of the property.

8 (c) PLAN AND REPORTS.—

9 (1) PLAN.—Not later than 90 days after the  
10 date of enactment of this Act, the Secretary shall  
11 submit to the Committees on Appropriations and Fi-  
12 nancial Services of the House of Representatives and  
13 the Committees on Appropriations and Banking,  
14 Housing, and Urban Affairs of the Senate a detailed  
15 plan for the implementation of this section.

16 (2) REPORTS.—Not later than 1 year after the  
17 date of enactment of this Act, and annually there-  
18 after, the Secretary shall—

19 (A) conduct an evaluation of the program  
20 under this section; and

21 (B) submit to Congress a report describing  
22 each evaluation conducted under subparagraph  
23 (A).

24 (d) FUNDING.—For each fiscal year during which an  
25 agreement under this section is in effect, the Secretary

1 may use to carry out this section any funds appropriated  
2 to the Secretary for the renewal of contracts under a pro-  
3 gram described in subsection (a).

4 **TITLE XII—CAPITAL ACCESS**  
5 **FOR SMALL COMMUNITY FI-**  
6 **NANCIAL INSTITUTIONS**

7 **SEC. 1201. PRIVATELY INSURED CREDIT UNIONS AUTHOR-**  
8 **IZED TO BECOME MEMBERS OF A FEDERAL**  
9 **HOME LOAN BANK.**

10 (a) IN GENERAL.—Section 4(a) of the Federal Home  
11 Loan Bank Act (12 U.S.C. 1424(a)) is amended by adding  
12 at the end the following new paragraph:

13 “(5) CERTAIN PRIVATELY INSURED CREDIT  
14 UNIONS.—

15 “(A) IN GENERAL.—Subject to the re-  
16 quirements of subparagraph (B), a credit union  
17 shall be treated as an insured depository insti-  
18 tution for purposes of determining the eligibility  
19 of such credit union for membership in a Fed-  
20 eral home loan bank under paragraphs (1), (2),  
21 and (3).

22 “(B) CERTIFICATION BY APPROPRIATE SU-  
23 PERVISOR.—

24 “(i) IN GENERAL.—For purposes of  
25 this paragraph and subject to clause (ii), a

1 credit union which lacks Federal deposit  
2 insurance and which has applied for mem-  
3 bership in a Federal home loan bank may  
4 be treated as meeting all the eligibility re-  
5 quirements for Federal deposit insurance  
6 only if the appropriate supervisor of the  
7 State in which the credit union is char-  
8 tered has determined that the credit union  
9 meets all the eligibility requirements for  
10 Federal deposit insurance as of the date of  
11 the application for membership.

12 “(ii) CERTIFICATION DEEMED  
13 VALID.—If, in the case of any credit union  
14 to which clause (i) applies, the appropriate  
15 supervisor of the State in which such cred-  
16 it union is chartered fails to make a deter-  
17 mination pursuant to such clause by the  
18 end of the 6-month period beginning on  
19 the date of the application, the credit  
20 union shall be deemed to have met the re-  
21 quirements of clause (i).

22 “(C) SECURITY INTERESTS OF FEDERAL  
23 HOME LOAN BANK NOT AVOIDABLE.—Notwith-  
24 standing any provision of State law authorizing  
25 a conservator or liquidating agent of a credit

1 union to repudiate contracts, no such provision  
2 shall apply with respect to—

3 “(i) any extension of credit from any  
4 Federal home loan bank to any credit  
5 union which is a member of any such bank  
6 pursuant to this paragraph; or

7 “(ii) any security interest in the as-  
8 sets of such credit union securing any such  
9 extension of credit.

10 “(D) PROTECTION FOR CERTAIN FEDERAL  
11 HOME LOAN BANK ADVANCES.—Notwith-  
12 standing any State law to the contrary, if a  
13 Bank makes an advance under section 10 to a  
14 State-chartered credit union that is not feder-  
15 ally insured—

16 “(i) the Bank’s interest in any collat-  
17 eral securing such advance has the same  
18 priority and is afforded the same standing  
19 and rights that the security interest would  
20 have had if the advance had been made to  
21 a federally insured credit union; and

22 “(ii) the Bank has the same right to  
23 access such collateral that the Bank would  
24 have had if the advance had been made to  
25 a federally insured credit union.”.



1 (b) COPIES OF AUDITS OF PRIVATE INSURERS OF  
2 CERTAIN DEPOSITORY INSTITUTIONS REQUIRED TO BE  
3 PROVIDED TO SUPERVISORY AGENCIES.—Section  
4 43(a)(2)(A) of the Federal Deposit Insurance Act (12  
5 U.S.C. 1831t(a)(2)(A)) is amended—

6 (1) in clause (i), by striking “and” at the end;

7 (2) in clause (ii), by striking the period at the  
8 end and inserting “; and”; and

9 (3) by inserting at the end the following new  
10 clause:

11 “(iii) in the case of depository institu-  
12 tions described in subsection (e)(2)(A) the  
13 deposits of which are insured by the pri-  
14 vate insurer which are members of a Fed-  
15 eral home loan bank, to the Federal Hous-  
16 ing Finance Agency, not later than 7 days  
17 after the audit is completed.”.

18 **SEC. 1202. GAO REPORT.**

19 Not later than 18 months after the date of enactment  
20 of this Act, the Comptroller General of the United States  
21 shall conduct a study and submit a report to Congress—

22 (1) on the adequacy of insurance reserves held  
23 by a private deposit insurer that insures deposits in  
24 an entity described in section 43(e)(2)(A) of the

1 Federal Deposit Insurance Act (12 U.S.C.  
2 1831t(e)(2)(A)); and

3 (2) for an entity described in paragraph (1) the  
4 deposits of which are insured by a private deposit in-  
5 surer, information on the level of compliance with  
6 Federal regulations relating to the disclosure of a  
7 lack of Federal deposit insurance.

## 8 **TITLE XIII—SMALL BANK EXAM** 9 **CYCLE REFORM**

### 10 **SEC. 1301. SMALLER INSTITUTIONS QUALIFYING FOR 18-** 11 **MONTH EXAMINATION CYCLE.**

12 Section 10(d) of the Federal Deposit Insurance Act  
13 (12 U.S.C. 1820(d)) is amended—

14 (1) in paragraph (4)—

15 (A) in subparagraph (A), by striking  
16 “\$500,000,000” and inserting  
17 “\$1,000,000,000”; and

18 (B) in subparagraph (C)(ii), by striking  
19 “\$100,000,000” and inserting “\$200,000,000”;  
20 and

21 (2) in paragraph (10)—

22 (A) by striking “\$100,000,000” and in-  
23 sserting “\$200,000,000”; and

24 (B) by striking “\$500,000,000” and in-  
25 sserting “\$1,000,000,000”.

1       **TITLE XIV—SMALL COMPANY**  
2               **SIMPLE REGISTRATION**

3       **SEC. 1401. FORWARD INCORPORATION BY REFERENCE FOR**  
4               **FORM S-1.**

5           Not later than 45 days after the date of the enact-  
6       ment of this Act, the Securities and Exchange Commission  
7       shall revise Form S-1 so as to permit a smaller reporting  
8       company (as defined in section 230.405 of title 17, Code  
9       of Federal Regulations) to incorporate by reference in a  
10      registration statement filed on such form any documents  
11      that such company files with the Commission after the ef-  
12      fective date of such registration statement.

13      **TITLE XV—HOLDING COMPANY**  
14              **REGISTRATION THRESHOLD**  
15              **EQUALIZATION**

16      **SEC. 1501. REGISTRATION THRESHOLD FOR SAVINGS AND**  
17              **LOAN HOLDING COMPANIES.**

18           The Securities Exchange Act of 1934 (15 U.S.C. 78a  
19      et seq.) is amended—

20              (1) in section 12(g)—

21                      (A) in paragraph (1)(B), by inserting after  
22                      “is a bank” the following: “, a savings and loan  
23                      holding company (as defined in section 10 of  
24                      the Home Owners’ Loan Act),”; and

1 (B) in paragraph (4), by inserting after  
2 “case of a bank” the following: “, a savings and  
3 loan holding company (as defined in section 10  
4 of the Home Owners’ Loan Act),”; and  
5 (2) in section 15(d), by striking “case of bank”  
6 and inserting the following: “case of a bank, a sav-  
7 ings and loan holding company (as defined in section  
8 10 of the Home Owners’ Loan Act),”.



22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE UPTON  
OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

822

**AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. UPTON OF MICHIGAN**

Page 1032, after line 4, add the following:

1 **DIVISION J—ENERGY SECURITY**

2 **SEC. 99001. EMERGENCY PREPAREDNESS FOR ENERGY**  
3 **SUPPLY DISRUPTIONS.**

4 (a) FINDING.—Congress finds that recent natural  
5 disasters have underscored the importance of having resil-  
6 ient oil and natural gas infrastructure and effective ways  
7 for industry and government to communicate to address  
8 energy supply disruptions.

9 (b) AUTHORIZATION FOR ACTIVITIES TO ENHANCE  
10 EMERGENCY PREPAREDNESS FOR NATURAL DISAS-  
11 TERS.—The Secretary of Energy shall develop and adopt  
12 procedures to—

13 (1) improve communication and coordination  
14 between the Department of Energy’s energy re-  
15 sponse team, Federal partners, and industry;

16 (2) leverage the Energy Information Adminis-  
17 tration’s subject matter expertise within the Depart-  
18 ment’s energy response team to improve supply  
19 chain situation assessments;

1 (3) establish company liaisons and direct com-  
2 munication with the Department's energy response  
3 team to improve situation assessments;

4 (4) streamline and enhance processes for ob-  
5 taining temporary regulatory relief to speed up  
6 emergency response and recovery;

7 (5) facilitate and increase engagement among  
8 States, the oil and natural gas industry, and the De-  
9 partment in developing State and local energy assur-  
10 ance plans;

11 (6) establish routine education and training  
12 programs for key government emergency response  
13 positions with the Department and States; and

14 (7) involve States and the oil and natural gas  
15 industry in comprehensive drill and exercise pro-  
16 grams.

17 (c) COOPERATION.—The activities carried out under  
18 subsection (b) shall include collaborative efforts with State  
19 and local government officials and the private sector.

20 (d) REPORT.—Not later than 180 days after the date  
21 of enactment of this Act, the Secretary of Energy shall  
22 submit to Congress a report describing the effectiveness  
23 of the activities authorized under this section.

1 **SEC. 99002. RESOLVING ENVIRONMENTAL AND GRID RELI-**  
2 **ABILITY CONFLICTS.**

3 (a) COMPLIANCE WITH OR VIOLATION OF ENVIRON-  
4 MENTAL LAWS WHILE UNDER EMERGENCY ORDER.—  
5 Section 202(c) of the Federal Power Act (16 U.S.C.  
6 824a(c)) is amended—

7 (1) by inserting “(1)” after “(c)”; and

8 (2) by adding at the end the following:

9 “(2) With respect to an order issued under this sub-  
10 section that may result in a conflict with a requirement  
11 of any Federal, State, or local environmental law or regu-  
12 lation, the Commission shall ensure that such order re-  
13 quires generation, delivery, interchange, or transmission  
14 of electric energy only during hours necessary to meet the  
15 emergency and serve the public interest, and, to the max-  
16 imum extent practicable, is consistent with any applicable  
17 Federal, State, or local environmental law or regulation  
18 and minimizes any adverse environmental impacts.

19 “(3) To the extent any omission or action taken by  
20 a party, that is necessary to comply with an order issued  
21 under this subsection, including any omission or action  
22 taken to voluntarily comply with such order, results in  
23 noncompliance with, or causes such party to not comply  
24 with, any Federal, State, or local environmental law or  
25 regulation, such omission or action shall not be considered  
26 a violation of such environmental law or regulation, or



1 subject such party to any requirement, civil or criminal  
2 liability, or a citizen suit under such environmental law  
3 or regulation.

4 “(4)(A) An order issued under this subsection that  
5 may result in a conflict with a requirement of any Federal,  
6 State, or local environmental law or regulation shall expire  
7 not later than 90 days after it is issued. The Commission  
8 may renew or reissue such order pursuant to paragraphs  
9 (1) and (2) for subsequent periods, not to exceed 90 days  
10 for each period, as the Commission determines necessary  
11 to meet the emergency and serve the public interest.

12 “(B) In renewing or reissuing an order under sub-  
13 paragraph (A), the Commission shall consult with the pri-  
14 mary Federal agency with expertise in the environmental  
15 interest protected by such law or regulation, and shall in-  
16 clude in any such renewed or reissued order such condi-  
17 tions as such Federal agency determines necessary to min-  
18 imize any adverse environmental impacts to the extent  
19 practicable. The conditions, if any, submitted by such Fed-  
20 eral agency shall be made available to the public. The  
21 Commission may exclude such a condition from the re-  
22 newed or reissued order if it determines that such condi-  
23 tion would prevent the order from adequately addressing  
24 the emergency necessitating such order and provides in

1 the order, or otherwise makes publicly available, an expla-  
2 nation of such determination.

3 “(5) If an order issued under this subsection is subse-  
4 quently stayed, modified, or set aside by a court pursuant  
5 to section 313 or any other provision of law, any omission  
6 or action previously taken by a party that was necessary  
7 to comply with the order while the order was in effect,  
8 including any omission or action taken to voluntarily com-  
9 ply with the order, shall remain subject to paragraph  
10 (3).”.

11 (b) TEMPORARY CONNECTION OR CONSTRUCTION BY  
12 MUNICIPALITIES.—Section 202(d) of the Federal Power  
13 Act (16 U.S.C. 824a(d)) is amended by inserting “or mu-  
14 nicipality” before “engaged in the transmission or sale of  
15 electric energy”.

16 **SEC. 99003. CRITICAL ELECTRIC INFRASTRUCTURE SECU-**  
17 **RITY.**

18 (a) CRITICAL ELECTRIC INFRASTRUCTURE SECU-  
19 RITY.—Part II of the Federal Power Act (16 U.S.C. 824  
20 et seq.) is amended by adding after section 215 the fol-  
21 lowing new section:

22 **“SEC. 215A. CRITICAL ELECTRIC INFRASTRUCTURE SECU-**  
23 **RITY.**

24 “(a) DEFINITIONS.—For purposes of this section:

1           “(1) BULK-POWER SYSTEM; ELECTRIC RELI-  
2 ABILITY ORGANIZATION; REGIONAL ENTITY.—The  
3 terms ‘bulk-power system’, ‘Electric Reliability Or-  
4 ganization’, and ‘regional entity’ have the meanings  
5 given such terms in paragraphs (1), (2), and (7) of  
6 section 215(a), respectively.

7           “(2) CRITICAL ELECTRIC INFRASTRUCTURE.—  
8 The term ‘critical electric infrastructure’ means a  
9 system or asset of the bulk-power system, whether  
10 physical or virtual, the incapacity or destruction of  
11 which would negatively affect national security, eco-  
12 nomic security, public health or safety, or any com-  
13 bination of such matters.

14           “(3) CRITICAL ELECTRIC INFRASTRUCTURE IN-  
15 FORMATION.—The term ‘critical electric infrastruc-  
16 ture information’ means information related to crit-  
17 ical electric infrastructure, or proposed critical elec-  
18 trical infrastructure, generated by or provided to the  
19 Commission or other Federal agency, other than  
20 classified national security information, that is des-  
21 ignated as critical electric infrastructure information  
22 by the Commission under subsection (d)(2). Such  
23 term includes information that qualifies as critical  
24 energy infrastructure information under the Com-  
25 mission’s regulations.

1           “(4) DEFENSE CRITICAL ELECTRIC INFRA-  
2           STRUCTURE.—The term ‘defense critical electric in-  
3           frastructure’ means any electric infrastructure lo-  
4           cated in the United States (including the territories)  
5           that serves a facility designated by the Secretary  
6           pursuant to subsection (c), but is not owned or oper-  
7           ated by the owner or operator of such facility.

8           “(5) ELECTROMAGNETIC PULSE.—The term  
9           ‘electromagnetic pulse’ means 1 or more pulses of  
10          electromagnetic energy emitted by a device capable  
11          of disabling or disrupting operation of, or destroy-  
12          ing, electronic devices or communications networks,  
13          including hardware, software, and data, by means of  
14          such a pulse.

15          “(6) GEOMAGNETIC STORM.—The term ‘geo-  
16          magnetic storm’ means a temporary disturbance of  
17          the Earth’s magnetic field resulting from solar activ-  
18          ity.

19          “(7) GRID SECURITY EMERGENCY.—The term  
20          ‘grid security emergency’ means the occurrence or  
21          imminent danger of—

22                 “(A)(i) a malicious act using electronic  
23                 communication or an electromagnetic pulse, or  
24                 a geomagnetic storm event, that could disrupt  
25                 the operation of those electronic devices or com-

1           communications networks, including hardware, soft-  
2           ware, and data, that are essential to the reli-  
3           ability of critical electric infrastructure or of de-  
4           fense critical electric infrastructure; and

5           “(ii) disruption of the operation of such  
6           devices or networks, with significant adverse ef-  
7           fects on the reliability of critical electric infra-  
8           structure or of defense critical electric infra-  
9           structure, as a result of such act or event; or

10          “(B)(i) a direct physical attack on critical  
11          electric infrastructure or on defense critical  
12          electric infrastructure; and

13          “(ii) significant adverse effects on the reli-  
14          ability of critical electric infrastructure or of de-  
15          fense critical electric infrastructure as a result  
16          of such physical attack.

17          “(8) SECRETARY.—The term ‘Secretary’ means  
18          the Secretary of Energy.

19          “(b) AUTHORITY TO ADDRESS GRID SECURITY  
20          EMERGENCY.—

21          “(1) AUTHORITY.—Whenever the President  
22          issues and provides to the Secretary a written direc-  
23          tive or determination identifying a grid security  
24          emergency, the Secretary may, with or without no-  
25          tice, hearing, or report, issue such orders for emer-

1       gency measures as are necessary in the judgment of  
2       the Secretary to protect or restore the reliability of  
3       critical electric infrastructure or of defense critical  
4       electric infrastructure during such emergency. As  
5       soon as practicable but not later than 180 days after  
6       the date of enactment of this section, the Secretary  
7       shall, after notice and opportunity for comment, es-  
8       tablish rules of procedure that ensure that such au-  
9       thority can be exercised expeditiously.

10       “(2) NOTIFICATION OF CONGRESS.—Whenever  
11       the President issues and provides to the Secretary a  
12       written directive or determination under paragraph  
13       (1), the President shall promptly notify congres-  
14       sional committees of relevant jurisdiction, including  
15       the Committee on Energy and Commerce of the  
16       House of Representatives and the Committee on En-  
17       ergy and Natural Resources of the Senate, of the  
18       contents of, and justification for, such directive or  
19       determination.

20       “(3) CONSULTATION.—Before issuing an order  
21       for emergency measures under paragraph (1), the  
22       Secretary shall, to the extent practicable in light of  
23       the nature of the grid security emergency and the  
24       urgency of the need for action, consult with appro-  
25       priate governmental authorities in Canada and Mex-

1        ico, entities described in paragraph (4), the Elec-  
2        tricity Sub-sector Coordinating Council, the Commis-  
3        sion, and other appropriate Federal agencies regard-  
4        ing implementation of such emergency measures.

5            “(4) APPLICATION.—An order for emergency  
6        measures under this subsection may apply to—

7            “(A) the Electric Reliability Organization;

8            “(B) a regional entity; or

9            “(C) any owner, user, or operator of crit-  
10        ical electric infrastructure or of defense critical  
11        electric infrastructure within the United States.

12           “(5) EXPIRATION AND REISSUANCE.—

13           “(A) IN GENERAL.—Except as provided in  
14        subparagraph (B), an order for emergency  
15        measures issued under paragraph (1) shall ex-  
16        pire no later than 15 days after its issuance.

17           “(B) EXTENSIONS.—The Secretary may  
18        reissue an order for emergency measures issued  
19        under paragraph (1) for subsequent periods,  
20        not to exceed 15 days for each such period, pro-  
21        vided that the President, for each such period,  
22        issues and provides to the Secretary a written  
23        directive or determination that the grid security  
24        emergency identified under paragraph (1) con-

1 continues to exist or that the emergency measure  
2 continues to be required.

3 “(6) COST RECOVERY.—

4 “(A) CRITICAL ELECTRIC INFRASTRUC-  
5 TURE.—If the Commission determines that  
6 owners, operators, or users of critical electric  
7 infrastructure have incurred substantial costs to  
8 comply with an order for emergency measures  
9 issued under this subsection and that such costs  
10 were prudently incurred and cannot reasonably  
11 be recovered through regulated rates or market  
12 prices for the electric energy or services sold by  
13 such owners, operators, or users, the Commis-  
14 sion shall, consistent with the requirements of  
15 section 205, after notice and an opportunity for  
16 comment, establish a mechanism that permits  
17 such owners, operators, or users to recover such  
18 costs.

19 “(B) DEFENSE CRITICAL ELECTRIC INFRA-  
20 STRUCTURE.—To the extent the owner or oper-  
21 ator of defense critical electric infrastructure is  
22 required to take emergency measures pursuant  
23 to an order issued under this subsection, the  
24 owners or operators of a critical defense facility  
25 or facilities designated by the Secretary pursu-



1 ant to subsection (c) that rely upon such infra-  
2 structure shall bear the full incremental costs of  
3 the measures.

4 “(7) TEMPORARY ACCESS TO CLASSIFIED IN-  
5 FORMATION.—The Secretary, and other appropriate  
6 Federal agencies, shall, to the extent practicable and  
7 consistent with their obligations to protect classified  
8 information, provide temporary access to classified  
9 information related to a grid security emergency for  
10 which emergency measures are issued under para-  
11 graph (1) to key personnel of any entity subject to  
12 such emergency measures to enable optimum com-  
13 munication between the entity and the Secretary and  
14 other appropriate Federal agencies regarding the  
15 grid security emergency.

16 “(c) DESIGNATION OF CRITICAL DEFENSE FACILI-  
17 TIES.—Not later than 180 days after the date of enact-  
18 ment of this section, the Secretary, in consultation with  
19 other appropriate Federal agencies and appropriate own-  
20 ers, users, or operators of infrastructure that may be de-  
21 fense critical electric infrastructure, shall identify and des-  
22 ignate facilities located in the United States (including the  
23 territories) that are—

24 “(1) critical to the defense of the United States;  
25 and

1           “(2) vulnerable to a disruption of the supply of  
2           electric energy provided to such facility by an exter-  
3           nal provider.

4           The Secretary may, in consultation with appropriate Fed-  
5           eral agencies and appropriate owners, users, or operators  
6           of defense critical electric infrastructure, periodically re-  
7           vise the list of designated facilities as necessary.

8           “(d) PROTECTION AND SHARING OF CRITICAL ELEC-  
9           TRIC INFRASTRUCTURE INFORMATION.—

10           “(1) PROTECTION OF CRITICAL ELECTRIC IN-  
11           FRASTRUCTURE INFORMATION.—Critical electric in-  
12           frastructure information—

13                   “(A) shall be exempt from disclosure under  
14                   section 552(b)(3) of title 5, United States Code;  
15                   and

16                   “(B) shall not be made available by any  
17                   Federal, State, political subdivision or tribal au-  
18                   thority pursuant to any Federal, State, political  
19                   subdivision or tribal law requiring public dislo-  
20                   sure of information or records.

21           “(2) DESIGNATION AND SHARING OF CRITICAL  
22           ELECTRIC INFRASTRUCTURE INFORMATION.—Not  
23           later than one year after the date of enactment of  
24           this section, the Commission, in consultation with

1 the Secretary of Energy, shall promulgate such reg-  
2 ulations and issue such orders as necessary to—

3 “(A) designate information as critical elec-  
4 tric infrastructure information;

5 “(B) prohibit the unauthorized disclosure  
6 of critical electric infrastructure information;

7 “(C) ensure there are appropriate sanc-  
8 tions in place for Commissioners, officers, em-  
9 ployees, or agents of the Commission who  
10 knowingly and willfully disclose critical electric  
11 infrastructure information in a manner that is  
12 not authorized under this section; and

13 “(D) taking into account standards of the  
14 Electric Reliability Organization, facilitate vol-  
15 untary sharing of critical electric infrastructure  
16 information with, between, and by—

17 “(i) Federal, State, political subdivi-  
18 sion, and tribal authorities;

19 “(ii) the Electric Reliability Organiza-  
20 tion;

21 “(iii) regional entities;

22 “(iv) information sharing and analysis  
23 centers established pursuant to Presi-  
24 dential Decision Directive 63;

1                   “(v) owners, operators, and users of  
2                   critical electric infrastructure in the United  
3                   States; and

4                   “(vi) other entities determined appro-  
5                   priate by the Commission.

6                   “(3) CONSIDERATIONS.—In promulgating regu-  
7                   lations and issuing orders under paragraph (2), the  
8                   Commission shall take into consideration the role of  
9                   State commissions in reviewing the prudence and  
10                  cost of investments, determining the rates and terms  
11                  of conditions for electric services, and ensuring the  
12                  safety and reliability of the bulk-power system and  
13                  distribution facilities within their respective jurisdic-  
14                  tions.

15                  “(4) PROTOCOLS.—The Commission shall, in  
16                  consultation with Canadian and Mexican authorities,  
17                  develop protocols for the voluntary sharing of critical  
18                  electric infrastructure information with Canadian  
19                  and Mexican authorities and owners, operators, and  
20                  users of the bulk-power system outside the United  
21                  States.

22                  “(5) NO REQUIRED SHARING OF INFORMA-  
23                  TION.—Nothing in this section shall require a person  
24                  or entity in possession of critical electric infrastruc-  
25                  ture information to share such information with

1 Federal, State, political subdivision, or tribal au-  
2 thorities, or any other person or entity.

3 “(6) SUBMISSION OF INFORMATION TO CON-  
4 GRESS.—Nothing in this section shall permit or au-  
5 thorize the withholding of information from Con-  
6 gress, any committee or subcommittee thereof, or  
7 the Comptroller General.

8 “(7) DISCLOSURE OF NONPROTECTED INFOR-  
9 MATION.—In implementing this section, the Com-  
10 mission shall segregate critical electric infrastructure  
11 information or information that reasonably could be  
12 expected to lead to the disclosure of the critical elec-  
13 tric infrastructure information within documents and  
14 electronic communications, wherever feasible, to fa-  
15 cilitate disclosure of information that is not des-  
16 ignated as critical electric infrastructure informa-  
17 tion.

18 “(8) DURATION OF DESIGNATION.—Informa-  
19 tion may not be designated as critical electric infra-  
20 structure information for longer than 5 years, unless  
21 specifically re-designated by the Commission.

22 “(9) REMOVAL OF DESIGNATION.—The Com-  
23 mission shall remove the designation of critical elec-  
24 tric infrastructure information, in whole or in part,  
25 from a document or electronic communication if the

1 Commission determines that the unauthorized disclo-  
2 sure of such information could no longer be used to  
3 impair the security or reliability of the bulk-power  
4 system or distribution facilities.

5 “(10) JUDICIAL REVIEW OF DESIGNATIONS.—  
6 Notwithstanding section 313(b), any determination  
7 by the Commission concerning the designation of  
8 critical electric infrastructure information under this  
9 subsection shall be subject to review under chapter  
10 7 of title 5, United States Code, except that such re-  
11 view shall be brought in the district court of the  
12 United States in the district in which the complain-  
13 ant resides, or has his principal place of business, or  
14 in the District of Columbia. In such a case the court  
15 shall examine in camera the contents of documents  
16 or electronic communications that are the subject of  
17 the determination under review to determine wheth-  
18 er such documents or any part thereof were improv-  
19 erly designated or not designated as critical electric  
20 infrastructure information.

21 “(e) SECURITY CLEARANCES.—The Secretary shall  
22 facilitate and, to the extent practicable, expedite the acqui-  
23 sition of adequate security clearances by key personnel of  
24 any entity subject to the requirements of this section, to  
25 enable optimum communication with Federal agencies re-

1 guarding threats to the security of the critical electric infra-  
2 structure. The Secretary, the Commission, and other ap-  
3 propriate Federal agencies shall, to the extent practicable  
4 and consistent with their obligations to protect classified  
5 and critical electric infrastructure information, share time-  
6 ly actionable information regarding grid security with ap-  
7 propriate key personnel of owners, operators, and users  
8 of the critical electric infrastructure.

9 “(f) CLARIFICATIONS OF LIABILITY.—

10 “(1) COMPLIANCE WITH OR VIOLATION OF THIS  
11 ACT.—Except as provided in paragraph (4), to the  
12 extent any action or omission taken by an entity  
13 that is necessary to comply with an order for emer-  
14 gency measures issued under subsection (b)(1), in-  
15 cluding any action or omission taken to voluntarily  
16 comply with such order, results in noncompliance  
17 with, or causes such entity not to comply with any  
18 rule, order, regulation, or provision of this Act, in-  
19 cluding any reliability standard approved by the  
20 Commission pursuant to section 215, such action or  
21 omission shall not be considered a violation of such  
22 rule, order, regulation, or provision.

23 “(2) RELATION TO SECTION 202(c).—Except as  
24 provided in paragraph (4), an action or omission  
25 taken by an owner, operator, or user of critical elec-

1       tric infrastructure or of defense critical electric in-  
2       frastructure to comply with an order for emergency  
3       measures issued under subsection (b)(1) shall be  
4       treated as an action or omission taken to comply  
5       with an order issued under section 202(c) for pur-  
6       poses of such section.

7           “(3) SHARING OR RECEIPT OF INFORMATION.—  
8       No cause of action shall lie or be maintained in any  
9       Federal or State court for the sharing or receipt of  
10      information under, and that is conducted in accord-  
11      ance with, subsection (d).

12          “(4) RULE OF CONSTRUCTION.—Nothing in  
13      this subsection shall be construed to require dis-  
14      missal of a cause of action against an entity that,  
15      in the course of complying with an order for emer-  
16      gency measures issued under subsection (b)(1) by  
17      taking an action or omission for which they would  
18      be liable but for paragraph (1) or (2), takes such ac-  
19      tion or omission in a grossly negligent manner.”.

20      (b) CONFORMING AMENDMENTS.—

21          (1) JURISDICTION.—Section 201(b)(2) of the  
22      Federal Power Act (16 U.S.C. 824(b)(2)) is amend-  
23      ed by inserting “215A,” after “215,” each place it  
24      appears.



1           (2) PUBLIC UTILITY.—Section 201(e) of the  
2 Federal Power Act (16 U.S.C. 824(e)) is amended  
3 by inserting “215A,” after “215,”.

4 **SEC. 99004. STRATEGIC TRANSFORMER RESERVE.**

5           (a) FINDING.—Congress finds that the storage of  
6 strategically located spare large power transformers and  
7 emergency mobile substations will reduce the vulnerability  
8 of the United States to multiple risks facing electric grid  
9 reliability, including physical attack, cyber attack, electro-  
10 magnetic pulse, geomagnetic disturbances, severe weather,  
11 and seismic events.

12           (b) DEFINITIONS.—In this section:

13           (1) BULK-POWER SYSTEM.—The term “bulk-  
14 power system” has the meaning given such term in  
15 section 215(a) of the Federal Power Act (16 U.S.C.  
16 824o(a)).

17           (2) CRITICALLY DAMAGED LARGE POWER  
18 TRANSFORMER.—The term “critically damaged large  
19 power transformer” means a large power trans-  
20 former that—

21           (A) has sustained extensive damage such  
22 that—

23           (i) repair or refurbishment is not eco-  
24 nomically viable; or

1 (ii) the extensive time to repair or re-  
2 furbish the large power transformer would  
3 create an extended period of instability in  
4 the bulk-power system; and

5 (B) prior to sustaining such damage, was  
6 part of the bulk-power system.

7 (3) CRITICAL ELECTRIC INFRASTRUCTURE.—  
8 The term “critical electric infrastructure” has the  
9 meaning given that term in section 215A of the Fed-  
10 eral Power Act.

11 (4) ELECTRIC RELIABILITY ORGANIZATION.—  
12 The term “Electric Reliability Organization” has the  
13 meaning given such term in section 215(a) of the  
14 Federal Power Act (16 U.S.C. 824o(a)).

15 (5) EMERGENCY MOBILE SUBSTATION.—The  
16 term “emergency mobile substation” means a mobile  
17 substation or mobile transformer that is—

18 (A) assembled and permanently mounted  
19 on a trailer that is capable of highway travel  
20 and meets relevant Department of Transpor-  
21 tation regulations; and

22 (B) intended for express deployment and  
23 capable of being rapidly placed into service.

24 (6) LARGE POWER TRANSFORMER.—The term  
25 “large power transformer” means a power trans-

1 former with a maximum nameplate rating of 100  
2 megavolt-amperes or higher, including related crit-  
3 ical equipment, that is, or is intended to be, a part  
4 of the bulk-power system.

5 (7) SECRETARY.—The term “Secretary” means  
6 the Secretary of Energy.

7 (8) SPARE LARGE POWER TRANSFORMER.—The  
8 term “spare large power transformer” means a large  
9 power transformer that is stored within the Stra-  
10 tegic Transformer Reserve to be available to tempo-  
11 rarily replace a critically damaged large power trans-  
12 former.

13 (c) STRATEGIC TRANSFORMER RESERVE PLAN.—

14 (1) PLAN.—Not later than one year after the  
15 date of enactment of this Act, the Secretary, acting  
16 through the Office of Electricity Delivery and En-  
17 ergy Reliability, shall, in consultation with the Fed-  
18 eral Energy Regulatory Commission, the Electricity  
19 Sub-sector Coordinating Council, the Electric Reli-  
20 ability Organization, and owners and operators of  
21 critical electric infrastructure and defense and mili-  
22 tary installations, prepare and submit to Congress a  
23 plan to establish a Strategic Transformer Reserve  
24 for the storage, in strategically located facilities, of  
25 spare large power transformers and emergency mo-

1       bile substations in sufficient numbers to temporarily  
2       replace critically damaged large power transformers  
3       and substations that are critical electric infrastruc-  
4       ture or serve defense and military installations.

5       (2) INCLUSIONS.—The Strategic Transformer  
6       Reserve plan shall include a description of—

7               (A) the appropriate number and type of  
8       spare large power transformers necessary to  
9       provide or restore sufficient resiliency to the  
10      bulk-power system, critical electric infrastruc-  
11      ture, and defense and military installations to  
12      mitigate significant impacts to the electric grid  
13      resulting from—

- 14                   (i) physical attack;  
15                   (ii) cyber attack;  
16                   (iii) electromagnetic pulse attack;  
17                   (iv) geomagnetic disturbances;  
18                   (v) severe weather; or  
19                   (vi) seismic events;

20               (B) other critical electric grid equipment  
21      for which an inventory of spare equipment, in-  
22      cluding emergency mobile substations, is nec-  
23      essary to provide or restore sufficient resiliency  
24      to the bulk-power system, critical electric infra-

1 structure, and defense and military installa-  
2 tions;

3 (C) the degree to which utility sector ac-  
4 tions or initiatives, including individual utility  
5 ownership of spare equipment, joint ownership  
6 of spare equipment inventory, sharing agree-  
7 ments, or other spare equipment reserves or ar-  
8 rangements, satisfy the needs identified under  
9 subparagraphs (A) and (B);

10 (D) the potential locations for, and feasi-  
11 bility and appropriate number of, strategic stor-  
12 age locations for reserve equipment, including  
13 consideration of—

14 (i) the physical security of such loca-  
15 tions;

16 (ii) the protection of the confiden-  
17 tiality of such locations; and

18 (iii) the proximity of such locations to  
19 sites of potentially critically damaged large  
20 power transformers and substations that  
21 are critical electric infrastructure or serve  
22 defense and military installations, so as to  
23 enable efficient delivery of equipment to  
24 such sites;

1 (E) the necessary degree of flexibility of  
2 spare large power transformers to be included  
3 in the Strategic Transformer Reserve to con-  
4 form to different substation configurations, in-  
5 cluding consideration of transformer—

6 (i) power and voltage rating for each  
7 winding;

8 (ii) overload requirements;

9 (iii) impedance between windings;

10 (iv) configuration of windings; and

11 (v) tap requirements;

12 (F) an estimate of the direct cost of the  
13 Strategic Transformer Reserve, as proposed, in-  
14 cluding—

15 (i) the cost of storage facilities;

16 (ii) the cost of the equipment; and

17 (iii) management, maintenance, and  
18 operation costs;

19 (G) the funding options available to estab-  
20 lish, stock, manage, and maintain the Strategic  
21 Transformer Reserve, including consideration of  
22 fees on owners and operators of bulk-power sys-  
23 tem facilities, critical electric infrastructure,  
24 and defense and military installations relying on  
25 the Strategic Transformer Reserve, use of Fed-

1 eral appropriations, and public-private cost-  
2 sharing options;

3 (H) the ease and speed of transportation,  
4 installation, and energization of spare large  
5 power transformers to be included in the Stra-  
6 tegic Transformer Reserve, including consider-  
7 ation of factors such as—

8 (i) transformer transportation weight;

9 (ii) transformer size;

10 (iii) topology of critical substations;

11 (iv) availability of appropriate trans-  
12 former mounting pads;

13 (v) flexibility of the spare large power  
14 transformers as described in subparagraph  
15 (E); and

16 (vi) ability to rapidly transition a  
17 spare large power transformer from stor-  
18 age to energization;

19 (I) eligibility criteria for withdrawal of  
20 equipment from the Strategic Transformer Re-  
21 serve;

22 (J) the process by which owners or opera-  
23 tors of critically damaged large power trans-  
24 formers or substations that are critical electric  
25 infrastructure or serve defense and military in-

1           stallations may apply for a withdrawal from the  
2           Strategic Transformer Reserve;

3           (K) the process by which equipment with-  
4           drawn from the Strategic Transformer Reserve  
5           is returned to the Strategic Transformer Re-  
6           serve or is replaced;

7           (L) possible fees to be paid by users of  
8           equipment withdrawn from the Strategic Trans-  
9           former Reserve;

10          (M) possible fees to be paid by owners and  
11          operators of large power transformers and sub-  
12          stations that are critical electric infrastructure  
13          or serve defense and military installations to  
14          cover operating costs of the Strategic Trans-  
15          former Reserve;

16          (N) the domestic and international large  
17          power transformer supply chain;

18          (O) the potential reliability, cost, and oper-  
19          ational benefits of including emergency mobile  
20          substations in any Strategic Transformer Re-  
21          serve established under this section; and

22          (P) other considerations for designing, con-  
23          structing, stocking, funding, and managing the  
24          Strategic Transformer Reserve.



1 (d) ESTABLISHMENT.—The Secretary may establish  
2 a Strategic Transformer Reserve in accordance with the  
3 plan prepared pursuant to subsection (c) after the date  
4 that is 6 months after the date on which such plan is sub-  
5 mitted to Congress.

6 (e) DISCLOSURE OF INFORMATION.—Any informa-  
7 tion included in the Strategic Transformer Reserve plan,  
8 or shared in the preparation and development of such  
9 plan, the disclosure of which could cause harm to critical  
10 electric infrastructure, shall be exempt from disclosure  
11 under section 552(b)(3) of title 5, United States Code, and  
12 any State, tribal, or local law requiring disclosure of infor-  
13 mation or records.

14 **SEC. 99005. ENERGY SECURITY VALUATION.**

15 (a) ESTABLISHMENT OF ENERGY SECURITY VALU-  
16 ATION METHODS.—Not later than one year after the date  
17 of enactment of this Act, the Secretary of Energy, in col-  
18 laboration with the Secretary of State, shall develop and  
19 transmit, after public notice and comment, to the Com-  
20 mittee on Energy and Commerce and the Committee on  
21 Foreign Affairs of the House of Representatives and the  
22 Committee on Energy and Natural Resources and the  
23 Committee on Foreign Relations of the Senate a report  
24 that develops recommended United States energy security  
25 valuation methods. In developing the report, the Secre-

1 taries may consider the recommendations of the Adminis-  
2 tration's Quadrennial Energy Review released on April 21,  
3 2015. The report shall—

4 (1) evaluate and define United States energy  
5 security to reflect modern domestic and global en-  
6 ergy markets and the collective needs of the United  
7 States and its allies and partners;

8 (2) identify transparent and uniform or coordi-  
9 nated procedures and criteria to ensure that energy-  
10 related actions that significantly affect the supply,  
11 distribution, or use of energy are evaluated with re-  
12 spect to their potential impact on energy security,  
13 including their impact on—

14 (A) consumers and the economy;

15 (B) energy supply diversity and resiliency;

16 (C) well-functioning and competitive en-  
17 ergy markets;

18 (D) United States trade balance; and

19 (E) national security objectives; and

20 (3) include a recommended implementation  
21 strategy that identifies and aims to ensure that the  
22 procedures and criteria referred to in paragraph (2)  
23 are—

24 (A) evaluated consistently across the Fed-  
25 eral Government; and

1                   (B) weighed appropriately and balanced  
2                   with environmental considerations required by  
3                   Federal law.

4           (b) PARTICIPATION.—In developing the report re-  
5           ferred to in subsection (a), the Secretaries may consult  
6           with relevant Federal, State, private sector, and inter-  
7           national participants, as appropriate and consistent with  
8           applicable law.



23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
WESTMORELAND OF GEORGIA OR HIS DESIGNEE, DEBATABLE  
FOR 10 MINUTES

**AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. WESTMORELAND OF GEORGIA**

Page 1032, after line 4, insert the following:

1 **SEC. \_\_\_\_ . PROCEDURES REQUIRED IN RESPONSE TO COM-**  
2 **MENT ALLEGING ECONOMIC HARM WILL RE-**  
3 **SULT IF PROPOSED BANK TRANSACTION IS**  
4 **APPROVED.**

5 Section 3(c) of the Export-Import Bank Act of 1945  
6 (12 U.S.C. 635a(c)) is amended by adding at the end the  
7 following:

8 “(11) PROCEDURES REQUIRED IN RESPONSE  
9 TO COMMENT ALLEGING ECONOMIC HARM WILL RE-  
10 SULT IF PROPOSED BANK TRANSACTION IS AP-  
11 PROVED.—If the Board of Directors receives a com-  
12 ment from a representative of a United States com-  
13 pany, in response to a notice that the Board has  
14 caused to be published in the Federal Register, that  
15 alleges that the company will suffer economic harm  
16 if a proposed Bank transaction is approved, then,  
17 unless the Board unanimously votes to do otherwise,  
18 the Board shall provide for—

1           “(A) a 60-day discussion period that be-  
2           gins at the end of the comment period other-  
3           wise required by law, with respect to all com-  
4           ments received by the Board in response to the  
5           notice, which period shall be extended by not  
6           more than 60 days if at least 1 Board member  
7           recommends such an extension; and

8           “(B) an opportunity for any such com-  
9           menter who makes such an allegation to appear  
10          before the Board and be heard with respect to  
11          the notice if at least 1 Board member rec-  
12          ommends that the commenter be invited to do  
13          so.”.

